

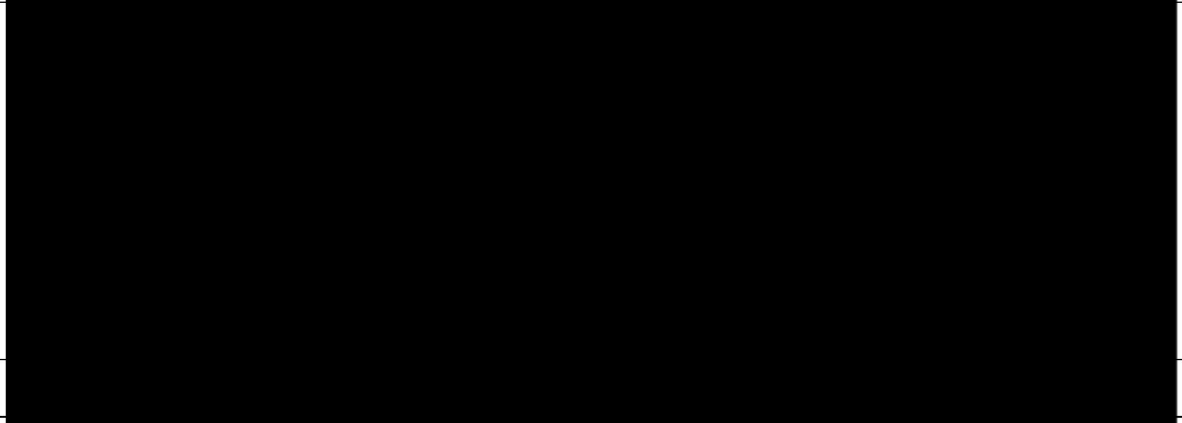
# Planning Statement of Common Ground

Between Fareham Borough Council &

Pegasus Group (on behalf of Miller Homes Ltd and Bargate Homes Ltd)

Proposed Residential Development at Land East of Newgate Lane East, Fareham

LPA Ref: P/22/0165/OA PINS Ref: APP/A1720/W/22/3299739

	
<b>On behalf of:</b> Independent planning consultant acting on behalf of Fareham Borough Council	<b>On behalf of:</b> Pegasus Group (acting on behalf of the appellants)
<b>Date:</b> 13 <sup>th</sup> September 2022	<b>Date:</b> 13 <sup>th</sup> September 2022



# Contents

1. Introduction.....	1
2. The Proposed Development .....	2
3. The Appeal Site and its Surroundings.....	3
4. Reasons for Refusal and Main Issues.....	5
5. Relevant Planning Policy and Material Considerations.....	8
6. Matters agreed between the Parties.....	12
7. Matters not agreed between the Parties.....	15
8. Suggested Conditions and Planning Obligations.....	16

# Appendices contents

Appendix 1 – List of Application Plans and Reports.....	25
---	----



# 1. Introduction

- 1.1. This is a Statement of Common Ground agreed between Miller Homes Ltd and Bargate Homes Ltd (the appellants) and Fareham Borough Council (FBC) in relation to Land East of Newgate Lane East, Fareham.
- 1.2. The appeal is submitted against the non-determination of an outline planning application (FBC ref. P/22/0165/OA) for residential development for up to 375 dwellings, with all matters except access to be reserved.
- 1.3. This Statement of Common Ground outlines those matters agreed and those matters not agreed.
- 1.4. Both parties reserve the right to add further evidence in the event that there are material change(s) in circumstances, for example, on matters of housing delivery. FBC and the appellants will work together to refine this Statement of Common Ground iteratively and will prepare a further signed version before the commencement of the Inquiry.
- 1.5. This statement should be read in conjunction with separate Statements of Common Ground relating to Housing Need and Supply, Transport (ASoTM) and Ecology.



## 2. The Proposed Development

2.1. The proposed development at Land East of Newgate Lane East is for:

*'Outline application with all matters reserved (except access) for residential development of up to 375 dwellings, access from Newgate Lane East, landscaping and other associated infrastructure works.'*

2.2. The key features of the proposal are:

- Up to 375 dwellings across a range of housing types and sizes (to be determined at the reserved matters stage);
- 40% affordable housing provision;
- Vehicular access from a new roundabout on Newgate Lane East;
- On site pedestrian and cycle routes linking to northern, eastern, southern and western site boundaries;
- Open space including a children's play area;
- Bird mitigation area;
- Retention and enhancement of field boundary vegetation where possible; and
- Sustainable drainage features within the green corridors;

