

FAREHAM BOROUGH COUNCIL

Town and Country Planning Act 1990 – Section 78

Town and Country Planning Appeals (Determination by Inspectors) (Inquiries Procedure) (England) Rules 2000

APPENDICES TO FURTHER REBUTTAL PROOF OF EVIDENCE

Of

Ms Jane Parker BA (Hons), MA, MRTPI

On behalf of the Local Planning Authority

CO-JOINED INQUIRY

Outline application with all matters reserved (except for access) for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure

**LAND AT NEWGATE LANE NORTH, FAREHAM
Appeal by Fareham Land LP**

Planning Inspectorate Reference: APP/A1720/W/20/3252180

Fareham Borough Council Reference: P/18/1118/OA

AND

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.

**LAND AT NEWGATE LANE SOUTH, FAREHAM
Appeal by Bargate Homes Ltd**

Planning Inspectorate Reference: APP/A1720/W/20/3252185

Fareham Borough Council Reference Ref: P/19/0460/OA

January 2021

APPENDIX 1:

**Forest of Dean District Council v Secretary of State for
Communities and Local Government and another**

A

Queen's Bench Division

**Forest of Dean District Council v Secretary of State for
Communities and Local Government and another**

[2016] EWHC 421 (Admin)

B

2016 Feb 23;
March 4

Coulson J

Planning — Development — Sustainable development — Local planning authority refusing permission for residential development in area of designated heritage asset — Inspector on appeal applying presumption in favour of development and granting permission — Whether performing correct balancing exercise in weighing benefit of development against adverse impact — Whether presumption in favour of development disapplied — Whether court to quash grant of permission — National Planning Policy Framework 2012, paras 14, 134

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Para 14 of the National Planning Policy Framework 2012 (“NPPF”) provides:

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“At the heart of the National Planning Policy Framework is a *presumption in favour of sustainable development*, which should be seen as a golden thread running through both plan-making and decision-taking . . .

“For *decision-taking* this means: (footnote 10: unless material considerations indicate otherwise)

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

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—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; or

—specific policies in this Framework indicate development should be restricted (footnote 9: for example, those policies relating to . . . designated heritage assets . . .).”

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Para 134 of the NPPF provides: “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 securing its optimum viable use.”

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The local planning authority refused an application by a developer for planning permission to build up to 85 dwellings and associated works on land that contributed to the significance of a designated heritage asset. On the developer’s appeal, the inspector appointed by the Secretary of State found that the proposed development would cause less than substantial harm to the heritage asset. He further found that, since all relevant policies for the supply of housing were to be regarded as out of date, the last bullet point of para 14 of the NPPF applied. Having referred to the test set out in the first of the two limbs of the last bullet point in para 14, the inspector found that the limited number of adverse impacts identified, and their localised nature, even when added together, would not significantly and demonstrably outweigh the

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benefits of granting permission when assessed against the policies in the NPPF taken as a whole. He therefore concluded that the appeal scheme constituted sustainable development and that, consequently, the NPPF’s presumption in favour of sustainable development applied so that permission should be granted. The planning authority challenged the planning inspector’s decision, pursuant to section 288 of the Town and Country Planning Act 1990, on the ground, inter alia, that he had failed to

consider the interaction between paras 134 and 14 of the NPPF and had therefore applied the wrong test when balancing the harm and benefits of the development. The Secretary of State accepted that the decision should be quashed on that ground but the developer opposed the application.

On the application—

Held, granting the application, that where the last bullet point in para 14 of the NPPF applied, namely where the development plan was absent, silent or relevant policies were out of date, both limbs of the test under the bullet point fell to be considered in the alternative; that where the second limb pertaining to specific policy restrictions on development was engaged, it fell to be considered before the broader review against the whole of the NPPF under the first limb was undertaken; that for the purposes of determining under the second limb whether any specific policy under the NPPF indicated that development should be restricted, the word “restricted” was to be given a wide meaning so as to encompass any NPPF policy which cut across the underlying presumption in favour of development; that para 134 of the NPPF was a specific policy indicating that development should be restricted so that the second limb of the last bullet point in para 14 was engaged and the presumption in favour of development disapplied; that para 134 of the NPPF envisaged a simple ordinary balancing exercise not weighted towards any particular outcome; but that where the exercise under the second limb/para 134 concluded in favour of development, the test under the first limb of the last bullet point of para 14 fell to be applied, which test was weighted in favour of development when considering whether the benefits of the proposed development were demonstrably and significantly outweighed by the adverse impacts when considered against the NPPF as a whole; that, therefore, having concluded that the harm to the heritage asset was less than substantial so that para 134 of the NPPF was engaged and having conducted the weighted balancing exercise under the first limb of the last bullet point under para 14, the inspector had erred in law in failing to carry out the exercise required by the second limb; that it could not be said that, allowing for correction of the error, the inspector would have reached the same conclusion or that the error of law had made no difference to the outcome; and that, accordingly, the inspector’s decision would be quashed (post, paras 18, 25–26, 28, 30, 32, 35, 37, 47, 48, 52).

R (Forge Field Society) v Sevenoaks District Council [2015] JPL 22 considered.

The following cases are referred to in the judgment:

Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government [2014] EWHC 754 (Admin)

East Northamptonshire District Council v Secretary of State for Communities and Local Government [2014] EWCA Civ 137; [2015] 1 WLR 45, CA

Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government [2014] EWCA Civ 825; [2014] PTSR 1471, CA

Pugh v Secretary of State for Communities and Local Government [2015] EWHC 3 (Admin)

R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin); [2015] JPL 22

Tesco Stores Ltd v Dundee City Council (Asda Stores Ltd intervening) [2012] UKSC 13; [2012] PTSR 983, SC(Sc)

The following additional cases were cited in argument or referred to in the skeleton arguments:

Mordue v Secretary of State for Communities and Local Government [2015] EWCA Civ 1243; [2016] JPL 476, CA

North Wiltshire District Council v Secretary of State for the Environment [1992] 3 PLR 113, CA

- A *South Bucks District Council v Porter (No 2)* [2004] UKHL 33; [2004] 1 WLR 1953; [2004] All ER 775, HL(E)
Stroud District Council v Secretary of State for Communities and Local Government [2015] EWHC 488 (Admin)

APPLICATION under section 288 of the Town and Country Planning Act 1990

- B By an application under section 288 of the Town and Country Planning Act 1990 dated 5 October 2015 the local planning authority, the Forest of Dean District Council, applied for an order to quash the decision of a planning inspector appointed by the first defendant, the Secretary of State for Communities and Local Government, in a written decision dated 25 August 2015, allowing an appeal by the second defendant developer, Gladman
C Developments Ltd, under section 78 of the 1990 Act against the local authority's refusal of its application for planning permission to build up to 85 dwellings and associated works on land which contributed to the significance of a designated heritage asset. The principal ground of challenge was that the inspector had failed to consider the interaction between paras 14 and 134 of the National Planning Policy Framework 2012 and had therefore applied the wrong test when balancing the harm and benefits of the development.

- D On 23 February 2016 Coulson J granted the application with reasons to be given later.

The facts are stated in the judgment, post, paras 1–4, 12–14.

Peter Wadsley and Philip Robson (instructed by *Legal Services, Forest of Dean District Council, Coleford*) for the local planning authority.

- E *Gwion Lewis* (instructed by *Treasury Solicitor*) for the Secretary of State.
David Elwin QC and *Peter Goatley* (instructed by *Irwin Mitchell LLP*) for the developer.

The court took time for consideration.

- F 4 March 2016. COULSON J handed down the following judgment.

1. Introduction

- 1 On 12 June 2014 the second defendant developer (whom I shall call “Gladman”) applied for planning permission to build up to 85 dwellings and associated works on land north of Ross Road in Newent GL18 1BE.
G In February 2015 the claimant (whom I shall call “FDDC”), refused that application. Gladman appealed and there was an inquiry in late June/early July 2015. In a written decision dated 25 August 2015 the inspector allowed Gladman's appeal and granted outline planning permission.

- 2 By an application made pursuant to section 288 of the Town and Country Planning Act 1990, lodged on 5 October 2015, FDDC challenges the decision of the planning inspector. There are four grounds of appeal:
H (1) failing to consider and give reasons as to whether the site was a “valued landscape”; (2) incorrectly applying the National Planning Policy Framework (“the NPPF”) at para 134 and the test on harm to heritage assets; (3) failing to consider the interaction between para 134 and para 14 of the NPPF and therefore applying the wrong test; and (4) inadequate reasoning.

3 Unusually perhaps, the first defendant (whom I shall call “the SSCLG”) expressly accepts that ground 3, the failure to consider and apply the test created by the interaction between paras 134 and 14 of the NPPF, has been made out. In consequence, the SSCLG joins with the claimant, FDDC, in asking me to quash the appeal decision. Gladman does not accept ground 3. In those circumstances, in order to save both time and costs, at the hearing I invited the parties to deal with ground 3 only, although it was of course also necessary to deal with the issue of discretion and whether, if ground 3 was made out, the inspector’s decision would still have been the same.

4 The argument on these two points alone took almost all of the time allocated for the hearing on 23 February 2016. At the end of that hearing, I gave a short ruling in which I indicated that: (a) FDDC’s application on ground 3 had been successful, together with brief reasons; and that (b) it could not be said that, if the inspector had applied the right test, he would necessarily have reached the same answer. In those circumstances, I allowed the application to quash. I said that, in view of the importance of the point, not only for the parties, but for what I was told was the planning process generally, I would provide a fuller written judgment explaining the reasons for my decision. This is that judgment.

2. The relevant legal principles

2.1 Section 288

5 Section 288 of the 1990 Act provides:

“288 *Proceedings for questioning the validity of other orders, decisions and directions*

“(1) If any person— (a) is aggrieved by any order to which this section applies and wishes to question the validity of that order on the grounds— (i) that the order is not within the powers of this Act, or (ii) that any of the relevant requirements have not been complied with in relation to that order; or (b) is aggrieved by any action on the part of the Secretary of State to which this section applies and wishes to question the validity of that action on the grounds— (i) that the action is not within the powers of this Act, or (ii) that any of the relevant requirements have not been complied with in relation to that action, he may make an application to the High Court under this section.

“(2) Without prejudice to subsection (1), if the authority directly concerned with any order to which this section applies, or with any action on the part of the Secretary of State to which this section applies, wish to question the validity of that order or action on any of the grounds mentioned in subsection (1), the authority may make an application to the High Court under this section.

“(3) An application under this section must be made within six weeks from the date on which the order is confirmed (or, in the case of an order under section 97 which takes effect under section 99 without confirmation, the date on which it takes effect) or, as the case may be, the date on which the action is taken.

“(4) This section applies to any such order as is mentioned in subsection (2) of section 284 and to any such action on the part of the Secretary of State as is mentioned in subsection (3) of that section.

A “(5) On any application under this section the High Court— (a) may, subject to subsection (6), by interim order suspend the operation of the order or action, the validity of which is questioned by the application, until the final determination of the proceedings; (b) if satisfied that the order or action in question is not within the powers of this Act, or that the interests of the applicant have been substantially prejudiced by a failure to comply with any of the relevant requirements in relation to it, may quash that order or action.”

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C I note that this claim was brought under the unamended provisions of the 1990 Act, pursuant to which permission to make the application is not required. Thus the case proceeded directly to a substantive hearing. The amended section 288 only applies to decisions taken on or after 26 October 2015.

2.2 *The correct approach to section 288*

6 The correct approach to be adopted to a section 288 claim was set out in the judgment of Lindblom J in *Bloor Homes East Midlands Ltd v Secretary of State for Communities and Local Government* [2014] EWHC 754 (Admin) at [19]:

D “19. The relevant law is not controversial. It comprises seven familiar principles:

E “(1) Decisions of the Secretary of State and his inspectors in appeals against the refusal of planning permission are to be construed in a reasonably flexible way. Decision letters are written principally for parties who know what the issues between them are and what evidence and argument has been deployed on those issues. An inspector does not need to ‘rehearse every argument relating to each matter in every paragraph’ (see the judgment of Forbes J in *Seddon Properties v Secretary of State for the Environment* (1981) 42 P & CR 26, 28).

F “(2) The reasons for an appeal decision must be intelligible and adequate, enabling one to understand why the appeal was decided as it was and what conclusions were reached on the ‘principal important controversial issues’. An inspector’s reasoning must not give rise to a substantial doubt as to whether he went wrong in law, for example by misunderstanding a relevant policy or by failing to reach a rational decision on relevant grounds. But the reasons need refer only to the main issues in the dispute, not to every material consideration (see the speech of Lord Brown of Eaton-under-Heywood in *South Bucks District Council v Porter (No 2)* [2004] 1 WLR 1953, 1964B–G).

G “(3) The weight to be attached to any material consideration and all matters of planning judgment are within the exclusive jurisdiction of the decision-maker. They are not for the court. A local planning authority determining an application for planning permission is free, ‘provided that it does not lapse into *Wednesbury* irrationality’ to give material considerations ‘whatever weight [it] thinks fit or no weight at all’ (see the speech of Lord Hoffmann in *Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759, 780F–H). And, essentially for that reason, an application under section 288 of the 1990 Act does not afford an opportunity for a review of the planning merits of an inspector’s decision (see the judgment of Sullivan J in *Newsmith v Secretary of State*

for *Environment, Transport and the Regions* [2001] EWHC Admin 74 at [6]). A

“(4) Planning policies are not statutory or contractual provisions and should not be construed as if they were. The proper interpretation of planning policy is ultimately a matter of law for the court. The application of relevant policy is for the decision-maker. But statements of policy are to be interpreted objectively by the court in accordance with the language used and in its proper context. A failure properly to understand and apply relevant policy will constitute a failure to have regard to a material consideration, or will amount to having regard to an immaterial consideration (see the judgment of Lord Reed JSC in *Tesco Stores Ltd v Dundee City Council (Asda Stores Ltd intervening)* [2012] PTSR 983, paras 17–22). B

“(5) When it is suggested that an inspector has failed to grasp a relevant policy one must look at what he thought the important planning issues were and decide whether it appears from the way he dealt with them that he must have misunderstood the policy in question (see the judgment of Hoffmann LJ *South Somerset District Council v Secretary of State for the Environment* (1993) 66 P & CR 80, 83E–H). C

“(6) Because it is reasonable to assume that national planning policy is familiar to the Secretary of State and his inspectors, the fact that a particular policy is not mentioned in the decision letter does not necessarily mean that it has been ignored (see, for example, the judgment of Lang J in *Sea Land Power & Energy Ltd v Secretary of State for Communities and Local Government* [2012] EWHC 1419 (QB) at [58]). D

“(7) Consistency in decision-making is important both to developers and local planning authorities, because it serves to maintain public confidence in the operation of the development control system. But it is not a principle of law that like cases must always be decided alike. An inspector must exercise his own judgment on this question, if it arises (see, for example, the judgment of Pill LJ in *Fox Strategic Land and Property Ltd v Secretary of State for Communities and Local Government* [2013] 1 P & CR 6, paras 12–14, citing the judgment of Mann LJ in *North Wiltshire District Council v Secretary of State for the Environment* [1992] 65 P & CR 137, 145).” E

2.3 The NPPF

7 During the hearing, numerous paragraphs within the NPPF were referred to. It would make this judgment unnecessarily prolix if I set out all those paragraphs. In my judgment, the important paragraphs were: G

(a) Para 14:

“At the heart of the National Planning Policy Framework is a *presumption in favour of sustainable development*, which should be seen as a golden thread running through both plan-making and decision-taking. H

“For *plan-making* this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;

- A • local plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, 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; or
—specific policies in this Framework indicate development should be
- B restricted (footnote 9: for example, those policies relating to sites protected under the Birds and Habitats Directives (see para 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).
- C “For *decision-taking* this means: (footnote 10: unless material considerations indicate otherwise)
- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
- D —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; or
—specific policies in this Framework indicate development should be
- E restricted (footnote 9: for example, those policies relating to sites protected under the Birds and Habitats Directives (see para 119) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park (or the Broads Authority); designated heritage assets; and locations at risk of flooding or coastal erosion).”

It is this second bullet point under “decision-taking” that matters for the purposes of this case. Of the two alternatives applicable where the development plan is absent, silent or relevant policies are out of date, the first (“any adverse impacts”) was referred to at the hearing as limb 1. The second, (“specific policies”) was referred to as limb 2.

(b) Para 49:

- G “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

(c) Paragraphs dealing with conserving and enhancing the historic environment, including:

- H “126. Local planning authorities should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate

to their significance. In developing this strategy, local planning authorities should take into account: A

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
- the desirability of new development making a positive contribution to local character and distinctiveness; and B
- opportunities to draw on the contribution made by the historic environment to the character of a place.”

“132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a Grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, Grade I and II* listed buildings, Grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. C

“133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply: D

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and E
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and F
- the harm or loss is outweighed by the benefit of bringing the site back into use.

“134. 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 securing its optimum viable use.” G

8 The NPPF itself has to be approached in accordance with the guidance referred to by Lord Reed JSC in *Tesco Stores Ltd v Dundee City Council (Asda Stores Ltd intervening)* [2012] PTSR 983 (as set out in the *Bloor Homes* case [2014] EWHC 754 (Admin) at [19(4)]). The NPPF has also been recently considered by the Court of Appeal in *Europa Oil and Gas Ltd v Secretary of State for Communities and Local Government* [2014] PTSR 1471, paras 13 and 15 in these terms: H

“13. Para 90 of the NPPF is a policy statement which, in accordance with basic principle, ‘should be interpreted objectively in accordance with

A the language used, read as always in its proper context’ (per Lord Reed JSC in *Tesco Stores Ltd v Dundee City Council* [2012] PTSR 983, para 18).”

B “15. On the face of it, the NPPF is a stand-alone document which should be interpreted within its own terms. It even contains a glossary (Annex 2) which explains familiar planning terms such as ‘local plan’ and ‘planning condition’, cross-referring as appropriate to legislation . . .”

9 More particularly, paras 132–134 of the NPPF were dealt with by Gilbert J in *Pugh v Secretary of State for Communities and Local Government* [2015] EWHC 3 (Admin). He noted at para 49 of his judgment that para 134 “can be a trap for the unwary if taken out of context” and he went on to say, at para 50:

C “There is a sequential approach in paras 132–134 which addresses the significance in planning terms of the effects of proposals on designated heritage assets. If, having addressed all the relevant considerations about value, significance and the nature of the harm, and one has then reached the point of concluding that the level of harm is less than substantial, then one must use the test in para 134. It is an integral part of the NPPF sequential approach. Following it does not deprive the considerations of the value and significance of the heritage asset of weight: indeed it requires consideration of them at the appropriate stage. But what one is not required to do is to apply some different test at the final stage than that of the balance set out in para 134. How one strikes the balance, or what weight one gives the benefits on the one side and the harm on the other, is a matter for the decision-maker. Unless one gives reasons for departing from the policy, one cannot set it aside and prefer using some different test.”

2.4 Heritage assets

F 10 Heritage assets and the correct approach to them was recently dealt with by the Court of Appeal in *East Northamptonshire District Council v Secretary of State for Communities and Local Government* [2015] 1 WLR 45, and in *R (Forge Field Society) v Sevenoaks District Council* [2015] JPL 22, paras 48–51 where Lindblom J said:

G “48. As the Court of Appeal has made absolutely clear in its recent decision in the [*East Northamptonshire District Council* case], the duties in sections 66 and 72 of the [Planning (Listed Buildings and Conservation Areas) Act 1990] do not allow a local planning authority to treat the desirability of preserving the settings of listed buildings and the character and appearance of conservation areas as mere material considerations to which it can simply attach such weight as it sees fit. If there was any doubt about this before the decision in the [*East Northamptonshire District Council* case] [2015] 1 WLR 45 it has now been firmly dispelled. When an authority finds that a proposed development would harm the setting of a listed building or the character or appearance of a conservation area, it must give that harm considerable importance and weight.

H “49. This does not mean that an authority’s assessment of likely harm to the setting of a listed building or to a conservation area is other than a

matter for its own planning judgment. It does not mean that the weight the authority should give to harm which it considers would be limited or less than substantial must be the same as the weight it might give to harm which would be substantial. But it is to recognise, as the Court of Appeal emphasised in the [*East Northamptonshire District Council* case], that a finding of harm to the setting of a listed building or to a conservation area gives rise to a strong presumption against planning permission being granted. The presumption is a statutory one. It is not irrebuttable. It can be outweighed by material considerations powerful enough to do so. But an authority can only properly strike the balance between harm to a heritage asset on the one hand and planning benefits on the other if it is conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.

“50. In para 22 of his judgment in the [*East Northamptonshire District Council* case] Sullivan LJ said: ‘I accept that . . . the inspector’s assessment of the degree of harm to the setting of the listed building was a matter for his planning judgment, but I do not accept that he was then free to give that harm such weight as he chose when carrying out the balancing exercise. In my view, Glidewell LJ’s judgment [in *Bath Society v Secretary of State for the Environment* [1991] 1 WLR 1303] is authority for the proposition that a finding of harm to the setting of a listed building is a consideration to which the decision-maker must give “considerable importance and weight”’.

“51. That conclusion, in Sullivan LJ’s view, was reinforced by the observation of Lord Bridge in [*South Lakeland District Council v Secretary of State for the Environment* [1992] 2 AC 141] (at p 146E–G) that if a proposed development would conflict with the objective of preserving or enhancing the character or appearance of a conservation area ‘there will be a strong presumption against the grant of planning permission, though, no doubt, in exceptional cases the presumption may be overridden in favour of development which is desirable on the ground of some other public interest’. Sullivan LJ said ‘[there] is a “strong presumption” against granting planning permission for development which would harm the character of appearance of a conservation area precisely because the desirability of preserving the character or appearance of the area is a consideration of “considerable importance and weight”’ (para 23). In enacting section 66(1) Parliament intended that the desirability of preserving the settings of listed buildings ‘should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given “considerable importance and weight” when the decision-maker carries out the balancing exercise’ (para 24). Even if the harm would be ‘less than substantial’, the balancing exercise must not ignore ‘the overarching statutory duty imposed by section 66(1), which properly understood . . . requires considerable weight to be given . . . to the desirability of preserving the setting of all listed buildings, including Grade II listed buildings’ (para 28). The error made by the inspector in the [*East Northamptonshire District Council* case] was that he had not given ‘considerable importance and weight’ to the desirability of preserving the setting of a listed building when carrying out the balancing exercise in his decision. He had treated the less than substantial harm to

A the setting of the listed building as a less than substantial objection to the grant of planning permission (para 29).”

2.5 Discretion

B 11 Of course, even if the court concludes that the inspector may have made an error of law, the decision to quash is not automatic; it is a matter of discretion. In the ordinary case, the decision to quash will only be made if the court cannot say that, even allowing for the error, the decision would inevitably have remained the same. This approach was recently followed in the *Europa Gas and Oil Ltd* case [2016] PTSR 1471. In that case, Ouseley J was not satisfied that, without the error made by the inspector as to the interpretation of “mineral extraction”, the decision would inevitably have been the same. The Court of Appeal agreed. They held that the judge was entitled to find that the decision might have been different but for the inspector’s error and thus to exercise his discretion to quash the decision.

3. The appeal decision

D 12 The inspector’s appeal decision in the present case was dated 25 August 2015. For present purposes, it is necessary only to set out some of the paragraphs under two of the inspector’s own headings: “The setting of heritage assets” and “The overall planning balance”.

13 As to the setting of heritage assets, the following paragraphs are relevant:

E “31. In my view the two fields that make up the appeal site contribute to the significance of the listed Mantley House Farm complex. In their current undeveloped state these fields provide an appropriate rural and tranquil setting for the farm house and the associated former farm buildings. In previous times there may well also have been a functional and historical link between the two as it is likely the fields would have been farmed as part of the extensive Mantley Farm estate. Consequently the appeal proposal would damage the rural setting of the Mantley Farm complex and erode the likely functional and historical relationship that existed between the farm and nearby fields. The effect would be particularly evident from Horsefair Lane as the views of the Mantley Farm complex sitting within a rural landscape would be lost.

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G “32. It is clear from the illustrative master plan for the appeal site that a real effort has been made to reduce the impact of built development and disturbance on the farm complex’s immediate setting. To this end the south-western part of the site next to the Mantley House Farm complex would remain undeveloped and be given over to public open space, whilst the main access road off Ross Road would be located away from the western boundary. Furthermore extensive areas of planting are planned along the edge of the proposed private drives nearest to the farm buildings to provide a green edge to the open space and soften the impact of the new dwellings. I consider that the provision of such a sizeable open area on that part of the site next to the Mantley House Farm complex, together with the associated landscaping, would lessen the impact of the development on the immediate setting of this group of listed buildings. However it would not produce a setting of the same quality and characteristics as currently exists.

“33. Having regard to the effects of the appeal scheme, the proposed mitigation and the high threshold required for ‘substantial harm’ I consider that the proposed development would cause ‘less than substantial harm’ to the Mantley House Farm complex in terms of *the Framework*.”

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14 As to the overall planning balance, the relevant paragraphs are set out below. I have put the critical parts in italics:

“42. The council cannot demonstrate a five-year supply of deliverable housing sites and it would appear that the shortfall may be significant. Consequently all relevant policies for the supply of housing have to be regarded as out of date and accorded very limited weight. *Para 14 of the Framework makes it clear that in such cases planning permission should be granted, where relevant policies in the development plan are out of date, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

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“43. I have identified adverse impacts of the appeal scheme. In particular I have concluded that the proposal would detract from the rural character and appearance of Horsefair Lane. I have also found that by causing ‘less than substantial harm’ the development would fail to preserve the special architectural and historic interest of the Grade II listed Mantley Farm complex and would harm the significance of Picklenash Court, a non-designated heritage asset. These findings bring the scheme into conflict with elements of local and national planning policy.

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“44. I now turn to the weight that should be attached to these adverse impacts in the overall planning balance. As regards the adverse impact on the character and appearance of Horsefair Lane I believe that the visual harm would be fairly localised and confined to a particular part of Horsefair Lane. Consequently I attach only moderate weight to this consideration.

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“45. Given the statutory duty as regards listed buildings I am obliged to give considerable weight to the desirability of preserving the setting of the Mantley House farm complex in carrying out the balancing exercise, even though I have found that the harm would be ‘less than substantial’. In my view, however, it is also necessary to take account of the fact that the appeal scheme provides for a substantial area of open space on the part of the appeal site next to the Mantley House farm complex. Although this would not replicate the current rural setting of this former farm it would ensure that the listed buildings continue to sit within an undeveloped area and away from other built development. Consequently whilst attaching considerable weight to the failure of the scheme to preserve the special architectural and historic interest of the grade II listed Mantley House farm I believe that this needs to be tempered with my finding that the new setting created would allow the continued appreciation of these heritage assets within an undeveloped area.

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“46. Similarly the public open space to be created north of Ross Road would ensure that the non-designated heritage asset, Picklenash Court, retains an open setting to the front albeit of a different nature and extent than currently exists. As a result, taking account of the scale of this harm

A and the nature of the asset and its surroundings, only limited weight should be attached to the harm to the significance of Picklenash Court.

B “47. There are considerable public benefits associated with the appeal scheme and these need to be given substantial weight. *Para 14* of the *Framework* makes it clear that sustainable development has three dimensions: economic, social and environmental. In my judgment the proposal would fulfil the economic role of sustainable development and would contribute to building a strong, responsive and competitive economy, by helping to ensure that sufficient land is available to support growth. There would also be associated economic benefits in terms of construction jobs, increased spending in the area, additional council tax revenues, and the new homes bonus. With reference to the social dimension the scheme would contribute to boosting housing supply, by providing a range of sizes and types of housing for the community, including a sizeable number of acutely needed affordable housing units.

C “48. As regards environmental considerations Newent is recognised as a sustainable settlement and considered to be an acceptable location for accommodating new development. The appeal site is well located in terms of accessibility to the various facilities and services in the town and the development would help to support them. For longer trips alternatives to the private car are available with bus services available in the town. The proposed land to be given over to public open space would be of recreational benefit and footpath/cycleway links would be created across the site. There would be increased opportunities for ecological enhancement and habitat creation that would not arise if the land were to continue in its existing use. In due course a softer edge to the town would be created than currently exists. The site is available and it is likely that it could be developed within the next five years.

D “49. It is evident that I have identified adverse environmental impacts of the appeal scheme. *The essential test in cases such as this is not confined to the assessment of harm in isolation but rather whether the adverse impacts identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.* In this regard I have also identified a considerable number of economic, social and environmental benefits that would arise as a result of the appeal that need to be given substantial weight. In my judgement the limited number of adverse impacts identified in this case, and their localised nature, even when added together, would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. I therefore find that there are insufficient grounds for finding against the development and that when taken as a whole the appeal scheme would constitute sustainable development. Consequently the *Framework’s* presumption in favour of sustainable development applies.”

H 4. *Ground 3: did the inspector apply the wrong test?*

4.1 *The principal issues*

15 The principal issues between the parties must be considered against the background of the matters that are not in dispute. It is agreed that the last bullet point in para 14 of the NPPF (para 7(a) above) applies to this case,

because the inspector found that FDDC's policy was out of date due to their inability to show a five-year housing supply. Para 49 of the NPPF was therefore engaged. It is also agreed that the inspector's findings in respect of the Mantley House Farm complex, a Grade II listed group of buildings, related to a designated heritage asset. Finally, it is agreed that the inspector found that the development proposal would lead to "less than substantial harm" to the significance of the Mantley House Farm complex. Accordingly, para 134 of the NPPF, set out at para 7(c) above, is, on any view, directly applicable to this application.

16 Ground 3 of the section 288 application is in these terms: "Failure to consider the interaction between NPPF [para] 134 and NPPF [para] 14, footnote 9, and applying the wrong test when balancing the harm and benefits of the development." Essentially, Mr Wadsley (strongly supported by Mr Lewis for the SSCLG) contends that, because the development plan is out of date, the presumption in favour of granting planning permission is disapplied in either of the two separate circumstances identified in the last bullet point of para 14 of the NPPF (limb 1 or limb 2, set out at para 7(a) above). FDDC and the SSCLG submit that limbs 1 and 2 cover different possibilities. They argue that, in circumstances where there is a finding of less than substantial harm to the significance of a designated heritage asset, the harm has to be weighed against the public benefits of the proposal. Crucially, they say that this balancing exercise must be carried out in the ordinary (or unweighted) way. They say that this is the test required by para 134, and that it is the same test required by limb 2 of para 14, because para 134 is a policy indicating that development should be restricted.

17 Mr Elvin QC, on the other hand, maintains that para 134 is not a policy indicating that planning should be restricted, so that limb 2 does not apply in this case. Further or in the alternative, he argues that the weighted balancing exercise required by limb 1 of para 14 should be "read across" to the exercise set out in para 134. He says that is what the inspector did, and therefore no criticism can attach to his decision.

4.2 *Limb 2 and footnote 9*

18 Limb 2 of the last bullet point of para 14 of the NPPF disapplies the presumption in favour of granting planning permission in circumstances where "specific policies in this Framework indicate development should be restricted". Footnote 9 gives examples of those policies. One of those policies is identified as relating to "designated heritage assets".

19 As I have said, the parties disagreed about whether limb 1 or limb 2 applied in this case. In consequence, there was a good deal of argument about whether footnote 9 was intended to be an exclusive list of the policies relevant to the test in limb 2. There was also a debate about whether or not each of the paragraphs within the NPPF which set out the various policies referred to in footnote 9 had to be regarded as a policy indicating that development "should be restricted". Mr Elvin went so far as to say that, unless FDDC/the SSCLG could show that each paragraph in the NPPF setting out every one of the policies noted in footnote 9 amounted to a planning restriction of some sort, they were bound to lose.

20 I am not sure that I derived very much assistance from either of these arguments. On the face of it, footnote 9 cannot be regarded as exhaustive,

A since it is plain that the policies which it set out were merely provided by way of example. But that does not affect the outcome of this case in any event, since “designated heritage assets” is one of those examples. And as to the second issue, it does not seem to me that either side’s arguments necessarily stand or fall on showing, either that every paragraph of the NPPF dealing with the policies in footnote 9 could be said to restrict planning in one way or another, or that only certain paragraphs within the relevant sections of the NPPF needed to be restrictive in order for limb 2 to apply. The first substantive issue for me is whether para 134, dealing as it does with what happens if there is finding of a less than significant harm to a designated heritage asset, is a “specific policy [which] indicates development should be restricted”, an issue I address in section 4.3 below.

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D 21 However, before coming to that, I think it is worth giving one example of a policy which is expressly referred to in footnote 9, and which may therefore be regarded as a policy restricting development within the definition of limb 2. That concerns the heritage coast. Although this is a policy referred to in footnote 9, the only express reference to the heritage coast in the body of the NPPF comes in the second bullet point of para 114. This provides: “Local planning authorities should . . . maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as heritage coast, and improve public access to an enjoyment of the coast.”

E 22 I accept Mr Wadsley’s submission that this is a very general statement of policy. But its inclusion in footnote 9 indicates that the policy is considered to be, even in those general terms, restrictive. In my view, it can be regarded as a policy indicating that “development should be restricted” only because the general presumption in favour of development may not apply in areas defined as heritage coast, in consequence of the operation of para 114. I note, as Mr Wadsley did, that Mr Elvin did not address this point, although it was expressly raised in Mr Wadsley’s opening submissions.

F 4.3 *Is para 134 a policy indicating that development should be restricted?*

23 Mr Elvin argued that para 134 was not a restriction on development. Instead, he said, a restriction within the NPPF was something like para 87, dealing with the Green Belt, which stipulates that “inappropriate development is . . . harmful to the Green Belt and should not be approved except in very special circumstances”. His argument was that, because there was not such a clear prohibition in para 134, para 134 should not be regarded as a restriction on development.

G 24 I do not accept that submission for four reasons.

H 25 First, based on the words used in para 134 in the context of the NPPF as a whole, I consider that para 134 is a policy indicating that development should be restricted. Throughout the NPPF, there is a presumption in favour of sustainable development, and therefore in favour of granting permission. That is the default setting. However, certain specific policies within the NPPF indicate situations where this presumption does not apply and where, instead, development should be restricted. Para 134 is, I think, one such policy.

26 Para 134 provides for a balancing exercise to be undertaken, between the “less than substantial harm” to the designated heritage asset, on

the one hand, and the public benefits of the proposal, on the other. The presumption in favour of development is not referred to and does not apply. Para 134 is thus a particular policy restricting development. Limb 2 of para 14 applies.

27 I should add that, although Mr Lewis submitted that it was always the SSCLG's intention to create this route by which the presumption in favour of development will not apply, I have had no regard to that submission. It is irrelevant to the true meaning of para 134 and limb 2 of the last bullet point of para 14. The policy is a function of the NPPF itself; not what counsel tell me that the SSCLG intended it to say. But in my view, the words used in para 134 plainly constitute a restriction of development within the normal meaning of the words used.

28 Secondly, I think that it is appropriate to give the word "restricted" in limb 2 of para 14 a relatively wide meaning, to cover any situation where the NPPF indicates a policy that cuts across the underlying presumption in favour of development. The alternative is impractical. It is not a sensible approach to the NPPF for everyone involved in a planning application to comb through each of the policies referred to in footnote 9, to try and work out which paragraphs under each policy heading could be said to be unarguably restrictive of development, as opposed to those which, as a function of their wording, might be regarded as more nuanced. That is the sort of exercise which Mr Elvin attempts at para 33 of his written submissions. In my view, it is an approach which runs the risk of construing the NPPF in an overly-prescriptive way, contrary to the principles set out in the *Tesco Stores Ltd* [2012] PTSR 983 and *Bloor Homes* [2014] EWHC 754 (Admin) cases.

29 At times, such as his submissions on para 133 of the NPPF, Mr Elvin came close to urging that "restricted" in para 14 should be given the same meaning as the word "refused". I consider that this would be an incorrect interpretation of limb 2; I agree with Mr Wadsley that it is significant that the policy could have said "refused", but instead deliberately used the much wider word "restricted".

30 Thirdly, I consider that Mr Elvin's approach is not in accordance with the footnote itself. I have, at paras 21–22 above, given the example of the heritage coast within the NPPF. The only reference to that policy in the whole of the NPPF is at para 114, so the footnote must therefore assume that para 114 is restrictive of development. In my view it is, but only in the same way as para 134 is restrictive, in that it is identifying a situation in which the presumption in favour of development does not apply. To that extent, the wording in para 114 is even more general than in para 134. But since the NPPF assumes that para 114 is restrictive; a fortiori, so too is para 134.

31 Fourthly, I have set out, at para 7(c) above, paras 132–134 of the NPPF. They contain different tests: for example, para 133 states that planning permission for a development which creates significant harm to a designated heritage asset should be refused, whereas para 134 says that, if the harm is less than significant, it has to be balanced against the benefits. Yet there is nothing in footnote 9 which seeks to differentiate between those paragraphs or those tests. The footnote encompasses the entirety of the policy in relation to designated heritage assets, and therefore includes both paragraphs. Furthermore, as Gilbart J noted in *Pugh's case* [2015] EWHC 3 (Admin) (para 9 above), those paragraphs have to be read together. This

A approach again supports the proposition that, albeit in their different ways, both para 133 and para 134 “indicate that development should be restricted”.

B 32 Accordingly, on a proper interpretation of the NPPF, I consider that the exercise at para 134/limb 2 needs to be undertaken when there is less than substantial harm to the significance to a designated heritage asset. I consider that this conclusion is in accordance with the principles noted in sections 2.2 and 2.3 above. Furthermore, on the face of it, this exercise would seem to involve an ordinary (or unweighted) balancing of harm and benefits. However, that point too is disputed by Gladman, and is therefore the second substantive issue which I have to decide.

4.4 Does para 134 import limb 1?

C 33 Further or in the alternative to his submission that para 134 was not a policy indicating that development should be restricted, Mr Elvin argued that the balancing exercise in para 134 was not an ordinary one. Instead, he said, the weighted balancing exercise envisaged in limb 1 (that is to say, that the adverse effects of permission would “significantly and demonstrably outweigh the benefits”) should be imported—or as he put it, “read across”—into para 134. He submitted that there was no difficulty with interpreting para 134 as importing that weighted test: indeed, he said, that was in accordance with the NPPF and the presumption in favour of development and the granting of planning permission.

D 34 I do not accept that submission. It seems to me that it is wholly inconsistent with the words of para 134 itself, which make plain that the balancing exercise is of a standard type, without any weighting. There is no reason to import the weighted test from limb 1 of the last bullet point of para 14 into para 134, when the words of para 134 can be read entirely satisfactorily without them. Reading across in this way would be unnecessary and over-complicated. Moreover, without any signpost of any sort, it would be unwarranted. It would be contrary to the natural meaning of the words used.

E 35 Accordingly, I do not accept that the balancing exercise envisaged in para 134 is anything other than the ordinary (unweighted) test described by its wording. I do not consider that the test in limb 1 can or should be read across in the way submitted.

F 36 There is a further point. I accept Mr Lewis’s submissions that, in respect of limb 1, the weighted balancing exercise is of broader scope because it involves an assessment “against the policies in this framework taken as a whole”. Accordingly, the exercise in limb 1 is designed to take into account everything, not just the specific policies of restriction referred to in limb 2. Again that suggests that limbs 1 and 2 are different and separate exercises and there would be no need to read across the test in limb 1 to any of the specific policies which restrict planning, referred to in footnote 9.

G 37 The two alternative limbs also make sense as a matter of policy. H It means that limb 2 encompasses the standard balancing exercise in circumstances where there is a policy of restriction on development. But if the result of that standard balancing exercise comes down in favour of development, notwithstanding the restriction, then it is rational that the broader review under limb 1, where the whole of the NPPF is considered,

should be a weighted exercise, so as to give impetus to the presumption in favour of development. A

4.5 *The presumption in favour of preserving listed buildings*

38 I have set out in section 2.4 above the law relating to heritage assets, including the extract from the judgment in the *Forge Field Society* case [2015] JPL 22. This makes plain, amongst other things, that, when a development will harm a listed building or its setting, the decision-maker must give that harm considerable importance and weight. That harm alone gives rise to a strong presumption against the grant of planning permission. This is of course linked to the SSCLG's duty under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, identifying the requirement on the part of the local planning authority or the SSCLG "shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". B C

39 It is plain that the inspector in this case was aware of the considerable weight and importance to be given to the desirability of preserving the setting of the Mantley House Farm complex: see para 45 of his decision. But I consider that the appropriate place for that considerable weight to be applied was as part of the ordinary balancing exercise under para 134 of the NPPF. Because the inspector did not undertake the ordinary balancing exercise required by para 134, it follows that the considerable weight to be given to the preservation of listed buildings, let alone the presumption against granting permission in such situations, has been at best diluted, and at worst, lost altogether. D

40 I note that the inspector himself says that considerable weight has to be given to this issue "in carrying out the balancing exercise". But since the balancing exercise that he undertook was only the weighted balancing exercise under limb 1, and not the ordinary balancing exercise under limb 2/para 134, there is a very real risk that the important guidance in the *Forge Field Society* case was not fully followed. E

41 For these reasons, I can see why (albeit very late) Mr Lewis prayed in aid the submission that the SSCLG's obligation in respect of listed buildings could only properly be discharged if para 134 and the limb 2 exercise was undertaken in the way I have indicated. Whilst Mr Elvin was entitled to complain that this point had not been in Mr Lewis's skeleton argument, it did seem to me to be a matter which was of some importance and therefore fell to be considered by the court. In any event, I consider that it was foreshadowed at paras 54–57 of Mr Wadsley's skeleton argument. Having considered the issue, I agree with Mr Lewis and Mr Wadsley that it does provide further support for FDDC/the SSCLG's case on ground 3. F G

4.6 *Other decisions*

42 Both sides endeavoured to support their respective positions by reference to other appeal decisions, whether they were decisions by planning inspectors or decisions by the SSCLG expressly agreeing or confirming the approach of the planning inspector. We looked principally at three of these, concerning proposed developments at: (a) Highfield Farm, Tetbury, Gloucestershire (APP/F1610/A/11/2165778); (b) New Haine Road, H

A Ramsgate, Kent (APP/Z2260/A/14/2213265); (c) The Hawthorns and Keele University Campus, Keele, Newcastle-under-Lyme (APP/P3420/A/14/221938; APP/P3420/E/14/2219712). In each of these cases, the SSCLG had written agreeing with the conclusions of the relevant inspector.

B 43 I was not persuaded that the decision in relation to Highfield Farm was of any particular relevance because there the restriction on development applied under limb 2 of para 14 of the NPPF was in respect of areas of outstanding natural beauty. I accept that the restrictions on development set out in the NPPF relating to such areas are, on any view, clear-cut.

C 44 As to the decision in relation to Ramsgate, it seems to me that that is of some assistance because, at para 118 of his decision, the inspector concluded that the harm was outweighed by the significant benefit of the development. That was undertaken as an ordinary limb 2 balancing exercise, even if it is not recorded in those terms. Having found that the presumption in favour of development was not switched off as a result of the limb 2 exercise, the inspector properly applied the weighted test in limb 1, and concluded that there were no adverse impacts that significantly and demonstrably outweighed of the benefits of the development.

D 45 However, by far the clearest application of limbs 1 and 2 of para 14 of the NPPF can be found in the decision relating to the University of Keele. In that case the SSCLG expressly agreed with the inspector's conclusions at paras 265–276. The inspector said, at paras 266–268:

E “266. The Framework establishes that sustainable development should be seen as a golden thread running through both plan-making and decision-taking. Para 49 advises that housing applications should be considered in the context of the presumption in favour of sustainable development. However it goes on to say that relevant policies for the supply of housing should not be considered up-to-date if the council cannot demonstrate a five-year supply of deliverable housing sites. That is the case here and in such circumstances the housing supply policies in the LP are not up to date, including those relating to the location of housing. The weight to be given to the policy conflict is therefore reduced. In such circumstances the relevant policy comes from para 14 of the Framework. Para 14 contains two limbs and it is clear from the word “or” that they are alternatives.

F “267. The first limb requires a balance to be undertaken whereby permission should be granted unless the adverse impacts significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework as a whole. The second limb indicates that the presumption should not be applied if specific policies indicate development should be restricted. If the Secretary of State does not agree with my GB conclusion, the second limb would apply. Footnote 9 however gives other examples, including those policies relating to designated heritage assets. I have concluded under consideration three that the proposal would be harmful in these terms. There was some debate about whether the restriction applies only to cases of substantial harm under para 133.

H “268. However the council makes a persuasive point that footnote 9 refers to policies in the plural, which would mean the inclusion of circumstances where there is less than substantial harm as well. It seems to me that if the second limb was only expected to apply to heritage assets

where there was substantial harm it would have said so. Whilst para 133, albeit that this is more stringent as one would expect. In the circumstances the presumption does not apply in this case and it is necessary to balance benefits and harms in accordance with para 134 of the Framework . . .”

46 In my judgment, this decision applies limbs 1 and 2 in the last bullet point of para 14 of the NPPF in precisely the way I would have expected. I accept that the SSCLG’s endorsement of this decision is consistent with the approach that he now takes in agreeing with FDDC that, in this case, in respect of ground 3, the inspector erred in law. Beyond that, it does not seem necessary for me to go.

4.7 Conclusions

47 For these reasons, I am satisfied that the inspector erred in law in not adopting the same approach as the inspector in the Keele University case. The last bullet point in para 14 meant that the presumption in favour of planning permission was to be disapplied in two separate situations. Both limbs had to be considered. In this case, because of the harm to the designated heritage assets, limb 2 fell to be considered first. The appropriate test was the ordinary (unweighted) balancing exercise envisaged by the words in para 134. Nowhere did the inspector carry out that exercise. He only undertook the weighted exercise in limb 1. He therefore erred in law.

5. Discretion

48 Of course, I would not quash the inspector’s decision, despite the fact that both FDDC and the SSCLG wish me to do just that, if I considered that, allowing for the correction of the error, the inspector would have come to the same conclusion: see section 2.5 above. However, I cannot be satisfied that the inspector would have reached the same conclusion. There are three reasons for that: one general and two particular.

49 In general, it is always difficult to say that a decision-maker who applied the wrong test in law would inevitably have reached the same conclusion even if he had applied the right test. That is particularly so where, as here, the test in limb 1 is weighted very firmly in favour of the benefits of development, whilst the ordinary test in para 134 is not. It is a bit like comparing the test to be applied in a criminal case and the test to be applied in a civil case. The results may be the same; but it is difficult to be sure that they would inevitably be the same.

50 The first particular reason why I cannot be sure that the same result would eventuate is set out in paras 38–41 above, in connection with listed buildings. The considerable weight to be given to the harm done to the Mantley House Farm complex in an ordinary planning balancing exercise may make a critical difference.

51 The second arises from paras 41–49 of the decision, where the inspector makes a number of findings of harm to which he attaches weight of various kinds. Thus he attaches *moderate* weight to the adverse impact on character and appearance of Horsefair Lane (para 44 of the decision); *considerable* weight to the desirability of preserving the setting of the Mantley House Farm complex (para 45); and *limited* weight to the harm to the non-designated heritage asset, Picklenash Court (para 46). Against those

A matters, the inspector identifies a number of considerable public benefits in paras 47–48. It is not difficult to see why he concluded that the adverse impacts would not significantly and demonstrably outweigh the benefits. But it is impossible to be sure that, as part of an ordinary balancing exercise, the harm he identified would not outweigh the benefits.

B 52 Accordingly, like the court in the *Europa Oil and Gas Ltd* case [2014] PTSR 1471, I cannot be sure that this error of law made no difference to the outcome. It may have made no difference; equally, it may have made a significant difference. For those reasons therefore, in the exercise of my discretion, it is proper to quash the decision on ground 3. I reiterate that, for the reasons noted above, I have not considered grounds 1, 2 and 4 of the application to quash the appeal decision.

C *Application granted.*
Decision of inspector quashed.

FRASER PEH, Barrister

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APPENDIX 2:

**Appeal Decision: Land east of Posbrook Lane,
Titchfield, Fareham**



Appeal Decision

Inquiry Held on 6 - 9 November 2018

Site visit made on 9 November 2018

by Kenneth Stone BSc Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th April 2019

Appeal Ref: APP/A1720/W/18/3199119

Land east of Posbrook Lane, Titchfield, Fareham, Hampshire PO14 4EZ

- 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 Foreman Homes Ltd against the decision of Fareham Borough Council.
 - The application Ref P/17/0681/OA, dated 9 June 2017, was refused by notice dated 14 December 2017.
 - The development proposed is described as an 'Outline Planning Application for Scout Hut, up to 150 Dwellings, Community Garden, associated landscaping, amenity areas and means of access from Posbrook Lane in addition to the provision of 58,000 square metres of community green space'.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The application was submitted in outline with all matters reserved for future consideration with the exception of access. The access details are shown on the plan 'Proposed Site Access 16-314/003E' which along with the 'Site Location Plan 16.092.01E' are the plans that describe the proposals. An illustrative plan was submitted and the latest iteration was 16.092.02F. However, this was for illustrative purposes only to demonstrate one way in which the site could be developed but does not form part of the formal details of the application.
3. Prior to the commencement of the Inquiry the Council and the appellant entered into a Statement of Common Ground. The original application had been submitted with the description of development in the banner heading above. The parties agreed that there was no requirement for the Scout Hut and removed this from the illustrative master plan and amended the description of development to reflect the amended proposed development.
4. I am satisfied that the proposed alteration to the scheme, which does not amend the red line boundary and makes only a minor adjustment to the overall scheme, is not material. I am satisfied that there would be no material prejudice to parties who would have wished to comment on the proposals and that the amended illustrative plan was available as part of the appeal documents and therefore available for parties to view and comment on. I have therefore considered the appeal on the basis of the amended description which

read as follows: 'Outline application for up to 150 dwellings, community garden, associated landscaping, amenity areas and a means of access from Posbrook Lane.'

5. In the Statement of Common Ground the Council and the Appellant agree that an Appropriate Assessment would be required in the light of The People Over Wind Judgement¹. During the Inquiry a shadow Habitats Regulations Assessment document was submitted (APP4) to enable an Appropriate Assessment to be made. In this regard I consulted with Natural England to ensure that I had the relevant information before me if such an assessment were to be required. The main parties were given the opportunity to comment on Natural England's consultation response.
6. By way of an e-mailed letter dated 5 November 2018 the Secretary of State notified the appellant, pursuant to regulation 25 of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017, that further information was required. The further information was publicised on 4 January 2019, a period of 31 days was given for the receipt of comments and the parties were given a period following the end of the publicity period to collate and comment on the matters raised.
7. I have had regard to all the Environmental Information submitted with the appeal including the original Environmental Statement, the Additional Information, the Shadow Habitats Regulations Assessment, the further responses and the parties' comments in reaching my conclusions on this appeal.
8. The Council has drawn my attention to a recent appeal decision, at Old Street, APP/A1720/W/18/3200409, which had been published since the Inquiry was conducted and in which similar issues were considered in respect of the Meon Valley. The parties were given the opportunity to comment on this decision.
9. The Government published a revised National Planning Policy Framework (the Framework), and updated guidance on how to assess housing needs as well as results of the Housing Delivery Test along with a technical note on 19 February 2019. The parties were given the opportunity to comment on how these may affect their respective cases. I have had regard to this information and the comments of the parties in reaching my decision.
10. I closed the Inquiry in writing on 19 March 2019.

Main Issues

11. In the Statement of Common Ground the appellant and Council agree that with the completion of a satisfactory legal agreement reasons for refusal e through to l would be addressed. No objections to the Unilateral Undertaking were raised by the Council and these matters were not contested at the Inquiry. It was also agreed in the Statement of Common Ground that reason for refusal d could be overcome by the imposition of an appropriately worded condition, and I see no reason why this would not be appropriate.
12. On the basis of the above the remaining outstanding matters and the main issues in this appeal are:

¹ The Court of Justice of the European Union judgement in the People over Wind and Peter Sweetman v Coillte Teoranta, case C-323/17

- The effect of the proposed development on the character and appearance of the area, including having regard to whether or not the site is a valued landscape and the effect on the strategic gap;
- The effect of the proposed development on the setting of 'Great Posbrook' and the 'Southern barn at Great Posbrook Farm' Grade II* listed buildings; and
- The effect of the proposed development on Best and Most Versatile Agricultural Land (BMVAL).

Reasons

13. The development plan for the area includes The Local Plan Part 1: Core Strategy (2011 -2026) (LPP1), The Local Plan Part 2: Development Sites & Policies (2015) (LPP2) and The Local Plan Part 3: Welbourne Plan (2015) (LPP3).
14. LPP3 specifically addresses a new settlement at Welbourne and does not include policies that bear directly on the effects of the development the subject of this appeal. Its relevance is however material in the context of the wider housing land supply issues in the area.
15. In terms of LPP1 policy CS14 seeks to control development outside defined settlement boundaries seeking to resist proposals which would adversely affect its landscape character and function. While policy CS22 advises land within strategic gaps will be treated as countryside and development proposals will not be permitted where it affects the integrity of the gap and the physical and visual separation of settlements.
16. In LPP2 Policy DSP6 further advises in respect of residential development outside of defined urban settlement boundaries that it should avoid a detrimental impact on the character or landscape of the surrounding area. DSP5 addresses the protection and enhancement of the historic environment. In considering the impacts of proposals that affect designated heritage assets it advises the Council will give great weight to their conservation and that any harm or loss will require clear and convincing justification, reflecting the statutory and national policy positions.
17. Policy DSP40 in LPP2 includes a contingency position where the Council does not have a 5 year supply of housing land. It is common ground between the parties that the Council does not have a 5 year supply of land for housing albeit the extent, length of time this may persist and consequences are disputed. I address these latter matters further below however insofar as the parties agree that the Council cannot demonstrate a five year supply of housing land the contingency position in policy DSP40 is engaged and this advises that additional sites outside the urban area boundary may be permitted where certain criteria are met.
18. An emerging draft Local Plan, which in due course is anticipated to replace LPP1 and LPP2, was launched for consultation in autumn of 2017 but has now been withdrawn. At the time of the Inquiry I was informed that a further review is to take place following revisions to the National Planning Policy Framework and the Government's latest consultation in respect of housing figures. The Council propose to consult on issues and options relevant to the progression of the Council's new development strategy following the outcome

of the Government's recent consultation. Consultation on a new draft Local Plan is not now anticipated until the end of 2019.

19. The Titchfield Neighbourhood Plan 2011 – 2036 (TNP) is also emerging; it was published for consultation in July 2018 with a further draft submitted to the Council for a compliance check, in October 2018, prior to consultation as the submission draft. At the Inquiry it was confirmed that further documents were submitted to the Council and that the TNP complied with the Statutory requirements. The Council undertook Consultation on the submission draft between November 2018 and January 2019 but at this point in time the plan has not yet been submitted for independent examination. The TNP includes a plan identifying the strategic gap, the Meon gap, and the Defined Urban Settlement Boundary (DUSB) as well as housing policies which review the DUSB (DUSB 1) and address windfall sites (H1), affordable housing (H2), Local Need (H3) and Development Design (H4).

Character and Appearance, including Valued Landscape and Strategic Gap

20. The appeal site is an area of some 6.6 ha of open grazing field on the east side of Posbrook Lane. The land gently slopes from its north-west corner towards its eastern edge. The site is segregated from Posbrook Lane by a hedgerow but for the most part the site is open with little demarking fences, trees or hedge rows. There is some evidence of a previous subdivision of the site on a modern fence line however only limited post foundations remain and generally the whole site has a reasonably consistent grazed grassland appearance.
21. To the north, the appeal site abuts the settlement edge of Titchfield at an estate called Bellfield. The urban edge is open and harsh with little by way of softening landscaping. Towards the south-western corner the site abuts a cluster of buildings that includes the farmstead of Posbrook farm and which includes two Grade II* listed buildings (the Farmhouse and the southern barn). The boundary between these is screened for the most part by a substantial tree and hedgerow belt. Beyond these and towards the south are open agricultural fields. To the east the site slopes down to the Titchfield Canal, valley floor and River Meon beyond.
22. The Meon Valley is a major landscape feature that runs through the Borough and slices through the coastal plain. The parties agree that the site is located within the Lower Meon Valley Character Area but disagree as to the finer grain character type as detailed in the 1996 and 2017 Fareham Landscape Assessments. The appellant points to the 2017 Assessment identifying the western part of the appeal site as being identified as open coastal plain: Fringe Character with a small portion of the site being open valley side. The Council contend that the whole site is more appropriately identified as open valley side.
23. The difference in opinion and identification relates to the influence of the urban settlement boundary, the topography of the site and other landscape features in the surroundings. The fact that the 2017 classification is based on somewhat historic data does call into question the accuracy at the finer grain. There is some evidence in terms of photographs and on site that the site was subdivided and that there may have been different practices implemented which resulted in parts of the site having a different appearance and therefore leading to a different classification at that stage. On site I was firmly of the view that the site was of an open character with little in the way of field boundaries, hedges or other landscape features to different areas of the site.

Whilst there was a break in the slope this was minimal and did not change the characterisation from a gentle slope. There were minor variations across the site and I was not persuaded that this was such a feature that would change the character type of the site. Finally, in the context of the urban settlement edge influence it is undeniable that it is there. There is a lack of screening and there is a harsh and readily visible urban edge. This however is a distinct break with the open rural field which then flows to the open agricultural fields beyond the farmstead cluster and the lower valley floor below. In my view in the wider context the urban influence is given too much weight in the appellant's assessment and in association with the sub division of the site into smaller fields adds to the reduced weight given to the effect of the proposed development.

24. The proposed development would result in the provision of a suburban housing estate of up to 150 units on an open field that would substantively change the character of the field. The field appears, when looking south and east, as part of the broader landscape compartment and part of the Lower Meon Valley landscape. Views back towards the site would result in the perception of the intrusion of housing further into the valley and valley sides to the detriment of the character of the valley. The characteristics of the site are consistent with those of the Meon Valley and representative of the open valley side which includes sloping landform, a lack of woodland with views across the valley floor and is generally pastoral with some intrusive influences of roads or built development.
25. The visual effects of the development would be evident from a number of public footpaths both through and surrounding the appeal site as well as along Posbrook Lane, to the south and from the valley floor and opposite valley side. The further encroachment of built development into the countryside would detract from the rural appearance of the area.
26. The potential for landscaping to screen and reduce the visual effects and to a certain extent provide some positive contribution was advanced by the appellant. Whilst additional landscaping along the proposed urban edge would produce an edge that was more screened and in effect a softer edge than present is undeniable and would of itself improve the appearance of the existing urban edge. However, this needs to be weighed against the loss of the open field separation of elements of built development and the creeping urbanisation of the area. Whilst planting would assist in reducing the direct line of sight of houses in the longer term there would still be effects from noise, activity, illumination in the evening along with the localised views that would inevitably and substantively change.
27. I would characterise the landscape and visual effects as substantial and harmful in the short to medium term, albeit this would reduce in the longer term, I would still view the adverse effect as significant.
28. There is some dispute as to whether the site is a valued landscape. The Lower Meon Valley is a significant landscape feature and both parties assessed the site against the box 5.1 criteria in Guidelines for Landscape and Visual Impact Assessment. In this context it is a reasonable conclusion that both parties accept that the Lower Meon Valley has attributes that are above the ordinary. There is some debate as to whether the appeal site contributes to these or is part of that as a valued landscape. On the basis of the evidence before me I

have no difficulty in accepting that the Lower Meon Valley is a valued landscape in the context of the Framework and this is a conclusion consistent with my colleague in the Old Road decision. From my visit to the site and the evidence presented to me I am of the view that the appeal site shares a number of those attributes including the nature of the rural landscape and topography, its scenic quality and that it is representative of the valley sides character type. The site does form part of the broad visual envelope of the Lower Meon valley and part of the landscape compartment and therefore should be considered as part of the valued landscape.

29. Turning to the issue of the strategic gap. The appeal site is located in the Meon Valley strategic gap. The purpose of the strategic gap as identified in policy CS22 is to prevent development that significantly affects the integrity of the gap and the physical and visual separation of settlements. Whilst the Council sought to broaden this out to include the setting of settlements that is not how the development plan policy or indeed its policy justification is written. This states the gaps help to define and maintain the separate identity of individual settlements and are important in maintaining the settlement pattern, keeping individual settlements separate and providing opportunities for green corridors. To go beyond these factors in assessing the development against policy would be introducing tests that are not within the development plan.
30. The proposed scheme would extend the urban edge of Titchfield further into the gap than it presently is. There would however be no perception of coalescence or indeed any visual reduction of the separate settlements (I do not see the cluster of buildings as a separate settlement in this context). There would be no demonstrable reduction in the physical separation and the gap's integrity would not be significantly affected. Whilst there would be a minor outward extension in the context of the settlement pattern and separation of settlements the proposed development would be minor and would not result in a significant effect.
31. Overall for the reasons given above I conclude that the proposed development would result in material harm to the character and appearance of the area. This would result in harm to a valued landscape. There would however be no significant effect on the strategic Meon Gap. Consequently, the proposed development would conflict with policies CS14 and DSP6 which seek to protect the character and appearance of the area of land outside the defined urban settlement boundary but would not conflict with policy CS22.

Setting of 'Great Posbrook' and the 'Southern barn at Great Posbrook Farm' Grade II listed buildings*

32. South of Titchfield on the east side of Posbrook Lane there is an historic farmstead that includes the listed buildings of Great Posbrook and the southern barn at great Posbrook farm. Both of these are Grade II* which puts them in the top 8% or so of listed buildings in the Country. They are a significant and invaluable resource.
33. The list description for Great Posbrook identifies it as a C16 house altered in the C19 with evidence of elements of C17 and C18 interior details. There is some question mark over the precise dating of the origins of the building with the Council pointing to evidence that it dates from early C17. While the alterations have created two parallel ranges the earlier T shaped form is unusual and is of particular architectural importance because of its rarity. The

- main parties' experts agree that the building is of considerable historic interest due to its fabric, architectural composition and features.
34. The list description for the southern barn identifies it as a late medieval aisled barn. However, the Council point to more recent dendrochronology which indicates that it is likely to be late C16 or early C17 with the eastern end being C18. It is a substantial historic barn with considerable vernacular architectural interest being a good and relatively rare example of a high status English barn. Its size and scale demonstrating its association with a high status farm.
 35. The listings make reference to other buildings in the cluster forming the farmstead including a store shed, small barn, cartshed and pigsties but note that these are of local interest only. The main listed buildings together with the buildings of local interest form an early farmstead with a manorial farmhouse, significant barn and numerous other buildings. There have been recent interventions as part of enabling development which resulted in the demolition of modern farm buildings the conversion of some of the historic buildings and the construction of new buildings to provide for additional residential occupation on the site. Much of the new building footprint was related to original buildings in an attempt to reinstate the historic arrangement of farm buildings in a courtyard pattern.
 36. The significance of the listed buildings and the farmstead derives from the age, architectural quality, size, scale and relationship of buildings. There is a functional relationship with the adjoining land which was likely farmed as part of the farm holding and reasonable evidence to suggest that there may be an associative link with Titchfield Abbey which adds and contributes to this significance. There has been some more recent and modern infill development and recent housing within the farmstead adjacent and in the wider setting which has a negative impact and detracts from the significance. The wider setting of the site within a rural landscape assists in understanding the scale and status of the land holding, sets the farmstead in an appropriate open rural agricultural setting and separates it from the close by settlement of Titchfield. This contributes to the overall significance of these assets.
 37. The proximity of the settlement of Titchfield and the exposed urban edge already have a negative impact on the wider setting of the heritage assets bringing suburban development close to the farmstead and reducing the wider rural hinterland.
 38. The appeal site is formed by open land that wraps around the northern and eastern edge of the cluster of buildings within which the farmstead is set. It lies between the southern edge of Titchfield and the northern edge of the cluster of buildings and abuts the northern and eastern boundary of the farmhouse.
 39. It is common ground that the proposals would not result in physical alterations to the listed buildings. There would be no loss of historic fabric or alterations to the architectural quality or form of the actual buildings. Similarly there would be no direct alteration of the farmstead.
 40. Both parties also agree that the proposal would be located within the setting of the listed buildings and the farmstead. There is also agreement that the proposal would result in harm to the setting of the listed buildings by virtue of built development being closer to the buildings and reducing the rural setting of the buildings. Whilst both parties accept that the harm would be less than

substantial in terms of the Framework, the dispute arises in respect of the level of that harm. The appellant broadly contends that there are limited aspects where the effect would be perceived or experienced and with appropriate landscaping the effect would be reduced over time such that it would fall at the bottom end of the spectrum of less than substantial harm, albeit acknowledging that some harm would be occasioned. The Council on the other hand would put the harm more to the middle of the range that would be less than substantial and contend there are a number of areas where the perception would be significant, that the landscaping may reduce the effect over time, but not remove it, that the noise, activity and illumination associated with a suburban housing estate would further add to that impact and that the effect of changing that land from open rural land to suburban housing would fundamentally alter the setting and obliterate some of the functional and associative links with the adjoining land, albeit different degrees of weight were ascribed to the various elements of harm.

