

**TOWN & COUNTRY PLANNING ACT 1990 (As Amended)  
SECTION 78**

**Main Statement of Common Ground prepared jointly by  
Fareham Borough Council and Persimmon Homes South  
Coast**

**Appeal Reference: APP/A1720/W/21/3275237**

**Local Planning Authority Reference: P/20/0522/FP**

**DATE OF INQUIRY: 19 October 2021**

**Land east of Crofton Cemetery and West of Peak Lane, Stubbington,  
Fareham Borough**

**Development comprising 206 dwellings, access road from Peak Lane  
maintaining link to Oakcroft Lane, stopping up of a section of  
Oakcroft Lane (from Old Peak Lane to Access Road), with car  
parking, landscaping, sub-station, public open space and associated  
works.**

**APPELLANT: PERSIMMON HOMES SOUTH COAST**

**LOCAL PLANNING AUTHORITY: FAREHAM BOROUGH COUNCIL**

**BLANK PAGE**

## 1. Introduction

1.1 This Statement has been prepared jointly by Persimmon Homes South Coast ('the Appellant') and Local Planning Authority (LPA), Fareham Borough Council ('FBC') in respect of the Appeal proposals on land east of Crofton Cemetery and West of Peak Lane, Stubbington. The Statement provides an account of the areas of common ground between both parties with regard to the proposed development and matters relevant to the Appeal. The Appellant and FBC will seek to agree separate topic specific Statement of Common Ground in respect of Landscape and Housing Land Supply.

1.2 The Full Planning Application was submitted to the LPA on 30 June 2020 and registered under the reference P/20/0522/FP. The description of development is as follows:

*“Development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to Access Road), with car parking, landscaping, sub-station, public open space and associated works.”*

1.4 The LPA confirmed that the Appeal Scheme is not EIA Development.

1.5 A list of the application drawings and documents submitted with the full planning application and as revised during the course of the determination of the application is set out within Appendix 1.

1.6 Following a recommendation to approve by officers, the Planning Application was considered at Planning Committee on 17 February 2021 with Members resolving to refuse the Application. A copy of the original Committee Report is appended to this Statement within Appendix 2.

1.7 The Decision Notice was issued on 18 February 2021 and is appended to this Statement within Appendix 3. The following reasons for refusal are stated on the Decision Notice:

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

- i) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside;*
- ii) the development of the site would result in an adverse visual effect on the immediate countryside setting around the site;*
- iii) the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement*

*location, providing limited green infrastructure and offering a lack of interconnected green/public spaces;*

- iv) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area. Some of the house types also fail to meet with the Nationally Described Space Standards.*
- v) had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.*

*This has been agreed and will be secured via the Section 106 agreement.*

- vi) in the absence of a legal agreement to secure such, the development proposal would fail to secure a provision of affordable housing at a level in accordance with the requirements of the Local Plan.*

*The Appeal Scheme will deliver policy-compliant 40% on-site affordable housing. The tenure percentage and mix of affordable housing has been agreed and this will be secured via the Section 106 agreement.*

- vii) in the absence of a legal agreement to secure such, the proposal would fail to; a) provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas, and b) secure the creation of the ecological enhancement area and its long term management and maintenance to enhance the wider Solent Wader and Brent Goose network.*

*This has been agreed and will be secured via the Section 106 agreement. See the supporting Ecology Appeal Statement (Appendix x).*

- viii) in the absence of a legal agreement securing provision of the open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.*

*This has been agreed and will be secured via the Section 106 agreement.*

- ix) in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.*

*This has been agreed and will be secured via the Section 106 agreement. See the supporting Transport Appeal Statement (Appendix x).*

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

*This has been agreed and will be secured via the Section 106 agreement.*

- 1.8 The Parties agreed that reasons for refusal (v) to (x) are capable of being addressed via Section 106 and planning conditions. Part of reason for refusal (iv) in relation to nationally described space standards has been addressed through substituted plans (listed in Appendix 1). The LPA

has accepted the revised house type plans for the Hanbury and 4620a house types and all dwellings now meet the Nationally Described Space Standards.

- 1.9 Matters concerning reasons for refusal (i), (ii), (iii) and the remaining part of (iv) will be addressed separately within the respective Proofs of Evidence and written evidence to be submitted as part of the appeal.

## **2. Description of the site and description of the area**

- 2.1 The Appeal Site measures approximately 19.4 hectares (ha) and comprises mainly agricultural land, bisected by Oakcroft Lane. The site is located immediately north of the urban area of Stubbington and is separated into two distinct areas; land on the southern side of Oakcroft Lane and land to the north of Oakcroft Lane.
- 2.2 Land on the southern side of Oakcroft Lane is bounded by residential development to the east with a line of protected trees forming an existing buffer between the Appeal Site and the existing residential development. The southern boundary comprises additional residential development with an area of woodland and a public right of way forming a break between these two areas. The western boundary comprises Crofton Cemetery which is separated from the Appeal Site by a mature hedgerow. The northern boundary comprises Oakcroft Lane. A mature line of poplar trees run along the line of the road.
- 2.3 Land to the north of Oakcroft Lane is bounded by Oakcroft Lane to the south and Peak Lane to the east. This parcel forms part of the wider gap that serves to separate Fareham and Stubbington. To the north is the route of the approved, and now implemented, Stubbington Bypass.
- 2.4 There are two Listed Buildings approximately 55m away from the Appeal Site to the south west, Old Crofton Church (Grade II\*) and Crofton Manor Hotel (Grade II). These Listed buildings are located beyond a significant band of protected trees. There was no heritage objection raised by the LPA. The band of trees along the eastern boundary are protected by Tree Preservation Order, however there was no objection raised by FBC's Tree Officer
- 2.5 There is a public footpath (Footpath 509) running through the wooded area of the Appeal Site to the south, joining Marks Tey Road with the cemetery to the west of the Appeal Site.
- 2.6 The two parcels of land are predominately flat, with Oakcroft Lane set at a slightly lower level than the part of the Appeal Site to the south.
- 2.7 Stubbington is a sustainable settlement comprising a wide range of services and facilities including a well-established local centre, primary and secondary schools, and employment opportunities. The settlement is well provided for in terms of public transport, with regular buses connecting the settlement to Gosport and Fareham. Notwithstanding the Council's concerns about the integration of the proposal to the settlement, it is agreed that in general terms the Appeal Site is sustainably located with access by non-car modes.

### 3. Planning History

#### Planning Application P/19/0301/FP

3.1 A full planning application was registered on 14 March 2019 (Application Reference: P/19/0301/FP) on the Appeal Site for:

*“development comprising 261 dwellings access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, public open space and associated works.”*

3.2 The application was recommended for refusal, and was resolved to be refused by Planning Committee on 21 August 2019. The Decision Notice was issued on 22 August 2019. The application was refused for the following reasons:

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

- (i) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside;*
- (ii) the development of the site would result in an adverse visual effect on the immediate countryside setting around the site;*
- (iii) the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces;*
- (iv) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area.*
- (v) the proposed development involves development that involves significant vehicle movements that cannot be accommodated adequately on the existing transport network. Insufficient information has been provided to demonstrate that the development would not result in a severe impact on road safety and operation of the local transport network.*

- (vi) *the proposed access arrangement onto Peak Lane is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and adjoining highway network.*
- (vii) *the proposal fails to demonstrate that the development would be accessible with regards to public transport links and walking and cycling routes to local services and facilities.*
- (viii) *the development proposal fails to provide sufficient provision of, and support for, sustainable transport options. This would result in a greater number of trips by private car which will create severe impact on the local transport network and the environment.*
- (ix) *inadequate information has been provided to assess the impact of the proposed works on water voles on site and any measures required to mitigate these impacts such as the provision of enhanced riparian buffers. In addition, there is insufficient information in relation to their long-term protection within the wider landscape by failing to undertake an assessment of the impact of the proposals on connectivity between the mitigation pond created as part of the Stubbington Bypass Scheme and the wider landscape. The proposal fails to provide appropriate biodiversity enhancements to allow the better dispersal of the recovering/reintroduced water vole population in Stubbington.*
- (x) *insufficient information has been submitted in relation to the adverse impacts of the proposals on the Solent Waders and Brent Goose Strategy Low Use Site and Secondary Support Area and any mitigation measures required to ensure the long-term resilience of these support networks.*
- (xi) *the development proposal fails to provide adequate wildlife corridors along the boundaries of the site to ensure the long-term viability of the protected and notable species on the site and avoidance of any future conflicts between the residents and wildlife (e.g. badgers damaging private garden areas) due to the lack of available suitable foraging habitat.*
- (xii) *in the absence of sufficient information, it is considered that the proposal will result in a net loss in biodiversity and is therefore contrary to the NPPF which requires a net gain in biodiversity.*
- (xiii) *the development would result in an unacceptable impact on a number of protected trees around the periphery of the site.*

- (xiv) *the submitted flood risk assessment fails to assess the impact of climate change on the development and therefore fails to demonstrate that the development is appropriately flood resistant and resilient.*
- (xv) *the development would fail to preserve, and would result in less than substantial harm to, the historic setting of the Grade II\* Listed building Crofton Old Church.*
- (xvi) *had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.*
- (xvii) *the development proposal fails to secure an on-site provision of affordable housing at a level in accordance with the requirements of the Local Plan.*
- (xviii) *in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.*
- (xix) *the development proposal fails to provide adequate public open space. In addition, in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.*
- (xx) *in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.*
- (xxi) *in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision."*

3.3 Following refusal by the LPA of planning application P/19/301/FP, the Appellant sought to address these reasons for refusal prior to submission of the Appeal Scheme.

3.4 An initial Pre-Application meeting between the Appellant and FBC was held at FBC offices on 24 January 2020. During this meeting it was agreed that a suitable scheme could be developed to overcome the reasons for refusal for the First Application.

- 3.5 Following the initial pre-application meeting with officers, it was agreed that the block structure was acceptable to Officers. It was agreed, however, that the landscape strategy of the scheme was critical in order to successfully place a development in this edge of settlement location and incorporate frontage parking and a landscaping lung through the development.
- 3.6 A second Pre-Application meeting was held at FBC offices on 20 February 2021. ACD Environmental Ltd presented a landscape strategy for a revised scheme.
- 3.7 The Officers were broadly supportive of the landscaping proposals, but requested more detailed drawings to support the application.
- 3.8 Following detailed pre-application discussions with the LPA, the Appeal Scheme was submitted on 29 May 2020. The number of units was reduced by 52 (20% reduction) and the level of landscaping both to the periphery of the site and throughout the site was increased. The number of units was reduced further post-submission to 206 units (a 21% reduction from the First Application).
- 3.9 The Appellant worked with the LPA to achieve a positive recommendation from FBC Officers.
- 3.10 As stated in the Officer's Committee Report (paragraph 8.28), officers considered that reasons for refusal (ii) (visibility), (iii) (character), and (iv) (design) under the First Application had been satisfactorily addressed through the new application (the Appeal Scheme). The Officer's Report also confirmed that the remaining reasons for refusal (v) to (xxi) had also been satisfactorily addressed through additional detail provided as part of the Appeal Proposals or would have been resolved through the Section 106 agreement and through conditions. Members of FBC disagreed with the planning judgment of their Officers, and following a lengthy debate (of approximately 2 hours and 20 minutes) refused permission for the reasons set out in paragraph 1.7 above.

#### **4. The Development Plan**

4.1 It is agreed between both parties that the Development Plan comprises:

- Local Plan Part 1 – Core Strategy 2006 to 2026, adopted in August 2011 (LPP1)
- Local Plan Part 2 – Development Sites and Policies 2011 to 2026, adopted in June 2015 (LPP2)

4.2 Having regard to refusal reasons (i) to (iv) for the purpose of Paragraph 11d) of the NPPF, the most important policies in regard to the Appeal Scheme are:

Adopted Fareham Borough Core Strategy (LPP1)

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS6: The Development Strategy

CS14: Development Outside Settlement

CS17: High Quality Design

CS21: Protection and Provision of Open Space

Adopted Development Sites and Policies (LPP2)

DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries

DSP40: Housing Allocations

Emerging Local Plan Review Policies (ELPR)

D1: High Quality Design and Placemaking

HA54: Housing Allocation Policy – Land east of Crofton Cemetery and West of Peak Lane

4.4 It is agreed that the land subject to this Appeal lies beyond the settlement boundary as defined within the adopted Local Plan within the countryside and in the Strategic Gap.

4.5 As a consequence of a lack of a five-year housing land supply, development plan policy DSP40 is engaged in this circumstance as one of the key policies in which to consider the Appeal Scheme against.

4.6 Policy DSP40 sets out that where it can be demonstrated that the Council does not have a five-year supply of housing against the requirement of the Core Strategy, additional sites, outside of the urban area boundary, may be permitted, where they meet the five criteria set out in the policy.

4.7 The Appellant considers that all five are met and therefore the Appeal Scheme accords with the Development Plan as a whole. Therefore, Paragraph 11c) of the NPPF is engaged.

4.8 In regard to DSP40, FBC does not allege breach of:

- Criterion (i) where the Appeal Scheme is relative in scale to the demonstrated 5 year housing land supply shortfall;
- Criterion (ii) (in part) in respect of the Appeal Site being sustainably location in principle. However, FBC considers that the proposed development is not well related to, and fails to integrate satisfactorily with the existing settlement;
- Criterion (iii) (in part) in respect of impact on Strategic Gaps;
- Criterion (iv), albeit it shall be for the Applicant to demonstrate that the proposal can be delivered in the short term; or
- Criterion (v) in part in respect of amenity or traffic implications.

4.9 The elements of DSP40 that FBC does allege breach of are set out in reasons for refusal (ii), (iii) and (iv).

## **5. Emerging Plan**

5.1 The Strategic Housing and Employment Land Availability Assessment (SHELAA) (April 2021) is a high level strategic overview assessment of the deliverability/developability of each identified site, in terms of its suitability, availability and achievability. It is agreed that the site is suitable, in principle, for housing, with an indicative yield of 180 dwellings.

5.2 The Council is now currently working toward the adoption of a new Local Plan extending until 2037. The Appeal Site was not included as a residential allocation within the Publication Local Plan. The Publication Local Plan was published for consultation on 6 November 2020 and concluded on 18 December 2020. A further consultation took place in July 2021 on a Revised Publication Local Plan, which now includes the allocation of the site (Allocation HA54). The emerging Fareham Local Plan 2037 was submitted to the Secretary of State (Regulation 22) for independent examination on 30<sup>th</sup> September 2021.

5.3 If there are any further changes, these will be reported to the Inspector.

## **6. Housing Land Supply**

- 6.1 A separate Housing Land Supply Statement of Common Ground will be agreed between the parties prior to the opening of the inquiry.

## **7. Highways**

- 7.1 It is agreed between both parties that Hampshire County Council is the statutory and appropriately qualified consultee that the Council normally relies on to advise on transport and highways matters. Having assessed the Planning Application, the County Council Highways department confirms that the Appeal proposal is acceptable in transport terms.
- 7.2 It is also agreed that the Council has no objection to the Appeal proposal with regard to matters relating to highways safety; the form and design of the site access; highways capacity and traffic impact; and the principle of residential development in this location. The Appeal Site is accessible by non-car modes and this is not in dispute.

## **8. Landscape**

- 8.1 The Appeal Site is not a valued landscape (as defined by Paragraph 174a of the NPPF).
- 8.2 A separate Landscape Statement of Common Ground will be agreed between the parties prior to the opening of the inquiry.

## **9. Ecology**

- 9.1 It is agreed by both parties that the ecological baseline survey completed was sufficient to inform the ecological impact assessment (EclA), revised in September 2020. Both parties agree that the impacts as a result of the proposals have been adequately considered and the proposed mitigation measures are appropriate and proportionate.
- 9.2 It is agreed by both parties that the calculations provided in the Biodiversity Impact Calculator (revised in September 2020) are correct and a net gain of 40.32 in habitat units and 9.18 in hedgerow units could be achieved which is a 91.46% and 64.40% gain respectively when calculated using the DEFRA Metric 2.0. As such, a significant measurable biodiversity net gain could be delivered as part of the Appeal Scheme.
- 9.3 Both parties have agreed to the Ecological Management Plan, revised in September 2020.

- 9.4 At the time of determination, it was agreed that the Shadow Habitat Regulations Assessment (revised in September 2020) was acceptable and the conclusions were agreed. The reduction of 153 kg of total nitrogen is also agreed.
- 9.5 Since the determination of the application, Natural England has issued a letters to the LPA in respect of undetermined residential planning applications that fall within a 13.8km zone of the New Forest SPA/SAC/Ramsar (which includes the Appeal Site) on the basis that such applications could have potential significant effects as a result of Recreational Disturbance and advising that further information is required in order to determine the significance of these impacts and the scope for mitigation. In respect of these applications, Natural England have requested an assessment of New Forest recreational impacts with details of suitable mitigation; an updated Monitoring and Management Plan for the proposed Enhanced Ecological Area (EEA); a Construction Environmental Management Plan (CEMP).

