

OFFICER REPORT FOR COMMITTEE

DATE: 09/11/2022

P/22/0337/OA

ENTERPRISE HANGARS LIMITED

STUBBINGTON

**AGENT: ROBERT TUTTON TOWN
PLANNING CONSULTANTS LTD**

OUTLINE PLANNING APPLICATION FOR ERECTION OF NINE LIVE/WORK (RESEARCH/DEVELOPMENT/INDUSTRIAL/RESIDENTIAL - CLASS E(g), F.1(a) AND C3) HANGAR BUILDINGS FOR AVIATION SECTOR, OPEN SPACE, WITH MATTERS RELATING TO ACCESS, LAYOUT AND SCALE SOUGHT (APPEARANCE AND LANDSCAPING RESERVED).

LAND SOUTH OF 16 & 17 GLENTHORNE CLOSE, FAREHAM

Report By

Mark Wyatt – direct dial 01329 824704

1.0 Introduction

- 1.1 This application is reported to the Planning Committee for a decision in light of the number of representations, both for and against the proposal, which have been received.

2.0 Site Description

- 2.1 The application site is a broadly triangular parcel of land extending to 1.37 hectares on the west side of Solent Airport at Daedalus. The land is flat and laid to grass. The western site boundary is a concrete post and chain-link fence with the rear gardens of properties along Stubbington Lane and Ashton Way. The northern boundary is treated the same and backs onto the gardens in Glenthorne Close, with the red edge extending into Glenthorne Close between numbers 16 and 17. The Southeastern boundary is currently open to the airfield.

3.0 Description of Proposal

- 3.1 The application is made in outline for the erection of nine live/work (research/development/industrial uses that are capable of being carried out in a residential area without harm to amenity (Use Class E(g))/educational (Use Class F.1(a)) and residential (Use Class C3))hangar buildings and open space. The buildings are intended for use by the aviation sector.
- 3.2 The matters for consideration relate to ‘access’, ‘layout’ and ‘scale’ with ‘appearance’ and ‘landscaping’ reserved for future approval.
- 3.3 Access is to be provided from the turning head at the end of Glenthorne Close, between the driveways of numbers 16 and 17. The access road will the broadly run from the north east to the south west, parallel to the western airport taxiway.

- 3.4 To the south eastern side of this access road there are proposed to be nine new two storey buildings incorporating a mix of uses and their associated parking. The buildings are identical in footprint and scale with a ground floor hangar, office and workshop/store proposed with a three bedroom apartment and further office for the owner at first floor. The hangars would have direct access airside to the operational airfield via a reinforced grass strip from the hangar apron out to the western airport taxiway. This taxiway access is outside of the application site and the applicant has been advised that a separate planning permission is required for this work.
- 3.5 Whilst “appearance” is reserved for future approval, the illustrative elevations show a simple form of building with a barrelled roof form. The architectural language is consistent throughout each building.
- 3.6 The remaining land on the north western side of the access road will be retained as amenity space for the application site users/residents. The application also indicates that the Glenthorne Close residents would have the opportunity to use this amenity space.

4.0 Policies

- 4.1 The following policies and guidance apply to this application:

- 4.2 National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)
Circular 06/2005 Biodiversity and Geological Conservation

4.3 Adopted Fareham Borough Core Strategy

- CS2 – Housing Provision
- CS4 – Green Infrastructure, Biodiversity and Geological Conservation
- CS5 – Transport Strategy and Infrastructure
- CS6 – The Development Strategy
- CS11 – Development in Portchester, Stubbington & Hill Head and Titchfield
- CS12 – Daedalus Airfield Strategic Development Allocation
- CS14 – Development Outside Settlements
- CS15 – Sustainable Development and Climate Change
- CS17- High Quality Design
- CS20 – Infrastructure and Development Contributions
- CS22 – Strategic Gaps

4.4 Adopted Development Sites and Policies

- DSP1 – Sustainable Development
- DSP2 – Environmental Impact
- DSP3 – Impact on Living Conditions
- DSP6 – New residential development outside of the Defined Urban Settlement Boundaries
- DSP13 – Nature Conservation
- DSP14 – Supporting Sites for Brent Geese and Waders
- DSP15 – Recreational Disturbance on the Solent Special Protection Areas