41. There is no dispute that the site would result in the introduction of housing on the area of land adjacent and bordering the farmstead and main farmhouse. This would bring the settlement of Titchfield up to the cluster of buildings and in effect subsume that once separate element into the broader extent of the settlement. This would reduce the connection of the existing farmstead and listed buildings to the rural hinterland and obscure the separation from the nearby settlement. The character of that change would be noticeable and harmful. It would be perceived when travelling along Posbrook Lane when leaving or entering the village and would be readily appreciated from Bellfield and the adjacent existing settlement edge. There are also public footpaths running through the land. These would be both static and kinetic views when moving along and between the various views. This would be a significant and fundamental change.
42. When viewed from the south, along Posbrook Lane and the public footpaths, travelling towards the farmstead and Titchfield the size and scale of the barn are fully appreciated, there are views available of the manorial farmhouse within these views and together the site is recognisable as a distinct farmstead. Whilst the urban edge of Titchfield is also visible it is appreciated that there is a degree of separation. The proposed development would intrude into these views and in the short to medium term would be readily distinguishable as suburban housing. In the longer-term landscaping may reduce this negative effect by the introduction of a woodland feature at its edge, which the appellant argues is reflective of the historic landscape pattern in the area. However, this would introduce a sense of enclosure around the farmstead and listed buildings that would detach them from the rural hinterland and reduce that historic functional connection with the adjoining open land. Whilst there is evidence of small wooded areas in the historic mapping these were freestanding isolated features and not so closely related to areas of built development. The point of the historic pattern in the area is the farmstead with open land around that was once farmed by the manorial farm and which would not have included such features in such proximity to the main farmstead.
43. There would also be views of the relationship between the farmhouse and the proposed development in views on the public paths to the east. Again, these would be significant and harmful in the short to medium term. There may be some reduction in that harm as landscaping matures but even with dense planting and the softening of the existing urban edge it will be an undeniable

fact that suburban development has been undertaken and that there is no separation between the settlement of Titchfield and the historic farmstead including the listed buildings.

44. For the reasons given above I conclude that there would be harm to the setting of the listed buildings and historic farmstead. I would characterise that harm as less than substantial as this would not obliterate the significance of these historic assets. The proposal would however have an adverse and harmful effect on the setting of these assets which would affect their significance given the contribution that the setting makes to that significance. The urbanisation of the remaining area that separates the farmstead and listed buildings from the settlement is significant and whilst the rural hinterland remains to the south and west the dislocation from the existing built up area is an important and fundamental component of that setting that would be lost as a result of the development. The effect is therefore significant and would not in my view be at the lower end of the less than substantial scale as contended by the appellant but more in line with that suggested by the Council. The proposal would therefore conflict with development plan policy DSP5 which seeks the protection and enhancement of heritage assets and is consistent with national policy.
45. These are two Grade II* listed buildings and the Framework advises that great weight should be given to a designated heritage asset's conservation, any harm should require clear and convincing justification and assets should be conserved in a manner appropriate to their significance. I also have regard to my statutory duty in respect of listed buildings and their setting. The courts have also held that any harm to a listed building or its setting is to be given considerable importance and weight. These matters are reflected in my planning balance below, which includes the Framework's 196 balance.

Best and Most Versatile Agricultural Land

46. The appellant undertook a survey of agricultural land and this assessment is provided in appendix SB3 of Mr Brown's proof. This identifies the limited amount of Grade 3a land (4.1 Ha) that would be affected by the development and sets this in the context of Fareham. In my view this does not trigger the sequential test in the Framework footnote 53 as significant development.
47. It is accepted that whilst there is a loss of BMVAL and that this is a negative to be weighed against the scheme it would not of itself amount to such that would justify the dismissal of the appeal. This is a point that was not refuted by the Council who accepted that it may not justify dismissal but should be weighed as a negative factor in the overall balance against the development.
48. I have no substantive evidence to depart from those views and the approach adopted is consistent with that of a colleague in an appeal at Cranleigh Road (APP/A1720/W/16/3156344).
49. The appellant's report concluded that given the grade of land, the small scale and the overall comparative effect on such land in Fareham, whilst it is a negative, it should be afforded no more than limited weight. I concur with that assessment for the views given and therefore ascribe this loss limited weight in my overall planning balance.

Other Matters

50. The Council and appellant agree that the Council cannot demonstrate a 5 year housing land supply. Time was spent at the Inquiry considering the extent of the shortfall based on, amongst other matters, the correct buffer and the correct household projection base date to use. The publication of the Housing Delivery Test results confirmed that Fareham is a 5% buffer Authority. The government also confirmed that it is the 2014 based household projections that should be used as the basis for calculation of the five-year requirement under the standard method. On this basis both parties agree that the minimum five-year requirement would be 2,856 in the period 2018 to 2023.
51. The updated position of the parties is thus a 3.08 years supply taking the appellants position or a 4.36 years supply if the Council's position were to be adopted. I have been provided with further supply evidence in relation to the Old Street Inquiry which calls into question some of the supply side dwellings included in the Council's figures which were permitted since April 2018. Excluding these the appellant suggests the Council's figures would drop to 4.08 years supply.
52. Whichever figures are adopted it is clear that the Council cannot identify a five-year supply of available housing land and that the shortfall is significant. The provision of additional housing in an area where there is a significant housing shortfall in my view translates into a significant positive benefit for the scheme in terms of the overall planning balance.
53. The appeal site is located where there is potential for a significant effect on a number of European designated wildlife sites which comprise Special Areas of Conservation (SACs), Special Protection Areas (SPAs) potential Special Protection Areas (pSPAs) and Ramsar sites. The proposal has been subject to Habitats Regulation Assessment and a shadow Appropriate Assessment process by the appellant. Given the requirement for further publication of environmental information in association with the Environmental Statement consultation was undertaken with Natural England as the Nature Conservation Body to ensure there was no further procedural or administrative delay at the end of the process. However, given the conclusion of my assessment of the effect of the development on the wider landscape and the designated heritage assets I am not minded to allow the appeal. On this basis an Appropriate Assessment does not need to be carried out, as it is only in circumstances where I am minded to grant consent that such an assessment is required to be undertaken. Moreover, in the interim the Framework, paragraph 177 has been amended to advise that it is not the requirement to conduct Appropriate Assessment but the conclusion that following that assessment there is an identified likely significant effect on a habitats site where the presumption in favour of sustainable development does not apply. In these circumstances this matter does not therefore affect the approach to my planning balance.

Benefits of the Scheme

54. As noted above the provision of housing in an Authority area where the Council cannot identify a five-year housing supply is a significant benefit of the scheme. The Statement of Common Ground signed by the parties makes it clear that there is a significant need for affordable housing. The provision of 40% of the total number of units provided as affordable housing, secured

through the planning obligation, is therefore also a significant positive benefit of the scheme.

55. The appellant contends that there would be between 360 and 465 direct, indirect and induced jobs created by construction. It is further contended that there would be an on-going £4.1m gross expenditure per annum from future residents. It is further contended that the landscaping and ecological mitigation would improve the appearance of the harsh urban edge currently created by Bellfield. These are benefits that accrue from this development and are therefore reasonable to add as positive contributions in the planning balance. They are of a scale which reflects the scale of the development.
56. For these reasons the social benefits from additional housing and affordable housing are of significant positive weight, the economic benefits are of moderate positive weight, and the environmental benefits are of limited positive weight.

Planning Obligation

57. A completed Unilateral Undertaking (UU) dated 8 November was submitted to the Inquiry before the conclusion of it sitting. The UU secures matters related to transport including the site access, travel plan and construction traffic management as well as a contribution towards sustainable transport. The UU also secures public open space provisions, including contributions; environmental and habitat obligations, including commuted maintenance and disturbance contributions and the transfer of a bird conservation area; an education contribution and obligations to protect or provide on site routes for the public. These are in effect mitigation measures or matters directly related to the development and do not amount to positive benefits.
58. The appeal is to be dismissed on other substantive issues and whilst an obligation has been submitted, it is not necessary for me to look at it in detail, given that the proposal is unacceptable for other reasons, except insofar as it addresses affordable housing.
59. In respect of affordable housing the UU secures 40% of the housing as affordable units with the mix, tenure and location controlled by the undertaking. I have already identified this as a benefit of the scheme which will be taken into account in the planning balance.

Planning balance

60. I have concluded that the proposed development would result in material harm to the significance of two Grade II* listed buildings through development in the setting of those buildings. This harm is in my view less than substantial harm in the terms of the Framework a position also adopted by both main parties. Paragraph 196 of the Framework advises in such circumstances that this should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use.
61. I have identified the public benefits of the scheme above and these include the provision of additional housing in an authority where there is not a five year supply of housing land and the provision of affordable housing in an area where there is a significant need. I give these matters significant weight. Added to these would be the additional jobs and expenditure in the locality arising from construction activity and following completion of the development. Given the

scale of development these would not amount to small figures and I have ascribed this moderate weight. The proposed landscaping and biodiversity enhancements are a balance and required in the context of also providing a degree of mitigation I therefore only ascribe these limited positive weight.

62. The Framework makes it clear that when considering the impact of proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Furthermore it advises that any harm to the significance of a designated heritage asset should require clear and convincing justification. There is a statutory duty to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The courts have interpreted this to mean that considerable importance and weight must be given to the desirability of preserving the setting of listed buildings when carrying out the balancing exercise in planning decisions.
63. Heritage assets are an irreplaceable resource and they should be conserved in a manner appropriate to their significance. The Farm House and Barn at Great Posbrook are both Grade II* and therefore are assets of the highest significance. The development of a substantial housing estate in the rural setting of these listed buildings, and farmstead of which they form part, would materially alter the relationship of the listed buildings and farmstead to the nearby village and wider rural hinterland. This would merge the existing distinct and separated grouping of buildings with the expanding village removing that degree of separation and obscuring the historic relationship with the village and wider countryside. I would not characterise this less than substantial harm as of such limited effect as 'at the lower end' within that spectrum as suggested by the appellant. Indeed, the setting contributes to the significance of these listed buildings and their appreciation from both distinct view points and kinetic views. The negative effect would have a measurable and noticeable effect on the existing physical relationships of development in the area and thereby the understanding of the historic development of those over time. The understanding of the high status nature of the house and barn, and their significance, is derived in part from an appreciation of the separation from the village, their setting within the wider agricultural and rural hinterland as well as their size, scale, architectural quality and relationship of the buildings to each other and the surrounding development.
64. On the basis of the above I conclude that the less than substantial harm I have identified, and to which I give considerable importance and weight, is not outweighed by the significant public benefits of the scheme. On this basis I conclude that the scheme should be resisted. As the scheme fails the paragraph 196 test this would disengage the paragraph 11 d tilted balance that would otherwise have been in play given the lack of a five-year supply of housing land.
65. The scheme would be subject to the requirement to carry out an Appropriate Assessment under the Habitats Regulations if I were minded to allow the appeal. At the time of submission of the appeal Paragraph 177 of the Framework required that the presumption in favour of sustainable development, in paragraph 11, would not apply where an Appropriate Assessment was required to be carried out. The latest iteration of the Framework has amended paragraph 177 to only disengage the presumption in favour of sustainable development where the development is likely to have a

- significant effect on a habitats site. If an Appropriate Assessment has concluded the development would not adversely affect the integrity of the habitats site the presumption would not be disengaged. However, given my conclusions in respect of the impact on heritage assets and the other harms I have identified I am not minded to allow the appeal and therefore I do not need to carry out an Appropriate Assessment.
66. Whilst the presumption in favour of sustainable development is not disengaged by virtue of paragraph 177 of the Framework, paragraph 11 d, the so called 'tilted balance', is disengaged by virtue of my conclusions in relation to the effect on the heritage assets and the application of 11 d i. The proposal therefore is to be considered in the context of a straight balance. Section 38(6) requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal would result in material harm to the character and appearance of the area, which is a valued landscape, to the setting of two Grade II* listed buildings and a minor adverse effect on best and most versatile agricultural land in the area. On this basis the proposal would conflict with policy CS14 in the LPP1 and DSP5, DSP6 and DSP40 in the LPP2.
67. The Authority cannot demonstrate a 5 year supply of housing land and policies which restrict housing development through such matters as settlement boundaries and gaps are out of date. They do not provide for the necessary housing to make provision for adequate housing in the area. However, those policies, which include CS14, CS22 and DSP6 do seek to protect the countryside and fulfil a purpose that is consistent with the Framework. The Council is seeking to address the shortfall and is making positive steps in that regard albeit there is dispute as to how successful that is. Nevertheless matters are moving forward and although there is still an outstanding shortfall, which even if I accept is as great as suggested by the appellant, is improving on historic figures and there appears to be greater opportunities for this situation to be improved further. I accept that Welbourne may well not be moving at the pace that has previously been suggested and not as quickly as the Council would suggest, but it is still moving forward and with a significant complex development of this nature matters will take time but once milestones are reached momentum is likely to quicken. Of particular relevance here is the determination of the extant application, which remains undetermined but continues to move forward. On the basis of the information before me the determination of this would be in the spring or middle of this year. Given the above I do not afford these particular policies the full weight of the development plan but I still accept that they have significant weight and the conflict with those policies that I have identified above still attracts significant weight in my planning balance.
68. I note that policy DSP5 reiterates national policy and reflects the statutory duty and is therefore accorded full weight and conflict with it, as I have found in this regard, is afforded substantial weight. The contingency of Policy DSP40 has been engaged by virtue of the lack of a five year housing land supply and it is for these very purposes that the policy was drafted in that way. On that basis the policy has full weight and any conflict with it is also of significant weight. In the context of the harms I have identified which relate to landscape, heritage assets and best and most versatile agricultural land these result in conflicts with specific criteria in policy DSP40 for the reasons given above in respect of those matters and therefore there is conflict with the policy. These

are two significant policies where weight has not been reduced and the proposal when considered in the round is not in accordance with the development plan taken as a whole.

69. The ecological provisions payments and additional bird sanctuary are primarily mitigation requirements resultant from the proposed development and its likely potential effects and do not therefore substantively add a positive contribution to the overall balance.
70. The impact on the significance of the Grade II* listed buildings is not outweighed by the public benefits of the scheme and therefore the additional harms related to landscape and BMVAL only add further to the weight against the proposal. The advice in the Framework supports the conclusions to resist the proposal. There are therefore no material considerations that indicate that a decision other than in accordance with the development plan would be appropriate.

Overall conclusion

71. For the reasons given above I conclude that the appeal should be dismissed.

Kenneth Stone

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Boyle QC Instructed by Woolf Bond Planning LLP

He called:

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FOR THE TITCHFIELD NEIGHBOURHOOD FORUM :

David Phelan Titchfield Neighbourhood Forum

INTERESTED PERSONS:

Nick Girdler Chairman Titchfield Village Trust
Robert Marshall Member of Fareham Society
William Hutchison Chairman Hillhead Residents Association
Linda Davies Local Resident

DOCUMENTS SUBMITTED AT INQUIRY BY APPELLANT

- APP1 Housing Land Supply Statement of Common Ground.
 APP2 Press Release dated 18 October 2018 from Fareham Borough Council.
 APP3 Appeal Decision letter APP/W3520/W/18/3194926.
 APP4 Habitats Regulations Assessment Screening & Shadow Appropriate Assessment prepared by CSA Environmental.
 APP5 Unilateral Undertaking dated 8 November 2018.
 APP6 Bundle of three Committee reports (P/17/1317/OA, P/18/0235/FP and P/18/0484/FP) confirming the Council's approach to Policy DSP40.
 APP7 Additional suggested conditions.
 APP8 Letter from Hampshire and Isle of Wight Wildlife Trust confirming their agreement to take on the land secured as the Bird Conservation Area in the Unilateral Undertaking.
 APP9 Closing submissions on behalf of the appellant.

DOCUMENTS SUBMITTED AT INQUIRY BY LOCAL PLANNING AUTHORITY

- LPA1 List of Appearances on behalf of the Council
 LPA2 Updated extract from 'The Buildings of England Hampshire: South', appendix 14b to Ms Markham's proof of evidence.
 LPA3 Conservation Area Appraisal and Management Strategy: Titchfield Abbey, Fareham Borough Council adopted sept 2013 – substitution for Core Document F11.
 LPA4 Appeal Decision letter APP/W1715/W/17/3173253.
 LPA5 Copy of Policies 1CO and 2CO from the Eastleigh Borough Local Plan.
 LPA6 Announcement from the Leader of Fareham Borough Council dated 5 November 2018.
 LPA7 S106 Obligations Justification Statement.
 LPA8 Opening submissions on behalf of the Council.
 LPA9 List of documents to be referred to during Evidence in Chief of Philip Brshaw.
 LPA10 List of documents to be referred to during Evidence in Chief of Lucy Markham.
 LPA11 Draft schedule of conditions.
 LPA12 e-mail from Strategic Development Officer Children's Services Department Hampshire County Council dated 8 November 2018.
 LPA13 Plan of route and points from which to view the site during the appeal site visit.
 LPA14 Closing submissions on behalf of the appellant.

DOCUMENTS SUBMITTED AT INQUIRY BY TITCHFIELD NEIGHBOURHOOD FORUM

- TNF1 Opening statement on behalf of Titchfield neighbourhood Forum
 TNF2 Email exchange with appellant regarding drainage dated 6 November including various attachments
 TNF3 List of documents referred to in Evidence in Chief of Mr Phelan
 TNF4 Closing Statement on behalf of Titchfeild neighbourhood Forum

DOCUMENTS SUBMITTED AT INQUIRY BY THIRD PARTIES

INQ1 Speaking note from Mr Girdler
INQ2 Letter read out by Mr Marshal on behalf of The Fareham Society
INQ3 Speaking note from Mr Hutcinson

DOCUMENTS SUBMITTED AFTER INQUIRY

PID1 Additional Environmental Information submitted by appellant under cover of letter dated 14 December 2018.
PID2 Copy of Press notice of publication of Additional Environmental Information.
PID3 Comments on Additional Environmental Information by Titchfield neighbourhood Forum.
PID4 Comments on Additional Environmental Information by Fareham Borough Council.
PID5 'Old Street' Appeal decision APP/A1720/W/18/3200409 submitted by Fareham Borough Council
PID6 Fareham Borough Council comments on 'Old Street' decision.
PID7 Appellant's comments on 'Old Street' decision.
PID8 Natural England's (NE) consultation response on shadow Habitats Regulation Assessment as Statutory nature Conservation Body.
PID9 Appellant's response to NE's consultation response (PID8) including an updated shadow Habitats Regulation Assessment.
PID10 Titchfield neighbourhood Forum's response to NE's consultation response (PID8)
PID11 Titchfield Neighbourhood Forum's comments on the Housing Delivery Test (HDT) results and the changes to the National Planning Policy Framework (the Framework).
PID12 Fareham Borough Council's comments on the HDT results and the changes to the Framework.
PID13 Appellant's comments on the HDT results and the changes to the Framework.
PID14 Titchfield Neighbourhood Forum's final comments on HDT and Framework
PID15 Appellant's final comments on HDT and Framework.

END

APPENDIX 3:

Appeal Decision: Land west of Old Street, Stubbington



Appeal Decision

Inquiry Held on 11-14 December 2018

Site visit made on 14 December 2018

by Christina Downes BSc DipTP MRTPI

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

Decision date: 22 January 2019

Appeal Ref: APP/A1720/W/18/3200409

Land west of Old Street, Stubbington, 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 Bargate Homes against the decision of Fareham Borough Council.
 - The application Ref P/17/1451/OA, dated 1 December 2017, was refused by notice dated 23 March 2018.
 - The development proposed is the construction of up to 160 residential dwellings, access from Old Street, landscaping, open space and associated works.
-

Decision

1. For the reasons given below, the appeal is dismissed.

Procedural Issues

2. The application was submitted in outline with all matters save for access reserved for consideration at a later stage. It was accompanied by an illustrative masterplan and I have taken this into account insofar as it demonstrates how the site could be developed if the maximum number of dwellings were to be built. There is no evidence to support justification for any lower number and, in such circumstances, it is reasonable to assume that if planning permission were to be granted the maximum number could be built.
3. Before the Council made its decision, the number of dwellings was reduced to up to 150. This was to take account of Great Crabthorn, which is a 17th century Grade II listed building. Its original setting would have included the surrounding rural landscape although this has now been compromised by modern development on the eastern side of Old Street. Nevertheless, the open fields to the west, including the northern part of the appeal site, make a contribution in terms of setting. The aforementioned revision would allow this area to be kept free of built development. The setting of Great Crabthorn would thus be preserved.
4. The inquiry was closed on 14 December 2018. However, I allowed further time to complete the Planning Obligation by Unilateral Undertaking (UU), following its discussion at the inquiry. The Deed includes covenants that provide for open space, an ecological buffer, affordable housing, a travel plan, primary education and highways works, including improvements to encourage sustainable travel modes. These provisions were discussed at the inquiry and I

am satisfied that together with a planning condition on sustainable drainage, the covenants in the UU would be capable of addressing reasons for refusal c)–h) and j)–m).

5. The UU also includes mitigation in respect of the impact on the Solent and Southampton Water Special Protection Area, Ramsar site and Site of Special Scientific Interest. There is no dispute that if I were minded to allow the appeal I would need to re-consult with Natural England and undertake an Appropriate Assessment under the Habitats Regulations. The proposal includes a number of mitigation measures, including an ecological buffer on the western side of the site and cat protective fencing. However the *People over Wind* judgement¹ makes clear that the Appropriate Assessment must precede a consideration of the effectiveness of these measures in terms of protecting habitat integrity. The process cannot be pre-judged and so reason for refusal i) remains outstanding.
6. Reason for refusal b) relates to design. Following discussions during the course of the inquiry the Council is satisfied that this objection could be addressed through the use of planning conditions and I agree with that judgement.
7. Bearing all of the above points in mind, the main issues on which this appeal turns concern the effect on the Meon Valley landscape, whether there would be harm to a valued landscape and the effect on the strategic gap. Before considering these matters I address the planning policy context.

Reasons

Planning policy and approach to decision making

8. The relevant parts of the development plan comprise the *Local Plan Part 1: Fareham Borough Core Strategy* (LPP1) (2011) and the *Local Plan Part 2: Development Sites and Policies* (LPP2) (2015). The appeal site is outside the settlement boundary of Stubbington and within the strategic gap. It lies within the countryside for planning policy purposes. Policy CS14 in LPP1 and policy DSP6 in LPP2 apply strict controls to new development in such areas. There is no dispute that the appeal proposal would conflict with these policies. Policy CS22 concerns development in strategic gaps and the parties do not agree whether it would be offended.
9. The Council is unable to demonstrate a five year supply of deliverable housing sites. This is on the basis of a requirement taken from Office for National Statistics (ONS) housing projections on account of the requirement in the adopted development plan being out-of-date. The best case on the Council's assessment is a supply of some 3.8 years, which is derived from the 2016 ONS projections. The Appellant considers the situation is considerably worse at around 2.5 years on the basis of the 2014 ONS projections². Whichever is correct the shortfall is substantial and this is agreed by both main parties.
10. In view of the deficit the Council's housing supply policies are out-of-date. This is a material consideration of some importance when considering the weight to be given to the location of the appeal site outside of the settlement boundary and within the strategic gap. However, that does not mean that the protection

¹ Court of Justice of the European Union *People over Wind, Peter Sweetman v Coillte Teoranta* C-323/17.

² Both positions are based on an assessment at 31 March 2018.

of landscape character and the separation of settlements is a matter to be set aside. The National Planning Policy Framework (the Framework) recognises the intrinsic character and beauty of the countryside and seeks the protection and enhancement of valued landscapes. Whilst strategic gaps are not specifically referred to, it endorses the creation of high quality places, which would include respecting the pattern and spatial separation of settlements.

11. Policy DSP40 in LPP2 is specifically designed to address the situation where there is a five-year housing supply shortfall as is the case here. It allows housing to come forward outside of settlements and within strategic gaps, subject to a number of provisions. It seems to me that this policy seeks to complement the aforementioned policies in situations where some development in the countryside is inevitable in order to satisfy an up-to-date assessment of housing need. It assists the decision maker in determining the weight to be attributed to the conflict with restrictive policies such as CS14, CS22 and DSP6 and provides a mechanism for the controlled release of land through a plan-led approach. Policy DSP40 is in accordance with Framework policy and reflects that the LPP2 post-dates the publication of the Framework in 2012. Conflict with it would be a matter of the greatest weight.
12. There is no dispute that the only criterion in policy DSP40 that the proposal may offend relates to the effect on the landscape and strategic gap. If it does not conflict with the provisions of this policy, it seems reasonable to conclude that the proposal would be in accordance with the development plan as a whole.
13. Paragraph 11 of the Framework establishes the presumption in favour of sustainable development by applying a "tilted balance" to cases where housing supply policies are out-of-date. However, the presumption does not apply if the proposal conflicts with protective policies and this includes where development requires Appropriate Assessment. At the present time paragraph 177 makes clear that this is regardless of whether or not the assessment results in a favourable outcome. The benefits and harms will therefore be weighed against each other in this case and the "tilted balance" is not engaged.

The effect on the Meon Valley landscape

14. The appeal site comprises some 10.5 hectares of land on the western side of Old Street, which is bordered by a screen of hedges and trees. It is divided into two parcels separated by a hedged track known as Marsh Lane. The northern field is used for the grazing of horses. The southern field is overgrown with rank vegetation, although the evidence indicates that it has been cultivated in the past. The southern boundary runs along a dry valley that cuts into the site. Houses in Knights Bank Road occupy the southern slope of this small valley and the boundary is relatively open at this point. Immediately to the west is the Titchfield Haven National Nature Reserve (NNR), which occupies the flat valley floor of the River Meon close to its confluence with the Solent. This provides feeding grounds and overwintering habitat for internationally protected waders and waterfowl and is within the Solent and Southampton Water Ramsar Site and Special Protection Area.
15. The Meon Valley is a major landscape feature that runs through the Borough and slices through the coastal plain. The *Hampshire Integrated Character Assessment 2012* is a county-wide study that recognises the Meon Valley landscape character area as a major river valley with the two main landscape

- types being the flat valley floor and the coastal plain. It identifies a strong sense of seclusion and an intimate rural landscape character. At the local level, the 1996 *Fareham Borough Landscape Assessment* (the 1996 LCA) was adopted as supplementary guidance and provided the evidence base for the now superseded Fareham Local Plan Review (2000). This was updated and expanded in the 2017 *Fareham Landscape Assessment* (the 2017 LCA), which forms part of the evidence base for Fareham's emerging Local Plan. It is appreciated that this is as yet only at the very early stages and has not been subject to scrutiny through the examination process. However, from my reading the basic analysis in the 2017 LCA is very similar to its predecessor.
16. In all three assessments the Meon Valley landscape character area has similar boundaries but it seems to me that the two Borough assessments provide a finer grain analysis. In the 2017 assessment the Meon Valley is divided into two local landscape character areas. The appeal site is within the Lower Meon Valley, which includes the section south of Titchfield. Whilst such division did not occur in the 1996 LCA it did identify clear differences between parts of the valley. The Appellant complains that the 2017 assessment does not identify existing detractors to landscape character such as the intrusion of urban development and fringe farmland. However, the 1996 assessment regards the smaller enclosed pastures bordering the valley south of Titchfield as functioning to buffer such intrusion and this is a point picked up in the later work. In the 1996 assessment the reference to detractors in the central section of the Meon Valley seems to me to refer to the part further to the north.
 17. The Lower Meon Valley is characterised by its distinctive valley floor with open floodplain pasture and wetland communities at Titchfield Haven. Here the natural qualities of the valley and the sense of tranquillity and remoteness are most strongly evident. The valley sides are relatively shallow and it is clear from the topographical map and on the ground that they have a distinctive concave profile. The steeper well vegetated slopes at the bottom become gentler further up the valley sides. This means that the valley floor is not always visible from the upper slopes but there are clear views from one side to the other providing a strong sense of cohesiveness to the landscape unit.
 18. The eastern valley sides include a mosaic of small-scale pasture land bounded by strong field hedges and tree lines. The 2017 LCA subdivides the local landscape character area into three sections comprising the flat valley floor and the landscape either side. These form a gentle transition from valley side into the landscape of the wider coastal plain, although from observation this is more evident in some places than in others.
 19. The appeal site seems to me to include many of the characteristics of the valley side landscape type described above. There are two well-contained fields with relatively strong hedge and tree boundaries along Marsh Lane, Old Street and parts of the northern, western and southern boundaries. In visual terms the flat valley floor can be viewed from many parts of the site, including from within the areas proposed for development. The opposite valley sides are also clearly seen from most places. These features provide a perception that the site is part of the valley landscape compartment. Whilst the slope is gentle in the eastern part of the site it continues to rise beyond the Old Street boundary and reflects the concave profile that is typical of the valley side in this part of the valley.

20. It is acknowledged that the site suffers from some detracting influences. The proximity of residential development along Old Street and Knights Bank Road inevitably has a negative effect, although this is ameliorated to a considerable degree along Old Street by virtue of the hedge line and trees. The most exposed part of the site is in the south where the houses built on the southern slopes of the dry valley are quite prominent. There is also a background hum of traffic noise close to the eastern boundary. However, from my site observations these detractors are localised and do not extend across much of the proposed development area. The sense of tranquillity and remoteness so typical of the lower parts of the valley is not particularly evident. However, I observed a strong sense of being in the countryside in general and the valley in particular from most parts of the site.
21. I acknowledge that the boundaries between one landscape type and another are often indistinctive, especially at the edges. However, in this case for all of the reasons given above I did not detect visual or topographical differences that would signal a change from valley side to coastal plain landscape type across the appeal site. In my judgement it is all reflective of the valley side landscape type and forms an integral part of the Lower Meon Valley landscape.
22. Generally development does not extend down the sides of the Lower Meon Valley but the threat of such urban expansion is mentioned in both the *Hampshire Integrated Character Assessment* and the 2017 LCA. The settlement of Stubbington itself is mainly situated above the 10 metre AOD contour. The main exception to this prevailing development pattern is the residential area of Hill Head immediately to the south of the appeal site, which includes the housing along Knights Bank Road. Here dwellings extend down the slope to the valley floor. There is tree screening along the residential boundaries but nevertheless the effect of this incursion is not a positive one in landscape terms.
23. In order to assess the effect of the proposed development, the Appellant has submitted a Landscape and Visual Assessment (LVA). Both landscape experts agreed that the sensitivity of the Lower Meon Valley landscape receptor is moderate-high. The magnitude of change from development in the short term was agreed to be medium. On completion the effect would be moderate adverse on the evidence of the Appellant and moderate-major adverse on that of the Council. I am more inclined towards the Council's judgement in this respect but whichever is preferred it seems to me that the overall effect would be significant and harmful.
24. There was also no agreement about the longer term effect on the landscape and whether the proposed mitigation would result in a reduction in effect to minor adverse as contended by the Appellant. Changes would mainly result from additional tree planting around the western edge of the proposed housing area, which is intended to reach a height of 15-20 metres. This would eventually soften the effect of development in visual terms. However, it would remain the case that there would be a permanent change to a substantial part of the site from valley side to a housing estate. Not only would the open fields be lost to built development but also there would be the noise, activity and lighting that such uses would entail. In the circumstances of this case I would agree with the Council that there is unlikely to be much diminution in landscape effect as a result of mitigation.

25. As views into the valley from outside of it are relatively limited the visual effects of the proposed changes to the landscape would be experienced mainly from viewpoints on the opposite side of the valley, although overall there would be the benefit of considerable distance. From these places the existing properties along Old Street and Knights Bank Road can be clearly seen on the skyline. Even though they stand within a treed setting there is particular prominence in places due to the presence of light coloured facing materials.
26. Existing trees and vegetation, especially on the lower valley sides, means that from many public viewpoints only partial views of the appeal site are evident. Parts of public Footpath No 51 is bordered by an unmanaged hedge along its eastern side, which restricts relevant views from many points. Most of those who use this route are likely to value the sense of remoteness and thus to have a high sensitivity to change. However, the magnitude of change would be relatively small in most views as the new housing would be seen within the context of a wide panorama. The proposed planting would further reduce the adverse effect once established. Some observers would be more sensitive to change than others but overall I consider that the effect would be of minor significance, especially in the longer term.
27. Entry to the NNR is not free so views are not strictly speaking publicly available. On the other hand the entry fee is relatively modest and from what I heard at the inquiry the facility attracts a considerable number of visitors who enjoy use of the bird hides and the pathways. I consider that these people are likely to have a heightened appreciation of the natural environment and a greater awareness of changes to their surroundings. Furthermore, many will observe wildlife through binoculars thus bringing more distant views into sharper focus.
28. From various points in the NNR, including the Spurgin and Pumfrett hides, which I visited, the eastern valley sides are clearly evident above the band of trees and vegetation on the lower slopes. I noted that at the southern end the residential area of Hill Head, which extends close to the valley floor, is particularly apparent. However, walking north the surroundings become more rural, existing development is less obvious and by the time I reached the Spurgin Hide much of the appeal site had come into view. The viewing window of the hide faces in an easterly direction and the proposed development would be evident on the gently sloping valley side and at depth. Notwithstanding the existing housing on the skyline, I consider that it would be viewed as an unwelcome intrusion in the rural landscape to these highly sensitive viewers. Whilst I appreciate that the mitigation planting would eventually reduce the impact, the upper parts of the new buildings would still be clearly apparent. I therefore consider that the visual effect has been underestimated in the LVA. In my judgement there would be a moderate adverse effect that would reduce to a moderate-minor adverse effect once mitigation planting had matured in around 15 years.
29. For all of the above reasons I conclude that there would be unacceptable harm to the attractive landscape of the Lower Meon Valley. Overall this would be a long term, permanent and adverse change in terms of the resource itself. For many of those who use and enjoy the landscape the effects would be relatively small, especially in the longer term. Nevertheless highly sensitive viewers in the NNR would experience a greater degree of detriment and this adds to the harm that would arise from the proposed development.

Whether the proposal would harm a valued landscape

30. Paragraph 170 of the Framework indicates that valued landscapes should be protected and enhanced in a manner commensurate with their statutory status or identified quality in the development plan. Parts of the Lower Meon Valley are protected for their ecological importance but the landscape is not specifically recognised for its quality in the current development plan. This is because local landscape designations fell from favour in national planning policy. Previously the Lower Meon Valley had been identified as an Area of Special Landscape Character in the now superseded *Fareham Borough Local Plan Review 2000* supported by the 1996 LCA.
31. In view of the policy in paragraph 170 the matter of landscape value will no doubt be considered through the emerging Local Plan process. That is the proper forum for any designation to be made. However, until that time it is difficult to understand why there would be a change in terms of intrinsic value. Case law and appeal decisions indicate that a valued landscape is more than ordinary countryside and should have physical attributes beyond popularity. Furthermore, that it is not necessarily the site itself that is important in that judgement but rather the wider landscape of which the site is an integral part. It was agreed that the criteria in the 1996 LCA that led to the identification of the Area of Special Landscape Character were similar to those in Box 5.1 of the Landscape Institute's *Guidelines for Landscape and Visual Impact Assessment* (2013). Both landscape experts used Box 5.1 in their evaluation.
32. Having considered all of the evidence and the assessments against the Box 5.1 criteria, I have no doubt that the Lower Meon Valley is a valued landscape. The Appellant's landscape expert judged it to have high value and did not seem to dispute that the western part of the appeal site is part of the valley side landscape type and could be considered as part of a valued landscape. The dispute related to the eastern part of the site on which the development is proposed to be built. For the reasons I have already given I do not agree that there is a distinction in terms of landscape type or character within the site. On the contrary I consider that the appeal site overall possesses sufficient physical attributes to be deemed as an integral part of the Lower Meon Valley and contributes to its valued landscape.

The effect on the strategic gap

33. The Meon Gap lies between Fareham/ Stubbington and the Western Wards/Whiteley. Policy CS22 requires the integrity of the gap to be maintained and the physical and visual separation of settlements to be respected. In terms of separation of settlements there is no dispute that there would be no diminution either in physical or visual terms if the development were to go ahead. The policy indicates that the gap boundaries will be reviewed to ensure that no more land than necessary is included in order to maintain gap function.
34. When considering the effect on integrity it is important to note that the policy does not embargo development altogether but rather requires that it should not cause significant harm. Protecting integrity will therefore be case specific. Harm to gaps arises from a diminution of spatial function and so it is difficult to understand how integrity could be significantly affected in the event that this is maintained. In this case it seems to me that the settlement pattern would be protected whether or not the proposed development went ahead.

35. It should be remembered that gap policy is a spatial tool. The Council referred to the role of the gap in maintaining the character or setting of Stubbington. This is considered in the 2017 LCA where the strategic gap designation is reviewed. However, the document makes clear that its purpose is to consider what role the landscape plays within the strategic gaps. It is not intended to examine the designation criteria or the broad areas identified. This is important to note because it is landscape rather than spatial considerations that are key to settlement character and setting. The character and setting of Stubbington is not pertinent to gap designation or function in policy CS22.
36. I appreciate that a review of gap boundaries was undertaken in 2012 and that no changes were recommended in relation to the land immediately adjacent to Stubbington. However, for the reasons I have given I do not consider that the proposed development of the appeal site would adversely affect the integrity of the Meon Gap. The proposal would thus accord with policy CS22 in LPP1.
37. A recent appeal decision related to development at Meon View Farm, which is to the north of the appeal site but in the same part of the Lower Meon Valley. In her decision the Inspector dismissed the appeal on the grounds of harm to the countryside and strategic gap. I do not know what evidence was before my colleague but her conclusion that the integrity of the gap would be undermined referred to the erosion of its function of physically and visually separating settlements. In the case of the present appeal the Council has agreed that such coalescence would not occur.

Overall Conclusions and Planning Balance

38. The appeal site is an integral part of the Meon Valley landscape character area and in particular the lower section south of Titchfield. This landscape is valued for its quality, even though there is no designation in the current development plan. The proposed development would be unacceptably harmful to the character of the Lower Meon Valley and would fail to protect this valued landscape. The proposal would therefore conflict with policies CS14 in LPP1 and policy DSP6 in LPP2 and be contrary to Framework policy relating to the countryside and landscape.
39. However, due to the housing land supply situation in Fareham Borough the conflict with those policies has reduced weight and policy DSP40 is engaged. In cases such as this development outside the urban area is permitted subject to five provisions, all of which must be met. For the reasons given above, the location of the site in the strategic gap would not be an impediment. However, the proposal would fail to minimise any adverse impact on the countryside. In the circumstances there would be conflict with this policy and the development plan as a whole.
40. The proposal would deliver up to 150 new dwellings in an accessible location that would be likely to be available for occupation within the next five years. It would therefore make an important contribution to addressing the Council's housing shortfall, which on any basis is substantial. Furthermore, 40% of the dwellings would be affordable housing with a tenure mix that would meet the Borough's housing needs. There is a very considerable affordable housing deficit and this is getting worse year on year. 5% of the dwellings would also be self and custom build, which is encouraged as a source of supply by the Government and for which there is an unmet demand in the Borough.

-
41. The proposal would have a range of economic benefits. It would, for example, provide new jobs during the construction period and thereafter. There would be a contribution to economic growth and the generation of household expenditure would help support the local economy and provide local jobs.
 42. The proposal would deliver additional green space in the Stubbington ward where there is a deficit. The buffer zone between the housing area and the NNR would be managed to enhance its ecological value and therefore there would be a net gain to biodiversity in accordance with the provisions of the Framework. These social, economic and environmental benefits of the scheme can be afforded substantial weight in the planning balance.
 43. There was a great deal of concern from local people about the effect of the development on the NNR. I have taken account of the visual implications in my conclusions on landscape. However, subject to the various safeguards proposed through planning conditions and the UU I consider that the proposed development could be designed so that significant harm would not be caused to this ecological resource. It is not therefore a matter that counts against the scheme. In this case it is unnecessary for me to undertake an Appropriate Assessment. However, if I had done so and a positive outcome had ensued it would not have affected the planning balance or my conclusions on this appeal.
 44. Notwithstanding the substantial benefits that would flow from the proposed development there would also be very substantial harms. In this case the conflict with the development plan and the environmental harm that would ensue to the countryside within the valued landscape of the Lower Meon Valley is of compelling importance and outweighs the many advantages of the scheme. I have considered all other matters raised but have found nothing to change my conclusion that this would not be a sustainable form of development and that the appeal should not succeed.

Christina Downes

INSPECTOR

APPEARANCES

FOR THE LOCAL PLANNING AUTHORITY:

Mr Paul Stinchcombe Of Queen's Counsel, instructed by the Senior Solicitor at Southampton and Fareham Legal Services Partnership

He called:

Mr P Brashaw BSc(Hons) Associate at LDA Design
BLD CMLI
Mr A Blaxland BA(Hons) Director of Adams Hendry Consulting Ltd
DipTP DipMgt MRTPI
*Mr R Wright BSc MSc Fareham Borough Council
MRTPI
*Ms H Hudson Solicitor at Fareham Borough Council
*Ms R Lyons BA(Hons) Affordable Housing Strategic Lead, Fareham
MSc MRTPI Borough Council

FOR THE APPELLANT:

Mr Christopher Boyle Of Queen's Counsel, instructed by

He called:

Mr L Morris BSc(Hons) Director of WYG
PGDipLA MA PIEMA
CMLI
Mr M Hawthorne Director of WYG
BSc(Hons) MRTPI
Mr D West Associate at WYG
MenvSci(Hons) CEnv
MCIEEM
Mr S Brown BSc(Hons) Principal at Woolf Bond Planning
DipTP MRTPI
*Mr T Alder LLB Solicitor at Bargate Homes
*Mr T Moody BA(Hons) Associate Planner with WYG
MRTPI

INTERESTED PERSONS:

Commander A Norris RN Local resident
Mr M Jackson Local resident
Mr B Duffin Past employee and current volunteer at the Titchfield Haven National Nature Reserve
Mr B Hutchison Chair of the Hill Head Residents' Association
Ms P Charlwood Local resident also representing 35 other local households
Mr J Moss Local resident
Mr M Rose Local resident
*Ms T Cuff BSc Countryside Planning Officer at Hampshire County Council

* Took part in the Planning Obligations/ Conditions sessions only

DOCUMENTS

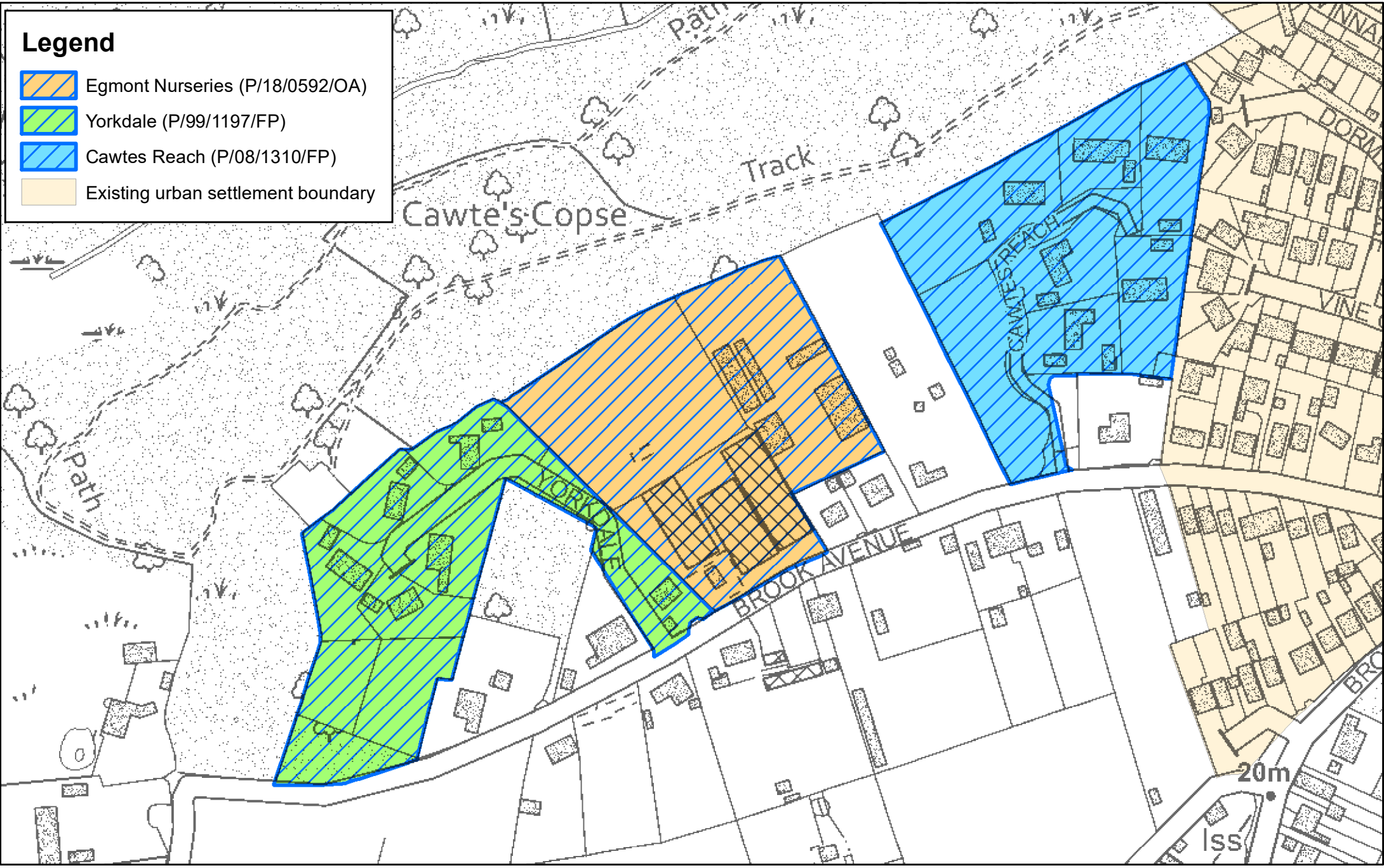
- 1 Statement delivered orally to the inquiry by Commander Norris
- 2 Statement delivered orally to the inquiry by Mr Jackson
- 3 Additional housing land supply position statement agreed by the Council and the Appellant
- 4 Further additional housing land supply position statement agreed by the Council and the Appellant
- 5 Statement delivered orally to the inquiry by Mr Hutchison
- 6 Press release regarding the emerging Local Plan and plans of developable and discounted housing sites, submitted by Mr Hutchinson
- 7 Statement delivered orally to the inquiry by Mr Duffin, including various attachments
- 8 Statement delivered orally to the inquiry by Ms Charlwood, including photographic attachments
- 9 Community Infrastructure Levy compliance schedule, submitted by Mr Stinchcombe
- 10 Note on the New Homes Bonus, submitted by Mr Boyle
- 11 Proposed conditions schedule submitted by the main parties
- 12 Appellant's written agreement to pre-commencement conditions, submitted by Mr Boyle
- 13 Copy of Technical Note 05 (also included as Core Document A2.4), setting out the proposed highway improvements, submitted by Mr Boyle
- 14 Illustration of a design for the proposed fence to deter cats
- 15 Addendum to the shadow Habitat Regulations Assessment in Appendix B to Mr West's proof of evidence. Submitted by Mr Boyle
- 16 Planning Obligation by Unilateral Undertaking dated 20 December 2018. Submitted following the close of the inquiry with the agreement of the Inspector

PLANS





- A Application plans
- B Plans booklet
- C Plan including the proposed open spaces, buffer zones, vista and landscape screen
- D Map of the Stubbington area

APPENDIX 4:

Land at Egmont Nurseries (P/18/0592/OA)



Legend

-  Egmont Nurseries (P/18/0592/OA)
-  Yorkdale (P/99/1197/FP)
-  Cawtes Reach (P/08/1310/FP)
-  Existing urban settlement boundary

APPENDIX 5:

Response to Inspector's questions 2 (January 2015)

FAREHAM
BOROUGH COUNCIL

The Development Sites and Policies Plan

Fareham Borough Council

Response to Inspector's Question 2

January 2015

DCD-29

1 Introduction

- 1.1 On 22nd December 2014, following the circulation of a letter from Brandon Lewis MP to Simon Ridley, the Inspector asked the following further question to the Council:
- 1.2 *“Could the Council comment on whether or not the content of the letter has any implications for the Local Plan Part 2: Development Sites and Policies of which I should be aware. The letter and the Council’s response should be added to the Examination library.”*
- 1.3 A response was requested by 9th January 2015, and is set out below. The Inspector’s Question has been added to the Examination Documents (DID-12) and the letter has been added to the Library of Submission Documents (DOE5).

2 Purpose of the Letter

- 2.1 On 19th December 2014 Brandon Lewis (the Minister of State for Housing and Planning) wrote to Simon Ridley (Chief Executive of the Planning Inspectorate) to *“ensure our existing policy position on emerging evidence in the form of Strategic Housing Market Assessments is clear”* (DOE5). The letter points to direction within the National Planning Guidance, but seeks to further clarify this by setting out the relationship between Strategic Housing Market Assessments (SHMA) and the housing requirements in Local Plans.
- 2.2 The letter confirms the purpose of the SHMA and its role in setting housing requirements in Local Plans. It confirms that a SHMA *“is **just the first stage** in developing a Local Plan and councils can take account of constraints which indicate that development should be restricted.”* It puts emphasis on the need for Council’s to be given adequate time to fully consider SHMA evidence before taking these forward into housing requirements in their Local Plans: *“Council’s will need to consider SHMA evidence carefully and take adequate time to consider whether there are environment and policy constraints, such as Green Belt, which will impact on their overall final housing requirement. They also need to consider whether there are opportunities to co-operate with neighbouring planning authorities to meet needs across housing market areas. Only after these considerations are complete will the council’s approach be tested at examination by an Inspector.”*
- 2.3 Whilst the letter places clear importance on the production of SHMA’s, stating that they can *“provide important new evidence and where appropriate will prompt council’s to consider revising the housing requirements in their Local Plans.”* The need for Council’s to have adequate time to consider this new evidence is a key consideration. The letter states that *“we would expect councils to actively consider this new evidence over time and, where over a reasonable period they do not, Inspectors could justifiably question the approach to housing supply”*.
- 2.4 The conclusion of the letter is clear; that *“the outcome of a SHMA is untested*

and should not automatically be seen as a proxy for a final housing requirement in Local Plans. It does not immediately or in itself invalidate housing numbers in Local Plans.”

3 Implications for Local Plan Part 2: Development Sites & Policies Plan

- 3.1 The Council considers the content of the letter to be relevant to the circumstances of LP2. The Council maintains that the primary purpose of LP2 is to complete the Local Plan, and is, therefore, required to allocate sites to deliver the requirements set out in the Core Strategy (DLP02), which was adopted in 2011. It is not considered the role of LP2 to review housing requirements as these have already been set through the Core Strategy.
- 3.2 However, a number of previous representations, and much of the tabled discussions on the hearing session on housing, have revolved around the presence of the SHMA (DPH06) for the housing market areas that exist in the Borough, and the need to take these into account. The SHMA (DPH06), which was completed by the Partnership for Urban South Hampshire (PUSH) in January 2014, concludes that provision of 4,160 homes per annum across the PUSH area until 2036 would form a robust basis for development plans, based on the demographic evidence and current market signals.
- 3.3 The Council has, in DCD24 (paragraphs 2.1-2.9), explained why little weight has been attached to the SHMA at this stage. As confirmed in the letter from Brandon Lewis, the SHMA is a “starting point” from which housing requirements for individual authorities can be derived. The letter also confirms that there are a number of stages required to take the evidence from the SHMA before housing requirements can be drawn. Environmental and policy constraints must be considered, and there is also a need to consider the housing needs of neighbouring areas. These, as yet, have not been taken into account of in the South Hampshire sub-region, thus the SHMA figures “*should not automatically be seen as a proxy for a final housing requirements in Local Plans*” (DOE5).
- 3.4 The Council considers that the most appropriate way of taking forward the figures within the 2014 SHMA is through the revision of the South Hampshire Strategy (SHS), anticipated to be completed in early 2016. This will then be immediately followed by an early review of the Fareham Local Plan informed by the revised SHS and taking full account of the 2014 SHMA and other relevant up-to-date evidence. This process will not only allow the distribution of development requirements to be dealt with at a sub-regional level, taking account of all relevant constraints and opportunities, but also allows the Council to fully meet the requirements of the duty to cooperate. This process to derive future housing requirements is considered to be completely in line with the wording of the letter.
- 3.5 Whilst the letter does confirm that Inspectors can question an approach to housing supply if the findings of the SHMA are not actively considered over a “reasonable period of time”, this is not considered to be applicable to LP2. The SHMA figures were published in early 2014 and a process to take these

forward through the review of the South Hampshire Strategy was then started in May 2014, with completion due in early 2016. The timeline for the review of the South Hampshire Strategy is set out in more detail in DCD-24 paragraph 1.1. This review will then provide the basis for a comprehensive review of the Local Plan, part of which will be the setting of revised housing requirements.

- 3.6 The Council's commitment to an to an early review of the Local Plan is emphasised in a modification paragraph 1.11 to the Submission version of the Plan as follows, with new text underlined and deleted text ~~struck through~~:

~~The Council's commitment to an early review of the Local Plan is reiterated in the Local Development Scheme. The Council is committed to review the Local Plan, and this is set out in the Local Development Scheme (Revised September 2014), which was agreed at Fareham Borough Council's Executive Meeting on the 1st September 2014. The Council's timetable for the Local Plan Review allows the Authority to take account of the current review of the South Hampshire Strategy. The timetable for the review of the Local Plan is as follows:~~

- Summer 2016 – Consultation on draft Local Plan (Regulation 18)
- Summer 2017 – Publication of pre-submission Local Plan (Regulation 19)
- Autumn 2017 – Submission to Secretary of State (Regulation 22)
- Winter 2017 – Examination (Regulation 24)
- Spring/Summer 2018 – Adoption (Regulation 26)

The Local Plan Review undertaken by the Council will be comprehensive in nature, updating and reviewing the adopted Core Strategy, Development Sites and Policies and Welborne Plans, to form one Local Plan.

4 Conclusion

- 4.1 Overall the Council believes the letter (DOE5) to be useful to the examination of LP2 as it helps clarify the link between the housing requirements of Local Plans in light of evidence from SHMAs. LP2 does not set housing requirements, but seeks to complete the process started by the Core Strategy. Notwithstanding this, the letter confirms that the SHMA "*should not automatically be seen as a proxy for a final housing requirements in Local Plans*" and "*does not immediately or in itself invalidate housing numbers in Local Plans*". This is of specific relevance as it serves to counter the representations which argued that the presence of the SHMA, even without further work, renders the housing figures in LP2 out-of-date.
- 4.2 The Council welcomes the clarity provided by this letter (DOE5) and believes that the approach taken through LP2 is fully in accordance with its content.

APPENDIX 6:

**Letter to Fareham Borough Council:
Fareham Magistrate Court Proposals Plans**

Our Ref: CRL/Fareham 1

Churchill House, Parkside
Christchurch Road, Ringwood
Hampshire BH24 3SG
Telephone 01425 462372
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Richard Wright
Planning Department
Fareham Borough Council
Civic Offices
Civic Way
Fareham
PO16 7AZ

FAREHAM BOROUGH COUNCIL
Received

19 JAN 2021

DEVELOPMENT
MANAGEMENT

18th January 2021

Dear Richard Wright;

Invite to Comment on Proposed Redevelopment of Former Magistrates Court, Trinity Street, Fareham form Retirement Living Accommodation

Churchill Retirement Living would like to invite you to comment on proposals it is currently preparing for a high quality, purpose-built retirement development at the Former Magistrates Court, Trinity Street, Fareham.

The previously developed site is approximately 0.22 hectares and is ideally situated within close proximity of Fareham centre - just a short walk to shops and amenities to the south of the site. There is currently a pending Outline planning application on the site for the redevelopment to form up 45 apartments, this has a 'resolution to grant' planning permission subject to the signing of a legal agreement following Fareham Borough Council's December 2020 Planning Committee.

Retirement living developments have very specific design requirements. This, along with an analysis of the site and context, has led the Churchill Design Team to create a concept for the proposed development which is both appropriate for the site and in-keeping with its surroundings. Access would be taken from Trinity Street to a parking court to serve the retirement apartments.

Churchill Retirement Living are inviting you to view the proposal plans online and to seek your view on the proposed retirement living development. The plans for the development proposal will be available for you to view at you leisure at the following link;

www.churchillretirement.co.uk/planning/live-consultations

The plans will be available online from the **20th January 2021 - 29th January 2021**. Feedback can be left by emailing info@planningissues.co.uk.

APPENDIX 7:**Officer Report to Committee, 27th January 2021:****Welborne - Land North of Fareham**

P/17/0266/OA

FAREHAM EAST, FAREHAM NORTH

APPLICANT: Buckland Development Limited

AGENT: David Lock Associates

SITE: Welborne, Land North of Fareham

PROPOSAL: A new community of up to 6000 dwellings (C3 and C2, including a care home of use class C2) together with a district centre (comprising up to 2,800m² food store retail (A1), up to 2,419m² of non-food retail (A1) and up to 2,571m² of other non-convenience/comparison retail use (A1 - A5)); a village centre (comprising up to 400m² food store retail (A1), up to 1,081m² of non-food retail (A1), a public house (up to 390m² A4 use) and up to 339m² of other non-convenience/comparison retail use (A1 - A5)); up to 30,000m² of commercial and employment space (B1); up to 35,000m² of general industrial use (B2); up to 40,000m² of warehousing space (B8); a hotel (up to 1,030m² C1 use); up to 2,480m² of community uses (D1 and D2); up to 2,200m² ancillary nursery (D1), health centre (D1) and veterinary services (D1); retention of Dean Farmhouse; a secondary school, Primary schools; pre-schools; green infrastructure including formal and informal open and amenity space; retention of some existing hedgerows, grassland, woodland areas, allotments, wildlife corridors; all supporting infrastructure; household waste recycling centre; requisite sub-stations; sustainable drainage systems including ponds and water courses; a remodelled M27 J10 including noise barrier(s); works to the A32 including the creation of three highway junctions and new crossing(s); distributor roads (accommodating a Bus Transit network) and connections to the surrounding cycleway and pedestrian network; car parking to support enhanced use of Dashwood; ground remodelling; any necessary demolition; with all matters reserved for future determination with the exception of the works to M27 J10 and the three highway junctions and related works to the A32.

OFFICER REPORT TO PLANNING COMMITTEE:

CASE OFFICER: Mark Wyatt (01329) 824704.

1.0 INTRODUCTION

- 1.1 This planning application is made by Buckland Development Limited (BDL) for the new community north of Fareham known as Welborne. The application was first submitted on 6th March 2017. Since that time a number of amendments have been made to the planning application and further amplifying information provided.
- 1.2 On 16th October 2019 the application was considered by the Planning Committee. The Planning Committee resolved to grant outline planning permission subject to conditions and the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.3 Since the Planning Committee resolution, Officers have worked extensively with the applicant, Buckland Development Limited (BDL), and Hampshire County Council (HCC) to complete the Section 106 legal agreement. The legal agreement is now at an advanced stage and will be ready for signing shortly.

- 1.4** In December 2020 the applicant formally submitted further plans and documents to this Council for consideration. Those additional documents are as follows:
- Supplementary Planning Statement dated November 2020;
 - Viability Statement dated November 2020 and appendices;
 - Environmental Impact Assessment Statement of Conformity;
 - Biodiversity Enhancement Strategy; and
 - Plans showing minor changes to the design of the A32 road layout to correct the position of the Pegasus crossing to ensure consistency with the location of this crossing across all plans;
- 1.5** The submitted documents highlight changes in the circumstances surrounding the funding of the new “all-moves” Junction 10. The submitted documents set out what those changes are and the applicant’s revised proposals for how the works to Junction 10 can be funded.
- 1.6** A biodiversity enhancement strategy has been submitted to ensure this issue is fully addressed across the Welborne development in the light of emerging legislation in the Environment Bill 2020 which will seek to secure biodiversity net gain from developments. Some further amended plans have also been received to provide clarity over the precise positioning of a Pegasus crossing on the A32.
- 1.7** Consultation and publicity has been undertaken upon the documents submitted in December 2020, and the comments received from statutory consultees and interested third parties have been set out in the report. Any comments received after publication of this report will be provided to the Planning Committee by way of an update.
- 1.8** The vast majority of the planning application which Members resolved to grant planning permission in October 2019, has remained unaltered by the submissions received in December 2020. Notwithstanding this, Officers believe that it is appropriate for Members to formally consider these submissions and the implications they will have for the Welborne development.
- 1.9** Whilst the latest submissions leave much of the planning application considered in October 2019 unaltered, from a planning law perspective the whole planning application is now presented back to Members for consideration (members must determine the application as a whole). In the opinion of Officers there have been no material changes in national planning law, government guidance or policy since October 2019 that should alter the previous resolution of Members to grant planning permission.
- 1.10** The following report is an updated and amended version of the Officers’ Report which was presented to the Planning Committee in October 2019.
- 1.11** The key relevant parts of this report which have been updated since the previous meeting, particularly in the light of the documents received in December 2020, are
- Development Viability;
 - Housing; and
 - Ecology Chapter (in part)

In addition, as a result of the detailed negotiations on the Section 106 legal agreement the chapters on education, community facilities and highways have been adjusted accordingly also.

2.0 SITE DESCRIPTION

- 2.1** The planning application site is 377 hectares (932 acres) in area. A further 38 hectares (94 acres) of land known as Dashwood is located immediately to the north of the application site and is proposed to be used in association with the development. Dashwood is located within Winchester City Council's administrative boundary.
- 2.2** In terms of Welborne's relationship with existing settlements, the application site is located to the north of Fareham and a mile south of Wickham. The settlement of Funtley lies to the south west of the application site, with the village of Knowle to the west. Whilst most of the planning application site lies to the west of the A32, the planning application also includes the land at the Sawmills Industrial Estate together with land to the north, east and south of Boundary Oak School on the east side of the A32.
- 2.3** The application site is predominantly used for arable farming at present with some light industrial and commercial buildings at Dean Farm, Charity Farm and Crockerhill. There are also farmsteads and a few isolated residential properties located within the application site.
- 2.4** The site is located on a gentle slope and the gradient generally decreases from a ridge north of Heytesbury Farm down to the M27 in the south. The land beyond the ridge to the north of Heytesbury Farm falls away towards Wickham.
- 2.5** There are several heritage assets within and adjacent to the planning application site. Within the site there are 3 listed buildings. Roche Court and the accompanying Lodge building which form part of Boundary Oak School are located to the north east of Junction 10 and are both Grade II listed buildings. Dean Farmhouse, a Grade II* listed building, is located to the north of Junction 10 and is part of the Dean Farm Estate. There is also a Neolithic long barrow (burial site) within the grounds of the Dean Farm Estate.
- 2.6** There is a group of trees covered by a woodland tree preservation order to the south east of the A32, close to the on slip to the M27 motorway.
- 2.7** Plans will be available at the Planning Committee meeting showing the boundaries of the planning application site.

3.0 PROPOSAL

- 3.1** The planning application is made in outline, with full details provided at this stage for the accesses into Welborne. All other matters, being "Appearance", "Landscaping", "Layout", "Scale" and "Access" (in respect of all internal access arrangements) are reserved for future approval.
- 3.2** Essentially, the application seeks approval in principle for: the development set out within the following paragraph; the broad distribution of land uses within the planning application site; the development parameters guiding future planning

applications along with the detailed access arrangements into Welborne. These access arrangements relate to access points into the site from the A32 and a new junction 10 of the M27 to make it an “all moves” junction.

3.3 In more detail, the application seeks permission for:

- Up to 6000 dwellings (C3 and C2, including a care home of use class C2);
- A district centre (comprising up to 2,800m² food store retail (A1), up to 2,419m² of non-food retail (A1) and up to 2,571m² of other non-convenience/comparison retail use (A1 - A5));
- A village centre (comprising up to 400m² food store retail (A1), up to 1,081m² of non-food retail (A1), a public house (up to 390m² A4 use) and up to 339m² of other non-convenience/comparison retail use (A1 - A5));
- Up to 30,000m² of commercial and employment space (B1);
- Up to 35,000m² of general industrial use (B2);
- Up to 40,000m² of warehousing space (B8);
- A hotel (up to 1,030m² C1 use);
- Up to 2,480m² of community uses (D1 and D2);
- Up to 2,200m² ancillary nursery (D1), health centre (D1) and veterinary services (D1);
- The retention of Dean Farmhouse;
- A secondary school;
- 3 Primary schools;
- Nursery and pre-schools;
- Green infrastructure including formal and informal open and amenity space; retention of some existing hedgerows, grassland, woodland areas, allotments, wildlife corridors;
- All supporting infrastructure including requisite sub-stations;
- Sustainable drainage systems including ponds and water courses;
- Household waste recycling centre;
- Distributor roads (accommodating a Bus Transit network) and connections to the surrounding cycleway and pedestrian network;
- Car parking to support enhanced use of Dashwood;
- Ground remodelling; any necessary demolition.

3.4 The works to Junction 10 include:

- An “off slip” which would allow vehicles travelling towards the east on the M27 to leave the motorway at Welborne
- An “off slip” which would allow vehicles travelling towards the west on the M27 to leave the motorway at Welborne
- An “on slip” which would allow vehicles to join the M27 motorway at Welborne and travel westwards
- A new underpass beneath the M27 containing a dual carriageway that would link west bound traffic with Welborne (and beyond)
- Roads linking Junction 10 of the M27 and the A32

3.5 The works to the A32 include:

- The creation of three roundabouts along the A32 to provide access into the Welborne development along with an eastern ‘arm’ to the existing roundabout at Knowle Road

3.6 Plans will be available at the Planning Committee meeting showing the

highway works proposed.