## **10. Archaeology and Built Heritage**

- 10.1 It is agreed that there are no archaeological constraints that preclude development on the Appeal Site. The County Archaeologist agrees with the conclusions of the Archaeological Desk-Based Assessment that there are no overriding constraints on site to development. The County Archaeologist agrees with the Archaeological Written Scheme of Investigation (September 2020). The County Archaeologist requests that an archaeological condition be attached to any planning permission to ensure that the development is undertaken in accordance with the submitted Written Scheme of Investigation.
- 10.2 The proposed development area of the Appeal Site is located over 110 metres to the north-east of Crofton Old Church, a Grade II\* Listed Building. (approximately 55 metres from the site boundary)
- 10.3 It is agreed by both parties that views from the Appeal Site are largely obscured by the intervening woodland.
- 10.4 The Local Authority's Conservation Planner raised no objection, stating no adverse harm to Listed Buildings. Historic England stated that the Appeal Scheme would result in a 'low' adverse impact on the setting of Crofton Old Church, but raised no objection on heritage grounds. The Appellant concludes that there is no adverse harm to Listed Buildings and agrees with the Local Authority's Conservation Planner. Paragraph 202 of the NPPF is therefore not engaged.
- 10.5 If the Appeal Scheme will lead to harm to the significance of a designated heritage asset, it is less than substantial and at the lower end of that spectrum. Therefore, the LPA and the

Appellant agree that the public benefit of the proposal outweighs the heritage harm. The Appeal Scheme would therefore accord with NPPF Paragraph 202 and, by extension, Policy DSP5.

## **11. Drainage and Utilities**

11.1 It is agreed that there is no objection to the development from the Lead Local Flood Authority (Hampshire County Council), subject to condition. Correspondence dated 24 September 2020 from the LLFA confirmed this. There is also no objection from the Environment Agency, subject to condition requiring the development to be implemented in accordance with the Flood Risk Assessment (March 2019).

11.2 It is agreed that there is no objection to the development from the statutory providers, with the required information having been submitted in support of the Application. The implementation of the development will be undertaken in accordance with Condition 28 as set out within the 17 February 2021 Committee Report.

## **12. Education**

12.1 As per the consultee responses and content of draft Legal Agreement, both parties agree that there is no objection to the delivery of the Appeal proposals from the Education Authority. Off-site financial contributions will be made towards the provision of education infrastructure and the provision of school travel plans, the details of which will be set out within the Legal Agreement submitted to the Inquiry.

## **13. Trees**

13.1 Both parties agree that the Tree Survey submitted with the application is an accurate record of the tree stock on and adjacent to the appeal site. It is not disputed that the Principal Tree Officer has no objection to the Appeal Scheme, provided the recommendations of the submitted tree report are implemented and the construction methods, as detailed within the arboricultural method statement, are followed when working near retained trees.

## **14. Noise**

14.1 Both parties agree that the Noise Environmental Impact Assessment (SA-5785-3) submitted with this application investigates this issue and subsequently makes recommendations relating to the suitability of the site in relation to this noise. The report concludes that development is acceptable with the incorporation of standard glass double glazed windows and trickle vents. No objection is raised from the Local Authority in this regard and it is agreed such measures can be secured by condition.

## **15. Air Quality**

- 15.1 It is agreed that no objection is raised from the Local Authority in regard to the site meeting air quality objectives.

## **16. Ground Conditions**

- 16.1 It is agreed that no objection is raised from the Local Authority in regard to ground conditions, subject to condition.

## **17. Stubbington to Fareham Strategic Gap**

- 17.1 It is agreed by both parties that the site lies within the Stubbington to Fareham Strategic Gap, and that the Appeal Scheme would not have a significant effect on the overall integrity of the Gap and the physical and visual separation of settlements. It is agreed that the Appeal Scheme is not in breach of Policy CS22.

## **18. Design and Nationally Described Space Standards**

- 18.1 It is agreed by both parties that the Reasons for Refusal (RfR) are not associated with the individual dwellings and the build quality of those units.
- 18.2 Following submission by the Appellant of a revised pack of house types (set out in Appendix 1), it is agreed by both parties that part of Reason for Refusal 4 (as set out below) can be resolved and that all 206 units would meet with the Nationally Described Space Standards.

## **19. Section 106**

- 19.1 The parties agree that Reasons for Refusal (v) – (x) are capable of being addressed through the Section 106 agreement and planning conditions.

### Affordable Housing

- 19.2 It is accepted that Policy CS18 of the adopted Core Strategy requires a 40% provision of affordable housing. It is accepted that, based on a development size of 206 dwellings, this would result in an affordable housing provision of 82.4 affordable homes, with 82 dwellings being provided on-site and the remaining 0.4 unit being provided as an off-site financial contribution.

- 19.3 The Local Authority considers that the level of on-site affordable housing provision including type, size, mix and tenure is acceptable and that the provision of 82 units will make a contribution toward the affordable housing needs of the Borough.

#### Open Space

- 19.4 The Fareham Planning Obligations SPD (excluding Welborne) sets out the open space requirements for new developments, pursuant to Policy CS21.

- 19.5 It is agreed between the two parties that the Appeal Scheme would provide an acceptable amount of public open space in line with the Local Plan requirements. However, the Council considers that the green infrastructure; the interconnection, or otherwise, of the proposed and existing green/public spaces is inadequate. The implementation of on-site routes, common space and open space and the provision of an on-site Locally Equipped Area of Play (LEAP) will be secured via the Legal Agreement.

- 19.6 The Legal Agreement will also include details of the following planning obligations:

- Provision of Framework Travel Plan
- Transport infrastructure improvements
- Off-site contribution to highway and public rights of way works
- Contribution towards the Solent Recreation Mitigation Strategy
- Off-site contribution to Education (including school travel plans)
- Implementation of the Ecological Mitigation Land (and land transfer to FBC) and contribution to long-term maintenance and management

## **20. Conclusion**

- 20.1 The Statement provides an accurate summary of agreed matters between the Appellant and the LPA in respect of the Appeal on land east of Crofton Cemetery and west of Peak Lane, Stubbington. Matters concerning the remaining reasons for refusal (i), (ii), (iii) and (iv) will be addressed within the respective Proofs of Evidence.

## **21. Matters in dispute**

- 21.1 The matters in dispute are as follows:

1. Weight to be given to development plan policies:
  - LPP1:
    - Policy CS2 (Housing Provision) of the adopted Core Strategy
    - Policy CS6 (The Development Strategy) of the adopted Core Strategy

- Policy CS14 (Development Outside Settlements) of the adopted Core Strategy
- CS17: High Quality Design
- CS21: Protection and Provision of Open Space
- LPP2:
  - DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries
  - DSP40: Housing Allocations
- Emerging Local Plan Review Policies (ELPR):
  - D1: High Quality Design and Placemaking
  - HA54: Housing Allocation Policy – Land East of Crofton Cemetery, and West of Peak Lane

2. Extent of housing land supply shortage
3. Compliance with development plan listed above, including Policy DSP40
4. Planning Balance, in accordance with the NPPF

21.2 In addition, and in light of Natural England’s recent objection to the proposed outline planning application for up to 180 dwellings on the Appeal Site, as the competent authority the Inspector will need to either (a) be satisfied, notwithstanding NE’s position that there will not be likely significant effects on the New Forest SPA (such that an appropriate assessment is not necessary), or (b) will need to undertake an appropriate assessment to determine whether adverse impacts on the integrity of the New Forest SPA can be ruled out.

## **22. Planning Conditions**

22.1 The following conditions have been discussed and were attached to the Officer Report. Further review of these conditions will take place through the appeal process, but in principle it is agreed that the scope of conditions cover relevant and necessary matters.

1. The development hereby permitted shall commence within eighteen months from the date of this decision.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

- a) Location Plan (Drawing: A-02-001-LP);
- b) Site Layout (Drawing: A-02-015-SL Rev I);
- c) Tenure Plan (Drawing: A-02-010-TP Rev K);
- d) Building Heights (Drawing: A-02-012-BH Rev I);
- e) Boundary Treatments (Drawing: A-02-013-BT Rev I);
- f) North Oakcroft Lane Strategy (Drawing: PERSC22805 20);
- g) Habitat Plan (Drawing: PERSC22805 15 Sheet 1);
- h) Habitat Plan (Drawing: PERSC22805 15 Sheet 2);
- i) Tree Protection Plan (Drawing: PRI21504-03A Sheet 1 of 2);
- j) Tree Protection Plan (Drawing: PRI21504-03A Sheet 2 of 2);
- k) Swept Path Analyses (1 of 2) (Drawing: SPA-001 Rev A);
- l) Swept Path Analyses (2 of 2) (Drawing: SPA-002 Rev A);
- m) Swept Path Analyses (3 of 4) (Drawing: SPA-003);
- n) Swept Path Analyses (4 of 4) (Drawing: SPA-004);
- o) Substation Plans and Elevations (Drawing: SUB-001);
- p) Junction Visibility Splays (1 of 3) (Drawing: VS-001);
- q) Junction Visibility Splays (2 of 3) (Drawing: VS-002);
- r) Junction Visibility Splays (3 of 3) (Drawing: VC-003);
- s) Carleton (Drawing: CAR-001);
- t) Carleton – Type B (Drawing: CAR-002);
- u) Carleton – Tile hanging (Drawing: CAR-003);
- v) Charnwood Corner (Drawing: CHARN-C-001);
- w) Charnwood Corner – Type B (Drawing: CHARN-C-002);
- x) Charnwood Corner – WB (Drawing: CHARN-C-003);
- y) Charnwood Corner – Flint (Drawing: CHARN-C-004);
- z) Charnwood Corner – Bay (Drawing: CHARN-C-005);
- aa) Charnwood Corner – Bay Type B (Drawing: CHARN-C-006);
- bb) Dalby (Drawing: DALB-001);
- cc) Dalby (Drawing: DALB-002);
- dd) Single Garage (Drawing: Gar-001 Rev B);
- ee) Twin Garage (Drawing: Gar-002 Rev B);
- ff) Double Garage (Drawing: Gar-003 Rev B);
- gg) Greenwood (Drawing: GWD-001);
- hh) Greenwood Corner (Drawing: Gwd-C-001);
- ii) Haldon (Drawing: HAL-001);
- jj) Haldon HA (Drawing: Hal-001);
- kk) Haldon HA MID (Drawing: HAL-HA-002);
- ll) Haldon HA END (Drawing: HAL-HA-003);
- mm) Haldon HA Type B (Drawing: HAL-HA-004);
- nn) Haldon HA Type B (Drawing: HAL-HA-005);

oo) Haldon HA Type B (Drawing: HAL-HA-006);  
pp) Hanbury (Drawing: Han-001 Rev E);  
qq) Hanbury Type B (Drawing: Han-002 Rev E);  
rr) Hanbury Tile Hanging (Drawing: Han-003 Rev D);  
ss) Hanbury TH Mid (Drawing: Han-004 Rev D);  
tt) Hanbury TH – HIP (Drawing: Han-005 Rev C);  
uu) Hanbury – Barn Hip (Drawing: Han-006 Rev C);  
vv) Hanbury Corner (Drawing: Han-C-HA-001 Rev E);  
ww) Hanbury Corner – Type B (Drawing: Han-Cnr-002 Rev E);  
xx) Hanbury Corner – TH (Drawing: Han-Cnr-003 Rev D);  
yy) Hanbury Corner – Hip (Drawing: Han-Cnr-004 Rev C);  
zz) Hanbury Corner (Drawing: Han-Cnr-005 Rev B);  
aaa) Hanbury – HA (Drawing: HAN-HA-001 Rev B);  
bbb) Hanbury – HA (Drawing: HAN-HA-002 Rev B);  
ccc) Rendlesham HA MID (Drawing: REN-HA-002 Rev A);  
ddd) Rendlesham HA END (Drawing: REN-HA-003 Rev A);  
eee) Rendlesham HA Tile Hanging (Drawing: REN-HA-004 Rev A);  
fff) Sherwood (Drawing: SHER-001);  
ggg) Whinell (Drawing: WHIN-001);  
hhh) Whinell Type B (Drawing: WHIN-002);  
iii) Whinell MID (Drawing: WHIN-003);  
jjj) Whinell Type C (Drawing: WHIN-004);  
kkk) Whinell Type D (Drawing: WHIN-005);  
lll) Whiteleaf (Drawing: WHLF-001 Rev A);  
mmm) Whiteleaf – WB Hipped (Drawing: WHLF-002);  
nnn) Windermere (Drawing: WIN-001);  
ooo) Windermere Type B (Drawing: WIN-002);  
ppp) Windermere Tile Hanging (Drawing: WIN-003);  
qqq) Windermere Tile Hanging V2 (Drawing: WIN-004);  
rrr) Windermere v2 (Drawing: WIN-005);  
sss) Windermere v2 Flint (Drawing: WIN-006);  
ttt) 4 x 1 Bed flats (Drawing: 4x 1bf-001 Rev A);  
uuu) 4 x 1 Bed flats (Drawing: 4x 1bf-002 Rev B);  
vvv) 4620a (Drawing: 4620a-001 Rev C);  
www) 4620a v2 (Drawing: 4620a-002 Rev A);  
xxx) Bond (Drawing: BON-001 Rev B);  
yyy) Bond V2 (Drawing: BON-002);  
zzz) Knightsbridge (Drawing: KNI-001 Rev B);  
aaaa) Knightsbridge – Weather board (Drawing: KNI-002 Rev B);  
bbbb) Marlborough (Drawing: MARL-001 Rev B);

cccc) Marlborough – Weather board (Drawing: MARL-002 Rev B);  
dddd) Marlborough (Drawing: MARL-003 Rev A);  
eeee) Marylebone (Drawing: MAR-001 Rev B);  
ffff) Marylebone V2 (Drawing: MAR-002);  
gggg) Single Garage (Drawing: GAR-004 Rev A);  
hhhh) Twin Garage (Drawing: GAR-005 Rev A); and,  
iiii) Double Garage (Drawing: GAR-006 Rev A).  
REASON: To avoid any doubt over what has been permitted.

3. The development hereby permitted shall be undertaken in accordance with the materials and finishes as specified on Drawing A-02-011-MP Rev J (Materials Plan) and the submitted Schedule of Materials (dated February 2021). There shall be no deviation from these materials and finishes unless otherwise first agreed in writing with the Local Planning Authority.

REASON: In the interests of visual amenity.

4. No part of the development hereby approved shall be occupied until the boundary treatment relating to it, as shown on Drawing A-02-013-BT Rev I (Boundary Treatment), has been fully implemented. The boundary treatment shall thereafter be retained at all times unless otherwise first agreed in writing with the Local Planning Authority.

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

5. No dwelling hereby approved shall be first occupied until detailed plans and proposals have been submitted to the Local Planning Authority for approval showing:

- (i) Refuse bin storage (sufficient for 2no. 140 litre wheeled bins);
- (ii) Secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse before the dwellinghouse to which it relates is first occupied, and shall thereafter be retained and kept available for the stated purpose.

REASON: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

6. No development shall take place until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access(es), including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been

submitted to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

7. No dwelling hereby permitted shall be first occupied until it has a direct connection, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the commencement of the penultimate building or dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

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

8. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise first agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

9. None of the development hereby permitted shall be occupied, or by such time as shall be agreed in writing with the Local Planning Authority, until the visitor parking spaces marked on the approved plan, and sufficient to serve that part of the overall development completed at that time, have been provided on site and these spaces shall be subsequently retained at all times.

REASON: The car parking provision on site has been assessed in the light of the provision of visitor parking spaces so that the lack of these spaces may give rise to on street parking problems in the future.

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

REASON: In the interests of highway safety

11. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details, including location, type and technical specification of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the local planning authority in writing:

- a) Five dual Electric Vehicle (EV) charge points throughout the site to serve the visitors car parking spaces to serve the dwellings without on-plot charging points;
- b) One Electric Vehicle (EV) charging point per dwelling, where parking is provided on plot which is contiguous with its associated dwelling.

The development shall be carried out in accordance with the approved details. Any deviation from these requirements must be submitted to and approved in writing by the Local Planning Authority.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

12. The development hereby permitted shall proceed in accordance with the measures detailed within Section 5 of the Ecological Impact Assessment (ECOSA Ltd, revised September 2020), Ecological Management Plan (ECOSA Ltd, revised September 2020) and the Shadow Habitat Regulations Assessment (ECOSA Ltd).