2.3. The application was supported by a series of plans and reports as listed at **Appendix 1**.

### 3. The Appeal Site and its Surroundings

- 3.1. The appeal site measures 20.04 hectares and comprises of four field parcels defined by mature hedgerows and trees, and sections of Newgate Lane East to facilitate the site access.
- 3.2. The site lies within designated countryside and in a 'strategic gap' as identified within the Fareham Local Plan. The site's entire eastern boundary lies immediately adjacent to the 'Urban Area Boundary' for Bridgemary/Woodcot as defined on the Gosport Borough Local Plan 2011-2029 Policies Map, and part of the site's northern boundary lies adjacent to the 'Defined Urban Settlement Boundary' for Fareham, as defined on the Fareham Local Plan Part 2 Policies Map.
- 3.3. The site is not subject to any specific statutory or non-statutory landscape or ecology related planning designations.
- 3.4. The northern part of the appeal site is covered by an area identified as a 'secondary support area' for Waders and Brent Geese within the Solent Waders and Brent Goose Strategy, whilst part of the central and southern portions of the site are identified as 'low value' in this regard.
- 3.5. The site is located within Flood Zone 1. The topography is largely flat with a gradual fall from north to south.
- 3.6. There are no Public Rights of Way over the site. Public Rights of Way footpath 76 runs parallel to the northern boundary of the site beyond the mature boundary trees/hedgerow and forms a part shared / part segregated footway / cycleway.
- 3.7. European Protected Sites lie within 5kms of the site which include the Portsmouth Harbour SPA and the Solent and Southampton Water SPA.
- 3.8. The site lies immediately adjacent to the large urban area of Bridgemary and Woodcot to the east (within Gosport Borough), approximately 2kms from the settlement of Stubbington to the west, approximately 2.8km from Fareham Town Centre to the north (and adjacent to the urban area of Fareham to the north at Speedfields park) and approximately 5kms from Gosport to the south.
- 3.9. Bridgemary and Woodcot was largely developed in the mid-20th century. It is a low/medium density neighbourhood comprising a mix of semi-detached and small terraces of two storey housing, occasional detached two storey dwellings and bungalows. It is characterised by treed streets with grass verges, dwellings set back from the road and pedestrian green spaces and small parks, all of which contribute to the provision of an attractive landscaped residential area. The neighbourhood has a number of schools, community centres, local shops and public transport provision. The urban edge of Woodcot is marked by a field boundary of mature trees (mainly oak, with some poplar, ash, field maple and hawthorn) with fencing and an intermittent hedgerow underneath.
- 3.10. The land immediately to the south benefits from planning permission for the construction of up to 99 affordable dwellings which was granted at appeal (appeal ref: APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030 – decision 28th July 2021). To the



south of the 99 dwelling appeal site lies Brookers Lane, a shared use footway and cycleway linking Newgate Lane East (via Woodcot Lane) to Bridgemary at Brookers Lane.

- 3.11. Immediately to the north of the site are Speedfields Park and Tukes Avenue play area and open space, with HMS Collingwood lying to the north-west. Playing fields associated with HMS Collingwood lie immediately to east of the site. Speedfields Park comprises large food and non-food retail warehouse buildings with associated surface car parking. Occupiers include an Asda Superstore with pharmacy, opticians and petrol filling station, a Lidl supermarket, a B&M home store, a Wickes DIY store, a McDonalds takeaway / drive-thru restaurant, and a Hendy car dealership.
- 3.12. To the west of Newgate Lane East is Old Newgate Lane (the original road before Newgate Lane East was constructed). This road is fronted by ribbon development of detached houses and bungalows dating from the Victorian period to the mid-20th century, including late 20th and 21st Century infill or replacement development which form the settlement of Peel Common.
- 3.13. Two planning applications for the development of 190 dwellings on land at Peel Common between Newgate Lane East and Old Newgate Lane were the subject of co-joined appeals, considered at a Public Inquiry in February 2021 (land at Newgate Lane North for up to 75 dwellings (APP/A1720/W/20/3252180) and land at Newgate Lane South for up to 115 dwellings (APP/A1720/W/20/ 3252185)). The appeal decisions have been issued (dated 8th June 2021) and a copy of the decisions have been made available to the Inspector.
- 3.14. Beyond Old Newgate Lane to the west / north-west of Peel Common is Peel Common Wastewater Treatment Works and a large solar farm.
- 3.15. The Newgate Lane 'relief road', now known as Newgate Lane East, is situated immediately west of the site and was completed in August 2018. A timber post and rail fence, drainage ditch and new hedgerow / tree planting separate the site from the new road.
- 3.16. To the west of Peel Common, the Stubbington Bypass (now named Daedalus Way) opened to traffic in May 2022. It comprises a 3.5km single carriageway road which runs through an area of predominantly arable farmland forming part of the strategic gap to the south of Fareham, and to the north and east of Stubbington. It connects the B3334 Titchfield Road to the B3334 Gosport Road, reducing the need for traffic to route through Stubbington village and improving access to the Peninsula.

## 4. Reasons for Refusal and Main Issues

### Reasons for Refusal

- 4.1. The Appellants submitted an appeal against non-determination on 25th May 2022. The application was subsequently heard at FBC's Planning Committee on 24th June 2022.
- 4.2. Members voted in favour of the planning officer's recommendation that had they been able to determine the planning application they would have refused permission for the reasons set out below.