3.7 The application is supported with the following documents in addition to the detailed highway plans for the A32 and Junction 10 of the M27:

- Development Specification Statement;
- Parameter Plans:
 - Application site boundary;
 - Access, Roads and Junctions;
 - Land Use
 - Residential Density
 - Building Heights
 - Green Infrastructure
- Illustrative Supporting Plans:
 - Transport Strategy;
 - Indicative Cycling and Pedestrian Routes;
 - Sequencing Plan;
 - Illustrative Landscape Framework Plan;
- Structuring Plan;
- Design and Access Statement;
- Planning Statement;
- Transport Assessment;
- Framework Travel Plan;
- Public Transport Plan;
- Pedestrian and Cycling Strategy;
- Affordable Housing Statement;
- Site Waste and Construction Management Strategy;
- Delivery Management Statement;
- Employment and Training Plan;
- Sustainability Statement Including Energy Strategy;
- Minerals Statement;
- Green Infrastructure Statement;
- Heads of Terms and Indicative triggers for legal agreement;
- Open Space and Green Infrastructure Strategy;
- Retail Impact Assessment;
- Statement of Community Engagement;
- Shadow Appropriate Assessment (SAA);
- SANG Management Plan;
- Infrastructure Delivery Plan (IDP);
- A Simple Guide to the Planning Application;
- An Environmental Statement;
- A Site Wide Viability Report;
- Biodiversity Enhancement Strategy

4.0 PLANNING HISTORY

- 4.1** P/13/0658/EA REQUEST FOR ENVIRONMENTAL IMPACT ASSESSMENT (EIA) SCOPING OPINION UNDER REGULATION 13 OF THE TOWN & COUNTRY PLANNING (EIA) (ENGLAND) REGULATIONS 2011 FOR THE DEVELOPMENT OF UP TO 5,500

RESIDENTIAL UNITS AND UP TO 80,000 CUBIC METRES OF COMMERCIAL FLOORSPACE, WITH GREEN INFRASTRUCTURE, INCLUDING LOCAL CENTRES & AN EDUCATION FACILITY & AN ALL MOVES JUNCTION OF THE M27 MOTORWAY AND ACCESS ROAD FOR THE SPECIAL DEVELOPMENT AREA (SDA) NORTH OF FAREHAM (NOW KNOWN AS WELBORNE) – SCOPING OPINION ISSUED 20/09/2013

- 4.2** P/16/1171/EA SUPPLEMENTARY ADDENDUM TO EIA SCOPING REPORT – SCOPING OPINION ISSUED 14/11/2016
- 4.3** P/17/0189/FP DEMOLITION, SITE CLEARANCE AND REMEDIATION WITH THE ERECTION OF 72 C3 RESIDENTIAL DWELLINGS AND ASSOCIATED ACCESS, PARKING, ANCILLARY INFRASTRUCTURE AND LANDSCAPING WORKS – SAWMILLS INDUSTRIAL PARK, WICKHAM ROAD – APPEAL AGAINST NON-DETERMINATION – APPEAL DISMISSED 10/09/2018.
- 4.4** P/18/1192/FP MANAGEMENT OF WILDLIFE HABITAT, INCLUDING HABITAT CLEARANCE AND HABITAT CREATION, PLANTING AND STRUCTURAL LANDSCAPING, WHICH WILL INCLUDE MOVEMENT, RE-PROFILING AND REINSTATEMENT OF EXCAVATED TOPSOIL – PERMISSION 13/12/2018
- 4.5** P/20/0007/FP PROVISION OF ACCESS ROAD LINKING FUNTLEY HILL TO 70 & 72 KILN ROAD AND 1 & 2 DEAN FARM COTTAGES INCLUDING ASSOCIATED SITE CLEARANCE, GROUND REMODELLING AND ENGINEERING OPERATIONS – PERMISSION 19/03/2020
- 4.6** P/20/0288/FP ACCESS ROAD FROM THE A32 LEADING TO A PRIVATE DRIVEWAY LINKING TO BOUNDARY OAK SCHOOL, INCLUDING ASSOCIATED SITE CLEARANCE, GROUND REMODELLING AND ENGINEERING OPERATIONS, EAST OF A32 – PERMISSION 19/06/2020
- 4.7** P/20/1047/PA HELLYERS FARM WICKHAM ROAD FAREHAM, DEMOLITION – PRIOR APPROVAL NOT REQUIRED 04/11/2020

5.0 POLICIES & GUIDANCE

5.1 The National Planning Policy Framework (NPPF)

5.2 Planning Practice Guidance (PPG)

- 5.3 Hampshire Minerals and Waste Plan (October 2013)
- 5.4 Fareham Borough Local Plan parts 1 and 2 are both considered relevant in so far as there are parts of the application site that fall outside of the Welborne Plan boundary.
- 5.5 Fareham Borough Council Core Strategy, 2011 (Local Plan Part 1)
- 5.6 Fareham Borough Council Development Sites and Policies Plan (Local Plan Part 2, 2015)
- 5.7 Fareham Borough Council Local Plan Part 3: The Welborne Plan (June 2015)
- 5.8 Fareham Borough Council Welborne Design Guidance Supplementary Planning Document (January 2016)

6.0 REPRESENTATIONS

6.1 **The first round of community notification was carried out on the 4th April 2017 in respect of the planning application as first submitted.**

The following comments were received:

- 6.2 Fourteen letters in support:
- More housing welcomed.
 - The provision of an all moves junction is positive
 - Support is subject to the early provision of infrastructure
- 6.3 Eighty-three letters objecting to the proposal including the comments of groups such as the Fareham Society, Wallington Village Community Association, Funtley Village Society, Knowle Village Residents Association, The Wickham Society, Wickham Residents' Association, Wickham Parish Council and RailFuture:
- 6.4 Principle for building at Welborne:
- The incursion north of Albany Farm into the countryside is unacceptable.
 - The development appears to be unviable.
 - The Welborne Plan requires a fresh Examination in Public.
 - The development is too big.
 - Major road infrastructure should be provided prior to house building.
 - Loss of countryside.
 - The area is overcrowded
 - Impact on Knowle and Wickham
- 6.5 Layout and design
- The parameter plans need to be updated.
 - Building heights close to listed buildings should be reduced
 - There are no plans for a place of worship
 - The location of sports pitches adjacent to the motorway is undesirable
 - Inadequate provision for open space and Suitable Alternative Natural

Greenspace (SANG) is shown. Dashwood is outside of the Borough and as a Site of Importance for Nature Conservation (SINC) is not suitable for intensive recreational use

- Early houses will be remote from the district centre
- The allotments should be sited more centrally for community use
- Deviations from the Strategic Framework Diagram are unacceptable.
- The District Centre is not well connected to the main residential parts of Welborne
- The phasing should start at the south and work north
- Houses next to Knowle Road will confuse the identity of Welborne and Knowle. A buffer to Knowle must be retained
- The new community is divided in two by the A32
- The width of the Welborne Mile should be increased.
- Concern at the central park being over a pipeline
- The village centre should not be on Knowle Road
- The employment area and new slip road is too close to Funtley
- Green buffers should be at least 200 metres wide
- Funtley buffer planting should be provided in phase 1 not 2.

6.6 Education:

- The school should not be surrounded by roads on three of its sides
- School entrances should be onto green spaces.
- There is no college proposed.

6.7 Transport:

- Junction 10 has substandard weaving distances.
- North Hill is too narrow for two large vehicles to pass.
- Lack of safe crossing over Kiln Road
- Impact of the proposed car park for Fareham Common on Funtley Hill
- Hoads Hill speed limit should be reduced
- North Hill is unsuitable for the Eclipse bus service with a 7.5 tonne weight limit
- The south of J10 (Fareham Common) will be wet/frozen in the winter
- The A32 will divide the development.
- The Junction 10 plans are convoluted
- Could a link road to Junction 11 be provided instead of Junction 10?
- Impact of increased traffic and parking on existing and proposed residential roads
- The proposed North Hill traffic lights will cause delays
- Impact of traffic on Wickham, M27, Wickham Road, Funtley Bridge, North Hill, Old Turnpike & Kiln Road.
- The closure of Pook Lane will negate the bypass option for traffic and add to the extreme congestion on the Cams Hill A27 leading to the Delme roundabout
- Impact of increased noise, vibration and air pollution.
- The Solent Sub-Regional Transport Model (SRTM) Data is out of date, uses old census information and is not conclusive.
- There needs to be significant and more flexible public transport
- The Bus Rapid Transit (BRT) should have a dedicated lane
- Cycling infrastructure should be segregated and designed in accordance with government advice for cycling infrastructure to which

there is no reference in the application.

- The proposed cycle crossings over the M27 are unclear.
- Lack of connections to the Meon Valley Trail.
- Lack of funding for Junction 10.
- Concern at the retention of Kneller Court Lane as a cycleway in Phase 1
- The motorway junction and A32 alterations must come first.
- Construction traffic must access the site from the south only.

6.8 Rail Halt:

- Are the rail costs realistic and cost effective?
- A new station should be integral to the development.
- Is the rail halt in the best location with adequate links and parking?

6.9 Ecology:

- Impact on Dashwood
- Insufficient ecological mitigation
- Vegetation south of Knowle Road should be retained.
- Loss of trees and habitat.

6.10 Health:

- The GP practice should be delivered in the initial phases.
- Healthcare provision must be confirmed prior to approval.
- How can a GP practice be secured if the Clinical Commissioning Group is not in support?
- Reliance on neighbouring practices will increase waiting times.
- Impact on QA Hospital

6.11 Utilities and services

- Expansion of Albion Water treatment works not supported due to existing odour nuisance and HGV traffic using Mayles Lane
- Would Albion Water treatment works be upgraded?
- Clarity required regarding the overhead power lines
- Impact on sewerage infrastructure.
- Concern regarding insufficient water supply.

6.12 Flood risk and drainage

- Sustainable Urban Drainage (SUDs) should be provided in the initial phases.
- Adequate measures are required to prevent pollution of watercourses.
- Impact of underpass on flood risk
- Impact on the Wallington river catchment area

6.13 Noise and Air Quality:

- Resurfacing of the M27 would reduce noise pollution
- Impact of increased noise and air pollution particularly on the southern part of Welborne

6.14 Other comments:

- Concerns regarding delivery post Brexit due to labour shortages.
- Lack of provision for a regional traveller transit site or permanent pitches.

- No requirement for an additional household waste and recycling centre.
- Impact on police and fire services

6.15 The following comments were also made which neither support nor object to the proposal:

- Will the houses be sustainable and suitable for renewable energy?
- Will this be a model for recycling and waste reduction?
- Any house suitable for off road parking should have a dropped kerb
- What is proposed for the existing Junction 10 westbound off slip circular area?
- How will expansion into Knowle be prevented?
- Will there be any supported living accommodation for young adults with physical and learning disabilities?
- Parking should be prevented along Knowle Road by the proposed school
- Cycle access to Knowle and the site should be clearly identified
- Homes should be carbon neutral
- A32 crossing points should be convenient for the users and not for cars
- Building heights next to villages should be restricted
- All dwellings should have at least two car parking spaces
- Structural planning and landscaping should be provided in the early phases
- Will HCC support a new household waste and recycling centre?
- Neighbours to the site should be allowed to invest in a community renewable energy or district heating programme.

6.16 **The second round of community consultation (following receipt of amended plans and information) was carried out on 10th January 2019.**

Eleven of the comments support the application and raise the following additional issues:

- The garden village principles should ensure architectural diversity
- The provision of housing at this scale will ensure that infrastructure is also provided.
- Support, subject to an alternative route being provided to Pook Lane and a rail station being provided at the start of the development.
- Support subject to infrastructure being provided up front.
- Development at Welborne is preferable to development at Newlands
- The provision of a toucan crossing across Kiln Road is welcomed.

6.17 Forty-two of the representations object to the application and raise the following additional issues:

6.18 Principle

- It is disappointing that the number of houses has been reduced from 7,500 to 6,000.

6.19 Building Form

- More apartments should be provided to make efficient use of the land
- Building heights on the western edge should be restricted to 2 storeys.

- Inappropriate proposed density
- A village square would create a sense of community
- The proposed densities are acceptable, provided there is no further deviation.
- All houses should have access to an electrical charging point.

6.20 Heritage

- More semi-natural greenspace is required next to Roche Court to prevent an adverse impact on its setting.

6.21 Highways

- Provision should be made for parking motorcycles
- The proposed pedestrian and cycle link across the M27 at Junction 10 would not be attractive or safe to use.
- The use of the footpath in Kneller Court Lane to provide access to Fareham Common is not safe.
- The width of residential roads is too narrow and parking sizes and garages aren't large enough.
- The access road to Knowle must be kept free of obstruction particularly during the construction process.
- Concerns regarding the redistribution of traffic onto unsuitable single carriageway roads.
- Concern regarding use of the hard shoulder to relieve congestion
- The new motorway roundabout should be joined to Pook Lane to reduce congestion on North Hill.
- The lack of swimming pool provision in Welborne will result in increased traffic into Fareham.
- A link road is required to prevent the need for traffic joining the M27 having to traverse North Hill.
- The District Centre should be better connected to the residential areas.
- Lack of car parking for school drop offs
- Footpaths should be provided in the initial phases
- The Sub Regional Transport Model (SRTM) run 15 includes proposals that are not in the TA.
- The assumed SRTM relies on unsound assumptions and takes no account of traffic from recently approved greenfield sites.
- The Transport Assessment relies on inaccurate measurements to local facilities taken from the edge of Welborne.
- The routing of buses up North Hill is unacceptable because of its steep gradient and limited width.
- The BRT route should include a stop at the bus station as well as the railway station.
- The primary road network should include access to the rail halt.
- The proposed bus service will not be sufficient to encourage people to use it instead of driving.
- The Bus Rapid Transit (BRT) should be provided early in the development
- Bridle paths should be appropriately surfaced.
- Pedestrian and cycle paths should link Welborne to Knowle.
- The cycle connection to Wickham should be off-road.

- Loss of footpath 90 under the M27
- The bridleway track close to Sainsburys requires riders to use busy roads to return (if they want a circular route.)

6.22 Impact on Infrastructure (other than highways) and facilities

- Will access be provided to rights of way at all times?
- Impact on local schools
- Schools should be provided from the start of the development
- The plan should allow for a minimum level of services as well as a maximum.
- Impact on car parking in the centre of Fareham
- Fareham Labour Party would oppose the introduction of any Free Schools
- The health hub must include an NHS dental practice
- Financial contributions towards existing healthcare provision should be sought.

6.23 Flooding & Drainage

- Increased pollution
- The SUDS plan does not pay sufficient attention to the level of the water table surrounding the site and throughout Funtley.
- Lack of information regarding prevention of flooding and subsidence.
- Insufficient detail regarding the upgrading of Peel Common sewers

6.24 Impact on residential amenity

- The household waste recycling centre is still too close to Funtley.
- Impact on outlook from houses on Kiln Road.
- Impact on Funtley
- An acoustic barrier should be proposed on the south as well as the north side of the M27 to protect existing residents.
- Space for 500 cars should be safeguarded for the railway station to prevent casual parking in Knowle.

6.25 Phasing

- The schools need to be constructed before the houses
- Tree planting along the north and west boundaries is required early in the project
- The shared footpath/ cycle path from the new underpass to Kiln Road should be provided earlier than proposed (in place for the 5101th occupation.)
- Increased impact on amenities in Fareham due to amenities at Welborne being provided in later sequences
- The Delivery Sequencing Plan conflicts with the Sequencing diagrams.

6.26 Ecology

- Impact on flora and fauna in Botley Wood, Leachpond Copse and Flagpond Copse.
- Impact on bat roosts

6.27 Green Infrastructure

- The buffers should be wider to protect existing settlements.
- Increased financial contributions to the Bird Aware strategy should be sought to ensure sufficient mitigation relating to the Portsmouth Harbour and Solent and Southampton Water Special Protection Areas (SPAs.)
- Welborne Mile SANG should be provided early to relieve the pressure on Dashwood.
- More green space is required to the east of the housing to the east of the A32.

6.28 Sports Facilities

- The sports facilities should satisfy Sport England's standards.
- Impact of noise and pollution from the M27 on the sports hub.

6.29 Miscellaneous

- Has a full cost benefit analysis that considers the environmental impact been carried out?
- Could Buckland provide a contribution to Knowle Village to provide an extension to their community hall?
- Will the bridge at North Hill (which has a weight limit of 7.5 tonnes) be capable of supporting a bus loaded with passengers?
- It is imperative that a risk register and accurate timetables are maintained and published to enable local residents to keep track of progress.
- Will the cost of houses be accessible to the majority of residents in Fareham?
- 50% of the housing should be affordable with 30% allocated for rent.
- The deviations from the strategic framework diagram are not acceptable.

6.30 **The third round of community consultation (following receipt of amended plans and information) was carried out on 19th March 2019.**

Five of the comments support the application.

6.31 Twenty-three of the representations object to the application and raise the following additional issues:

6.32 Highways

- What measures will be taken to ensure that increased traffic does not have an adverse impact on the overflowing drain at the bottom of North Hill?
- Does the cycling strategy accord with the interim advice note 195/16 IRN195?
- The Transport Assessment (TA) makes illogical statements regarding the movement of traffic between Wickham Road, North Hill and Old Turnpike and fails to recognise the interaction between Old Turnpike and Serpentine Road.

- Why does the TA include different distances for buses and cars to the Bus Station?
- The TA contains several errors.
- The mitigation measures rely on Traffic Regulation Orders (TROs) with no guarantee that they can be implemented.
- Why is HCC request for further consultation with residents and businesses limited to the A32 Wickham Road?
- The TA's positive conclusion is premature given HCC's concerns.

6.33 SANGS

- There will be a need to ensure that there is no conflict between the 2 temporary SANGs in phases 1 and 2 with the development of the adjoining proposed residential areas.
- The temporary SANGS strategy needs approval by Natural England.
- The east/west green link along Knowle Road should also be shown as a green link on the GI parameter plan.
- The buffer to Funtley should be increased to 75 metres or alternatively the height of adjacent buildings reduced and should be set out in the parameter plan rather than as a development principle.

6.34 Health

- Where is the evidence explaining what the contribution sought by the CCG would be spent on?
- Concerns regarding the late provision of a doctor's surgery at Welborne. Fareham has a GP to patient ratio that is almost 40 per cent higher than the national standard. The GP to patient ratio should be reduced to the national average which would require the extension of Wickham Surgery, and would significantly reduce the spare capacity in the Fareham and Portchester surgeries without any development at Welborne.

6.35 Education

- The early years provision should accord with HCC's recommendations.
- The school pitches must also be available for community use.
- The triggers for the timing of school openings should be incorporated in a Section 106 agreement.

6.36 Heritage

- Buildings next to Dean Farm should not exceed 12m. A high-level development principle is not sufficient to protect these buildings.
- Lack of improvements to boundary provision next to Dean Farm and Roche Court.

6.37 Footpaths

- The protection of rights of way is supported. Early consultation with the public and amenity groups on any changes will be required.

6.38 Flood and Water Management

- The HCCs recommended conditions regarding flood and water

management need to be incorporated.

6.39 Extra Care Provision

- A second care home should be provided.

6.40 Green Infrastructure

- A wide planting belt should be provided on the eastern boundary.
- The allotments remain in an unsuitable location.

6.41 Other issues

- The amended plans do not address the differences between the Strategic Framework Diagram and the Structuring Plan for the: District Centre, sports pitches, allotments, landscaped buffers and the primary road network.
- The centre continues to be disconnected from the main residential areas.
- The sports hub remains in an unsuitable location.
- There remains a lack of information regarding the reinforcements to the sewer network.

6.42 **The fourth round of community consultation (following receipt of amended plans and information) was carried out on 1st August 2019.**

6.43 All eight of the representations received object to the application and raise the following additional issues:

- The Shadow Appropriate Assessment relies on a maximum of 110l per person per day water usage. Aspirations to comply with this level of water usage are insufficient to comply with the relevant directives.
- There are no proposals as to how water usage would be achieved.
- The proposed phasing in relation to schools is unrealistic.

6.44 Knowle Residents Association

- Concern remains regarding the loss of existing vegetation along Knowle Road which has huge biodiversity value, would help mitigate air pollution, improve surface water management, mitigate climate change and reduce energy consumption.

6.45 The Fareham Society

- Concern regarding the increased size of the District Centre.
- The non-strategic greenspace should be approved at this stage to prevent any overall loss of green infrastructure in the future.
- The buffer planting notation should be retained on the land use parameter plan.
- The exact location of the east/west links should be approved at this stage.
- The location and boundaries of the schools should be approved at this stage. The Society is concerned that the space allocated for schools appears to be insufficient according to HCC's response.

- Concern regarding a general increase in building heights, which would result in a more intensive appearance.
- Buildings near to Dean Farmhouse should be limited to 12m in height not 14m as proposed.
- The net biodiversity gain is welcomed however there needs to be ongoing monitoring as suggested by HCC's ecologist to ensure the net gain is achieved.
- There appear to be significant errors in the figures included in appendix K of the Transport Addendum.
- The TAA Addendum confirms The Society's concerns that the impact of traffic from the new J10 will result in more traffic impact on Fareham than Welborne itself. All of the 'improvements' to reduce congestion simply transfer traffic to other less suitable roads.
- The impact on the North Hill / Kiln Road / Park Lane / Old Turnpike junction remains unacceptable.
- Failure to provide any Lifetime Homes within the first 1,000 homes is contrary to WEL17.
- The applicant's viability report does not constitute a 'robust and transparent appraisal' as required by Policy WEL18 and therefore should not be accepted as a justification for not providing affordable housing.
- Why should the additional costs to J10 as a result of the smart motorway fall on the applicant?
- Is there any additional funding from central government that could be provided to replace the recycled New Homes Bonus?
- No viability evidence has been provided to support the move from a ratio of 50:50 affordable rent: intermediate housing, to a 70:30 split.
- Concern re the absence of social rented housing.
- The Viability Statement does not provide any evidence as to why the increased cost of Passivhaus houses in the first stage of development would impact the viability.
- Concern regarding lack of commitment to the provision of Passivhaus beyond the first phase of development.

6.46 Further representations were received between the publication of the Agenda for the meeting of the Planning Committee on 16th October 2019 and the meeting being held. These were reported to the planning committee by written update. These details are reproduced here:

6.47 Four further representations had been received from members of the public since the publication of the agenda. No further new issues had been raised to those summarised in this part 6.0 of the report.

6.48 Within the CBRE report, Appendix B, the following amendments were made:

Page 28, the sentence starting "The rates applied by BDL are..." should finish with the word "above".

Page 30, the final sentence, on the penultimate line should read as "Our review of the BDL growth scenarios has therefore sought to determine if the 2% pa..."

6.49 A letter was also received from the Solent Local Enterprise Partnership (SLEP). The SLEP confirms it is very supportive of the Welborne development,

which features prominently in the Solent Strategic Economic Plan and is identified as a project was prioritised by the SLEP and formed part of its Local Growth Deal proposal to Government. While the Growth Deal funding has been allocated to Junction 10, the deployment of the funding is subject to a number of requirements. These include the approval of a full business case by the Department for Transport, which would require a detailed design to be agreed and all funding for the Junction to be in place. Whilst the Department for Transport required the Growth Deal funding to be spent by March 2021, the Solent LEP are seeking assurances from Government that the funding can be spent beyond the 31st March 2021.

6.50 A further letter was also received on behalf of the Portsmouth Hospitals NHS Trust and University Hospital Southampton in response to the Officer Report. It makes the following points:

- The new A&E at the QA is irrelevant to the impact this development will have on both hospitals
- The consultation on the Plan is over five years ago. It has nothing to do with the consultation responses sent in 2018
- Both Trusts have provided evidence of the impact
- The Trusts provide planned and emergency healthcare and agrees a service level agreement on an annual basis with their commissioner. A contract term of two years is standard.
- Contracts are negotiated on historical contract performance
- Growth reflects the increasing costs of delivering health
- Local population growth feeds into CCG target allocations from ONS data. This takes three years to affect growth allocations to the CCG
- Until this growth is added to the CCG allocation it does not form part of the contract between the commissioners and the Trusts
- The Trusts do not receive funding retrospectively
- The Trusts do not get allocated population growth, however as properties are occupied the growth manifests itself in a requirement for the Trusts to treat people resulting in an overspend.
- The Trusts cannot refuse to treat a patient on the ground of lack of capacity to provide the service.
- If the Trusts fail to meet its performance targets it is penalised through withdrawal of income
- It is not possible for the Trusts to predict when planning applications are made and delivered
- It does not take into account housing land supply, housing need or housing projections
- Both Trusts are at full capacity.
- The NHS 10 year plan has nothing to do with the CIL Regulation 122 tests.
- There is no evidence that the health hub is a) deliverable and b) will provide support to health services.
- The EIA assessment is desk based and is fundamentally faulty
- The request for a contribution is justified and do meet the Tests as has been confirmed by previous Inspectors.
- It is necessary to make the development acceptable as without it the population increase will adversely affect the standard of service that can be provided

- The contribution is related to the development because it is based on the new population that will use the Trusts services
- The contribution is fairly and reasonably related to the development as it is linked to the size of the new population.

6.51 The fifth round of community consultation (following receipt of amended plans and information) was carried out on 4th January 2021.

6.52 Three letters of support:

- As a young person I understand the need for more housing – my only concern is if there is enough affordable homes?.
- I like the designs and style of the houses.
- The junction upgrade is needed.

6.53 Two Letters with just comments;

- Its regrettable that the affordable homes go down but I'm supportive of this as some homes are better than none.

6.54 Forty three representations of objection covering the following issues:

Principle of development:

- More of our countryside being developed into housing with a total disregard for the residents that pay taxes and live in the Borough
- Infrastructure won't materialise; the developers will plead poverty and the Council will roll over.
- I would support this if it was to be it for development in Fareham. Services and residents cannot cope with anymore.
- Is the demand for these houses from Fareham or is it overspill for outside?
- To suggest Welborne could fail without the SLEP money is disingenuous. The scheme was always going to fall short.
- All infrastructure should be provided before any houses are built
- The application should state what each element of the plan consists of. Having "up to" against each dimension means amenities can be watered down and more land provided for housing

6.55 Housing

- If Affordable Housing was less than 30% in the first place would it have gained approval?
- Affordable housing is desperately needed in Fareham. The one positive from Welborne was 30% affordable housing. It would now appear that FBC are considering a concession on this. Please stand firm and do not give in.
- The delivery of affordable housing is part of the Council's long standing justification for the development.
- The proposed schedule must be renegotiated to make more affordable homes available much sooner.
- If BDL are desperate to build then they should reduce their profit margin to cover the costs of the M27 work and deliver affordable housing at the level agreed or even more.

- FBC could negotiate to take the land and build more affordable homes and recoup costs from rents and maintain the developer returns.
- The level of affordable housing and the costs of junction 10 is unrelated and this proposal is therefore entirely unreasonable.
- Affordable homes are sought after. We don't need large houses on large plots, we need well designed, efficient flats and small houses.
- A reduction in 30% provision should be put back to the people.
- The Council should agree a figure of affordable housing and a schedule of delivery and that should be delivered regardless.
- Affordable housing should not be "back ended" but delivered now and throughout the development.
- Why are the changes in the housing proposal picking up all the costs of the £20m commitment? Are there no other budgets which can take a share?

6.56 Viability Considerations:

- The BDL submission has a return on cost of 1.5%. If this is tested and found to be correct, how can this project be allowed to proceed. This is high risk. Is there any contingency in the calculation?
- How will BDL be able to contract house building on such a tight margin?
- What about the quality of those first 1000 homes?
- How will FBC be able to stress test this proposal?
- Why is the first viability review after 3,000 homes? What benefits are there for selecting this first review timing and then every 750 homes.
- Why should BDL benefit from any surplus above 20% on the HIF element of the viability review mechanism?
- BDL only wish to commit to greater than 10% affordable housing after the guaranteed return of 20% is locked in. Why is this a deal for FBC to accept? This provides a high level of benefit to BDL.
- To determine viability costs must be deducted from the gross development value as such the existing land value, the projected development value and the expected costs must be made available
- What is Buckland's financial contingency to meet any further financial burden / impact?

6.57 Employment

- Where will all the jobs be for these houses? In the current pandemic companies are laying off staff everywhere.
- The provision of housing along the M27 has not been balanced with the need for jobs

6.58 Ecology

- Surprised to read that the documents have no comment on the impacts to the immediate neighbourhood to Welborne such as Botley Wood, West Walk, Portsdown and Wickham Common; this is a dereliction of duty by the Planners.
- Fareham already has a nitrate problem and I would expect a more responsible attitude from the Borough Council in this regard. How will this issue be addressed with Welborne?

6.59 Transport

- Support has always been conditional on the provision of the new rail station at Welborne.
- Traffic impacts on the town and places like Kiln Road. The money spent on then junction would be better spent on our roads.
- There is far too little parking being provided. Welborne will be no different to Whiteley.
- The local roads and motorway are already gridlocked. 6,000 homes and 12,000 cars will just make this worse.
- Public transport must be available for the first residents

6.60 Health and Public Services

- I do not see any provision for a dental surgery. A hospital instead of a health centre would relieve the pressure on the QA which is already oversubscribed.
- Police provision is already overstretched, these plans should be shelved for now.

6.61 Education

- There is no adequate commitment to provide schools from the start which will put pressure on existing schools in the area.

6.62 Utilities

- There are no details on water or sewerage provision
- This type of development would exacerbate ground water flooding

6.63 Sustainability

- FBC are committed to reducing carbon emissions so the houses should be Passivhaus build.
- This highlights the first stage in reducing the quality of the project by removing the desirability of Passivhaus and Lifetime homes.

7.0 **Consultations**

7.1 At each round of consultation the Statutory Consultees were also consulted. The comments below are a summary of all the comments provided through all rounds of consultation.

EXTERNAL CONSULTTEES:

7.2 New Forest District Council

No objection:

- subject to consideration of the 'in combination' effects on Natura 2000 sites in the New Forest and the Solent being appropriately mitigated in consultation with Natural England.

7.3 Test Valley Borough Council

No objection

7.4 Portsmouth City Council

Support:

- There is a high level of need for affordable housing in the Portsmouth housing market area, therefore the amount of affordable housing should be maximised.
- The proposed new employment is supported however delivery will need to be monitored to ensure that the floorspace delivered does not contradict the aim of the Partnership for South Hampshire (PfSH) position statement to prioritise employment in Portsmouth and Southampton.

7.5 Havant Borough Council

Support the delivery of the Garden Community.

7.6 Eastleigh Borough Council

Support the delivery of the Garden Community.

7.7 South Downs National Park Authority

Comments:

- The site should be viewed as a gateway into the South Downs National Park (SDNP) and the green infrastructure strategy strengthened to promote opportunities to understand and enjoy the SDNP.
- The Green Infrastructure strategy should avoid using buffers as they are not solutions to landscape or visual impacts.
- The proposed footpath and cycle links should be strengthened by providing footpath and cycle links to the West Walk and the Meon Valley Trail.
- The provision of native planting is supported.
- The prevention of access to Blakes Copse is supported and needs to be secured in the legal agreement.
- The restoration and enhancement of Dashwood is supported.
- An upward light ratio of zero should be used to protect the southern edge of the Dark Skies Reserve (north of Wickham.)

7.8 Winchester City Council (WCC)

No objection:

- WCC supports the inclusion of the M27 J10 arrangements within Sequence 1, along with the provision of SANGS at Dashwood.
- WCC wishes to avoid development to the north of the Knowle access road forming an isolated new development area, by limiting the scale of development in this location during the early phases of development.
- WCC seeks clarification as to whether there will be a need to expand the Albion Water treatment works.

- It is important that the changes to the Wickham A32 roundabout are implemented so as to discourage unnecessary northward journeys while accommodating the development now allocated off School Lane which is under construction.

7.9 Gosport Borough Council

Supports the principle of the Welborne development and the proposal for an all moves junction 10.

- There is likely to be some scope to increase residential densities on parts of the site which would reduce the need to develop other greenfield sites and of making public transport modes more viable from an earlier date.
- Phasing – It will be important to ensure that the delivery of the permitted number, density and range of housing is implemented at similar rates to those proposed in the phasing plan and opportunities taken to speed up delivery.
- Early provision of the BRT will be critical to ensure genuine transport choice.
- The provision of an all moves J10 will lessen the impact of the development on J11 and junctions and roundabouts within Fareham Town Centre. It is critical that the delivery of J10 is co-ordinated with the Smart Motorways programme in order to minimise disruption and ensure that development does not put unacceptable pressures on J11 and routes through Fareham Town Centre and Air Quality Management Areas.

7.10 Southampton City Council:

- No comments

7.11 Southern Gas Networks (SGN)

Officers have received verbal confirmation that SGN have no objection to the application as now amended subject to conditions to cover:

- Construction management plans including measures to avoid impacts within 15m of the main; and
- proposed layouts for the development within 15m of the high pressure and intermediate pressure gas main on site to require detail on levels, main protection or diversion.

7.12 Health and Safety Executive

No objection

7.13 Scottish and Southern Electric

No objection subject to the incorporation of a condition that requires a mitigation strategy for the retention and/or re-configuration of existing electricity distribution apparatus to be agreed with SSE prior to the determination of the first phase of reserved matters.

7.14 Albion Water

No objection.

- Albion supports the application and is keen to provide a full range of water services to the site and is able to adopt and maintain the SUDS and green infrastructure in addition to water, recycling and wastewater services.

7.15 Southern Water

Comments:

- Additional local infrastructure is required to accommodate the increased flows into the wastewater system. Some of the houses initially built could potentially be provided prior to network reinforcements.
- The detailed design should ensure that there are no ponds, swales or soakaways within 5m of sewers. Any residential surface water drainage to be adopted by the sewerage undertaker needs to comply with the Sewers for Adoption standards and Southern Water requirements.
- If planning permission is granted conditions are required.

7.16 Portsmouth Water

Comments:

- Portsmouth Water has sufficient capacity for a conventional water supply and the Water Resources Management Plan allows for housing growth.
- There will be the need to divert water mains. The A32 could be a potential diversion route for a number of water mains
- The proposed additional investigative works need to be secured by condition.
- The proposed intrusive investigations will comprise the identification of detailed solution features on site. This needs to be secured by condition and the results used to inform the detailed layout.
- The proposed surface water drainage strategy for the site proposes two methods: infiltration via a borehole soakaway with upstream attenuation in a basin or tank, and infiltration via a basin. The detailed proposals will be assessed within future applications.
- On-site surface water storage and treatment is proposed via SUDS. Portsmouth Water welcomes the proposed pollution prevention measures.
- The maintenance and adoption details will be subject to approval in future applications.
- Portsmouth Water have a presumption against the use of deep-bore soakaways at this location because of the proximity to the drinking water supply. The proposed deep bore soakaways will therefore require hydrogeological risk assessments to demonstrate how the risk to groundwater would be mitigated by the design. The use of deep pit-based systems will only be agreed if a number of criteria are satisfied.
- Run-off from the highway will be collected by a variety of different systems.
- Portsmouth Water request that they are consulted together with the Environment Agency regarding the detailed design that is proposed with future applications.
- A piling risk assessment and method statement is required by condition.

7.17 Environment Agency

No objection subject to conditions

7.18 Hampshire Gardens Trust

Comments (from the third round of consultation in March 2019):

- There is a need to protect and enhance valued landscapes.
- Dean Farm:
 - The proposed development would appear to affect the setting of this Grade II* listed building.
- Landscape:
 - The landscape buffer protecting the boundaries of Roche Court has decreased and should be reinstated.
 - The site appears to stray beyond the area allocated in the Welborne Plan.

7.19 Highways England

Recommend that conditions be attached to any planning permission that is granted.

- The results of the modelling indicate that Welborne can be accommodated on the Strategic Road Network without a severe impact, subject to the proposed Junction 10 proposals being implemented.
- At this stage Highways England, based on the general arrangement drawings, have agreed the principle of an improved M27 Junction 10. In addition the principle of noise attenuation barriers within the M27 highway boundary has been agreed
- The suggested conditions cover:
 - Threshold of development for the delivery of the junction works;
 - Details of the noise barrier; and
 - Construction traffic management

7.20 Historic England

- Historic England has confirmed that they are in agreement with the Conservation Officer's assessment of the application (set out under the Internal Consultees section of this report below) and have offered no further comment.

7.21 Natural England:

No objection subject to conditions.

Natural England concur with the shadow Appropriate Assessment that concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question.

- It is considered that without appropriate mitigation the application would have an adverse effect on the integrity of the Portsmouth Harbour Special Protection Area and the Solent and Southampton Water Special Protection Area.
- In order to mitigate these adverse effects and to make the development

acceptable, the following mitigation measures will need to be secured:

- SRMP / Bird Aware contributions
- SANG Management Plans and Phasing
- Nitrogen neutrality conditions
- Biodiversity Mitigation and Enhancement Plan
- Construction Environmental Management Plan.
- The temporary SANGs strategy is welcomed and it is recommended that this is secured.
- It is advised that an appropriate planning condition or obligation is attached to any planning permission to secure these measures.
- Nitrates:
 - It is reasonable to assume that households will achieve the target of not exceeding 110 l of water usage per person per day. This would enable up to 6,000 houses to be built without any impact on the Solent European sites.
 - We recommend that the planning permission secures a condition for water use of 110 litres per person per day (or less) and that all areas of open space that use the 5 kg/ha/yr rate will be managed as such, with no additional inputs of nutrients or fertilisers onto this land
- The proposed mitigation measures also address Natural England's concerns with respect to the Portsmouth Harbour SSSI and Lee-on-the-Solent to Itchen Estuary SSSI.
- We recommend that an overarching Biodiversity Mitigation and Enhancement Plan is produced for the entire development that includes an annex setting out the specific measures to be incorporated into each phase of development and reserved matters applications.
- In order to safeguard soil resources as part of the overall sustainability of the development, it is important that the soil is able to retain as many of its important functions and services as possible through careful soil management.

7.22 Network Rail

No objection

- Network Rail will continue to work with the council to consider the feasibility of a new station at Welborne.
- South West Railway will need to be consulted in order to establish if the impact of a bus link with Fareham Station can be accommodated and whether any mitigation is required.

7.23 Hampshire County Council: Highways:

Recommend that conditions and planning obligations be attached to any planning permission that is granted:

- The Transport Assessment has been informed by the use of the Solent Transport Sub-Regional Transport Model (SRTM). This is an approved strategic level model and has been used to inform how traffic flows may alter over time, particularly in response to specific major highway interventions and major development proposals. As with all strategic transport models, caution is required when reviewing the outputs at a detailed local level, and for this reason the Highway Authority also sought

a highway assessment utilising a micro-simulation model traffic model (VISSIM)

- The two stage modelling process is considered suitable by the Highway Authority and presents a robust forecast methodology from which to establish impacts and the acceptability of the mitigation.
- The Transport Assessment (and its addendum) also provide a robust forecast of the trip rates from the development on which to assess the future year impacts of Welborne
- In general terms the modelling highlights:
 - There is a reduction in future traffic flow utilising the A334 between Fareham and Winchester;
 - There are proportionately less vehicles trips across the wider network between the A27 junctions with the M27 (9 and 11),
 - The A32 south of the M27 and the North Hill / Park Lane links see a significant increase of traffic flows
 - Local reassignment within the highway network bordered by North Hill, Park Lane and A32 Wickham Road (termed North Fareham Triangle) leads to proportionate changes to traffic volume along individual links, as well as an overall increase.
- The proposed Junction 10 is considered acceptable in principle to the Highway Authority and its delivery should be secured by condition.
- A contribution should also be secured to facilitate the implementation of the Junction 10 works.
- The Junction 10 proposals include provision of a new roundabout junction with the A32 (referred to by the applicant as Broadway Roundabout) and an east-west link road providing access via two further roundabouts (which the applicant refers to as High Street Roundabout and Welborne Approach Roundabout) into the Welborne development. The proposed junction is considered acceptable in principle to the Highway Authority.
- The development's northern access junction is proposed at A32 Wickham Road / Forest Lane, taking the form of a 4-arm roundabout. The proposed junction is considered acceptable in principle to the Highway Authority.
- The amended eastern arm off the existing A32 Wickham Road / Knowle Road / Chalk Lane roundabout is considered acceptable in principle to the Highway Authority
- A new 4-arm roundabout is proposed off the A32, referred to as the Central Avenue roundabout. The proposed junction is considered acceptable in principle to the Highway Authority. Prior to the implementation of this roundabout junction a left in / left out priority junction is proposed to serve the land east of the A32 following the closure of Pook Lane at the junction with the A32. The proposed junction is considered acceptable in principle to the Highway Authority.
- Whilst the detail of the internal road network is not a matter for determination at this stage, it is necessary to secure certain elements which are integral to the Transport Assessment of this outline planning application. This includes, the alignment and design principles of the principal internal spine road (referred to by the applicant as Welborne Way), the treatment and access arrangements via existing Knowle Road, the geometric layout of the road in proximity to the proposed Secondary School (called Central Avenue by the applicant) and securing the approach to internal road adoption (the Welborne Street Manual).

- School gate congestion/parking is considered to generate health, safety and access issues and therefore the provision of car-free environments around future schools and good planning of routes to schools will provide safer and healthier environments
- Mitigation is required at each of the following off site junctions:
 - A32 School Road / A334 Winchester Road / A32 Hoads Hill
 - A32 Wickham Road / North Hill / Furze Court
 - North Hill / Old Turnpike / Park Lane / Kiln Road
 - A32 Wickham Road / Old Turnpike
 - A32 Wickham Road / Wallington Way / Wickham Road / Southampton Road and Broadcut / Wallington Way
 - Delme Roundabout
 - Quay Street Roundabout - (A32 Gosport Road / Portland Street / Quay Street / A27 Western Way / A27 Eastern Way junction)
- The applicant has undertaken an interim assessment to forecast the level of highway mitigation necessary on the local highway network, and the quantum of development which could be occupied, in advance of the implementation of the proposed M27 Junction 10 improvements. All the proposed off-site local highway mitigation schemes need to be implemented in order to accommodate the highway impact of the following development quantum:
 - 1,160 residential dwellings; or
 - 11,250 sqm of employment space; or
 - 4,700 sqm of retail space
- Overall an acceptable minimum level of offsite provision for walking and cycling is being offered, within the constraints of the existing network and the forecast levels of demand upon it, balanced against the need to accommodate other transport modes
- The Public Transport provision is considered acceptable by the Highway Authority.
- The highway infrastructure proposals associated with Welborne include proposed changes and introduction of traffic management measures such as on-street parking controls, speed limits changes, direction signing, movement restrictions and pedestrian crossing facilities. Each of these proposals have been discussed with both Hampshire County Council's Traffic Management team and Hampshire Constabulary's Road Policing Unit and no concerns have been raised with regards the principles of these changes at this stage.
- There are also a range of locations where highway safety schemes are required of which some are within the Winchester City Council area.
- The Framework Travel Plans are considered acceptable and the requirement to implement full Travel Plans, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan should be secured in a section 106 legal agreement.

7.24 Hampshire County Council: Education:

Comments:

- Early years provision:
 - The LEA is satisfied that the necessary early years provision can be provided:
 - 350 full day care spaces – A total of 2,100 square meters

- plus outdoor play, parking and access
 - 175 Pre-school places – A total of 800 square metres plus outdoor play, parking and access.
- School Size:
 - The Welborne Plan specifies a minimum of 7 forms of entry for schools, however 9 forms of entry will be required unless a reduction in pupil yield can be evidenced.
- Delivery:
 - The LEA are only able to offer preliminary estimates of the phasing for opening the schools, based on the build-out rates previously indicated by the developers
 - The timing of the requirement for the new schools will need to be kept under review and secured within the legal agreement.
 - First primary school – 2022/23 – prior to 500 occupied dwellings based on estimated build out rate that sees 450 completions in 2022/23
 - Second primary school – 2026/27 – prior to 1,600 occupied dwellings
 - Third primary school – 2031/32 - prior to 3,500 occupied dwellings
 - Secondary school – 2029/30 – prior to 2,700 occupied dwellings
- Community Use
 - If the developer proposes to provide additional facilities over and above those otherwise expected for the provision for a school on a school site, the LEA will look to ensure the Academy Trust can make these facilities available for wider community uses through a Community Use Agreement.
 - Where no additional funding is being made available to provide facilities beyond that otherwise expected, the LEA will use reasonable endeavours to ensure the Academy Trust promotes community use of the school sites.
 - It is important to note that grass playing pitches typically provided on new school sites are designed to be of a standard to be suitable for 7 hours of playing time per week. Should there be a need to make grass playing pitches available outside of school hours, it is expected that additional funding will be made available by either the developer or the local authority approving the planning application for the new housing to provide a pitch that is capable of more intensive use
- Location:
 - The precise location of schools at the reserved matter stage will need to be designed to promote active travel and ensure separation from major roads for health and safety reasons. Schools must not incorporate car parking for parents as this does not encourage active travel to school. The location of schools with other community facilities must also be carefully considered to avoid congestion.

7.25 Hampshire County Council (Countryside & Rights of Way)

No objection.

- A number of strategic access improvement projects are proposed which will

secure tangible benefits for the public.

- Financial contributions will need to be secured by legal agreement to ensure that the changes to existing public rights of way and all proposed new rights of way are completed prior to the relevant phase of development. The triggers for implementation of the improvements and new rights of way are being discussed with the applicant.
- Upgrades to paths must be in line with HCC Countryside Design Standards.

7.26 Hampshire County Council (Archaeology)

No objection.

- The heritage strategy management plan proposes to preserve the long barrow within an archaeological protection area which would ultimately be incorporated within the Central Park

7.27 Hampshire County Council (Ecology)

No objection subject to conditions.

- The submitted and updated Shadow Appropriate Assessment has assessed the impacts of the proposed works on the nearby designated sites, with appropriate mitigation measures to offset these impacts. Therefore, Fareham Borough Council, as the Competent Authority, can adopt this document.
- The principles of avoidance, mitigation, compensation and enhancement measures are satisfactory.
- Specific details of the way in which the SANG will be prepared, implemented and managed will need to be secured at the Reserved Matters stage.
- The newly submitted biodiversity enhancement strategy is acceptable.

7.28 Hampshire County Council (Waste and Resource Management)

- No objection subject to land being safeguarded and a financial contribution secured within the legal agreement towards the funding of the household waste and recycling centre.

7.29 Hampshire County Council (Flood and Water Management)

No objection subject to conditions.

- The use of deep bore soakaways should only be used after all other options have been investigated.
- Maintenance schedules and details of measures to protect drainage infrastructure to be secured in the legal agreement.

7.30 Hampshire County Council (Extra Care Housing)

- No objection subject to details of the 100 unit Extra Care scheme being secured within the legal agreement.

7.31 Hampshire County Council (Library Services)

Comments:

- Since the Welborne Plan was adopted the library service resource strategy has changed and provision for Welborne is no longer sought on site. Residents at Welborne will be eligible to use Fareham library, therefore a contribution of £21,330 is sought towards improving services at Fareham Library.

7.32 Hampshire County Council (Minerals)

- No objection subject to conditions:
 - Construction management plans should include a method for ensuring that mineral resources can be viably recovered during the development and put to beneficial use;
- A method to record the quantity of recovered material

7.33 Hampshire County Council (Sustainability and Climate Resilience)

Comments:

- The application should specifically address long term resilience to climate change.

7.34 Hampshire County Council (Economic Development)

No objection.

- The early delivery of employment space is advocated but must be managed alongside other nearby business parks to avoid saturation of supply.

7.35 Hampshire County Council (Public Health)

No objection.

- The proposed community orchards and allotments are welcomed.
- The mix of retail units should avoid a concentration of hot food takeaways.
- Adequate community facilities should be provided at the village Community Hub in phases 1-3, to ensure capacity before the main community building at the District Centre is provided.
- A greater emphasis on social connectedness is required.
- Signalised crossings are required in all areas of high traffic volume.
- The increased target reduction of car driver trips from 5 -10% is welcomed but could be increased further.
- The travel plan requires further consideration to encourage healthy behaviour changes.
- Health-promoting community facilities should be provided near the community hub.

7.36 Hampshire Fire and Rescue Service

No objection:

- Subject to satisfying the relevant standards and regulations relating to

access for the Fire Service.

7.37 Hampshire Constabulary – Crime Prevention Design Advisor

Comments:

- The proposed removal of the current access loop at J10 will result in the majority of traffic accessing or exiting the M27 via the A32 through the new development. High permeability through the development will result in the development being highly vulnerability to crime and anti-social behaviour.
- The park, play space and allotments in the north east of the site will not be subject to a high level of natural surveillance and appear to have been positioned on 'left over' land. The allotments should be moved to a position where there will be a greater degree of natural surveillance.
- Natural surveillance of residential parking and play areas will be required.

7.38 NHS – Hampshire and Isle of Wight Clinical Commissioning Group (CCG) Partnership

Comments:

Introduction, Context and National Strategic Direction

- The CCG is responsible for commissioning healthcare services to meet the needs of local people. The CCG are responsible for assessing the health needs of the population and buying services from hospitals and other providers such as Trusts offering services including (but not limited to) primary, secondary and emergency care. Funding is provided through an allocation from Central Government and flows through the CCG to the organisations providing care. The funds allocated to the CCG are per capita based and granted retrospectively, therefore there is a lag in the funding provided for any population growth.
- The approach to healthcare premises is changing. The Hampshire and Isle of Wight Sustainability and Transformation Plan describes health care premises in terms of Hubs. Acute Care Hubs such as the Queen Alexandra Hospital would serve a population of 400,000 to 600,000. Area Health Hubs such as Fareham Community Hospital and Gosport War Memorial Hospital would serve between 100,000-200,000 and Local Health Hubs such as Fareham and Portchester Health Centres would serve 30,000-50,000.
- The integration of primary, acute, mental health, social care and community services will be centres around Primary Care Networks (PCNs), set up to relieve pressure on hospitals. PCNs will be formed by practices coming together to cover populations of approximately 30,000-50,000.

Current Position

- High-level capacity planning has highlighted that population growth in Fareham could be accommodated in existing practices. These facilities will require refurbishment/extensions in coming years and the CCG will want to mitigate the infrastructure costs by accessing future developer contributions.

- Wickham Surgery has the estates ability to facilitate the registration of the first wave of primary care patients (approximately 5,000) from Welborne. Modifications to the existing building would be required together with capital and revenue funding to facilitate the modifications.
- In terms of acute health facilities, the Queen Alexandra Hospital has been awarded NHS capital to provide a new Emergency Department. There may be short term (in year) short fall in contracted activity payments as central government allocations are paid annually (retrospectively) which is the case for any population growth.

Mid-term Position

- It is anticipated that health services in 10-20 years-time are likely to be delivered through different organisational structures for example primary care services may be delivered by a network of GP practices. High level capacity planning based on current phasing of Welborne shows that the population will exceed 5,000 around 2030 when a further capacity review should be undertaken to enable further capacity in the healthcare estate to be provided if required.
- At this point it is likely that any provision of primary care services serving the Welborne population would be provided by a network or practices. Fareham practices indicate that 8,000-10,000 patients are required to deliver sustainable services. Given that the population up to 2030 is estimated to be 5,000 the introduction of a GP practice (at this stage) solely serving Welborne would not be sustainable and could destabilise existing practices.
- However, it is recognised that space within a community facility to deliver broader health and well-being services for the Welborne community would be of great benefit. By constructing flexible space that could accommodate clinical activity it would enable the space to be used to facilitate specific clinics and to serve as a base location for the delivery of networked primary and community services. We envisage the use of a group room with four, single, flexible, multi-use clinical rooms. We anticipate demand in the medium term would be limited, but the space would need to be created at 2028.

Longer Term Position

- The NHS Five Year Forward View sets out the requirement for Primary Care Networks, however it is impossible to predict the requirements for a new building at Welborne further than identifying the clinical room space to serve the growing population. The proposed housing for Welborne would not meet the required 30,000-50,000 population needed to create a PCN in its own right. Currently it is envisaged that from 2040 the population in Welborne could sustain a separate primary care service to the existing services. It is likely that the provision of primary care services would need to be provided by a network of practices from the health and well-being facility.

Impact of Welborne on the Wider Fareham Community

- There is enough capacity within the current primary care facilities to absorb the initial phase of increased growth from Welborne. However, to

deliver the services refurbishment work and extensions will be required. In addition to the Community Facility Fareham Community Hospital and Fareham Health Centre will be the main health hubs providing primary and community services for the Fareham area including Welborne. Capacity will also need to be provided at other existing GP Practices. NHS commissioners will be seeking opportunities to fund health infrastructure improvements by working with FBC to identify how funding can be sourced through other developments within the borough.

Summary

- There is no requirement for clinical rooms at Welborne over the next 5-10 years as the existing healthcare estate can accommodate this growth. Space within a community facility to deliver health and wellbeing services would be of great benefit from the early stages of development.
- In the short term the developer contributions will be required to facilitate the adaptation of existing healthcare facilities up to 2028 to accommodate initial growth. In addition, developer contributions could support a community facility in Welborne which would be large enough to accommodate holistic health and well-being services in the short term and which could be developed to grow flexibly as the population grows.
- It is important not to raise public expectations that a GP practice will be on site from the start of the development. In the longer term there is a need for clinical healthcare space to be provided as the later population arrives from 2040. This may require as many as 21 rooms for the provision of clinical services but will be assessed on clinical demand and models of service delivery in the future.

Contribution

- In light of the short and medium-term requirements up to 2028 and the longer-term requirements from 2040 a contribution of £4 million is sought.
- This would facilitate the adaptation of existing healthcare facilities up to 2028 to accommodate initial population growth and would support a community facility in Welborne with a group room and 4, single, flexible, multi-use clinical rooms and provide for the flexibility to deliver 21 rooms over the longer period.
- This capacity planning does not consider Local Authority, voluntary, dental and pharmaceutical elements as the CCG does not commission these services.

7.39 Hampshire and Isle of Wight Wildlife Trust

Objection (from the third round of consultation in March 2019)::

- The temporary SANG strategy will alleviate pressure on Dashwood and Blake's Copse, however the development will still put significant pressure on the woodland and sensitive ground flora within Dashwood.
- Parts of Fareham Common and the Welborne Mile will be discounted due to the noise pollution from the adjacent M27.
- The noise pollution will prevent these SANG from providing a tranquil

environment and will therefore not provide a satisfactory alternative to the sensitive coastal locations they are designed to protect.

- The application should therefore provide 100% of the Bird Aware tariff instead of the proposed 49.7% to ensure that the impact on the sensitive coastal habitat is fully mitigated.

7.40 Royal Society for the Protection of Birds (RSPB)

Objection (from the first round of consultation in April 2017):

- Insufficient mitigation is proposed to address the potential impact on the Portsmouth Harbour and Solent and Southampton Water SPAs from increased residential disturbance.
- The RSPB supports the Solent Recreation Mitigation Partnership as the most appropriate mechanism for mitigating recreational disturbance on the SPAs, however the provision of SANGS as mitigation for coastal recreation disturbance is unproven and should be in addition to financial contributions towards the SRMP strategy.
- No discounting has been applied to the SANGS to account for the current formal or informal recreational use of this land in order to determine its available capacity.
- There is insufficient information regarding the maintenance and monitoring of the SANGS in perpetuity.
- The area of SANGS proposed is insufficient and does not meet some of the SANGS quality standards.

7.41 Sport England

No objection.

- The provision of community facilities and a new, on-site community worker to be funded by the development is accepted.
- The commitment to provide pitches to meet the needs and opportunities identified in the emerging playing pitch strategy is welcomed.
- Detailed issues will be considered by Sport England in future Reserved Matter applications.
- The absence of contributions towards swimming provision within the Borough is disappointing.

7.42 The Meon Ramblers

Objection (from the third round of consultation in March 2019)::

- The diversion of Footpath 90 (Kneller Court Lane - through Fareham Common) as the diversion will be detrimental to the walking environment.
- Footpaths within the site should retain their off-road, rural character and shouldn't be diverted onto pavements beside busy roads.
- The developer should provide a link to the Meon Valley Trail from Knowle.

7.43 British Horse Society (BHS)

No objection subject to:

- The incorporation of Pegasus crossings on the new east-west multi-user public right of way to replace the public right of way 88;
- The upgrade of the bridge over the M27 on Bridleway 100 to a bridleway standard at an early stage in the scheme.
- The upgrade of multi-user links from the site to Wickham Common and the north east of the site
- Alternative routes for horse riders from Fareham Common to the bridleways to the north to be explored
- An additional bridleway to connect with the southern part of Footpath Fareham 84 to avoid the existing narrow access would be welcomed.
- Surfacing of bridleways in line with the BHS advisory leaflets
- Off-road links between Knowle and The Meon Valley Trail that avoid Knowle Village would be preferable to Fareham Bridleway 515
- Completion of the bridleway network at the earliest possible opportunity.

7.44 Woodland Trust

Objection (from the first round of consultation in April 2017):

- based on the potential damage to Dashwood and Blakes Copse.
- If permission is granted, the Trust request the following measures:
 - A buffer of at least 100m should be provided between the development and Dashwood/Blakes Copse.
 - The removal of conifer from the Plantation on Ancient Woodland Sections of -Dashwood should be gradual to enable natural regeneration
 - A 15m planted buffer should be provided between Dashwood and the SANGS car park.
 - All veteran trees should be safeguarded with appropriate root protection areas.

INTERNAL CONSULTEES:

7.45 Arboricultural Officer

No objection.

- The settlement seeks to provide significant green space and green streets, which will provide opportunities for new tree planting and landscaping to enable the delivery of the multiple benefits of well-designed and well maintained green infrastructure to the new community.

7.46 Environmental Health (Pollution)

Comments:

Air Quality:

- No objection subject to conditions.

Noise and Vibration:

- The outline construction environmental management plan for works to J10 is noted. Further information will be required with each phase of the development.
- The Household Waste and Recycling Centre should be at least 110m from residential properties to avoid nuisance from noise and odour.

7.47 Environmental Health (Contaminated Land)

No objection subject to conditions.

7.48 Estates

No objection.

- Uninterrupted access to and servicing of the council's properties at Dean Farm Cottages and 70 Kiln Road is required during the construction process. The construction process will need to be addressed by condition to mitigate the impact on residential amenity.

7.49 Conservation

No objection subject to conditions:

Roche Court & Gate Lodge

- The revised layout provides sufficient open parkland to the south of the drive to retain a sense of openness on the approach to the house. Appropriate attention should be given to the layout and treatment of the edge of the housing area.

Dean Farmhouse

- No objection subject to:
 - Retention and re-use of the two 19th century farm buildings, wing walls and gate piers to the west of Dean Farmhouse to be integrated into a new courtyard development;
 - To the north of the farmhouse and garden, provision of 2 storey houses with a front access lane separated from the farmhouse by a treed landscaped strip, private drive and public footpath;
 - Replacement 2 storey buildings in the adjacent courtyard to the west;
 - New buildings directly to the east of the farmhouse should be limited to 2 storey in height.

7.50 Street Scene

- No comments to make at this stage.

7.51 Fareham Housing

Comments: (from the fifth round of consultation in January 2021):

- Around 1,800 new affordable homes could have been delivered had the 30% policy requirement (Policy WEL18) been achieved
- The Supplementary Planning Statement (Dec 2020) suggests a minimum of 10% affordable housing will be delivered across the entire development. No potential increase in the 10% provision will be reviewed until the delivery of the 3,000th home; at this point the viability review mechanism would be used/triggered.
- The priority of the review mechanism (for profit exceeding 20% of cost) will be toward the repayment of HIF working on an 80/20 ratio (80% toward repayment of HIF and 20% for the developer). The 80% proportion toward HIF repayment will then come to FBC to be spent on the provision of affordable housing
- The proposed viability review mechanism would not require any further on-site affordable housing provision at Welborne until the HIF borrowing had been repaid. It is therefore a reasonable possibility that just 600 affordable homes (10%) will be provided on-site at Welborne
- If only 10% of the first 3,000 homes are affordable (i.e. 300) then a shortfall of 600 affordable homes would then need to be addressed in the subsequent 3,000 homes to achieve 30% sitewide. This would require 50% (1,500) of the second half of the development to be affordable which seems unlikely, particularly when the first priority for any surplus must be toward the repayment of HIF.
- Although a reduction to 10% minimum affordable housing delivery across the entire development is not a solution that can be supported, it is recognised that this is a planning balance between competing factors aimed ultimately at securing delivery of homes at Welborne
- The reduction in affordable housing (in order to support a funding solution to the infrastructure costs) will mean the Planning Authority needs to come to a view as to whether the proposal is contrary to Policy WEL18 of the Welborne Plan.
- The wording associated with the repayment of HIF funding, particularly the use of monies repaid to FBC, must be suitably flexible to ensure it can be used toward 'affordable housing provision' in Fareham Borough.
- it is important that the reinvestment of any repaid HIF monies is used 'for the provision of affordable housing in Fareham Borough'.
- Any in lieu contribution (as suggested if a phase *could* deliver above 30%) must have a clear and up to date mechanism/calculation to establish the appropriate monetary contribution.

8.0 PLANNING CONSIDERATIONS

8.1 The main planning considerations relevant to this application are listed below:

- The legal framework for assessing the application
- Environmental Impact Assessment (EIA)
- Vision for Welborne
- The principle of development
- Key plans and documents for approval
 - The Structuring Plan (along with Parameter Plans and High-Level Design Principles)
 - Infrastructure Delivery Plan (along with Phasing Plans)
 - Detailed Plans for Junction 10 and roundabouts on the A32

- Ensuring comprehensive development
- Areas of land within the Welborne Plan boundary not forming part of the current planning application
- Land included in the current planning application which is located beyond the Welborne Plan boundary
- Phasing / Sequencing
- Governance
- Ensuring Welborne is a distinct new community of a high quality of design
 - Woodland Character Area
 - Downland Character Area
 - Parkland Character Area
 - Meadowland Character Area
- Green Infrastructure
 - Structural Landscaping
 - Green Corridors
 - The Central Park
 - Play areas
 - Sport and Recreation (including allotments)
- Maintaining settlement separation
 - Fareham Buffer
 - Funtley Buffer
 - Knowle Buffer
 - Wickham Buffer
- Healthcare
 - Onsite healthcare
 - Hospitals
- Education
 - Nursery and Early Years Education
 - Primary School Provision
 - Secondary School Provision
 - Shared use agreement of school facilities
- Transport:
 - M27 Junction 10
 - Detail of Junction 10
 - A32 alterations
 - Internal road network
 - Off-site highway mitigation works
 - Public Transport Strategy
 - Rail Halt
 - Pedestrian and Cycle Strategy (including Public Rights of Way & bridleways)
 - Welborne Street Manual
- Employment provision
- Retail Impact Assessment
- Welborne's Centres:
 - District Centre
 - Local Centre
 - Community Hub
- Heritage
 - Dean Farmhouse
 - Roche Court
 - Impact on heritage assets
 - Listed buildings close to the site

- Crockerhill Mill House
- North Fareham Farmhouse
- Church of St Francis
- Other listed buildings close to the site
- Scheduled ancient monuments
- Non-designated Heritage Assets
- Ecology
 - Impacts on the international sites and Appropriate Assessment
 - SANG
 - Nationally protected sites
 - Locally (Non-Statutory) Protected Sites
 - Notable Habitats
 - Protected Species
 - Biodiversity
- Utilities:
 - Drinkable Water Supply
 - Waste water disposal
 - Overhead powerlines
 - Gas Main
- Household Waste Recycling Centre
- Minerals
- Best and Most Versatile Agricultural Land
- Flood Risk and Sustainable Drainage Systems
- Noise
- Air Quality
- Development viability
 - Infrastructure Delivery Plan
 - Junction 10 funding
 - Community Infrastructure Levy (CIL)
 - Viability
- Housing
 - Market Housing
 - Affordable Housing
 - Wheelchair accessible homes
 - Lifetime Homes
 - Passivhaus
 - Custom Build Housing
 - Specialist accommodation for the elderly
- Planning Balance

8.2 The legal framework for assessing the application

8.2.1 The content of the application is such that the planning consideration covers multiple different parts of legislation that all need to be taken into account. The legal framework is set out below and regard needs to be had to this Framework throughout the consideration of the application.

8.2.2 Section 70(2) of the Town and Country Planning Act 1990 requires the Council to have regard to the provisions of the development plan so far as they are material to the application, any local finance considerations, so far as material to the application, and any other material considerations.

8.2.3 The UK has now left the European Union, and Directives relating to

environmental impact assessments and the conservation of habitats and species no longer apply. Regulations made in domestic law continue to apply with some modification where necessary to ensure that the regulations continue to operate correctly outside of Europe. EU cases decided before 31 January 2020 also continue to apply.