REASON: To ensure the protection of habitats, species, and designated sites and their supportive network of habitats.

13. No development above damp proof course level shall continue until a scheme of lighting (during operational life of the development), designed to minimise impacts on wildlife, particularly bats, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

14. The development hereby permitted shall be undertaken in accordance with the submitted Archaeological Written Scheme of Investigation (Cotswold Archaeology, dated September 2020 ref: AN0223), unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To ensure that any archaeological features discovered on site are adequately protected.

15. No development shall take place until details of sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall be in general accordance with the submitted Flood Risk Assessment (ref: AMc/19/0161/5909 Rev B, dated March 2019 and plans 5909-05E and 5909-25D), Surface Water Drainage Calculations (ref: AMc/20/MD/5909, dated September 2020).

REASON: In order to ensure satisfactory disposal of sewage and surface water from the site.

16. The development hereby permitted shall be undertaken in accordance with the provisions set out within the Arboricultural Impact Assessment and Method Statement (prepared by ACD, ref PER21504aia-amsA, dated May 2020).

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

17. No development shall take place until the tree protection measures as shown on PER21504-03A (Sheets 1 and 2) have been installed and shall thereafter be retained for the full duration of works or until such time as agreed in writing with 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 agreement of the Local Planning Authority.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

18. No development take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

19. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an investigation and risk assessment of the identified material/ ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the LPA prior to the occupation of the unit(s).

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

20. Development shall be carried out in accordance with the recommendations set out within Paragraph 15.4 within the submitted acoustic report ref: SA-5785-3 dated April 2020.

REASON: In the interests of residential amenity.

21. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling 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 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

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

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

23. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

- a) How provision is to be made on site for the parking and turning of operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) the measures the developer will be implementing to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Oakcroft Lane, Mays Lane and Peak Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

24. No materials obtained from site clearance or from construction works shall be burnt on the site.  
REASON: In the interests of residential amenity.

25. The development hereby permitted shall proceed in accordance with the detailed landscaping scheme comprising drawings:

- a. Landscape Proposals (Drawing: PERSC22805 11 Sheet 1 Rev D);
- b. Landscape Proposals (Drawing: PERSC22805 11 Sheet 2 Rev D);
- c. Landscape Proposals (Drawing: PERSC22805 11 Sheet 3 Rev D);
- d. Landscape Proposals (Drawing: PERSC22805 11 Sheet 4 Rev D);
- e. Landscape Proposals (Drawing: PERSC22805 11 Sheet 5 Rev D);
- f. Landscape Proposals (Drawing: PERSC22805 11 Sheet 6 Rev D);
- g. Landscape Proposals (Drawing: PERSC22805 11 Sheet 7 Rev D);
- h. Landscape Proposals (Drawing: PERSC22805 11 Sheet 8 Rev D);
- i. Landscape Proposals (Drawing: PERSC22805 11 Sheet 9 Rev D);
- j. Landscape Proposals (Drawing: PERSC22805 11 Sheet 10 Rev D); and,
- k. Landscape Proposals (Drawing: PERSC22805 11 Sheet 11 Rev D).

Details of any variation from these approved landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality

26. The landscaping scheme approved under Condition 25 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

27. Prior to the installation of any street lighting, details of the location, height, luminaires and means of accessories to ensure lighting is kept away from mature trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and retained thereafter in accordance with the approved details.

REASON: To ensure the provision of suitable lighting within the site, in the interests of amenity.

28. No development hereby permitted shall proceed beyond damp proof course level until details of the finished treatment [and drainage] of all areas to be hard surfaced have been submitted

to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development

INFORMATIVES:

a) Potentially contaminated ground conditions include: imported topsoil, made ground or backfill, buried rubbish, car parts, drums, containers or tanks, soil with extraneous items such as cement asbestos, builders rubble, metal fragments, ashy material, oily / fuel / solvent type smells from the soil, highly coloured material or black staining and liquid fuels or oils in the ground. If in any doubt please contact the Contaminated Land Officer on 01329 236100.

END

For and on behalf of Fareham Borough Council

Name ...Peter Kneen MRTPI.....



Signature ..... ..

Date .....8 October 2021.....

For and on behalf of Persimmon Homes South Coast

Name .....Peter Warren MRTPI.....



Signature ..... ..

Date .....8 October 2021.....

## Appendix 1: Lists of Application Documents/ Plans

## 1. Plans upon which the LPA made their decision

As per FBC Decision Notice dated 18/02/2021

<b>Title and Drawing Reference</b>
Location Plan (Drawing: A-02-001-LP)
Site Layout (Drawing: A-02-015-SL Rev I)
Tenure Plan (Drawing: A-02-010-TP Rev K)
Building Heights (Drawing: A-02-012-BH Rev I)
Boundary Treatments (Drawing: A-02-013-BT Rev I)
North Oakcroft Lane Strategy (Drawing: PERSC22805 20)
Habitat Plan (Drawing: PERSC22805 15 Sheet 1)
Habitat Plan (Drawing: PERSC22805 15 Sheet 2)
Tree Protection Plan (Drawing: PRI21504-03A Sheet 1 of 2)
Tree Protection Plan (Drawing: PRI21504-03A Sheet 2 of 2)
Swept Path Analyses (1 of 2) (Drawing: SPA-001 Rev A)
Swept Path Analyses (2 of 2) (Drawing: SPA-002 Rev A)
Swept Path Analyses (3 of 4) (Drawing: SPA-003)
Swept Path Analyses (4 of 4) (Drawing: SPA-004)
Substation Plans and Elevations (Drawing: SUB-001)
Junction Visibility Splays (1 of 3) (Drawing: VS-001)
Junction Visibility Splays (2 of 3) (Drawing: VS-002)
Junction Visibility Splays (3 of 3) (Drawing: VC-003)
Carleton (Drawing: CAR-001)
Carleton – Type B (Drawing: CAR-002)
Carleton – Tile hanging (Drawing: CAR-003)
Charnwood Corner (Drawing: CHARN-C-001)
Charnwood Corner – Type B (Drawing: CHARN-C-002)
Charnwood Corner – WB (Drawing: CHARN-C-003)
Charnwood Corner – Flint (Drawing: CHARN-C-004)
Charnwood Corner – Bay (Drawing: CHARN-C-005)
Charnwood Corner – Bay Type B (Drawing: CHARN-C-006)
Dalby (Drawing: DALB-001)
Dalby (Drawing: DALB-002)
Single Garage (Drawing: Gar-001 Rev B)
Twin Garage (Drawing: Gar-002 Rev B)
Double Garage (Drawing: Gar-003 Rev B)
Greenwood (Drawing: GWD-001)
Greenwood Corner (Drawing: Gwd-C-001)
Haldon (Drawing: HAL-001)
Haldon HA (Drawing: Hal-001)
Haldon HA MID (Drawing: HAL-HA-002)
Haldon HA END (Drawing: HAL-HA-003)
Haldon HA Type B (Drawing: HAL-HA-004)
Haldon HA Type B (Drawing: HAL-HA-005)
Haldon HA Type B (Drawing: HAL-HA-006)
Hanbury (Drawing: Han-001 Rev D)

**Land east of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham**  
**Appeal Ref. APP/A1720/W/21/3275237**  
**Local Authority Ref. P/20/0522/FP**

Hanbury Type B (Drawing: Han-002 Rev D)
Hanbury Tile Hanging (Drawing: Han-003 Rev C)
Hanbury TH Mid (Drawing: Han-004 Rev C)
Hanbury TH – HIP (Drawing: Han-005 Rev B)
Hanbury – Barn Hip (Drawing: Han-006 Rev B)
Hanbury Corner (Drawing: Han-C-HA-001 Rev D)
Hanbury Corner – Type B (Drawing: Han-Cnr-002 Rev D)
Hanbury Corner – TH (Drawing: Han-Cnr-003 Rev C)
Hanbury Corner – Hip (Drawing: Han-Cnr-004 Rev B)
Hanbury Corner (Drawing: Han-Cnr-005 Rev A)
Hanbury – HA (Drawing: HAN-HA-001 Rev A)
Hanbury – HA (Drawing: HAN-HA-002 Rev A)
Rendlesham HA MID (Drawing: REN-HA-002 Rev A)
Rendlesham HA END (Drawing: REN-HA-003 Rev A)
Rendlesham HA Tile Hanging (Drawing: REN-HA-004 Rev A)
Sherwood (Drawing: SHER-001)
Whinell (Drawing: WHIN-001)
Whinell Type B (Drawing: WHIN-002)
Whinell MID (Drawing: WHIN-003)
Whinell Type C (Drawing: WHIN-004)
Whinell Type D (Drawing: WHIN-005)
Whiteleaf (Drawing: WHLF-001 Rev A)
Whiteleaf – WB Hipped (Drawing: WHLF-002)
Windermere (Drawing: WIN-001)
Windermere Type B (Drawing: WIN-002)
Windermere Tile Hanging (Drawing: WIN-003)
Windermere Tile Hanging V2 (Drawing: WIN-004)
Windermere v2 (Drawing: WIN-005)
Windermere v2 Flint (Drawing: WIN-006)
4 x 1 Bed flats (Drawing: 4x 1bf-001 Rev A)
4 x 1 Bed flats (Drawing: 4x 1bf-002 Rev B)
4620a (Drawing: 4620a-001 Rev B)
4620a v2 (Drawing: 4620a-002)
Bond (Drawing: BON-001 Rev B)
Bond V2 (Drawing: BON-002)
Knightsbridge (Drawing: KNI-001 Rev B)
Knightsbridge – Weather board (Drawing: KNI-002 Rev B)
Marlborough (Drawing: MARL-001 Rev B)
Marlborough – Weather board (Drawing: MARL-002 Rev B)
Marlborough (Drawing: MARL-003 Rev A)
Marylebone (Drawing: MAR-001 Rev B)
Marylebone V2 (Drawing: MAR-002)
Single Garage (Drawing: GAR-004 Rev A)
Twin Garage (Drawing: GAR-005 Rev A)
Double Garage (Drawing: GAR-006 Rev A)

## 2. Plans for Determination

Title and Drawing Reference
Location Plan (Drawing: A-02-001-LP)
Site Layout (Drawing: A-02-015-SL Rev I)
Tenure Plan (Drawing: A-02-010-TP Rev K)
Building Heights (Drawing: A-02-012-BH Rev I)
Boundary Treatments (Drawing: A-02-013-BT Rev I)
North Oakcroft Lane Strategy (Drawing: PERSC22805 20)
Habitat Plan (Drawing: PERSC22805 15 Sheet 1)
Habitat Plan (Drawing: PERSC22805 15 Sheet 2)
Tree Protection Plan (Drawing: PRI21504-03A Sheet 1 of 2)
Tree Protection Plan (Drawing: PRI21504-03A Sheet 2 of 2)
Swept Path Analyses (1 of 2) (Drawing: SPA-001 Rev A)
Swept Path Analyses (2 of 2) (Drawing: SPA-002 Rev A)
Swept Path Analyses (3 of 4) (Drawing: SPA-003)
Swept Path Analyses (4 of 4) (Drawing: SPA-004)
Substation Plans and Elevations (Drawing: SUB-001)
Junction Visibility Splays (1 of 3) (Drawing: VS-001)
Junction Visibility Splays (2 of 3) (Drawing: VS-002)
Junction Visibility Splays (3 of 3) (Drawing: VC-003)
Carleton (Drawing: CAR-001)
Carleton – Type B (Drawing: CAR-002)
Carleton – Tile hanging (Drawing: CAR-003)
Charnwood Corner (Drawing: CHARN-C-001)
Charnwood Corner – Type B (Drawing: CHARN-C-002)
Charnwood Corner – WB (Drawing: CHARN-C-003)
Charnwood Corner – Flint (Drawing: CHARN-C-004)
Charnwood Corner – Bay (Drawing: CHARN-C-005)
Charnwood Corner – Bay Type B (Drawing: CHARN-C-006)
Dalby (Drawing: DALB-001)
Dalby (Drawing: DALB-002)
Single Garage (Drawing: Gar-001 Rev B)
Twin Garage (Drawing: Gar-002 Rev B)
Double Garage (Drawing: Gar-003 Rev B)
Greenwood (Drawing: GWD-001)
Greenwood Corner (Drawing: Gwd-C-001)
Haldon (Drawing: HAL-001)
Haldon HA (Drawing: Hal-001)
Haldon HA MID (Drawing: HAL-HA-002)
Haldon HA END (Drawing: HAL-HA-003)
Haldon HA Type B (Drawing: HAL-HA-004)
Haldon HA Type B (Drawing: HAL-HA-005)
Haldon HA Type B (Drawing: HAL-HA-006)
Hanbury (Drawing: Han-001 Rev E)
Hanbury Type B (Drawing: Han-002 Rev E)

**Land east of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham**  
**Appeal Ref. APP/A1720/W/21/3275237**  
**Local Authority Ref. P/20/0522/FP**

Hanbury Tile Hanging (Drawing: Han-003 Rev D)
Hanbury TH Mid (Drawing: Han-004 Rev D)
Hanbury TH – HIP (Drawing: Han-005 Rev C)
Hanbury – Barn Hip (Drawing: Han-006 Rev C)
Hanbury Corner (Drawing: Han-C-HA-001 Rev E)
Hanbury Corner – Type B (Drawing: Han-Cnr-002 Rev D)
Hanbury Corner – TH (Drawing: Han-Cnr-003 Rev C)
Hanbury Corner – Hip (Drawing: Han-Cnr-004 Rev B)
Hanbury Corner (Drawing: Han-Cnr-005 Rev B)
Hanbury – HA (Drawing: HAN-HA-001 Rev B)
Hanbury – HA (Drawing: HAN-HA-002 Rev B)
Rendlesham HA MID (Drawing: REN-HA-002 Rev A)
Rendlesham HA END (Drawing: REN-HA-003 Rev A)
Rendlesham HA Tile Hanging (Drawing: REN-HA-004 Rev A)
Sherwood (Drawing: SHER-001)
Whinell (Drawing: WHIN-001)
Whinell Type B (Drawing: WHIN-002)
Whinell MID (Drawing: WHIN-003)
Whinell Type C (Drawing: WHIN-004)
Whinell Type D (Drawing: WHIN-005)
Whiteleaf (Drawing: WHLF-001 Rev A)
Whiteleaf – WB Hipped (Drawing: WHLF-002)
Windermere (Drawing: WIN-001)
Windermere Type B (Drawing: WIN-002)
Windermere Tile Hanging (Drawing: WIN-003)
Windermere Tile Hanging V2 (Drawing: WIN-004)
Windermere v2 (Drawing: WIN-005)
Windermere v2 Flint (Drawing: WIN-006)
4 x 1 Bed flats (Drawing: 4x 1bf-001 Rev A)
4 x 1 Bed flats (Drawing: 4x 1bf-002 Rev B)
4620a (Drawing: 4620a-001 Rev C)
4620a v2 (Drawing: 4620a-002 Rev A)
Bond (Drawing: BON-001 Rev B)
Bond V2 (Drawing: BON-002)
Knightsbridge (Drawing: KNI-001 Rev B)
Knightsbridge – Weather board (Drawing: KNI-002 Rev B)
Marlborough (Drawing: MARL-001 Rev B)
Marlborough – Weather board (Drawing: MARL-002 Rev B)
Marlborough (Drawing: MARL-003 Rev A)
Marylebone (Drawing: MAR-001 Rev B)
Marylebone V2 (Drawing: MAR-002)
Single Garage (Drawing: GAR-004 Rev A)
Twin Garage (Drawing: GAR-005 Rev A)
Double Garage (Drawing: GAR-006 Rev A)