4.5 **Fareham Local Plan 2037 (emerging)**

The Fareham Borough Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of modifications to the Plan. The proposed modifications will be the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

- DS1 – Development in the Countryside
- DS3 – Landscape
- H1 – Housing Provision
- HP1 – New Residential Development
- HP2 – New Small Scale Development Outside the Urban Areas
- CC2 – Managing Flood Risk and Sustainable Drainage Systems
- NE1 – Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE2 – Biodiversity Net Gain
- NE3 – Recreational Disturbance on the Solent Special Protection Areas (SPAs)
- NE4 – Water Quality Effects on the SPAs, SACs and Ramsar Sites of the Solent
- NE5 – Solent Wader and Brent Goose Sites
- NE6 – Trees Woodland and Hedgerows
- NE9 – Green Infrastructure
- TIN1 – Sustainable Transport
- TIN2 – Highway Safety and Road Network
- D1 – High Quality Design and Placemaking
- D2 – Ensuring Good Environmental Conditions
- D3 – Co-ordination of Development and Piecemeal Proposals
- D4 – Water Quality and Resources
- D5 – Internal Space Standards
- E3 – Swordfish Business Park

4.6 **Other Documents:**

- Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
- Residential Car Parking Standards 2009
- Non-Residential Parking Standards 2015

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/11/0436/OA	USE OF AIRFIELD FOR EMPLOYMENT BASED DEVELOPMENT (UP TO 50202 SQ.M OF FLOOR SPACE) IN NEW AND EXISTING BUILDINGS (USE CLASSES B1, B2 & B8) WITH INCREMENTAL DEMOLITION TOGETHER WITH CLUBHOUSE (CLASS D2) VEHICLE ACCESS, ALLOTMENTS, OPEN SPACE AND LANDSCAPING.	PERMISSION 20/12/2013
P/17/0680/RM	APPLICATION FOR APPROVAL OF RESERVED MATTER (ACCESS) TO OUTLINE APPROVAL P/11/0436/OA TO PROVIDE INTERNAL ACCESS ROAD FROM DAEDALUS WEST (SWORDFISH BUSINESS PARK) TO GOSPORT ROAD & CONSTRUCTION OF AIRCRAFT TAXIWAY	APPROVAL 25/08/2017

In addition to the above on-site planning history, there is a relevant decision at Solent Airport but within the Borough of Gosport on land to the west of the airport control tower.

19/00239/OUT	HYBRID APPLICATION COMPRISING: (I) FULL APPLICATION FOR ERECTION OF SIX MIXED USE HANGARS (COMPRISING CLASS C3 DWELLING AND CLASS B1(A) OFFICE) WITH ASSOCIATED ACCESS, PARKING AND CYCLE & REFUSE STORAGE FACILITIES, AND (II) OUTLINE APPLICATION FOR ERECTION OF MIXED USE BUILDING (COMPRISING HERITAGE CENTRE (CLASS D1) AND FLYING CLUB PREMISES (SUI GENERIS)) WITH ALL MATTERS RESERVED EXCEPT FOR LAYOUT	REFUSED 17/10/2019; and APPEAL DISMISSED 29/01/2021
--------------	---	--

6.0 Representations

6.1 The first round of publicity was held following the submission of the application.

6.2 Twenty eight Letters of Support (77b Kiln Road, 13-14 Vulcan Way, plus Addresses in Reading, Skelmersdale, County Down, Belfast, Kenilworth, Crawley, Aughton, Liskeard, Winchester, Andover, East Tytherley, Bury St Edmonds, Cropwell Bishop, Guildford, Hythe, Cirencester, Selby, Oxford, Ferndown, Amersham, the Aircraft Owners and Pilots Association [AOPA], The General Aviation Awareness Council [GAAC] and Hampshire Chamber of Commerce) raising the following main issues:

Material Planning Considerations:

- Long overdue and will bring much needed investment to the area
- It will show how a Council can support such an innovative scheme