*"The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17, CS18, CS20 and CS22 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies 2015, and paragraphs 110 and 111 of the National Planning Policy Framework 2021 and is unacceptable in that:*

*a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;*

*b) The application site lies outside of the defined urban settlement boundary within the open countryside. The proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area;*

*c) The proposed development would physically and visually reduce the separation between settlements significantly adversely affecting the integrity of the Strategic Gap;*

*d) The proposal would have likely adverse effects on the integrity of Habitat Sites alone and in combination with other developments due to additional nutrients entering the water environment of The Solent and the absence of appropriate and appropriately secured mitigation;*

*e) In the absence of appropriate and appropriately secured mitigation, the proposal would have likely adverse effects on the integrity of Habitat Sites alone and in combination with other developments due to additional recreational disturbance arising from residents of the development;*

*f) The proposal would have likely adverse effects upon the integrity of Habitat Sites and the wider Solent Waders and Brent Goose network due to the unacceptable loss of functionally linked Special Protection Area habitat. Insufficient information has been provided to demonstrate that adequate mitigation for the loss of Secondary Support Area and Low Use Areas is being provided;*

*g) The applicant has failed to provide sufficient evidence to demonstrate that the development would not result in unacceptable harm to protected species that may be present on site or affected by its development;*

*h) The proposal would result in the loss of best and most versatile agricultural land;*

*i) The applicant has failed to demonstrate the development would not result in an unacceptable impact on highway operation and safety, nor that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users, including those travelling by sustainable modes. On this basis the proposed development would result in a severe impact on the road network;*

*j) 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 through an appropriate legal agreement;*

*k) In the absence of a legal agreement to secure such, the proposal fails to secure on-site provision of affordable housing at a level in accordance with the requirements of the Local Plan;*

*l) In the absence of a legal agreement to secure 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;*

*m) In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment 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;*

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

4.3. As confirmed in the Ecology Statement of Common Ground, putative reason for refusal g (insufficient protected species information) has been overcome by the 2022 ECOSA report and the Council no longer wish to contest this point at the inquiry.

4.4. Subject to completion of the draft Unilateral Undertakings and imposition of suitably worded conditions, the Appellants and FBC agree that the following putative reasons for refusal are overcome:

d - nutrient deposition;

e - recreational disturbance;

f - loss of functionally linked SPA habitat;

i - highway operation and safety;

j - SuDS details;

k - affordable housing;

l - open space provision;

m - travel plan;

n - education.



## Main Issues

- 4.5. A Case Management Conference (CMC) was held on 27<sup>th</sup> July 2022 where it was agreed between the parties that the main issues in this appeal are likely to be as follows (as set out in the Inspector's CMC Summary Note):
1. Whether the proposed development would be consistent with the policies of the development plan which seek to prevent additional residential development in the countryside and protect the integrity of the Strategic Gap
  2. The impact of the proposed development on:
    - a. the character and appearance of the open countryside of the area.
    - b. the integrity of habitat sites and their network, and protected species.
    - c. highway safety and the operation of the highway network.
- 4.6. Since the CMC, progress has been made on ecology and highways matters and it is now agreed that, subject to completion of the draft Unilateral Undertakings and imposition of suitably worded conditions, there are no unacceptable impacts of the proposed development upon:
- b. the integrity of habitat sites and their network, and protected species.
  - c. highway safety and the operation of the highway network.
- 4.7. The CMC Summary Note confirms that the Inquiry will also examine other considerations, including whether the Council can demonstrate a five year supply of housing, to be weighed in the planning balance in respect of the proposal.

## 5. Relevant Planning Policy and Material Considerations

5.1. The parties agree that the relevant adopted FBC Development Plan policies to the consideration of this appeal are as follows:

### **Core Strategy Policies (2011)**

- CS2 – Housing Provision
- CS4 – Green Infrastructure, Biodiversity and Geological Conservation
- CS5 – Transport Strategy and Infrastructure
- CS6 – The Development Strategy
- CS14 – Development on land outside Settlements
- CS15 – Sustainable Development and Climate Change
- CS16 – Natural Resources and Renewable Energy
- CS17 – High Quality Design
- CS18 – Provision of Affordable Housing
- CS20 – Infrastructure and Development Contributions
- CS21 – Protection and Provision of Open Space
- CS22 – Development in Strategic Gaps

### **Development Sites and Policies Plan Policies (2015)**

- DS1 – Sustainable Development
- DSP6 – New Residential Development Outside of the Defined Urban Boundaries
- DSP13 – Nature Conservation
- DSP14 – Supporting Sites for Brent Geese and Waders