### 3. Illustrative and Supporting Plans and Documents to have regard to

Title and Drawing Reference
Street Elevations 1 (Drawing A-02-020-SE Rev B)
Landscape Strategy Plan (Drawing PERCS22805 09)
Materials Plan (Drawing: A-02-011-MP Rev J)
Covering letter (29 May 2020)
Planning Application Form with Certificate B
Planning Statement (May 2020)
Design and Access Statement (May 2020)
Flood Risk Assessment and Drainage Strategy (AMc/19/0161/5909)
Noise Impact Assessment (SA-5785-3)
Revised Transport Assessment (048.0013/RTA/2)
Revised Travel Plan (048.0013/RFTP/2)
Ecological Impact Assessment (Revision 1, September 2020)
Ecological Management Plan (Revision 1, September 2020)
Shadow Habitat Regulations Assessment (Revision 1, September 2020)
Biodiversity Calculator (Revision 1, September 2020)
Confidential Ecology Report
Geotechnical Report (CRM.1033.030.GE.R.001.C)
Archaeological Desk-Based Assessment (September, 2020)
Arboricultural Impact Assessment and Method Statement (Revised May 2020)
Materials Schedule (Site Code: 220)
Surface Water Drainage Calculations (AMc/20/MD/5909)
Sustainable Drainage Details and Sections (Drawing: 5909:25 Rev D)
Overall Drainage Layout (Drawing: 5909:05 Rev E)
Written Scheme of Investigation for an Archaeological Evaluation (Sept 2020) prepared by Cotswold Archaeology
Landscape Proposals (Drawing: PERSC22805 11 Sheet 1 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 2 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 3 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 4 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 5 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 6 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 7 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 8 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 9 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 10 Rev D);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 11 Rev D).
Access Design (Drawing: 048.0013.001 Rev E);
Access Visibility Splays (Drawing: 048.0013.002 Rev E);
Pedestrian Visibility Splays Drawing: 048.0013.003 Rev E);
Pantehnicon and Fire Tender Tracking (Drawing: 048.0013.004 Rev E);
Peak Lane A27 Catisfield Road Signalised Junction (Project 048.0013) prepared by Paul Basham Associates
Junction 9 – Peak Lane, Rowan Way, Longfield Avenue Roundabout (Lan Sim.i9)
Junction 9 – Peak Lane, Rowan Way, Longfield Avenue Roundabout (Lan Sim w MIT.i9)

**Land east of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham**  
**Appeal Ref. APP/A1720/W/21/3275237**  
**Local Authority Ref. P/20/0522/FP**

#### 4. Superseded Plans and Supporting Documents

Title
Site Layout Plan (Drawing: 01-A-02-015-SL, Rev F)
Site Layout Plan (Drawing: 01-A-02-015-SL, Rev H)
Tenure Plan (Drawing: 01-A-02-010-TP, Rev H)
Tenure Plan (Drawing: 01-A-02-010-TP, Rev I)
Tenure Plan (Drawing: 01-A-02-010-TP, Rev I)
Materials Plan (Drawing: 01-A-02-011-MP, Rev. D)
Materials Plan (Drawing: 01-A-02-011-MP, Rev. F)
Materials Plan (Drawing: 01-A-02-011-MP, Rev. H)
Materials Plan (Drawing: 01-A-02-011-MP, Rev. I)
Building Height Plan (Drawing: 01-A-02-012-BH, Rev. D)
Building Height Plan (Drawing: 01-A-02-012-BH, Rev. F)
Building Height Plan (Drawing: 01-A-02-012-BH, Rev. H)
Street Elevation (Drawing: A-020-020-SE, Rev E)
Boundary Treatment Plan (Drawing: 01-A-02-013-BT, Rev. D)
Boundary Treatment Plan (Drawing: 01-A-02-013-BT, Rev. F)
Boundary Treatment Plan (Drawing: 01-A-02-013-BT, Rev. H)
Landscape Plan 1 (Drawing: PER22805-11a, Rev. A Sheet 1)
Landscape Plan 2 (Drawing: PER22805-11a, Rev. A Sheet 2)
Landscape Plan 3 (Drawing: PER22805-11a, Rev. A Sheet 3)
Landscape Plan 4 (Drawing: PER22805-11a, Rev. A Sheet 4)
Landscape Plan 5 (Drawing: PER22805-11a, Rev. A Sheet 5)
Landscape Plan 6 (Drawing: PER22805-11a, Rev. A Sheet 6)
Landscape Plan 7 (Drawing: PER22805-11a, Rev. A Sheet 7)
Landscape Plan 8 (Drawing: PER22805-11a, Rev. A Sheet 8)
Landscape Plan 9 (Drawing: PER22805-11a, Rev. A Sheet 9)
Landscape Plan 10 (Drawing: PER22805-11a, Rev. A Sheet 10)
Landscape Plan 11 (Drawing: PER22805-11a, Rev. A Sheet 11)
Garage Single (Drawing: CC-GAR-004)
Garage Twin (Drawing: CC-GAR-005)
Garage Double (Drawing: CC-GAR-006)
Marylebone (Drawing: CC-MAR-001 Rev A)
Marlborough (Drawing: CC-MARL-001 Rev A)
Marlborough (Drawing: CC-MARL-002 Rev A)
Bond (Drawing: CC-BON-001 Rev A)
Knightsbridge (Drawing: CC-KNI-001 Rev. A)
Knightsbridge (Drawing: CC-KNI-002 Rev A)
1 bed flat (Drawing: 4 x 1bf-002 Rev A)
2 bed flat (Drawing: 6 x 2bf-001 Rev A)
2 bed flat (Drawing: 6 x 2bf-002 Rev A)
4 bed house (Drawing: 4620a-001 Rev A)
4620a Plans & Elevations (Drawing: 4620a-001, Rev A)
Alnwick (Drawing: Aln-001 Rev A)
Alnwick (Drawing: Aln-002 Rev A)
Alnwick (Drawing: Aln-003 Rev A)
Alnwick (Drawing: Aln-004 Rev A)
Alnwick (Drawing: Aln-005 Rev A)
Alnwick (Drawing: Aln-006 Rev A)
Alnwick (Drawing: Aln-007 Rev A)
Bin Store (Drawing: Bin-001 Rev A)
Chatsworth (Drawing: Chat-001)
Chatsworth (Drawing: Chat-002)
Chedworth (Drawing: Ched-001)
Chedworth (Drawing: Ched-002)

**Land east of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham**  
**Appeal Ref. APP/A1720/W/21/3275237**  
**Local Authority Ref. P/20/0522/FP**

Chatsworth (Drawing: Chat-001, Rev A)
Chatsworth (Drawing: Chat-002, Rev A)
Chedworth (Drawing: Ched-001, Rev A)
Chedworth (Drawing: Ched-001, Rev B)
Chedworth (Drawing: Ched-002)
Chester (Drawing: Ches-HA-001 Rev A)
Chester (Drawing: Ches-HA-002 Rev A)
Chester (Drawing: Ches-HA-003 Rev A)
Chester (Drawing: Ches-HA-004 Rev A)
Clayton Corner (Drawing: Clay-CNR-001, Rev A)
Clayton Corner (Drawing: Clay-CNR-002, Rev A)
Clayton Corner (Drawing: Clay-CNR-003, Rev A)
Clayton Corner (Drawing: Clay-CNR-004, Rev A)
Garage Single (Drawing: GAR-001 Rev A)
Garage Twin (Drawing: GAR-002 Rev A)
Garage Double (Drawing: GAR-003 Rev A)
Hanbury (Drawing: Han-001, Rev A)
Hanbury (Drawing: Han-001, Rev A)
Hanbury (Drawing: Han-002, Rev A)
Hanbury (Drawing: Han-003, Rev A)
Hanbury (Drawing: Han-004, Rev A)
Hanbury (Drawing: Han-005)
Hanbury (Drawing: Han-001, Rev B)
Hanbury (Drawing: Han-002, Rev B)
Hanbury (Drawing: Han-001, Rev D)
Hanbury (Drawing: Han-002, Rev D)
Hanbury Drawing: Han-003, Rev C)
Hanbury (Drawing: Han-004, Rev C)
Hanbury (Drawing: Han-005, Rev B)
Hanbury (Drawing: Han-006, Rev B)
Hanbury Corner (Drawing: Han-CNR-001, Rev A)
Hanbury Corner (Drawing: Han-CNR-002, Rev A)
Hanbury Corner (Drawing: Han-CNR-003, Rev A)
Hanbury Corner (Drawing: Han-CNR-004)
Hanbury Corner (Drawing: Han-C-HA-001, Rev D)
Hanbury Corner (Drawing: Han-Cnr-002, Rev D)
Hanbury Corner (Drawing: Han-Cnr-003, Rev C)
Hanbury Corner (Drawing: Han-Cnr-004, Rev B)
Hanbury Corner (Drawing: Han-Cnr-005, Rev A)
Hanbury Corner (Drawing: Han-HA-001, Rev A)
Hanbury Corner (Drawing: Han-HA-002, Rev A)
Hanbury Corner (Drawing: Han-Cnr-001, Rev B)
Hanbury Corner (Drawing: Han-Cnr-002, Rev B)
Hanbury Corner (Drawing: Han-Cnr-001, Rev C)
Hanbury Corner (Drawing: Han-Cnr-002, Rev C)
Hatfield (Drawing: Hat-001 Rev A)
Hatfield (Drawing: Hat-C-001)
Leicester (Drawing: Leic-001, Rev A)
Leicester (Drawing: Leic-002, Rev A)
Leicester (Drawing: Leic-003, Rev A)
Leicester (Drawing: Leic-002, Rev B)
Leicester (Drawing: Leic-003, Rev B)
Leicester (Drawing: Leic-004)
Leicester (Drawing: Leic-005)
Lumley (Drawing: Lum-001)

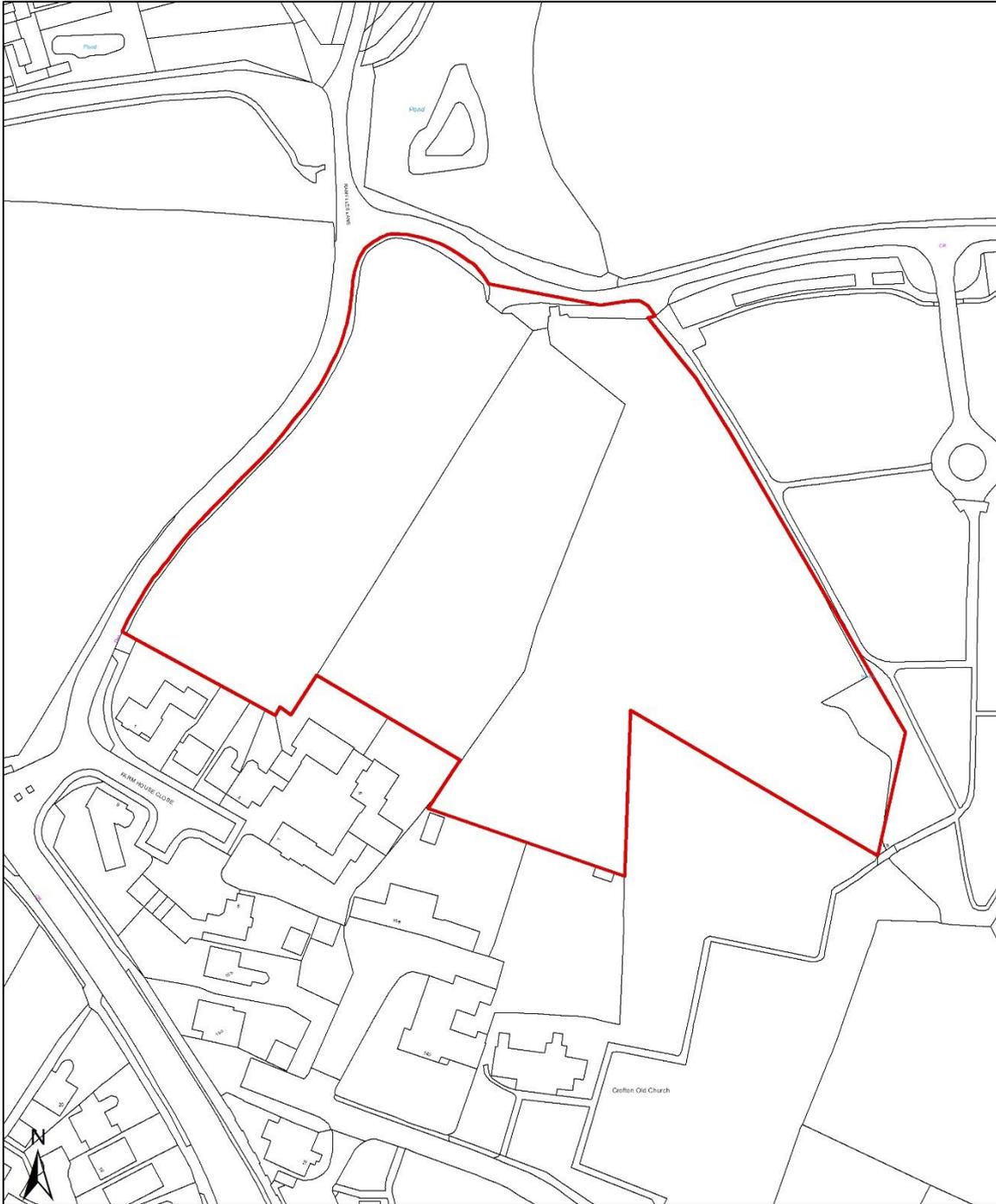
**Land east of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham**  
**Appeal Ref. APP/A1720/W/21/3275237**  
**Local Authority Ref. P/20/0522/FP**

Lumley (Drawing: Lum-001, Rev A)
Lumley (Drawing: Lum-001, Rev B)
Rendlesham (Drawing: Ren-HA-001)
Rendlesham (Drawing: Ren-HA-002)
Rendlesham (Drawing: Ren-HA-003)
Rendlesham (Drawing: Ren-HA-004)
Souter (Drawing: Sou-001, Rev B)
Souter (Drawing: Sou-002, Rev A)
Souter (Drawing: Sou-003, Rev A)
Souter (Drawing: Sou-002, Rev B)
Souter (Drawing: Sou-003, Rev B)
Souter (Drawing: Sou-004)
Souter (Drawing: Sou-005)
Souter (Drawing: Sou-006)
Sutton (Drawing: Sutt-001, Rev A)
Sutton (Drawing: Sutt-001, Rev A)
Bin Store Plans & Elevations, Bin-001, Rev A
Landscape Proposals (Drawing: PERSC22805 11 Sheet 1 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 2 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 3 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 4 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 5 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 6 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 7 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 8 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 9 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 10 Rev A);
Landscape Proposals (Drawing: PERSC22805 11 Sheet 11 Rev A).
Ecological Impact Assessment (June 2020)
Ecological Management Plan (June 2020)
Shadow Habitat Regulations Assessment (June 2020)
Biodiversity Impact Calculator (June 2020)

## Appendix 2: Planning Committee Report

# FAREHAM

BOROUGH COUNCIL



The Grange, Oakcroft Lane

Scale 1:1,250

© Crown copyright and database rights 2020 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

# Agenda Item 7(4)

## OFFICER REPORT FOR COMMITTEE

DATE: 17 February 2021

**P/20/0522/FP  
PERSIMMON HOMES LTD**

**STUBBINGTON & TITCHFIELD  
AGENT: PERSIMMON HOMES LTD**

DEVELOPMENT COMPRISING 206 DWELLINGS, ACCESS ROAD FROM PEAK LANE MAINTAINING LINK TO OAKCROFT LANE, STOPPING UP OF A SECTION OF OAKCROFT LANE (FROM OLD PEAK LANE TO ACCESS ROAD), WITH CAR PARKING, LANDSCAPING, SUB-STATION, PUBLIC OPEN SPACE AND ASSOCIATED WORKS

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

### ***Report By***

Peter Kneen – direct dial 01329 824363

#### **1.0 Introduction**

- 1.1 This application is reported to the Planning Committee for a decision as over 150 letters of objection have been received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered earlier in the Planning Committee that this Council currently has a housing land supply of 4.2 years.
- 1.3 To meet the Council's duty as the competent authority under the Conservation of Habitats and Species Regulations 2017 ("the habitats regulations"), a Habitats Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around The Solent. The applicant have submitted a Shadow Habitat Regulations Assessment and the Council has completed their own Appropriate Assessment as part of the consideration of this application, and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent, subject to mitigation. Further details of this have been set out in the following report.
- 1.4 This planning application represents a re-submission following an earlier refused proposal for 261 dwellings (Application P/19/0301/FP). That application was refused by the Planning Committee in August 2019 for the following reasons:

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

- i) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside.*
- ii) the development of the site would result in an adverse visual effect on the immediate countryside setting around the site.*
- iii) the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces.*
- iv) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area.*
- v) the proposed development involves development that involves significant vehicle movements that cannot be accommodated adequately on the existing transport network. Insufficient information has been provided to demonstrate that the development would not result in a severe impact on road safety and operation of the local transport network.*
- vi) the proposed access arrangement onto Peak Lane is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and adjoining highway network.*
- vii) the proposal fails to demonstrate that the development would be accessible with regards to public transport links and walking and cycling routes to local services and facilities.*
- viii) the development proposal fails to provide sufficient provision of, or support for, sustainable transport options. This would result in a greater number of trips by private car which will create a severe impact on the local transport network and the environment.*
- ix) inadequate information has been provided to assess the impact of the proposed works on water voles on site and any measures required to*

*mitigate these impacts such as the provision of enhanced riparian buffers. In addition, there is insufficient information in relation to their long-term protection within the wider landscape by failing to undertake any assessment of the impact of the proposals on connectivity between the mitigation pond created as part of the Stubbington Bypass Scheme and the wider landscape. The proposal fails to provide appropriate biodiversity enhancements to allow the better dispersal of the recovering/reintroduced water vole population in Stubbington.*

- x) insufficient information has been submitted in relation to the adverse impacts of the proposals on the Solent Waders and Brent Goose Strategy Low Use Site and Secondary Support Area and any mitigation measures required to ensure the long-term resilience of these support networks.*
- xi) the development proposal fails to provide adequate wildlife corridors along the boundaries of the site to ensure the long-term viability of the protected and notable species on the site and avoidance of any future conflicts between the residents and wildlife (e.g. badgers damaging private garden areas) due to the lack of available suitable foraging habitat.*
- xii) in the absence of sufficient information, it is considered that the proposal will result in a net loss in biodiversity and is therefore contrary to the NPPF which requires a net gain in biodiversity.*
- xiii) the development would result in an unacceptable impact on a number of protected trees around the periphery of the site.*
- xiv) the submitted flood risk assessment fails to assess the impact of climate change on the development and therefore fails to demonstrate that the development is appropriately flood resistant and resilient.*
- xv) the development would fail to preserve, and would result in less than substantial harm to, the historic setting of the Grade II\* Listed building Crofton Old Church.*
- xvi) had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.*
- xvii) the development proposal fails to secure an on-site provision of affordable housing at a level in accordance with the requirements of the Local Plan.*

xviii) *in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.*

xix) *the development proposal fails to provide adequate public open space. In addition, in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.*

xx) *in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.*

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

1.5 It is important to highlight that the application was not refused on the impact on the Strategic Gap. The applicant has sought to address these numerous reasons for refusal with the current application submission having reduced the number of units of the site by 55 (21% reduction), and increased the level of landscaping both to the periphery of the site and throughout the site. Reasons for refusal (xvi) – (xxi) could have been addressed with conditions and a Section 106 Legal agreement had that application otherwise have been found acceptable. Whether the proposal now addresses the previous reasons for refusal is considered throughout this report.