- 8.2.4 Local finance consideration is defined as meaning any grant or financial assistance that has been, or will or could be, provided to the authority by a Minister of the Crown, or sum that the authority has received, or will or could receive, in payment of Community Infrastructure Levy.
- 8.2.5 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states:
- "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".*
- 8.2.6 The Council must take into account any representations made under article 33 of the Town and Country Planning (Development Management Procedure) order 2015.
- 8.2.7 The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 is relevant (which are applicable under transitional arrangements under the 2017 Regulations). Under Regulation 3, the Council shall not grant planning permission unless it shall have first taken the environmental information into consideration.
- 8.2.8 The Town and Country Planning (Use Classes) Order 1987 was amended in September 2020 and re-organised uses into different classes. However, as this application was submitted before September 2020, the Council must determine this application by reference to the uses or use classes before they were changed. However the use class changes will necessitate planning conditions to control this affect.
- 8.2.9 The Conservation of Habitats and Species Regulations 2017 are relevant. Under Regulation 63, the Council may agree to the project only after having ascertained that it will not adversely affect the integrity of the European site.
- 8.2.10 The Planning (Listed Buildings and Conservation Areas) Act 1990 is relevant. Section 66 states *"in considering whether to grant planning permission ... for development which affects a listed building or its setting, the local planning authority ... shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses"*.
- 8.2.11 Local authority duties under the Human Rights Act 1998 and the Equalities Act 2011 pervades across all functions of the Council including the determination of planning applications. The Council's public-sector equality duty is an important consideration. It requires the Council inter alia to have due regard to the need to—
- (a) eliminate discrimination, harassment, victimisation and any other

conduct that is prohibited by or under this Act;

- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- 8.2.12 The Human Rights Act 1998 incorporates the rights set out in the European Convention on Human Rights (ECHR), inter alia Article 8 (right to respect for one's private and family life, including their home), and Protocol 1, Article 1: (Protection of property).
- 8.2.13 As is set out above, the key consideration within Section 38(6) is that the decision should first be in accordance with the development plan unless there are other material considerations. Material considerations include the planning policies set out in the NPPF.

8.3 Environmental Impact Assessment

- 8.3.1 In accordance with the Environmental Impact Assessment (EIA) Regulations, this report has considered the application submission which includes the applicant's Environmental Statement (ES).
- 8.3.2 EIA is a procedure used to assess the likely significant effects of a proposed development upon the environment. The conclusion of the EIA process results in the provision of an Environmental Statement by the applicant. The ES is required to provide the Local Planning Authority with sufficient information about the potential effects of the development before a decision is made on the planning application. The information contained in the ES must be taken into account in deciding whether to grant planning permission and reasons must be given.
- 8.3.3 The ES includes a description of the current environmental conditions known as the baseline conditions, against which the likely significant environmental effects of the development are assessed both during construction and once completed. Each chapter of the ES states which effects are considered significant. In the case of the Welborne development the ES has been refreshed and updated during the consideration of the application. With the documents submitted in December 2020 the applicant provided an EIA Statement of Conformity which has reviewed the EIA work and concluded that the results, the environmental impact identified along with the proposed mitigation remain unchanged.
- 8.3.4 As required by the EIA Regulations, the application and the associated ES has been publicised and consulted upon. Where necessary the relevant consultee responses have taken account of the relevant parts of the ES.
- 8.3.5 The conclusions of the ES and the EIA Statement of Conformity submitted in December 2020 are noted and have been considered by Officers in the assessment of the application through this report. It is considered that the applicant has undertaken the EIA process appropriately and adequately. The use of planning conditions and legal agreement(s) can secure suitable

mitigation measures where significant environmental impacts would otherwise occur.

8.4 Vision for Welborne

8.4.1 The Welborne Plan sets out a clear vision for Welborne. It seeks to provide a 21st century interpretation of the long-established garden village principles and redefine them in a contemporary way which provides a response to the specific locality of the site.

8.4.2 The Council's Vision for Welborne is as follows:

"A distinct new community set apart but connected to Fareham, whose spirit, character and form are inspired by its landscape setting.

Welborne will create a diverse and well integrated new community. It will encourage self-containment with a significant proportion of its inhabitants' life needs being accessible within a main centre and smaller neighbourhood centres. It will contain a mix of dwelling types which meet the needs of the increasing numbers of single person households, families, and the needs of an ageing population. There will be a range of accessible new jobs created which contribute towards meeting the employment needs of this diverse new community.

It will have an integrated movement system connecting it with its surrounding settlements and destinations. It will incorporate footpaths, cycle ways, and vehicular traffic in a way that encourages walking and cycling, provides excellent public transport, and feels comfortable and safe to use.

The development will have a distinctive character. Its layout and design will complement local topography, landscape features and historic structures to produce a place that is distinctive whilst responding to its wider context. It will encourage contemporary design in a manner that is flexible and is capable of accommodating change.

It will have an integrated and linked green network of multi-functional open spaces, civic spaces, public open spaces, private outside space, and green routes. The green network will incorporate the site's natural features, hedgerows, tree lines, and woodlands to provide habitat, recreational facilities, to frame new development and to link to the wider countryside.

It will take advantage of natural features, such as hedges/green corridors/woods; it will maximise orientation; incorporate Sustainable Drainage (SuDS); and provide opportunities for local food production. It will aim to meet its own renewable energy needs in a viable fashion, and deal effectively and sustainably with waste. Buildings will be thermally and water efficient. Access to services and a high quality public transport system all within easy walking distance of homes will reduce the need to travel by car.

Socially and economically Welborne will complement rather than compete with the surrounding settlements and it will allow existing residents to benefit from the new facilities."

8.4.3 The following report sets out how the planning application proposals will meet the Vision for Welborne and how Garden Village principles will be secured.

8.5 The principle of development

8.5.1 In 2005 a strategic development area was identified to the north of the M27 and proposed to the South East England Regional Assembly for inclusion in the South East Plan.

8.5.2 The final version of the South East Plan was published in May 2009. The Plan proposed the allocation of a Strategic Development Area within Fareham Borough to the north of the M27 motorway comprising 10,000 new dwellings.

8.5.3 The vision for the new community progressed and was included within the Fareham Borough Core Strategy. Policy CS13 is the Core Strategy policy that relates directly to the allocation of the Strategic Development Area and sets out that an Area Action Plan (AAP) will be produced to inform future applications. When the Core Strategy was adopted in August 2011, it was anticipated that Welborne would accommodate between 6,500 and 7,500 dwellings.

8.5.4 In June 2015 the Council adopted the Welborne Plan as the Local Plan Part 3. The Welborne Plan is a comprehensive document that provides the main policy guidance for delivery of development at Welborne and is essentially the AAP required by Policy CS13.

8.5.5 The Council is currently undertaking a review of the local development plan. The Welborne Plan (local plan part 3) however is not being reviewed at this stage and as such the policies of this plan remain relevant in the determination of this application.

8.5.6 Policy WEL3 of The Welborne Plan allocates the land for the new community to accommodate approximately 6,000 dwellings, 20 hectares of employment land, along with new education and retail facilities, associated infrastructure and open space.

8.5.7 Given the allocation of the site for Welborne through the adopted Core Strategy and The Welborne Plan, the principle of the development is established. The vast majority of the land within the planning application site is within the Welborne Plan boundary. There are some very limited exceptions to this which are explained shortly in this report under the heading "Land included in the current planning application which is located beyond the Welborne Plan boundary".

8.6 Key Plans and documents for approval

8.6.1 The adopted Welborne Plan contains a Policy Map which specifies the location of settlement buffers between Welborne and the neighbouring settlements of Fareham, Funtley, Knowle and Wickham. The Policy Map also sets out the approximate locations of the secondary school, 'Central Park', the District and Local Centres and the Community Hub.

8.6.2 The Welborne Plan also contains the Strategic Framework Diagram (SFD)

which illustrates one way in which the development of Welborne could be approached to accord with the policy requirements of The Welborne Plan. Policy WEL4 of The Welborne Plan expects development to be taken forward on a comprehensive basis ‘...in accordance with the principles of the Strategic Framework Diagram’.

8.6.3 Given the scale of Welborne and the period of time over which the development will be brought forward, the policies of The Welborne Plan require a number of plans and documents to be submitted for approval with the initial planning application at Welborne. A number of these documents are at a ‘high level’ and will set out the broad parameters and expectations for future planning applications and ultimately the development undertaken at the site. Many of these plans and documents form part of the current planning application before Members for approval.

8.6.4 To assist Members, the key documents and plans for approval are summarised here and will be referred to throughout the Officers’ report.

- The Structuring Plan (along with Parameter Plans and High-Level Development Principles)
- Infrastructure Delivery Plan (along with phasing plans)
- Detailed plans for Junction 10 and the proposed roundabouts on the A32 (some drawings of which have been amended by the December 2020 submission relative to the position of the proposed Pegasus crossing of the A32 to ensure consistency between plans).

8.6.5 The Structuring Plan (along with Parameter Plans and High-Level Design Principles)

One of the key documents submitted for approval (and required by Policy WEL4) is a ‘Structuring Plan’. The role of the Structuring Plan is to show the way in which the main land uses and key items of infrastructure will be placed and arranged across Welborne as a whole and the amount of land proposed for each type of use. The Structuring Plan is also required to set out:

- The access points and primary road network, including the Bus Rapid Transit (BRT) route;
- The location of the District and Local centres and the Community Hub;
- The location of Welborne’s schools;
- The main pedestrian and cycle routes throughout Welborne
- The strategic green infrastructure, including the green corridors linking them
- The areas proposed for suitable alternative natural greenspace (SANGS); and
- The location of strategic utilities infrastructure, including for the supply of electricity and disposal of foul water.

8.6.6 Given the large amount of information it contains, the Structuring Plan is supported by a series of ‘Parameter Plans’ each containing a layer of information. These Parameter Plans comprise the following:

- The Boundary Parameter Plan;

- The Access and Movement Parameter Plan;
- The Land Use Parameter Plan;
- The Residential Density Parameter Plan;
- The Building Heights Parameter Plan; and
- The Green Infrastructure Parameter Plan.

8.6.7 The Parameter Plans support the Structuring Plan and focus on the specific elements set out in the six bullet points above. Along with each of the Parameter Plans, the applicant has provided a written explanation of the rationale that informed the approaches taken in each of the plans.

8.6.8 At the time The Welborne Plan was adopted it was recognised that the design process may not be sufficiently advanced to allow the submission of 'design codes' with the first outline planning application. In such a scenario The Welborne Plan allowed for the submission of 'High-Level Development Principles', alongside the Structuring Plan, to describe the design assumptions behind the key elements of the Structuring Plan.

8.6.9 The submitted Structuring Plan is accompanied by a set of 'High Level Development Principles' which are grouped into the following areas:

- Land use;
- Creating and respecting character;
- Density and building heights;
- Green and blue infrastructure; and
- Access and movement

8.6.10 The Structuring Plan (along with Parameter Plans and High-Level Development Principles), form part of the current planning application and are before Members for approval. The submitted Structuring Plan contains all of the information required by Policy WEL4. There are some areas where there are minor differences between the Structuring Plan and the Strategic Framework Diagram and these are discussed in the relevant sections of the following report. The Structuring Plan is considered by Officers to be broadly consistent with the Strategic Framework Diagram.

8.6.11 All subsequent planning applications for parts of the Welborne site shall be consistent with the approved Structuring Plan. The Structuring Plan will be kept under review by the promoters of Welborne and changes to it could be approved by this Council alongside any future planning applications that rely on those changes.

8.6.12 Infrastructure Delivery Plan (along with Phasing Plans)

The purpose of the Infrastructure Delivery Plan (IDP) and Phasing Plans is to set out what infrastructure will be required to support the Welborne development, and when the infrastructure is likely to be needed based upon the likely housing and employment trajectories.

8.6.13 The Infrastructure Delivery Plan and Phasing Plans, which are considered in detail within the following report, form part of the current planning application and are before Members for approval.

8.6.14 All subsequent planning applications for parts of the Welborne site shall be

consistent with the approved Infrastructure Delivery Plan/ Phasing Plans. The Infrastructure Delivery Plan/ Phasing Plans will be kept under review by the developers of Welborne and changes to them could be approved by this Council alongside any future planning applications that rely on those changes

8.6.15 Detailed plans for Junction 10 and roundabouts on the A32

The application drawings include the general arrangement drawings for the new all moves junction 10 of the M27. Detailed drawings are also included for approval to cover the three roundabouts into the site from the A32 along with the alterations to the east side of the existing Knowle Road roundabout.

8.6.16 Part of the work to the A32 not only includes the proposed site access points but also the necessary crossing points over this road to help connect the development on each side of the A32. One such crossing point that has been longstanding in the proposal is the provision of a controlled crossing for both pedestrians and horse riders (referred to as a Pegasus crossing). Since the resolution of the Planning Committee in October 2019 it became evident that there was a discrepancy between the location of this crossing on the parameter plans and the detailed A32 plans. The amended drawings submitted in December 2020 clarify and correct this point so that the position of this crossing is now consistent across all drawings.

8.6.17 For clarity this crossing point is shown at the point of footpath number 102 on the east side of the A32. The location is approximately halfway between the Knowle Road roundabout and the new central roundabout at the northern edge of the District Centre.

8.6.18 Design Codes

Prior to the approval of any reserved matters applications, the site promoter will need to submit 'Design Codes' to this Council for its approval. By way of example, it is anticipated that the 'Design Codes' will address the following aspects amongst others:

- 8.6.19
- The general design principles and standards that will apply across the development area;
 - The design specifications for each character area within Welborne, setting out the key requirements which will ensure each area is distinctive and how they will be differentiated from the other character areas. This will provide guidance and set the required standards for materials, landscaping, the public realm, lighting, street furniture etc for each area;
 - The design and performance specifications for the main circulation routes through the site, including the design of the principal streets, setting out how the plot boundaries, footpaths and cycleways, parking strategy, landscaping and SuDS should be incorporated into a cohesive and holistic design;
 - Illustrations of how the functional requirements such as bin storage, metering and underground services could be incorporated into the overall design;

- Illustrative material to show how the built form could relate to the main open spaces and other green infrastructure resources, including property boundaries, accessways, and landscaping;
- Indicative elevations to show how edges of blocks should relate to the main structuring elements of the plan in terms of height, scale, rhythm, enclosure and materials and;
- Plans which identify the existing landscape features in each area, such as hedgerows and trees and illustrations of how they could be retained and incorporated into the overall design and protected during the construction process.

8.6.20 Design Codes have not been formally submitted to the Council to date and are not therefore before the Planning Committee for approval at this time. The site promoter will however need to submit them for approval before the Council decides any reserved matters application for above ground works.

8.7 Ensuring comprehensive development

8.7.1 At the time of the preparation and adoption of The Welborne Plan the land allocated for development was controlled by multiple land owners. Policy WEL4 of The Welborne Plan requires the development of Welborne to be taken forward on a comprehensive basis, reflecting the delivery and phasing guidelines set out in the Plan and in accordance with the principles of the Strategic Framework Diagram.

8.7.2 Since the Welborne Plan was adopted, the ownership of land within the site has changed and now over ninety percent of the land within the Welborne Plan area is controlled by a single majority land owner. There are however some areas within the Welborne Plan area which are not included in the current planning application, as well as areas included within the application which are not allocated within the Welborne Plan.

8.7.3 There is no definition within the Welborne Plan of what would constitute “Comprehensive development”. The Oxford English Dictionary defines “Comprehensive” as “...including or dealing with all or nearly all elements or aspects of something”. In the view of Officers, to secure comprehensive development at Welborne doesn’t necessarily mean that all of the land within the Welborne Plan Area has to be included within the planning application.

8.7.4 The following section of the report sets out the applicant’s rationale as to why some small areas of land within the Welborne Plan boundary are not included within the current planning application. In addition, Officers have assessed the acceptability in planning terms of undertaking development associated with Welborne on land beyond The Welborne Plan boundary.

8.8 Areas of land within the Welborne Plan boundary not forming part of the current planning application

8.8.1 Boundary Oak School and Albany Farm are not included in the current planning application as there is no development proposed within these areas.

Although these areas fall within the area covered by The Welborne Plan, the Strategic Framework Diagram (which forms Appendix B2 of the Welborne Plan) did not indicate development within either of these areas.

- 8.8.2 There is a small parcel of land between the A32 and Pook Lane to the north of the existing Junction 10 eastbound on slip which has been acquired by the applicant since the submission of the planning application. This area of land contains a number of trees that are covered by a Woodland Tree Preservation Order and is identified in the Strategic Framework Diagram as forming a minor landscape buffer between the A32 and the development to the east. This area is not included within the current planning application.
- 8.8.3 The application sets out that this piece of land does not form part of the planning application on the basis that the application proposes sports pitches to the east of this area (rather than an employment area as anticipated at the time of The Welborne Plan's adoption). The applicant does not believe there is a need for a buffer in this location as it can be provided further east next to the sports pitches.
- 8.8.4 The provision of a landscape buffer further east lessens the importance for this section of land to be included within the current planning application. The fact that this piece of land contains a large number of trees protected by a woodland tree preservation order means that the land would nonetheless informally provide a landscape buffer in addition to the buffer proposed next to the sports pitches.
- 8.8.5 In the view of Officers, the fact that these areas of land do not form part of the current planning application, does not prevent Welborne coming forward on a comprehensive basis as required by WEL4 of The Welborne Plan.

8.9 Land included in the current planning application which is located beyond the Welborne Plan boundary

- 8.9.1 There are areas of land within the current planning application that go beyond the area allocated within the Welborne Plan. These areas are:
- the land to the north of Albany Farm/ Albany Business Centre and east of the Knowle roundabout;
 - land along the M27 corridor from the existing junction 10 east to the Wallington footbridge; and
 - land south of the motorway along the A32 to North Hill.
- 8.9.2 The first point to note is that land south of the motorway along the A32 to North Hill is within the defined settlement boundary of the Local Plan parts 1 and 2 such that the principle for development is acceptable. The merits of the detail of the changes to the North Hill / Furze Court, Wickham Road junction is considered elsewhere in this report.
- 8.9.3 The land along the M27 corridor from the existing junction 10 east to the Wallington footbridge over the motorway is included in the application site. This is within the designated countryside.
- 8.9.4 The land to the north of Albany Farm has been included within the outline planning application and is also within the countryside.

- 8.9.5 Policy CS14 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.... In coastal locations, development should not have an adverse impact on the special character of the coast when viewed from the land or water”*.
- 8.9.6 The infrastructure proposed as part of Welborne includes junction 10 of the M27 (policy WEL 24 refers). Being necessary infrastructure to make Welborne acceptable, junction 10 works are considered to be acceptable in principle as “required infrastructure” within policy CS14.
- 8.9.7 The land to the north of Albany Farm is identified within the application as providing allotments, a park and play area together with two points of access to the land to the east of the A32 and utilities buildings. The application explains that the land is included as it is required to serve the adjacent residential areas. The application also explains that the additional land is required to ensure a suitable density and typology within the residential areas throughout the site.
- 8.9.8 Whilst this road infrastructure, utility buildings plus the allotments and a play area, have been provided outside of the Welborne Plan boundary it is considered that this land would largely remain of an open and undeveloped character creating a buffer between the proposed new road off the Knowle roundabout and the open countryside beyond.
- 8.9.9 The provision of allotments and the proposed play area are considered to be uses that are appropriate in the countryside. It is arguable that the proposed utility infrastructure necessary to serve the Welborne development falls within the term “required infrastructure” within policy CS14. The proposed road, however, would not typically be considered as an acceptable form of development in the countryside as provided for by policy CS14.
- 8.9.10 Notwithstanding the above however, this part of the proposal is not considered to result in an adverse affect to the character of the countryside and landscape. This part of the application is considered acceptable in the context of and as part of the wider Welborne development and Officers consider that this is acceptable as a departure from the requirements of policy CS14.

8.10 Phasing / Sequencing

- 8.10.1 Policy WEL41 of the Welborne Plan requires initial planning applications to be supported with a detailed phasing plan and Infrastructure Delivery Plan (IDP). The submitted IDP sets out the proposed phasing for the development however the IDP has not been updated such that whilst the chronology remains as submitted the calendar year attributed to each phase will now have slipped.
- 8.10.2 Within their submission the applicant has chosen to use the term ‘Sequencing’ rather than ‘Phasing’. Within this report, the two terms should

be treated as interchangeable in respect of testing the applicant's proposals against the requirements of WEL41.

- 8.10.3 The application sets out that the new community at Welborne will be delivered across five main Sequences spanning the next twenty-five years. The Sequences identify the broad areas of the site where construction is expected to take place and the key items of infrastructure that will be delivered. The application proposes that the site will be delivered through a number of "neighbourhoods". These neighbourhoods are to be delivered either in whole or part by different housebuilders within the Sequences and these are essentially the more detailed stages of the development.
- 8.10.4 There are some differences in the proposed Sequencing of development when compared to that anticipated within The Welborne Plan. Officers acknowledge that there have been material changes in circumstances since the adoption of the plan and the Examination in Public into the Plan. One of the key changes is the acquisition of the majority of the land at Welborne by the applicant meaning that they are able to deliver the site comprehensively. Furthermore, the more detailed work undertaken on infrastructure costs and interrogation of the housing market, have altered the trajectory of how the new homes will be delivered and the consequential need for the delivery of infrastructure to support them.
- 8.10.5 The Sequences for Welborne set out within the applicant's IDP are as follows:
- Sequence 1: 2019/20 – 2023/24
 - Sequence 2: 2024/25 – 2028/29
 - Sequence 3: 2029/30 – 2033/34
 - Sequence 4: 2034/35 – 2038/39
 - Sequence 5: 2039/40 – 2041/42

- 8.10.6 The IDP also provides a projected timeline for the housing delivery on site:

Sequence	Application IDP		
	Period	Years	Units
1	2019-2024	5	690
2	2024-2029	5	1420
3	2029-2034	5	1550
4	2034-2039	5	1500
5	2039-2042	3	840
TOTALS		23	6000

- 8.10.7 The December 2020 Supplementary Planning Statement provides more detail in the early years of development at Welborne and indicates a slight change in the trajectory of delivery for the start of the development.

Year	Dwellings per year	Cumulative dwellings
2020-2021	0	0
2021-2022	0	0
2022-2023	30	30
2023-2024	180	210
2024-2025	240	450

2025-2026	240	690
2026-2027	240	930
2027-2028	240	1210
2028-2029	300	1510
2029-2030	300	1810

8.10.8 With respect to the delivery of the proposed employment floor space, the application proposes that the construction of the B-Class employment is focused on Sequence one through to three with 15,000sq.m in Sequence one and 45,000 sq.m in the following two Sequences (giving a total of 105.000sq.m). This is significantly earlier than anticipated in The Welborne Plan, which included 25,550 sqm to be developed beyond 2036, which is almost a quarter of the total floorspace.

8.10.9 The implications for this earlier delivery of employment floorspace is discussed in the section of this report regarding Employment Provision. Overall, however, the change in delivery can be summarised as acceptable without harm to the employment offer in the Borough or the wider PfSH area.

8.10.10 In greater detail the applicant's Infrastructure Delivery Plan proposes the delivery of Welborne in the following manner noting, as above, that the calendar years attributed to each sequence will now have changed:

8.10.11 Sequence 1 (2019/20-2023/24):

The first development will mostly be focused to the north of Knowle Road.

Sequence one is to provide the following:

- Approximately 690 homes;
- Commencement of the village centre including:
 - Village Centre Community Building
 - Health Outreach facility using the Village Centre retail outlets
- Commencement of the eastern employment area;
- Construction of the new Junction 10;
- Construction of the new A32 Northern Roundabout;
- Alterations to the Knowle Road Roundabout;
- Undergrounding of overhead power lines;
- Provision of onsite drainage;
- Diversion of water mains (if required for detailed layout);
- Provision of children's play areas within neighbourhoods;
- Delivery of strategic planting;
- Delivery of Dashwood SANG;
- Provision of the northern segment of the main Central Park;
- First Primary School playing fields. (It is noted that the school is shown in sequence 2 but as described elsewhere in this report the detailed delivery of the school has been the subject of ongoing discussion with the Local Education Authority and is now likely to be delivered earlier than sequence 2).

8.10.12 Sequence 2 (2024/25-2028/29):

The second Sequence continues to focus development around the Knowle Road area and the Local Centre including the Former Sawmills Site but also development starts to the west and south of the District Centre. Sequence two provides:

- Approximately 1,420 new homes (2,110 cumulative total);
- Commencement of the rest of the employment area;
- Completion of the village centre;
- Provision of the on-site BRT network;
- Potential opening of the HWRC (as a result of the negotiations on the Section 106 legal agreement with Hampshire County Council (HCC) as Waste Authority, this amenity is likely to come later in the development with a trigger of 3,000 units agreed for the transfer of the land to HCC and for the payment of a contribution for the delivery of the facility);
- Completion of the first primary school (see final bullet point above for Sequence one);
- Day care/nursery provision in the village centre;
- Secondary School site made available for early playing field delivery and access;
- Delivery of Dashwood Park tennis courts;
- Provision of childrens' play areas within neighbourhoods;
- Phased delivery of parts of Central Park;
- Further / continued strategic landscape planting;
- Internal road network delivered to service the neighbourhoods being constructed.

8.10.13 Sequence 3 (2029/30-2033/34):

The third Sequence of development is within the District Centre and to the west of the Central Park and the community hub. Development is also proposed to commence to the north of the Local Centre.

- Development of approximately 1,550 homes (3,660 cumulative homes);
- Construction of the Central Roundabout to the A32;
- Realignment of Pook Lane with new road and infrastructure;
- Second primary school site made available in the District Centre site;
- Provision of Welborne Sports Hub;
- Nursery and pre-school provision in the District Centre;
- Continued Strategic Landscape Planting;
- Provision of pitches north of Funtley;
- Secondary school playing fields;
- Provision of allotments

8.10.14 Sequence 4 (2034/35 - 2038/39):

This fourth Sequence sees the provision of homes along the edges of the site and to the east side of the A32. The third and final primary school is scheduled for delivery in this sequence along with the multi-purpose community building in the district centre. Central Park is completed in this

Sequence of the development along with the delivery of Fareham Common SANG.

- 1,500 homes (5,160 cumulative homes);
- Completion of the district centre;
- Third primary school;
- Child care/nursery in the Community Hub;
- Continued delivery of green spaces, parks, SANGS and Green Infrastructure.

8.10.15 Sequence 5 (2039/40-2041/42):

This is the final Sequence of the development. This includes the area to the very north of the site around Blakes Copse and land to the east of the A32.

- Approximately 840 homes (6,000 cumulative homes);
- Day care/pre-school provision adjacent to Roche Court Sports Hub

8.10.16 Whilst the sequencing for the delivery of Welborne differs from that shown within the Welborne Plan, the Plan acknowledges that given the long build- out period for Welborne that the approach to delivery should be flexible and be adaptive to changes over the lifetime of the Plan and the development delivery. As such the phasing approach set out in The Welborne Plan is not a rigid set of rules against which Welborne must be delivered. Policy WEL41 reflects this approach and requires that the detailed phasing plans and IDP are kept under review for the lifetime of the development with the Planning Authority approving changes as future applications come forward.

8.10.17 In this case and at this time the applicant's IDP is accepted by Officers as an appropriate means of delivering the necessary infrastructure as required by policy WEL41

8.11 Governance

8.11.1 For a development the size of Welborne, the estate management of green and social infrastructure will be key to its long-term success as a Garden Village. One of the key characteristics of earlier Garden Cities, which has contributed to their character, legacy and enduring success, is that they have structures in place for the long-term stewardship of the community's assets. This has recently been acknowledged by the Government as a key principle of the new Garden Communities approach. Undertaken for the benefit of the community to support and sustain the delivery of the collective vision, the community should have a stake in the new development. Management of common (unadopted) areas in perpetuity, design regulation and the regulation of property alterations are recognised as key roles for these stewardship bodies.

8.11.2 Policy WEL35 specifically deals with the Governance and Maintenance of Green Infrastructure. The Policy requires an implementation, phasing and management plan to be submitted alongside a green infrastructure (GI) network plan with initial applications for Welborne. The policy also requires applicants to set out how the GI network will be implemented and maintained

in perpetuity and to identify who will adopt and ultimately have responsibility for maintaining the various pieces and types of GI.

- 8.11.3 Buckland proposes to meet the requirements of WEL35 by placing all GI spaces, including footpaths, cycle paths, bridleways, play spaces, sports pitches, allotments, informal open space; together with all civic facilities such as parks, roads and all other public spaces and buildings that are not passed into the control of Hampshire County Council/ adopted by the Highway Authority, into a garden village trust, rather than offering land and facilities to the Borough Council for adoption.
- 8.11.4 The Welborne Garden Village Trust (WGVT) (as it is proposed to be called), will be responsible for the estate management and stewardship of all the common parts of Welborne and will be established prior to the first residents being on site. Its role will be to:
- Stimulate and support community ethos
 - Encourage residents' participation
 - Co-ordinate the long-term management and maintenance of Welborne's common parts
 - Uphold the Welborne Masterplan and the character and quality of the Garden Village
 - Regulate property alterations
- 8.11.5 The WGVT will be comprised of representatives from Buckland Development Ltd, the Southwick Estate, Welborne Land Limited, Fareham Borough Council, Hampshire County Council and residents' representatives. It will employ a community development worker to encourage residents' participation and use an accredited Managing Agent to manage and maintain the common parts.
- 8.11.6 In establishing the WGVT, Buckland Development Limited as Development Manager, the Southwick Estate and Welborne Land Limited as majority landowner are adopting a proactive, long-term stewardship model that is very different to the management undertaken by a 'typical' private management company with no vested interest in the land. The Welborne Garden Village Trust will be authorised and regulated by the Financial Compliance Authority (FCA) and cannot be sold on. Its decisions will be transparent, with annual accounts available for public scrutiny.
- 8.11.7 An Annual Service Charge will be levied on each freeholder and leaseholder and secured by Deed of Covenant. This charge, levied in addition to statutory Council Tax as typical in many large-scale new developments, will be set by the WGVT in accordance with RICS Service Charge Code. Initially, the WGVT proposes to subsidise the service charge in order to keep charges at reasonable levels but predicts that the costs will be covered by the service charges generated within 20 years. The Trust will also seek opportunities for additional revenue generation to minimise the service charge for residents.
- 8.11.8 Covenants will also be used to regulate property alterations, in addition to any requirement of the Local Planning Authority. A Residents' Charter will set out day to day obligations and restrictions and the WGVT will retain design control through an application and appeal process in order to provide

design consistency across the whole development in the long- term.

- 8.11.9 To further ensure that the design quality of Welborne is not compromised as the development progresses, Buckland Development Ltd as Development Manager will prepare a strategic design code for the whole site. This will act as a design framework, with further design codes for individual neighbourhoods and phases to follow. The design codes are intended to be prepared collaboratively with significant input from FBC and consultees.
- 8.11.10 The legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, will be used to secure delivery, management and maintenance. It will also include provisions for the unexpected event of the WGVT ceasing to operate or exist so that the management and maintenance of the community can be continued at the expected standard.
- 8.11.11 On the basis of the above, Buckland's proposals for Governance are considered to accord with the requirements of Policy WEL35. They are also closely aligned to the national Garden Village principles.

8.12 Ensuring Welborne is a distinct new community of a high quality of design

- 8.12.1 The Vision for Welborne is for the creation of a *'distinct new community set apart but connected to Fareham, whose spirit, character and form are inspired by its landscape setting.... The development will have a distinctive character. Its layout and design will complement local topography, landscape features and historic structures to produce a place that is distinctive whilst responding to its wider context. It will encourage contemporary design in a manner that is flexible and is capable of accommodating change.'*
- 8.12.2 The Vision for Welborne is one which is shared by this Council and the Site Promoter. There is a very strong desire to ensure that Welborne is a community with its own distinct character, which whilst responding to its surroundings does not feel like any housing development which could be anywhere.
- 8.12.3 The application before Members at present is in outline which means that detailed plans showing exactly what streets will look like, where buildings will be placed, the designs of buildings, etc are not available at this time. Through the outline planning application however, it is imperative that the fundamental 'building blocks' are in place for guiding all the design work which will need follow. The Structuring Plan, Parameter Plans and High-Level Development Principles will play a key role in setting out the fundamentals upon which detailed design codes and work will be based upon.
- 8.12.4 Another element which will play a fundamental role in defining the spirit, character and form of Welborne are the Character Areas which are established through The Welborne Plan and elaborated upon further within the Welborne Design Guidance SPD.
- 8.12.5 The Welborne Plan considers that the site of Welborne will have four distinct

character areas which will guide the master planning process and ensure that the development is strongly influenced by the landscape character of its surroundings. Character areas within Welborne are also intended to ensure that areas within Welborne have their own unique identity within the overarching character of Welborne.

- 8.12.6 The Welborne Plan describes the character areas as: the woodland; downland; parkland and meadowland character areas.
- 8.12.7 The proposed location of land uses together with the density and height of buildings within each of the character areas is contained within the Parameter Plans described earlier in this report and which are before Members for approval.
- 8.12.8 The application also contains illustrative details relating to landscaping, layout of streets and materials which would help define and distinguish the various character areas through the detailed design process. This information is provided at this outline stage to help illustrate ways in which the character areas could be defined and distinguished from each other and to give reassurance that the different characters can be achieved and that quality will be embedded in Welborne.
- 8.12.9 Accompanying the Structuring Plan, the applicant has set out High-Level Development Principles relating to creating and respecting character. These principles state:

“The existing landscape setting will provide the design structure for Welborne. The wider landscape and existing site features will combine to drive four distinct character areas: Woodland, Downland, Parkland, and Meadowland.

Each of the different character areas will have distinct design aspirations regarding land uses, open space network and urban form including residential density and building heights.

The four character areas will be further articulated through the detailed treatment of streets, spaces and green infrastructure where different planting types, arrangements, street sections, colours and building materials can be used to differentiate between areas further”.

- 8.12.10 The following section of the report looks at each of the four character areas and the applicant’s proposals for them.
- 8.12.11 Woodland Character Area

The Woodland character area is located at the north of the site and includes all of the land north of Knowle Road. The land in this area rises to the north and is characterised by its proximity to Dashwood in the north west and Blake’s Copse to the east. The position of these large woodland areas creates a strong sense of enclosure and will be a defining characteristic of this area.

- 8.12.12 In terms of density, the density parameter plan identifies that development in the north and north west sections of the woodland character area (the areas

next to Dashwood) will be lower density residential development of up to 30 dwellings per hectare (dph). Buildings to the south and north east of the northern primary school (together with buildings to the immediate north and west of the Primary School) are proposed at a medium density of up to 35dph and buildings to the north and east of the Local Centre at a higher density of up to 45dph.

- 8.12.13 In terms of height, the height parameter plan indicates that buildings in part of the northern section (to the east of Dashwood) could be predominantly 2-2.5 storeys and up to 11m in height, with the remainder of the buildings adjacent to the south and south east of Dashwood predominantly 2.5 storeys and up to 11m in height, with up to 35% of the dwellings up to 3 storeys and 14m in height.
- 8.12.14 Buildings to the north and south of Knowle Road could be predominantly up to 3 storeys and up to a maximum of 14m in height with up to no more than 35% being 4 storeys and up to a maximum of 17m in height.
- 8.12.15 The Local Centre would be located to the north of Knowle Road on either side of the proposed north-south route through Welborne. The mixed-use Local Centre will be of a higher density and up to 4 storeys in height. A landmark feature such as a clock/bell tower or spire is proposed as part of the main community building in the Local Centre and could be up to a maximum of 25m in height. The Northern Primary School would be located approximately within the middle of the Woodland character area and could be up to 15m in height.
- 8.12.16 In terms of green infrastructure, the Woodland character area would contain the upper sections of the Central Park and the Welborne Mile SANG (an area of SANG running north-south along the western side of the Welborne development.) There will also be an area of semi-natural greenspace around the north and much of the eastern edges of the site. The Woodland character area would also contain a series of six parks/informal play spaces.
- 8.12.17 The predominantly low and medium density Woodland character area could be articulated by large clusters of trees with large canopies and streets orientated with views of the woodland areas beyond the site. The density of trees in this area is also likely to be higher than in the other character areas
- 8.12.18 Downland Character Area
- The Downland character area is the largest and most central of the character areas. This area lies between Knowle Road in the north and Dean Farm Estate in the south, with the A32 to Wickham in the east and the Welborne Mile along the western edge. This area is characterised by gentle sloping topography and open chalk grassland.
- 8.12.19 The land use parameter plan confirms that the Downland character area will contain a range of development uses and densities. The mixed-use District Centre, the highest density area within the site, with development up to 5 storeys in height would be located in the east of the Downland character area
- 8.12.20 Further high density residential development of up to 4 storeys in height with up to 30% of up to 5 storeys in height would also front onto the main north-

south road through Welborne and the central section of Central Park. The higher density development fronting onto Central Park is in accordance with the Welborne Plan that states that development surrounding the park should be at a higher density to create a defined edge that emphasises the openness of the park itself.

- 8.12.21 The Downland character area also contains two schools: the Western Primary School, and the combined primary and secondary school site located to the north of the District Centre. Both schools could be up to 15m in height.
- 8.12.22 The remainder of the Downland character area would be medium density residential development with an area of lower density residential development located along the edge of the Welborne Mile in the west of the site. The Downland character area would also contain the community hub adjacent to the Western Primary School.
- 8.12.23 In terms of green infrastructure, the Downland character area contains the central sections of the Welborne Mile SANGS and the Central Park, together with land to the north of the combined primary and secondary school, an area of semi-natural green space to the west of the A32 to Wickham and an east-west green infrastructure corridor spanning the full width of the site.
- 8.12.24 The Downland character area will be characterised by minimal structural planting, clusters of shrubs and areas of open, species rich grassland. The section of Central Park within the Downland character area is likely to have an open character which would widen in the south to provide a setting for the Neolithic Long Barrow. This section of Central Park could also contain species rich grassland which is characteristic of chalk Downland areas.
- 8.12.25 Parkland Character Area
- The Parkland area is the smallest of the character areas. It is located to the east of the A32 Wickham Road and includes all of the land between Pook Lane and the northern edge of the site. Its character is created by the wider landscape of the Wallington Valley and the open Downland beyond.
- 8.12.26 The land falls south towards Pook Lane and east towards the Wallington Valley, before rising up to Portsdown Hill. The area is enclosed on the western and southern sides by a framework of structural tree planting. There are open views out of the site to the north and east.
- 8.12.27 The Parkland area differs from the other character areas in that the proposed land use consists of green infrastructure and residential land only. This is partly because this character area is smaller than the other areas and partly because there are two areas of land within this area (Boundary Oak School and Albany Farm) where the existing land use will be retained.
- 8.12.28 The density parameter plan confirms that all of the housing to the south and east of Roche Court will be low density to reflect the sensitive position at the eastern edge of the site and visibility from the adjacent Wallington Valley. The low-density housing in this location has also been designed to preserve and enhance the adjacent listed building at Boundary Oak School. The Parkland character area contains one area of medium density housing to the north of

Roche Court, in between the A32 and the proposed main north- south road running through this character area.

- 8.12.29 In terms of building height, the housing along the eastern edge of the character area could be 2-2.5 storeys and up to a maximum of 11m in height. Housing elsewhere in this character area will be predominantly up to 2.5 storeys with an 11.0 m maximum building height to ridge line with no more than 35% of the units up to 3.0 storeys with a maximum building height of 14.0m to ridge line and in locations identified in the Design Code.
- 8.12.30 In terms of green infrastructure there are three parks proposed within the parkland area. One park is proposed along the south east edge of Boundary Oak School; one to the south east of Albany Farm and one to the north east of Albany Farm. There are two strips of semi-natural green space proposed within this area: one to the east of the A32, which links the areas of retained woodland to create a continuous green strip parallel to the A32 and one along the eastern edge of the parkland area linking up with the park on the north boundary
- 8.12.31 At the northern end of the parkland area there is also an area of 2.10 hectares (5.2 acres) proposed for allotments.
- 8.12.32 The parkland character area could comprise a mixture of formal and informal parkland with the pattern of housing in this area taking a more relaxed form than in other character areas.
- 8.12.33 Meadow Character Area
- The Meadow character area incorporates the low-lying land in the southernmost section of the site stretching from Funtley in the west across the A32 Wickham Road to North Fareham Farm in the east. This area provides the natural drainage connection to both the Meon Valley and the Wallington Valley and is characterised by a smaller field pattern and a mosaic of meadows, wetlands and tree cover.
- 8.12.34 The southern part of the Meadow character area (to the west of the A32 to Wickham) will contain the employment area. The majority of the employment area could be up to 20m in height, however the Building Height Parameter Plan restricts buildings next to the listed buildings at Dean Farm to a maximum of 14m in height. Officers also recommend the incorporation of a planning condition to further restrict the height of any building within 40m of Dean Farm House to no more than 8.5m in height.
- 8.12.35 In terms of green infrastructure within the Meadow character area there are a series of sports pitches proposed to the east of the A32 (parallel to the M27) referred to as the 'Roche Court Sports Hub', a buffer with Funtley (which also incorporates a cricket pitch), a buffer to the north of the M27, the southern section of the Welborne Mile and the Fareham Common SANGS.
- 8.12.36 The remainder of the Meadow character area would comprise residential development. The residential development to the south west of the District Centre will be higher density development with development to the north and west of Dean Farm of a medium density.

- 8.12.37 Moving westwards from the District Centre across the Meadow character area the density of residential development decreases, with an area of medium density housing to the north of the western section of employment land and to the south of the Knowle Triangle and residential development to the north of Funtley of a low density.
- 8.12.38 In terms of height much of the residential development within the centre of the Meadow character area would be up to 3 storeys in height with up to 35% up to 4 storeys in height, with the exception of residential buildings next to Dean Farm and fronting some of the road linking J10 to the southern end of the Central Park. Buildings next to Dean Farm would be up to 2.5 storeys with up to 35% up to 3 storeys in height and residential development adjacent to the road linking J10 to the southern end of the Central Park would be up to 4 storeys in height with up to 30% up to 5 storeys in height.
- 8.12.39 Residential buildings in the western section of the meadow character area would be up to 2.5 storeys in height with no more than 35% up to 3 storeys in height. Residential development adjacent to the Funtley Buffer would be 2-2.5 storeys in height
- 8.12.40 The Meadow area also includes land on the western edge of Welborne that will be safeguarded for a rail halt.
- 8.12.41 New green spaces within the meadow area could be of an open character with peripheral planting of hedgerows and large trees with an open tree canopy structure. This area will also incorporate structural planting, a higher proportion of flowering plants and more frequent use of small ponds.
- 8.12.42 Conclusion on ensuring Welborne is a distinct new community of a high quality of design
- Policy WEL2 requires each phase of the development to be well designed and to incorporate development at a range of densities and building heights to create a series of attractive places with different and distinctive characters and that contribute overall to the creation of a varied but cohesive new community with a strong sense of place.
- 8.12.43 Policy WEL6 requires that all proposals for development at Welborne shall clearly demonstrate how they have responded to the landscape setting within which they sit.
- 8.12.44 A combination of the Structuring Plan, the relevant Parameter Plans and the applicant's High-Level Development Principles will ensure that the requirements of WEL2, WEL3, WEL 4, WEL 5, WEL 6, WEL7, WEL8, WEL9, WEL10, WEL11, WEL12, WEL13, WEL15, WEL16, WEL26, WEL28, WEL29, WEL30, WEL32, WEL33 and WEL40 will be achieved.
- 8.12.45 The Structuring Plan, Parameter Plans and High Level Development Principles will in turn inform the Design Codes which are required to be submitted to this Council for approval prior to any Reserved Matters applications being decided.

- 8.12.46 The plans and documents which are approved as part of this outline planning application will be used in the determination of Reserved Matters Planning applications and will inform the Design Codes.

8.13 Green Infrastructure

- 8.13.1 The Vision for Welborne, seeks to ensure that *'It will have an integrated and linked green network of multi-functional open spaces, civic spaces, public open spaces, private outside space, and green routes. The green network will incorporate the site's natural features, hedgerows, tree lines, and woodlands to provide habitat, recreational facilities, to frame new development and to link to the wider countryside.'* The provision of an interconnected network of multi-functional green spaces is one of the key means by which the vision of Welborne as a new garden community will be achieved.
- 8.13.2 Policy WEL2 requires the provision of a connected network of Strategic Green Infrastructure and open spaces that respects and enhances the landscape qualities of the area and meets the needs of the new community.
- 8.13.3 Policy WEL29 requires initial proposals for development at Welborne to be accompanied by a detailed open space and green infrastructure strategy that identifies the exact location, quantity, nature and quality standards of each type of on-site green infrastructure required. Policy WEL29 also sets out the minimum open space requirements relating to a number of the green space typologies.
- 8.13.4 A detailed Open Space and Green Infrastructure Strategy was submitted with the application but has not been updated as the information regarding the location, quantity and nature of green infrastructure is contained within the updated Open Space and Green Infrastructure Parameter Plan with additional details contained within the High Level Development Principles (contained within the Structuring Plan Document). Officers consider there is adequate detail provided within these documents such that this element of the proposal is acceptable pursuant to policy WEL29. The future details regarding the changing facilities, storage and parking facilities will be provided within the reserved matter applications.
- 8.13.5 Policy WEL33 requires initial applications at Welborne to be accompanied by a structural landscaping scheme.
- 8.13.6 The different types of green infrastructure are considered in turn within the following sections.
- 8.13.7 Structural Landscaping
- As set out above, WEL 33 requires initial planning applications for the development of Welborne will be permitted where they are accompanied by a structural landscaping scheme which identifies how the existing landscape features on and around the site can be strengthened and used to create a unique 21st century model for a new garden community.
- 8.13.8 Structural landscaping schemes are also required to show how they respond

positively to areas of high landscape quality to the north and east of the site and take into account any material impact on long distance views of the site from Portsdown Hill to the east and across the site from the south.

- 8.13.9 The Welborne Design Guidance SPD also states that strong east-west planting belts (parallel to the contours of the site) are required to help integrate the development into the landscape particularly when viewed from the south and east.
- 8.13.10 The main areas in which new structural planting will be provided are the three east-west links that span the width of the site, and the settlement buffers alongside Funtley, Knowle and Wickham.
- 8.13.11 The provision of structural planting within the three east-west green links and in the area of semi-natural greenspace directly north of and running parallel to the M27 will provide the opportunity for structural planting to be provided in accordance with the Welborne Design Guidance SPD. Details of the precise species/ sizes of plants etc will be provided through reserved matters applications.
- 8.13.12 There are also some areas of retained woodland that constitute structural planting: Dashwood to the immediate north west of the site Blakes Copse to the west of the A32 (north west of the former Sawmills site) and further strips of woodland planting to the east and running parallel to the A32.
- 8.13.13 Whilst much of Welborne is considered to be upon land predominantly of low and medium landscape sensitivity, the adjoining land to the north and east of the site, forms an important part for the setting of Welborne and has been categorised as being of high landscape sensitivity. The proposed areas allocated for structural planting will enable sensitive views of Welborne in particular those from the north, east and south to be protected.
- 8.13.14 The landscape character of the site will change from largely undeveloped agricultural land to built development as Welborne progresses. The provision of structural landscaping will help integrate the development into the surrounding landscape and, in time, will mitigate the impact of the development on wider views. The early delivery of some structural landscaping will ensure the planting has a chance to get established at the earliest opportunity.
- 8.13.15 Officers consider the proposals for structural planning would accord with policy WEL33.

8.13.16 Green Corridors

Central to the vision for Welborne is the requirement for the green and open spaces to be inter-connected by an attractive network of strategic green infrastructure corridors.

- 8.13.17 Policy WEL4 states that the strategic green infrastructure should be provided in accordance with the principles of the Strategic Framework Diagram. Of the five east-west green links contained in the Strategic Framework Diagram, the Structuring Plan contains three. In terms of location, the three

proposed east-west green links are in approximately the same location as shown in the Strategic Framework Diagram: in the north of the site, (along the southern edge of Dashwood); though the centre of the site and in the southern end of the site through Fareham Common.

- 8.13.18 Whilst not explicitly identified as green links on the submitted plans, the proposal does seek to provide extensive lengths of tree lined roads and streets. It is considered that, with suitable design, these will have a dual function in acting as the further two east to west green links. These are not, however, dedicated and segregated green links. Their inclusion alongside the highway will form part of a wider network of integrated routes with a mix of on street routes, routes adjacent to roads and segregated green routes. One of these notable east – west routes is along Knowle Road.
- 8.13.19 Whilst the character of Knowle road will change and development will front this road, the expectation is that there will be an element of activity to the road, within the woodland character area, such that it would have a dual function as a route through the site but also as part of the green link network.
- 8.13.20 Similarly, the east-west route from the safeguarded rail halt land through to the District Centre, north of the Junction 10 works and Fareham Common would function in a similar way.
- 8.13.21 Policy WEL32 states that development at Welborne will be permitted where it provides for an integrated network that connects the various elements of green infrastructure to the site’s centres, the residential areas, employment areas and schools.
- 8.13.22 The Green Infrastructure Parameter Plan confirms the location of the main east-west green links. When combined with the perimeter trail, the landscaping proposed alongside two east-west roads within the Welborne development, and the main areas of green space, a network would be created that connects the various elements of green infrastructure to the Welborne’s centres, residential areas, employment areas and schools in accordance with policy WEL32.
- 8.13.23 In terms of spacing, policy WEL29 requires the levels of green infrastructure to be laid out so that, wherever feasible and viable every dwelling is within 200m of the primary open space network
- 8.13.24 The application demonstrates that there is only one very small area in the south of the site that potentially would not be within 200m of the primary open space network. It is anticipated that subsequent detailed applications for development in this location would incorporate additional smaller scale green infrastructure such as a pocket park to ensure that dwellings in this part of the site are within reach of green space just not the primary open space network. The wider green infrastructure network would however be easily accessible from this area.
- 8.13.25 Policy WEL32 states that the network of green links need to be attractive multi-functional green corridors that are attractive to a variety of users. The Open Space and Green Infrastructure Strategy illustrates what some of the green links could look like, however the detail is not for approval at this stage

and would be considered in future applications

- 8.13.26 Policy WEL32 also requires green connections that link the site to adjoining settlements and the wider countryside. The Green Infrastructure Parameter Plan confirms the location of the main green corridors that run east-west through the site and the location of the Welborne perimeter trail. The green east-west links enable movement on green routes from within the site to the edge of the site. The perimeter trail then allows movement on a green route around the edge of the site to link with existing connections beyond the site into the wider countryside. For example, the main east-west link through the centre of the site would connect to an existing off-road, pedestrian and cycle route south into Fareham and the national cycle network either north to Wickham or south into Fareham.
- 8.13.27 The proposed green connections within the site are considered to satisfy the requirements of Policy WEL32 in terms of location. The detailed layout would be considered as part of the subsequent reserved matters application(s). Links to the adjoining settlements and the wider countryside are considered in more detail together with the pedestrian and cycle strategy and public rights of way within the Transport section of this report.
- 8.13.28 Central Park
- Policy WEL4 requires that the strategic green infrastructure to be provided is in accordance with the principles of the Strategic Framework Diagram. The approximate location of Central Park is also shown on the Policy Map adopted with The Welborne Plan. The location of the Central Park in the submitted Structuring Plan, reflects that shown on the Strategic Framework Diagram. The Structuring Plan shows an additional green link from the north of the park to the northern end of the Welborne Mile.
- 8.13.29 The Welborne Design Guidance SPD contains a number of recommendations relating to the design and shape of the Central Park: the Central Park should be centrally located and be one large space, rather than a series of smaller connected spaces; it should widen at the northern and southern ends; it should be open and expansive in character and experienced as a single space offering views to the south and east of the site; and it should not be crossed by any trafficked roads.
- 8.13.30 The Structuring Plan and the Green Infrastructure Parameter Plan confirm that the proposed Central Park, would comply with all of the SPD's recommendations with the exception of not being crossed by any trafficked roads.
- 8.13.31 The Structuring Plan proposes a road crossing the Central Park. The proposed road would be positioned to the north of the central east-west link green link and to the south of Knowle Road. There are a number of reasons put forward by the applicant in support of this road across Central Park.
- 8.13.32 The first reason is based on the need to improve accessibility and permeability between the east and the west of the site. Approximately 5,000 residents would live to the west of Central Park and given the location of many of the amenities to the east of the park, an additional road is required

to improve access between the east and west of the site and to prevent the segregation of communities on each side of the park.

- 8.13.33 The second reason is based on safety considerations. Without the road proposed, works or closures of any of the other roads with this part of Welborne would lead to limited routes in and out for emergency vehicles and approximately 5,000 residents. Limited routes across the site would inevitably result in decreased vehicular permeability and could therefore potentially have an adverse impact on the free flow of traffic
- 8.13.34 The road across Central Park would not be designed to take the majority of traffic movements across the site, however it would provide an important alternative route, particularly in situations where the main routes across the site may not be available.
- 8.13.35 The applicant has further suggested that a road across Central Park would also improve the safety of the main green east-west link that crosses the centre of Central Park.
- 8.13.36 Officers acknowledge that there is merit in pedestrian and cycle routes being overlooked where possible to provide natural surveillance and encourage walking and cycling particularly in winter months when hours of daylight are limited or during the night-time period. Whilst the proposed road would be separated from the main east-west green link it would be close enough to provide some natural surveillance and to increase the perception of safety to pedestrians and cyclists using the main east-west green link. Encouraging year-round use of sustainable methods of transport is also in accordance with WEL28 which specifically requires pedestrian and cycle routes to be attractive and of a good quality.
- 8.13.37 Whilst the Welborne Design Guidance SPD seeks to resist the Central Park being crossed by roads, Officers acknowledge the justification put forward by the applicant. The finer detail of the design of the road through the park will be resolved at the detailed design stage of the park consistent with the Structuring Plan design principles. Officers do not believe that subject to an appropriate design, that the single road crossing Central Park is unacceptable.
- 8.13.38 The submitted Design and Access Statement contains a considerable amount of detailed information relating to the potential character, multi-functional nature and variety of amenities that could be incorporated within Welborne Park. These details are not for consideration at this stage and would be considered in future applications. They will however be very important not only in making the best use of this substantial green space but also in developing the community spirit within the new settlement.
- 8.13.39 The Structuring Plan and accompanying High Level Development Principles contains a number of design commitments relating to the character of Central Park in terms of it reflecting the Downland character in which it is set and it will have a significant open, semi-natural character. The Structuring Plan is before Members for approval with this application, therefore the design commitments such as the design of the Park as one continuous space rather than a series of connected spaces, can be secured at this stage

and would inform all future applications relating to Central Park.

8.13.40 Officers consider that the proposals for Central Park accord with the requirements of policy WEL32.

8.13.41 Play areas

Policy WEL29 states that equipped play areas shall be distributed with the intention that all dwellings are within 100m of 'doorstep' play areas, 300m of 'local' play areas and 600m of youth play areas.

8.13.42 The Open Space and Green Infrastructure Strategy submitted with the application confirms that a variety of different play areas would be provided and distributed throughout the green infrastructure network to ensure all residents are in reasonably close proximity to play facilities. The exact location and form of play areas is not for consideration at this stage and would be considered in future reserved matters applications. Details regarding the precise location and design of the play areas will be secured through planning conditions.

8.13.43 Officers are satisfied that the approach to delivering play areas at Welborne will accord with Policy WEL29.

8.13.44 Sport and Recreation (including allotments)

The application proposes provision for indoor and outdoor sport and recreation. In terms of outdoor provision for sport and recreation a total of 18.4 hectares (45.5 acres) of sports pitches would be provided of which 7.15 hectares (17.7 acres) would be provided within the grounds of Welborne school sites. This would be in accordance with WEL29 which states that 18 hectares (44.5 acres) of sports pitches are required, of which 7 hectares (17.3 acres) could be combined with sports pitches within the Welborne school sites.

8.13.45 The submitted Structuring Plan contains four locations for the provision of outdoor sports facilities: a sports hub (named Roche Court Sports Park by the applicant) in the south east of the site (to the north of the M27); a cricket pitch adjacent to the settlement buffer with Funtley, sports pitches combined with some of the school playing fields and sports provision in close proximity to Dashwood at the northern edge of the site.

8.13.46 The proposed provision of a large number of sports pitches in the form of a sports hub, which has been designed to enable efficient management, is supported by the Head of Streetscene.

8.13.47 Environmental Health have also been consulted and have confirmed that they have no objection to the proximity of the sports pitches to the M27, in terms of noise or air pollution. The provision of tree planting along the southern edge of the sports hub will help to provide a visual and noise buffer with the M27.

8.13.48 Pedestrian access to the sports hub across the A32 will be available by a variety of routes. It is anticipated that the majority of pedestrian access to

the sports hub across the A32 will be via a signalised pedestrian crossing.

- 8.13.49 Pedestrian access to the sports hub from Fareham would be available via the new footbridge over the M27 that leads from Broadcut or under the motorway alongside the A32.
- 8.13.50 The location of the proposed cricket pitch as part of the Funtley buffer is considered to be appropriate because it increases the separation between Funtley and built form within Welborne. The applicant's public consultation with residents of Funtley also indicated that there was a desire to have a cricket pitch nearby, therefore the location of a cricket pitch in this location is also in accordance with local aspirations.
- 8.13.51 In terms of the type of sports facilities provided, WEL29 requires: one all-weather pitch; at least 4 full sized tennis courts; and at least one bowling green.
- 8.13.52 The Design and Access Statement submitted with the application indicates that the sports hub could contain: one full sized, 3G artificial turf sports pitch; 6 all-weather tennis courts; a sports pavilion and ten, five-a-side football pitches. The layout is useful as an indication of how the sports facilities may be laid out at these locations, however the exact location of specific sports facilities is not for consideration at this stage and would be the subject of a future reserved matters application.
- 8.13.53 In terms of indoor sports provision policy WEL13 requires the community building to contain an indoor sports hall large enough and with sufficient height to accommodate three badminton courts. The infrastructure delivery plan submitted with the application confirms that the District Centre Community Building would be designed to accommodate community facilities including table tennis and badminton. Furthermore during the negotiations on the Section 106 legal agreement, it has been agreed that the community facility at the District Centre will also provide for short mat indoor bowls.
- 8.13.54 The quantum and type of sports facilities proposed is in accordance with the requirements of WEL29. Sport England have confirmed that they accept the proposed location of indoor sports facilities within the community facility buildings and they endorse the funding of a community worker on the site.
- 8.13.55 Sport England also welcome the applicant and the Council's commitment to use the emerging playing pitch strategy to inform and determine future, more detailed applications for sports provision as the facilities are delivered.
- 8.13.56 While Sport England's response raises no objection to the application, they have advised that they are disappointed that contributions are not being sought towards swimming provision within the borough. The application does not propose any contributions towards swimming provision and there is no policy requirement for this within The Welborne Plan.
- 8.13.57 It is also of relevance to note that according to Sport England's sports facility calculator, the population at Welborne would not be large enough to support a pool, rather it would only require the provision of a proportion of a pool.

The Council currently has no swimming pool projects against which a contribution could be secured and has fairly recently opened the Holly Hill Leisure Centre. Furthermore, the Council is unlikely to have any new pool projects within the Welborne Plan period and as such it is considered that there is no justification to seek a contribution towards a swimming pool.

- 8.13.58 The quantity and delivery of the sports facilities, ensuring also that the facilities will be available for use by residents outside Welborne as well, will be secured through a legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990.
- 8.13.59 Policy WEL29 further states that sports provision should be aimed at encouraging active participation in sport by all of Welborne's residents, specifically by making provision for junior sport for all genders and providing sports and recreational facilities aimed at encouraging an active and healthy older population. In accordance with this requirement, the application makes provision for outdoor recreational activities in addition to team sports, including semi-natural green space for walking and running; horse riding and the provision of allotments.
- 8.13.60 The pedestrian and cycle supporting plan confirms that provision will be made for horse riders in the form of several interlinked bridleways. For example, the existing path through Dashwood and along the western boundary of the site is proposed to be upgraded to a bridleway to enable connections north to Mayles Lane and south to a new bridleway that is proposed through Fareham Common.
- 8.13.61 The bridleway along the west of the site would also be connected to a new bridleway that is proposed along the main east-west link through the centre of the site, along the south east part of the Welborne perimeter trail and south to the existing M27 pedestrian bridge. The incorporation of such details at this stage shows how future provision could be secured in line with the submitted Structuring Plan.
- 8.13.62 The application proposes an area of allotments and community gardens to the north of Albany Business Centre. The 2.1 hectares (5.2 acres) proposed slightly exceeds the requirement of Policy WEL29 for 1.95 hectares (4.8 acres) to be provided. The proposed allotments would provide opportunities for Welborne residents to grow their own food and help build social connections in line with Garden Village principles and the Welborne Vision which seek to create a sense of community
- 8.13.63 Third party representation have queried the location of the allotments and suggested they should occupy a more central location. In terms of connectivity to the wider green infrastructure network, the allotments would be linked to the northern, east-west green link and adjacent to a small park (which also links to an area of semi-natural green space and the 10km Welborne Perimeter Trail.) The proposed position of the allotments would therefore be well connected to a multi-use, green infrastructure network as required by policy WEL29. The position of the allotments in the east of the site will also provide a sensitive transition between built form in Welborne and the open countryside to the east.

8.13.64 The quantity and delivery of the allotments, will be secured through a legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990. Officers are satisfied that allotments can be delivered at Welborne in accordance with Policy WEL29.

8.14 Maintaining settlement separation

8.14.1 Policies WEL2 and WEL5 require development to respect and maintain the physical and visual separation of Welborne from the adjoining settlements of Fareham, Funtley, Knowle and Wickham to protect their individual character and identity.

8.14.2 Policy WEL5 identifies the land known as Fareham Common, between the M27 and the rear of existing properties on Kiln Road and Potters Avenue, as a settlement buffer.

8.14.3 The policy states that the width of the settlement buffers adjacent to Funtley, Knowle and Wickham must be at least 50m wide, increasing to at least 75m in the following circumstances:

- when development proposed immediately adjacent to the settlement buffer is greater than 2 storeys or 8.5m in height;
- where noise-generating uses are proposed immediately adjacent to the boundary; or
- where the distance between development in the existing settlements and Welborne would be less than 75m.

8.14.4 Policy WEL5 also states that development within buffers will be resisted to ensure they are consistent with and contribute to the green infrastructure role of the area. This is further strengthened by the Welborne Design Guide SPD which advises that the buffers should be of a semi-natural character without formal structures (such as play equipment) to ensure that they create a transitional green space (para 2.112).

8.14.5 The submitted Structuring Plan, Land Use Parameter Plan and Green Infrastructure Parameter Plan show the locations and widths of the proposed buffers. These are described in more detail below.

8.14.6 Fareham Buffer

Fareham Common would comprise an area of publicly accessible open space, free from development other than the works necessary for the Junction 10 upgrade to an 'all moves' junction, a network of paths and a small car park area off the western side of the Common accessed from Funtley Hill. In terms of location, size and design the proposed buffer at Fareham Common is in accordance with Policy WEL5.

8.14.7 Funtley Buffer

The proposed settlement buffer shown on the submitted Structuring Plan and Parameter Plans, adjacent to Funtley, is consistent with the Welborne Plan Strategic Framework Diagram in terms of position.

- 8.14.8 The building height parameter plan indicates that the nearest residential buildings (north of Funtley) would be 2-2.5 storeys and up to a maximum of 11m in height with the commercial buildings (to the east of Funtley) up to a maximum of 3 storeys and 14m in height.
- 8.14.9 The buffer to the employment land is in excess of the 50m minimum buffer width required by Policy WEL5. The buffer is shown at 65m wide on the Parameter Plans and as such some greater height of building could be permissible in this location. In addition, the detailed design solution for the employment area could be undertaken so as to ensure that the buildings in this location are set beyond a 75m separation distance from Funtley Hill properties.
- 8.14.10 The residential development parameters to the north of the Funtley buffer exceed those permitted by the policy WEL5 for a 50m buffer. The location of the buffer alongside the Funtley recreation ground is such that Funtley buffer would essentially sit alongside an existing open area and could complement the openness between the site and Funtley whereby a separation far in excess of the policy requirement of 75m would actually be achieved.
- 8.14.11 A cricket oval is also proposed within the northern settlement buffer with Funtley on the submitted Parameter Plans. The incorporation of the proposed cricket pitch within the buffer complies with the requirements of Policy WEL5 and the Welborne Design Guidance SPD as the buffer would retain an open and undeveloped character. Furthermore, the cricket oval and buffer sit due north of the existing Funtley recreation ground such that the cricket oval and buffer would further increase the sense of separation when viewed adjacent to the existing recreation ground.
- 8.14.12 Planning conditions are recommended to control the scale of employment and residential buildings in close proximity to Funtley. It is considered that, subject to these conditions and based on the submitted Structuring Plan and Parameter Plans, that the proposed buffer provision is acceptable and the proposal would comply with policies WEL2 and WEL5 of the Welborne Plan.
- 8.14.13 Knowle Buffer
- To the north of Funtley is the village of Knowle. The proposed settlement buffer adjacent to Knowle is consistent with the Strategic Framework Diagram in terms of position and through its incorporation into the Welborne Mile SANG, it is significantly wider than the minimum 50m policy requirement.
- 8.14.14 The building height parameter plan indicates that buildings in the parcel adjacent to the buffer with Knowle would not exceed 11m in height up to the ridge line for the 2.5 storey buildings and a maximum limit of 14m for the three storey buildings. Given that in this location the buffer exceeds the depth of 75m set out in Policy WEL5 the proposed buffer is considered to be acceptable.
- 8.14.15 Wickham Buffer
- The proposed settlement buffer adjacent to Wickham is consistent with the

Strategic Framework Diagram in terms of position and width and includes Blakes Copse.