- DSP15 – Recreational Disturbance on the Solent Special Protection Areas
  - DSP40 – Housing Allocations
- 5.2. Policies CS2, CS6, CS14, CS22, DSP6 and DSP40 are the 'most important' policies for determining the application. The parties agree that policies CS2, CS6, CS14 and DSP6 are out-of-date in terms of paragraph 11(d) of the NPPF and any conflict with these policies should be afforded reduced weight. There is dispute between the parties as to whether Policy DSP40 is out-of-date and the weight that should be attributed to it in the determination of this appeal.
- 5.3. The proposals conflict with policies CS2, CS6, CS14 and DSP6 in that they do not accord with the spatial strategy set out within those policies or from which those policies are derived, but these policies are subject to the exception policy DSP40 in the circumstances where there is not a 5YHLS.
- 5.4. There is dispute between the parties as to which of the criteria of Policy DSP40 the proposals comply with.
- 5.5. The Appellants consider that the proposals comply with all five criteria of Policy DSP40.
- 5.6. The Council consider that the proposals comply with criteria (i) and (iv), but there is dispute over whether parts of criteria (ii) and (v) and the whole of criteria (iii) are complied with.
- 5.7. In respect of criteria (ii), the Council agree that the proposal is sustainably located but do not agree that the proposal is well related to the existing urban settlement boundaries or well integrated with the neighbouring settlement.
- 5.8. The Council consider that the proposals do not comply with criteria (iii) of Policy DSP40.
- 5.9. There is dispute between the parties as to whether there is conflict with Policy CS22.
- 5.10. The proposals result in conflict with Policy CS16 and DSP40(v) in that they will result in the loss of a relatively small amount of Best and Most Versatile Agricultural Land. Policy CS16 pre-dates the NPPF and is more onerous in its restrictive nature. It is agreed that on its own the conflict with CS16, or any conflict with part (v) of Policy DSP40 in this regard (environmental implications), would not justify the refusal of planning permission.
- 5.11. It is agreed that, subject to the imposition of appropriate planning obligations and conditions, there is no conflict with policies CS4, CS5, CS16, CS18, CS20, CS21, DSP13, DSP14 and DSP15.

### **Emerging Local Plan 2037**

5.12. The parties agree that the most relevant emerging Fareham Local Plan policies are as set out below. There is dispute over the weight that should be afforded to the emerging Local Plan policies.

- DS1 – Development in the Countryside
- DS2 – Development in the Strategic Gaps
- DS3 – Landscape
- H1 – Housing Provision
- HP1 – New Residential Development
- HP4 – Five-Year Housing Land Supply
- HP5 – Provision of Affordable Housing
- NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE3 – Recreational Disturbance on the Solent Special Protection Areas (SPAs)
- NE4 – Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of the Solent
- NE5 – Solent Wader and Brent Goose Sites
- NE10 – Protection and Provision of Open Space
- TIN4 – Infrastructure Delivery
- D1 – High Quality Design and Placemaking

### **Material Considerations**

5.13. Material considerations of relevance to this proposal include:

- The National Planning Policy Framework (2021);
- Fareham Borough Council Supplementary Planning Guidance, including:



- Affordable Housing SPD (December 2005);
- Design Guidance SPD (December 2015);
- Planning Obligations SPD (April 2016).
- The Gosport Borough Local Plan 2011–2029;
- Solent Waders and Brent Goose Strategy 2020, March 2021 (produced by the SWBGS Steering Group);
- Solent Recreation Mitigation Definitive Strategy (approved by FBC Executive in March 2018) and the Bird Aware Strategy (2017) and developer contributions as of 1<sup>st</sup> April 2022 as updated on the Bird Aware Solent webpage);
- The Habitats Regulatory Framework;
- Natural England Nutrient Neutrality Guidance, March 2022;
- Executive Briefing Paper 'Implications of Natural England advice on New Forest Recreational Disturbance', 7th December 2021;
- Executive Briefing Paper 'Fareham Borough Solent Waders and Brent Geese Mitigation Solution' 7th December 2021.
- Fareham Landscape Assessment (2017);
- Technical Review of Areas of Special Landscape Quality and Strategic Gaps (September 2020) and;
- The applications (ref. P/19/1260/OA & 19/00516/OUT) and co-joined appeals (ref. APP/J1725/W/20/3265860 & APP/A1720/W/21/3269030) for the approved 99 home development to the immediate south of the appeal site.
- The applications (ref. P/18/118/OA & P/19/0460/OA) and dismissed co-joined appeals (ref. APP/A1720/W/20/3252180 & APP/A1720/W/20/ 3252185) for 190 dwellings to the south-west of the appeal site, to the west of Newgate Lane East.



## 6. Matters agreed between the Parties

### Principle of Development

- 6.1. The most important Local Plan policy for determining the acceptability of residential development on the site, if there is not a 5YHLS, is policy DSP40 which acts as an exception policy to policies CS14 and DSP6. Policy CS22 also allows for development in the countryside provided that, individually or cumulatively, it does not significantly affect the integrity of the gap and the physical and visual separation of settlements.
- 6.2. The Development Plan (component elements dated 2011 and 2015) includes a spatial strategy which is based on an out-of-date assessment of housing needs so is itself out-of-date in line with paragraph 63 of the Supreme Court judgement in Hopkins Homes/Suffolk Coastal.
- 6.3. New Housing Delivery Test results were published on 14th January 2022. These set out that there has been significant under delivery of housing in Fareham Borough over the previous three years, with the Council delivering 62% of their requirement over this time.
- 6.4. In addition, it is agreed that the Council cannot demonstrate a Five Year Housing Land Supply. The Appellants and the Council are working together on a Housing Need and Supply Statement of Common Ground which will identify an agreed range of housing land supply. Given the housing land supply matters that have been agreed, it is agreed that weight afforded to the provision of housing should be substantial regardless of the precise extent of the Five Year Housing Land Supply shortfall.
- 6.5. As such, provided that an Appropriate Assessment has concluded that the proposal will not adversely affect the integrity of the habitats sites (with reference to paragraph 182 and footnote 7 of the NPPF), the presumption in favour of sustainable development (the tilted balance) is engaged, as per para. 11(d) and footnote 8 of the NPPF.