## **2.0 Site Description**

2.1 The application site is located at the northern end of the village of Stubbington, and currently forms two arable pieces of farmland divided by Oakcroft Lane that runs east – west between the two parcels of land.

2.2 The southern parcel of land is bounded by residential development to the east, with a line of protected trees providing an existing buffer between the site and the residential properties to the east. The southern boundary comprises additional residential development (Marks Tey Road), with an area of woodland and a public right of way forming a break between these two

areas. The western boundary comprises Crofton Cemetery which is separated from the site by a mature hedgerow. The northern part of the western boundary forms part of Oakcroft Lane, divided by a drainage ditch and a mature line of poplar trees. The northern boundary comprises Oakcroft Lane where the mature line of poplar trees continues along the line of the road.

- 2.3 The northern parcel of land is bounded by Oakcroft Lane to the south, and Peak Lane to the east. To the north of this piece of land the open arable field continues although this will be dissected by the Stubbington By-pass for which the construction works have commenced. To the west of the site lies an ecological enhancement area owned by Hampshire County Council, created as mitigation for the Stubbington by-pass route.
- 2.4 The two parcels of land are predominantly flat, with Oakcroft Lane set at a slightly lower level than the site to the south. The northern parcel of land comprises a drainage ditch/watercourse that broadly runs along the northern side of Oakcroft Lane and contributes towards connecting the new habitat mitigation area to the west of the site to waterbodies to the east of Stubbington. In addition to the provision of the biodiversity enhancement space, the removal of the land for agricultural use will provide nitrate mitigation to support the development proposal.
- 2.5 Stubbington Village is a sustainable settlement comprising a wide range of services and facilities including a well-established village centre, primary and secondary schools, and employment opportunities. The village is well provided for in terms of public transport, with regular buses connecting the village to Gosport and Fareham. The village is surrounded by undeveloped countryside, designated as Strategic Gap, and whilst traffic congestion through the village can be severe at peak times, the implementation of the Stubbington by-pass, which is currently under construction and is anticipated to be completed in the next 12 months should contribute towards alleviating the traffic congestion.

### **3.0 *Description of Proposal***

- 3.1 The application proposal, which is submitted in full detail comprises 206 dwellings, to be constructed on the southern part of the site, south of Oakcroft Lane. The dwellings comprise a mix of: 4 x 1 bedroom flats, 64 x 2 bedroom houses, 113 x 3 bedroom houses and 25 x 4 bedroom houses. Public open space will be created within the site with a local equipped area of play (LEAP) created to the southern part of the site.
- 3.2 A new junction to Peak Lane which would form the access road to the development site would be located approximately 175 metres to the north of

the existing access from Mays Lane/ Peak Lane onto Oakcroft Lane. The first 120 metres of Oakcroft Lane, to the west of Mays Lane/ Peak Lane will be converted into a no through road, with access to the remainder of Oakcroft Lane being made via the proposed new access road.

- 3.3 The residential development would comprise a mixture of two storey and two and half storey dwellings and one two storey block of flats. The proposal includes car parking provision to accord with the Council's Adopted Car Parking Standards, with all car parking allocated to each dwelling and a further 41 visitors' spaces provided adjacent the highway throughout the development. The application proposal also includes provision for vehicle electric charging points for all the dwellings with direct on-site vehicle parking spaces. A number of the visitors' car parking spaces will also be provided with rapid charging points throughout the development ensuring that even those properties without direct on-site parking will have easy access to vehicle charging points.
- 3.4 The land to the north of Oakcroft Lane is proposed for use as biodiversity enhancement space and used to support the wider Solent waders and Brent goose network. The land is to be transferred to the Borough Council to ensure its long-term purpose as mitigation land and would be secured through a Section 106 legal agreement.
- 3.5 The planning application was supported by a suite of technical documents and plans comprising: Planning Statement, Design and Access Statement, Biodiversity Impact Calculator, Ecological Impact Assessment, Ecological Management Plan, Shadow Habitats Regulations Assessment, Tree Protection Plan and Arboricultural Impact Assessment and Method Statement, Contaminated Land Assessment, Environmental Noise Impact Assessment, Transport Assessment and Travel Plan, Landscape Strategy Plan, Landscape and Visual Impact Assessment, Archaeological Desk-Based Assessment, Written Scheme of Investigation for Archaeological Investigation, Flood Risk and Surface Water Drainage Strategy, together with detailed plans and elevations of all the proposed dwellings and other buildings, tenure plan, building heights plan, boundary treatment plan and vehicle tracking diagrams.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

- CS2: Housing Provision;
- CS4: Green Infrastructure, Biodiversity and Geological Conservation;
- CS5: Transport Strategy and Infrastructure;
- CS6: The Development Strategy;

- CS11: Development in Portchester, Stubbington & Hill Head and Titchfield;
- CS14: Development Outside Settlements;
- CS15: Sustainable Development and Climate Change;
- CS16: Natural Resources and Renewable Energy
- CS17: High Quality Design;
- CS18: Provision of Affordable Housing;
- CS20: Infrastructure and Development Contributions;
- CS22: Development in Strategic Gaps.

**Adopted Development Sites and Policies**

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

**Other Documents:**

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

**5.0 *Relevant Planning History***

5.1 The following planning history is relevant:

- |                     |  |
|---------------------|--|
| <b>P/19/0301/FP</b> | Development comprising 261 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, public open space and associated works |
| <b>REFUSED</b>      | 22 August 2019   |

**6.0 *Representations***

6.1 One hundred and sixty-eight letters of objection have been received regarding this application, and two letters of support. The letters of objection raised the following matters regarding the proposed development:

- Increased building works in the vicinity will adversely affect the ability of the land to absorb rainwater increasing the risk of flash flooding
- The extra traffic created will exacerbate the tendency for traffic jams at peak periods in and around Stubbington village
- The loss of open space close to existing residents will have a detrimental effect on the wildlife and the pleasure that is derived from it
- The Stubbington Doctors Surgery already struggles to cope with the medical demands of existing residents. Increased number of residents can only make things worse
- Erosion of Strategic Gap
- Nature conservation concerns including the impact on rodents, bats, foxes, and many species of birds. Furthermore, the houses in Summerleigh Walk and Three Ways Close contribute a significant amount of money to a management fund which maintains the wildlife habitats along the boundary of this development
- Noise and air pollution caused both during and after the construction of this development
- The natural plan for expansion of Crofton cemetery as and when it is needed should be these fields allowing generations of residents to lay to rest in the same cemetery
- Local schools, pre-schools, nurseries, doctors, dentists' hospitals and policing are all under severe pressure with increase population
- Concerns about the density of the development being out of keeping with the current properties
- Creation of excessive noise, dust and disturbance to local residents
- The development will adversely affect drainage in the area
- The land is within 5.6km of the Solent and should not be made available for development due to the associated increase in nitrates
- The development will contribute to urban sprawl and result in unacceptable increases to traffic and reduction in air quality
- The council have already noted that there is a lack of green space in Stubbington
- There are no significant areas of employment within walking distance and therefore will generate increase commuting traffic, so negating the traffic flow calculation made when designing the bypass
- Impact on highway safety
- The flora and fauna in the area need to be taken into account
- Its proximity to a historic church and cemetery
- Loss of light and privacy
- Loss of countryside and green space
- Not enough services like buses/trains in the immediate vicinity

- Highway safety concerns
- People's mental health and daily life are being affected the stress and volume of people living in the area
- The proposed housing is not even for social housing they will be executive homes at ridiculous prices so the people that are really in need of housing will not be able to access these homes
- Impact on parking within the village
- Local infrastructure not able to cope including sewerage and community service
- The application would remove valuable local, sustainable farmland which could never be replaced
- The development is not sustainable and low carbon economy with no mention of solar panels, electric vehicles etc.
- Loss of public outlook
- Impact on the character of the village
- The blocking off of Oakcroft Lane will just add to the demise of the areas, it will become a hotspot for fly-tipping as this area is completely cut-off and is not overlooked by any houses or highway
- There is a lack of detail around transport particular, public transport and cycling
- The development is not within the defined urban area
- The development can be seen as having the potential to establish a dangerous precedent that could lead to future building projects
- Consideration should be given to water supply especially in the view of several companies in the UK have warned of shortages
- No new provision for adequate green space of play area for children on the development
- There is the animal shelter nearby where the animals will become more stressed with the increase in noise. Plus, who will want to live near a shelter with dogs barking all day
- Impact on the church and cemetery with noise and dust when weddings and funerals are taking place
- Poor layout/design can lead to anti-social behaviour
- The development would result in a cramped layout and would deliver a scheme of high quality
- The site has only a single point of access for emergency vehicles for 209 houses. This seems dangerous
- There is no provision for self-build on this development
- The atmosphere of the cemetery will be tarnished through noise and pollution
- Parking concerns – there will not be sufficient parking for the number of houses and visitors

- Concerns over the pond construction, it is not clear how it will be managed, and it could carry risk to health for residents in the area
- COVID has shown that we need open space for our mental health and wellbeing
- The development makes no consideration to climate change
- The application is premature whilst the existing local plan is still in operation
- The revised travel plan and transport assessment have not been accurate when describing the local walking and cycling infrastructure

## **7.0 Consultations**

### **EXTERNAL**

#### **Portsmouth Water**

7.1 No adverse comments to make on this application.

#### **HCC Highways**

7.2 No objection, subject to conditions and Section 106 legal agreement

#### **HCC Archaeology**

7.3 No objection, subject to condition.

#### **HCC Lead Local Flood Authority**

7.4 No objection, subject to conditions.

#### **HCC Children's Services**

7.5 No objection, subject to Section 106 legal agreement

#### **Environment Agency**

7.6 No objection, subject to conditions.

#### **Natural England**

7.7 No objection, subject to conditions and Section 106 legal agreement. The scheme would result in a reduction of -151.00kg TN/year by removing the land from agricultural use and result in enhancements to the Solent Waders and Brent Goose site.

#### **Historic England**

7.8 No objection, although noted limited adverse impact.

#### **Southern Water**

7.9 No objection, subject to informative

## INTERNAL

### **Ecology**

- 7.10 No objection, subject to conditions. The Council's Ecologist comments on the following elements of the proposal:

Landscape Plan for Northern Open Space – this indicates the area to the north to be seeded with a wildflower seed mix. The boundaries are to be planted with hedges to prevent access and a number of scrapes to be created to benefit waders. No concerns raised in relation to this document;

Habitat Plan (South) – this is acceptable;

Biodiversity Impact Calculator (Revised Sept 2020) – satisfied that the calculations are correct and a net gain of 40.32 in habitat units and 9.18 in hedgerow units could be achieved. Therefore, a measurable biodiversity net gain could be delivered as part of the proposals;

Ecological Impact Assessment (revised Sept 2020) – satisfied that the baseline site conditions and the impacts as a result of the proposals have been adequately considered and the proposed mitigation measures are appropriate and proportionate and therefore no concerns raised;

Ecological Management Plan (revised Sept 2020) – the prescription measures are acceptable. Whilst the initial management and monitoring will be carried out by the applicant/their managing company, it is understood that the management will ultimately be transferred to Fareham Borough Council; and,

Shadow Habitat Regulations Assessment (revised Sept 2020) – This document is acceptable. Further justification has been provided in relation to National England's concern for the loss of arable habitat which is favoured by golden plover. It has been stated that whilst this species favours arable farmland, it is a generalist in terms of foraging habitat and can utilise permanent grassland. Conclusions of the Shadow HRA agreed, however it is understood that Natural England have requested further information including a costed plan that sets out how habitat management and monitoring of the northern land will be delivered and funded in perpetuity and the details of the management bodies that will take long term responsibility for this area. Provided that the requested information is submitted and agreed by Natural England, would support the Shadow HRA being adopted by the LPA.

### **Tree Officer**

- 7.11 No objection, subject to conditions

### **Environmental Health (Contaminated Land)**

7.12 No objection, subject to conditions

### **Environment Health (Noise and Pollution)**

7.13 No objection, subject to conditions

### **Conservation Planner**

7.14 No objection, no adverse harm to Listed Buildings

### **Recycling Co-ordinator**

7.15 No objection

### **Affordable Housing Officer**

7.16 No objection, subject to Section 106 legal agreement

### **Open Space and Street Scene Manager**

7.17 No objection, subject to S106 agreement regarding land transfer and long-term maintenance

## **8.0 Planning Considerations**

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

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

### **a) Implications of Fareham's current Five Year Housing Land Supply Position (5YHLS)**

8.2 A report titled "Five year housing land supply position" was reported for Member's information earlier in this Agenda. 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 4.2 years of housing supply against the new 5YHLS.

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

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

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

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

*“For decision-taking this means:*

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

- 8.8 The key judgment for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.
- 8.9 Members will be mindful of Paragraph 177 of the NPPF which states that:

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

- 8.10 In this particular case an appropriate assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the Protected Sites around The Solent subject to the proposed mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 of the NPPF applies.
- 8.11 The following sections of the report assesses the application proposals against this Council’s adopted Local Plan policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

**b) Residential Development in the Countryside**

- 8.12 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.
- 8.13 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:
- “Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.”*
- 8.14 Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies Plan states – there will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map).
- 8.15 The site is clearly outside of the defined urban settlement boundary of Stubbington and Hill Head and the proposal is therefore contrary to Policies CS2, CS6 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

**c) Consideration of Policy DSP40: Housing Allocations**

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

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

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

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

**Policy DSP40 (i)**

8.18 The proposal, submitted in full detail, is for the construction of 206 dwellings. Having regard to the Council’s Five Year Housing Land Supply Position, the proposal would be relative in scale and make a significant contribution towards addressing this shortfall. The development proposal would therefore accord with part (i) of Policy DSP40.

**Policy DSP40 (ii)**

8.19 The site is located within the designated countryside but does lie immediately to the north and west of the Stubbington and Hill Head Urban Settlement Boundary, as defined in the Adopted Local Plan. Oakcroft Lane provides a strong and well-established northern perimeter to the settlement, which also includes designated public open space in the form of Crofton Cemetery to the western side of the site.

8.20 The site is located in a sustainable location in close proximity to local schools (Meoncross School, Crofton Secondary School, Baycroft School, Crofton Anne Dale Infant and Junior Schools, Crofton Hammond Infants and Junior Schools), Stubbington Village Centre, Stubbington Community Centre and Stubbington Health Centre. The proposal offers direct access to Peak Lane,

which is well served by local buses connecting the site to Fareham, Gosport, and the Western Wards, which include significant levels of employment provision. The application proposal includes a contribution towards improving the bus stops and shelters along Peak Lane to encourage greater use of the regular bus service along this route. This contribution would be secured through the Section 106 legal agreement. The site will connect directly to Peak Lane via the new dedicated access road. This in turn will provide good access to the Stubbington By-pass, which will provide easy vehicular access to the A27, connecting the site to the Segensworth and Whiteley employment areas.