- 8.14.16 A play space is proposed within the settlement buffer with Wickham along the northern edge of the development site. The incorporation of the proposed play space within the buffer is considered to be acceptable as a consequence of the application describing this as an “informal play space”. The detailed design of the play space would be agreed at the detailed design stage. The dual use of this buffer to include play space is similar in consideration, therefore, as to the cricket pitch in the Funtley buffer.
- 8.14.17 The Wickham buffer is considered by Officers to accord with Policy WEL5.

8.15 Healthcare

8.15.1 Background:

As part of the consultation process for the Welborne Plan the Council consulted with a range of healthcare providers including the Fareham and Gosport Primary Care Trust (PCT) before the creation of the Fareham and Gosport Clinical Commissioning Group (CCG). There were no representations made by the PCT or the CCG at any stage of the plan preparation process nor were any objections to the Welborne Plan received by the Health bodies. As such the CCG (as it had then become known) made no contribution to the Examination into the Welborne Plan.

- 8.15.2 The policies of The Welborne Plan do not require any provision or contributions towards healthcare facilities off-site. Policy WEL14 which is set out below does require the on-site provision of healthcare facilities.

8.15.3 Onsite healthcare

Policy WEL14 states:

Welborne shall include one or two primary care centres of sufficient size to accommodate at least eight GP surgeries in total, in addition to any necessary ancillary primary care uses. At least one primary care centre will be located within the District Centre, with the potential for a second in the Local Centre. The timing of delivery for the primary care centre(s) will be agreed with the Council, and this may involve a phased approach as Welborne is built out.

Space within the District Centre shall also be provided for dental and pharmacy services. These types of services may additionally be located within the Local Centre. The preference is for these services to be accommodated within or alongside the primary care centre(s).

- 8.15.4 The application confirms that the permanent health centre would be scaled to accommodate a range of services including provision for 8 general practitioners, a dentist and supporting pharmacy needs.
- 8.15.5 In terms of location, Policy WEL14 requires at least one of the primary care centres to be located in the District Centre with the potential for a second

one to be located in the Local Centre. Policy WEL14 also states that space within the District Centre will be provided for dental and pharmacy services. The applicant is proposing to provide healthcare services in accordance with the policy requirements.

- 8.15.6 Policy WEL14 states that the timing for delivery for the primary care centre will be agreed with the Council and may involve a phased approach as Welborne is built out. Due to the sequencing of the development the application proposes that there will be a need for healthcare facilities on site before the District Centre is provided therefore a temporary health outreach facility, temporarily housed within a future retail unit in the Village Centre, is proposed in Sequence 1 (2019/20-2023/24) with the larger, permanent facility provided in the District Centre in Sequence 3 (2029/30- 2033/34.)
- 8.15.7 Whilst the CCG didn't make any representations to the Welborne Plan it did subsequently object to the Welborne planning application as first submitted on the grounds that the provision of healthcare facilities at Welborne would destabilise existing practices.
- 8.15.8 Following the CCG's initial objection to the application the Council met with the CCG to discuss healthcare provision at Welborne. Following this dialogue a joint press statement between the Council and the CCG was released on the 4th September 2017 confirming that residents of the new Welborne Garden Village would have a health and wellbeing hub on their doorstep within Welborne.
- 8.15.9 Given the predicted timescales for the delivery of Welborne over a number of years, the CCG's current response (received in September 2019) is based on the provision of healthcare in the short, medium and long term and is broadly aligned with the agreed joint press statement and the provisions in the Welborne Plan.
- 8.15.10 In terms of the healthcare provision initially provided at Welborne, the CCG's position is that the initial population, approximately the first 5,000 residents at Welborne, could be accommodated either through an extension to Wickham Surgery or by a network of practices. The CCG has confirmed that the Wickham practice has agreed in principle that they can accommodate this additional patient list and that they can source appropriate healthcare professionals to serve this population. The practice would, however, need to expand its premises to serve this increase in patient numbers. As the Welborne population increases above 5,000 it is anticipated that the healthcare needs of Welborne be reviewed as there could be a need for some form of healthcare facility to be provided within Welborne.
- 8.15.11 In terms of the provision of these healthcare facilities in the first 10 years, the CCG advise that a new GP practice solely serving the Welborne population would not be sustainable in the short or mid-term. However, it is recognised that space within a community facility to deliver other primary care services such as health and wellbeing services for the Welborne community would be of great benefit. The construction of a flexible space that could accommodate clinical activity would enable the space to be used to facilitate specific clinics, dependent upon the demands of the population. It could also serve as the hub for the delivery of networked Primary and

Community Services.

- 8.15.12 Providing flexible clinical space could enable a holistic approach to health service provision for the new community which could include locally commissioned services with nationally commissioned primary care services (ie. Dental; Pharmaceutical and Optometry) to be provided alongside Local Authority; social care; and or public health services.
- 8.15.13 Changes in the delivery of primary care services and advances in technology mean that the CCG are unable to predict the exact space requirements for a new building in Welborne beyond identifying the clinical room space required to serve the growing population. The CCG do not know at this time how advanced the changes will be and to what extent the impact of digital and technological working will change patient flows.
- 8.15.14 The CCG has advised that the current care model indicates that it is possible that the population in Welborne could be large enough to sustain a Primary care service in the later phases (from 2040.) However, at this point it is likely that any provision of primary care services would need to be provided by a network of practices and possibly from the on-site health and well-being facility in the district centre. If the Community health and wellbeing building was constructed to facilitate a mixed use flexible design then it could be possible to expand services within this facility and enable growth in Primary and community services from this location in the later phases of Welborne.
- 8.15.15 The CCG has indicated that the health care requirements will be revisited and reviewed when the population of Welborne reaches the critical threshold of around 5,000 residents as this is the stage at which the CCG anticipate the need for on-site provision.
- 8.15.16 The offer by the applicant and as set out in the Infrastructure Delivery Plan is land and works to the value of £4,000,000 to cover the cost of the temporary healthcare facility in the Village Centre and the Health and Wellbeing Hub in the District Centre. The CCG, however seeks a financial contribution for this amount. The CCG has indicated that some of this contribution may be needed to support services external to Welborne in the early phases – such as the extension to the Wickham Practice as well as for the delivery of the on site provision.
- 8.15.17 Policy WEL14 specifically directs the provision of healthcare to onsite locations. There is no development plan policy to provide for off-site contributions towards the wider healthcare estate. Whilst the comments of the CCG are positive in so far as the healthcare facility and opportunities on site in the medium to longer term, Officers consider that the health provision at Welborne (to the value of £4,000,000) should be solely for the provision of facilities at Welborne and should not be available for funding healthcare facilities ‘off-site’.
- 8.15.18 The Infrastructure Delivery Plan sets out that the proposed value of the healthcare facility on site would total £4,000,000. The provision for health secured as part of any planning permission is appropriate to address the requirements of the onsite provision. To allocate part of this provision as a contribution (by planning obligation) to be spent elsewhere would in effect

‘water down’ the provision in the medium to long term at Welborne to the detriment of the sustainability of the new community. Provision off site would also detract from the Welborne Plan aspirations to achieve self- containment at Welborne.

- 8.15.19 Paragraph 54 of the NPPF states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations such as that requested.
- 8.15.20 The tests for obligations are set out in paragraph 56 of the NPPF and reflect those in Regulation 122 of the CIL Regulations. The tests for an obligation are:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.
- 8.15.21 Officers do not consider that a contribution towards off-site health infrastructure is necessary to make the development acceptable in planning terms given the provisions within policy WEL14 and the applicants offer within the IDP. As such given the adopted policy framework (which makes no provision for contributions towards off-site healthcare infrastructure) it is considered that the absence of the contribution does not make the application unacceptable or justify a reason for refusal.
- 8.15.22 It is considered that the location, quantum and phasing of the healthcare facilities proposed at Welborne are in accordance with policy WEL14 and will be secured through a legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990.
- 8.15.23 Hospitals
In addition to the onsite healthcare provision comments received have expressed concern at the impact a new community of this size will have on the acute, or secondary health services, such as the emergency department at the Queen Alexandra Hospital in Portsmouth. Reference is specifically made to ambulances queuing to access the Emergency Department.
- 8.15.24 The CCG has advised that the Queen Alexandra Hospital Accident and Emergency department is currently undergoing extensions and alterations to increase its size and capacity. It is understood that the increase in capacity has been provided through NHS capital funding and not through ‘developer contributions’.
- 8.15.25 Similar to the engagement with the PCT/CCG at the plan preparation stage, the Council sought to engage with Portsmouth Hospitals NHS Trust during the preparation of and examination into the Welborne Plan
- 8.15.26 In April 2014 a representation was received in respect of the emerging Welborne Plan from Portsmouth Hospitals NHS Trust. The Trust accepted that it didn’t see the provision of Welborne as a problem and was looking forward to being able to respond positively to the future health care needs that would arise. In their response the Trust did note however that adequate primary care, including GP provision, should be provided.

- 8.15.27 In finding the Welborne Plan sound, the Inspector stated that *“The Council has undertaken significant consultation with a range of healthcare providers, including the Portsmouth Hospitals NHS Trust who did not submit an objection. No substantive evidence was submitted to demonstrate that the healthcare needs of Welborne residents would not be met”* (para 45). In light of this, there is no development plan requirement for any hospital provision at Welborne or for Welborne to provide any mitigation towards hospital services through a planning policy
- 8.15.28 On receipt of the application in March 2017, a consultation request was sent to Queen Alexandra Hospital however no response was received.
- 8.15.29 In late 2018 two letters of representation were received; one on behalf of Portsmouth NHS Hospitals Trust (PHT) and one for University Hospital Southampton (UHS). These two letters seek financial contributions of nearly £6,000,000 in total for the delivery of clinical services at both Hospitals. The Trusts state that their need to seek contributions is primarily a consequence of the way in which Government funding is currently provided to the Trusts.
- 8.15.30 The representations emphasise two justifications for development at Welborne to make a contribution to acute healthcare:
- funding for the hospitals is agreed annually based on the previous year’s activity; and
 - the annual funding allows for predicted population growth but ‘does not include ad-hoc housing developments’.
- 8.15.31 Paragraph 54 of the NPPF states that LPAs should consider whether otherwise unacceptable development could be made acceptable through the use of planning obligations such as that requested.
- 8.15.32 As set out above, the tests for obligations are set out in paragraph 56 of the NPPF and reflect those in Regulation 122 of the CIL Regulations. The tests for an obligation are:
1. necessary to make the development acceptable in planning terms;
 2. directly related to the development; and
 3. fairly and reasonably related in scale and kind to the development.
- 8.15.33 Whilst the letters from the Trusts have been received late in the process and appear to be at odds with the position set out by the Portsmouth Hospitals NHS Trust at the Welborne Plan preparation stage and examination in public, the impact of planning decisions on healthcare is nevertheless considered to be a material planning consideration. It is necessary therefore, to consider the issues raised and determine whether the development proposal would be unacceptable in the absence of the contributions sought by the Trusts.
- 8.15.34 There is no specific policy within The Welborne Plan that relates to hospital infrastructure or contributions towards Hospital Services. The representations from both Trusts refer, however, to Core Strategy policy

CS20 which seeks to ensure that developments will contribute towards or provide infrastructure or mitigate an impact of a development upon infrastructure. The representations are clear that they do not seek a contribution towards health infrastructure rather it is the impact upon the hospitals through the delivery of the health care service. Whilst the thrust of policy CS20 seeks to secure contributions towards infrastructure, it could be argued that the broad nature of policy CS20 could be material in assessing the Trusts' requests.

- 8.15.35 Furthermore, the NPPF, in Chapter 8 seeks to promote healthy and safe communities. The NPPF identifies that decisions should “...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs” and “...take into account and support the delivery of local strategies to improve health...of the community” (paragraph 91-92).
- 8.15.36 The first point to note in relation to the Trust representations is that the UK provides its citizens with healthcare on a national basis regardless of district or county boundaries. The funding is collected via central government taxation and distributed locally to provide healthcare. Whilst delivered locally the service is a National Health Service and as such the government has a system to ensure that each area of the country has enough funds to provide the service on the basis of the population it serves. Regardless of where someone lives, they are entitled to receive healthcare on a national basis.
- 8.15.37 Furthermore, the NHS have set out within their consultation that their document titled “Technical Guide to Allocation Formulae and Pace of Change” that the formula used to allocate funding takes account of population growth and is based on an Office for National Statistics methodology.
- 8.15.38 In both representations the majority of the content explains the way in which the hospitals are currently funded. The letters indicate that a quantum of the projected population at Welborne is likely to use the hospitals and increase pressure on the hospital services as a result. A formula is provided with an estimated number of the proposed population at Welborne predicated as being likely to need to use the hospital services. From this estimated number of hospital visits, a cost is attributed and multiplied to provide the suggested contribution.
- 8.15.39 In considering the requests it is noted that the construction of houses does not itself lead to population growth. Officers consider that the need for housing is a consequence of population growth. Furthermore, there is no account in the representations, it seems, for the potential for the population at Welborne to be moving locally around the Borough or adjoining boroughs such that their residence locally is already accounted for by the current services and funding commissioned by the two hospitals. In addition, the cost attributed to the proposed patient trips to the hospital is not considered to be clearly calculated or justified within the representations received.
- 8.15.40 The representations from both Trusts state that “...although the Trust has plans to cater for known population growth it cannot plan for unanticipated additional growth in the short to medium term”.

- 8.15.41 The length of time between sites being identified, planning permission being granted, and the houses actually being constructed and subsequently occupied is many years. The amount of residential development coming forward in the Borough, including Welborne, which has not been reasonably foreseeable for a period of years is, therefore, very limited. In fact, as set out above the Portsmouth Hospitals NHS Trust were aware of Welborne at the plan preparation stage and made representations accordingly.
- 8.15.42 Welborne has been planned for in the order of 10 years and the Council has sought to engage with local Healthcare providers throughout the process; it is noted that there was no record of a dialogue with University Hospital Southampton during the Welborne Plan process due to the fact that the closest hospital for residents of Welborne would likely be the Queen Alexandra and not University Hospital Southampton. Notwithstanding this, Welborne has been planned since 2009. It is difficult, therefore, to accept that the Hospital Trusts are unable to plan for the growth of the new community given that Welborne is not unplanned, small scale, or ad-hoc growth, rather it is a sub-regional strategic development site to be delivered over many years. The population growth can be forecast using the application details and the planned healthcare interventions can therefore be predicted.
- 8.15.43 Furthermore, since receipt of the representations, in January 2019, the NHS launched its new 10-year plan. This plan sets out how the NHS thinks it can overcome the challenges that the NHS faces, such as staff shortages and growing demand for services. This is to be achieved essentially by doing things differently and at no point does it refer to the need for new developments to provide for healthcare services by means of financial contribution such as that requested by the two hospital Trusts.
- 8.15.44 The representations also suggest that the contribution is needed to mitigate the impact of the development for the next 25 years, yet the two contributions are requested in full prior to development commencing rather than phased during the life of the development to provide for the unanticipated population growth in the years to come.
- 8.15.45 For the reasons set out above, Officers do not consider that the contribution sought by each Trust is necessary to make the development acceptable in planning terms and thus the tests for planning obligations as set out above are not considered to have been met. Furthermore given the adopted policy framework it is considered that in the absence of the contribution, the application does not fail as a consequence as this issue alone would not justify a reason for refusal, which it must do in order to make the contribution necessary to make the development acceptable in planning terms and meet the tests for a planning obligation.
- 8.15.46 Notwithstanding the issues identified within the Trusts' requests and the findings against the request for a contribution, had Officers found differently and agreed with the Trusts' case that a contribution could be justified and be necessary then this is worthy of further consideration and, like the onsite healthcare offer, weighed against other matters in the Planning Balance section of this report.

8.16 Education

8.16.1 Welborne is expected to provide for a population of approximately 15,000 residents many of whom will be in families. The creation of the new community will require sufficient new educational facilities to cater for this new population. Policy WEL15 specifically addresses the requirement for primary and pre-school provision at Welborne and policy WEL16 addresses the requirements for secondary education provision.

8.16.2 The Welborne Plan sets out that three primary schools are to be provided at Welborne together with one secondary school. The broad locations are identified on the Strategic Framework Diagram with the Secondary School location identified on the policies map within the Welborne Plan.

8.16.3 The Structuring Plan submitted with the planning application sets out the locations for all three primary schools and the secondary school.

8.16.4 Nursery and Early Years Education

Policy WEL15 indicates that the sites identified for the primary schools at Welborne should include space for the provision of nursery services. The policy requires that each of the primary schools should provide dedicated nursery space sufficient for a minimum of fifty pre-school children. The policy also requires that, in addition to the nursery provision at each primary school further nursery provision should be provided within or near to the district centre, local centre and community hub. The supporting text to policy WEL15 indicates that Welborne would generate a need for approximately 350 sessional nursery places.

8.16.5 The Local Education Authority (LEA) has indicated that the projected early years provision at Welborne could in fact generate a need for 525 sessional spaces which would be distributed across a number of sites including 100 place nurseries and 50 place pre-schools. The LEA has also indicated that since the adoption of the Welborne Plan that nurseries and pre-schools are no longer co-located on school sites and as such HCC, as LEA, has advised that the nursery and pre-school provision should be close to but, not within the school sites.

8.16.6 The application as originally submitted in March 2017 intended that the nursery and pre-school provision would be co-located on the school sites as per the Welborne Plan requirement. However, nursery or early years education is generally provided in Hampshire by the private or voluntary sectors such that co-locating nurseries on school sites is not the preferred solution by the LEA as described above. The LEA's position is acknowledged and the applicant has accepted that the nursery and pre-school provision will be as close to the school sites as possible and also located near to other facilities and amenities such as in or close to the three centres at Welborne.

8.16.7 Given that the application originally submitted co-located early years education within the primary school sites, the description of development has been amended to specifically include the provision of nurseries in addition to primary school sites as they are no longer co-located. The detailed location of the nurseries will be determined through the reserved

matter submissions in the future. The mechanism to market sites which will in turn secure nursery operators at Welborne will be detailed through the education obligations within the legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990. The applicant's Infrastructure Delivery Plan sets out that the proposal will provide for 350 day care or nursery places and these will be provided at the Local Centre, the District Centre, the Community Hub and at the Roche Court sports hub. It is expected that the first nursery would be opened early on in the delivery of Welborne.

8.16.8 Pre-school provision is slightly different from a nursery in that it offers child care in a setting for pre-school aged children and are run by charities, voluntary organisations or businesses. These facilities are often closely related to schools or within a community building. The LEA has identified that Welborne will need to provide 175 pre-school places (which with 350 nursery places equates to the required HCC 525 places), which is reflected in the Infrastructure Delivery Plan. The mechanism to market sites which will in turn secure the operators of the pre-school provision at Welborne will be secured within the legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990

8.16.9 Subject to these aspects being appropriately secured in the legal agreement described above, Officers are satisfied that nursery and early years provision at Welborne will accord with Policy WEL15.

8.16.10 Primary school provision

Three primary schools are to be provided at Welborne. The first will be in the north of the site, on the north side of Knowle Road. The first primary school will now be a two-form entry school (previously it was expected to be a three form of entry) and, according to the advice from the LEA, will need to open at approximately the 500th occupation which differs from the 820 homes set out in the applicant's IDP. At the 500-home level of occupation, the LEA advises that the site is expected to yield adequate numbers to sustain a year R class from the development. To achieve this target opening, the first school site is to be transferred to HCC by the occupation of 210 dwellings which gives enough time for the school to be constructed. The first school would initially open with a year R class only and grow year by year in line with the rates of occupation. The LEA has had detailed discussions with the applicant as part of the negotiations in drafting the Section 106 legal agreement to understand in more detail the actual housing mix and trajectory for delivery so that it can, in turn, predict the yield of school age children and ensure that the schools at Welborne are delivered at the most appropriate time. The LEA can only offer preliminary estimates of the phasing for opening the schools, based on the build-out rates provided by the developers. The legal agreement will secure the programme, the land for the schools along with a contribution paid to the LEA to deliver the schools. The timing of the requirement for the new schools will need to be kept under review and such a mechanism will be secured within the legal agreement to ensure that the education provision is provided at the appropriate periods throughout the development.

8.16.11 The Welborne Plan sets out that the school provision at Welborne shall

provide a minimum of seven forms of entry across the site. This would equate to the remaining two primary schools providing a two form of entry school in the west of the development and the District Centre school becoming a three form entry school. The LEA has advised that since the adoption of the Welborne Plan, the development is now likely to require nine forms of entry. Appropriate land can be secured for the possible increase in school forms of entry in the legal agreement should the additional forms of entry be required.

- 8.16.12 The location of the second and third primary school is to be determined through the delivery programme. The programme and the LEA will determine which is the second and which is the third primary school to be delivered. One of these schools will be located just to the north of the District Centre. The District Centre school site is to be a combined site with the proposed secondary school. It may be that the two schools will be built and operated separately but by providing a combined site the opportunity is provided for an all-through-school at Welborne.
- 8.16.13 The third primary school is to be located in the west of the development in the vicinity of the Community Hub.
- 8.16.14 The Section 106 legal agreement negotiations have concluded that the site for the second primary school (whichever site that ends up being) will need to be transferred to HCC by 1,510 occupations and the third site will need to be transferred by 3,060 occupations.
- 8.16.15 A three form entry primary school site requires 2.8 hectares (6.92 acres) of land to be provided. The land use budget confirms that the area of land allocated for each of the primary schools accords with the requirements of Policy WEL15.
- 8.16.16 Policy WEL15 also requires each primary school site to be well and safely connected to the green infrastructure at Welborne especially the pedestrian and cycle network. The school sites also need to be located on a bus route. It is considered that the school sites are all located in positions whereby these objectives will be achieved. The submitted Structuring Plan, Green Infrastructure Parameter Plan and Access and Movement Parameter Plan would ensure that there is a strong integrated green infrastructure network and high-quality public transport links.
- 8.16.17 The application aspires to prioritise walking and cycling through the neighbourhoods to encourage self-containment by locating schools close to homes and other local facilities and amenities. This ambition is reflected in the submitted Parameter Plans and the detailed design of the school sites at the reserved matter stage will be the appropriate time to ensure that the final relationship of the schools with the surrounding road and green infrastructure network are detailed.
- 8.16.18 Officers consider that based on submitted school locations on the Structuring Plan and supporting Parameter Plans, that the proposed primary school provision would be acceptable and in accordance with the requirements of policy WEL15.

8.16.19 Secondary school provision

Policy WEL16 provides for the delivery of the secondary school at Welborne. The policy requires a minimum of seven forms of entry (to reflect the primary school provision) for the secondary school and the Policy Map (Appendix B3 of the Welborne Plan) provides the approximate location of the school to be adjacent to the District Centre.

8.16.20 As per the primary school provision above the LEA has sought to secure a site suitable in size to accommodate a nine form entry secondary school.

8.16.21 It is the applicant's case that due to the proposed housing offer with a suitable mix of one bedroom units and the potential provision of the extra care units within the 6,000 homes proposed, that the population would not generate the requirements for nine forms of entry to the school. However, notwithstanding this the legal agreement will make provision for the applicant to make the necessary land available to the LEA to enable the delivery of a 9FE school should it be required.

8.16.22 The secondary school site is proposed to the immediate north of the District Centre and is on a combined site with the one of the primary schools which, as set out above, creates the opportunity to provide an all through school. As with policy WEL15, WEL16 requires the secondary school site to be well and safely connected to the green infrastructure at Welborne especially the pedestrian and cycle network and need to be located on a bus route. The Secondary school also needs to be designed and laid out to ensure it is appropriately related to the District Centre.

8.16.23 Policy WEL16 suggests that the delivery would actually be later than that requested by the LEA – towards the end of Sequence three. The LEA has indicated that it is likely to be seven years after the opening of the first primary school. The applicant's IDP puts the secondary school as opening in year eleven of the build programme but also acknowledges that the details will be finalised through the legal agreements and as a result of discussions with the local education authority. The location of the school is considered to be acceptable. The Section 106 legal agreement will ensure that the land for the secondary school is not transferred to HCC before the primary school site at the District Centre is transferred. The land use budget confirms that the area of land allocated for the secondary school accords with the requirements of Policy WEL16.

8.16.24 It is acknowledged within the Welborne Plan that there will be a critical mass of population on site that triggers the requirement for the delivery of the secondary school. The secondary school age children that reside at Welborne before this tipping point is reached will be served by the existing schools within Fareham. The Welborne Plan identifies that these existing schools may need some temporary additional capacity delivered to serve the needs of Welborne residents however the LEA has not sought to secure such provision in their consultation response.

8.16.25 Shared use agreement of school facilities

The Welborne Plan has a requirement for the first primary school, given its

opening fairly early in the build programme, to include some capacity for an initial high level of community use in the period before other community facilities have been provided.

- 8.16.26 The LEA has indicated that the County Council cannot give support to community use agreements for Primary School Facilities at this stage. The agreement to the use of school facilities is at the discretion of the school operator and head teacher. Given that there is no school operator appointed at this stage the LEA cannot commit to the school facilities definitely being available for public use outside of their use for educational purposes. Notwithstanding this point, the LEA has indicated that more often than not the community use of School facilities is supported by the school operator and head teacher because of the income these uses generate for the school. As such, it is agreed that through the legal agreement the County will be obliged to use their best endeavours to secure community use agreements for all the schools when appointing education providers.
- 8.16.27 Whilst the applicant's IDP indicates that by 210 occupations the "Village Centre Community Building" is identified as being completed to support the initial residents at Welborne further work by the applicant in the past year has indicated that this is more likely to be nearer 690 occupations to allow for the more comprehensive delivery of the village centre of which the community building will be a part. As such, whilst a little later than initially envisaged, there may well be appropriate community infrastructure in place still early on in the development at a similar time to the opening of the first school. On the basis that the village centre community building is delivered in the first sequence which will be secured by way of legal agreement, then Officers consider that the community use within the primary school would not be as critical as originally envisaged.
- 8.16.28 Shared use of the secondary school facilities is also required by the Welborne Plan within policy WEL29. The Local Education Authority is more positive regarding the principle of a shared use agreement although only in relation to the all-weather pitch at the school site and not necessarily regarding the grass playing pitches or other school facilities such as the sports hall. The all-weather pitch is a facility to be provided over and above the educational requirements of the school. As such the shared use of this facility outside of the school use is acceptable.
- 8.16.29 The County Council has stressed that any community use agreement for facilities provided primarily for educational purposes will need to first be agreed with the school in question (the operating Academy body) and cannot be signed by the Council at this stage on that Academy's behalf. HCC has advised that the 106 agreement cannot stipulate that any future Academy must honour the Community Use Agreement. However, the obligation will require the LEA to use best endeavours to secure the community use agreement.
- 8.16.30 It is accepted that first and foremost the sport and recreation facilities are for the school and educational use. HCC raise concerns regarding the impact that the use of the grass sports field by non-educational users, could have on their condition and quality. It is important to note that grass playing pitches typically provided on new school sites are designed to be of a

standard to be suitable for 7 hours of playing time per week. Should there be a need to make grass playing pitches available outside of school hours, it is expected by the LEA that additional funding will be made available by either the developer or the local authority approving the planning application for the new housing to provide a pitch that is capable of more intensive use.

- 8.16.31 HCC also query whether there would be issues associated with pupil and school security with the need for such pitches to be enclosed as part of the school site. These concerns need to be balanced with the fact that the community use agreement would ensure that the sport and recreation facility could be available for public use outside of the school day and extra-curricular periods. As such through appropriate management, it is considered that the community use of the sports facilities could operate (as they do elsewhere in Fareham and around the County) without risk to pupil safeguarding. Careful management of the sports fields could ensure that they are able to be used outside of educational periods. Furthermore, the community use of the sports facilities at the secondary school could provide an income for the school.
- 8.16.32 It is considered that the use of an obligation similar to those used in the legal agreements elsewhere in the County by the LEA would ensure the best opportunity arises to ensure that adequate sports and recreation facilities are provided for the residents of Welborne whilst at the same time ensuring that this is not to the detriment of the education offer. The timing of the school delivery, the forms of entry, the school site sizes and contributions towards their delivery and the requirement to use best endeavours to secure a community use agreement for each school will be secured through the legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990. As such the proposal is acceptable and the scheme is considered to comply with policies WEL15 and WEL16.

8.17 Transport

- 8.17.1 Policy WEL6 requires all proposals for development at Welborne to demonstrate how the design and layout will help to create safe well-connected neighbourhoods and have particular regard for ensuring that proposals maximise opportunities to prioritise pedestrian and cyclist movement across the A32.
- 8.17.2 Policy WEL23 sets out the transport principles for Welborne which seek the delivery of a high quality sustainable transport system including the provision of the BRT service, travel planning to reduce the reliance on the private car, be south facing towards the motorway, ensure that delivery is linked to funding and infrastructure provision as well and mitigating the impacts of traffic off site in surrounding areas.
- 8.17.3 Improvements to the M27 Junction 10 are required by policy WEL24 and the local road impact and site access is addressed by policy WEL25. Policy WEL26 seeks to secure appropriate public transport provision and policy WEL28 provides for walking and cycling. Encouraging sustainable travel is addressed by policy WEL27.
- 8.17.4 In order to fully understand the traffic impacts of the proposal, the applicant

has undertaken a twostep modelling process to identify the forecast impact of the proposed development at the fully built out stage. This two stage modelling process has utilised the Sub Regional Transport Model (SRTM) to identify the wider geographic impacts. The SRTM is then used as a foundation for a more local and detailed highway model assessing the junctions and traffic flows in close proximity of the application site. This micro-simulation is referred to in the Transport Assessment as the VISSIM model.

8.17.5 M27 Junction 10

In December 2017, the Secretary of State for Transport advised that Hampshire County Council were best placed to be Scheme Promoter for Junction 10, working with Buckland Development Ltd (BDL) and Highways England to bring the Scheme forward. The provision of Junction 10 to support the development is a critical part of the infrastructure needed to access the Welborne site. In January 2018, the Scheme promoter role was passed from BDL to the County Council.

8.17.6 Hampshire County Council has since been working with Highways England and BDL to progress the design for junction 10 alongside the Smart Motorway Programme which is currently under construction along the M27

8.17.7 Several amendments have been required to the layout as initially submitted by BDL in 2017. The amendments were made to the planning application in December 2018 with further refinements formally submitted in July 2019.

8.17.8 The detail of Junction 10

As part of the development the new M27 junction 10 will include:

- New eastbound off-slip – leaving the existing motorway east of the Funtley road overbridge and heading into the development site north of the M27;
- Retained eastbound on-slip – existing slip-road retained with minor alignment improvements;
- Revised westbound off-slip – existing slip-road point of leaving the motorway is to be retained but the existing loop will be replaced with a straight slip-road into the development site south of the M27;
- New westbound on-slip – The slip-road will commence in the development site south of the M27 at the same location as the westbound off-slip and merge with the M27 east of the Funtley Road overbridge; and
- New linking roads within Welborne – connecting the eastbound off-slip, westbound off-slip and westbound on-slip to the A32 and eastbound on-slip.

8.17.9 As indicated above, the design of junction 10 has been refined during the consideration of the application. When the County Council undertook the

role of project sponsor for the junction it adjusted the design as a result. To take account of and overcome the concerns expressed by Southern Gas Networks regarding the position of a proposed roundabout relative to the high-pressure gas main changes were made. Finally, the design has been altered as a result of the outputs from the micro-simulation traffic modelling that has been undertaken as part of the revised transport assessment.

8.17.10 Given that the works to junction 10 are part of the detailed access arrangements for the application, their extent is elaborated further with more detail below:

8.17.11 A new underpass to the M27 is to be created approximately 150m to the east of Kneller Court Lane. This underpass will connect with the new eastbound off slip and the new west bound on and off slip roads to the M27. The underpass will provide for two lanes of traffic in both directions with the north to south road through the underpass. A pedestrian and cycle way are to be provided on the eastern side of this north-south road alongside the southbound traffic. A roundabout is on the south side of the underpass and will be signal controlled together with the eastbound off slip.

8.17.12 The design for the Junction 10 extends beyond the new slip roads and underpass and includes the necessary connection of these new slip roads to the A32. The new north-south road described above is the first part of this connection which connects to a roundabout at its northern end. This roundabout has four arms providing access into Welborne and the east-west road linking to the A32. The road linking towards the A32 would be a dual carriageway road running parallel to the M27 and will link to a new three arm roundabout on the A32.

8.17.13 A third roundabout is proposed in the middle of this dual carriageway east – west road linking from Junction 10 through to the A32. This four-arm roundabout will provide access to the south into the employment area and north into the District Centre. Two crossing points for pedestrians and cycles are proposed along the dual-carriageway road as Toucan crossings with shared use paths on both the north and south sides.

8.17.14 Policy WEL24 requires a series of improvements to create an all moves junction 10 as part of the Welborne development. The motorway and trunk road network is managed by Highways England.

8.17.15 Highways England has now confirmed that the design of the junction is acceptable in principle and that the proposed arrangement of roundabouts, link roads, underpass and slip roads is acceptable and safe. As such this part of the proposal is considered to be acceptable and compliant with policy WEL24. A planning condition is proposed in the recommendation to limit occupation on site to 1,160 dwellings and/or an associated level of commercial floor space until the junction 10 works are delivered.

8.17.16 A32 Alterations

The access to the Welborne development will be via three new roundabout junctions constructed along A32 Wickham Road and alterations to the existing roundabout at Knowle Road.

- 8.17.17 The northern most of the three roundabouts is proposed at the junction of the A32 and Forest Lane. This roundabout is located approximately 330m north of the existing Knowle Road roundabout and will have a 56m diameter. The roundabout is offset to the west of the existing (north – south) A32 with part of the existing road being retained to form a service road to the existing dwellings on the east side of the A32 between Forest Lane and the Former Sawmills site entrance
- 8.17.18 The eastern arm of this new roundabout will connect to Forest Lane. The western arm will link to one of the main north-south link roads within the Welborne development. This north-south road links through to the Local Centre and onwards to the District Centre and the M27 at Junction 10. Pedestrians are provided for at road level with uncontrolled crossings across the western, northern and eastern entry and exit arms of the roundabout. Footway and cycleway links will be provided to the south from this junction.
- 8.17.19 The existing four arm roundabout at the junction of Knowle Road will have the eastern arm modified to provide access to the development land on the east side of the A32. The new access road to the east will be provided as a single carriageway with flared two-lane entry to the roundabout. All other approaches to the roundabout will not be altered from their existing arrangement. Chalk Lane will meet the new eastern access road at a simple T junction with the new access road having the priority. Pedestrians are provided for with road level uncontrolled crossings across all entry and exit arms, while a signalised crossing will also be provided due south of the roundabout (the Pegasus crossing) which is described in the pedestrian and cycling part of this report
- 8.17.20 Approximately 550m south of the existing Knowle Road roundabout, a new four arm (67m diameter) roundabout junction will be provided on the A32. The western arm will provide access to a road within the Welborne development which serves the secondary school and the northern part of the District Centre. The eastern arm serves development east of the A32. Pedestrians are provided for at road level with uncontrolled crossings over the western, northern and eastern entry and exit arms of the roundabout. A signal-controlled Toucan crossing (as described in the pedestrian and cycling section of this report) will also be provided on the southern arm and midway between this roundabout and the roundabout proposed to the south (called the Broadway roundabout by the applicant).
- 8.17.21 The final roundabout is the southernmost access to Welborne and is the linking roundabout between the A32 and the new all moves Junction 10 of the M27. The western arm will provide access to the east – west link road with onward connections to the all moves M27 Junction 10 together with access to the District Centre, employment areas and the western areas of the development.
- 8.17.22 A “by-pass” lane is proposed on the east side of this roundabout for traffic travelling south and accessing the M27 junction 10 eastbound. This allows for peak period eastbound motorway traffic to pass the roundabout without delay, supports the proposal in being a south facing development and allows the junction to operate within capacity.

- 8.17.23 Pedestrians and cyclists will be catered for by the provision of shared use facilities adjacent to the west side of the A32 and a toucan crossing over the A32.
- 8.17.24 South of Broadway roundabout the A32 is proposed to be dualled which would prevent the provision of a pedestrian crossing in this location.
- 8.17.25 The introduction of this roundabout will require the closure to vehicles of the existing junction of Pook Lane with the A32, on safety grounds. The proposed new roundabout will allow vehicles from the south wishing to reach the eastbound M27 on-slip to undertake movements in a safer arrangement than currently exists.
- 8.17.26 In the interim period between the construction of this roundabout and the one immediately to the north, it will be necessary to maintain access to Roche Court / Boundary Oak School, which is currently served via Pook Lane. It is proposed that this will be provided via a temporary left in / left out junction to be provided in the general area of this roundabout, which will connect to a new access serving Roche Court and Boundary Oak School. Once this roundabout is completed the eastern arm of this roundabout will serve the east of the development and the temporary access can be removed.
- 8.17.27 Policy WEL25 requires improvements to the A32 to accommodate the increase in traffic and to achieve a satisfactory access to Welborne as well as creating an appropriate gateway to the development. Consideration is given to the success of the access proposals in being a suitable gateway to the development below when they are considered in the context of the internal road network and the experience of users travelling around Welborne.
- 8.17.28 Regarding the test in the policy that the new A32 access points must be able to accommodate the increase in traffic and to achieve a satisfactory access to Welborne, the Highway Authority has confirmed that the A32 access arrangements are acceptable.
- 8.17.29 Internal road network
- Welborne will incorporate a hierarchy of street types to ensure that there is a suitable network of routes through the site to facilitate vehicle movement as well as the safety and legibility of routes for pedestrians and cyclists. The hierarchy of streets will comprise Primary, Secondary and Tertiary roads and reflects the requirements of the Welborne Design Guidance SPD.
- 8.17.30 The primary routes will be the main arterial routes through the development. The primary road network will consist of the main roads such as the north-south link described earlier.
- 8.17.31 Secondary streets will consist of local distributor roads such as the loop road to the western side of the development and the roads north of Knowle Road and east of the A32.

- 8.17.32 The detailed design of the internal street network (across the whole hierarchy) is not for determination at this stage, however it is to accommodate all modes of transport where necessary - walking, cycling, cars and buses - and ensure that homes, jobs, shops and community facilities can be easily reached by its residents. Streets will be well designed, generously proportioned and provide an attractive setting for new homes as well as providing a range of convenient walking and cycling routes connecting homes to local facilities, centres, schools and open spaces.
- 8.17.33 Regarding the internal road network at Welborne, policy WEL25 of the Welborne Plan seeks to secure:
- Access from the A32 which will be a gateway to Welborne as well as being suitably designed to accommodate the increased traffic flows; and
 - A main north to south route through the site.
- 8.17.34 Accesses into the site from the A32 are all by means of roundabouts. These access points are part of the detailed plans for consideration. The roundabouts all provide for safe access to Welborne and will be located at key positions such as the District Centre and the northern roundabout at the junction of the A32 and Forest Lane. Alterations are also proposed to the existing Knowle Road roundabout on the eastern side.
- 8.17.35 The location of the roundabouts will provide access to Welborne in a way that they will each act as gateway locations into the garden village. The southernmost two roundabouts provide views into and access into the District Centre which will provide the opportunity, through the detailed design, for areas of higher density, and built form which could include gateway entry buildings. Similarly, the southernmost roundabout will service the employment area which could provide for gateway feature buildings.
- 8.17.36 The main north to south route through Welborne is required by policy WEL25. It extends from the District Centre northwards between the Central Park and the A32 connecting to the existing Knowle Road at the location of the Local Centre.
- 8.17.37 The applicant has proposed that this main north-south road is designed as a 30mph road, to be part of the BRT bus route with side roads accessing housing parcels off it. The applicant has indicated that it will carry a similar volume of traffic to the A32. The distribution of the traffic along this road in this manner is such that the applicant proposes that there is no requirement to dual the A32.
- 8.17.38 The Highway Authority has required confirmation from the applicant, through detailed micro-simulation modelling of the traffic flows, that the main north-south route through Welborne can operate as an alternative route to the A32. This modelling work was necessary to understand the likely flows and movements along the A32 and whether the proposed access arrangements and treatment of the A32 are suitable to accommodate the development proposed.

8.17.39 Following the submission of further information, the Highway Authority has accepted the flows along the main north to south route are likely to be similar to the A32 and as such the distribution of traffic is considered appropriate.

8.17.40 The detailed design of the main north-south link through Welborne is identified by the highway Authority as crucial to ensure the access and A32 operate as modelled. Whilst the finer detailed design of the north- south link will follow in future applications, it is recommended that the design parameters for the north-south route are established early and secured by a suitably worded condition as part of the recommendation. This will ensure that the road is designed with sufficient capacity to operate as intended through the traffic model.

8.17.41 Off-site highway mitigation works

The Welborne Plan, Policy WEL25, requires delivery of, or funding towards seven identified junctions on the local road network and any other junctions or local roads that may be affected by the detailed transport modelling. The seven specific junctions identified in the Welborne Plan are:

- A32/A334 Fareham Road, Wickham
- North Hill/Kiln Road/Old Turnpike/Park Lane
- A32 Wickham Road/North Hill/ Furze Court
- A32 Wickham Road/Wallington Way/Southampton Road
- Delme Roundabout A32/A27
- A27/A32 Quay Street Roundabout; and
- A27 Railway Station Roundabout.

8.17.42 Within the application Transport Assessment and Road Safety Report, the other identified junctions and highway aspects identified for mitigation are:

- B2177 Southwick Road / Boarhunt Road / Shoothill Crossroads
- A32 School Road / B2177 Southwick Road Crossroads
- Hoads Hill
- Parking along the A32 Wickham Road
- A32 Wickham Road/Broadcut Roundabout
- A32 Gosport Road to the south of Quay Street Roundabout
- Funtley Hill Improvements
- Highlands Road

8.17.43 The above locations of off-site mitigation and highways safety works are set out below in a broadly geographic arrangement moving from locations north of Welborne southwards:

8.17.44 *A32 School Road / B2177 Southwick Road Crossroads*

This junction is on the east side of Wickham within Winchester City Council's district. There have been a number of collisions at this junction relating to the turning movements out of the B2177 Southwick Road, particularly the turn onto the A32 northbound. This has been raised by the Highway Authority and addressed in the road safety report.

8.17.45 The proposed works to the junction includes refurbishment of all road markings and provision of high friction surfacing. Improvements to signage and dragons teeth road markings are also proposed.

8.17.46 *B2177 Southwick Road / Boarhunt Road / Shoothill*

The application Road Safety Report submits that on site observations of the junction suggest that the drainage system at the crossroads is not functioning adequately. Existing road markings have also been worn out and existing raised white surface on the carriageway was seen to be overrun by turning vehicles. The application proposes to improve the existing drainage, renewal of road markings, installation of traffic islands and both minor approach arms and widening the existing kerb alignments at entries and exits.

8.17.47 *A32/A334 Fareham Road, Wickham*

The junction is within Winchester City Council's district, at the foot of Hoads on the south side of Wickham.

8.17.48 Winchester City Council has recently granted a planning permission for development off the eastern side of this roundabout and work has now commenced on site. The proposals for the roundabout have taken account of Welborne in the improvement design solution.

8.17.49 As Welborne is intended to be 'south facing' regarding traffic flows, the proposals reduce the flared approach to the roundabout. The proposal also provides a continuation of the A32 Hoads Hill cycle route by transferring the cycle lane to a shared use path west of the junction, therefore bypassing the roundabout itself. Furthermore, to provide for pedestrians an uncontrolled crossing has been added north-west of the A334 southbound bus stop.

8.17.50 *Hoads Hill*

There are accident records related to vehicles turning into residential properties on the western side of the A32, partly as a result of confusion caused by the southbound climbing lane. The proposal seeks to remove the climbing lane, decrease the speed limit and to provide a new cycle lane on the west side of the A32.

8.17.51 *A32 Wickham Road/North Hill/ Furze Court*

The removal of the existing roundabout is proposed and this is to be replaced with a traffic signalised junction. If no improvements are undertaken at this junction, it is forecast to operate over capacity in 2036

8.17.52 The introduction of signals will allow for safer pedestrian crossing movements at the junction, promote the A32 Wickham Road as the primary route through phasing and allow for the provision of bus priority in the light cycle for southbound services. As the road space required for the signalised junction is less than the roundabout, a bypass lane for North Hill can also be created.

8.17.53 The A32 north and south approaches to this junction are signalised with dedicated straight ahead lanes and right turn lanes. A no right turn movement from North Hill into either Furze Court or A32 southbound will be introduced at the signals. Traffic can continue northbound and come back round the southernmost roundabout serving Welborne and travel southbound on A32 Wickham Road; The Highway Authority is satisfied with these junction improvements.

8.17.54 *North Hill/Kiln Road/Old Turnpike/Park Lane*

For this junction it is proposed that green light time is optimised to those arms of the junction with the greatest flows, namely Kiln Road and North Hill. This adjustment of the light timings also served to discourage additional vehicle flows on Old Turnpike and Serpentine Road. The Transport Assessment modelling shows that even without Welborne that by 2036 this junction will operate over capacity. With the junction enhancements proposed as a result of Welborne the junction remains over capacity, but the impact is no more severe than without Welborne, in fact the junction operates more efficiently with the Welborne related improvements than without.

8.17.55 Welborne will have a significant impact on this junction, which is acknowledged in the transport assessment and by the Highway Authority. In addition to the junction improvements, the Highway Authority is also seeking a financial contribution for further future wider network improvements that will better manage the traffic through this junction.

8.17.56 *Changes to parking along A32 Wickham Road*

Capacity improvements have been proposed by the applicant along this section of the A32 Wickham Road which involves removing or reducing the impact of on street parking supply through the installation of parking restrictions along both sides of the road. This will result in unencumbered travel for both directions along the road. The reduction in parking is to occur outside the commercial premises. The application submits that there is adequate space on these commercial properties for vehicles to park. The Highway Authority concurs with this approach.

8.17.57 In order to reduce the impact of parking spaces to passing traffic in front of the residential buildings between Old Turnpike and The Potteries, it is proposed to reduce the available footway width to a minimum standard and provide indented parking bays on the western side. The kerb line on the eastern side can be relocated to allow for minor carriageway widening if a wider footway on the western side was desired. This would result in a 5.5m carriageway width and allow vehicles to travel in both directions without restriction from parked vehicles.

8.17.58 The Highway Authority has identified that level differences in this location may be restrictive, but the principle of the work is accepted.

8.17.59 *A32 Wickham Road/Wallington Way/Southampton Road*

At this junction it is proposed to formalise the approach lanes and produce additional lane flares at the junction. Improvements have been proposed for the Wickham Road northbound approach with formalisation of the approach lanes to have one lane for each direction of travel.

8.17.60 *A32 Wickham Road/Broadcut Roundabout*

The Highway Authority has raised safety concerns over lane discipline and higher southbound approach speeds at the roundabout. The submitted Road Safety Report suggests that the large geometric design of the roundabout and lack of adequate road markings along the circulatory carriageway may encourage such behaviour. The application therefore proposes to add road markings to guide vehicles around the roundabout and from the inside/outside circulatory lanes to their exit lanes

8.17.61 In addition to the above the application also seeks to discourage traffic from using Old Turnpike. The submission seeks to remove the dedicated left filter lane between the A32 Wickham Road and Old Turnpike just after exiting from the above roundabout junction.

8.17.62 *Delme Roundabout A32/A27*

The submitted Transport Assessment identifies that Delme roundabout will operate over capacity with the development in place and following construction of Junction 10 of the M27. This same roundabout is forecast to operate over capacity in future years without Welborne.

8.17.63 The Highway Authority is of the view that the impact of Welborne on this junction is likely to be significant. The applicant has proposed an improvement scheme for the roundabout which would address the impacts resulting from the development at Welborne. The Highway Authority is however seeking a financial contribution towards the implementation of a wider scheme of mitigation and remodelling works.

8.17.64 This contribution can be secured within the legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

8.17.65 *A27/A32 Quay Street Roundabout*

The transport assessment forecasts that this junction will, like Delme, operate over capacity in 2036 with Welborne. The Highway Authority is seeking a financial contribution for works to this junction.

8.17.66 *A32 Gosport Road to the south of Quay Street Roundabout*

The Highway Authority has raised road safety concerns with regards to rear shunt collisions between vehicles and cyclists at the petrol station access along this A32 stretch. The following improvements along this section are suggested: renewal of existing road markings; provision of an advanced lane sign on the existing footbridge parapet to provide clear information to drivers and therefore improve lane discipline. The Highway Authority is satisfied with this position.

8.17.67 *A27 Railway Station Roundabout*

Modelling indicates that this roundabout will operate within capacity following the development at Welborne and therefore no mitigation is required. The Highway Authority is satisfied with this conclusion.

8.17.68 *Funtley Hill Improvements*

The Walking and Cycling Strategy has identified the need to provide a shared-use path along Funtley Hill to link the southern end of the Welborne Mile to Fareham Common via the existing M27 underpass in order to link Public Rights of Way and SANG provision either side of the M27.

8.17.69 Carriageway narrowing will be required to accommodate the shared-use path in the area of the Funtley overbridge. This will reduce Funtley Hill to one lane of travel for both directions. In order to manage vehicle conflict over the one travel lane, it is proposed to introduce one-way travel with northbound traffic required to give way to vehicles from the opposite direction.

8.17.70 *Highlands Road*

Enhanced cycle lane measures are proposed along Highlands Road. This would provide for a continuous cycle route between the site and Henry Cort Community College, taking account of existing provision and available carriageway space

8.17.71 The Highway Authority has spent many months negotiating the offsite mitigation works with the applicant. All the works are considered justified and necessary to mitigate the impacts of the traffic generated by the development. As such the Highway Authority raises no objection and in turn the proposal is considered to accord with policy WEL25.

8.17.72 Public Transport Strategy

Policy WEL26 of the Welborne Plan addresses the provision of public transport services at Welborne. The Welborne Plan is clear that the site wide public transport strategy will be through an extension to the Bus Rapid Transit (BRT) service linking the site to Fareham rail station and either complementing or extending the current BRT Eclipse service.

8.17.73 BRT is a high-quality bus-based transit system that delivers fast, comfortable, and cost-effective services at regular frequencies and connects with other transport hubs. BRT is able to avoid the causes of delay that typically slow regular bus services, like being stuck in traffic and queuing to pay on board.

8.17.74 The submitted Public Transport Strategy sets out that throughout Welborne there will be a series of both BRT and general service bus stops provided. The application indicates that the BRT will enter the site towards the south east, off the A32 via a proposed bus lane/bus gate to the south of southernmost roundabout serving Welborne. The route would continue north through the employment area and pass through the District Centre.

From the District Centre the route would head west and loop north crossing Knowle Road before turning east on the south side of Dashwood to the Local Centre. From the Local Centre the BRT service will continue south back to the District Centre before leaving Welborne at the southernmost roundabout serving Welborne and heading south on the A32.

- 8.17.75 The internal design of the site will allow for the provision of bus stops at regular intervals along this route and will place the majority of, people in Welborne within approximately 400m of a bus stop. It is noted that the BRT route broadly on the Access and Movement Parameter Plan and the submitted Structuring Plan follows that identified on the Strategic Framework Diagram within the Welborne Plan.
- 8.17.76 Whilst the land to the east side of the A32 is not proposed as part of the BRT route, the road infrastructure is to be designed to accommodate bus traffic should other services be extended into this part of the development.
- 8.17.77 On leaving Welborne the identified route for the BRT is down the A32, up North Hill, along Park Lane and into the town centre via Osborn Road South and along West Street.
- 8.17.78 At peak periods the Public Transport Strategy sets out that in order to maintain a high frequency of service the BRT could call at Fareham Railway Station only as the alternative transport hub. In off-peak periods it could be that the service will also call at the Bus station; in peak periods a stop along West Street would ensure connectivity for users with the bus station by way of a short connecting walk for onward bus travel.
- 8.17.79 The submission also sets out that whilst Fareham Bus Station does provide onward connections to key local destinations, the majority of these are also accessible by rail via Fareham Railway Station with shorter journey times. Consequently, for passengers of the proposed BRT service wishing to make onwards connections as part of a longer journey, the railway station may be a more desirable destination.
- 8.17.80 The return route from West Street back to Welborne would be to head north up Trinity Street to Park Lane, North Hill and the A32 into Welborne.
- 8.17.81 As specified within the Public Transport Strategy document that accompanied the planning application, the proposal for the Welborne BRT service is to operate seven days a week, from approximately 6am to 11pm at a frequency of one bus every ten minutes.
- 8.17.82 The submitted Public Transport Strategy sets out that during the early years of the development, it is forecast that three buses will be required to maintain the desired frequency of service. Post completion of Sequence 1 (the first five years), it is proposed that a total of four vehicles can sustain the BRT service onwards. A one-way journey time of approximately 15 – 20 minutes is forecast, which includes a three-minute recovery time per vehicle at the end of each journey.
- 8.17.83 The provision of the new BRT service will inevitably have an impact on existing bus services that operate along the A32 between Wickham and

Fareham. Criterion ii) of policy WEL26 seeks to ensure that Welborne has appropriate links to existing services such that the impact upon these services requires further consideration.

- 8.17.84 The 69 Service operates between Fareham and Winchester with its route along the A32. Based on the submission, the forecast demand for Service 69 to be generated by the implementation of Welborne can be accommodated within the capacity on the existing Service 69 and in fact the additional patronage generated by Welborne would be a positive impact upon this service.
- 8.17.85 Service 20 currently operates one bus an hour in each direction between Fareham and Wickham via Knowle on weekdays and Saturdays. The applicant's public transport strategy identifies that the service 20 route currently operates with over 65% available capacity in both directions on both weekdays and on Saturdays.
- 8.17.86 It should be noted that whilst this route has available capacity for occupants of Welborne, it is not considered that it will generally be a preferred option for passengers travelling to and from Fareham Town Centre. Service 20 is seen to be a less desirable route due to its indirect nature in comparison to the proposed BRT route, given that only future residents of the north-western corner of the site will be located in proximity to this service. However, it will offer the opportunity for some future residents to travel by this mode at certain times of the day.
- 8.17.87 Hampshire County Council as the Highway Authority raises no objection to the proposed Public Transport Strategy. The Public Transport Strategy sets out that a subsidy is required in the early stages of the development to support the BRT service until the critical mass of a population is achieved to make the service self-sustaining. The provision of this subsidy and a commitment to ensure that the BRT service provision is delivered is to be secured through the legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990.
- 8.17.88 On the basis that the BRT service is provided in accordance with the proposals set out in the Public Transport Strategy and is suitably secured through the legal agreement, the proposal would be acceptable and in accordance with policy WEL26 of the Welborne Plan.
- 8.17.89 Rail Halt
- Notwithstanding the Public Transport Strategy for Welborne being BRT focused, Policy WEL26 also requires the planning application to provide the space to accommodate a future rail halt at Welborne.
- 8.17.90 The western side of Welborne is adjacent to the existing Fareham to Eastleigh line and the policy requires that land should be provided for a new rail halt unless it is demonstrated that it is not technically viable or feasible to deliver such a facility in the plan period.
- 8.17.91 Policy WEL42 specifically seeks to safeguard land for specific developments. Where, due to viability or other reasons, any development

or facility required by the Welborne Plan that cannot be commenced within the main phase of development will have adequate land within the Welborne site safeguarded for the intended use. Any safeguarding will apply until the commencement of main phase five after which safeguarded sites may be released for alternative uses after the submission of clear justification that the intended development for that land is not viable or likely to be viable within the remaining Plan period or that it is no longer required for the development. WEL42 is the mechanism under which the land for the potential future rail halt can be secured.

- 8.17.92 In 2017 Network Rail undertook a study on behalf of the Council, to investigate the feasibility of providing a new station on the Eastleigh to Fareham line to allow the Welborne development to be connected to the rail network. This study identified four possible locations along the existing line where a station could feasibly be located. Of the options each one was assessed for a station to be provided on the single-track arrangement as it currently exists and also with a dual track arrangement.
- 8.17.93 The preferred option in the feasibility study locates a potential station site to the south western corner of Welborne due north of Funtley. This option is the most favourable given that it is located adjacent to the Welborne development site and will allow the station to be integrated with Welborne and interrelated to the future transport strategy for Welborne. The cost for this station is estimated to be between £68m and £78m for a twin tracked, two platform station. The first phase of the station, a single platform using the single track is estimated to cost between £17m and £19m. The land identified as a rail halt in the application parameter plans reflects the location and the identified site size for this preferred option.
- 8.17.94 Third party comments have expressed concern at the potential for a rail station to lead to parking in existing roads in Knowle and Funtley, especially given that the preferred option in the feasibility study doesn't provide for as much parking as some of the other options considered.
- 8.17.95 At this stage the study is providing only some early indication of the feasibility for a station at Welborne. The detailed design stage is where parking requirements would be worked through should a station proposal be delivered at Welborne. At that stage the quantum and arrangement of parking could be properly considered in accordance with the relevant parking standards.
- 8.17.96 The preferred location adjacent to the western edge of Welborne, due north of Funtley, does provide a good opportunity to ensure that any rail travel offer is well related to and ties into the existing Welborne public transport strategy as well as reflecting the possible location for a rail service as per policy WEL26.
- 8.17.97 The applicant's Public Transport Strategy and the Welborne Plan are clearly directed towards the BRT service and there is no requirement within the Welborne Plan for the applicant to provide a railway station at Welborne. However, whilst there is no requirement for a train station to be provided at Welborne, the safeguarding of the land under policy WEL42 will be secured and will ensure that should the delivery of the station for

Welborne become viable and feasible during the development then the land is suitably safeguarded for that purpose. The land safeguarded for the rail halt is identified on the Land Use Parameter Plan. As such the proposal is considered to accord with policies WEL26 (in so far as rail travel is concerned) and WEL42.

8.17.98 Pedestrian and Cycle Strategy (including Public Rights of Way (PROW) & bridleways)

Walking and cycling through Welborne and off site from Welborne is addressed through policy WEL28. This policy seeks to provide for a network of routes for the new community supplemented by a series of good quality local pedestrian and cycle links. Specifically, the policy seeks to ensure:

- i) good pedestrian and cycle links to Fareham town centre and the railway station;
- ii) links to surrounding communities and countryside,
- iii) attractive links across the A32 to encourage east-west movements; and
- iv) attractive links to off-site schools which will serve the development.

8.17.99 There are a number of routes through the site proposed by the applicant and existing paths that are identified to be upgraded.

8.17.100 Public Footpath No.86 currently runs north to south from Funtley through the location of the Welborne Mile and on through Dashwood. The application proposes to upgrade this footpath north of Knowle Road and through Dashwood from a public right of way to a Bridleway. This will allow for further onward links to the north of Knowle and to the Meon Valley footpath networks.

8.17.101 Public Footpath 88 currently runs east to west through the Dean Farm Estate. This footpath is proposed to be diverted slightly north into the new east – west link which will be a segregated route from the highway and will be a new multi-user right of way. This route will also cross the A32 north of the district centre school site by means of a Pegasus crossing and continuing to the eastern edge of the site and connecting to Footpath 103. Footpath 103 is to be diverted around the east of Albany Farm. To the south of Footpath 103 running north to south along the eastern site edge of the site is Footpath 101. This footpath is to be upgraded to a bridleway down to the M27 footbridge over to Wallington and into Broadcut.

8.17.102 East of Funtley and north of the motorway is the current Footpath 89. This footpath links Funtley with Kneller Court Lane which itself is a public footpath (number 90).

8.17.103 Footpath 89 is proposed to be diverted to the south side of the M27 and into the Fareham Common SANG. This is primarily as a result of the junction 10 works and the necessary closure of Kneller Court Lane (Footpath 90) at its northern end. With the closure of the northern part of Kneller Court Lane, the southern section is proposed to be retained as a right of way and continue to link with the diverted Footpath 89 and to Kiln Road from within Fareham Common SANG.

- 8.17.104 Representations have been received suggesting that footpath 90 should be closed at the Kiln Road end given the poor visibility onto Kiln Road and to better improve the access for the dwelling at 83 Kiln Road. Given the reduction of vehicles using footpath 90 (Kneller Court Lane) and its incorporation into the path network of the Fareham Common SANG, the proposed retention of the path at the southern end where it adjoins Kiln Road is considered acceptable. Hampshire County Council as the Highway Authority has not sought to close this path as a result of the proposal.
- 8.17.105 In the very west of the site the existing right of way number 85 may need to be diverted in the future should the Welborne rail halt be delivered. The footpath currently runs though the land safeguarded for this provision. In the event that the rail halt is not delivered HCC has secured the re-surfacing of this path.
- 8.17.106 The east – west footpath on the north side of the M27 that runs through Hellyers Farm is to be retained and unaltered and no changes are proposed to the north – south path that sits within the Welborne Mile from the edge of Funtley up to Knowle Road.
- 8.17.107 It is considered that the on-site footpaths retained, enhanced and created are acceptable in creating the good quality network of routes through the site. In addition to these routes it is noted that the applicant also proposes a circular route around the site perimeter that would come forward as part of the Green Infrastructure proposals. It is anticipated that this route would extend to some 10km (6.21 miles) in length when fully completed. This would further add to the permeability through Welborne and the choice of high quality walking and cycling routes to the benefit of the new community and wider borough population.
- 8.17.108 Heading south through Welborne and into Fareham town there are three proposed main routes. In the west there will be a route through Fareham Common to Kiln Road. The route to Fareham Common will be either via the new junction 10 underpass or via Funtley Hill. A Toucan crossing is proposed at Kiln Road opposite Maylings Farm Road.
- 8.17.109 It is proposed to provide an on-road cycle route from Kiln Road to West Street and the train station using Miller Drive, Arundel Drive, Leigh Road, Gordon Road and Grove Road. This route has been agreed with HCC and is considered an appropriate route from Welborne to the town centre and train station.
- 8.17.110 An alternative route to the town centre is to be provided by a new cycle path from Miller Drive through the Fareham Leisure Centre car park to Park Lane. The applicant and Council have agreed that a cycleway can be provided, at the applicant's cost, around the northern and eastern edge of the leisure centre car park linking to Park Lane at the current uncontrolled crossing point with William Prince Gardens which in turn links to Harrison Road, Osborn Road and the Town Centre.
- 8.17.111 The third and eastern route to the town centre will utilise footpath 101 (upgraded to a bridleway) and the new motorway footbridge provided as a

result of the Smart Motorway proposals, linking to Standard Way and Broadcut. Through Broadcut on road cycle symbols are proposed to provide access to the retail park and onwards to the town centre via Southampton Road, Harrison Road and Westbury Road.

- 8.17.112 The Highway Authority has, during the consideration of the application, explored providing additional cycle facilities on the A32, North Hill and Park Lane.
- 8.17.113 North Hill is a single carriageway, two-way road with no current cycle provision and very little margin for road expansion within the highway-controlled land. Added to the fact that North Hill is proposed to accommodate the BRT route from Welborne to the town centre, plus carrying additional traffic in future years, the addition of cycle facilities in this very constrained corridor has proven challenging. A proposal has however been agreed between the applicant and the highway authority whereby cycle lanes are to be provided on Park Lane and North Hill northbound only. Cyclists having to negotiate the level change uphill when travelling south would likely use the other described routes using quieter roads.
- 8.17.114 It is considered that the provision of these three (east, centre and west) links is acceptable and will provide sufficient and attractive routes into the town centre whilst passing other accessible amenities (such as the employment and retail offer in Broadcut, schools in north west Fareham and the leisure centre) en-route to the main town centre. There is no highway objection to the pedestrian and cycling mitigation proposal and as such the proposal is considered to meet the requirements of Policy WEL28 criterion i).
- 8.17.115 Criterion ii) of policy WEL28 requires development to link to adjoining communities and the wider countryside. As described above the upgrade of the path through Dashwood to a bridleway will provide some linkage to off-site communities around Knowle and towards Wickham. It is noted that third party comments have indicated that it would be to the benefit of Welborne to connect through to the north west beyond Dashwood, however this is across land outside of the applicant's control and is therefore unachievable. The applicant has proposed changes to this route as far as they can within the land that they control.
- 8.17.116 In addition to the route through Dashwood the application proposes to improve pedestrian and cycle provision north to Wickham along Hoads Hill by providing a dedicated cycle lane on the western side of the carriageway, increase the width of the footpath south of the property known as "Silvertops" the removal of the southbound crawler lane and a reduction in the speed limit. Provision is proposed at Wickham to enable a transfer to the Meon Valley trail.
- 8.17.117 There are a number of other routes (as previously described) that connect into Welborne and then link to other communities, especially to the west, north of Funtley and on towards Whiteley, and into Fareham to the south. The retention of these connections and the improvement of the routes through the site itself are such that the proposal is considered to satisfy

criterion ii) of the policy.