### Landscape / Strategic Gap

- 6.6. The site is not a 'valued landscape' for the purposes of Paragraph 174a of the NPPF. Nor is the site subject to any national or local landscape designations.
- 6.7. The relevant published character guidance is the Fareham Landscape Assessment (FLA) (LDA Design on behalf of Fareham Borough Council, 2017) which identifies the site as being located within an area defined as LCA 8 (sub area 8.1a), the 'Woodcot/Alver Valley'. The FLA determines that the 'landscape resource' of sub-area 8.1a as high sensitivity with 'very limited capacity to accommodate development without a significant impact on the integrity of the areas's rural, agricultural character'.
- 6.8. The Technical Review of Areas of Special Landscape Quality and Strategic Gaps was published in September 2020. Appendix 6 to this report, "Detailed Analysis of Areas of Special Landscape Quality", has been missing from this report since its publication but it has been added (during May 2022) to the Council's Local Plan Examination Library (ref. FBC073). The Technical Review concludes that, based upon its own methodology and

criteria, it would be inappropriate to develop in LCA 8, as it would result in coalescence between Gosport and Fareham.

### **Ecology**

- 6.9. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) a competent authority is required to undertake an Appropriate Assessment of any plan or project which is likely to have a significant effect on a European site (either alone or in-combination with other projects) and is not directly connected with, or necessary for, the management of the site.
- 6.10. Information to support the Appropriate Assessment is provided within the Newgate Lane East Report to Inform Habitats Regulations Assessment Stage 1 and Stage 2 (Tetra Tech, September 2022) – the 'shadow HRA'.
- 6.11. It will be for the Inspector, as the competent authority, to undertake the Appropriate Assessment.
- 6.12. All parties agree that there are no outstanding ecology matters of concern and the Council no longer considers that there are any ecological reasons for refusal, subject to the completion of the Unilateral Undertakings and imposition of suitably worded conditions,

### **Flood Risk and Drainage**

- 6.13. The proposals will not result in an increased flood risk.
- 6.14. The surface water (SuDS) and foul water drainage strategies presented are acceptable in principle, subject to detailed design.

### **Heritage**

- 6.15. No harm is identified in relation to local heritage assets.

### **Highways**

- 6.16. Hampshire County Council (HCC) Highways initially raised concern that the proposal is premature in the context of the emerging Local Plan and set out two reasons for refusal based the development being contrary to paragraphs 110 and 111 of the NPPF (HCC Highways consultation response dated 8<sup>th</sup> April 2022).
- 6.17. However, following the submission of further information from the Appellants, the only outstanding concern from HCC Highways is regarding the principle of access onto Newgate Lane East. FBC do not intend to pursue this matter and, subject to the completion of the Unilateral Undertakings and imposition of suitably worded conditions, putative Reason for Refusal i is overcome.



### **Environmental Amenity**

- 6.18. The proposal will not result in any unacceptable noise impacts.
- 6.19. The air quality impacts of the proposals are acceptable subject to the imposition of condition to secure electric vehicle charging points.
- 6.20. There is no objection on the basis of contamination.

### **Open Space and Trees**

- 6.21. There is no objection in relation to arboriculture and the impact of the proposals on existing trees.
- 6.22. The illustrative masterplan includes provision of public open space which is acceptable in principle in line with Policy CS21 of the Core Strategy, subject to reserved matter applications. The quantum of open space to be delivered, together with the relevant arrangements for its maintenance and management can be secured by legal agreement.

### **Best and Most Versatile Agricultural Land**

- 6.23. Approximately 59% (10.8ha) of the site is made up of land classified by MAFF's Agricultural Land Classification survey as grade 3a.





## **7. Matters not agreed between the Parties**

- 7.1. Whether or not the proposed development would be consistent with the policies of the development plan which seek to prevent additional residential development in the countryside and protect the integrity of the Strategic Gap.
- 7.2. Whether or not the proposed development would cause unacceptable impact to the character and appearance of the open countryside of the area.
- 7.3. Whether or not the development is well related to the existing urban settlement and well integrated with the neighbouring settlement.
- 7.4. The weight to be given to the benefits and harms of the proposal in the planning balance.
- 7.5. The weight to be attributed to policies of the adopted and emerging FBC Local Plans generally, and to Policy DSP40 in particular.
- 7.6. Notwithstanding broad agreement on what is concluded by the respective evidence based documents, the Appellants do not necessarily agree with judgements therein.