- In support of anything that helps safeguard airfields like Solent and make it more sustainable for General Aviation
- The applicant is trying to do something different from a bog standard factory on an industrial estate
- These mixed use hangars meet the policy requirements and will enhance the general aviation operations at the airfield
- Buildings and landscaping will be in keeping and sensitively designed
- This would be the first of a kind in the UK
- The proposal is the most compatible development given the residential area adjacent than the potential Swordfish Business Park.
- Economic benefits from the spend of visiting pilots and aircraft – food, accommodation, fuel and property investment
- This is a missed opportunity for development at the airport
- This parcel of land will be developed...Residents have a choice, this scheme or a noisier, heavy commercial operation on Swordfish Business Park
- The UK desperately needs development like this, which are common in the USA and France
- This will generate income for the airfield
- Negativity by the Council and a lack of forward thinking and planning for the airport
- The UK's Planning system is guided by the NPPF, Para 2 requires application of the NPPF to planning decisions. The relevant para is now 106(f) of the NPPF, which increased positive support through planning for the government's General Aviation Strategy
- The Chamber of Commerce support the proposal which should add to the continuing enhancement of the airport and provide the first type of such a pioneering thing in Hampshire.

Non-Material Planning Considerations:

- I intend to base my business in one of these units – I would not make any noise
- Given that this is 'employment-led' and has a number of potential buyers, I cannot understand why FBC doesn't want it to succeed.
- The parent company of RCA, who operates the airfield for the Council, has recently purchased Coventry Airport and then sought planning permission for redevelopment. If FBC sell the same could happen at Solent.
- The leadership of the Council is determined to reject this application.

- 6.3 Twenty six Letters of objection (from addresses including 2 (x4), 5, 12, 14, 15, 16, 18, 19 (x2), 21, 22, 23, 24, 25, 27 (x4) Glenthorne Close; 2 (x2), 63, 65 Kingsmead Avenue; 17 (x2) Jersey Close; 10 Conqueror Way; 149 (x2) Stubbington Lane, 8 Ashton Way; 9 School Road plus the comments of the Fareham Society:

Material Planning Considerations:

- Another attempt to build houses on the airfield. FBC has stated many times that no residential properties will be built on an active airfield.

- It seems there is no mention of how airfield security would be managed to stop general access to the runway.
- The access road is restricted and lorries accessing the site would struggle. The road is unsuitable for articulated vehicles.
- This will bring an unacceptable level of traffic and noise.
- Fitness equipment on the amenity space will add to noise and traffic.
- There is a strong chance that someone can get airside from this site without much trouble
- Hangars could be built at the Gosport Road end of the site where there is road access.
- This is unwanted and unfair on Glenthorne Close residents
- Judging by the feeling at the applicant's public meeting in October 2021 there is no support for this proposal.
- We do not want or need the recreational area
- I hope this is shut down by FBC and will soon become unviable for the applicant as is the case with the plan in Perrenporth, Cornwall and also refusals at other sites in the UK.
- The Transport Statement data is just an assessment it rarely transpires into reality
- Loss of privacy to neighbours and impacts on residential security by additional people coming down the cul-de-sac.
- Likely increase in off site parking problems in Glenthorne Close
- Disruption during construction as well as operationally
- The access roads have parked cars on a lot of the time and two ninety degree bends
- Even greater demand on services and utilities
- Slowworms are resident on the airport
- What if no one wants to be the chairman of the residents association? What are the implications for airport security
- The application makes assumptions about what residents want as the applicant has never spoken to me
- The proposals do not seem to have been approved by the CAA Inspector and Airport Manager contrary to the submission
- Local planning policy limits housing here.
- Gosport has already refused these. Why would Fareham change its policy to approve them?
- Access should be from Gosport Road
- Being mixed use these units (with noise and traffic and deliveries) could run seven days a week.
- The Transport Statement with only 113 extra ins and outs per day is all hypothetical.
- The viewing area is not needed. There is a viewing area at the control tower. A viewing area here may attract even more people.
- Access could be sought from Stubbington Lane through the Hammond Industrial Park.
- Not in accordance with policy E3
- Development should integrate with the rest of Swordfish Business Park.
- The access off the turning head will remove areas of onstreet parking.