- 8.17.118 Criterion (iii) of policy WEL28 seeks attractive links across the A32 to encourage east to west movements. Criterion (iii) of policy WEL6 equally takes effect here. The Welborne Plan sets out that it is a key principle in the planning of Welborne and the treatment of the A32 that land uses on the eastern side of the A32 are properly integrated into the main community to the west of the A32. In particular this is to be achieved through prioritised crossing points for pedestrians and cyclists.
- 8.17.119 The applicant's Pedestrian and Cycle Strategy sets out that there will be four crossing locations over the A32. These will all be at ground level and two will be controlled and two uncontrolled. The northern most crossing will be to the north of the new northern roundabout. This is an uncontrolled crossing and will link the northern parcels of development and the local centre with the Former Sawmills site on the east side of the A32 and to Forest Lane. Due north of the existing Knowle Roundabout the second crossing is proposed. This is also shown as an uncontrolled crossing location.
- 8.17.120 The new east-west link through Welborne will in part accommodate the diverted Footpath 88. This route will cross the A32 adjacent to the northern boundary of the District Centre School site and is proposed as a Pegasus crossing to facilitate a controlled crossing arrangement for pedestrians, cyclists and horse riders. At this location the A32 is shown as being single carriageway in each direction such that the crossing will be short, safe and given its location in proximity to the District Centre school site, suitably located as a route to school and the nearby District Centre amenities.
- 8.17.121 The fourth and final A32 crossing point is between the Broadway and Central roundabouts to the east of the District Centre. This is detailed on the drawings as a Toucan crossing. The A32 in this location has a single lane northbound and is dualled southbound such that the crossing has a pedestrian refuge island half way across the A32. The crossing will be safe and given its location in proximity to the District Centre is considered to be suitably located as a route to the nearby District Centre amenities for the population on the east side of the A32.
- 8.17.122 In the south eastern corner of the planning application site, south of Pook Lane (as it currently exists), is the proposed Roche Court Sports Hub. This facility would be accessed from either of the two controlled crossing points alongside the District Centre and through the road network on the east side of the A32.
- 8.17.123 There is no crossing point proposed south of the southernmost roundabout given that the A32 is dualled in both directions in this location and there is a flyby lane on the southbound carriageway linking to the M27 eastbound onslip. A crossing of the A32 in this location is not, therefore, possible.
- 8.17.124 Whilst the extent of crossing of the A32 is fairly limited, the fact that further crossings can't be accommodated is acknowledged. As such the proposal is considered to accord with part (iii) of policy WEL28.

- 8.17.125 WEL28 criterion (iv) requires provision to be made to ensure that there is adequate provision for access to Fareham schools in the early stages of development to serve the initial population at Welborne until the schools are built.
- 8.17.126 The improvements along Maylings Farm Road from Kiln Road will as well as providing links to the town centre and leisure centre provide enhanced access to Uplands Primary School. Further highway safety improvements are proposed. These works will, as a result, provide increased walking and cycling accessibility from Welborne to Henry Cort Community College. This provision will include measures along Highlands Road from Kiln Road to Fareham Park Road, up Fareham Park Road and along Wynton Way to Henry Cort College. The measures along Highlands Road may also increase the accessibility to Orchard Lea Infant and Junior schools. The proposed route will be a combination of on and off-road routes.
- 8.17.127 On site, the early residents of Welborne will be located to the north of Knowle Road. It is important, therefore, that until the on-site schools are provided that these new residents have an appropriate means of getting to the schools in Fareham. The applicant has proposed a temporary pedestrian cycle route that follows the route of the Welborne Mile (and the footpath therein) from Knowle Road down to Funtley Hill at which point the existing footway could be utilised to connect through to the schools on the south side of Kiln Road.
- 8.17.128 The Highway Authority is satisfied with the proposed links to the surrounding schools and as such this accords with the requirements of policy WEL28 criterion iv).
- 8.17.129 Overall it is noted that the County Council as the Highway Authority has raised no objections to the Pedestrian and Cycle Strategy submitted by the applicant.
- 8.17.130 The Countryside Service at HCC raised no specific objections to the diverted footpaths or the upgrade of footpaths to Bridleways as indicated within the submission and has been engaged in negotiations on the Section 106 legal agreement over the last year.
- 8.17.131 The Local Ramblers have objected to the proposed diversion of footpath 90 however this diversion is unavoidable as the footpath will need diversion to facilitate the construction of Junction 10.
- 8.17.132 The British Horse Society (BHS) has endorsed the improvements in so far as there is an increase in Bridleway provision and the inclusion of a Pegasus crossing over the A32. The BHS has also sought for the applicant to make further off-site improvements to the west of the site. However, given the on-site improvements to the rights of way network and the connections to the existing framework of routes, there is no clearly identifiable impact from the development for the applicant to also make off-site improvements as requested by the BHS. As such this request is not being pursued as part of the recommendation.
- 8.17.133 It is considered that the proposal is compliant with the requirements of

policy WEL28.

8.17.134 Welborne Street Manual

The applicant is keen to ensure that the roads within Welborne will be safely designed whilst including appropriate verges, landscaping, lighting, surfacing and parking provision. This approach will, it is hoped, avoid a highway dominated development over the creation of a sense of place within the development.

8.17.135 BDL is seeking to provide for this type of highway design at Welborne and has, through a series of joint workshops with the Council and Hampshire County Council as Highway Authority, been working on a new approach towards street design and ultimately adoption through the creation of the Welborne Street Manual.

8.17.136 Work is on-going still between the relevant stakeholders, including establishing an understanding of how HCC will adopt the standards in the Manual, such that the manual is not part of the application and in turn is not for consideration by the Planning Committee today. Rather the Welborne Streets Manual is expected to be appended to the strategic design code when that is submitted in the future. The principles for highway design and adoption are encompassed within the design code requirements and can be secured by condition.

8.17.137 The Welborne Streets Manual will ensure that the road network is designed without the dominance of the car, provides for suitable landscaping and tree planting space and will, above all, ensure that the development can achieve its aspirations to be a twenty-first century garden village. This in turn will deliver a development that accords with the general design principle identified within policy WEL6.

8.18 Employment provision

8.18.1 Policy WEL2 requires a range of highly accessible employment opportunities, including dedicated employment floorspace, to reduce the need for commuting and to contribute towards a degree of self- containment.

8.18.2 Policy WEL9 requires the employment land at Welborne to be principally focused on the land immediately to the north of the M27, to the east and west of junction 10 of the M27 and the A32. The Strategic Framework Diagram in the Welborne Plan identifies approximately 20 hectares (49.4 acres) of land for employment development focused on land to the immediate north of the M27, with the majority to the west of the A32, but also some to the east of the A32.

8.18.3 In terms of specific uses Policy WEL9 states that the employment areas could accommodate a range of employment uses including 'B' use classes and appropriate employment generating non-B use classes in order to provide a range of jobs to meet the employment needs of the new community. Policy WEL42 requires at least 3 hectares (7.4 acres) of land to be safeguarded for office development.

- 8.18.4 The Structuring Plan submitted with the application confirms that provision will be made for 21.35 hectares (52.6 acres) of strategic employment land and the Land Use Parameter Plan confirms that the employment area would be concentrated along the land to the north of the M27 and west of the A32.
- 8.18.5 By focusing the employment land to the northern side of the M27 the employment area would be accessible by the strategic road network and would be designed to avoid adverse impacts upon the amenity of nearby residential communities (both existing and proposed.) The location of employment land in this location would also provide the opportunity for footfall into the District Centre with the centre providing services for employees.
- 8.18.6 Unlike the Strategic Framework Diagram in the Welborne Plan, the application does not propose any employment land to the east of the A32, south of Pook Lane. The applicant's justification for not allocating land to the east of the A32 for employment purposes is that the land to the east side of the A32 is better used as part of the sports and recreation provision at Welborne
- 8.18.7 Given that the quantum of land allocated for employment uses is in accordance with the Welborne Plan and its location would be easily accessible from the strategic road network the absence of any employment land to the east of the A32 is not considered to have any undesirable consequences or result in conflict with other policy requirements. The absence of employment land to the east of the A32 is therefore considered to be appropriate and acceptable especially when considering all the required land uses in the round and the overall capacity of the Welborne site.
- 8.18.8 In terms of the type of employment generating uses proposed, the application proposes a wide range of employment generating uses including within B use Classes. The application proposes the following areas of land for B use classes based on the Use Classes Order 1987 (as Amended) which was in effect when the application was made and first considered by the Planning Committee:
- 30,000 sqm of B1 Office;
 - 35,000 sqm of B1c/B2 Industrial; and
 - 40,000 sqm of B8 Storage and Distribution
- 8.18.9 The proposed mix of employment land across the use classes is broadly in accordance with the mix identified in the Welborne Plan. From September 2020 the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020 were introduced. Within these Regulations Use Classes B2 and B8 remain as they were with no change. Use Class B1 however is reclassified into Use Class E. Planning conditions will be imposed to ensure that a suitable mix of use classes are retained at Welborne.
- 8.18.10 In terms of phasing the Welborne Plan requires the phasing of land allocated for employment purposes to be split across all 5 phases of development. The application however proposes that the land allocated for employment purposes would be developed within the first three phases, that is at a faster rate than set out in the Welborne Plan. The key to considering the proposed

phasing is understanding how it relates to growth at Welborne and to the findings of the Economic and Employment Land Study which is informing the Local Plan Review in the interest of Welborne providing a complementary offer to that elsewhere in the Borough.

- 8.18.11 Officers sought Consultants' advice from the same Firm (BE Group) that has helped prepare the evidence on employment land for the Local Plan Review to ensure that the proposed accelerated rate of delivery would not undermine the provision of employment land within the remainder of the Borough or in adjacent areas.
- 8.18.12 The Economic and Employment Land Study identified a shortfall in employment development in the short term. The proposed provision of employment land at Welborne could therefore actually be beneficial to the local market. Given that there are also employment floorspace shortages being experienced in the wider Solent area, the Consultant's advice confirmed that the accelerated rate of delivery of employment land at Welborne may also have broader economic benefits. The accelerated rate of delivery of employment land also addresses Portsmouth City Council's request for confirmation that the proposed delivery of employment land does not undermine the aim of the PfSH (Partnership for South Hampshire) position to prioritise growth in the two cities of Portsmouth and Southampton to the east and west of Fareham.
- 8.18.13 Policy WEL9 has a requirement for a Business Incubation Centre which will be a development which supports the growth of small businesses and entrepreneurship. The detailed layout of the employment area or the District Centre at Reserved Matter stage will provide for this type of facility however the land for the Business Incubation Centre will be secured through a legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990.
- 8.18.14 The provision of employment land at Welborne is aligned for delivery alongside the housing and District Centre therefore the proposal should provide a range of job opportunities so that residents of Welborne have the opportunity to work locally. This will support the principle of self- containment advocated through the Welborne Plan by minimising the need for all residents to travel large distances between home, work, amenities and facilities.
- 8.18.15 Overall the proposed employment offer is considered to be acceptable and compliant with the aims of policy WEL9. The phasing and quantum of employment floor spaces will be secured through planning condition.

8.19 Retail Impact Assessment

- 8.19.1 Policy WEL10 and policy WEL11 indicate that the scale and type of retail and leisure development at the District Centre (WEL10) and Local Centre (WEL11) shall be appropriate to the centre's function and position within Fareham's hierarchy of centres. All retail and leisure development proposals will require an impact assessment to demonstrate that they can comply with policies within the Local Plan and that they do not adversely impact Fareham Town Centre or Wickham.

- 8.19.2 A Retail Impact Assessment (RIA) was prepared on the applicant's behalf to support the planning Application and this Assessment was updated as part of the 2018 Application refresh. The RIA considers the potential impact that centres at Welborne might have on the existing retail provision in Fareham and at locations outside of the Borough, such as Wickham.
- 8.19.3 Officers sought specialist advice regarding the applicant's RIA from Lichfields. Lichfields' critique of the applicant's RIA broadly agrees with the applicant's submission in terms of methodology and conclusions reached.
- 8.19.4 The RIA predicts the greatest impact from Welborne will occur in 2038 when the District and Local Centres are implemented and trading at their full potential.
- 8.19.5 The impact upon Fareham town centre at 2038 is estimated to be a trade diversion of 3.5%. The advice to the Council is that trade diversion and impact on the town centre will be more than offset by expenditure growth between 2016 and 2038. This impact is not, therefore, considered to be significant and will not harm the vitality and viability of Fareham town centre.
- 8.19.6 The impact on Wickham's centre is 4.2% at 2038. Growth will offset this impact and there will be no material harm to the vitality and viability of the centre.
- 8.19.7 Furthermore, the projected turnover on Portchester and Locks Heath district centres is 3.6% and 2.2% trade diversion respectively at 2038, which will also be more than offset by expenditure growth between 2016 and 2038. Again, the Planning Authority is advised that this level of impact is not considered to be significant.
- 8.19.8 Policy WEL10 and WEL11 do not require the proposed District and Local centres to comply with a sequential test. However, Policy WEL10 requires the scale and type of retail and leisure development within the District Centre to be appropriate to the centre's function and position within Fareham's hierarchy of centres.
- 8.19.9 The scale of new District Centre is considered to be consistent with Policy WEL10. The scale of development proposed is consistent with existing district and local centres within the Fareham retail/centre hierarchy in terms of floorspace, mix of retail and non-retail services and expected retail turnover.
- 8.19.10 It will be necessary to control the mix and scale of floorspace through planning conditions, to ensure the new development functions as district and local centres, in line with the description of development and to ensure that there is no future impact on the identified centres. Subject to such a condition the retail impact of Welborne is considered to be acceptable.

8.20 Welborne's Centres

- 8.20.1 Policy WEL2 states that up to three local centres will be provided to act as neighbourhood hubs for the provision of social infrastructure and local

employment opportunities. The following three centres each have a dedicated Welborne Plan policy and are identified in the Welborne Plan's Strategic Framework Diagram. They are also replicated in the submitted Land Use Parameter Plan:

- the District Centre (WEL10);
- the Local (Village) Centre (WEL11); and
- the Community Hub (WEL12).

8.20.2 District Centre

Policy WEL2 requires the development to provide supporting social and physical infrastructure including a range of convenience and comparison shopping options based around a new District Centre. The District Centre is the largest of the three centres and will form the 'heart' of Welborne. The District Centre would be positioned in between the A32 and the southern end of Central Park, in accordance with the requirements of Policy WEL10 and the Strategic Framework Diagram and the approximate location shown on the Policy Map. This location is designed to be highly accessible by all transport modes and in particular to capitalise on its location between Junction 10 and the A32.

- 8.20.3 Policy WEL10 states that the District Centre shall be well connected to the employment areas, to the Central Park and to Welborne's residential areas through attractive and direct walking and cycle routes which make use of the green corridor network where possible. The submitted Access and Movement Parameter Plan demonstrates that the main pedestrian and cycle routes will be well distributed and connected throughout Welborne.
- 8.20.4 The majority of vehicular movements will go through the site along a new north-south road which connects the District Centre in the south and the Local Centre in the north, helping to sustain the vitality of both centres.
- 8.20.5 Buildings in the District Centre could be of a higher density (up to 70 dph), mixed use and up to 5 storeys in height. The height and density in this area would signify the importance of this space as the heart of Welborne and its location adjacent to key routes through Welborne. A Design Code will be submitted to this Council for approval prior to any planning applications being decided within the District Centre.
- 8.20.6 The District Centre would, according to the submitted IDP, be commenced in Sequence 3 and completed (together with the main Community Building) in Sequence 4. Following detailed drafting on the Section 106 legal agreement, the Community Building is likely to be provided by 3,600 occupations which is, according to the IDP, towards the end of Sequence 3. Policy WEL10 requires the District Centre to be commenced early in the development period with the majority (including the main food store and the community building) completed within Phase 2.
- 8.20.7 Population forecasting has indicated that the early phases of Welborne would not generate the critical number of residents required to support services within the District Centre. Officers accept that the provision of the District Centre in the early phases as required by policy WEL10 would not be viable.

- 8.20.8 Policy WEL10 sets out the range and mix of uses that would be supported within the District Centre, including: a range of convenience shops and services, with a main food store of between 1,900 and 2,500m²; a range of comparison goods shops and services, amounting to approximately 3,600 square metres of (net) floorspace; the main community building, health care facilities, offices including provision suitable for small and start-up businesses which may include a Business Incubation Centre and residential dwellings
- 8.20.9 The application proposes up to 2,800m² food store retail (A1) which would include the main food store of between 1,900 and 2,500m² as required by WEL10. Up to 2,419m² of non-food retail (A1) and up to 2,571 m² of comparison retail use (A1-A5) is also proposed, in line with the requirement of WEL10 to provide approximately 3,600m² of comparison floorspace.
- 8.20.10 The application is accompanied by a retail impact assessment that confirms that the proposed retail and leisure proposals would be consistent with the role of the District Centre and its place within Fareham's hierarchy of centres and would not give rise to a significant adverse impact on Fareham Town Centre or Wickham's centre. Significantly, the proposed land uses within Welborne's centres could in fact result in positive effects through the wider spend generated by new residents which would off-set any trade diversions from Fareham Centre
- 8.20.11 The District Centre will also contain Welborne's main community building. Policy WEL13 requires the main community building to incorporate sufficient flexible space for community meeting, arts and cultural activities; an indoor sports hall large enough to accommodate 3 badminton courts, library space and sufficient space for a police service hub. Hampshire County Council has requested a contribution of £21,330 towards improvements to Fareham Library. There is no policy requirement to provide for off-site contributions. The contribution is also not considered to be necessary in order to make the proposed development acceptable in planning terms. The legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990 will ensure that the community building provides all of the services required by WEL13.
- 8.20.12 WEL13 also requires places of worship to be provided within or in close proximity to each of Welborne's centres. The Welborne Plan states that provision of places of worship could be provided within the community buildings.
- 8.20.13 The size, specification and timing of the community building's delivery will be secured within the legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990. The supporting planning statement states that the specific characteristic, functions and design of these community buildings will be determined in future reserved matters submissions.
- 8.20.14 The District Centre will also contain provision for healthcare services. The healthcare provision within the District Centre is expected to take the form of a flexibly designed health and wellbeing hub. The provision of healthcare services is considered in detail in section of this report that considers health.

8.20.15 Local Centre

Policy WEL11 requires a Local Centre focused on meeting the day-to-day needs of those living and working in the north of Welborne to be developed north of the Knowle Road and close to the A32 in the approximate location set out on the Welborne Policies Map. The proposed location of the Local Centre as set out in the submitted Structuring Plan and Land Use Parameter Plan is in accordance with the approximate location shown on the Policy Map within the Welborne Plan.

8.20.16 WEL11 requires the Local Centre to be accessible by sustainable means of transport with convenient and safe access to both regular bus services and to the BRT and to be well integrated with pedestrian and cycle routes, including at-grade crossings over Knowle Road. The Structuring Plan Diagram confirms that the BRT route would include a stop in the Local Centre. The Structuring Plan Diagram also confirms that one of the main pedestrian and cycle routes would pass through the Local Centre.

8.20.17 WEL11 also requires the Local Centre to be well integrated with the green corridor network. The Local Centre would be adjacent to the east-west link along Knowle Road.

8.20.18 Buildings in the Local Centre would be mixed use, could be up to 50 dph and up to 4 storeys in height. A landmark feature such as a clock/bell tower or spire is proposed as part of the main community building in the Local Centre and would be up to 25m in height. The location of the landmark building is proposed within the Local Centre (rather than the District Centre as proposed by the Welborne Plan) because its elevated position would increase its prominence within Welborne.

8.20.19 As with the District Centre, the Design and Access Statement contains an illustrative layout relating to the design of the Local Centre, however this is illustrative only as the detailed design, including matters such as well-designed parking and well-designed public realm areas (as required by WEL11) would be approved in future applications.

8.20.20 Policy WEL11 also states that proposals for the Local Centre shall provide a range of retail and employment uses appropriate to the role of a 'local centre' within the Fareham hierarchy of centres.

8.20.21 The Local Centre will comprise up to 400m² food store retail uses (A1), up to 1,081m² of non-food retail uses (A1), a public house up to 390m² (A4 use) and up to 339m² of comparison retail use (A1-A5).

8.20.22 As addressed earlier in this report the application is accompanied by a retail impact assessment that confirms that the proposed retail and leisure proposals would be consistent with the role of the Local Centre and its place within Fareham's hierarchy of centres and would not give rise to a significant adverse impact on Fareham Town Centre or Wickham's centre.

8.20.23 Policy WEL11 also states that proposals for the Local Centre shall provide for community uses. WEL13 states that the community facilities provided in

the Local Centre could potentially take the form of a shared space within the North Primary School however the application confirms that the Local Centre would contain an independent community building delivered early in the development. The community building would be designed to enable a range of uses to be provided including sporting facilities and a place of worship. The size, specification and timing of the community building's delivery will be secured within the legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990.

8.20.24 The proposed Local Centre would be commenced in Phase 1 and completed in Phase 2. The Local Centre community building would be provided in Phase 1. The proposed phasing is in accordance with Policy WEL11 which requires the Local Centre and community building to be provided early on so that it supports the delivery of the residential areas and the primary school in the north of Welborne. The Local Centre is also considered to be acceptable to serve Welborne until the delivery of the District Centre.

8.20.25 Community Hub

Policy WEL12 requires a small-scale community hub to be developed west of the Central Park close to the western primary school in the approximate location set out on the Welborne Policies Map. The provision of the community hub in this location is designed to ensure that it supports the needs of residents in the west of Welborne.

8.20.26 The community hub is proposed opposite the Western Primary School. The positioning of the community hub in this location ensures that it would be close to the main east-west green link and directly adjacent to a BRT stop. The community hub would therefore be accessible by sustainable transport and well connected to the green corridor network and pedestrian and cycle routes as required by WEL12. A pedestrian crossing is also proposed adjacent to the community hub in accordance with WEL12 to facilitate crossing over the highway between the community hub and the Western Primary School.

8.20.27 The community hub will comprise a small scale, multi-purpose community building with the potential to accommodate community and flexible art/culture space and library space. Indoor sports will also be provided however, this may be provided at the Western Primary School in the form of a shared community use agreement rather than in the community hub itself. The size, specification and timing of the community building's delivery will be secured through a legal agreement.

8.20.28 Policy WEL12 also states that proposals for the Community Hub shall provide for a limited range of small-scale convenience retail with appropriate levels of well-designed parking. The detailed layout and provision of retail facilities and parking to serve the community hub would be considered at the reserved matter stage.

8.20.29 In terms of phasing, policy WEL12 requires the community hub to be linked to the delivery of the Western Primary School and the residential areas in the west of Welborne. The community hub is proposed to be provided in

Sequence 4 according to the applicant's IDP together with the third primary school and by 5,160 houses. The delivery of these two amenities together would be in accordance with policy WEL12. As described above in the Education part of this report, the location and timing of the delivery of the second and third primary school will be agreed with the Local Education Authority as the scheme develops. The Community Hub will, as a result of the Section 106 legal agreement negotiations, be delivered by the 5,000th occupation which is broadly consistent with the IDP from the applicant and will be secured in the legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990.

8.21 Heritage

- 8.21.1 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The effect of section 66 is to give special statutory status to heritage assets. If proposed development conflicts with the objective of preserving a listed building or its setting there is a strong presumption against granting planning permission.
- 8.21.2 The NPPF states that Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal including by development affecting the setting of a heritage asset. The NPPF also states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be.
- 8.21.3 Policy WEL8 also requires development proposals at Welborne to: conserve the site's heritage assets in a manner appropriate to their significance; take into account the positive contribution new development can make to local character and distinctiveness; and provide suitable buffers to protect the setting of the heritage assets.
- 8.21.4 As this is an outline application, the impacts on heritage assets need to be considered by reference to the scope permitted by those parameters and the likely impacts from the proposed development, with the detail being considered at reserved matters stage. The statutory duty under s66 Planning (Listed Buildings and Conservation Areas) Act 1990, and the heritage policies of the NPPF and the Welborne Plan, will apply to the determination of reserved matters.
- 8.21.5 In order to consider whether the proposed development complies with legislative and policy requirements it is necessary to consider the significance of each asset and how the setting of each asset has evolved.
- 8.21.6 There are three listed buildings within the area allocated for Welborne: Dean Farmhouse, Roche Court and the lodge adjacent to Roche Court. Roche Court and the lodge are not included within the planning application site boundary but are within the Welborne Plan boundary and will be in close

proximity to the proposed development. There are also a number of listed buildings in close proximity to the Welborne development.

8.21.7 Dean Farmhouse

Dean Farmhouse is a Grade II* listed building dating from the 16th century. In terms of significance, Historic England identifies the significance of Grade II* buildings as being within the top 5.5% of listed buildings in the country and as being particularly important and of more than special interest.

- 8.21.8 The farmhouse is set back from the existing road that provides access to Dean Farm, with a large front garden. The rear garden is enclosed by a brick and flint wall dating from at least 1841. There are fields directly north of the farmhouse and a large, steel, commercial building to the north east. To the east of the farmhouse there is a re-constructed threshing barn (originally from Twyford). To the south of the building there is a paddock and a riding manege with a line of trees running along the southern edge. To the west of the farmhouse there is a series of commercial buildings, of which the majority are modern.
- 8.21.9 Originally the farmhouse would have incorporated a rectilinear farmyard to the north, however none of these buildings have survived and the land to the north of the farmhouse now comprises a front garden.
- 8.21.10 A model farmyard to the west of the farmhouse existed by 1879. Two of the model farm buildings remain in situ, however the remainder of the original quadrangle has been replaced with modern buildings. A further farmyard to the immediate west of the farmhouse existed by 1910.
- 8.21.11 The deconstruction of the original farm yard to the north of the farmhouse and the creation of the model farmyard to the west isolated the farmhouse from association with the working farm. The two remaining model farmyard buildings are of heritage value however they are visually separated from the farmhouse by modern buildings and therefore have little association with the farmhouse. The heritage value of the two buildings in terms of their contribution to the setting of the farmhouse is therefore limited.
- 8.21.12 The Strategic Framework Diagram within The Welborne Plan identifies the land to the north and west of Dean Farmhouse for residential use, with a primary road running parallel to the farmhouse's southern boundary and employment land to the south of the primary road. The application proposes the same land uses adjacent to Dean Farmhouse as those illustrated within the Strategic Framework Diagram, although there is a slight difference in the alignment of the primary road proposed to the south of Dean Farmhouse and the parcel of employment land proposed to the east of the farmhouse is of a slightly different configuration.
- 8.21.13 The farmhouse would be separated from the proposed road by approximately 60m, from the area allocated for employment by approximately 14m and the area allocated for housing by approximately 17m to the north and 57m to the west. The proposed development would therefore have no impact on the character of the listed building itself, however the proximity of the proposed development would have an impact

on the setting of the farmhouse.

- 8.21.14 The evolution of the environment around the farmhouse has eroded the majority of the original setting for the listed building, with only the original rear wall and the relationship with the access road remaining. Although the farmhouse's front garden provides an attractive setting for the listed building, the house was originally set at the rear of a working farmyard, so the current context is different in character from the original context.
- 8.21.15 The addition of several, large commercial buildings: one to the north east and several to the west of the building are visually unsympathetic and inappropriate for the setting for the farmhouse and together with the traffic management installations on the access road to the east have changed the setting of the farmhouse to one in which the character is that of a small industrial estate which in turn affects the significance of the building. The addition of the reconstructed Twyford barn to the east of the farmhouse also has an adverse impact on the setting of the farmhouse as it has no historic relevance to the setting.
- 8.21.16 It is considered that while the proposed development would alter the setting of the farmhouse, the original setting of the farmhouse has already been significantly eroded over time to such an extent that the existing buildings adjacent to the farmhouse have a negative impact on the setting of the farmhouse. The proposed re-development therefore actually provides an opportunity to enhance the setting of the farmhouse. The exact design and layout of buildings adjacent to the farmhouse would be considered at the reserved matter stage and it is anticipated that the Design Codes for the areas of the site containing heritage assets would be more detailed than for other areas of the site.
- 8.21.17 The highways landscaping layout plan proposes a line of trees along the northern edge of the road. The proposed line of trees would provide an initial screen between the road and Dean Farmhouse which can be strengthened by the addition of further soft landscaping to the north. The detailed planting would be agreed at the reserved matter stage.
- 8.21.18 The submitted Building Heights Parameter Plans confirm that dwellings to the north and west of the farmhouse could be predominantly 2.5 storeys (with a maximum ridge line of 11m) with no more than 35% being 3 storeys (with a maximum ridge line of 14m.) The proposed employment buildings to the south and east of the farmhouse could be a maximum of 3 storeys and no more than 14m in height.
- 8.21.19 Officers are of the opinion that the proposed land uses adjacent to the farmhouse, together with the height and density of buildings are appropriate parameters to guide future detailed applications with the aim of preserving and enhancing the setting of the farmhouse.
- 8.21.20 Roche Court

Roche Court is a Grade II listed manor house dating from the early 13th century. The lodge was built much later in the 19th century but is also included within the listing as part of a 'group'. In terms of significance,

Historic England identifies the significance of Grade II buildings as being within the majority (92%) of listed buildings in the country and as therefore being of regional importance and special interest.

- 8.21.21 Roche Court is located to the east of the A32 towards the south east corner of the planning application site with a single point of access via Pook Lane. The historic house is the location for Boundary Oak School and forms part of the campus.
- 8.21.22 To the north of the historic house there are sports pitches with a line of trees along the northern boundary. To the north east and east of the historic house there are several modern buildings together with tennis courts within what was originally the walled garden. To the south east of the historic house there are another couple of modern buildings and to the south there is an area of car parking. To the west of the historic house there is a low wall and a ha-ha that marks the edge of the gardens. Beyond the school campus the land is open and comprises fields with a few remaining mature, parkland trees. To the west of the school, beyond the fields, there is a dense strip of woodland that runs along the eastern edge of the A32. The Lodge is located to the south east of the manor together with a modern school building.
- 8.21.23 In terms of topography, the house is positioned on a slope with the land falling gently down to the west and south west and more steeply down to the south and south-east.
- 8.21.24 The setting for Roche Court has evolved over the years. The house has always sat within its own parkland but was originally accessed via a drive to the west. Historic mapping indicates that the access drive had moved to a position similar to the current alignment by 1810. The extent of parkland surrounding the house has also changed over the years. There are however remnants of parkland remaining to the west and south west of the house, which together with the absence of buildings in this location results in the house still retaining some of its original character as a building within a parkland setting. The parkland character together with the absence of buildings and the open views that exist between the lodge and the manor are important features that contribute to the setting, and significance, of the house. The house itself, however, has been subject to re-configuration and loss of historic integrity over the years.
- 8.21.25 The submitted Structuring Plan and Land Use Parameter Plan confirms that the open fields to the west of the drive serving Roche Court will be retained as woodland and open fields. The application also proposes residential development to the north and north east of the school campus. In this regard, the proposed development is in accordance with the Strategic Framework Diagram.
- 8.21.26 To the east of the drive to the school, the application proposes parkland with lower density housing beyond. The application also proposes a road to connect Pook Lane with new internal estate roads. This road would be located to the east of the school.
- 8.21.27 The provision of parkland and lower density housing to the east of the drive accords with the land uses contained in the Strategic Framework Diagram,

albeit that the proposed parkland is of a different shape and in a different location.

8.21.28 The change in the configuration of the parkland to the east of the drive has been designed in response to discussions with Historic England and the Conservation Officer regarding the need to preserve and enhance the setting of Roche Court on approach to the building. Officers are of the opinion that the proposed configuration of the park is an appropriate design response that complies with the policy requirement to preserve the building and its setting.

8.21.29 The positioning of several school buildings to the east of Roche Court has changed the setting of Roche Court from being within a parkland to being within a school campus. The area to the west and south west of Roche Court remains open with a couple of mature parkland trees. Although there is an area of parking and two buildings to the south of the school, the remaining area between the lodge and Roche Court is largely open and undeveloped. It was therefore considered more appropriate to preserve and enhance the setting to the south east of the building as this area retains some of the original open parkland character. The provision of the larger section of parkland at the base of the drive would also ensure continued inter-visibility between the lodge and Roche Court as originally designed.

8.21.30 The Building Heights Parameter Plan proposes dwellings of predominantly 2.5 storeys with no more than 35% of up to 3 storeys in the areas to the north and south east of the school. The area to the east of the school would contain dwellings of 2 to 2.5 storeys in height. The Density Parameter Plan proposes an area of medium density housing to the north of the school with all of the housing to the north east, east, south east and south of the school being of a lower average density.

8.21.31 It is considered that the allocation of housing in this location would have some impact upon the setting of Roche Court. The proposed provision of a park to the east would however ensure there remains a sense of openness between the lodge and Roche Court that minimises the impact on the setting. The Parameter Plans will also restrict the density and height of residential development in this area such that the impact on the setting will be limited.

8.21.32 The identification of this part of the site as the parkland character area will inform the subsequent design codes and the detailed design and layout of the parkland and adjacent housing.

8.21.33 Impact on Heritage Assets

Regarding the statutory test in the Planning (Listed Buildings and Conservation Areas) Act 1990 (Section 66) it is considered, as above that the development can enhance the setting of Dean Farm and preserve the setting of Roche Court through compliance with the Structuring Plan, planning conditions and the future reserved matters and design coding process.

8.21.34 The NPPF advises that a judgment is to be made by the decision maker as to the impact upon a heritage asset as being one of either "less than

substantial harm” to its significance, “substantial harm” or “total loss” as a result of a proposed development.

8.21.35 In the case of Dean Farm the proposals will have no impact on the listed building itself and will preserve the setting. Officers therefore conclude that the proposal would not harm the significance of Dean Farm.

8.21.36 The proposals will also have no impact on Roche Court or the Lodge, however they will have an impact on the setting of the buildings. The impact on the setting is not considered to be significant such that the impact on the significance of Roche Court and the Lodge would be ‘less than substantial.’ Paragraph 196 of the NPPF therefore requires that *“Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal”*.

8.21.37 The harm to the setting of Roche Court and the Lodge it is concluded, can be managed through the detailed Design Codes and future reserved matter applications complying with the Parameter Plans, Structuring Plan and planning conditions recommended. As such, when balanced with the public benefits that Welborne will bring (a comprehensive, strategic, sub- regional development, infrastructure provision, green infrastructure, employment opportunities, affordable housing and protection for other green field sites for example) the impact on the significance of the buildings is less than substantial and this less than substantial harm is considered to be comfortably outweighed by the benefits the scheme will bring.

8.21.38 Listed buildings close to the site

In addition to the on-site listed buildings, there are several listed buildings close to the site:

- the Grade II Listed Crockerhill Mill House adjacent to the Former Sawmills Industrial Estate in the north east of the site;
- the Grade II Listed North Fareham Farmhouse to the south east of the site; and
- the Grade II Listed church of St Francis adjacent to the western edge of the site at Funtley

8.21.39 Crockerhill Mill House

Crockerhill Mill House is a Grade II listed building dating from the early eighteenth century. The building is of medium heritage value and is thought to have originally been associated with the Crockerhill brickworks. The brickworks were superseded by a Sawmill and the site’s current use is as an industrial estate. The building is positioned on west side of Forest Lane which is immediately adjacent to the Former Sawmills Industrial Estate. To the north of the Mill House is a single storey, detached building containing the Industrial Estate’s office. To the west of the Mill House there are a number of large industrial buildings. The Mill House’s garden lies to the south. To the east of the Mill House there are open fields.

8.21.40 The Mill House’s historic association with the brickworks has been lost and the current industrial buildings are of no merit in terms of their contribution

- to the setting of the Mill House. The submitted Structuring Plan proposes housing to the north and west of the Mill House which would be of medium average density and predominantly up to 2.5 storeys with no more than 35% of the houses being 3 storeys. The proposed housing would have no direct impact on the house itself but would have an impact on the setting of the house.
- 8.21.41 The current industrial setting of the Mill House is long established but has no historic association and provides an unattractive setting. It is considered that the proposed housing would provide the opportunity to create a more open visual setting for the heritage asset which in turn could also provide greater visibility of the asset and allow for a better appreciation of it. It is considered that the application would provide appropriate parameters that would guide future reserved matter applications which would preserve and most likely enhance the setting of the Mill House.
- 8.21.42 North Fareham Farmhouse
- North Fareham Farmhouse is a Grade II listed building dating from the 18th century. The farmhouse is located on Pook Lane to the south east of the site. The farmhouse is set back from the front of its plot by approximately 30m and has generous front and rear gardens. The land to the north, west and south west of the farmhouse comprises open fields. To the east of the farmhouse there are a number of farm buildings. To the south of the farmhouse lies a pair of farm cottages which are not listed.
- 8.21.43 The submitted Structuring Plan proposes a green pedestrian/cycle link around the perimeter of the site with housing beyond opposite the farmhouse. The housing in this location would be 2 to 2.5 storeys in height and of a lower average density. The proposed housing would be visible from the farmhouse and would alter the setting of the farmhouse from that of a farm set within the countryside to a farm located adjacent to a settlement.
- 8.21.44 Officers consider that the green perimeter trail is of sufficient width that it would provide a buffer between the farmhouse and the proposed housing, such that whilst some harm would occur to its setting through the loss of open countryside, overall the significance of the setting of the farmhouse would be ‘less than substantial.’
- 8.21.45 As stated earlier Paragraph 196 of the NPPF requires that “*Where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal*”. This harm, it is concluded, can be managed through the detailed Design Codes and future reserved matter applications complying with the Parameter Plans, Structuring Plan and planning conditions recommended. As such, when balanced with the public benefits that Welborne will bring (a comprehensive, strategic, sub-regional development, infrastructure provision, green infrastructure, employment opportunities, affordable housing and protection for other green field sites for example) the impact on the significance of the buildings is less than substantial and this less than substantial harm is considered to be comfortably outweighed by the benefits the scheme will bring.

8.21.46 Church of St Francis

The Church of St Francis lies immediately adjacent to the western edge of Welborne. The building was originally built in 1836 as a school and used as a mission church on Sundays. The Church stood in relative isolation to the south east of Funtley when first built, however the setting became more developed as residential development spread southwards towards the Church. The incremental development has gradually altered the setting of the Church with the addition of embankments serving the M27 having a further, dramatic impact on the setting.

8.21.47 The Church is Grade II listed and therefore of national importance and special interest. The church derives little enhanced significance from the character or quality of its setting. The application proposes an area of green space opposite the church which would preserve the setting of the Church. Accordingly there would be no harm to the setting of the Church.

8.21.48 Other listed buildings close to the site

Furzehall Farm and the Barn at Furzehall Farm located to the south east of Junction 10 are both Grade II listed buildings. The proximity of the existing Junction 10 to the buildings has already compromised the association of the buildings with the open fields. The position of the buildings beyond the A32 would therefore provide a degree of separation with Welborne that would prevent any further erosion of their setting.

8.21.49 There are additional listed buildings that are located within the vicinity of the application site, but further away than the buildings referred to individually for example Furzehall Farmhouse and cowsheds, 61 and 67 Park Lane and The Mission Room (Forest Lane.) These buildings are sufficiently separated from the site such that they would not be impacted by the proposed development.

8.21.50 Scheduled Ancient Monuments

There are no Scheduled Ancient Monuments within the site or within 1km of the site. There are however three Scheduled Ancient Monuments over 1km from the site: the post-medieval Funtley Ironworks, the Victorian Fort Nelson site and the World War II Anti-Aircraft Gun placement site at Monument Farm, between Fort Nelson and the Welborne site.

8.21.51 The post-medieval Funtley Ironworks and the anti-aircraft battery at Monument Farm do not share inter-visibility with the site due to distance, topography and screening. The proposed development would therefore have no impact on these monuments and would preserve their setting.

8.21.52 The Fort Nelson Scheduled Monument provides views towards the site across the Wallington River valley, however, existing screening protects views of the fort from the proposed development. The separation distance of 2km between the site and the Fort would prevent the development from having any impact on the Monuments. Accordingly, there would be no harm or loss of significance to the Monuments.

8.21.53 Non-Designated Heritage Assets

Park View Cottages to the south east of the site, due north of North Fareham Farmhouse, are locally listed and are therefore categorised as non-designated heritage assets. The cottages are currently set within open farmland. The land use parameter plan identifies the land to the west of the cottages for residential development therefore they would lose their existing open outlook to the west. The cottages are locally listed and therefore have heritage value, however their value is not significant enough to warrant designated heritage status. The proposed development would not have any impact on the fabric of the buildings themselves, but it would have an impact on their setting.

8.21.54 Paragraph 197 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. The impact of the proposed development on the setting of the locally listed cottages would be an indirect affect and is therefore considered to be acceptable given the limited significance of the buildings.

8.21.55 Known archaeological assets within the site include a Neolithic Long Barrow (a burial chamber dating from around 4,000-6,000 years ago) within the south of the site. There are no long barrow remains above ground level. The Long Barrow also falls within the category of non-designated heritage asset.

8.21.56 Policy WEL8 states that any significant archaeological finds which give clues to the past occupation of the site should be positively incorporated into Welborne's green infrastructure. The Welborne Design Guidance SPD states that proposals must retain the Long Barrow and recommends creative solutions to locate, frame or enhance the Long Barrow.

8.21.57 The Strategic Framework Diagram incorporates the Long Barrow within an area of open space (Central Park) in accordance with Policy WEL8. Detailed landscaping around the long barrow would be agreed at the reserved matters stage. The Barrow is currently vulnerable as it lies within a farmed arable field and could potentially be disturbed. The incorporation of the Long Barrow into an area of green space together with signage confirming its location would offer a degree of protection not currently available. Officers are of the opinion that the proposed development would not directly or indirectly harm the Long Barrow and the significance of the heritage asset would be unchanged.

8.22 **Ecology**

8.22.1 Impact on Internationally Protected Sites

The site lies within close proximity to four statutory designated sites of European nature conservation importance:

- the Solent and Southampton Water Special Protection Area (SSW)

SPA);

- the Portsmouth Harbour Special Protection Area (PW SPA); and
- the Solent Maritime Special Area of Conservation (SM SAC).
- the Solent and Dorset Coast SPA (SD SPA).

8.22.2 The SPAs and SAC, formerly known as Natura 2000 sites, have now been replaced by the 'national site network' under the Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019 and receive statutory protection under these Regulations.

8.22.3 The site also lies within close proximity to:

- the Solent and Southampton Water Ramsar and
- the Portsmouth Harbour Ramsar sites.

Ramsar sites are designated as wetlands of international importance and are afforded similar legislative and policy protection to SPAs and SACs.

8.22.4 The Habitats Regulations require Fareham Borough Council as the competent authority to carry out an Appropriate Assessment to determine whether the proposed development would have an adverse effect on the integrity of the SPAs and SACs either alone or in combination with other sites and projects.

8.22.5 To aid the Council in carrying out the Appropriate Assessment, the applicant has provided a Report to Inform the Appropriate Assessment and a Shadow Appropriate Assessment. The Shadow Appropriate Assessment was updated and submitted with the documents in December 2020. These reports conclude the proposed development taken together with the mitigation measures would not have an adverse impact on the integrity of the identified sites and that this is demonstrated beyond reasonable scientific doubt.

8.22.6 The Council's Ecologist and Natural England have reviewed both reports and have confirmed that they concur with the conclusions reached and that the Council can adopt the applicant's Shadow Appropriate Assessment. A copy of the Shadow Appropriate Assessment November 2020 (Holbury Consultancy Service Ltd) is appended to this report at Appendix A.

8.22.7 *Mitigation Measures*

Policies WEL2 and WEL30 identify a bespoke mitigation package to protect these European sites which includes the provision of Suitable Alternative Natural Greenspace (SANG) and contributions towards the Solent Recreation Mitigation Partnership's long-term mitigation strategy. The purpose of the SANG is to provide attractive natural green spaces within the site that provide an alternative to people who may otherwise visit the coastline for recreational purposes.

8.22.8 The financial contributions are required to contribute towards implementing the Solent Recreation Mitigation Partnership's (SRMP) long-term strategy to mitigate against any potential impacts on the coastline that cannot be achieved solely by the provision of the SANG.

8.22.9 In addition to the proposed SANG and financial contribution towards the SRMP's long term mitigation strategy, the development also needs to be nutrient neutral to ensure no adverse impact on the integrity of the European sites.

8.22.10 The Shadow Appropriate Assessment shows that a potential pathway has been identified for Nitrogen entering the Solent. Detailed modelling based on policy compliant water usage of 105 litres per person per day shows that the development would result in a reduced level of Nitrogen entering the European sites. Natural England have however advised that the calculations should be based on water usage of 110 litres per person per day. Using water usage of 110 litres in the modelling also confirms that up to 6,000 dwellings could be built and occupied without any increase in the levels of Nitrogen entering the Solent.

8.22.11 To ensure that Welborne does not result in increased levels of Nitrogen entering the Solent European sites a condition is required to ensure that the development is designed to reach the water consumption standard set out above.

8.22.12 Sites of Alternative Natural Greenspace (SANG)

The Welborne Plan identifies the importance of SANG standards in mitigating recreational impacts on the coastal SPAs. Policy WEL30 states that it expects around 84 hectares (207.6 acres) of SANG to be provided although it recognises that land assembly and constraints such as noise from the M27 may mean that it is not possible to provide a full 84 hectares (207.6 acres) that are suitable for SANG. Policy WEL30 therefore allows for a degree of flexibility (to be agreed with Natural England) such that a slightly reduced area of SANG could be provided together with a financial contribution in order to mitigate the impact on the internationally protected sites on the Solent.

8.22.13 To ensure that SANG are an attractive alternative to the internationally protected sites, they should provide a varied but semi-natural landscape and experience and should incorporate the following as a minimum:

- Car parking for visitors from outside the area;
- Interpretation and information boards;
- Walks including dog walking facilities;
- Runs of between 2.5km (1.55 miles) and 5km (3.11 miles) that do not cross trafficked roads and are circular where possible;
- Informally surfaced footpaths; and
- Way markers.

8.22.14 The Welborne Plan identifies three main areas as having the potential to provide SANG: the Knowle Triangle (land between the western edge of Welborne and Knowle and within Winchester's administrative boundary), Fareham Common (land to the south of the M27) and Dashwood to the north west of the site (within Winchester's administrative boundary.) The application proposes SANG in two of the three areas identified by the Welborne Plan: Dashwood and Fareham Common together with an additional area called the Welborne Mile. The Welborne Mile would link

Dashwood SANG in the north to Fareham Common SANG in the south and would run along the eastern edge of the Knowle Triangle.

8.22.15 *Dashwood SANG*

Dashwood together with an area of grassland to the south east would provide 38.1 hectares (94.1 acres) of SANG. There are areas within Dashwood that are classified as Ancient Woodland such that the use of Dashwood as SANG, whilst accepted in principle through the Welborne Plan, still needs careful consideration on its delivery to ensure that the sensitive forest floor is protected. There are however, existing uses within Dashwood such as the use of the wood for playing airsoft (a team combat game that involves shooting opponents with pellets) which means that there are areas that lack the ground flora and structural diversity that is found in the remainder of the wood.

- 8.22.16 The proposed management of the existing woodland within Dashwood would involve the gradual removal of non-native species with the aim of ultimately removing all non-native species to allow natural regeneration to occur. Further habitat creation and enhancement is proposed by the creation of shallow depressions known as dog splashes in the south east of the SANG. Dog splashes are designed to provide two functions: to provide habitat for aquatic flora and fauna and areas for dogs to explore. Dog splashes would be allowed to fill naturally with water and would be 30cm at their deepest point.
- 8.22.17 The area of grassland to the south east of Dashwood would be 1.5 hectares (3.7 acres) in size and would be managed using an annual cut to encourage species diversity. The existing barn and area of hard surfacing within the area of grassland would be removed prior to the SANG becoming available for use. Infill planting is proposed to supplement the existing hedgerow along the southern edge of the grassland area and to discourage informal access into Dashwood. Some standard trees are also proposed within the grassland area. Proposed planting will have two functions: providing habitat and creating a natural landscape that contrasts with other more formal areas of greenspace within the site.
- 8.22.18 Access to Dashwood would be via four defined entrances with thorny buffer planting such as hawthorn and blackthorn along the eastern edge to discourage informal access. Within Dashwood, and land within the administrative boundary of Winchester City Council, an informal 2.89km (1.8 miles) circular path would be provided with the route of the path avoiding areas of ecological sensitivity. Existing public rights of way through Dashwood would also be maintained. Dashwood would be well connected to pedestrian and cycle paths. A car park is also proposed to the south west of Dashwood to add to the overall attractiveness of the site as a destination, in line with the ultimate aim of SANG which is to discourage visits to the sensitive coastal SPAs.
- 8.22.19 Dashwood is within the administrative boundary of Winchester City Council (WCC), therefore whilst this report explains the way in which Dashwood would be laid out and operate the Council is not the Planning Authority for this part of the SANG package and cannot enforce against any breach of

planning control in Dashwood. However, the legal agreement will bind the land at Dashwood to ensure the ongoing management of the site (under section 33 of the Local Government (Miscellaneous Provisions) Act 1982 and will require the owner to submit a section 106 unilateral undertaking to WCC to ensure its use remains as SANG. Planning permission for the proposed footpath route and enhanced public access within Dashwood has been granted by Winchester City Council (WCC reference – 20/00882/FUL). The WCC permission is simply for the provision of a footpath route through the woodland with enhanced access. It does not propose the use of Dashwood as a SANG. However the Welborne Plan and the WCC Development Plan both identify Dashwood as SANG for Welborne.

8.22.20 This cross boundary situation results in a need to ensure that FBC can secure both the delivery of Dashwood as a SANG but also to ensure its long term, ongoing management for that purpose without being the enforcing Planning Authority.

8.22.21 Whilst the planning permission for the works within Dashwood is granted by WCC, the recommendations of this report specifically limit any occupation at Welborne until Dashwood is delivered, including the delivery of any necessary car parking provision. As such there is a need to deliver and implement the Dashwood permission from WCC before any occupations can occur at Welborne. BDL is the applicant for both applications and has agreed to the conditions imposed by WCC and recommended in this report to ensure the timely delivery of Dashwood.

8.22.22 The Governance section of this report sets out how all the green infrastructure (which includes the SANGS) will be managed and maintained in perpetuity. Given the role that FBC will have on the board of the Welborne Garden Village Trust (WGV), this provides additional comfort to the Council that, despite not being the enforcing planning authority for Dashwood, the WCC permission can both be implemented and then managed and maintained as a SANG through the WGV.

8.22.23 *The Welborne Mile SANG*

The Welborne Mile is a green corridor of an average width of 90m that would follow the alignment of an existing public right of way running north to south on the western side of the development. The Welborne Mile would be 17.1ha (42.3 acres) in area and would link Dashwood in the north and Fareham Common in the south. The area is currently under arable production. The southern part of the area is generally of an open character with a hedgerow adjacent to the existing footpath. The northern part of the area contains more vegetation.

8.22.24 There would be several footpaths and cycle ways providing access to the Welborne Mile, however visitors from further afield could arrive by car and make use of the free car park (secured by condition) provided for users of Dashwood or the Welborne Mile to be located just off Knowle Road. The Welborne Mile would comprise wildflower meadows and a patchwork of tree and scrub planting. The southern part of the mile would be more extensively planted to help screen views of the M27. The scrub and woodland areas would be managed to provide habitat for dormice, whilst the edge habitat

would provide habitat for foraging bats and common reptiles.

8.22.25 A 3.4km (2.11 mile) circular walk would be established within the Welborne Mile. The path would be informal in nature and any furniture would be of a rustic character. The Welborne Mile would be fenced to enable dogs to run off the lead. Seven dog splashes would also be provided within the Welborne Mile.

8.22.26 *Fareham Common*

Fareham Common comprises all of the site that lies to the south of the M27. The Common is 15.2 ha (37.6 acres) and comprises a mixture of horse paddocks and arable land. The edge of the area is demarcated by hedgerows with mature stretches of scrub. The scrub along the M27 embankment has recently been cleared as part of the Junction 10 enabling works permitted under planning application reference P/18/1192/FP. Part of Fareham Common is classed as a Site of Importance for Nature Conservation (SINC.)

8.22.27 Fareham Common will comprise hay meadow planting with patches of woodland and scrub planting to break up some of the more open areas. Extensive planting will be provided along the southern part of the site to help screen views of the M27. A pond is proposed in the eastern part of the common to provide visual interest and to provide suitable habitat for great crested newt. Three dog splashes are proposed within Fareham Common. The scrub and woodland areas will be managed to provide habitat for dormice, whilst the edge habitat will provide habitat for foraging bats and common reptiles.

8.22.28 A 2.7km (1.68 mile) circular walk would be provided within the Fareham Common SANG. Dog-proof fencing would be installed along the northern boundary to prevent dogs accessing the bank of the M27.

8.22.29 The main access points to Fareham Common would be from Funtley Hill and Kiln Road with secondary access points from Kneller Court Lane. A free to use 22 space car park would be created in the north west corner of the common, accessible from Funtley Hill. The free car park is secured by planning condition. The car park would enable visitors to access Fareham Common or the southern part of the Welborne Mile.

8.22.30 Furniture and bins within the SANG would be of a rustic nature in keeping with the natural character of the green space. All of the SANG would contain information and interpretation boards to explain the purpose of SANG and add to the overall experience of visiting a SANG.

8.22.31 Mitigation Measures – Conclusion

The proposed mitigation (SANG, financial contribution towards the Solent Recreation Mitigation Partnership and measures to ensure the site achieves nitrogen neutrality) will be secured at the necessary stages of the development, in accordance with well-established methods, to prevent there being any adverse effect on the integrity of the above sites.

8.22.32 *Management of the SANG*

Initially the SANG will be managed under a licence or management agreement with Buckland Development Ltd. Once the establishment works have been undertaken for each SANG the land would be leased to a management organisation such as The Land Trust who would be responsible for the ongoing and long-term management. The management of the SANG would be included within the remit of two full time rangers responsible for ensuring that the infrastructure is maintained in a usable condition and for ensuring that visitor usage of the site does not result in damage to its ecological interest. A steering group would also be set up to enable proactive community engagement and involvement. Natural England support the creation of a steering group and have indicated that they would be keen to be involved. The proposed mechanisms for the management of SANG provides Officers with the certainty that is required to conclude that the proposed development would not have an adverse effect on the integrity of the European sites.

8.22.33 Funding of the SANG is based on a model that relies on an income stream from both an endowment and from Services Charges payable by all residents at Welborne. The SANG component of the service charge would be based on a costed breakdown of annual management operations. The long-term management of the SANG including 'step in' rights and service charge arrangements is explained in more detail in the Governance section of this report.

8.22.34 As explained in the Governance section earlier in this report, the Welborne Garden Village Trust will be authorised and regulated by the Financial Compliance Authority (FCA) and cannot be sold on. Its decisions will be transparent, with annual accounts available for public scrutiny. This form of management model is an established means of securing the SANG and will be secured together with the detailed SANG management plans, funding arrangements and step-in-rights through a legal agreement pursuant to Section 106 of The Town and Country Planning Act 1990.

8.22.35 *SANG Phasing*

The planning application proposes that Dashwood would be provided as SANG prior to the first occupation at Welborne, with the Welborne Mile being provided prior to the 3,601th occupation and Fareham Common being provided prior to the 5,101th occupation. The phased provision of SANG has been calculated through the Shadow Appropriate Assessment and has been agreed with Natural England as acceptable mitigation.

8.22.36 Representations received have raised concerns regarding the phased provision of SANG, in particular the timing of the Welborne Mile and Fareham Common on the grounds that the provision of the Welborne Mile and Fareham Common in later phases will result in significant pressure being placed on the ancient woodland and sensitive ground flora of Dashwood.

8.22.37 Natural England accepted the proposed phasing of the various SANG originally proposed, but strongly recommended that further consideration

was given to the phased delivery of Welborne Mile and Fareham Common to allow sections of these SANG to be available in advance of the suggested triggers.

- 8.22.38 The applicant has submitted a Temporary SANG strategy in response to Natural England's comments. The Temporary SANG strategy relates to the provision of SANG at an earlier stage to relieve the pressure on the Dashwood SANG as a result of it being the first SANG to be provided. The temporary SANG strategy is summarised in the table below.
- 8.22.39 The temporary SANG strategy (which has been produced in consultation with Natural England) would continue to deliver Dashwood prior to the first occupation at Welborne. It would then provide 1.79 ha (4.42 acres) of the northern part of the Welborne Mile before the 750th occupation, a 35m wide strip along the full length of the Welborne Mile before the 2,700th occupation and approximately 9.5ha (23.5 acres) at Fareham Common after the completion of the Junction 10 upgrade.
- 8.22.40 The areas classed as temporary SANGs would not benefit from the full planting that will be provided at a later stage but would nonetheless have the benefit of being useable open green space provided at an earlier stage to relieve pressure on Dashwood SANG. Natural England have reviewed the Temporary SANG strategy and confirmed that they support its provision and recommend that it is secured by condition.

8.22.41 Temporary SANG provision and relation to permanent SANG

	Area (ha)	Area (ac)	Nature of provision	Trigger for delivery by	Description
Dashwood	38.1	94.1	Permanent	1 st occupation	
Planting connecting Dashwood & Blakes Copse	1.85	4.58	Permanent feature delivered early for temporary use as SANG	750 th occupation	Role as SANG will fall away in time, but green space & planting will be retained
Area of Welborne Mile north of Knowle Road	1.79	4.42	Temporary	750 th occupation	Will be made permanent for 3,601 st occupation as part of Welborne Mile
35m strip along full length of Welborne Mile linking existing PROW	3.98	9.83	Temporary	2,700 th occupation	Will be incorporated into permanent SANG for 3,601 st occupation
Welborne Mile	17.1	42.26	Permanent	3,601 st occupation	
Fareham Common-permitted access to western most fields prior to installation of formal infrastructure	Approx 9.5	Approx 23.5	Temporary	Post M27 J10 upgrade	Will be incorporated into permanent SANG for 5,101 st occupation
Fareham Common	15.2	37.57	Permanent	5,101 st occupation	

8.22.42 Assessment of the SANG

Some of the SANG proposed within Fareham Common and the southern part of the Welborne Mile would be affected by noise from the adjacent M27 and would not provide a tranquil environment that meets the Natural England definition of a SANG. Natural England has therefore advised that the area of SANG that would be affected by noise from the M27 should be 'discounted' in numerical terms from the total package provided despite it still being physically provided and laid out for public access and use. The total area of 'effective' SANG, therefore, that satisfies Natural England's requirements amounts to 60.1 ha (148.5 acres) yet the actual physically laid out area of land would be 70.41 ha (174 acres).

8.22.43 Given that the total area of Natural England qualifying SANG proposed by the application would amount to 60.1 ha (148.5 acres) rather than the 84 ha (207.57) ideally sought by the Welborne Plan, the application also proposes the provision of 49.2% of the full SRMP tariff alongside each reserved matter application to be used to provide off-site mitigation measures to compensate for the decreased amount of 'effective' SANG.

8.22.44 The Hampshire and Isle of Wight Wildlife Trust raise concerns about the quality of the overall SANG package, given that parts of Fareham Common and the Welborne Mile are to be discounted as described above due to noise pollution and would like more than 49.2% of the Bird Aware tariff to be provided in addition to the SANG.

8.22.45 The provision of 49.2% of the Bird Aware tariff is calculated through the Shadow Appropriate Assessment and has been agreed with Natural England as acceptable mitigation for the reduced area of 'effective' SANG. The on site effective SANG provision of 60.1 hectares equates to 50.8% of the Thames Basin Heath SANGS standard – the standard against which the policy and the SANGS calculation for Welborne is based. To bring the SANGS mitigation package upto 100% of this standard Natural England has agreed that a proportionate contribution of 49.2% of the Bird Aware tariff is acceptable alongside the onsite SANG provision.

8.22.46 Officers consider the provision of SANG along with the level of financial contribution towards SRMP strategy out above is in accordance with policy WEL30.

8.22.47 Officers have considered the proposed package of mitigation measures (the actual laid out and delivered SANG together with the quantum of this that qualifies as 'effective' SANG) in consultation with Natural England and the Council's Ecologist and have concluded that the proposed development would accord with the requirements of policy WEL30 and not have an adverse effect on the integrity of the sites in terms of recreational disturbance.

8.22.48 The provision and management of the SANG will be secured by condition and within the legal agreement.

8.22.49 Impact on European Sites – Conclusion

The combined package of proposed mitigation measures: the SANG, financial contribution towards the SRMP strategy, the nutrient management plan and CEMP will ensure with the required high degree of scientific certainty that the proposed development does not have an adverse impact on the integrity of the European sites.

8.22.50 Nationally Protected Sites

There are three Sites of Special Scientific Interest (SSSI) within 5km (3.11 miles) of the site: Portsmouth Harbour SSSI; Lee-on-the-Solent to Itchen Estuary SSSI and Botley Wood and Everett's and Mushes Copses SSSI.

8.22.51 The SANGs, financial contributions towards the Solent Recreation Mitigation Strategy and nutrient management plan that are proposed principally to mitigate the impact on the International Protected sites will also offer protection to the Nationally Protected Sites, that is the SSSIs (some of which occupy similar areas to the International Designated sites) and ensure that there is no adverse effect on their integrity.

8.22.52 Locally (Non-Statutory) Protected Sites

There are 2 SINC's within the site (Blakes Copse and Fareham Common.) There are also 3 SINC's adjacent to the site (Dashwood, Knowle Hospital Row and Birchfrith Copse) and several SINC's within 5km (3.11 miles) of the site.

8.22.53 The proximity of some of the SINC's to Welborne means that they are likely to be impacted for example by the deposition of dust from the construction process. The application suggests ways in which the impact on SINC's can be limited and mitigated. The proposed mitigation measures are supported by the Council's Ecologist and can be secured by condition (for example by requiring the submission of a Mitigation and Enhancement Strategy, a Construction Environmental Management Plan and Lighting Schemes). Officers believe that the use of conditions to secure appropriate mitigation measures would protect the SINC's from potential impacts as required by policy WEL31.

8.22.54 The northern edge of Fareham Common SINC will also be affected by the proposed highway works to Junction 10. The impact of the proposed highway works on Fareham Common SINC, along with associated mitigation measures has recently been considered and approved under a separate planning application reference P/18/1192/FP.

8.22.55 Notable Habitats

The proposed development would result in the partial loss of areas of unimproved and semi-improved grassland, arable field margins, a pond and approximately 2km (1.24 miles) of species-rich hedges. In addition to

the direct impact of habitat loss, indirect impacts such as habitat degradation as a result of visitor pressure or construction activities is anticipated.

8.22.56 There are a number of mitigation and compensation features inherent to the design, including the creation of higher quality habitat areas (especially within areas of green infrastructure), supplementary planting, a pond, sustainable urban drainage systems and long-term habitat management. Buffer planting of at least 15m in width is also proposed adjacent to sensitive habitat areas with designated paths also included to avoid impacts on sensitive areas.

8.22.57 Protected Species

Policies WEL2 and WEL30 require applications to identify and assess potential impacts on protected species within and adjacent to the site. The application is supported by surveys which confirm the presence of protected species including: bats; dormice; great crested newts; badgers; reptiles and invertebrates, within the site.

8.22.58 The submitted Environmental Statement contains details of the ways in which the principles of avoidance, mitigation and compensation would be employed in relation to protected species. The Council's Ecologist has confirmed that the proposed measures are acceptable but has advised that there is likely to be a minor adverse residual effect on over-wintering birds due to the loss of arable fields. The relevant mitigation measures will be secured by planning conditions.

8.22.59 The proposed mitigation strategies required in relation to the works to Junction 10 have already been considered and approved under a separate planning application reference P/18/1192/FP.

8.22.60 The proposed development is likely to affect a number of species which are protected under UK law by the Wildlife and Countryside Act 1981 (as amended) and by the Conservation of Habitats and Species Regulations 2017 (commonly referred to as the Habitats Regulations).

8.22.61 Where development affects European protected species (EPS), permission can be granted unless the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations and is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law. Licences will not normally be granted in the absence of planning permission.

8.22.62 The development is likely to result in a disturbance to European protected species; therefore it is necessary to consider whether the development is likely to be granted an EPS licence from Natural England.

8.22.63 An EPS licence can only be granted if the development proposal is able to meet the following three tests:

1. *the consented operation must be for ‘preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment’; (Regulation 53(2)(e))*

The proposed strategic development has been planned over a number of years and is designed to provide housing and jobs for residents of Fareham and adjacent areas over a number of years. The proposed development is of such a large scale that it would be in the overriding public interest both in terms of social and economic benefits. It is therefore considered that the proposed development would satisfy the first test.

2. *there must be ‘no satisfactory alternative’ (Regulation 53(9)(a)); and*

The Natural England guidance on license applications indicates that the second test must account for the “do nothing” scenario. This would leave the land in agricultural use with the affected species likely being disturbed through agricultural practices or from the need to modernise older buildings for modern agriculture practices.

Welborne provides for a defined area of development on such a large scale that there is not considered to be a satisfactory alternative elsewhere in the borough of Fareham for a development of this size and scale. It is therefore considered that the proposed development would satisfy the second test.

3. *the action authorised ‘will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’ (Regulation 53(9)(b)).*

The Council’s Ecologist has advised that the proposed development would not be detrimental to the maintenance of the population of the species’ concerned at a favourable conservation status such that the third test is likely to be satisfied.