- 8.21 Pedestrian and cycle connections with the remainder of Stubbington have been integrated into the proposals, connecting the site to Marks Tey Road, to the south and east of the site, providing further links to the remainder of the settlement beyond. It is also important to highlight that the Appeal Inspector for the nearby site at The Grange, considered that development at the northern end of Stubbington would be within a reasonable walking and cycling distance for future occupiers to existing services and facilities. The Inspector therefore considered that the location was sustainable for future residential development.
- 8.22 Having regard to the facilities available within Stubbington, the views of the Planning Inspector in respect of a nearby site, the connections to the wider pedestrian and cycling network that will be achieved, and the enhancement of the bus passenger facilities close to the site Officers consider that the site is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement. The proposal is therefore considered to accord with DSP40 (ii).

**Policy DSP40 (iii)**

- 8.23 Part (iii) of Policy DSP40 seeks to ensure that development is sensitively designed to reflect the character of the neighbouring settlement and to minimise any impact on the Countryside and Strategic Gaps. The earlier refused application was refused on this part of DSP40, resulting in reasons for refusal (ii) to (iv). How the current proposal has addressed these reasons is set out in the following paragraphs.
- 8.24 The planning application has been submitted in detail where detailed consideration of the design and appearance of the development, together with the proposed site layout can be considered. The proposal seeks to construct a development of approximately 27 dwellings per hectare (calculated from only the area south of Oakcroft Lane). This represents a reduction from 34 dwellings per hectare in the earlier application of 261 dwellings (a 21% reduction in number of dwellings) and is considered by Officers to be a more

sensitive level of density for an edge of settlement location. Reason for refusal (iv) highlighted the cramped nature of the earlier proposal. The lower density and mixed character of the proposal is now considered to be more respectful of the key characteristics of the neighbouring urban area, which would result in a high quality residential environment for future occupiers. Reason for refusal (iv) is considered to have been addressed.

- 8.25 Reasons for refusal (ii) and (iii) raised concerns regarding the visual impact of the development, largely as a result of the overall density of the development and in particular how it impacted on the edge of settlement location.
- 8.26 Landscape Consultants acting for the Council previously commented that the principle of the development of the site could be supportable, but significant care would be needed to ensure its edge of settlement location is carefully articulated with a robust landscaping belt to soften the appearance of the development when viewed across the open landscape to the north. The current proposal reflects this approach and has increased the level of landscaping around the periphery of the site, particularly on the western side, adjacent to the cemetery.
- 8.27 The development proposal comprises a wide range and mix of dwelling styles and types, including detached, semi-detached and terraced properties throughout the site, although lower density detached properties are more prevalent to the periphery of the site to soften the transition to the countryside to the north and west. The mature belt of poplar trees to the northern boundary of the site would be retained (with the exception of the site entrance) and would be re-enforced and enhanced with a generous landscaping belt along the northern and western boundaries.
- 8.28 It is considered the lower density, together with the mix of property styles and types and the greater level of boundary planting and landscaping throughout the site will result in a scheme which is considered to be sensitively designed, reflecting the prevailing character of the adjoining residential estates to the east and south. These matters together with various green corridors and interconnected green spaces within and around the development site will significantly enhance the landscape setting of the development. The changes made to the scheme would ensure the visual impact of the development on the immediate countryside setting around the site, and the living conditions of residents in the site will be significantly improved above the earlier application. Officers therefore consider that reasons for refusal (ii), (iii) and (iv) have been satisfactorily addressed.
- 8.29 In addition, the site is located within the designated Fareham- Stubbington Strategic Gap, where Policy CS22 highlights that development should not

impact on the integrity of the gap and the physical and visual separation of settlements. As highlighted above in paragraph 1.5, the earlier application was not refused by the Council because of harm to the Strategic Gap. The enhanced landscape screening along the northern periphery of the developed part of the site, and use of the land to the north of Oakcroft Lane as an ecological enhancement area would contribute towards ensuring that the physical and visual level of separation between Stubbington and Fareham would not be unacceptably compromised by the development, and would not therefore have an impact on the integrity of the Strategic Gap.

8.30 It is also important to highlight that the recent appeal decision for a development of 16 dwellings at The Grange (which is also in the designated countryside and Strategic Gap), was dismissed by a Planning Inspector solely for the reason of the impact on the designated sites around The Solent arising from increased nitrates. The Inspector considered that the development of the land north of Stubbington, and south of Oakcroft Lane was acceptable given the current five year housing land supply position, stating; *“the boundary of the development would be clearly defined by the cemetery, Ranvilles Lane and Oakcroft Lane”*. The Inspector further highlights that Policy CS22 (Strategic Gaps) does not exclude all development within the Strategic Gap, provided the physical and visual separation of Fareham and Stubbington would not be significantly affected (Appeal Decision for The Grange, reference: APP/A1720/W/19/3222404).

8.31 It is therefore considered that the proposal as now presented has addressed reasons for refusal (ii) and (iii) from the earlier application. The proposal is therefore considered to accord with part (iii) of DSP40, whilst also according with the provisions of Policy CS22.

**Policy DSP40 (iv)**

8.32 The applicants have stated in their supporting Planning Statement that the greenfield nature of the site would ensure that the site can be delivered immediately in the event that planning permission is granted. The applicant has also highlighted that they have the history and resources to ensure this development is expedited in the short term.

8.33 It is therefore considered that the proposal accords with part (iv) of DSP40.

**Policy DSP40 (v)**

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

### **Environment/Ecology**

- 8.35 The application has been supported by a number of ecological surveys, and each of these have been considered in detail by the Council's Ecologist. Reasons for refusal (ix), (x), (xi) and (xii) related to ecological impacts as a result of the earlier application. These related to impact on protected species, impact on the Brent goose and Solent Waders network, wildlife corridors and a net loss in biodiversity.
- 8.36 The land to the northern side of Oakcroft Lane is proposed for use as open space, and would comprise a wildflower meadow with scrapes to enhance its function as a 'secondary support area' for the waders and Brent geese that winter along the south coast, as identified in the Solent Waders and Brent Geese Strategy (October 2018). The land would be prepared by the applicant to the satisfaction of the Local Planning Authority, and then transferred to the Council with a maintenance contribution for the first 20 years. This would be secured via the Section 106 legal agreement.
- 8.37 The provision of a biodiversity enhancement area, with detailed mitigation measures in place to the north of Oakcroft Lane addresses reasons for refusal (ix), (x) and (xi). Reason for refusal (xi) is also addressed by the increased level of landscaping belts to the periphery of the southern part of the site. All these elements combine to address the impact on biodiversity loss, and the scheme now results in a measurable increase in biodiversity, addressing reason for refusal (xii). The development proposal now benefits from support from both the Council's Ecologist and Natural England, subject to a Section 106 Legal Agreement and suitably worded planning conditions.
- 8.38 The application has also been supported by a detailed Tree Protection Plan and Arboricultural Impact Assessment, which has been considered by the Council's Tree Officer who has raised no concerns regarding the proposed development and the potential impact on the adjacent trees. The eastern and southern boundaries of the site, which comprise lines of protected trees have, under the current application been provided with sufficient space to ensure they would be able to continue to grow without pressure from the neighbouring development, and without impeding light to the proposed dwellings.
- 8.39 Additionally, the retention of the trees and levels of separation to the periphery would ensure an almost continuous path around the perimeter of the site, with properties fronting the path offering a good level of natural surveillance. The scheme is therefore considered to be acceptable on arboricultural grounds and would also result in the planting of a considerable number of trees throughout the site, including tree lined avenues along the main spine road that runs north – south through the centre of the site. These measures ensure

the longevity of the protected trees, and addresses reason for refusal (xiii) of the earlier application.

- 8.40 The site is located within 5.6km of the Solent, and therefore the development is likely to have a significant effect on the following designated sites: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, and the Solent Maritime Special Area of Conservation. These designations are collectively known as the Protected Sites around The Solent. Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive protected sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.41 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.42 In light of their importance, areas within the Solent have been specifically designated under UK law, and comprise those designations set out above.
- 8.43 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated Protected Sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Protected Sites. This is done following a process known as an Appropriate Assessment. The competent authority (Fareham Borough Council in this instance) is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations.
- 8.44 The application has also been supported by a Shadow Habitats Regulations Assessment prepared by the applicant's consultants which, together with the Council's Appropriate Assessment has been considered by Natural England. The key considerations for the assessment of the likely significant effects are set out below.

- 8.45 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Protected Sites as a result of increased recreational disturbance in combination with other development in The Solent area. The applicant has agreed to make the necessary contribution towards the Solent Recreation Mitigation Partnership Strategy (SRMP), which would be secured via the Section 106 legal agreement, and therefore the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the Protected Sites as a result of recreational disturbance in combination with other plans or projects.
- 8.46 Natural England has also highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the Protected Sites. As stated earlier in the Report, the proposed development will remove the land from agricultural use, and thereby mitigate the impact of nitrates from the development.
- 8.47 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also has the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.48 Finally, in respect the impact on water quality, a nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (June 2020) which confirms that the development will result in a reduction of -153kg TN/year (with precautionary 20% budget) (Note: this was increased from -151kg due to the further loss of 3 dwellings from the scheme). Due to significant reduction in nitrates level, the scheme would make a significant contribution to reducing the amount of nitrates and phosphorus from entering the water environment. The scheme would also be subject to a planning condition which requires details to be submitted to and approved by the Council showing how the water usage within the dwellings of 110 litres per person per day can be achieved.
- 8.49 The Council has carried out an Appropriate Assessment and concluded, in conjunction with the applicant's submitted Shadow Habitat Regulations Assessment that the proposed development, which would take over 15ha of land out of agricultural use and subject to the water usage condition, will

ensure no adverse effects on the integrity of the Protected Sites either alone or in combination with other plans or projects. The development will result in a reduction of over 150kg TN/year of nitrates being discharged from the site. Natural England has been consulted and has agreed with the considerations of the Shadow HRA and the Council's findings, subject to the Council adopting the Shadow HRA. It is considered that the development would accord with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan. The application proposal is therefore considered to comply with point (v) – environmental impact of Policy DSP40, and in doing so satisfactorily addresses reasons for refusal (ix) to (xiii) from the earlier application.

### **Amenity**

- 8.50 In terms of the consideration of the amenity impact on the living conditions of neighbouring occupiers and future occupiers, it is considered, having regard to the advice in the Council's Adopted Design Guidance that the relative distances between the neighbouring properties and the nearest proposed dwellings (on the eastern boundary) would exceed the minimum distances sought and would not therefore have an unacceptable adverse impact on the living conditions of these occupiers.
- 8.51 Internally, the design and layout of the scheme ensures that all the proposed dwellings adhere to the minimum standards sought in the Council's adopted Design Guidance, in terms of garden lengths and levels of separation, and in many respects the standards exceed the minimum sought. In addition, the reduced density of the development when compared to the earlier proposal, results in significant additional levels of landscaping throughout the site, creating a more pleasant living environment for future occupiers.
- 8.52 In addition to the increased levels of landscaping within the public realm within the site, each property will also be provided with front gardens which are capable of accommodating a level of landscaping which will contribute to the softening of the residential environment and public realm. The increased level of landscaping also helps soften the car parking provision for the dwellings, which whilst in the majority of cases are located immediately adjacent to the host dwelling, all are bounded by landscaping to a reasonable level to ensure its longevity.
- 8.53 It is appreciated that parking courtyards can be poorly used, with residents preferring to park cars immediately adjacent to their properties. The scheme only provides one small parking courtyard, which also benefits from a good level of landscaping and providing direct access to the associated dwellings. The courtyard area also includes a landscaped public footpath running through the centre, increasing public use of the space and ensuring the area

is well used and does not become an unused, isolated part of the development proposal.

- 8.54 To the west of the site lies Crofton Cemetery, which is designated as an area of public open space within the Adopted Local Plan. At present, the cemetery benefits from a countryside setting, with open countryside to the immediate north, east and west. The southern boundary also forms parts of an established woodland which includes a public right of way linking the cemetery to the residential development of Marks Tey Road. The cemetery is currently separated from the site by a well-established hedgerow approximately 2 metres high, which with an open, undeveloped field beyond enhances the countryside setting of the cemetery. The current proposal, unlike the earlier application, seeks to respect the setting of the cemetery by providing a 10 - 15 metre wide landscaped belt along the western edge of the site, beyond which is the western perimeter road with houses beyond. This ensures a minimum of 25 metres of separation between the hedgerow of the cemetery and the front elevation of the neighbouring houses. Whilst the development of the site will ultimately change the setting of the cemetery, it is considered that the current proposal sufficiently ensures a level of separation which, together with additional landscape planting, would ensure the semi-rural, tranquil setting of the cemetery is maintained.
- 8.55 It is considered that the proposed layout and density of the development proposed would not have an unacceptable impact on the living conditions and environment of existing and future occupiers, has careful regard to the advice in the adopted Design Guidance and as a result would result in a good quality residential environment, offering good levels of landscaping, open space and private amenity spaces for the future residents. The development would therefore accord with Policies CS17, DSP2 and DSP3 of the adopted Local Plan and complies with point (v) of Policy DSP40.

#### **Traffic**

- 8.56 In respect of the traffic related to the development proposal, the application is supported by detailed Transport Assessment and Travel Plan, both of which have been considered in detail by the Highway Authority who has raised no objection to the proposals. The earlier application was refused on several highway grounds relating to reasons (v), (vi), (vii) and (viii).
- 8.57 The application proposal will be accessed from a new linked service road into the site directly onto Peak Lane, north of the existing Oakcroft Lane junction. The access road will cross Oakcroft Lane at the northern end of the site where to the east, Oakcroft Lane will be closed off, creating a no through road for the occupiers of Three Ways Close (to the immediate east of the site). There will be a new westward junction from the new link road onto Oakcroft Lane,

maintaining the east-west connection between Peak Lane and Titchfield Road (to the west of the site).

- 8.58 The proposal seeks to provide pedestrian and cycle links to the main urban areas of Stubbington, via links through Marks Tey Road. Officers are satisfied that the site is located in a sustainable location, and is within reasonable walking and cycling distances to a wide variety of local services and facilities, and the development of the site could be integrated into the public transport network, which presently links Stubbington and Hill Head to Fareham, Gosport and the Western Wards, which in turn provide rail links to Portsmouth to the east, and Southampton to the west, and beyond. .
- 8.59 The Appeal Inspector for the scheme at The Grange considered the location of that site in relation to the services and facilities in Stubbington, commenting that *“The site has reasonably good access to local services and facilities which would reduce the reliance of future residents to be dependent on a private vehicle for all journeys”*. Given the relative proximity of The Grange to the application site, it is considered that the site is sustainably located.
- 8.60 A number of junctions have been modelled to assess the likely impact, including the site access with Peak Lane, Peak Lane/Longfield Avenue/Rowan Way roundabout, Ranvilles Lane/A27 and the proposed By-pass/Peak Lane. These junctions have been considered using a variety of scenarios including other potential developments and the implementation of the by-pass.
- 8.61 The Highway Authority has reviewed all the modelling that has been undertaken, and subject to works to several junctions in the vicinity of the site, they have raised no objection. The junction improvement works would be subject to a separate Section 278 legal agreement with Hampshire County Council which would be secured through the Section 106 legal agreement. The proposed highway modelling and minor junction improvement works demonstrate that there is sufficient capacity in the highway network to accommodate the development. Therefore, subject to these works being secured through the Section 106 legal agreement, the current proposal satisfactorily addresses reasons for refusal (v) and (vi) from the earlier application.
- 8.62 In addition to the modelling of the junctions, the Highway Authority has raised a number of detailed concerns regarding the internal roads. All of the detailed matters raised by the Highway Authority were addressed in the most recently submitted site layout plan, and therefore Officers consider that these matters have been satisfactorily resolved, and will not result in detriment to highway safety within the site.