- The access plan shows cars waiting to access the site where cars currently park.
- This will all add to surface water run off. What is the drainage strategy?
- Has the site been cleared of pipe bombs from WWII?
- These hangars won't contribute to the housing shortage, they are for an exclusive type of occupier.
- The majority of those supporting this proposal are not even local so the ramifications of the scheme for these people will not affect them at all.
- Noise pollution from aircraft closer to existing homes.
- Once the parking is full cars will spill over to surrounding streets.
- There is a badger sett behind one of the houses in Glenthorne Close and badgers use the airport looking for food. There is also a family of foxes.
- How could the occupancy of these units be enforced?
- Some of the potential occupants are either already operating on the airport or there are doubts that they could comply with the occupational limits
- Any alternative access through the Hammond Industrial Estate should be made public and will have an impact on the delivery of the care home permitted at that site.

Non-Material Planning Considerations:

- This proposal being submitted again is a waste of time. The persistent application by Hangar Homes Ltd is a waste of public time and funds as its not wanted by the landowner or the local authorities or the appeal authorities.
- Utilities will need enhancing and digging up in the Close.
- Adverse impact on property values and resale price

6.4 The applicant has submitted a rebuttal / response to the third party representations and consultations:

- The hangars are 60% commercial and 40% residential and must be occupied by aviation businesses
- The residential uses will blend in with adjoining houses unlike the alternative of Swordfish Business Park which will blight them
- The safety and security report has been approved by both the CAA Inspector and the airport manager
- This is a different location to the control tower appeal scheme. That was rejected but the main factor was the lack of hard standing which is not an issue with this site
- As for the landowner not wanting the scheme, the question should be "why not?" because it provided employment but does not blight adjoining houses. Neither is this a waste of public funds as the applicant is funding it.
- These hangars are not like conventional homes. They only require a concrete slab and the metal frame is bolted to that, so not as intrusive as other buildings. Ground surveys would detail the ground conditions
- There would be no disturbance to the known badger sett as its outside the application site which is not the case with the Swordfish Business Park

- For the Aeropark to work it needs both airside and roadside access. I have looked at other sites on the airfield and this is the only one to meet the requirements
- Access from Gosport Road is a 'non-starter' as no access road exists and when it is built it will be for Swordfish Business Park and too late for Solent Aeropark.
- I have reached out to Frontier Estates to see if a construction access through the Hammond Industrial Park can be used when they develop their care home.
- The Transport Statement uses data to estimate the trips and in my view it over estimates the volume of traffic which will be far lower. The demographic of the owners would not do the "school run", owners and their families would not need to commute, it's a no through road so you would only come here to work or live, staff would come in and out daily so only two trips.
- There was nothing underhand about my acquisition of the access land from Glenthorne Close
- We would be good neighbours and share the amenity space and viewing area.
- Whilst neighbours don't want this, many do
- The loss of a view over the airport as a result of the proposal is not a planning consideration, but views would be lost anyway when Swordfish Business Park is built.
- Solent Aeropark would not devalue house prices which would be the case with Swordfish Business Park.
- If utilities could come through the Hammond Industrial Estate rather than Glenthorne Close then I will try and secure this
- I am amenable to having a gate to the Aeropark to stop other visitors coming to use the amenity area and viewing area.
- No offsite parking is required as the proposal provides 49 car parking spaces.
- There is no loss of light from the units
- The element of employment is actually 60% of the floor space. The employment density is 50% higher than the other businesses with an airside access at Daedalus
- Fuel in a plane in a hangar is no different to fuel in a car within a garage.
- Helicopters are not suitable in these buildings and are not for use on this side of the airfield.
- Operational safety issues can be addressed between the airport operator and the spokesman for the owners
- Access to Stubbington Lane will soon be improved by the opening of the Stubbington bypass.
- There is nothing in the revised local plan about housing on the airport but the plan does allow live/work so why not on the airport?
- Affordable housing would not work on Solent Aeropark.
- I am happy for the whole unit must be occupied by the same business to stop subdivision and sub letting of space.
- The site is not in a flood zone and the concrete hardstanding can incorporate soakaways
- The landowner may not want to sell the site but that is not a planning issue.