- 8.22.64 The proposed development is likely to affect European protected species (EPS), however it is likely to be granted an EPS licence from Natural England to proceed under a derogation, therefore the impact on protected species would not constitute a reason to refuse the application.
- 8.22.65 Given that the development of Welborne will take place over a long period of time, WEL31 states that the ecological assessment should provide details of how it is intended to be regularly updated to ensure that any mitigation measures required are effective.
- 8.22.66 In October 2019 the recommendation to the Planning Committee included a condition which required the submission of a biodiversity enhancement strategy. This strategy would have demonstrated how biodiversity enhancement would be achieved through reserved matters applications through the lifetime of the development. Such details were required to be in accordance with the outline ecological mitigation, compensation and enhancement measures detailed within the submitted Environmental Statement Addendum, Ecology and Nature Conservation Chapter.

8.22.67 Since the Planning Committee resolved to grant planning permission in October 2019, the applicant has been working on the biodiversity enhancement strategy for Welborne. This document has now been formally submitted to this Council for consideration as part of the package of documents received in December 2020. This matter is considered further below.

8.22.68 Biodiversity

To protect and enhance biodiversity the NPPF states that when determining planning applications, the local planning authorities should seek to ensure that harm to biodiversity is avoided or compensated for and that opportunities to incorporate biodiversity improvements in and around development should be encouraged and supported, especially where this can secure measurable net gains in biodiversity.

8.22.69 Policies WEL2 and WEL31 also recognise the importance of conserving and enhancing biodiversity: Policy WEL2 states that green infrastructure will be required to ensure a net gain in biodiversity and policy WEL31 requires initial planning applications at Welborne to be accompanied by full ecological assessments that identify and address potential impacts on designated sites, priority habitats and protected species, within and immediately adjacent to the site boundary.

8.22.70 Policy WEL31 also requires proposals to demonstrate how the development contributes towards enhancing biodiversity through:

- i) The implementation of the broad habitat types within Welborne's semi-natural greenspace;
- ii) Incorporating design features within the built environment to enhance bio-diversity; and
- iii) Enhancing ecological connections to other areas of natural greenspace off site.

8.22.71 The application is supported by an ecological statement, a biodiversity statement with A Site Wide Bio-Diversity Enhancement Strategy, being submitted in December 2020. These documents explain the measures to be undertaken to protect and enhance the ecology and biodiversity of the site and how any negative impacts can be mitigated such that it is considered that there is no significant impact on the biodiversity and ecology of the area. The strategy for protecting and enhancing the ecology and biodiversity of the site is primarily based on the incorporation of retained habitats into a new network of appropriate and biodiverse habitats that include grassland/meadow, water bodies, woodland and hedge networks which will create strong ecological links within the site and to adjacent areas.

8.22.72 There is no objection to the proposal from the Council's Ecologist or from Natural England. As such Officers consider that the proposed development satisfies parts i and iii of policy WEL31. Part ii of policy WEL31 would be applicable to the subsequent detailed applications. The previously proposed condition requiring the submission of a site wide biodiversity enhancement strategy is no longer necessary. A replacement condition is recommended

requiring the development to come forward in accordance with the submitted Site Wide Bio-Diversity Enhancement Strategy.

8.23 Utilities

8.23.1 Policy WEL2 requires development at Welborne to minimise energy usage, water consumption and carbon emissions. Policy WEL37 expands on the requirements of policy WEL2 and seeks to ensure that demand for water from Welborne should be minimised to ensure that water consumption does not exceed 105 litres per person per day and that each phase of development has provision of adequate infrastructure for a sustainable drinkable water supply. The policy also requires applications to be supported with a comprehensive waste water conveyance and treatment solution.

8.23.2 The following section of this report deals with some of the key utilities to be provided or altered at the site.

8.23.3 Drinkable Water Supply:

The drinking water supply for Welborne will come from Portsmouth Water. Portsmouth Water do not object in principle to the delivery of Welborne and have confirmed that they can service the Welborne community.

8.23.4 The distribution of land uses throughout Welborne and the works to the A32 will have an impact on the existing water main infrastructure of Portsmouth Water. There is a large (thirty-six inch diameter) water main running north to south through the District Centre site and the combined primary and secondary school site due north of the District Centre.

8.23.5 The applicants are not planning the strategic diversion of this water main. The applicant is fully aware of this water main as a constraint to the detailed design of this part of the site and within the development areas, appropriate land uses, such as open space, playing fields, schools, District Centre and highways would be designed to align with the water main. Other localised diversions of the smaller water mains adjacent to the A32 can be undertaken using statutory processes. Portsmouth Water has confirmed that this is acceptable to them.

8.23.6 There is a body of permeable rock to the east side of the A32 covering part of the Welborne site that is designated as a Source Protection Zone (SPZ), being an area used to supply public drinking water. Portsmouth Water has identified the need for planning conditions at the detailed design stage to prevent contamination of the SPZ, particularly during construction activities involving piling techniques or parts of the site that require decontamination work.

8.23.7 Conditions will also be required to ensure that adequate measures are taken to control solution features (areas of chalk that have been dissolved by acidic water runoff which have subsequently become filled with loose soil which can subside and leave depressions in the landscape) in the area.

8.23.8 The incorporation of suitable conditions will ensure that the development can

be serviced with a supply of drinking water in accordance with policy WEL37. The requirement of Policies WEL2 and WEL37 to minimise water consumption will be applicable to subsequent detailed applications.

8.23.9 Waste water disposal:

Initially the planning application proposed options for dealing with foul water utilising either or both Albion Water and Southern Water facilities. The application now proposes that the whole development will be serviced by the Peel Common Waste Water Treatment Works operated by Southern Water.

8.23.10 Southern Water has noted that there is a need for network reinforcements to be able to accommodate the development of Welborne. Southern Water also confirm that any such network reinforcement will be part funded by the charges paid by the developer to Southern Water with the remainder funded through the Southern Water Capital Works Programme. Southern Water are keen to work with Buckland Development Ltd to ensure that the delivery of homes at Welborne aligns with the delivery of the network improvements. Southern Water do not object to the development of Welborne.

8.23.11 Southern Water also indicate that there is the ability for some development at Welborne to connect to the existing system before reinforcements are required. However, they are unable at present to provide a threshold for when the reinforcements are required. There is no standard number of dwellings that would require the reinforcements, but Southern Water advise that it would be dependent on the type of connection from the development site and through discussion with the developer. As such the detail of the drainage solution for each development parcel can be addressed through a suitably drafted planning condition.

8.23.12 On this basis the proposal is considered to satisfy the requirements of policies WEL2 and WEL37 in so far as waste water disposal is concerned.

8.23.13 Overhead powerlines:

Scottish and Southern Energy Power Distribution PLC (SSEPD) have an overhead powerline crossing the site to the north of Knowle Road in a broadly east to west direction.

8.23.14 There is no policy requirement within the Welborne Plan for the removal of these overhead lines however the Welborne SPD requires the Strategic Design Codes to clearly show how necessary infrastructure and utilities can be accommodated on the site such as “...*underground servicing*” (para 1.40.) The Strategic Design Codes will be submitted after the determination of this outline planning application; the applicant has indicated within this planning application however that it is their intention to underground the SSEPD power lines.

8.23.15 SSEPD has expressed concern at the impact of the development upon their infrastructure. SSEPD believe that they, as the Distribution Network Operator, need to agree to the removal of the overhead lines. The overhead line and pylons on the site are the subject of a wayleave. A wayleave is a

form of licence over the land. Interference with a wayleave is not a material planning consideration. Officers are of the opinion, that the most appropriate response to the SSEPD representation and the ongoing discussion between the land owner and wayleave holder, is by incorporating a planning condition. SSEPD Has accepted that a suitably drafted condition can overcome their concerns.

8.23.16 The condition requires a suitable scheme for the undergrounding or re-routing of the overhead line to be approved by the local planning authority before a development trigger occurs. However, should the line be retained 'as is' then the development will need to plan for the retention of the line having regard to the High Level Development principles established through the Structuring Plan.

8.23.17 Whilst there is not a policy within The Welborne Plan explicitly requiring the overhead lines to be re-routed underground, doing so would ensure that Welborne can be more efficiently designed and laid out. To retain the lines above ground through the northern part of Welborne would likely have a significant detrimental visual impact upon the appearance of the development.

8.23.18 The ongoing discussion between the applicant and the operator (SSEPD) regarding compensation arrangements for the termination of the wayleave is a matter separate to the planning process. As set out above, a suitable means of re-routing the overhead line can be secured by planning condition and Officers consider therefore that the re-routing of the line is acceptable.

8.23.19 Gas Main

It is acknowledged within the Welborne Plan that there is a significant gas main constraint which runs from north west to south east across part of the Welborne site. Such gas mains necessitate development free areas along their length and development cannot take place within a certain zone or easement of the gas main. In addition to this building proximity distance to the main, high occupancy facilities such as schools, which might prove difficult to evacuate quickly in an emergency, cannot be developed within a specific proximity of a pipeline.

8.23.20 The location of the Central Park for Welborne sits over this gas main and provides the necessary clearance of built form from the gas main. The December 2018 amendments to the application also adjust the District Centre school site to ensure that the whole school site is now fully outside of the exclusion zone for this type of building in proximity to the gas main. There is now no objection from the Health and Safety Executive (HSE) on this issue.

8.23.21 Southern Gas Networks (SGN), as the operator of the gas main, has sought clarification from the applicant on some of the detailed road access arrangements, specifically, around Broadway Roundabout and its relationship with the gas main. At the time of the October 2019 committee SGN had verbally indicated that they have no objection.

8.24 Household Waste Recycling Centre

- 8.24.1 Policy WEL40 requires a new household waste recycling centre (HWRC) to be provided within the main employment area to the west of the A32. The land for the HWRC (0.8 ha/ 1.98 acres) is to be safeguarded through the legal agreement pursuant to Section 106 of the Town and Country Planning act 1990, for the future delivery of the facility.
- 8.24.2 Policy WEL40 states that the HWRC site is to be provided to Hampshire County Council (HCC) as the site operator on completion of 1,000 dwellings or at another threshold as specified by the Waste Authority.
- 8.24.3 The applicant is agreeable to the 0.8ha (1.98 acres) of land being safeguarded through any planning permission but sets out that the Waste Authority will need to go through the normal land acquisition steps to take control of the land.
- 8.24.4 The Waste Authority has calculated the proportionate cost of the Welborne population relative to the costs of the delivering the facility. A proportionate cost contribution has been agreed between the applicant and the waste authority along with the same relative proportion of the land acquisition costs. The actual delivery of the HWRC will be within the responsibility of the Waste Authority (in this case HCC). HCC has indicated that it will be half way through the development - 3,000 units - before the land is transferred to the County Council as Waste Authority and any contributions paid.
- 8.24.5 The submitted Structuring Plan and Land Use Parameter Plan locates the HWRC within the employment area to the east of Funtley and the west of the A32. Concerns had been raised by residents in Funtley as to its proximity with potential problems with odour and noise pollution.
- 8.24.6 As a result of these concerns, the location of the HWRC has been moved further east on the parameter plans. It remains within the western employment area but would be further from the houses at Funtley. The identified location is now proposed to be separated from the western edge of the site by a distance of at least 110m (50m wide buffer and 60m into the employment area). The final location and design of the facility will be fixed at the Reserved matter stage and could potentially be further east. The detailed layout could be designed with the waste bins sited at the east of the parcel identified which would further increase the separation distance.
- 8.24.7 The Council's Environmental Health Officers have confirmed that the separation distance of at least 110m between the broad HWRC location and the closest houses in Funtley is acceptable and should be sufficiently far away so as to avoid future complaints. The HWRC would also be set back from the strategic road network so that potential queuing traffic would not impact on traffic entering the wider site from the M27.
- 8.24.8 Representations have requested that the access to the HWRC is not from Funtley Hill. The proposed access to the HWRC is through the

employment area and the new road network at Welborne. It will not be accessed from Funtley Hill. An access from Funtley Hill to the Welborne development is not part of the access strategy for Welborne.

- 8.24.9 In addition, some representations have also questioned the need for a HWRC at Welborne given that there is an existing facility at Segensworth in the west of the Borough. At the plan making stage Hampshire County Council as the Waste Disposal Authority for Hampshire identified a need for a HWRC at Welborne given the projected increase in population and the capacity constraints at their other nearby centres within a reasonable distance from the application site. Whilst Welborne alone doesn't create a critical mass of population to require a HWRC alone, the capacity limitations at other HCC sites plus the fact that the delivery of Welborne is the largest of a number of housing developments in the County, combine to require the need for a new facility.
- 8.24.10 Lastly, representations have been received asking why the HWRC cannot be sited on the eastern side of the employment area adjacent to the A32. As detailed above the final location could vary still from that shown on the Structuring Plan/ Parameter Plans, however the location of the HWRC in the western employment area is likely to be where the general industrial (B1c and B2) uses would be located along with some distribution uses (Use Class B8) and as such the HWRC would be compatible with these employment uses. The land to the immediate west of the A32 is likely to be the location for the office employment provision (Use class B1) given the proximity of this employment area to the District Centre and the likelihood of office employees making trips to the District Centre.
- 8.24.11 Storage space for domestic waste and recyclable materials awaiting collection for domestic and non-domestic buildings will be considered in future reserved matter applications.
- 8.24.12 Subject to the required land for the HWRC being safeguarded through the legal agreement along with the required contribution towards land acquisition and site delivery being secured, Officers consider that the proposed development satisfies the requirements of policy WEL40.

8.25 Minerals

- 8.25.1 The introductory paragraphs of the Welborne Plan highlight the role that the Hampshire Minerals and Waste Plan plays in the Development Plan and that it is relevant in the determination of planning applications for development at Welborne.
- 8.25.2 The supporting commentary to policy WEL3 sets out at paragraph 3.14 that a portion of the Welborne site is identified in the Minerals and Waste Plan as a Mineral Safeguarding Area (MSA). This MSA designation is due to the potential deposits of predominantly clay but also some sharp sand and gravel within the site boundary. The plan continues to require that all development within the MSA will need to show how the scheme can comply

with the mineral and waste plan on MSA, specifically policy 15.

- 8.25.3 Mineral Safeguarding in the Mineral and Waste Plan is not intended to prevent development. It allows for the effective consideration of potential impacts and helps to ensure that non-minerals developments are appropriately located and designed.
- 8.25.4 The application is supported by a “Minerals Statement” which acknowledges that the mineral deposits identified are described in the Preliminary Site Investigation Report submitted with the planning application as ‘very clayey gravels’. Therefore, these are unlikely to be easily processed into high quality sands and gravels for concrete, asphalt, mortar and building sand end uses. In light of this, these deposits are not considered to be of commercial interest.
- 8.25.5 The development of the south western part of the Site containing the clay of brickmaking quality is not anticipated to begin before 2026. At the time of the preparation of the Minerals Statement, the nearest local brickworks is in Michelmersh (due west of Fareham, north of Romsey). The application submits that there are alternative minerals sites to the application site within the county which are highly likely to contain clay of brickmaking quality and there are a number of further potential extraction areas very close to the Michelmersh brickworks; closer than Welborne. Furthermore, the Michelmersh Brickworks does not have any spare on site capacity to store clay on its site or adjoining land near Romsey.
- 8.25.6 Incorporating surface minerals extraction into the masterplan and sequencing for Welborne would likely require a dedicated access built to standards to serve a minerals site, with all necessary mitigation for such work rather than it being an incidental operation of a house builder. The timing of the minerals requirement of 2027 coincides with the development of the land where some of the safeguarded mineral land is located such that the two operations would not necessarily be compatible.
- 8.25.7 It is noted that HCC as the Mineral and Waste Authority has indicated that the extraction of the sand and gravel resource is not commercially viable. However, HCC does, contrary to the applicant’s position, consider that small scale or incidental (to housebuilding) extraction can be undertaken regarding the clay deposits.
- 8.25.8 The position of both the Minerals Authority and the applicant are noted. However, the overriding imperative of the Welborne Plan is to deliver critical housing and jobs in Fareham within an area under considerable pressure to deliver new homes. In light of the alternative sites situated closer to the brickworks at Michelmersh which are not subject to such a regionally important policy allocation, nor identified by Government as a development with Garden Village status, a planning judgement is required as to the merits of mineral extraction in advance of or at the same time as the delivery of the new settlement. This judgement is applied in the Planning Balance part of this report.

8.26 Best and Most Versatile Agricultural Land

- 8.26.1 In addition to the mineral resource within the Welborne Plan boundary, allocation within the Welborne Plan comprises over 370 hectares (approximately 914 acres) of mainly arable agricultural land. The NPPF (para 170) requires decision makers to have regard to the contribution the best and most versatile agricultural land can play in supporting the rural environment such as the rural economy as well as the natural beauty of the countryside.
- 8.26.2 The Welborne Plan is silent on the loss of this Best and Most Versatile Agricultural Land (B&MVAL) as a result of the development such that the NPPF policy test would apply.
- 8.26.3 B&MVAL at Welborne is addressed within the Environmental Statement submitted by the applicant with this planning application. The development will result in the unmitigated loss of a substantial amount of the B&MVAL along with the associated employment that this farming activity supports. It is clear that there is a conflict, therefore, with the contribution that the retention of B&MVAL has to the preservation of the countryside and its intrinsic beauty. The planning judgement against this negative of the development is balanced with the benefits at the Planning Balance section of this report.

8.27 Flood risk and sustainable drainage systems

- 8.27.1 The application is supported by a Flood Risk Assessment and Drainage Strategy (FRADS); this sits within the Environmental Statement (ES) Appendices. This ES Appendix sets out the existing site conditions and assesses each flood risk as a consequence of the development proposal.
- 8.27.2 Within the application submission it notes that the tidal limit of the River Meon is at its mouth on The Solent at Hill Head, 6.3km (3.9 miles) to the southwest of the Application Site. The tidal limit of the Wallington River is in north east Fareham, 0.9km (0.56 miles) to the southeast of the planning application site.
- 8.27.3 The FRADS sets out that the application site is located above the influence of tidal flooding and therefore the risk of tidal flooding is negligible.
- 8.27.4 Moving to fluvial (river) flood risk, the Environment Agency's detailed flood mapping shows that the application site is wholly located within Flood Zone 1, which comprises land assessed as having less than a 0.1% annual probability of river or sea flooding. The Environment Agency (EA) has confirmed, within the appendices to the FRADS that it does not hold any records of fluvial flooding to the Application Site. The FRADS concludes therefore that the risk of flooding from fluvial sources to the application site is considered to be low. The Environment Agency has not

objected to the proposal and therefore this conclusion within the FRADS is accepted.

- 8.27.5 Flooding from Pluvial (rainfall) and Overland Flow Sources also needs consideration. During extreme storms the ground may become saturated and the drains and sewers which carry away the surface water may not be able to accommodate these flows or may even become blocked with debris. This in turn can lead to surface water flooding.
- 8.27.6 As part of the Environmental Statement the applicant has undertaken a more detailed surface water mapping exercise to determine and refine the available flood mapping from the EA. This exercise has looked at 1 in 100- year rainfall event and the predicted extent of surface water flooding. The submission concludes that the risk of flooding from pluvial or overland flow sources to the planning application site is considered to be mostly very low. There are however some small areas of low, medium and high risk, most of which are located close to or around the proposed Junction 10 works, where the site is at its lowest level.
- 8.27.7 The new road underpass beneath the M27, which will be constructed as part of the new motorway junction, is located in an area at high risk of surface water flooding and in a topographically low point of the planning application site. Therefore, as this is being constructed in advance of the main site, there is a risk that surface water will accumulate in the underpass and without mitigation pose a risk to the use of this road
- 8.27.8 The planning application sets out that the new underpass beneath the M27 will be designed and constructed to adoptable standards and will incorporate sufficient mitigation to minimise the risk of surface water flooding at this location. There are also alternative routes of access and egress to the development for events exceeding the design event for the drainage of this part of the road infrastructure.
- 8.27.9 The applicant's surface water drainage strategy is based on this knowledge of flooding as well as an understanding of the ground conditions, geological make up and the results of a hydraulic assessment of the site. It is proposed that surface water be discharged to ground given that the conditions are favourable for infiltration. The viability of discharge to ground via infiltration at individual development parcels will, however, be finally confirmed at the detailed design stage and will be informed by the results of detailed ground investigations at the planning application site, including further soakage testing, once the detailed layout is known.
- 8.27.10 In areas where infiltration to the ground is not possible, surface water will either be conveyed to locations where infiltration is possible or discharged to existing surface water drainage ditches. This is the case in the southwest corner of the site and at the northeast boundary, east of the A32

- 8.27.11 The application sets out that the proposal will achieve greenfield run off rates for the occasions when runoff water is discharged to existing ditches and water courses. This essentially translates to the scenario that the run off from the site will be no greater than the run off from the site in its current green field, undeveloped state. However, the drainage strategy does set out that the discharge of surface water to watercourses will only be used in areas where discharge to ground (infiltration) is not feasible. In order to ensure surface water discharge to ground or surface water bodies is sustainable, surface water storage will be required in the form of SuDS within the development parcels as part of the detailed design process.
- 8.27.12 Where discharge to ground is feasible, infiltration of surface water runoff will be distributed across the planning application site so as to replicate the natural drainage system as far as reasonably possible.
- 8.27.13 In areas where infiltration is perhaps not possible, surface water from these parcels will be conveyed to infiltration basins constructed in the open space before being discharged to ground.
- 8.27.14 For development parcels where discharge to ground is not possible and there is no storage and conveyance option, surface water will be stored within the parcel prior to discharge at current greenfield runoff rates to existing surface watercourses as set out above. SuDS features such as permeable paving, swales, geo-cellular storage and infiltration basins will all be used on site, the detail of which will all be finalised at the detailed design of the relevant phase of development.
- 8.27.15 The drainage along-side the M27 and the new underpass will include features such as swales and filter trenches alongside the carriageway; filter trenches (French Drains) alongside the slip roads; infiltration basins with additional filter layers; and, infiltration chambers where there are surface space constraints.
- 8.27.16 Representations have been received that refer specifically to parts of the site being susceptible to flooding and pooling of water in extreme rainfall events.
- 8.27.17 The current areas of high and medium pluvial and overland flow flood risk on the planning application site will be mitigated by the development. As set out above, the drainage networks and conveyance SuDS features will be designed to accommodate rainfall events and runoff with an allowance in the design for climate change and discharge of this to infiltration SuDS features.
- 8.27.18 The Flood Risk Assessment accepts that there are parts of the site where there are currently pluvial and surface water risk areas however, it is considered by the applicant that the use of infiltration techniques and a well-designed SuDS strategy that the development will reduce off-site surface water flows. This will be detailed fully as the scheme is designed

in detail and constructed.

- 8.27.19 It is noted that there is no objection on flood risk or drainage grounds from either the Environment Agency or the County Council as Lead Local Flood Authority. Officers consider that the proposal is acceptable regarding flood risk and the drainage solutions and is in accordance with the requirements of policies WEL2, WEL38 and WEL39.

8.28 Noise

- 8.28.1 Policy WEL6 seeks to establish the General Design Principles for Welborne and requires applications to consider the issue of noise and set out any necessary measures to mitigate the impact. The delivery of the employment area through Policy WEL9 also seeks to ensure that new employment floor space is designed to avoid adverse impacts upon the amenity of nearby residential areas. WEL24 also seeks to ensure that the proposals for the improvements to Junction 10 of the M27 "*...Minimise the environmental impacts within the site and on neighbouring communities, including any noise and visual impacts*" (criterion 1)e)).
- 8.28.2 The Welborne Plan acknowledges that the noise from the M27 provides a significant constraint to how Welborne is developed. During the preparation of The Welborne Plan the evidence to the Inspector when he was examining the Plan indicated that noise from the motorway was a key constraint and on this basis the employment land was proposed immediately north of the motorway to ensure that the proposed new residential development can achieve acceptable living standards relative to noise levels.
- 8.28.3 To the north side of the motorway and immediately north of the proposed Junction 10, within the identified employment land, are four dwellings namely 70, 72 Kiln Road and 1 & 2 Dean Farm Cottages.
- 8.28.4 The Council owns number 70 Kiln Road and both 1 and 2 Dean Farm Cottages. The Council's Head of Estates is in discussion with the applicant regarding the sale of the properties owned by this Council. At the time of determining this planning application, the three properties remain in residential use.
- 8.28.5 Number 72 Kiln Road is under private ownership and not that of either the Council or the applicant. It is understood that the occupant of number 72 is currently not looking to move from the site but has sold some of their land to the applicant to facilitate the development at Welborne specifically relevant to the Junction 10 works. The impact of the development both during and following construction has been considered upon these residential properties.
- 8.28.6 In relation to these properties the Environmental Statement had initially assumed that the applicant would control the land and that these properties would be demolished. However, accepting that the applicant

does not control this land, a further review of the impacts has been undertaken by the applicant to understand the impacts of the development upon these dwellings on the basis that they are retained.

- 8.28.7 The application concludes that the retention of these buildings does not lead to any further significant effects that were not previously identified at the time of the preparation of the Environmental Statement (ES) or the Addendum to the Environmental Statement. The ES identifies that there would be a harmful impact from noise during both construction and operation on these properties unless adequately mitigated for.
- 8.28.8 For these particular dwellings the background noise level is already high given their proximity to the motorway and the traffic noise generated by the high-volume use of this busy highway. The mitigation measures will be reflective of the high background noise levels already experienced. Despite the presence of the motorway, the construction of the all moves Junction 10 will bring the motorway traffic, specifically the new east bound off slip and the new north – south road, closer to these properties.
- 8.28.9 Construction mitigation is proposed within the ES and can be secured through the incorporation of a condition requiring a Construction Environmental Management Plan (CEMP) to be submitted for each phase of the development.
- 8.28.10 Given that the Council is open to disposal of its properties the most likely affected property to remain is number 72 Kiln Road. This property will be over 120m from the new slip road and in excess of 140m from the new north-south road. At these separation distances, whilst the construction works will be apparent the impact of the works can be mitigated, as identified above, through the CEMP and the mitigation measures identified in the Environmental Statement.
- 8.28.11 In the event that the Council does not dispose of its property then it is right that the impact upon 70 Kiln Road and 1 & 2 Dean Farm Cottages needs assessment. These three dwellings are all much closer to the road construction works than number 72. Number 70 is approximately 77m from the new north-south road and 70m from the new slip road. Dean Farm Cottages are only approximately 18m from the same road and the impacts would, as a result of this proximity, be greater. The ES notes that the construction impact would be mitigated through the use of the same mitigation measures summarised above and be secured through the CEMP conditions.
- 8.28.12 To further mitigate the impact of noise from the new north to south road linking the J10 off slip with the A32, a noise mitigation strategy for Dean Farm Cottages (given their close relationship with this new road) is required by condition. Whilst it is expected that this Council will dispose of the property to facilitate the delivery of the junction, should they be retained in residential use, the noise mitigation strategy will seek to secure acceptable noise limits for both indoor and outdoor living areas

and bedrooms. This is to be secured through a planning condition. Any noise mitigation measures will need to be installed prior to the M27 J10 coming into use.

- 8.28.13 The development of the employment area will also need careful consideration at the detailed design stage when the layout is being finalised to ensure that private external gardens are not dominated by traffic noise or operational noise. The applicant's attention will be drawn to this fact by an informative on the decision notice. It is also proposed to require a noise assessment for each development parcel to be secured by planning condition to ensure acceptable living conditions are achieved.
- 8.28.14 There are a number of representations received that have expressed concern at noise from the development and noise from traffic, especially those on the northern edge of Fareham closest to Fareham Common, and the new Junction 10 works and acceleration lane to the new westbound on-slip to the M27.
- 8.28.15 Whilst the works to Junction 10, including a new roundabout, underpass and slipway, will bring the physical motorway closer to the residents to the south of the site in areas such as Kiln Road, the noise modelling indicates that the actual noise levels will be no greater than those currently experienced.
- 8.28.16 The area of the application site most effected by noise from the motorway is the land immediately adjacent to it on Fareham Common. The noise dissipates southwards from the motorway such the proposed noise levels would be similar to the existing situation. The change in levels from the motorway up to Kiln Road is such that the noise level would be the same at Kiln Road with or without an acoustic fence. The provision of an acoustic fence on the south side of the M27 through Welborne and adjacent to Fareham Common would therefore serve no purpose and is not a policy requirement. The Environmental Health consultee response raises no concerns regarding the effects of noise on properties in Kiln Road.
- 8.28.17 Officers consider that the proposal accords with policies WEL6 and WEL24 subject to the incorporation of a condition to secure noise mitigation in respect of the acoustic barrier to the north of the motorway.
- 8.28.18 Whilst the employment land is considered to be less sensitive to noise pollution than a residential use, there is still a need for the layout and design of buildings in the employment area to provide a suitable working environment for employees. Careful consideration will be needed at the detailed design stage to ensure that service yards, car parks and buildings that are mechanically ventilated are closest to the motorway.
- 8.28.19 As well as the impact of the motorway noise on the occupants of the employment area the detailed layout of the employment space will need careful consideration as to how the proposed uses will relate to adjacent

existing communities (such as Funtley), existing residential properties onsite (such as 72 Kiln Road) and the new residential development at Welborne. The proposal provides for a mix of commercial uses within the B Use Classes. Noise generating uses such as General Industrial businesses (Use Class B2) and B8 uses (Storage and Distribution) will need to be carefully planned and laid out at the detailed design stage such that the impact of noise on adjoining (new or existing) communities and property is minimised.

- 8.28.20 The control of these types of uses through details such as hours of operation, building construction methods, noise emission limits or the use of outdoor space could all be controlled at detailed design stage if appropriate through conditions on the Reserved Matter approval(s).
- 8.28.21 On this basis, it is considered that the potential retention of 72 Kiln Road within the employment area would, through the considerate design and layout of the employment area, not result in any unacceptable adverse impact upon the amenity of the occupants of that property.
- 8.28.22 The description of development also indicates that there will be certain premises in the Centres that may give rise to noise problems. Licensed premises such as the hotel or public house could give rise to noise complaints at unsociable hours to the detriment of the amenity of residents. As with the employment area, the detailed control of these premises would be assessed and addressed at the time of considering the detailed design.
- 8.28.23 Schools and nurseries will need to be suitably located and designed to achieve suitable internal and external noise levels to ensure a satisfactory learning environment is provided for the students and children. As well as care being given to achieving an appropriate learning environment the juxtaposition of outdoor play space relative to residential uses also needs careful consideration when designing educational establishments to ensure that any noise impacts on private residential amenity is avoided.
- 8.28.24 In cases where nurseries are in close proximity to nearby noise sensitive receptors there can be a requirement to limit the times a garden area can be used or to limit the number of children that can use the outdoor space at any one time. Given that Welborne is being planned comprehensively this juxtaposition should be avoided. Controls over nurseries and educational establishments can be addressed, if required, at the detailed Reserved Matter Approval stage.
- 8.28.25 On the basis of the above the proposal is considered to be acceptable without any demonstrably harmful implications for either existing Fareham residents or the residents of Welborne itself as a result of construction or operational noise. The proposal is, therefore, considered to accord with policy WEL6, WEL9 and WEL24 in so far as noise is regarded.

8.29 Air Quality

- 8.29.1 Representations received have made reference to air quality and the need for the development not to worsen the existing air quality in the Borough. In addition the air quality around Welborne has been highlighted with specific reference being made to the location of the proposed sports pitches in the south east corner adjacent to the motorway.
- 8.29.2 Policy WEL6 seeks to establish the General Design Principles for Welborne and requires applications to consider the issue of air quality and set out any necessary measures to mitigate the impact.
- 8.29.3 Welborne is located such that the air quality of the site is influenced by emissions from road traffic; in particular the traffic using the A32 and that using the M27. Air quality is specifically addressed by the applicant at chapter 13 of the Environmental Statement.
- 8.29.4 The impacts on air quality have been modelled across the proposed site and in existing air quality management areas (AQMAS) and across a number of major roads throughout the Borough. The Environmental Statement concludes that the development will not have an unacceptable impact upon air quality in either existing AQMAS, or across roads in the Borough including those locations in the north of Fareham in close proximity to the application site.
- 8.29.5 It is predicted that the majority of the development will not be impacted by significant negative air quality impacts. Modelling identified elevated Nitrogen Dioxide levels in the southern part of the land identified for the sports pitches. The sports provision has been moved northwards as a result and a new planting strip added along the motorway edge to provide an appropriate buffer. The pitches are in an area where the level of air quality is at an acceptable level.
- 8.29.6 Mitigation measures can be secured via conditions for each phase of development to deal with air quality management and dust suppression measures during construction through Construction Management conditions. Air quality can further be mitigated through the travel plan which will seek to reduce the reliance on the private car and the use of other sustainable modes of travel. The travel plan is secured through the legal agreement.
- 8.29.7 On the basis of the above the proposal is considered to be acceptable without any demonstrably harmful implications on air quality for either existing Fareham residents or the residents of Welborne itself and in accordance with policy WEL6.

8.30 Development Viability

- 8.30.1 Through the preceding report, Officers have set out in detail the extensive

infrastructure which will be needed to comply with the policies of The Welborne Plan to make the scheme acceptable in planning terms. The infrastructure burden for Welborne, particularly during the early stages of the development, is substantial and this will have an effect on the viability of the scheme.

- 8.30.2 To fully explain the infrastructure requirements and the implications for the viability of the scheme, the applicant has submitted an Infrastructure Delivery Plan, a Site Wide Viability Report 2017, a Site Wide Viability Report Addendum (March 2019) and a Supplemental Position Statement (August 2019). In the December 2020 these documents were added to with a further Viability Statement (dated 17th December 2020).
- 8.30.3 This Authority has instructed CBRE to review each of these submissions on its behalf, and to advise on the infrastructure delivery, costs and other implications for the delivery of the scheme. A copy of the 'Welborne Garden Village Planning Viability Review October 2019' by CBRE is attached at Appendix B, the CBRE addendum to this Report is provided at Appendix C and the Garden Village Planning Viability January 2021' undertaken by CBRE on behalf of the Planning Authority, is attached at Appendix D of this Planning Report.
- 8.30.4 The following section of the report considers:
- The submitted Infrastructure Delivery Plan;
 - M27 Junction 10 costs and funding
 - The implications of the Community Infrastructure Levy
 - Scheme viability

Each of these aspects are considered in turn.

8.30.5 Infrastructure Delivery Plan

Policy WEL41 (Phasing and Delivery) of The Welborne Plan states:

Initial planning applications for development at Welborne shall be accompanied by a detailed phasing plan and infrastructure delivery plan for the whole Welborne development. This phasing plan and infrastructure delivery plan will be guided by the Phasing Plan (set out within the Concept Masterplan Phasing Plan) and by the Infrastructure Delivery Plan that supports this plan. Once approved by the Council, the detailed phasing plan and infrastructure delivery plan will be kept under review over the life of the development, with changes being submitted to the Council for approval alongside relevant planning applications.

The phasing of development and associated infrastructure at Welborne shall be in accordance with the agreed detailed phasing plan and infrastructure delivery plan, unless it can be demonstrated that suitable appropriate infrastructure is available and the development can be

adequately serviced.

- 8.30.6 Buckland Development Limited's role is to act as Development Manager on behalf of the landowner for the delivery of Welborne. In this role BDL has submitted an Infrastructure Delivery Plan (IDP) as required by Policy WEL41. In essence this sets out what infrastructure is required to support the growth of the new community, including detailing when certain items of infrastructure are needed for delivery based on housing and employment trajectories. In summary, the IDP equates to circa £308 million worth of infrastructure to support the community at Welborne.
- 8.30.7 The infrastructure identified in the IDP, as set out throughout this report, will be secured by way of a Section 106 legal agreement. The Development Manager will be responsible for delivering much of the infrastructure and will create a number of serviced land parcels that will be sold on to various house builders. A broad overview of what infrastructure will be delivered when, was set out in the 'Phasing/ Sequencing' section of this report
- 8.30.8 To validate and critique Buckland Development Limited's IDP, the Council has instructed CBRE to work on its behalf and to review the submission regarding the scheme viability. The CBRE review of the scheme IDP has been undertaken alongside a review of the scheme viability.
- 8.30.9 The CBRE review of the IDP is broadly in alignment with the Buckland Development Limited IDP, with the costs attributed to the different items of infrastructure generally consistent. Accordingly, Officers consider that the proposal accords with Policy WEL41 in this regard.
- 8.30.10 M27 Junction 10 cost and funding

The costs proposed for the provision of M27 Junction 10 at the time of the October 2019 planning committee had increased since the examination of the Welborne Plan, the submission of the planning application and as the detailed designs were progressed by Hampshire County Council.

- 8.30.11 Within the applicant's submitted Site Wide Viability Report Supplemental Position Statement, the junction costs were previously estimated at October 2019 as being between £80 – 90 million
- 8.30.12 Whilst the all-moves Junction 10 is required to make the development at Welborne acceptable, its provision will also deliver transport benefits for a much wider area. At the time of the October 2019 Planning Committee, Buckland had committed to meeting £20M of the cost of the Junction 10 works, with a further £29.05m of funding provided between the Department for Transport and the Solent Local Enterprise Partnership (Solent LEP). In October 2019 there still remained a funding gap of between £30 and £40m for Junction 10 which needed to be addressed.

- 8.30.13 Since the Planning Committee in October 2019, the Solent LEP has re-deployed £23.5M of the £29.05M funding to other projects that were able to spend this funding in the period to March 2021. The remaining £5.55M of funding has been provided by Solent LEP to HCC to fund the design stages of the Junction 10 project.
- 8.30.14 The funding of the Junction 10 works has been the subject of extensive discussion over a long period of time between this Council, Buckland Development Ltd (BDL) and various external bodies, Government Ministers and departments. As detailed work on the design of Junction 10 has continued to progress, HCC now estimates the costs for the Junction 10 works to be approximately £75M.
- 8.30.15 The progression of a different design has reduced the scheme delivery cost to in the region of £75M. Of this, £50-55M is directly associated with the main works, with other costs related to traffic management, utility diversions, amendments to Smart Motorway designs, risks and optimism bias
- 8.30.16 The applicant has previously capped their contribution towards the costs of delivering Junction 10 at £20m in recognition of the far wider benefits its delivery will provide. In an effort to unlock the current uncertainty around the Junction 10 funding, Buckland has offered to increase their contribution from £20M to £40m.
- 8.30.17 The dialogue with the other stakeholders identified above, specifically Homes England, has identified a further source of funding of £30M from their Housing Infrastructure Fund (HIF). This is subject to a formal offer from Homes England, which will in turn be dependent on the grant of the planning permission. The £30m HIF funding is also time limited and would require a planning permission to be in place and the HIF contract to be entered into before the end of March 2021.
- 8.30.18 HIF funding is a loan into the scheme and not a grant, and that subject to scheme viability set out later in this report, the HIF funding will have to be repaid by the developer. Any repayment of the HIF Funding will come to Fareham Borough Council and would be available for reinvestment by this Council.
- 8.30.19 The increased contribution of £40M from the applicant, a £30M recoverable grant from the Housing Infrastructure Fund along with the £5.55M contribution from the Solent LEP offers a potential solution to the funding of Junction 10 as set out below:

	£M
Current Cost Estimate	75
Solent LEP contribution (paid)	5.55
Increased Developer Contribution (Capped)	40

Potential HIF funding	30
Total	75
Funding gap	zero

- 8.30.20 Both Highways England and Hampshire County Council advise that the Junction 10 improvement works need to be completed and open for use prior to the occupation of 1,160 dwellings at Welborne (or before a specified amount of employment/ retail floorspace is provided). A planning condition is proposed to prevent in excess of this quantum of development being occupied until Junction 10 is available.
- 8.30.21 As described previously this Council has sought to secure comprehensive development at Welborne (as required by the Welborne Plan) and to that end a condition was previously included in the recommendation to require the details of the sources of all the Junction 10 funding to be submitted prior to any other work taking place at Welborne other than the Junction 10 works and those directly associated with it.
- 8.30.22 Should Members resolve to grant planning permission for this development, there remains a possibility that the Section 106 legal agreement will be completed and signed, and a planning permission issued before any HIF funding agreement is entered into. In light of this it remains appropriate to recommend to Members that a condition requiring details of the sources of funding for Junction 10 continues to be imposed. Should acceptable terms for the £30M of HIF funding be agreed and an agreement completed, then confirmation of this coupled with the £40M contribution secured through the Section 106 legal agreement would enable the applicant to seek the formal discharge of the planning condition.
- 8.30.23 As is set out in the table above, the applicant has capped their revised offer of a contribution at £40m. Officers consider that a contribution of £40 million is fairly and reasonably related in scale and kind to the development (notably having regard to the significant wider public benefit that Junction 10 brings to the Solent region) and accords with regulation 122 of the CIL Regulations (the requirement for planning obligations).
- 8.30.24 In the report to the Planning Committee in October 2019 Officers highlighted that if the funding gap for the Junction 10 works could not be addressed by external funding sources, it may be necessary for the applicant to contribute more towards the cost of the works. It was also recognised at that time, that the implications of any increase in the level of contribution from the developer towards Junction 10 was likely to affect the levels of affordable housing. This matter is considered further below.
- 8.30.25 Community Infrastructure Levy:

The applicant's submitted viability statement is based on the assumption that the development should not have to pay the Community Infrastructure Levy (CIL).

- 8.30.26 The CIL liability was calculated at the time of the October 2019 Planning Committee as being approximately £74million (on the assumption of 10% affordable housing being provided). This figure is not payable in one go but instead would be apportioned across each and every reserved matter approval and will become payable during the course of construction of the development i.e. over 20+ years.
- 8.30.27 Officers, advised by their consultants CBRE, have considered the reasonableness of the assumption that CIL should not be payable and have then gone on to consider the implications of the scheme viability if the development remains CIL liable during the course of construction.
- 8.30.28 Paragraphs 10.49 to 10.51 of The Welborne Plan addresses CIL. It notes a review of the CIL charging schedule to clarify what infrastructure would be secured through planning obligations and or CIL to avoid 'double dipping' and notes that *"all or almost all developer contributions from Welborne will be secured through section 106 planning obligations and therefore, it is likely that a differential CIL rate (or rates) will be justified and will need to be applied to the Welborne policy area which reflects the overall burden of planning obligations. Given the latest available evidence, a differential rate of zero could be justifiable."*
- 8.30.29 The Council has placed the review of its CIL charging schedule on hold pending the recent discussions on the scheme viability and as such the Welborne development currently remains fully liable for CIL. The Council has drafted its Regulation 123 list to ensure that all necessary infrastructure for Welborne can be secured by way of planning obligation. Accordingly, and as set out in other parts of the report, all necessary infrastructure to make the scheme acceptable will be secured through a legal agreement. On this basis, the Council does not need to use CIL to make the scheme acceptable in planning terms.
- 8.30.30 Within the 'Welborne Garden Village Viability Review October 2019' appended (Appendix B) to this report, that CBRE undertook, prior to the Planning Committee meeting in October 2019, a viability analysis of the whole scheme. Within the viability analysis, CBRE modelled a number of scenarios based on present day costs and values. These scenarios include:
- Meeting all The Welborne Plan policies in full, full contributions to delivering Junction 10 and the payment of CIL throughout the life of the development;
 - Meeting all The Welborne Plan policies in full, full contributions to delivering Junction 10 but no payment of CIL;
 - Meeting all The Welborne Plan policies in full, capped contributions to delivering Junction 10 of £20M and the payment

of CIL throughout the life of the development;

- Meeting all The Welborne Plan policies in full, full contributions to delivering Junction 10 and no payment of CIL throughout the life of the development.

8.30.31 The viability analysis undertaken by CBRE for all four of these scenarios demonstrated that on the basis of present day costs and values the scheme cannot viably deliver all infrastructure and policy requirements.

8.30.32 It is not within the remit of the Planning Committee to set future CIL rates or to 'predetermine' what the review of the CIL charging schedule might conclude. Given that The Welborne Plan policies ensure that the infrastructure necessary to support the development is to be secured through a legal agreement, and the implications that CIL has on the viability of the scheme, there is a prospect that a review of the charging schedule may conclude that CIL at Welborne should be zero rated. As part of sensitivity testing of variables, an assumption of zero CIL is considered a reasonable approach as part of the viability assessment.

8.30.33 Officers consider that should any CIL be payable, this could be put to the cost of delivering Junction 10 or other infrastructure with the developer's contribution reduced by the corresponding amount. For clarity, Officers can confirm that the spending of CIL is an Executive function rather than a function of the Planning Committee.

8.30.34 Until the CIL Review is restarted, examined and adopted it remains the case that development in Welborne is CIL liable and the viability of the development has had to bear this liability in mind.

8.30.35 Viability:

Paragraph 57 of the NPPF states "where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available."

8.30.36 The high upfront infrastructure burden for the first 1,000 units (Circa £105m borne by the applicant, representing 34% of the IDP budget for 16% of the houses) is considered exceptional circumstances. Officers are satisfied that such circumstances justify the need for a viability assessment. Therefore, Officers agree that full weight can be given to the assessment, subject to verification by the Council's advisors, CBRE.

- 8.30.37 The applicant has, through the consideration of the application, submitted four documents in relation to viability: a Site Wide Viability Report dated February 2017, a Site Wide Viability report Addendum dated March 2019, a Supplemental Position Statement dated August 2019 and most recently a Viability Statement dated 17th December 2020. It is principally the latter two which have formed the basis for assessment and negotiation.
- 8.30.38 It is accepted in national government guidance that when considering development viability a developer's profit margin of between 15 and 20 per cent of Gross Development Value is appropriate.
- 8.30.39 In October 2019, BDL set out that the financial viability of the scheme had the following implications:
- The Scheme could not support the payment of CIL without further affecting the viability of the scheme
 - The BDL contribution towards Junction 10 would be capped at £20M
 - Affordable housing for the first 1,000 homes should be 10%
 - The affordable mix for the first 1,000 homes is split 50/50 between affordable/ social rent and intermediate tenures
 - The scheme is unable to provide Lifetime Homes or Passivhaus for the first 1,000 homes
 - A viability review mechanism is utilised going forward starting from 1,000 homes
- 8.30.40 In resolving to grant planning permission in October 2019, Members accepted the position set out in the bullet points above and resolved to grant planning permission on that basis. In addition to this, Buckland further confirmed that they would still be willing to proceed with the scheme even though the developer's return for the first 1,000 homes at Welborne would have been 14.4% Profit on Cost, below normal minimum developer returns. This reflected the long-term view BDL have taken in respect of the Welborne development.
- 8.30.41 A Viability Review was proposed to take place at 1,000 homes and occur thereafter at a frequency of 750 units with additional affordable housing and other policy aspirations being secured once the BDL return had reached normal market levels.
- 8.30.42 With the applicant increasing their contribution towards the Junction 10 works by £20M, there is inevitably going to be some impact upon other aspects of the scheme. The applicant is acutely aware that this authority is keen to ensure that all necessary infrastructure is provided to serve for the needs of Welborne. The applicant is further aware that this Authority is keen to see as much affordable housing as possible delivered at Welborne.
- 8.30.43 The applicant has highlighted that, with their increased contribution

towards the cost of delivering Junction 10 of £40m, and with a normal developer rate of return (20% of Gross Development Value), the scheme would demonstrably not be able to provide any affordable housing and still be judged as financially viable. Even with the profit of 14.4% profit on cost modelled as in the previous application (which itself was below market norms) affordable housing delivery would drop to approximately 3%. Neither this Council nor Buckland would wish to see affordable housing reduced to either of these levels.

8.30.44 Having regard for the above, the applicant has requested that this Council now formally consider the following revised viability proposal (which is set out in their viability report submitted in December 2020):

- The Scheme could not support the payment of CIL without further affecting the viability of the scheme
- The BDL contribution towards Junction 10 is capped at £40M
- Affordable housing should be 10% minimum
- The affordable mix is split 50/50 between affordable/ social rent and intermediate tenures
- The scheme is unable to provide Lifetime Homes or Passivhaus
- A viability review mechanism is utilised going forward starting from 3,000 homes, then at 3,750, 4,500, 5,250 and 5,750 homes.

8.30.45 As well as proposing that the first viability review takes place after 3,000 homes, the applicant is also proposing the following changes to the viability review mechanism. This is in recognition of the considerable financial risk being borne by the developer in undertaking to provide 10% affordable housing on a development which will provide developer returns considerably below market norms over a long period:

In respect of the HIF Funding, this would not start to be repaid until the developer's return :

- a) exceeds a minimum of 20% on cost; and
- b) 80% of any surplus above 20% on cost will be used to repay the HIF funding. The applicant has requested that the HIF Funding repaid should be reinvested in on site affordable housing by FBC.
- c) 20% of any surplus would be retained by the Development Manager.

Once the HIF funding is fully repaid:

- a) When a minimum developer return of 20% on Gross Development Value (GDV) has been achieved;
- b) 50% of any surplus above 20% on GDV will be used to further boost the delivery of affordable housing up to a total of 30% including all other affordable.
- c) 50% of any surplus would be retained by the Development Manager.

8.30.46 Within the applicant's viability statement dated the 17th December, 2020, the applicant advises that they have also had discussions with a local Registered Provider who should be able to make an early commitment to deliver an extra 10% affordable housing units (100 units) during the first 1,000 units, with an expectation that this level of support could continue

over the life of the development. Whilst this is a welcome and positive development, it is not a matter that Members are able to secure through the grant of this planning permission.

- 8.30.47 In respect of the re-investment of any repaid HIF funding, Officers would concur that the ideal would be for this money to be re-invested in affordable housing at Welborne if it were needed to achieve the 30% policy objective. How any repaid HIF money is reinvested in the Borough is however ultimately an Executive function rather than a decision for this Committee and is not a matter which can be secured through the Section 106 legal agreement. The Section 106 legal agreement will provide the ability for the Council to put any HIF money that is recovered towards the delivery of affordable housing in Welborne should it decide to do so.
- 8.30.48 Lastly the applicant's request that any affordable housing provided at Welborne 'out with' that which the scheme can viably deliver and secured in the Section 106 legal agreement counts towards the 30% policy objective is acknowledged. Officers believe that in principle such an approach could be acceptable so long as the form and tenure of the affordable housing being delivered in this way, is of a type that this Authority is satisfied is necessary to meet the Borough's affordable housing needs.
- 8.30.49 The applicant's latest proposal, as was the case previously, seeks to continue to provide a minimum of 10% affordable housing across the whole scheme. The applicant has modelled that with their £40m contribution towards Junction 10 and the delivery of 10% affordable housing the developer's return would be only 1.5% profit on cost based on present day costs and values.
- 8.30.50 The applicant states that their target remains to provide as close to 30% affordable housing as possible across the lifetime of the scheme. The viability implications of the increased Junction 10 contribution means that the applicant cannot commit to the delivery of Passivhaus and Lifetime Homes.
- 8.30.51 CBRE on behalf of Fareham Borough Council, have been engaging with BDL during the consideration of this application to fully understand the viability position and to find common ground around the assumptions that are influencing the proposed quantum of affordable housing and the overall conclusions in the applicant's viability statement.
- 8.30.52 The applicant's viability modelling and proposals are based on present day costs and values. CBRE concurs with this approach and concludes that it is prudent to analyse the viability base case using today's costs and values.
- 8.30.53 CBRE has undertaken extensive reviews of the financial appraisals prepared by BDL including detailed reviews of the supporting cost and value information. Following these reviews, CBRE have previously

advised this Council that it agrees with BDL's costs and values information.

- 8.30.54 BDL have not made changes to its costs and values assumptions at this time, except to include an additional £20M contribution towards Junction 10. Following a review of BDL's latest submissions, CBRE concurs with its assumptions that the scheme delivers a profit of 1.5% on costs and GDV. This is based on 10% affordable housing, split 50/50 between affordable rent and intermediate tenures and with no Passivhaus or Lifetime Homes. In CBRE's view this represents a level of profit well below which developers would generally consider bringing development schemes forward.
- 8.30.55 One of the conditions of HIF Funding is that it must be repaid once the development achieves a profit level of 20% profit on cost. A mechanism will need to be provided within the Section 106 legal agreement to ensure that the HIF Funding is recovered once the specified level of profit is achieved. This condition means that the £30m HIF Funding will need be repaid to the Council in full before any additional developer funding can be secured towards providing additional affordable housing.
- 8.30.56 BDL proposes that it must achieve a profit of 20% of Gross Development Value (GDV) before it must make additional payments towards affordable housing. The profit level proposed by BDL sits at the top end of range identified within Government guidance.
- 8.30.57 When determining the level of profit that should be applied it is necessary to consider the risks associated with the scheme, with higher risk schemes having higher returns and vice versa. The viability modelling shows that Welborne Garden Village generates a developer's profit of 1.5% on today's costs and values. In CBRE's view most developers would not bring a scheme forward where it generated such a low level of return. BDL is taking a long-term view of the project and reckoning that values will increase over time enabling it to achieve a return in line with market norms. In consideration of the risk being undertaken by BDL a profit of 20% on GDV is considered reasonable by the Council's advisors, CBRE.
- 8.30.58 As in the previous report to the Planning Committee in October 2019, sensitivity analysis has been undertaken by CBRE on behalf of this Council, to assess the viability prospects with modest projected growth. The applicant assumes that construction costs could increase at a rate of 2% pa and values at a rate of 3% pa throughout the life of the scheme. They conclude that if these growth rates are achieved then additional affordable housing could be provided.
- 8.30.59 CBRE has benchmarked these cost and growth assumptions against available market data and have concluded that there is a reasonable prospect of this growth scenario being realised so that the scheme is not

only capable of delivering 10% affordable housing but also a developer profit in excess of 20% GDV.

- 8.30.60 CBRE has further highlighted the likelihood of a 'Placemaking Premium' being achieved at Welborne. Research undertaken by CBRE and the RICS found that placemaking does add commercial value. Ambitious design committed to innovative architecture, high grade materials and high quality finish all help to drive the premium. CBRE consider that there is a reasonable prospect of the scheme achieving a value uplift in excess of 20%.
- 8.30.61 The testing undertaken by CBRE shows that with the projected growth scenarios and a 20% placemaking premium, that in excess of the minimum 10% affordable housing should reasonably be expected to be achieved. Additional affordable housing may be funded from the reinvestment of any HIF Funding and from additional monies paid by the developer following repayment of HIF Funding. This is in addition to other affordable housing provided at Welborne 'out with' that secured by Section 106 legal agreement.
- 8.30.62 The Council was previously advised by CBRE that in order to benefit from appropriate investment in place making that the first review mechanism into the quantum of affordable housing and the tenure mix should occur at 1,000 units. At this level it was hoped that there would be sufficient development and amenities provided whereby the creation of the community and the sense of place will be apparent and at this stage a review for future phases would be appropriate.
- 8.30.63 Given the proposed increased Junction 10 contribution by the applicant and the high infrastructure burden early in the development relative to the delivery of homes, the applicant proposes that the first viability review takes place at 3,000 units.
- 8.30.64 CBRE has reviewed the cashflow of the scheme and this shows that the scheme is unlikely to be able to afford to provide additional affordable housing prior to 3,000 units, even in the scenario of 3% value and 2% cost growth and a 20% placemaking premium. Under this scenario it is unlikely that a profit on cost of 20% will be reached until beyond 3,000 homes (current estimate around 3,750 homes), at which point the repayment of the HIF Funding will begin. CBRE concludes, on viability grounds, that it is not unreasonable for the first viability review to be undertaken at 3,000 homes.
- 8.30.65 The viability position will be reviewed thereafter every 750 units throughout the development at 3,750, 4,500, 5,250 and 5,750 units. Throughout the development the developer is committing to provide a baseline of 10% affordable homes.
- 8.30.66 Any increase in the provision of affordable housing above the initial 10% would come after the repayment of the HIF Funding. The viability growth

scenarios indicate that both are likely but may not occur until late in the development process.

8.30.67 In terms of the applicant's proposal that "50% of any surplus above 20% profit on GDV will be used to further boost the delivery of affordable housing up to a total of 30% including all other affordable", CBRE has advised that there is no formal planning viability guidance in relation to such 'profit share' arrangements. As such CBRE are only able to review the proposal to provide a 50/50 profit share on a commercial basis. In their view a 50/50 profit share above 20% profit on GDV is considered to be an equitable position, particularly as developers need to be incentivised to generate surplus profit. If 100% of any profit above 20% was claimed by the Council, there would be no reason for BDL, or indeed any developer, to strive to achieve any additional value. CBRE considers a 50/50 share of surplus profits to be reasonable and equitable to both the Development Manager and the Council.

8.30.68 In summary, CBRE concur with the applicant's conclusions that: -:

- The scheme should not be liable to pay the Community Infrastructure Levy (CIL)
- The BDL contribution towards M27 Junction 10 costs is capped at £40m
- Affordable housing should be 10% minimum
- The affordable mix for the first 3,000 units is split 50/50 between affordable/social rent and intermediate tenures and this should be re-assessed during future viability reviews
- The scheme is unable to provide Lifetime Homes or Passivhaus for the first 3,000 units but this should be re-assessed during future viability reviews
- A viability review mechanism is utilised going forward, starting from 3,000 homes

8.30.69 Summary:

8.30.70 Percentage of affordable housing and tenure split:

Delivering affordable housing is a corporate objective of the Council and Welborne offers an ideal opportunity to meet that objective. However, with large scale strategic sites often comes a heavy infrastructure burden; the implications of which, through the development viability, can have knock on effects for affordable housing. Even with the increase in the Junction 10 contribution made by the applicant, the proposal continues to offer a minimum of 10% affordable housing.

8.30.71 A balance needs to be struck when considering the level of affordable housing and the wider delivery of a major new garden community with a substantial 'front loaded' infrastructure burden.

Policy WEL18 (Affordable Housing) states:

“Development at Welborne shall provide a total of 30% affordable housing.

Each residential phase of development shall be required to meet the target of 30% affordable housing provision unless a robust and transparent viability appraisal proving this not to be possible is accepted by the Council.

In exceptional circumstances where viability considerations require, the minimum affordable housing numbers on any phase will be 10% (subject to viability and the implications for other infrastructure) and the maximum required will not normally exceed 40%.

Where it is agreed that a residential phase will not meet the 30% target of affordable housing, the subsequent phase or phases will be required to meet that shortfall in addition to the 30% target if possible in viability terms.

The initial tenure split will be 70% affordable or social rent and 30% intermediate tenures. The tenure split will be kept under review phase by phase based on evidence of need and viability.

- 8.30.72 Given the exceptional viability circumstances as anticipated in Policy WEL18, and the advice of CBRE, Officers consider that a 10% level of affordable housing for the first 3,000 dwellings, is in accordance with policy WEL18.
- 8.30.73 The Section 106 legal agreement will secure a minimum baseline of 10% affordable housing across the development and be subject to viability reviews. Through these viability reviews it is anticipated that affordable housing provision can reasonably be expected to increase above 10%. From the modelling work undertaken by CBRE it is envisaged any material increase in affordable housing provision will occur from the midpoint of the development onwards.
- 8.30.74 Again, having careful regard for the viability of the scheme and the advice of the Council’s advisors, CBRE, the proposed tenure mix with a 50:50 split between affordable/social rent and intermediate housing in the first 3,000 dwellings is also considered to accord with Policy WEL18. CBRE’s view is that a tenure split with a higher emphasis towards rented property would further impact upon scheme viability and in turn the level of affordable housing which can be provided. The tenure split of affordable housing can be considered as part of the viability reviews.
- 8.30.75 Potentially only having 10% affordable homes at the half way stage of the development however means that achieving 30% affordable housing across the lifetime of the development is likely to be extremely challenging.
- 8.30.76 It is considered that on the basis that the legal agreement will secure a

minimum of 10% affordable housing split 50:50 between affordable/social rent and intermediate housing in the first 3,000 homes and include review provisions with the objective of securing an overall provision as close to the policy target of 30% affordable homes as possible, that the applicant's proposal, on the grounds of viability, is acceptable.

8.30.77 Passivhaus and Lifetime homes

The viability work undertaken and agreed by CBRE indicates that there is a premium added to the build costs for both homes built to a Passivhaus standard and for Lifetime Homes. This premium is such that to deliver these house types at Welborne would demonstrably affect the viability model and in turn the level of affordable housing which could be provided.

8.30.78 The applicant has indicated an intention to provide a level of each product in the latter phases of the development if possible but given the early infrastructure costs, and the increased Junction 10 contribution, the applicant cannot commit to providing for these two house types in the development. It is noted that the two relevant policies for these types of housing (WEL17& WEL36) both expect the delivery of Lifetime Homes and Passivhaus unless it is not viable to provide them.

8.30.79 Whilst Officers accept that neither form of housing can be required within the first 3,000 housing units, Officers believe that it would be appropriate to consider this aspect again at the first (and subsequent) viability reviews. Such an approach would be consistent with Policies WEL17 and WEL36

8.30.80 Officer's conclusions

With the applicant's Junction 10 contribution increased to £40M, no CIL contribution, no Passivhaus and Lifetime Homes coupled with the provision of affordable housing, as described above, the profit on cost for the development is 1.5%. This level of developer's return is far below the accepted market norm of 15-20% GDV. In this case, the applicant is willing to take this risk in order to ensure delivery of Welborne, on the basis that their proposed amendments to the viability review mechanism are accepted. This approach, whilst unusual, is considered appropriate for a Development Manager led scheme such as Welborne which has significant infrastructure costs. Through the planning viability review mechanism, this council has a choice about what should be provided if the scheme begins to make higher profits. These choices are to increase the number of affordable housing units, vary the affordable tenure or deliver Passivhaus homes or lifetime homes, or a combination of any of these. Officers consider that the proposal accords with the policies and guidance set out in the National Planning Policy Framework and the National Planning Practice Guidance and the relevant policies of the Welborne Plan.

8.31 Housing

8.31.1 Market Housing

Policy WEL17 seeks to secure a mix of good quality market housing at Welborne suitable for a wide range of different households including younger and older families, single people, retired people and those with reduced mobility.

8.31.2 Given that Welborne is phased for delivery over more than twenty years it is important to ensure that the mix of housing being delivered is flexible to meet the needs of the local market throughout the delivery period. As such policy WEL17 does not prescribe a certain housing mix or specify the number of each unit. The mix of market homes to be provided within each main residential neighbourhood will be required to reflect the demand at that time as each phase comes forward.

8.31.3 Policy WEL17 also seeks to secure at least 15% of the market dwellings as Lifetime Homes. This matter is discussed further below.

8.31.4 Given the outline nature of this application the provision of a mix of market homes will be secured through the submission and determination of the reserved matter applications. On this basis the proposal is considered to be acceptable and compliant with policy WEL17.

8.31.5 Affordable Housing

Policy WEL2 requires the development to create an inclusive community with each phase of the development providing for a range of housing types, sizes and tenures including affordable housing to meet the needs of the community. The overall aim of the policy is to deliver 30% affordable housing, subject to development viability and funding being available.

8.31.6 Affordable housing is specifically dealt with by policy WEL18. The headline of the policy is that Welborne shall provide 30% affordable housing.

8.31.7 Policy WEL18 continues that in exceptional circumstances, where viability allows a reduction in affordable housing to 10% could be acceptable. Where it is agreed that a phase would not reach 30% WEL18 requires that the subsequent phases(s) will be required to meet the shortfall in addition to their own 30% but only again, if viability allows.

8.31.8 Fareham Housing has indicated that it is not supportive of the current position proposed by BDL in the December 2020. A reduction to 10% minimum affordable housing delivery across the entire development is not a solution that Fareham Housing can support.

8.31.9 Whilst the position of Fareham Housing is noted, the discussion and

officers' conclusions in respect of the proposed quantum is set out in the Viability section of the report which immediately precedes this section of the report.

- 8.31.10 In summary it is regrettable that the proposal provides for only 10% affordable housing and reaching the policy aspiration of 30% is likely to be highly challenging. However, policy WEL18 provides for occasions such as this whereby scheme viability necessitates that a lesser proportion of affordable housing has to be delivered. The development economics indicate that the profit return to the developer would only be 1.5% when 10% affordable housing is provided. This 1.5% profit is well below the market norm such that most developers would not be willing to proceed on this basis. The commitment by BDL to provide 10% as a minimum across the scheme is considered by Officers to accord with policy WEL18 and the level of affordable housing is considered within the planning balance at the end of this report.
- 8.31.11 Policy WEL18 also requires the initial tenure split to be 70% affordable or social rent and 30% intermediate tenures such as shared ownership properties. It states "*The initial tenure split will be 70% affordable or social rent and 30% intermediate tenures. The tenure split will be kept under review phase by phase based on evidence of need and viability.*" Discussion and officers' conclusions in respect of the tenure split for the first 3,000 dwellings is also set out in the Viability section of the report.
- 8.31.12 Fareham Housing has no objection to the earlier phases of the development having a revised tenure split as they recognise that it will facilitate the delivery of 10% affordable housing in line with policy requirements
- 8.31.13 Fareham Housing also recognise that the earliest phases of Welborne (when the supporting services and infrastructure are still coming to fruition) may not be as suitable for some of the households waiting for affordable/social rent properties due to the location being detached from certain social support networks and family relationships. As such, Officers consider the proposed tenure mix to be acceptable for the first 3,000 houses.
- 8.31.14 It remains the long-term intention of the Council to achieve a 70:30 tenure split as per the requirements of policy WEL18 in future phases of Welborne. The legal agreement will ensure that, subject to viability, the tenure split for the remaining affordable housing dwellings is kept under review and will respond to the council's need for the types of affordable housing in the borough. In this regard, with the legal agreement, the tenure split is considered acceptable and to accord with this part of policy WEL18.
- 8.31.15 Policy WEL18 goes on to state "*a range of affordable housing types, sizes and tenures shall be delivered within each residential phase. The precise number and mix of affordable homes within each phase shall be agreed*

with the Council, having regard to the nature of the phase to be developed, the identified need for affordable homes and its viability at the time the phase comes forward.”