## 8. Suggested Conditions and Planning Obligations

### Conditions

- 8.1. 1. **Reserved matters** Details of the appearance, landscaping, layout, and scale (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the requirements of Section 92 of the Town and Country Planning Act 1990 (as amended).

2. **Timing** Application for approval of the reserved matters shall be made to the Local Planning Authority not later than one year from the date of this permission. The development hereby permitted shall commence not later than one year from the date of approval of the last of the reserved matters.

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

3. **Approved Plans** The development hereby permitted shall be carried out in accordance with the following approved plans: P20-3154\_01 Rev C; ITB10353-GA-102 Rev E.

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

4. **Site Access** The development shall not commence until the access has been constructed in accordance with plan no. ITB10353-GA-102 Rev E or on a subsequent approved plan and made available for use unless an alternative construction access arrangement has been approved in writing by the local planning authority and has been implemented. Where an alternative construction access arrangement has been approved by the local planning authority, the development may commence, but shall not be occupied, prior to completion of the access in accordance with drawing ITB10353-GA-102 Rev E.

REASON: To ensure a safe and satisfactory means of access.

5. **General Accordance with the Illustrative Masterplan** The development hereby permitted shall be carried out in general accordance with plan ref. P20-3154\_03 Rev C.

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

6. **Storey Heights** The buildings hereby permitted shall be limited to no more than two storeys.



REASON: To avoid any doubt over what has been permitted and to ensure an appropriate scale of development.

7. **Number of Dwellings** The development hereby permitted shall not exceed 375 dwellings.

REASON: To avoid any doubt over what has been permitted and to ensure an appropriate quantum of development.

8. **Ecological Mitigation and Enhancement** No development shall commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved LEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a. A description, plan and evaluation of ecological features to be retained, created and managed such as grasslands, hedgerows, attenuation ponds and treelines;
- b. Details of a scheme of lighting designed to minimise impacts on wildlife, in particular bats, during the operational life of the development;
- c. A planting scheme for ecology mitigation areas;
- d. A work schedule (including an annual work plan);
- e. The aims and objectives of landscape and ecological management;
- f. Appropriate management options for achieving aims and objectives;
- g. Details of the persons, body or organisation responsible for implementation of the plan; and
- h. Details of a scheme of ongoing monitoring and remedial measures where appropriate.

REASON: To ensure appropriate on-going management of new and retained habitats for wildlife and to enhance biodiversity within the site. 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 potential loss of habitat once development starts.

9. **Surface Water Drainage** No development hereby permitted shall commence until a detailed surface water drainage strategy for the site, based on the principles within the Flood Risk Assessment, has been submitted to and approved in writing by the Local Planning Authority. The strategy shall include the following details:



- a) Updated surface run-off calculations for rate and volume for pre and post development using the appropriate methodology;
- b) The detailed design of Sustainable Drainage Systems (SuDS) to be used on the site in accordance with best practice and the CIRIA SuDS Manual (C753) as well as details on the delivery, maintenance and adoption of those SuDS features;
- c) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;
- d) Detailed hydraulic calculations for all rainfall events, including those listed below. The hydraulic calculations should take into account the connectivity of the entire drainage system including the connection with the watercourse. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference as the drainage layout;
- e) Evidence that runoff exceeding design criteria has been considered. Calculations and exceedance flow diagram/plans must show where above ground flooding might occur and where this would pool and flow;
- f) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this;
- g) Information evidencing that the correct level of water treatment exists in the system in accordance with the Ciria SuDS Manual C753; and
- h) The condition of the existing watercourse(s) within the application site should be investigated and any required improvement should be carried out. Evidence of this, including photographs should be submitted before any connection is made.

The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme's timing/phasing arrangements, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

REASON: To ensure satisfactory disposal of surface water from the site. 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 potential adverse impacts of inadequate drainage.

10. **SuDS Scheme** Prior to commencement, details of the maintenance and management of the sustainable drainage scheme approved by condition 9 shall be

submitted to and approved in writing by the Local Planning Authority. Those details shall include a timetable for its implementation, and a management and maintenance plan, which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the effective operation of the sustainable drainage system throughout its lifetime. The sustainable drainage system shall be managed and maintained in accordance with the approved details for the lifetime of the development.

REASON: In order to ensure satisfactory disposal of surface water. 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 adverse impacts of inadequate drainage.

11. **Foul Drainage** Prior to commencement, a scheme for the disposal of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. This shall include a timetable for implementation and details of the measures which will be undertaken to protect the public sewers and shall be carried out in accordance with the approved scheme.

REASON: To ensure satisfactory disposal of foul water. 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 adverse impacts of inadequate drainage.

12. **Archaeology** Prior to commencement, the developer shall secure the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority. The assessment should take the form of trial trenches located across the site to ensure that any archaeological remains encountered within the site are recognised, characterised and recorded. Prior to commencement, the developer shall secure the implementation of a programme of archaeological mitigation based on the results of the trial trenching, in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority. Following completion of archaeological fieldwork, a report will be produced in accordance with the approved programme submitted by the developer and approved in writing by the Local Planning Authority setting out and securing post-excavation assessment, specialist analysis and reports, publication and public engagement.