- 8.63 All dwellings proposed include off-street car parking which accords with the Council's adopted Residential Car Parking Standards, and the site provides 41 visitors car parking spaces, spread throughout the site. It is therefore considered that the car parking arrangements will be suitable for existing and future occupiers, ensuring a safe living environment for future occupiers.
- 8.64 Additionally, the applicant has agreed to provide every property with direct, on-site car parking provision electric car charging points. Where properties do not have direct on-site car parking, a number of visitors car parking spaces throughout the site, including within the visitors spaces near those properties, will also be provided with rapid car charging stations, ensuring close to home charging for all future residents within the estate.
- 8.65 The Travel Plan, submitted with the planning application has also been considered by the Hampshire County Council's Travel Plan team, and no concerns have been raised, subject to securing the Travel Plan through the Section 106 Legal Agreement. The Travel Plan includes undertaking improvements to bus stops along Mays Lane, to enhance their suitability and encourage greater use by residents. The Travel Plan is proposed to be secured through the Section 106 legal agreement.
- 8.66 It is therefore considered that the proposals are acceptable in highway safety terms and would not have a significant impact on the existing and future occupiers or result in additional undue burden on the local road network. The proposals are considered to accord with point (v) – traffic implications of Policy DSP40, a subsequently addresses reasons for refusal (v) to (viii) from the earlier planning application.

#### **DSP40 Summary**

- 8.67 In summary therefore, the proposed development fully accords with the five criteria of Policy DSP40 of the adopted Local Plan.

#### **d) Other Matters:**

##### **Affordable Housing**

- 8.68 The development proposes the provision of 40% affordable housing (82.4 dwellings) and Officers have considered that the level set out is appropriate, with 82 dwellings being provided on site, with the remaining 0.4 unit being provided as an off-site financial contribution. The Council's Affordable Housing Officer considers that the level of on-site provision is acceptable and that the provision of 82 units will make a good contribution toward the affordable housing needs of the Borough. The affordable housing provision will be secured by a Section 106 Legal Agreement, and the type, size, mix

and tenure of the proposed to be provided on site has been agreed with this Authority.

### **Stubbington By-Pass**

- 8.69 Works have now commenced on the construction of the Stubbington By-pass, following the government's approval of the scheme in May 2019, with the construction works expected to be completed in 2022. The Stubbington By-pass would be situated adjacent to the proposed area of open space, which would be subject to a conversion from farmland to an ecological enhancement area, promoting its use as a secondary support area for Solent waders and Brent Geese.

### **National Space Standards**

- 8.70 The application has been considered under the minimum national space standards. The Council's adopted Design Guidance highlights for internal space standards that *'the internal dimensions of a dwelling should seek to meet at least the minimum sizes set out in the National Technical Standards'*. Therefore, Policy CS17, from which the Design Guidance was established applies and developers should seek to meet these standards in order to adhere to the advice in the adopted Local Plan and to meet high quality design standards.
- 8.71 Following a detailed assessment of the proposed dwellings, it was identified that a number of the units did not comply with minimum total floor areas (measured as a Gross Internal Area (GIA)), nor achieve minimum bedroom sizes. Subsequently amended house types were submitted, and the current proposal ensures that all the dwellings and flats accord with the minimum Gross Internal Areas sought by the nationally described space standards.
- 8.72 There remain a number of units which have single bedrooms marginally below the minimum sought floor area of 7.5sqm (which must include one width of at least 2.15m). Those bedrooms have been assessed and affect two house types, the '4BH' (4 units) and the 'Hanbury' (29 units). The smallest bedroom in the '4BH' measures approximately 6.9sqm and the smallest bedroom in the 'Hanbury' measures approximately 6.75sqm. Both bedrooms meet the minimum 2.15m width and are only marginally below the minimum sought. The 'Hanbury' does include a separate study adjacent to the smallest bedroom which could be incorporated to ensure these bedrooms comply with the minimum standard.
- 8.73 These bedrooms are only 0.6sqm and 0.75sqm below the minimum standard whilst the properties themselves exceed the required minimum GIA for properties of their size. A letter of support for this has been received from the applicant's Registered Provide, Sage Housing, who has confirmed that the

properties and their bedroom sizes are acceptable to them and would not discourage them from taking on the properties or the likely demand for selling/letting out the properties. Officers have had regard to the bedroom sizes and the fact that the properties exceed the minimum floor area, and as such considers the scheme to accord with the requirements of the adopted Design Guidance and is therefore acceptable.

### **Flood Risk and Climate Change**

- 8.74 The site is located wholly within Flood Zone 1, where there is considered to be a low risk from flooding. The earlier planning application was refused on flood risk grounds due to the lack of consideration of the scheme from climate change (reason for refusal (xiv)). The current application has been supported by detailed flood risk assessments and drainage strategies. These have been assessed by both the Environment Agency and Hampshire County Council as the Lead Local Flood Authority. Both Authorities have raised no objection, as the updated assessments submitted have regard to the potential implications from climate change. Subsequently reason for refusal (xiv) has been satisfactorily addressed.
- 8.75 In addition, reason for refusal (xvi) related to the long-term maintenance of the on site Sustainable Urban Drainage System. Details of this are subject to condition on the current application and therefore reason for refusal (xiv) can be satisfactorily addressed.

### **Impact on Heritage Assets**

- 8.76 The proposed development area of site is located over 110 metres to the northeast of Crofton Old Church, a Grade II\* Listed Building. Views from the development site to the Church are largely obscured by the intervening woodland. However, the earlier application included housing development immediately adjacent to the western boundary hedgerow with the cemetery. This resulted in a greater prominence of the development to the adjacent cemetery and would have had a greater impact on the setting of the Church. The current proposal includes a significant landscaped strip along the western boundary. This change has reduced the impact and lowered the concern raised by Historic England to 'low'. No objection has been raised by the Council's Conservation Planner.
- 8.77 Further, having regard to the relevant advice in the National Planning Policy Framework (NPPF), the low level of impact considered by Historic England needs to be balanced against the response of the Council's Conservation Planner who raised no concerns, given the level of separation between the site and the Church. Paragraph 196 of the NPPF highlights that where development proposals would lead to less than substantial harm, the harm should be weighed against the public benefits. The scheme would provide

206 dwellings and make a noticeable contribution towards the current HLS shortfall, whilst also being sufficiently far enough away that it would not dominate the character or appearance of the immediate or wider setting of the listed buildings. Having regard to the above, Officers consider there would be no harm caused to the setting of the listed buildings and is therefore considered acceptable, and the changes made to the development ensure the scheme satisfactorily addresses reason for refusal (xv) from the earlier application.

- 8.78 In applying the statutory tests required under Section 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered that the proposed works would preserve the setting of Crofton Old Church and The Manor House. It is therefore considered that the development proposal accords with Policies CS17 and DSP5 of the Local Plan.

#### **Loss of Agricultural Land**

- 8.79 The land to the south of Oakcroft Lane is classified as Grade 3b (moderate quality) Agricultural Land, with the land north of Oakcroft Lane classified as a mixture of Grade 3b and Grade 2 (best and most versatile) Agricultural Land. Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land.
- 8.80 The entire area would be taken out of agricultural use, with the lower graded land subject to the residential development and the best and most versatile land converted to a biodiversity enhancement area. The loss of the Grade 3b land is acceptable and is only considered capable of producing a moderate yield of a narrow range of crops. The loss of the Grade 2 land is regrettable and results in a conflict with Policy CS16. The field is relatively limited in size and is already being dissected by the Stubbington By-pass. Whilst its loss must be considered in the Planning Balance, the loss of the land from agricultural use was not raised as a reason for refusal in the earlier application proposal.

#### **e) The Planning Balance:**

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

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

- 8.82 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.
- 8.83 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 against the Development Plan.
- 8.84 The site lies outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.
- 8.85 The site also lies within the Stubbington to Fareham Strategic Gap, where it is important that development should not significantly affect the integrity of the Gap and the physical and visual separation of the settlements. The location of the site is immediately north and west of the existing urban area of Stubbington, and the part of the site proposed to be developed is bounded by the northern perimeter road of the settlement which is considered to contribute to the containment of the site. The development would not have a significant effect on the overall integrity of the Gap and the physical and visual separation of settlements. This conclusion was also reached by the Appeal Inspector in the determination of the appeal for the scheme of 16 dwellings at The Grange to the west of the site.
- 8.86 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations, which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented earlier to the Planning Committee and the Government steer in respect of housing delivery. It is acknowledged that the proposal would make a significant contribution to the shortfall of houses in the Borough and would be relative in scale to the current shortfall, and thereby accord with point (i) of the Policy DSP40.

- 8.87 In addition, the proposal accords with points (ii), (iii) and (v) of Policy DSP40, in that it would be sustainably located and can be well integrated with the neighbouring settlement (point (ii) of DSP40). The development results in 55 fewer dwellings than the earlier planning application in turn resulting in a lower density scheme, which is considered to have been sensitively designed to minimise the visual appearance of the development from the immediate surrounding countryside and would not compromise the integrity of the Strategic Gap. The additional landscaping proposed, and wider street layout relates well to its edge of settlement location (point (iii) of DSP40).
- 8.88 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions, the Section 106 legal agreement and habitat mitigation. The scheme will result in a net gain in biodiversity and safeguard all the land between Oakcroft Lane and the Stubbington by-pass for nature conservation and ensures no unacceptable adverse impact on the living conditions of existing and future residents. Further, the impact on the wider highway network has been carefully considered by Hampshire County Council who consider that the proposal would not have a significant impact on existing and future occupiers in terms of highway safety (point (v) of DSP40) subject to identified mitigation being secured.
- 8.89 Further, the low grading of the agricultural land to the south of Oakcroft Lane means its loss from agricultural use would not impact on the best and most versatile land elsewhere in the Borough. The best and most versatile agricultural land to the north of Oakcroft Lane would be lost, and therefore is considered to conflict with Policy CS16. This land has already been impacted by the route of the by-pass, and its use as a biodiversity enhancement area would contribute significantly to the wider Solent waders and Brent goose network.
- 8.90 In balancing the objectives of adopted policy which seeks to restrict development within the countryside and prevent the loss of the best and most versatile agricultural land alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver an increase of 206 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is substantial and would make a material contribution in light of the Council's current 5YHLS shortfall.
- 8.91 There is a conflict with development plan policies CS14 and CS16 which would ordinarily result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a

five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

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

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

8.93 Having carefully considered all material planning considerations, Officers recommend that planning permission should therefore be granted subject to the imposition of appropriate planning conditions, and subject to the completion of a Section 106 legal agreement.

## **9.0 Recommendation**

- i) Confirm the applicant's document titled Shadow Habitat Regulations Assessment September 2020 and the Council's Appropriate Assessment titled 'Land West of Crofton Cemetery HRA and AA, together comprise the Council's Habitat Regulations Assessment:
- ii) delegate to the Head of Development Management to make any minor modifications to the proposed conditions or heads of term,  
  
And,
- iii) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a. To secure a financial contribution totalling £565,500 towards off site highway and public rights of way works;
- b. To secure the provision of highway improvements to be delivered by the developer through a Section 278 agreement with the Highway Authority;
- c. To secure the implementation of the Framework Travel Plan;
- d. To secure a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
- e. To secure the provision of affordable housing on-site at an overall level of 40% and in line with the following size and tenure split:

Affordable Rent Units:	
1 bed dwellings	4
2 bed dwellings	24
3 bed dwellings	18
4 bed dwellings	4
Intermediate Units:	
2 bed dwellings	18
3 bed dwellings	14

- f. To secure a contribution of £978,444 towards education infrastructure and £42,000 for the provision of school travel plans and monitoring fees;
  - g. To secure the implementation of the Ecological Mitigation Land (land north of Oakcroft Lane) in accordance with details provided, after which the transfer of the land to Fareham Borough Council and the payment of £331,975 for the long-term maintenance and management of the land;
  - h. To secure the laying out, maintenance and future management arrangements of on-site routes, common space and open space within the development site, and to make the land available for public use;
  - i. To secure the provision of a Locally Equipped Area of Play (LEAP) within the site, and to make the area available for public use
- iv) GRANT PLANNING PERMISSION, subject to the following planning conditions:

1. The development hereby permitted shall commence within eighteen months from the date of this decision.  
 REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
  
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - a) Location Plan (Drawing: A-02-001-LP);
  - b) Site Layout (Drawing: A-02-015-SL Rev I);
  - c) Tenure Plan (Drawing: A-02-010-TP Rev K);
  - d) Building Heights (Drawing: A-02-012-BH Rev I);
  - e) Boundary Treatments (Drawing: A-02-013-BT Rev I);
  - f) North Oakcroft Lane Strategy (Drawing: PERSC22805 20);
  - g) Habitat Plan (Drawing: PERSC22805 15 Sheet 1);
  - h) Habitat Plan (Drawing: PERSC22805 15 Sheet 2);
  - i) Tree Protection Plan (Drawing: PRI21504-03A Sheet 1 of 2);
  - j) Tree Protection Plan (Drawing: PRI21504-03A Sheet 2 of 2);
  - k) Swept Path Analyses (1 of 2) (Drawing: SPA-001 Rev A);
  - l) Swept Path Analyses (2 of 2) (Drawing: SPA-002 Rev A);
  - m) Swept Path Analyses (3 of 4) (Drawing: SPA-003);
  - n) Swept Path Analyses (4 of 4) (Drawing: SPA-004);
  - o) Substation Plans and Elevations (Drawing: SUB-001);
  - p) Junction Visibility Splays (1 of 3) (Drawing: VS-001);
  - q) Junction Visibility Splays (2 of 3) (Drawing: VS-002);
  - r) Junction Visibility Splays (3 of 3) (Drawing: VC-003);
  - s) Carleton (Drawing: CAR-001);
  - t) Carleton – Type B (Drawing: CAR-002);
  - u) Carleton – Tile hanging (Drawing: CAR-003);
  - v) Charnwood Corner (Drawing: CHARN-C-001);
  - w) Charnwood Corner – Type B (Drawing: CHARN-C-002);
  - x) Charnwood Corner – WB (Drawing: CHARN-C-003);
  - y) Charnwood Corner – Flint (Drawing: CHARN-C-004);
  - z) Charnwood Corner – Bay (Drawing: CHARN-C-005);
  - aa) Charnwood Corner – Bay Type B (Drawing: CHARN-C-006);
  - bb) Dalby (Drawing: DALB-001);
  - cc) Dalby (Drawing: DALB-002);
  - dd) Single Garage (Drawing: Gar-001 Rev B);
  - ee) Twin Garage (Drawing: Gar-002 Rev B);
  - ff) Double Garage (Drawing: Gar-003 Rev B);
  - gg) Greenwood (Drawing: GWD-001);
  - hh) Greenwood Corner (Drawing: Gwd-C-001);
  - ii) Haldon (Drawing: HAL-001);

jj) Haldon HA (Drawing: Hal-001);  
 kk) Haldon HA MID (Drawing: HAL-HA-002);  
 ll) Haldon HA END (Drawing: HAL-HA-003);  
 mm) Haldon HA Type B (Drawing: HAL-HA-004);  
 nn) Haldon HA Type B (Drawing: HAL-HA-005);  
 oo) Haldon HA Type B (Drawing: HAL-HA-006);  
 pp) Hanbury (Drawing: Han-001 Rev D);  
 qq) Hanbury Type B (Drawing: Han-002 Rev D);  
 rr) Hanbury Tile Hanging (Drawing: Han-003 Rev C);  
 ss) Hanbury TH Mid (Drawing: Han-004 Rev C);  
 tt) Hanbury TH – HIP (Drawing: Han-005 Rev B);  
 uu) Hanbury – Barn Hip (Drawing: Han-006 Rev B);  
 vv) Hanbury Corner (Drawing: Han-C-HA-001 Rev D);  
 ww) Hanbury Corner – Type B (Drawing: Han-Cnr-002 Rev D);  
 xx) Hanbury Corner – TH (Drawing: Han-Cnr-003 Rev C);  
 yy) Hanbury Corner – Hip (Drawing: Han-Cnr-004 Rev B);  
 zz) Hanbury Corner (Drawing: Han-Cnr-005 Rev A);  
 aaa) Hanbury – HA (Drawing: HAN-HA-001 Rev A);  
 bbb) Hanbury – HA (Drawing: HAN-HA-002 Rev A);  
 ccc) Rendlesham HA MID (Drawing: REN-HA-002 Rev A);  
 ddd) Rendlesham HA END (Drawing: REN-HA-003 Rev A);  
 eee) Rendlesham HA Tile Hanging (Drawing: REN-HA-004 Rev A);  
 fff) Sherwood (Drawing: SHER-001);  
 ggg) Whinfell (Drawing: WHIN-001);  
 hhh) Whinfell Type B (Drawing: WHIN-002);  
 iii) Whinfell MID (Drawing: WHIN-003);  
 jjj) Whinfell Type C (Drawing: WHIN-004);  
 kkk) Whinfell Type D (Drawing: WHIN-005);  
 ll) Whiteleaf (Drawing: WHLF-001 Rev A);  
 mmm) Whiteleaf – WB Hipped (Drawing: WHLF-002);  
 nnn) Windermere (Drawing: WIN-001);  
 ooo) Windermere Type B (Drawing: WIN-002);  
 ppp) Windermere Tile Hanging (Drawing: WIN-003);  
 qqq) Windermere Tile Hanging V2 (Drawing: WIN-004);  
 rrr) Windermere v2 (Drawing: WIN-005);  
 sss) Windermere v2 Flint (Drawing: WIN-006);  
 ttt) 4 x 1 Bed flats (Drawing: 4x 1bf-001 Rev A);  
 uuu) 4 x 1 Bed flats (Drawing: 4x 1bf-002 Rev B);  
 vvv) 4620a (Drawing: 4620a-001 Rev B);  
 www) 4620a v2 (Drawing: 4620a-002);  
 xxx) Bond (Drawing: BON-001 Rev B);  
 yyy) Bond V2 (Drawing: BON-002);  
 zzz) Knightsbridge (Drawing: KNI-001 Rev B);  
 aaaa) Knightsbridge – Weather board (Drawing: KNI-002 Rev B);

bbbb) Marlborough (Drawing: MARL-001 Rev B);  
cccc) Marlborough – Weather board (Drawing: MARL-002 Rev B);  
dddd) Marlborough (Drawing: MARL-003 Rev A);  
eeee) Marylebone (Drawing: MAR-001 Rev B);  
ffff) Marylebone V2 (Drawing: MAR-002);  
gggg) Single Garage (Drawing: GAR-004 Rev A);  
hhhh) Twin Garage (Drawing: GAR-005 Rev A); and,  
iiii) Double Garage (Drawing: GAR-006 Rev A).  
REASON: To avoid any doubt over what has been permitted.