- 8.31.16 The delivery of Welborne over a number of years will require an ongoing dialogue between the applicant, the Planning Authority and with Fareham Housing. In terms of the mix of sizes of the Social/Affordable Rent properties the requirements could change over the lifetime of Welborne, therefore the legal agreement will allow for the mix to be reviewed at the reserved matter stages so that it remains reflective of local need at the time.
- 8.31.17 In terms of the mix of sizes for the intermediate products (such as Shared Ownership) Fareham Housing advise that there can be more flexibility than for the Affordable Rent as market influence and buyer choice can impact on the need.
- 8.31.18 In terms of property mix for intermediate products (such as shared ownership) the approximate mix will include: 20-25% of 1 bed homes, 40-50% of 2 bed homes, 20-25% of 3 bed homes and 5-10% of 4 bed (or larger) homes. This is based on an analysis of Help to Buy South information by Fareham Housing. Fareham Housing advise that there can be more flexibility on the mix of this provision than the Social/Affordable Rent as there is market influence and buyer choice which can impact on the need.
- 8.31.19 The applicant has agreed to the provision of Affordable Rent and Intermediate Housing for the first 3,000 houses at the mix recommended by Fareham Housing. The delivery of the affordable homes will be kept under review to ensure that the local need is met throughout the construction period.
- 8.31.20 On the basis that the scheme viability will be reviewed to ensure that the affordable housing provision is policy compliant the proposal is considered to be acceptable and in accordance with the requirements of policy WEL18.
- 8.31.21 Wheelchair accessible homes

Policy WEL20 specifically seeks to ensure that within each residential phase of development at Welborne that adequate provision is made for homes that are suitable for occupation by wheelchair users. The precise proportion of homes built to this standard will be reflective of the need at that time. The Welborne Plan anticipates the level of wheelchair adapted homes to be around 2%. As such the finer detail regarding size, form and location of the wheelchair accessible housing will be considered as the reserved matter applications come forward and through negotiation with the officers at Fareham Housing and other relevant stakeholders. The provision of wheelchair accessible homes will be secured via planning condition.

8.31.22 Lifetime Homes & Passivhaus

Lifetime Home standards are different to a wheelchair accessible home. A wheelchair accessible home is a home built specifically to accommodate a wheelchair user at the time of occupation. A lifetime home is a dwelling constructed whereby the building goes beyond the current building regulation requirements by ensuring that the available space within the new home can readily accommodate, or be easily adapted, to meet the future needs of the occupants, including those with reduced mobility.

8.31.23 Policies WEL17 (Market Housing) and WEL18 (Affordable Housing) both seek to secure approximately 15% of homes within each phase of residential development to be constructed as lifetime homes (or equivalent government standard.) The precise proportions and location of the lifetime homes standard properties shall reflect the demographics of the population and the identified need at the time the dwellings come forward. Furthermore, the policies both seek to ensure that the provision of this quantum and type of dwelling does not render the phase economically unviable.

8.31.24 Policy WEL17 states that the provision of Lifetime Homes is subject to the need to ensure that the phase remains economically viable. As set out above in the viability section of this report, this type of building adds a premium to the build costs such that zero Lifetime homes are proposed for the development by the applicant due to the development economics as set out in the Viability Section of this report.

8.31.25 Policy WEL36 of the Welborne Plan requires applications to be supported with an energy statement which looks to optimise the energy efficiency of buildings through the layout, orientation and use of low or zero carbon technologies and building methods. The policy also requires applicants to demonstrate how high energy efficiency standards will be achieved including meeting the Passivhaus standard. Policy WEL36 also requires the development of Welborne to incorporate 10% of dwellings to be built to a Passivhaus Standard unless it can be demonstrated to be unviable and what the maximum proportion of dwellings built to this standard will be.

8.31.26 The application is supported by a broad and strategic Site Wide Energy Statement which sets out the broad aspirations for the delivery of sustainable homes at Welborne. Given the outline nature of the application each reserved matter application will require the submission of a more detailed and application specific energy statement to articulate how the detailed buildings will deliver a sustainable and energy efficient development. This is addressed by a planning condition as part of the recommendation.

8.31.27 Passivhaus is an energy, comfort and quality standard that goes beyond

the current Building Regulations. To date almost 1,000 Passivhaus homes have been completed in the UK, mostly as affordable housing but with some Passivhaus housing for sale. A true Passivhaus must be certified by a Passivhaus Certifier and verified by the Passivhaus Institute in Germany, who own and developed the standard.

8.31.28 Due to viability considerations, no Passivhaus homes are proposed during the development by the applicant.

8.31.29 However, the viability review mechanism process is designed to enable the Borough Council to exercise its preference of how additional housing should be delivered. The Viability Review Mechanism will have the flexibility to deliver more affordable housing, change the tenure mix or to provide other house types such as passivhaus or lifetime homes. On this basis the provision of zero passivhaus homes and lifetime homes for the first 3,000 homes is considered acceptable by Officers, but the viability review mechanism will keep the potential for future delivery of these types of building under review.

8.31.30 Custom Build Housing

Welborne will provide an opportunity for people to build their own homes. The Welborne Plan sets out that whilst the custom build market is a small part of the housing provision at Welborne it is an important part and that the Council is keen to encourage this type of development in order to encourage a balanced housing market.

8.31.31 A proportion of homes are to be delivered in the form of dwelling plots for sale to individuals or groups of individuals who wish to build their own homes. Overall, policy WEL21 expects that no less than 1% of all homes at Welborne should be delivered as custom-build plots.

8.31.32 Given that the application is made in outline only, the finer detail of where the custom build housing will be located and distributed through the site will be a matter for consideration as the reserved matter applications come forward. The application indicates that the policy of 1% can be met. On the basis that the policy requirement for no less than 1% of the dwellings built are to be custom build homes is achieved then the policy is considered to have been complied with. The required provision of custom build homes is secured through planning condition.

8.31.33 Specialist Accommodation for the Elderly

Policy WEL19 specifically addresses the need for Welborne to provide specialist accommodation for older people. The Policy sets out that permission will be granted for this type of accommodation where it is located within the district or local centre; is fully integrated with the rest of Welborne and the green infrastructure network; allows easy access to public transport and provides sufficient parking for residents and staff. The policy also requires the provision to meet the needs of those older

people in the Borough who cannot afford private market specialist accommodation. Policy WEL19 aims to achieve the completion of at least one extra care or similar scheme by the end of the third phase.

- 8.31.34 The application includes provision for a care home and the submission acknowledges the need for the facility to be located at one of the centres at Welborne. The final location will be determined in the future reserved matter applications. The applicant's IDP indicates that the specialist older persons accommodation could be provided over three sites. Each facility is initially envisaged as 100 residential units and will form a component part of the site wide housing proposals delivered in line with housing build out during each sequence.
- 8.31.35 Hampshire County Council has indicated its broad support for the applicant's proposal and requests that an extra care scheme is provided of 100 units. HCC indicates that, consistent with the policy, that this would constitute part of the overall affordable housing percentage across the site where the relevant units are offered as affordable homes. The County Council has indicated that any extra care scheme should comprise a mix of one and two-bedroom self-contained flats at a scale that would command a mix of tenures of typically 70% affordable rent and 30% shared ownership.
- 8.31.36 It is accepted that if a proportion of the extra care units are secured for affordable homes then this would contribute towards the affordable housing provision at Welborne as required by policy WEL18. However in light of the reduced quantum of affordable housing now proposed by the current revisions to the application and the minimum size for an extra care facility being no less than 60 units, this type of facility would absorb a significant proportion of the affordable homes now being provided.
- 8.31.37 As such and following further discussions between Officers, HCC and BDL, the legal agreement will seek to review at each viability review stage the need, viability and desirability for delivering an extra care facility. If such an opportunity arises as the development progresses then the Council, in consultation with HCC, will seek to secure such a facility. However, should the opportunity not arise then the Council would see the delivery of affordable homes in the manner set out above in the Affordable Homes section of this report. This would include an element of elderly accommodation, rather than explicitly as extra care. This approach would still allow for the opportunity to provide extra care and as such the proposal would continue to meet the requirements of Policy WEL19.
- 8.31.38 However, in the balancing of the viability issues and the need to deliver as much affordable housing as is now possible, the concentration of that affordable housing into an extra care scheme means that the applicant cannot commit at this point to an extra care scheme and the Borough Council would prefer to see affordable housing more distributed through the site in the mix identified earlier in the report. Fareham Housing has

reviewed this approach and is content that the affordable housing provision can provide for some units for the elderly with the review mechanism potentially allowing for future opportunities for extra care as and when viability allows.

- 8.31.39 Should an extra care facility be provided in the future the suggested locations of the proposed development at the defined centres is supported and given the arrangement of the green infrastructure and public transport links on the submitted parameter plans, the proposal would accord with the requirements of WEL19 at this outline application stage. The opportunity to review the development and secure extra care provision where feasible and viable will be secured through the legal agreement.

8.32 Planning Balance

- 8.32.1 The proposed development is broadly considered to accord with The Welborne Plan as a whole. As described above at the start of the 'Planning Considerations' section of this report, the Committee also needs to be mindful of any other material considerations in their decision making, such as the NPPF.

- 8.32.2 Members of the Planning Committee are aware that the Council is currently unable to demonstrate a five year housing land supply position. A report titled "*Five-year housing land supply position*" was reported to Member's in June 2020. 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 4.03 years of housing supply against the new 5YHLS requirement This remains the Council's most up to date available information.

- 8.32.3 Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the 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.

- 8.32.4 The approach detailed within the preceding paragraph, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

- 8.32.5 This test in the NPPF is considered to be engaged as this Council cannot

demonstrate a 5YHLS. As such, when taking its decision, given the demonstrable lack of a five-year housing land supply position in the Borough, the Planning Committee should give weight to the advice in the NPPF as a material consideration.

8.32.6 In bringing all the above issues together this final part of the report will assess whether there is any significant and demonstrable harm that would outweigh the benefits of granting a planning permission for Welborne.

8.32.7 The Benefits

The proposals would deliver up to 6,000 new dwellings which will help meet the housing need in the Borough. Furthermore in a large-scale development such as this is supported as an approach in the NPPF. Paragraph 72 of the NPPF advises that new settlements can often be the best way of delivering large scale developments providing the necessary infrastructure is in place. The same paragraph of the Framework also seeks to set clear expectations for the quality of new developments at scale such as following garden city principles.

8.32.8 Welborne will be a distinct new community with a modern interpretation of the garden village principles. As such this accords with the advice in the NPPF for delivering new large scale housing proposals; the alignment with the NPPF and specifically the need to secure design to garden city principles is a weighty benefit in favour of the scheme.

8.32.9 Within the above report it is set out that the application proposes the delivery of 34% of the budget for site infrastructure for only 16% of the overall housing proposed. This high level of early infrastructure cost outlay also reflects the NPPF advice that large scale housing developments are suitably supported by the necessary infrastructure and facilities. This early delivery of significant infrastructure must weigh in favour of the scheme.

8.32.10 Part of the early infrastructure delivery is the provision of an 'all moves' Junction 10. Policy WEL24 of the Welborne Plan seeks to upgrade Junction 10 of the M27 to an 'all moves' junction. However, despite being part of the Welborne development, the provision of the junction is likely to also have a significant wider public benefit to the Solent region by increasing opportunities to access the strategic road network.

8.32.11 It is a long standing corporate priority that the Council will seek to provide residents with access to good quality housing that is affordable and offers a choice of tenures. The minimum 10% level of affordable housing for the development is considered to be acceptable and as detailed above, suitable viability review mechanisms from 3,000 units onwards will ensure that where viability allows future increases in the provision of affordable housing are secured. The provision of affordable homes, even at 10%, will still contribute towards the clearly identifiable priority in the

Council's Corporate Strategy as well as facilitating the wider delivery of Welborne. This weighs in favour of the scheme.

- 8.32.12 Added to the delivery of affordable homes is an opportunity for people to build their own homes through the custom build provision which is encouraged as a source of supply by the Government and for which there is an unmet need in the Borough.
- 8.32.13 The proposal will deliver a significant employment offer and create multiple economic opportunities with companies locating in the employment areas but also employment opportunities at the Centres, schools, sports hub and during the period of construction and thereafter. Once the retail units are open within the centres the generation of household expenditure would further help support the local economy and the provision of jobs at Welborne.
- 8.32.14 The Council is working corporately with others, as set out within the Corporate Strategy, to support and promote the economic vitality of the Borough. As set out above in the report, the early delivery of some of the employment land at Welborne will help with this vitality whilst potentially also being to the benefit of the wider Solent region. This wider benefit is a positive to be taken from the Welborne development.
- 8.32.15 Welborne will deliver a significant quantum of green infrastructure with a number of formal sporting opportunities throughout the site as well as informal areas, play areas, off road foot and cycle paths and substantial tree lined streets. This green infrastructure will help achieve a modern take on the traditional garden village and is a further benefit of the proposal. The provision of leisure opportunities so that residents can socialise together with other members of the community will help ensure that Welborne has a real sense of place. This provision of leisure and health opportunities also reflects the Council's Corporate Strategy.
- 8.32.16 Amenities such as childcare and education establishments will be central to the success of Welborne in creating civic spaces and having a diverse community. The provision of these amenities on site, alongside the commercial and residential development will help generate a high level of self-containment as is required by the Welborne Plan. The provision of these facilities weigh in favour of the scheme.
- 8.32.17 The provision of a health and well being hub will play a role in the creation of Welborne as a Place. Providing flexible clinical space could enable a holistic approach to health service provision for the new community which could include locally commissioned services with nationally commissioned primary care services (ie. Dental; Pharmaceutical and Optometry) to be provided alongside Local Authority; social care; and or public health services. This type of facility provided on site will further benefit the community with amenities close and accessible. This provision weighs in favour of the scheme.

8.32.18 Sites of Alternative Natural Green Space (SANG) are secured and to be managed in perpetuity to ease the recreational pressure on our sensitive coastal habitat such that the impacts of the development on the internationally important wildlife sites within proximity of the site are accepted. It is a priority within the Corporate Strategy that the Council will make sure that our heritage and natural environment are conserved and enhanced for future generations. The suitable management of the SANGS through the Welborne Garden Village Trust will ensure our internationally important coastline is preserved. The in-perpetuity management of the SANGS and other green infrastructure, will ensure that the impacts of the proposal are suitably mitigated.

8.32.19 All of the above benefits weigh heavily in favour of the scheme.

8.32.20 The Harm

The request of the Portsmouth Hospitals NHS Trust and that from University Hospital Southampton for financial contributions are noted and are a material planning consideration.

8.32.21 It is the UHS and Portsmouth Hospital NHS Trust's position that some harm to hospital services would arise as a result of not securing the requested contributions. As detailed earlier in this report however the scheme is not considered to be unacceptable in the absence of the requested contribution being secured such that the proposed contribution is not accepted.

8.32.22 Notwithstanding this conclusion, had the contribution been found as necessary it is recorded in the application and in this report that the viability of Welborne is a significant material consideration in respect of the delivery of Affordable Housing, Passivhaus and Lifetime Homes which are all sought in the Welborne Plan.

8.32.23 Given the requested combined contribution comes close to £6,000,000 this would need to be weighed in the balance with the other items of infrastructure required at Welborne. When considered in the round it is concluded that the contribution would not have been secured in any event. To secure such a contribution would be to the detriment of the provision of other necessary infrastructure at Welborne and to the delivery of much needed affordable housing.

8.32.24 In this case the harm identified by the two hospitals is not considered to be clearly articulated and evidenced. As a consequence, any harm is not considered to be so significant that the other policy requirements of the scheme should be sacrificed to satisfy the hospitals' requests.

8.32.25 The second limb of the healthcare consideration is that of the on site health provision. The CCG has sought a contribution to the value of £4,000,000 to be spent both on site and off site. The application offers health facilities on site to the value of £4,000,000 rather than a

contribution.

- 8.32.26 There is no development plan policy to provide for off-site contributions towards the wider healthcare estate. The provision for health secured as part of any planning permission is appropriate to address the requirements of the onsite provision. To allocate part of this provision as a contribution to be spent elsewhere would in effect 'water down' the provision in the medium to long term at Welborne to the detriment of the new community.
- 8.32.27 Any harm is not considered to be so significant that the other policy requirements of the scheme should be sacrificed to satisfy the CCG requests to fund off site health provision.
- 8.32.28 The proposal seeks to remove the limited amount of established on-site planting, specifically alongside the existing Knowle Road and around the Dean Farm Estate. Retention of this landscape would help provide an established and mature green corridor through the site and avoid the need for future mitigation planting. Added to the landscape relevance of the Knowle Road planting it is also noted that it has an ecological function for various species of wildlife and protected species.
- 8.32.29 However, given the extent of Welborne, the extensive GI network to be provided and the large areas of SANG provision the loss of on site, existing landscaping, is not of such significant harm that it outweighs the identified benefits and would warrant refusal of planning permission.
- 8.32.30 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).
- 8.32.31 There is no material change in the condition of the land since the Examination into the Welborne Plan and the NPPF, even in its revised form, still promotes the importance of B&MVAL and its contribution to the intrinsic character and beauty of the countryside. However, when balanced with the other elements of the scheme this loss of B&MVAL is considered to be acceptable and it would not of itself amount to such significant harm that this issue would outweigh the benefits of the application.
- 8.32.32 The application site is a significant area of undeveloped, primarily

agricultural land. The development on such land will have an adverse impact upon the rural landscape and this has to be acknowledged as one of the dis-benefits of Welborne.

- 8.32.33 However, Welborne, as is set out at the start of this report, has been in the planning for a number of years and the Welborne Plan has been found sound. As such, the allocation of the site for housing is well established and the principle of development, with associated landscape impact, accepted. On this basis the level of landscape harm has been long accepted such that the benefits to be provided above are considered to outweigh this landscape harm.
- 8.32.34 The Waste Safeguarding in Hampshire SPD (produced by HCC as Mineral and Waste Authority), states that minerals safeguarding at a site is not intended to prevent development but allows for the consideration of the safeguarded resource in terms of the resource demand and processing capacity locally, the requirement for new development, taking account of the geographical, environmental, socio and economic conditions.
- 8.32.35 In the context of a lack of capacity at the Michelmersh brickworks to store large quantities of clay on-site and it potentially requiring clay from the Welborne site for many years, the merits of the development are considered to outweigh the safeguarding of the clay of brickmaking quality at the site, given the importance of delivering critical housing and employment at the site.
- 8.32.36 As detailed earlier in the report the setting of listed buildings are affected by the proposal. Consistent with the NPPF, it is considered that the proposals will result in some harm to the setting of these buildings and their significance. The harm however, is appropriately mitigated by the parameter plans identifying that there will be the siting of buildings far enough away and at such a scale that the harm is “less than substantial”. Whilst the harm is less than substantial the fact that harm arises still requires an assessment as to whether that harm is outweighed by the public benefit of the scheme as a whole (NPPF para.196).
- 8.32.37 The proposed road to the east of the Knowle Roundabout is identified in the above report as being on land outside the Welborne Plan allocation boundary. This road, it is concluded, would not typically be considered as an acceptable form of development in the countryside as provided for by policy CS14. The principle of this development in the countryside is a departure from the adopted policy CS14. There is no adverse landscape harm from the provision of this road such that it is considered to be outweighed by the benefits of the proposal.
- 8.32.38 Conclusions

Throughout this report, Officers have carefully assessed the proposals against the provisions of the development plan. Officers have also given

due regard to the current 5YHLS position.

8.32.39 In undertaking this detailed assessment and when applying the NPPF paragraph 11 'tilted balance' it is considered that there are substantial benefits that flow from the proposal. The benefits identified accord with the requirements of the Welborne Plan and also satisfy the social, economic and environmental strands of sustainable development identified in the NPPF. The benefits are considered to be numerous and significant and are not outweighed by any identifiable harm. As such any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits. For all the above reasons, on balance, the proposal is considered to be acceptable as set out in the recommendation below.

9.0 Conclusion

9.1 Having carefully considered all material planning matters, consultations and representations received; Officers recommend that outline planning permission should be granted as set out in the recommendation below.

10.0 Recommendation

10.1 Confirm the report at Appendix A including the Applicant's document titled "Welborne Shadow Appropriate Assessment UPDATE", dated November 2020 comprises the Council's Habitats Regulation Assessment;

Then

10.2 Delegate to the Head of Development Management to take receipt of the final written comments of any further outstanding consultation responses with the inclusion of any further conditions or informatives that may be recommended;

and

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

- The creation of an Estate Management Company;
 - Inclusion of FBC on the board of the Company;
 - Service charge arrangements;
 - Step in provisions;
- The appointment of a New Community Development Worker for a period of not less than ten years;
- Provision for an Education Steering Group;
- Contribution and land for the delivery of three primary schools;
- Contribution and land for the delivery of one secondary school;
- A Community Use Agreement(s) for the school(s) facilities for public

- use outside of the times needed for educational use;
- Nursery and pre school marketing strategy;
- Provision of the Local Centre;
- Local Centre Community Building;
- Provision of the District Centre;
- District Centre Community building
- Provision of healthcare facilities;
- Provision of the Community Hub;
- Delivery of Green Infrastructure (GI) – to include:
 - All Weather Pitch;
 - Tennis Courts;
 - Local Play Space;
 - Neighbourhood Play Space;
 - Youth Play Space;
 - Playground Play Equipment;
 - Parks and Amenity Open Spaces;
 - Playing Pitches and Outdoor Sports Facilities;
 - Allotments; and
 - Semi Natural Greenspace;
- GI Delivery and management arrangements;
- Delivery of the Temporary SANGS Strategy;
- Provision of Sites of Alternative Natural Green Space (SANGS);
- In perpetuity management of SANGS including step-in rights by the Estate Management Company;
- SRMP Contribution;
- Public Transport – BRT provisions on site and contributions;
- Safeguarding of the Rail Halt Land
- A32 access works;
- Off site Highway Works Contributions for locations identified by HCC;
- Applicant's £40 million contribution towards the cost of junction 10;
- Off site Local Highway Network mitigation and safety schemes;
- Framework residential travel plan;
- Neighbourhood travel plans;
- Framework employment travel plan;
- Safeguarding the land for the Household Waste Recycling Centre;
- Contribution towards the Household Waste Recycling Centre to include a proportionate cost of the legal fees;
- Affordable housing:
 - Amount;
 - Tenure;
 - Upward review mechanisms;
 - Wheelchair accessible homes;
- Self Build Housing;
- Passivehaus where viability allows;
- Lifetime homes where viability allows;
- Extra Care accommodation where viability allows;
- Mechanism to recover HIF Funding;
- Business incubation centre;

- Employment and training plan for construction;
- Equalisation arrangements for the Sawmills site;
- Public access to the site;
- Improvements to existing rights of way;
- Closure, stopping up and diversion of existing rights of way;

10.4 Delegate to the Head of Development Management:

- To make any necessary modification, deletion or addition to the proposed conditions or heads of terms; and
- To make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions

And then;

10.5 Grant **OUTLINE PLANNING PERMISSION subject to the following conditions:**

GENERAL CONDITIONS:

- 01 a) The development granted permission by this decision for the highway improvement works (J10 or A32 improvement works) shall be begun not later than three years from the date of this permission.**
- b) The first application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of 5 years from the date of this permission. All subsequent reserved matters pursuant to this outline shall be submitted no later than 30 years from the date of this permission.**
- c) The development of any reserved matters related to this Outline planning application shall be begun before the expiration of three years from the date of approval of that reserved matters.**

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 their position if a new application is made following expiry.

02 The development shall be carried out substantially in accordance with the following approved drawings:

- **Application Boundary Parameter Plan - 60469153-001-A0**
- **Access Roads and Junctions Parameter Plan - 60469153-002-A4**
- **Land Use Parameter Plan - 60469153-003-A4**
- **Residential Density Parameter Plan - 60469153-004-A4**
- **Building Heights Parameter Plan - 60469153-005-A4**

- Open Space and Green Infrastructure Parameter Plan - 60469153-006-A4

REASON: The distribution of land uses on the parameter plans is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact that has not been assessed by that process. To ensure a comprehensive and appropriate form of development and to avoid any doubt over what has been permitted

- 03 The development shall be carried out substantially in accordance with the submitted Structuring Plan (July 2019), and the high-level development principles within it. Any variations to this Structuring Plan must first be submitted to and approved in writing by the Local Planning Authority.

REASON: to ensure a comprehensive and appropriate form of development and to avoid any doubt over what has been permitted

- 04 The development will be carried out in accordance with:

A32 Drawings:

- A32 Overview General Arrangement - 6091/GA/299 Rev E
- A32 General Arrangement - Surfaces and Finishes - North Roundabout - 6091/GA/311 Rev G
- A32 General Arrangement - Surfaces and Finishes - Knowle Roundabout - 6091/GA/321 Rev F
- A32 General Arrangement - 6091/GA/332 Rev B
- A32 General Arrangement - Surfaces and Finishes - Phase 2 - Central Av RAB - 6091/GA/341 Rev F
- A32 General Arrangement - Surfaces and Finishes - Phase 1 - Temporary Left in-Left out - 6091/GA/3410 Rev F
- A32 General Arrangement - North Hill Junction - 6091/GA/1005 Rev H

M27 Junction 10 Drawings:

- CJ008926-ATK-HGN-J10-DR-CH-000002_C04 - Overview General Arrangement
- CJ008926-ATK-HGN-J10-DR-CH-001001_C02 - General Arrangement (Sheet 01 of 03)
- CJ008926-ATK-HGN-J10-DR-CH-001002_C03 - General Arrangement (Sheet 02 of 03)
- CJ008926-ATK-HGN-J10-DR-CH-001003_C03 - General Arrangement (Sheet 03 of 03)

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

- 05 No development shall take place related to the A32 junctions, or M27 J10 until details of the proposed landscaping in relation to the individual works proposed has first been submitted to and approved in writing by the Local Planning Authority. Such details will include any changes to

ground levels, the species, planting sizes, planting distances, density and numbers of any new planting, an implementation plan and details for the ongoing long term management and maintenance of the planting. The landscaping will be provided and maintained in accordance with the approved details and implementation plan. Any plants or species that fail, die, or in the opinion of the Local Planning Authority are damaged or are removed within the first five years following their planting will be replaced in the next available planting season with a species of similar size and type.

REASON: to ensure a comprehensive and appropriate form of development

- 06** No development shall take place related to the A32 junctions, or M27 J10 until details of the proposed street lighting in relation to the individual works proposed have first been submitted to and approved in writing by the Local Planning Authority. Such details will include specifications, lighting calculations and contour illumination plans. The development shall be carried out in accordance with the approved details.

REASON: to ensure a comprehensive and appropriate form of development

- 07** The development for the following uses will not exceed:

- 3,200m² food store retail (A1)
- 3,500m² of non-food retail (A1)
- 3,300m² of other non-convenience/comparison retail use (A1 – A5)
- 30,000m² of commercial and employment (B1)
- 35,000m² of general industrial use (B2)
- 40,000m² of warehousing space (B8);

REASON: The distribution of land uses on the parameter plans is the subject of an Environmental Impact Assessment and any material alteration to the layout may have an impact that has not been assessed by that process. To ensure a comprehensive and appropriate form of development and to avoid any doubt over what has been permitted. In the interest of protecting the vitality and viability of Fareham Town Centre and other surrounding centres in Fareham and surrounding Districts.

- 08** Prior to the approval of the First Reserved Matters application, a site wide (as defined in the approved Application Boundary Parameter Plan - 60469153-001-A0) Strategic Design Code shall be submitted to and approved in writing by the Local Planning Authority. The Strategic Design Code will include:

- Details and Plan of the expected Neighbourhoods
- General Design Principles for each character area
- Open Space and Play Space Strategy

- Identification of areas which may have specific Neighbourhood Design Code requirements, with specific characteristics in relation to heritage, landscape, ecology or character

This Strategic Design Code will be substantially in conformance with the approved Structuring Plan. Any variations to this Design Code must first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out substantially in accordance with the approved details.

REASON: to ensure a comprehensive and appropriate form of development

- 09 Prior to the approval of the First Reserved Matters Application, a Street Design Manual shall be submitted to and approved in writing by the Local Planning Authority. This Street Design Manual shall include:

- Street Design Principles for the street network
- General Street Design Principles for the other internal road network
- Timescales for the delivery of the primary street network
- Adoption Strategy
- Parameters and details of the main north to south route through the site, including link capacity, frontage activity, on-street parking provision / restriction, adoption strategy, timescale for delivery, number of junctions, minimum centreline radii, footway details, cycleway details, public transport / BRT details, typical plans, typical sections and typical junction arrangements

This Street Design Manual will be substantially in conformance with the approved Structuring Plan. Any variations to this Design Manual must first be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out substantially in accordance with the approved details.

REASON: In the interest of a suitable carrying capacity being provided on the internal road network and to ensure a comprehensive and appropriate form of development

- 10 In respect to the Neighbourhoods as identified in the Strategic Design Code, A Neighbourhood Design Code Document (covering, where applicable: detailed design principles, compliance schedule showing how it meets the principles of the approved scheme and documents, delivery strategy, infrastructure, open spaces, play spaces and landscaping) shall be submitted to and approved in writing by the Local Planning Authority prior to the approval of the First Reserved Matters application within that Neighbourhood (or Part thereof). The Neighbourhood Design Code documents will be substantially in accordance with the relevant Strategic Design Code. Any variations to this Design Code must first be submitted to and approved in writing by the Local Planning Authority. The Development shall be carried out in

accordance with the approved details.

REASON: to ensure a comprehensive and appropriate form of development

- 11 Prior to the approval of the First Reserved Matters Application which contains residential development, a Site-wide Housing Strategy will be submitted to and approved by the Local Planning Authority. This strategy will demonstrate how residential development will provide the delivery of, quantum of and phasing of;

- Market Housing;
- Affordable Housing, including tenure type and mix
- Custom or self-build plots
- Lifetime homes
- Specialist accommodation for older people (including extra care)
- Wheelchair Adapted homes
- Passivhaus Standard (or equivalent) homes.
- This Site-Wide Housing Strategy will be updated as the development progresses with each update being first submitted to and approved in writing by the Local Planning Authority. The first update is to be provided prior to the commencement of the 3001st dwelling, and then prior to the commencement of the 3751st, 4501st, 5251st and 5751st dwellings, to coincide with the viability review process as detailed in the S106 agreement, unless otherwise first agreed in writing with the local planning authority.

REASON: In the interest of providing a mixed, sustainable and diverse new community

- 12 Each Reserved Matters submission shall be in accordance with the Site Wide Biodiversity Enhancement Strategy, dated September 2020, prepared by Holbury Consultancy Service unless otherwise first agreed in writing by the Local Planning Authority.

REASON: In the interest of maintaining and enhancing the biodiversity of the site

- 13 The development will be carried out substantially in accordance with the sequence identified within Sequencing Diagrams 001 – 005 and within the Infrastructure Delivery Plan Project Schedule, unless otherwise first agreed in writing by the Local Planning Authority as part of the approval of details submitted in reserved matters applications, Strategic Design Code or Neighbourhood Design Code documents.

REASON: to ensure a comprehensive and appropriate form of development.

- 14 When first agreed in writing with the Local Planning Authority, a reserved matters application (containing relevant information from Conditions 15-

40 of this planning permission) could be approved in advance of the approval of the Strategic Design Code document, or the relevant Neighbourhood Design Code, or Site Wide Housing Strategy or the Biodiversity Enhancement Strategy. In these circumstances, a statement justifying submission of reserved matters prior to agreement of these matters must be submitted as part of this reserved matters application.

REASON: to ensure a comprehensive and appropriate form of development and to ensure that strategic work does not delay site works or the delivery of infrastructure to enable development on related neighbourhoods, specifically enabling works.

RESERVED MATTERS WITHIN A NEIGHBOURHOOD

- 15 An application for the approval of the following reserved matters for any area within a neighbourhood (as defined in the Neighbourhoods Plan within the Strategic Design Code) shall be submitted to and approved in writing by the Local Planning Authority and shall include, where relevant:
- Scale and external appearance including layout of the development
 - Landscaping (hard and soft), including a landscape design showing the planting proposed to be undertaken, the means of forming enclosures, the materials to be used for paved and hard surfaces and an implementation plan;
 - The design of all buildings and infrastructure, including details of materials to be used;
 - Statement of compliance with Neighbourhood Design Code.

REASON: to ensure a comprehensive and appropriate form of development

- 16 No development shall take place within a Neighbourhood (or part thereof) until details of the proposed ground and slab levels of the development in relation to existing ground levels, have been submitted to and approved in writing by the Local Planning Authority for that Neighbourhood (or part thereof). The development shall be undertaken in accordance with the approved details.

REASON: To ensure a satisfactory relationship between the built form in a neighbourhood and any adjacent neighbourhood and existing topography.

- 17 No development shall take place within a Neighbourhood (or part thereof), until an Archaeological Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority for that Neighbourhood (or part thereof). This scheme must include a programme of archaeological assessment for the works proposed within that Neighbourhood (or part thereof). The works shall be carried out in accordance with this approved scheme.

REASON: The site is potentially of archaeological significance and any

finds and sites located within the development site will need to be recorded and kept under review

- 18 No development shall take place within a Neighbourhood (or part thereof), until:
- a) A desk-top Contamination Assessment has been submitted to and approved in writing by the Local Planning Authority for that Neighbourhood (or part thereof). Should the Contamination Assessment reveal a potential for contamination, a programme and methodology for an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources shall be submitted to and approved in writing by the Local Planning Authority.
 - b) Where the site investigation and risk assessments under criterion a) identify remedial works are required, details of these works shall be submitted to and approved in writing by the local planning authority prior their installation/construction, including a programme for their implementation.
 - c) The development shall not be occupied within the Neighbourhood (or part thereof) for which details under criterion b) above have been approved until there has been submitted to and approved in writing by the Local Planning Authority verification that those required remediation measures required have been fully implemented in accordance with the approved details. Unless otherwise agreed in writing with the Local Planning Authority such verification will include: as built drawings, photographs of the remediation works in progress, certificates demonstrating that imported and/or material left in situ is free from contamination.

REASON: To ensure a safe living/working environment

- 19 Development within a Neighbourhood (or part thereof) shall be monitored during construction for evidence of previously unidentified contamination. If suspected contamination is encountered then; all work must stop and no further work shall be carried out in the affected area(s) until investigation measures and remediation measures have been submitted to and approved in writing by the Local Planning Authority. The investigation and remediation measures shall be undertaken in accordance with the approved details. The development shall not be occupied within the affected area) until verification that the remediation works approved have been fully implemented in accordance with the approved details. Unless otherwise agreed in writing with the Local Planning Authority such verification will include: as built drawings, photographs of the remediation works in progress, certificates demonstrating that imported and/or material left in situ is free from contamination.

REASON: To ensure a safe living and working environment.

- 20 No piling or any other foundation designs using penetrative construction methods shall be used in any neighbourhood (or part thereof) unless details of the use of any necessary equipment/plant has first been submitted to and approved in writing by the Local Planning Authority for that neighbourhood (or part thereof). The details shall include how the piling method will prevent contamination from migrating to principal aquifers and contaminating groundwater and a noise and vibration assessment with a scheme of mitigation measures. The works shall be carried out in accordance with the approved details.

REASON: To ensure that the construction period does not have a detrimental impact on the ground water environment and the amenity of the area.

- 21 No development shall take place within a Neighbourhood (or part thereof) until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for that neighbourhood (or part thereof). The CEMP shall set out the strategy and detailed method statements in respect of the following:

- a) Soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use;
- b) Construction Traffic Management (to include the details of haul roads, co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);
- c) Site Office location;
- d) Contractor parking areas for use during construction;
- e) Areas for loading and unloading;
- f) Construction lighting details;
- g) The storage of materials and construction waste, including waste recycling where possible;
- h) The storage and dispensing of fuels, chemicals, oils and any hazardous materials (including any hazardous soils);
- i) The proposed method of working (this shall include details to monitor and prevent adverse impacts to surface water, groundwater and adverse impacts caused by noise, vibration, odours);
- j) The proposed maintenance and aftercare of the site;
- k) The provision of road and wheel cleaning facilities, including any required drainage;
- l) Dust and dirt control measures;
- m) Measures to avoid impact upon the high pressure gas main where works proposed are within 15m of the main;
- n) measures to avoid impacts on the non-statutory designated sites, retained habitats and trees; and
- o) measures to minimise impacts on any existing occupied residential properties.

The works shall subsequently proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of managing the construction process so as to avoid impact on the highway network and gas main and to ecological and arboricultural receptors and in the interest of the amenities of the area.

- 22** No development shall take place in any neighbourhood (or part thereof) where there are existing buildings to be demolished until a Demolition Method Statement has been submitted to and approved in writing by the Local Planning Authority for that neighbourhood (or part thereof). The Demolition Method Statement shall include (where relevant) up-to-date ecology reports and mitigation strategies, the method for demolition and the arrangement for removing the demolition waste from the site. The development shall be undertaken in accordance with the approved details.

REASON: In the interest of managing the construction process so as to avoid impact on the highway network and to ecological receptors and in the interest of the amenities of the area

- 23** No materials obtained from site clearance or from construction will be burnt on the site.

REASON: To ensure that the construction period does not have a detrimental impact upon the environment or amenity of residents.

- 24** No building within 40m of the east, north or west elevations of Dean Farm House shall exceed 8.5m in height.

REASON: In the interest of preserving the setting of Dean Farm House as a Grade II* listed building.

- 25** No building within 75m of the curtilage of residential properties at Funtley shall exceed 8.5m in height.

REASON: In the interest of residential amenity and providing a suitable separation between the existing community and Welborne.

- 26** No development shall take place within a neighbourhood (or part thereof) until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the area of development concerned has been submitted to and approved in writing by the Local Planning Authority for that neighbourhood (or part thereof). The Scheme shall include:

- The critical design storm period for each attenuation feature
- Drainage areas and assumptions on impermeability

- Allowances for any future upstream development areas that contribute flows to this zone
- The methods employed to control the surface water discharge and volume
- Infiltration testing in pits (not boreholes) to support the assumed infiltration rates
- The factor of safety assumed for each infiltration feature
- The run-off rate calculations for discharge to surface waters
- Treatment measures employed to achieve the relevant water quality treatment
- Future management and maintenance responsibilities
- Details of any impacts on source protection zones or solution features

The drainage scheme submitted shall be implemented prior to the occupation or use of the building or development in which it relates. Where the drainage scheme for any area relies on drainage features outside of the area of development concerned these must be completed sufficiently to perform the necessary attenuation and treatment function, and demonstrated as part of the details submitted. No area of built development shall be allowed to discharge run-off unattenuated and untreated into receiving watercourses. The development shall be carried out in accordance with the approved details.

REASON: To provide the necessary infrastructure at appropriate stages of construction and to ensure a comprehensive, well serviced development

- 27 No development shall take place within a neighbourhood (or part thereof) until details of ecological mitigation, compensation and enhancement measures have been submitted to and approved in writing by the Local Planning Authority for that neighbourhood (or part thereof). Such details shall be in accordance with the sitewide Biodiversity Enhancement Strategy. The development shall be undertaken in accordance with the approved details.

REASON: In the interest of maintaining and enhancing the biodiversity around the site as a whole

- 28 No development shall take place in a neighbourhood (or part thereof) until an Arboricultural Impact Assessment and Method Statement has been submitted to and approved by the Local Planning Authority for that neighbourhood (or part thereof). These details will indicate how retained trees and hedgerows are to be protected on site. The works shall subsequently be carried out in accordance with the approved details.

REASON: In the interests of the visual amenities of the area.

- 29 Any tree and hedgerow protective measures required within a Neighbourhood (or part thereof) shall be installed prior to the

development taking place. Protective fencing shall be maintained and retained for the full duration of the works or until such time as may be agreed in writing by the Local Planning Authority. No activities, material storage, or placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written approval of the Local Planning Authority.

REASON: In order to retain established landscaping on the site in the interest of the visual amenities of the area.

- 30 All service routes, drain runs, soakaways or excavations in connection with the development of a Neighbourhood (or part thereof) shall remain wholly outside the tree and hedgerow protective area unless otherwise agreed in writing with the Local Planning Authority.

REASON: In order to retain established landscaping on the site in the interest of the visual amenities of the area.

- 31 No development shall take place within a neighbourhood (part thereof) until Foul Drainage Details for that neighbourhood (or part thereof) have been submitted to and approved in writing by the Local Planning Authority for that neighbourhood (or part thereof). These will include details on connections to the existing sewerage network, and capacity details for that neighbourhood (or part thereof). The development shall be undertaken in accordance with the approved details.

REASON: To provide the necessary infrastructure at appropriate stages of construction and to ensure a comprehensive, well serviced development

- 32 All foul sewage generated by occupied development will be disposed of utilising Peel Common Water Treatment Works unless otherwise first agreed in writing by the local planning authority.

REASON: To ensure an appropriate and sustainable form of development and to be in accordance with the Environmental Statement in support of the application.

- 33 No development shall take place within a Neighbourhood (or part thereof) until the following details have been submitted to and approved in writing by the Local Planning Authority:

- The positions and widths of roads, footpaths and cycleways including gradients and surface materials for that Neighbourhood (or part thereof);
- details of parking provision (on and off plot) and any associated manoeuvring areas;
- street lighting (Including lighting calculations, contour illumination plans and means to reduce light pollution within and serving that Neighbourhood (or part thereof);

- public transport connections for that Neighbourhood (or part thereof);
- The method for managing highway surface water drainage including local sustainable disposal within and serving that Neighbourhood (or part thereof);
- Timetable for the delivery of the above

The development shall be undertaken in accordance with the approved details.

REASON: To ensure that roads, footways, cycleways, street lighting and surface water drainage are constructed to an appropriate standard to serve the development

- 34 No development shall take place within a neighbourhood (or part thereof) where residential units are proposed within 60m of the A32 and/or 400m of the M27 until a scheme for sound attenuation in respect of the dwellings and their amenity space has been submitted to and approved in writing by the Local Planning Authority for that neighbourhood (or part thereof). The scheme shall assess the impact of noise from vehicles using the A32 and/or M27 and shall identify the measures necessary to attenuate against noise nuisance to future occupants, with a view to achieving the recommendations outlined in BS8233, taking into account both indoor and outdoor living areas and bedrooms. Attenuation of the buildings shall be undertaken in accordance with the approved details before the development is brought into use.

REASON: In the interests of residential amenity

- 35 If the properties 1 and 2 Dean Farm Cottages are retained in residential occupation, the M27 J10 shall not be opened as an all moves junction until a scheme for sound attenuation in respect of the dwellings and their amenity space has been submitted to and approved in writing by the Local Planning Authority. The scheme shall assess the impact of noise from vehicles using the new all moves M27 junction 10 and shall identify the measures necessary to attenuate against noise nuisance to occupants, with a view to achieving the recommendations outlined in BS8233, taking into account both indoor and outdoor living areas and bedrooms. Attenuation of the buildings shall be undertaken in accordance with the approved details before the M27 J10 is opened as an all moves junction.

REASON: In the interests of residential amenity

- 36 No residential or commercial development shall take place within a Neighbourhood (or part thereof) until an Energy Strategy for that Neighbourhood (or part thereof) has been submitted to and approved in writing by the Local Planning Authority. The strategy will include details such as (but not limited to) energy efficiency through design and layout, the use of low or zero carbon technologies and innovative building

methods. The development shall be undertaken in accordance with the approved details.

REASON: To ensure an appropriate and sustainable form of development

- 37 No residential or commercial development shall take place within a Neighbourhood (or part thereof) until details of water efficiency measures for that Neighbourhood (or part thereof) have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 105l per person per day. The development shall be carried out in accordance with the approved details.

REASON: To ensure an appropriate and sustainable form of development and meet the requirements of Welborne Plan Policy WEL37

- 38 Prior to the approval of a reserved matter application for residential development in a neighbourhood (or part thereof) a Housing Statement for that neighbourhood (or part thereof) shall be submitted to and approved in writing by the Local Planning Authority. This Housing Statement will detail how the proposed development complies with the relevant site-wide housing strategy in relation to the layout, type, tenure, property size and timetable for delivery of:

- Market housing,
- Affordable housing,
- Lifetime homes,
- Specialist accommodation for the elderly (including extra care where relevant)
- Wheelchair adapted homes,
- Custom build plots and
- Passivhaus standard dwellings.

The development of the neighbourhood (or part thereof) shall be carried out in accordance with the approved details.

REASON: In the interest of providing a mixed, sustainable and diverse new community

- 39 Within 6 months of commencement of residential development within a neighbourhood which features a play space as identified in the relevant approved design code, the reserved matters application for these play spaces will be submitted for approval to the Local Planning Authority. The reserved matters applications will include details of hard and soft landscape, means of enclosure (where considered necessary), planting, pedestrian access, play equipment, street furniture (such as benches, signs and bins) drainage, site levels, long term management & maintenance, timetable for delivery and an implementation plan. The works shall be carried out in accordance with the approved details and the play area shall be open for use in accordance with the implementation

plan, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide the necessary infrastructure at appropriate stages of construction and to ensure a comprehensive, well serviced development

- 40** No residential or commercial development shall take place within 15m from centre line of the 132kV overhead line and 10m from centre line of the 33kV overhead lines until one of the following has occurred:
- a) in the event the overhead line is to be undergrounded, prior to the undergrounding taking place a scheme and timetable for such undergrounding and for removal of the pylons shall be submitted to and approved in writing by the Local Planning Authority. The undergrounding and removal works shall be carried out in accordance with the approved details; or
 - b) in the event the overhead line is to be retained, a drawing showing how the retention of the overhead line (in whole or part) will be accommodated shall be submitted to and approved in writing by the Local Planning Authority. These details must demonstrate any land use impacts and how the High-Level Development Principles identified in the Structuring Plan, and any other principles outlined in any relevant design code document, can be accommodated with the line in situ. The development will subsequently be carried out in accordance with the approved details.

REASON: In the interest of the visual amenities of the area.

AREAS OUTSIDE NEIGHBOURHOODS

- 41** All areas of public open space (excluding sports pitches), as identified in the Open Space and Green Infrastructure Parameter Plan - 60469153-006-A4, will be managed and maintained using a maximum of 5kg of Nitrogen per hectare per year.

REASON: In the interest of protecting the sensitive Solent coastal habitat.

- 42** Unless otherwise agreed in writing with the local planning authority, no development of Welborne Mile SANG (or part thereof), or Fareham Common SANG (or part thereof) shall take place until details of ecological management, details of biodiversity enhancement (in conformance with the Biodiversity Enhancement Strategy), arboricultural management, planting, construction management, archaeological details, contamination, site levels, boundary treatments, hardstanding, programme for delivery and any materials to be utilised in the development have been submitted to and approved in writing by the Local Planning Authority for the SANG, or part thereof. The SANGs will be delivered and opened for public access in accordance with the approved

details, following a pre-opening site visit and inspection of each component part of the SANG by Officers of the Local Planning Authority.

REASON: In the interest of creating an acceptable layout for the SANG.

- 43** No residential unit within the development shall be occupied until the area identified as Dashwood (lined in blue on Application Boundary Plan Application Boundary Parameter Plan - 60469153-001-A0) has been laid out and made accessible to the public as SANG.

REASON: In the interest of protecting the sensitive Solent coastal habitat

- 44** No residential unit within the development shall be occupied until a reserved matters application for parking for Dashwood has been submitted to and approved in writing by the Local Planning Authority, and has been laid-out in accordance with the approved details and is open to use. This application will include details of materials, landscaping, drainage, access and how this parking links to the proposed SANG at Dashwood.

REASON: In the interest of protecting the sensitive Solent coastal habitat

- 45** Unless otherwise agreed in writing with the local planning authority, prior to the occupation of the 3601st residential unit within the development, the area identified as Welborne Mile shall be laid out and made accessible to the public as SANG. This includes any requisite parking area.

REASON: In the interest of protecting the sensitive Solent coastal habitat

- 46** Unless otherwise agreed in writing with the local planning authority, prior to the occupation of the 5101st residential unit within the development, the area identified as Fareham Common shall be laid out and made accessible to the public as SANG. This includes any requisite parking area.

REASON: In the interest of protecting the sensitive Solent coastal habitat

- 47** The Temporary SANG proposed will be delivered in accordance with the submitted Temporary SANG Strategy, unless otherwise first agreed in writing with the Local Planning Authority. As detailed in Paragraph 1.7 of the Temporary SANG Strategy:

- Prior to the 750th residential occupation, Temporary SANG Phase 1 will be laid out and made accessible to the public;
- Prior to the 2700th residential occupation Temporary SANG Phase 2 will be laid out and made accessible to the public;
- Prior to the occupation of the 3601st residential unit, Temporary SANG Phase 3 will be laid out and made accessible to the public.

Details of the layout, timetable for delivery, management arrangements

and timetable for the temporary SANG function to cease for each Phase of Temporary SANG will be submitted to and agreed with the Local Planning Authority prior to the relevant occupation restriction. The development shall be undertaken in accordance with the approved details.

REASON: In the interest of protecting the sensitive Solent coastal habitat and mitigating the impact of the development on the ancient woodland floor of Dashwood.

- 48 No residential unit within the development shall be occupied until a planting scheme has been implemented for the area identified as advanced mitigation planting between Dashwood and Blakes Copse, unless otherwise agreed in writing with the local planning authority. This scheme shall be implemented in accordance with a detailed planting and landscaping plan, submitted to and approved in writing by the Local Planning Authority prior to commencement of the planting scheme. The detailed landscaping plans shall include any changes to ground levels, the species, planting sizes, planting distances, density and numbers of any new planting, an implementation plan and details for the ongoing long term management and maintenance of the planting. The landscaping will be provided and maintained in accordance with the approved details and implementation plan. Any plants or species that fail, die, are damaged or are removed within five years following their planting will be replaced in the next available planting season with a species of similar size and type.

REASON: To ensure early structural planting in the interest of an acceptable appearance for the development

- 49 Prior to the occupation of the 1,500th residential unit within the development, a reserved matters application for Welborne Park, detailing the hard and soft landscaping details, drainage, site levels, details of biodiversity enhancement (in conformance with the Biodiversity Enhancement Strategy), materials, footpath details, lighting, play equipment (if relevant), long term management plan, details of any temporary open space provision whilst the park is being laid out in full, implementation and phasing programme (to include the phased delivery of any temporary provision), details of interpretation materials regarding the Neolithic Long Barrow and a strategy to incorporate measures to ensure the long-term conservation of the Long Barrow, will be submitted to and approved in writing by the Local Planning Authority. Any temporary open space provision shall be provided and open for public use in accordance with the approved details and prior to the occupation of the 4,500th residential unit within the development, Welborne Park shall be laid out in full in accordance with the approved details and made available for use by the public thereafter unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To provide the necessary infrastructure at appropriate stages

of construction and to ensure a comprehensive, well serviced development

- 50 No development shall take place on the site of the Neolithic Long Barrow as identified on the Green Infrastructure Parameter Plan (Drawing Reference 60469153-006-A.4). Any reserved matters application for an area directly adjacent to the Neolithic Long Barrow will include a Management Plan which shall set out long term management responsibilities and long-term site condition monitoring and conservation of the monument. The development shall be carried out in accordance with the approved management plan unless otherwise first agreed in writing with the Local Planning Authority.

REASON: In the interest of preserving an important heritage asset on the site

- 51 Unless otherwise agreed in writing with the local planning authority, No development shall take place in the area identified as Dashwood Park on the approved Neighbourhoods Plan until a reserved matters application for the area has first be submitted and approved in writing by the Local Planning Authority. This reserved matters shall include details of provision of at least 2 tennis courts, hard and soft landscaping details, drainage, site levels, details of biodiversity enhancement (in conformance with the Biodiversity Enhancement Strategy), phasing and programme for implementation, footpath details, lighting, means of enclosure, and materials for Dashwood Park. The details shall also include details of the long term management of the park. The works shall be undertaken in accordance with the approved details.

REASON: To provide the necessary infrastructure at appropriate stages of construction and to ensure a comprehensive, well serviced development

- 52 Unless otherwise agreed in writing with the local planning authority, No development shall take place in the area identified as Allotments on the approved Neighbourhoods Plan, until a reserved matters application has first been submitted and approved in writing be the Local Planning Authority. This reserved matters application shall include details of delivery timetable (including when the allotments will be available for use by the public), hard and soft landscaping, surface water drainage, site levels, parking, servicing, any communal buildings or individual plot buildings and access. The works shall be undertaken in accordance with the approved details.

REASON: To provide the necessary infrastructure at appropriate stages of construction and to ensure a comprehensive, well serviced development

- 53 Unless otherwise agreed in writing with the local planning authority, No development shall take place in the area identified as Welborne Sports

Hub on the approved Neighbourhoods Plan, until a reserved matters application has first been submitted and approved by the Local Planning Authority. This reserved matters application shall include details of any buildings, hard and soft landscaping, drainage, site levels, access, lighting, details of provision of an artificial grass pitch of a maximum 0.85ha, parking proposed as part of the Sports Hub and a timetable for delivery. The works shall be undertaken in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To provide the necessary infrastructure at appropriate stages of construction and to ensure a comprehensive, well serviced development

- 54 Unless otherwise agreed in writing with the local planning authority, No development shall take place in the area identified as Cricket Pitch and Pavilion on the approved Neighbourhoods Plan, until a reserved matters application will be submitted and approved in writing by the Local Planning Authority. This reserved matters application will include hard and soft landscaping, access details, lighting, surface water drainage, site levels, parking, buildings and a timeline for delivery. The works shall be undertaken in accordance with the approved details.

REASON: To provide the necessary infrastructure at appropriate stages of construction and to ensure a comprehensive, well serviced development

- 55 No development shall take place within 15m of the high pressure and intermediate pressure gas main on site until the proposed layouts, levels protection or diversion has been submitted to and approved in writing by the local planning authority. The works shall be carried out in accordance with the approved details, unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To ensure the development is undertaken without risk to existing utility infrastructure and in the interest of the safety of the area.

- 56 No development shall take place other than that related to the delivery of Junction 10 until details of the sources of all the funding necessary to carry out the Junction 10 works has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

REASON: To ensure the timely delivery of the necessary infrastructure to service the development and in the interest of highway safety.

- 57 There shall be no occupation beyond the 1,161st residential unit; or 1,501st sqm B1 Office floorspace; or 5,751st sqm B2 General Industrial floorspace; or 4,001st sqm B8 Storage or Distribution floorspace; or

4,701st sqm A1 Retail Floorspace or the opening more than one primary school within the development hereby permitted, until the M27 J10 is open to the public as an all-moves junction, in accordance with the details approved under conditions 62 to 72 of this planning permission and as referred to within the legal agreement pursuant to section 106 of the Town and Country Planning Act 1990, as amended.

REASON: To ensure the timely delivery of the necessary infrastructure to service the development and in the interest of highway safety.

- 58 No development shall take place connected with the provision of Central Roundabout until details of the measures to be taken to physically and permanently close Pook Lane from the A32 have been submitted to and approved in writing by the Local Planning Authority. This includes a timetable for the delivery of these measures. The development is to be undertaken in accordance with the approved details.

REASON: In the interest of Highway Safety.

- 59 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (As Amended) (or any Order revoking and re-enacting that Order) with or without modification, no new vehicular/cyclist/pedestrian access to the application site, other than those shown on the approved plans or construction access (agreed through CEMP submission) shall be formed to the site, unless otherwise agreed in writing by the local planning authority.

REASON: In the interest of highway safety.

- 60 No occupation of any development, other than the proposed SANG car park, with access from Knowle Road shall take place until a scheme to reduce the travelling speed along Knowle Road has first been submitted to and approved in writing by the Local Planning Authority. This scheme shall include details of the methods to be undertaken, as well as the timetabling and phasing required to deliver these methods. The development shall be undertaken in accordance with the approved details.

REASON: to ensure the treatment of Knowle Road is suitable to serve the development

- 61 No development shall take place on the land coloured brown and identified as "S-Sawmills" on the supporting plan titled "NEIGHBOURHOODS", prepared by AECOM (reference: project number 60469153, revision A.0) until a Confirmatory Deed has been entered into with the Owner, The Borough Council and the County Council substantially in accordance with the draft appended to the legal agreement entered into pursuant to Section 106 of the Town and Country Planning Act 1990 in connection with this planning permission dated [] and between []

REASON: to ensure development on the land is subject to a planning obligation so as to be acceptable in planning terms and to make a proportional contribution to the infrastructure needed across the wider site

WORKS RELATED TO M27 JUNCTION 10

- 62** No development shall take place within the area identified as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03 or any other area subject to development associated with the provision of the M27 J10 improvements until a detailed Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority for part thereof. Where relevant, this CEMP will include details regarding:
- a) Soil movement, methods of tracking soil movement and details for demonstrating soil will be suitable for use;
 - b) Construction Traffic Management (to include the co-ordination of deliveries and plant and materials and the disposing of waste resulting from demolition and/or construction so as to avoid undue interference with the operation of the public highway, particularly during the Monday-Friday AM Peak (0800-0900) and PM Peak (1630-1800) periods);
 - c) Site Office location;
 - d) Contractor parking areas for use during construction;
 - e) Areas for loading and unloading;
 - f) Construction lighting details;
 - g) Construction access details;
 - h) The storage of materials and construction waste, including waste recycling where possible;
 - i) The storage and dispensing of fuels, chemicals, oils and any hazardous materials (including any hazardous soils);
 - j) The proposed method of working (this shall include details to monitor and prevent adverse impacts to surface water, groundwater and adverse impacts caused by noise, vibration, odours);
 - k) The proposed maintenance and aftercare of the site;
 - l) The provision of road and wheel cleaning facilities, including any required drainage;
 - m) traffic management measures to address the potential conflict between users of the footpath network and the construction vehicles; Dust and dirt control measures; and
 - n) Measures to avoid impact upon the high pressure gas main where works proposed are within 15m of the main;
 - o) measures to avoid impacts on the non-statutory designated sites, retained habitats and trees; and
 - p) measures to minimise impacts on any existing occupied residential properties.

The works shall subsequently proceed in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of managing the construction process so as to avoid impact on the highway network and gas main and to ecological and arboricultural receptors and in the interest of the amenities of the area.

- 63 The improved Junction 10 of the M27 shall not be open to public traffic until, the noise attenuation barriers have been constructed in accordance with drawings CJ008926-ATK-HFE-J10-DR-CH-001101_C02 - Proposed Fencing Plan (Sheet 01 of 03), CJ008926-ATK-HFE-J10-DR-CH-001102_C03 - Proposed Fencing Plan (Sheet 02 of 03) and CJ008926-ATK-HFE-J10-DR-CH-001103_C03 Proposed Fencing Plan (Sheet 03 of 03) unless otherwise agreed in writing by the Local Planning Authority. Any alterations to the noise attenuation barriers must demonstrate that no additional material impacts shall occur than that currently assessed in ES Chapter 14A Noise and Vibration would be created from any changes proposed. The development shall be carried out in accordance with the approved details.

REASON: In the interest of the amenity of the occupants of Welborne.

- 64 Prior to the closure of Kneller Court Lane the access approved under planning permission P/20/0007/FP (or any other subsequent planning permission granted for the same purpose) to provide access to 70, 72 Kiln Road, and 1&2 Dean Farm Cottages will be provided and made available for use. In the event that all of these properties are no longer occupied and evidence has been submitted to and approved in writing by the local planning authority to that effect, the delivery of the alternative access will not be required. Any development undertaken will be in accordance with the approved details.

REASON: To ensure existing properties on the site can be accessed

- 65 No development requiring permanent foundations shall take place within the area as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03 and any other area subject to development associated with the provision of the M27 J10 improvements, until the following items have been submitted to and approved in writing by the Local Planning Authority for this whole area or part thereof:

- A report of Intrusive Site Investigations and an assessment of the risks posed to human health and the wider environment including water resources. This shall comprise a desk study, conceptual site model and preliminary risk assessment
- Where required, a strategy of Remedial Measures to address the identified risks;
- Materials Management Plan for reuse of soil/ materials

The agreed scheme of Remedial Measures and Materials Management Plan shall be implemented as agreed and verified in writing by an independent competent person, and the written confirmation shall be provided to the Local Planning Authority prior to the opening of the improved M27 J10.

REASON: To ensure a safe living and working environment

- 66 Development within the area identified as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03 and any other area subject to development associated with the provision of the M27 J10 improvements shall be monitored during construction for evidence of previously unidentified contamination. If suspected contamination is encountered, then all work must stop and no further work shall be carried out in the affected area(s) until investigation measures and remediation measures have been submitted to and approved in writing by the Local Planning Authority. The agreed scheme of Remedial Measures shall be implemented as agreed and verified in writing by an independent competent person, and the written confirmation shall be provided to the Local Planning Authority prior to the opening of the improved M27 J10.

REASON: To ensure a safe living and working environment.

- 67 Notwithstanding the details submitted within the enabling works planning application P/18/1192/FP, no development shall take place within the area identified as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03 any other area subject to development associated with the provision of the M27 J10 improvements, until an Ecological Management Plan, Arboricultural Impact Assessment and Method Statement have been submitted to and approved in writing by the Local Planning Authority for this whole area or part thereof. This statement should detail all necessary ecological mitigation, compensation and enhancement measures (to be informed as necessary by up-to-date survey and assessment where relevant, details of tree and hedgerow protection measures). The works shall subsequently proceed in accordance with the approved details.

REASON: In order to retain established landscaping on the site in the interest of the visual amenities of the area

- 68 Any tree and hedgerow protective measures installed within the area identified as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03, and any other area subject to development associated with the provision of the M27 J10 improvements shall be installed on site prior to any development taking place (including site clearance and ground preparation, unless minor clearance is required for the installation of said tree or hedgerow protective measures and such clearance is first agreed with the Local Planning Authority). Protective fencing shall be maintained and retained for the full duration of the works or until such time as may be agreed in writing by the Local Planning

Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written approval of the Local Planning Authority.

REASON: In order to retain established landscaping on the site in the interest of the visual amenities of the area.

- 69** All service routes, drain runs, soakaways or excavations in connection with the development of the area within the area identified as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03, and any other area subject to development associated with the provision of the M27 J10 improvements shall remain wholly outside the tree and hedgerow protective area without the prior written agreement of the Local Planning Authority.

REASON: In order to retain established landscaping on the site in the interest of the visual amenities of the area.

- 70** Notwithstanding the details submitted within drawings listed in this permission, no development shall take place within the area identified as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03 and any other area subject to development associated with the provision of the M27 J10 improvements until a surface water drainage scheme, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the area of development concerned have first been submitted to and approved in writing by the Local Planning Authority for this whole area or part thereof. Information required shall include, where relevant:

- The critical design storm period for each attenuation feature
- Drainage areas and assumptions on permeability
- Allowances for any future upstream development areas that contribute flows to this zone
- The methods employed to control the surface water discharge and volume
- Infiltration testing in pits (not boreholes) to support the assumed infiltration rates
- The factor of safety assumed for each infiltration feature
- The run-off rate calculations for discharge to surface waters
- Treatment measures employed to achieve the relevant water quality treatment
- Long term management and maintenance of the drainage features
- Where the drainage scheme for any area relies on drainage features outside of the area of development concerned these must be completed sufficiently to perform the necessary attenuation and treatment function. No area of built development shall be allowed to discharge run-off unattenuated and untreated into receiving watercourses.

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

REASON: To provide the necessary infrastructure at appropriate stages of construction and to ensure a comprehensive, well serviced development.

- 71 No development shall take place within the area identified as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03 and any other area subject to development associated with the provision of the M27 J10 improvements, until a Written Scheme of Investigation and Programme of archaeological assessment has been submitted to and approved in writing by the Local Planning Authority for this whole area or part thereof. The works shall subsequently proceed in accordance with the approved details.

REASON: The site is potentially of archaeological significance and any finds and sites located within the development site will need to be recorded and kept under review.

- 72 Notwithstanding the details approved under drawings this planning permission, No development shall take place within the area identified as the extent of M27 J10 works in drawing WEL-PBF-J10-XX-DR-CH-00001-D2-P03 and any other area subject to development associated with the provision of the M27 J10 improvements until a lighting strategy and details have been submitted to and approved in writing by the Local Planning Authority for this whole area or part thereof. This lighting strategy will include the location and specification of the lighting proposed, including details on how the proposed lighting may affect protected species. The works shall subsequently proceed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interest of the amenity of the area and protected species.

APPENDICES:

- Appendix A) The Council's Appropriate Assessment
- Appendix B) CBRE report for October 2019 Committee
- Appendix C) CBRE Addendum – used as the update for the Oct 19, committee
- Appendix D) CBRE Planning Viability Review Addendum Report – January 2021