REASON: It is considered that the area is of archaeological interest and should be protected from damage due to development work. 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.

13. **Arboriculture** Prior to commencement, a detailed Arboricultural Impact Assessment and Tree Protection Method Statement shall be submitted to and approved in writing by the Local Planning Authority. The arboricultural works must be carried out in accordance with the approved details and may only be fully discharged on the subject to satisfactory written evidence of contemporaneous



supervision and monitoring of tree protection throughout construction by the appointed arboriculturist.

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. 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.

14. **Contamination** Development shall cease on the 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 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 Local Planning Authority prior to the occupation of the unit(s).

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

15. **Noise Mitigation** The reserved matters to be submitted pursuant to Condition 1 shall be accompanied by a Noise Mitigation Scheme following the principles established in the Noise Assessment (January 2022) prepared by Tetra Tech including how mitigation will be maintained for the lifetime of the development. Prior to the construction of any dwelling, the submitted Scheme shall have been approved in writing by the Local Planning Authority and no dwelling shall be first occupied until the relevant mitigation measures in respect of that dwelling have been provided in full, in accordance with the approved Scheme. The mitigation measures shall thereafter be retained at all times unless otherwise agreed in writing by the Local Planning Authority.

REASON: To prevent avoidable disturbance to residents from highway noise.

16. **CEMP** No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to, and approved in writing by the local planning authority. The CEMP shall provide for:
- a. the parking of vehicles of site operatives and visitors and turning provision on the site;
  - b. loading and unloading of plant and materials;
  - c. the routing of lorries, and details for construction traffic access to the site;
  - d. programme of construction;



- e. storage of plant and materials used in constructing the development;
- f. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- g. wheel washing facilities including measures for cleaning Newgate Lane East to ensure that it is kept clear of mud or other debris falling from construction vehicles;
- h. measures to control the emission of dust and dirt during construction;
- i. delivery and construction working hours;
- j. a method for ensuring that minerals that can be viably recovered during the development operations are recovered and put to beneficial use;
- k. a scheme of work detailing the extent and type of piling proposed;
- l. temporary lighting;
- m. a construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants from leaving the site; and
- n. safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

The approved CEMP shall be adhered to throughout the construction period for the development.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. 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.

17. **Floor/Site Levels** No development shall commence until details of the internal finished floor levels of all of the proposed buildings and proposed finished external ground levels in relation to the existing 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 in the interests of residential amenity. 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 potential adverse impacts.

18. **Sustainability** No development shall take place beyond damp proof course level until details of the specification of Electric Vehicle charging points have been submitted to and approved by the Local Planning Authority, including how and where Electric Vehicle charging points shall be provided at the following level:

- a. At least one Electric Vehicle charging point per dwelling with allocated parking provision; and
- b. At least one Electric Vehicle charging point in shared/unallocated parking areas per 10 dwellings with no allocated parking provision.

The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

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.

19. **Water Efficiency** No development shall commence 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.

20. **Nitrogen Neutrality** No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated [TBC] between (1) William Northcroft Butler and James Nicholas Butler (2) HN Butler Farms Limited (3) Bargate Homes Limited and (4) Miller Homes Limited.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites



## Planning Obligations

8.2. The appellants will prepare a Section 106 planning obligation to secure the following:

- a) Provision and transfer of the areas of open space to a management company approved by Fareham Borough Council. Open Space requirement to be calculated at Reserved Matters stage to be calculated on the basis of the following:

Unit Size	Square metres per unit
1 Bed	20.70
2 Bed	29.40
3 Bed	38.70
4 Bed	46.35
5+ Bed	49.80
Studio	15.00
Elderly 1bed	15.00
Elderly 2 bed	18.00

- b) The delivery of a Neighbourhood Area for Play on site and its transfer to a management company approved by Fareham Borough Council;
- c) A financial contribution (to be agreed) towards the provision of off-site sports provision;
- d) A financial contribution (to be agreed) towards the Solent Recreation Mitigation Partnership (SRMP) to be calculated on the basis of the following:

“Solent Recreation Mitigation Strategy Contribution”	<p>A sum towards the Solent Recreation Mitigation Strategy to be calculated by reference to the number of Residential Units comprised in the Development as follows:</p> <ul style="list-style-type: none"> <li>▪ £390 for each one-bedroom Residential Unit</li> <li>▪ £563 for each two-bedroom Residential Unit</li> <li>▪ £735 for each three-bedroom Residential Unit</li> <li>▪ £864 for each four-bedroom Residential Unit</li> <li>▪ £1,014 for each Residential Unit with five bedrooms or more</li> </ul>
--	---

- e) A financial contribution (to be agreed) towards the Council’s New Forest Recreational Impacts Interim Mitigation Solution.