3. The development hereby permitted shall be undertaken in accordance with the materials and finishes as specified on Drawing A-02-011-MP Rev J (Materials Plan) and the submitted Schedule of Materials (dated February 2021). There shall be no deviation from these materials and finishes unless otherwise first agreed in writing with the Local Planning Authority.  
REASON: In the interests of visual amenity.

4. No part of the development hereby approved shall be occupied until the boundary treatment relating to it, as shown on Drawing A-02-013-BT Rev I (Boundary Treatment), has been fully implemented. The boundary treatment shall thereafter be retained at all times unless otherwise first agreed in writing with the Local Planning Authority.  
REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

5. No dwelling hereby approved shall be first occupied until detailed plans and proposals have been submitted to the Local Planning Authority for approval showing:

- (i) Refuse bin storage (sufficient for 2no. 140 litre wheeled bins);
- (ii) Secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse before the dwellinghouse to which it relates is first occupied, and shall thereafter be retained and kept available for the stated purpose.

REASON: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

6. No development shall take place until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access(es), including all relevant horizontal and longitudinal cross sections showing the

existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been submitted to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

7. No dwelling hereby permitted shall be first occupied until it has a direct connection, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the commencement of the penultimate building or dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

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

8. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise first agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

9. None of the development hereby permitted shall be occupied, or by such time as shall be agreed in writing with the Local Planning Authority, until the visitor parking spaces marked on the approved plan, and sufficient to serve that part of the overall development completed at that time, have been provided on site and these spaces shall be subsequently retained at all times.

REASON: The car parking provision on site has been assessed in the light of the provision of visitor parking spaces so that the lack of these spaces may give rise to on street parking problems in the future.

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

REASON: In the interests of highway safety

11. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details, including location, type and technical specification of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the local planning authority in writing:

a) Five dual Electric Vehicle (EV) charge points throughout the site to serve the visitors car parking spaces to serve the dwellings without on-plot charging points;

b) One Electric Vehicle (EV) charging point per dwelling, where parking is provided on plot which is contiguous with its associated dwelling.

The development shall be carried out in accordance with the approved details. Any deviation from these requirements must be submitted to and approved in writing by the Local Planning Authority.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

12. The development hereby permitted shall proceed in accordance with the measures detailed within Section 5 of the Ecological Impact Assessment (ECOSA Ltd, revised September 2020), Ecological Management Plan (ECOSA Ltd, revised September 2020) and the Shadow Habitat Regulations Assessment (ECOSA Ltd).

REASON: To ensure the protection of habitats, species, and designated sites and their supportive network of habitats.

13. No development above damp proof course level shall continue until a scheme of lighting (during operational life of the development), designed to minimise impacts on wildlife, particularly bats, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

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

14. The development hereby permitted shall be undertaken in accordance with the submitted Archaeological Written Scheme of Investigation (Cotswold Archaeology, dated September 2020 ref: AN0223), unless otherwise first agreed in writing by the Local Planning Authority.

REASON: To ensure that any archaeological features discovered on site are adequately protected.

15. No development shall take place until details of sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall be in general accordance with the submitted Flood Risk Assessment (ref: AMc/19/0161/5909 Rev B, dated March 2019 and plans 5909-05E and 5909-25D), Surface Water Drainage Calculations (ref: AMc/20/MD/5909, dated September 2020).  
REASON: In order to ensure satisfactory disposal of sewage and surface water from the site.
16. The development hereby permitted shall be undertaken in accordance with the provisions set out within the Arboricultural Impact Assessment and Method Statement (prepared by ACD, ref PER21504aia-amsA, dated May 2020).  
REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.
17. No development shall take place until the tree protection measures as shown on PER21504-03A (Sheets 1 and 2) have been installed and shall thereafter be retained for the full duration of works or until such time as agreed in writing with 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 agreement of the Local Planning Authority.  
REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.
18. No development take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.  
REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.
19. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an

investigation and risk assessment of the identified material/ ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the LPA prior to the occupation of the unit(s).

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

20. Development shall be carried out in accordance with the recommendations set out within Paragraph 15.4 within the submitted acoustic report ref: SA-5785-3 dated April 2020.

REASON: In the interests of residential amenity.

21. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling 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 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

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

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

23. No development shall take place until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Oakcroft Lane, Mays Lane and Peak Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

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

REASON: In the interests of residential amenity.

25. The development hereby permitted shall proceed in accordance with the detailed landscaping scheme comprising drawings:

- a. Landscape Proposals (Drawing: PERSC22805 11 Sheet 1 Rev D);
- b. Landscape Proposals (Drawing: PERSC22805 11 Sheet 2 Rev D);
- c. Landscape Proposals (Drawing: PERSC22805 11 Sheet 3 Rev D);
- d. Landscape Proposals (Drawing: PERSC22805 11 Sheet 4 Rev D);
- e. Landscape Proposals (Drawing: PERSC22805 11 Sheet 5 Rev D);
- f. Landscape Proposals (Drawing: PERSC22805 11 Sheet 6 Rev D);
- g. Landscape Proposals (Drawing: PERSC22805 11 Sheet 7 Rev D);
- h. Landscape Proposals (Drawing: PERSC22805 11 Sheet 8 Rev D);
- i. Landscape Proposals (Drawing: PERSC22805 11 Sheet 9 Rev D);

j. Landscape Proposals (Drawing: PERSC22805 11 Sheet 10 Rev D);  
and,

k. Landscape Proposals (Drawing: PERSC22805 11 Sheet 11 Rev D).

Details of any variation from these approved landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality

26. The landscaping scheme approved under Condition 25 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

27. Prior to the installation of any street lighting, details of the location, height, luminaires and means of accessories to ensure lighting is kept away from mature trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and retained thereafter in accordance with the approved details.

REASON: To ensure the provision of suitable lighting within the site, in the interests of amenity.

28. No development hereby permitted shall proceed beyond damp proof course level until details of the finished treatment [and drainage] of all areas to be hard surfaced have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development

#### INFORMATIVES:

- a) Potentially contaminated ground conditions include: imported topsoil, made ground or backfill, buried rubbish, car parts, drums, containers or tanks, soil with extraneous items such as cement asbestos, builders rubble, metal fragments, ashy material, oily / fuel / solvent type smells from the soil, highly

coloured material or black staining and liquid fuels or oils in the ground. If in any doubt please contact the Contaminated Land Officer on 01329 236100.

**11.0 Background Papers**

P/20/0522/FP

## Appendix 3: Decision Notice

# FAREHAM

## BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT  
PROCEDURE) ORDER 2015

### Planning Decision Notice

Planning Application Reference: P/20/0522/FP

Decision Date: 18 February 2021

Fareham Borough Council, as the Local Planning Authority, hereby **REFUSES** the **Development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, substation, public open space and associated works at Land East of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham as proposed by application P/20/0522/FP** for the following reasons:

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

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

- iv) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area. Some of the house types also fail to meet with the Nationally Described Space Standards.
- v) had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.
- vi) in the absence of a legal agreement to secure such, the development proposal would fail to secure a provision of affordable housing at a level in accordance with the requirements of the Local Plan.
- vii) in the absence of a legal agreement to secure such, the proposal would fail to; a) provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas, and b) secure the creation of the ecological enhancement area and its long term management and maintenance to enhance the wider Solent Wader and Brent Goose network.
- viii) in the absence of a legal agreement securing provision of the open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.
- ix) in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.
- x) in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.

## INFORMATIVES:

### 1. This decision relates to the following plans:

- a) Location Plan (Drawing: A-02-001-LP);
- b) Site Layout (Drawing: A-02-015-SL Rev I);
- c) Tenure Plan (Drawing: A-02-010-TP Rev K);
- d) Building Heights (Drawing: A-02-012-BH Rev I);
- e) Boundary Treatments (Drawing: A-02-013-BT Rev I);
- f) North Oakcroft Lane Strategy (Drawing: PERSC22805 20);
- g) Habitat Plan (Drawing: PERSC22805 15 Sheet 1);
- h) Habitat Plan (Drawing: PERSC22805 15 Sheet 2);
- i) Tree Protection Plan (Drawing: PRI21504-03A Sheet 1 of 2);
- j) Tree Protection Plan (Drawing: PRI21504-03A Sheet 2 of 2);
- k) Swept Path Analyses (1 of 2) (Drawing: SPA-001 Rev A);
- l) Swept Path Analyses (2 of 2) (Drawing: SPA-002 Rev A);
- m) Swept Path Analyses (3 of 4) (Drawing: SPA-003);
- n) Swept Path Analyses (4 of 4) (Drawing: SPA-004);
- o) Substation Plans and Elevations (Drawing: SUB-001);
- p) Junction Visibility Splays (1 of 3) (Drawing: VS-001);
- q) Junction Visibility Splays (2 of 3) (Drawing: VS-002);
- r) Junction Visibility Splays (3 of 3) (Drawing: VC-003);
- s) Carleton (Drawing: CAR-001);
- t) Carleton – Type B (Drawing: CAR-002);
- u) Carleton – Tile hanging (Drawing: CAR-003);
- v) Charnwood Corner (Drawing: CHARN-C-001);
- w) Charnwood Corner – Type B (Drawing: CHARN-C-002);
- x) Charnwood Corner – WB (Drawing: CHARN-C-003);
- y) Charnwood Corner – Flint (Drawing: CHARN-C-004);
- z) Charnwood Corner – Bay (Drawing: CHARN-C-005);
- aa) Charnwood Corner – Bay Type B (Drawing: CHARN-C-006);
- bb) Dalby (Drawing: DALB-001);
- cc) Dalby (Drawing: DALB-002);
- dd) Single Garage (Drawing: Gar-001 Rev B);
- ee) Twin Garage (Drawing: Gar-002 Rev B);
- ff) Double Garage (Drawing: Gar-003 Rev B);
- gg) Greenwood (Drawing: GWD-001);
- hh) Greenwood Corner (Drawing: Gwd-C-001);
- ii) Haldon (Drawing: HAL-001);
- jj) Haldon HA (Drawing: Hal-001);
- kk) Haldon HA MID (Drawing: HAL-HA-002);

ll) Haldon HA END (Drawing: HAL-HA-003);  
 mm) Haldon HA Type B (Drawing: HAL-HA-004);  
 nn) Haldon HA Type B (Drawing: HAL-HA-005);  
 oo) Haldon HA Type B (Drawing: HAL-HA-006);  
 pp) Hanbury (Drawing: Han-001 Rev D);  
 qq) Hanbury Type B (Drawing: Han-002 Rev D);  
 rr) Hanbury Tile Hanging (Drawing: Han-003 Rev C);  
 ss) Hanbury TH Mid (Drawing: Han-004 Rev C);  
 tt) Hanbury TH – HIP (Drawing: Han-005 Rev B);  
 uu) Hanbury – Barn Hip (Drawing: Han-006 Rev B);  
 vv) Hanbury Corner (Drawing: Han-C-HA-001 Rev D);  
 ww) Hanbury Corner – Type B (Drawing: Han-Cnr-002 Rev D);  
 xx) Hanbury Corner – TH (Drawing: Han-Cnr-003 Rev C);  
 yy) Hanbury Corner – Hip (Drawing: Han-Cnr-004 Rev B);  
 zz) Hanbury Corner (Drawing: Han-Cnr-005 Rev A);  
 aaa) Hanbury – HA (Drawing: HAN-HA-001 Rev A);  
 bbb) Hanbury – HA (Drawing: HAN-HA-002 Rev A);  
 ccc) Rendlesham HA MID (Drawing: REN-HA-002 Rev A);  
 ddd) Rendlesham HA END (Drawing: REN-HA-003 Rev A);  
 eee) Rendlesham HA Tile Hanging (Drawing: REN-HA-004 Rev A);  
 fff) Sherwood (Drawing: SHER-001);  
 ggg) Whinfell (Drawing: WHIN-001);  
 hhh) Whinfell Type B (Drawing: WHIN-002);  
 iii) Whinfell MID (Drawing: WHIN-003);  
 jjj) Whinfell Type C (Drawing: WHIN-004);  
 kkk) Whinfell Type D (Drawing: WHIN-005);  
 ll) Whiteleaf (Drawing: WHLF-001 Rev A);  
 mmm) Whiteleaf – WB Hipped (Drawing: WHLF-002);  
 nnn) Windermere (Drawing: WIN-001);  
 ooo) Windermere Type B (Drawing: WIN-002);  
 ppp) Windermere Tile Hanging (Drawing: WIN-003);  
 qq) Windermere Tile Hanging V2 (Drawing: WIN-004);  
 rrr) Windermere v2 (Drawing: WIN-005);  
 sss) Windermere v2 Flint (Drawing: WIN-006);  
 tt) 4 x 1 Bed flats (Drawing: 4x 1bf-001 Rev A);  
 uuu) 4 x 1 Bed flats (Drawing: 4x 1bf-002 Rev B);  
 vv) 4620a (Drawing: 4620a-001 Rev B);  
 www) 4620a v2 (Drawing: 4620a-002);  
 xxx) Bond (Drawing: BON-001 Rev B);  
 yyy) Bond V2 (Drawing: BON-002);  
 zzz) Knightsbridge (Drawing: KNI-001 Rev B);  
 aaaa) Knightsbridge – Weather board (Drawing: KNI-002 Rev B);  
 bbbb) Marlborough (Drawing: MARL-001 Rev B);

cccc) Marlborough – Weather board (Drawing: MARL-002 Rev B);  
dddd) Marlborough (Drawing: MARL-003 Rev A);  
eeee) Marylebone (Drawing: MAR-001 Rev B);  
ffff) Marylebone V2 (Drawing: MAR-002);  
gggg) Single Garage (Drawing: GAR-004 Rev A);  
hhhh) Twin Garage (Drawing: GAR-005 Rev A); and,  
iiii) Double Garage (Drawing: GAR-006 Rev A).

2. Subject to the applicant first entering into a legal agreement to the satisfaction of Fareham Borough Council and Hampshire County Council, to ensure the financial contribution towards the necessary off site highway and public rights of way works, no objection is raised to the proposal on technical highway grounds.

# **Notes to Accompany Planning Decision Notice**

Planning Application Ref: P/20/0522/FP

Decision Date: 18 February 2021

## **General Notes for Your Information:**

- The decision documents can be obtained by viewing the submitted application online at [www.fareham.gov.uk/planning](http://www.fareham.gov.uk/planning)
- Please contact the officer who handled this application Peter Kneen on 01329 824363 or at [pkneen@fareham.gov.uk](mailto:pkneen@fareham.gov.uk) if:
  - You would like clarification about this notice
  - You are unhappy with this decision or the way it has been reached

## **Right of appeal:**

- The person who made this application has the right to appeal to the Secretary of State.
- Appeals must be made within 6 months of the date of this decision notice.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
  - Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
  - Or submit online at The Planning Inspectorate website at
  - [www.gov.uk/planning-inspectorate](http://www.gov.uk/planning-inspectorate)
- There is no third party right of appeal for neighbours or objectors.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate ([inquiryappeals@planninginspectorate.gov.uk](mailto:inquiryappeals@planninginspectorate.gov.uk)) at least 10 days before submitting the appeal. Further details are on GOV.UK.

**Purchase Notices:**

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.