- f) The provision of the on-site Bird Conservation Area, to be managed and maintained by (to be agreed);
- g) 40% of the proposed units as on-site affordable housing including the Local Housing Affordability cap; the type, size, mix and tenure to be agreed to the satisfaction of officers;
- h) A financial contribution (to be agreed) towards education provision (provided such contribution meets the CIL Regulations tests);
- i) Financial contributions (to be agreed) towards off site highway works and sustainable transport measures (provided such contributions meet the CIL Regulations tests), which will include:
  - Off-Site pedestrian and cycle improvements, including towards the BRT and Catchment Schools
  - Improvement of bus stops on Tukes Avenue to provide RTI
  - Development and delivery of School Travel Plans in the Catchment Schools
  - Improvement of the Newgate Lane East / Brookers Lane crossing;
- j) Submission and implementation of a full Travel Plan, including securing payment of HCC's Audit and Monitoring Fees;

8.3. The appellants will also enter into a legal agreement with the relevant parties to secure the Winter Bird Mitigation Strategy to mitigate for the loss/partial loss of the secondary support/low use sites (as identified in the Solent Waders and Brent Goose Strategy).



## APPENDIX 1: APPLICATION PLANS AND REPORTS

### List of Original Plans and Reports submitted to FBC on 28th January 2022

#	Plan Title	Reference No.	Revision
1.	Concept Masterplan – 03	P20-3154_03	Rev C
2.	Site Location Plan – 01	P20-3154_01	Rev C
3.	Strategic Gap Plan – 33	P21-3154_33	Rev B
4.	Site Assessment Plan – 02	P20-3154_02	Rev C
5.	Proposed Roundabout to Newgate Lane East –	ITB10353-GA-102	Rev C
-	General Arrangement	-	-

#	Report Title	Author	Date
1.	Planning Statement	Pegasus Group	January 2022
2a.	Design & Access Statement Part 1	Pegasus Group	January 2022
2b.	Design & Access Statement Part 2	Pegasus Group	January 2022
3a.	Planning Application Covering Letter	Pegasus Group	January 2022
3b.	Planning Application Form – Submitted by Email	Pegasus Group	January 2022
3c.	Document Schedule	Pegasus Group	January 2022
4.	Statement of Community Involvement	Bluebridge	January 2022
-	-	Communications	-
5.	Affordable Housing Statement	Pegasus Group	January 2022
6.	Arboricultural Impact Assessment	Barton Hyett Associates	January 2022
7a.	Biodiversity Net Gain Assessment	Tetra Tech	January 2022
7b.	Biodiversity Metric Calculation – Submitted by Email	Tetra Tech	January 2022
8a.	Habitats Regulations Assessment & Nitrate	Tetra Tech	January 2022
-	Mitigation Statement Part 1	-	-
8b.	Habitats Regulations Assessment & Nitrate	Tetra Tech	January 2022
-	Mitigation Statement Part 2		
8c.	Habitats Regulations Assessment & Nitrate	Tetra Tech	January 2022
-	Mitigation Statement Part 3		
9a.	Ecological Impact Assessment	ECOSA	January 2022
9b.	Badger Report (Confidential) – Submitted by Email	ECOSA	January 2022
10a.	Landscape and Visual Impact Assessment	Pegasus Group	January 2022
10b-d.	Landscape and Visual Impact Assessment Figures	Pegasus Group	January 2022
-	Parts 1-3	-	-
11.	Framework Travel Plan	i-Transport	January 2022
12a.	Transport Assessment	i-Transport	January 2022
12b-s.	Transport Assessment – Appendices A-T	i-Transport	January 2022
12t-w.	Transport Assessment – Drawings Parts 1-4	i-Transport	January 2022
13.	Flood Risk Assessment & Drainage Strategy	CEP	January 2022
14.	Noise Assessment	Tetra Tech	January 2022
15.	Air Quality Assessment	Tetra Tech	January 2022
16.	Statement on Agricultural Land	Reading Agricultural	November 2021
-	-	Consultants	-



17.	Economic Benefits Statement	Pegasus Group	January 2022
18.	Heritage Statement	Pegasus Group	January 2022

---

Town & Country Planning Act 1990 (as amended)  
Planning and Compulsory Purchase Act 2004

**Solent**

3 West Links, Tollgate, Chandlers Ford,  
Eastleigh, Hampshire, SO53 3TG  
T 023 8254 2777  
E Solent@pegasusgroup.co.uk  
Offices throughout the UK & Ireland

**Expertly Done.**

DESIGN | ECONOMICS | ENVIRONMENT | HERITAGE | LAND & PROPERTY | PLANNING | TRANSPORT & INFRASTRUCTURE



All paper sources from sustainably managed forests

Pegasus Group is a trading name of Pegasus Planning Group Limited (07277000) registered in England and Wales.

Registered office: Querns Business Centre, Whitworth Road, Cirencester, Gloucestershire, GL7 1RT  
We are ISO certified 9001, 14001, 45001



Pegasus\_Group



pegasusgroup



Pegasus\_Group

**PEGASUSGROUP.CO.UK**