- The Council is not qualified to make the judgement as to what would “adversely affect the airport operations”
- There are independent bodies that are qualified to make such judgements, namely the CAA AAT, the GAAC and the AOPA – none of which have concerns
- There are 700 residential airparks worldwide which is overwhelming evidence that having a residential use does not compromise operations, safety or security.
- The Airport Manager’s comments are in stark contrast to the report he reviewed in 2021. These comments are not independent but reflect the landowner’s views

6.5 A second round of publicity was held in July 2022 following the submission of an amended Transport Statement and site plans:

6.6 Four Letters of Support from addresses in Salisbury; Normandy; Cirencester and Greatham raising the same issues as the first round of consultation plus:

- This concept will be similar to Spruce Creek in Florida;
- I see no reason why this proposal would significantly change the traffic accident rate
- Would residents of the cul-de-sac rather have articulated lorries and large vans passing their homes as the alternative or new residents of this scheme?
- The cul-de-sac will lose its quiet nature with what ever goes on the site.
- All airports are required to have a security plan irrelevant of whether its houses or hangars on the site to protect airside operations. The airport is fenced for this reason and would remain so.

6.7 Eighteen Letters of objection from 10 (x2) Conqueror Way; 2 (x2), 5, 14, 16, 17, 18, 24, 25, 27 (x2) Glenthorne Close; 2 (x3), 63 Kingsmead Avenue; 17 Jersey Close; 149 Stubbington Lane plus the comments from the Fareham Society raising the same issues as the first round of consultation plus:

Material Planning Considerations:

- If the applicant wants a dwelling then fine, but within a live airport is not an appropriate position. On the other hand an airport is the right location for a hangar.
- Not a good idea for residents or the airport.
- The airport access is a more appropriate route to the site to give separation to residential areas
- Are the access roads able to stand up to the weight of construction lorries?
- With the new gate to the site it’s not clear how pedestrians will access the site?
- The amended Transport Statement shows the transport levels to have doubled the original expected traffic
- Very little seems to have changed with the amendments
- Comparisons to sites in the US is a false comparison as these sites are not accessed through narrow residential streets

- The streets would be unsafe
- The security gate is unmonitored making it unsafe
- How do emergency vehicles gain access through the security gate?
- It is disingenuous to suggest that there will be no large vehicles accessing this site; it will accommodate nine businesses
- The Transport Statement It is very mechanistic in its evaluation and does not address the residential/tight cul-de-sac context of the area.
- 236 trips presents a critical and persistent danger to residents. The Assessment does not address how this impact will be mitigated.
- A detailed groundwater study should be undertaken prior to approving any plan.
- The proposal is out of line with the Daedalus Vision

Non-Material Planning Considerations:

- Not sure why Swordfish business park keeps getting brought up by the applicant? How is he qualified to advise on house price impacts?
- People that are “pro” this development don’t live here
- The land is not for sale. There is no point continuing with this application
- The applicant should correct the implication that they have an agreement with Frontier Estates to provide access during the construction phase. Frontier Estates have categorically stated that there is no such agreement and nor do they envisage there being one.

6.8 The applicant has submitted a further rebuttal / responses to the third party representations and consultations:

- The revised plan and statement make minor changes to the parking layout
- The electric gate was introduced to restrict public access, and in turn therefore, traffic on Glenthorne Close
- Pedestrian Access to the open space would be by key fob
- The height of the units are a little over 8m which is lower than the local houses and the other hangars on the airport.
- Using the Gosport Road access would extend Swordfish Business Park to the site making a soulless, ugly business park. Does anyone want that at the back of their garden?
- Swordfish is brought up because it’s the alternative for the site
- Some of the positive comments are from prospective buyers of the units
- This is not trying to emulate the US examples and is therefore not a problem accessing the site through a residential area
- Accessing the site from Glenthorne Close is the only option that provides the shared amenity space and viewing area.
- Accessing the site from the north has nothing to do with cost or profit, but stopping Swordfish Business Park from encroaching on that site which will blight the local houses
- The revised Transport Statement does not double the level of traffic as the previous statement referred to 'return trips', whereas this one refers to each trip. It is the same level of traffic, which is stated on the report as minimal.
- This development will not add any commercial vehicles using Kingsmead Avenue and Glenthorne Close, just private cars for owners and their visitors

- Glenthorne Close would still remain a no-through road
- The electric gate will have a Fire Brigade Key Switch fitted as standard.
- Land ownership is not a material factor in a planning application
- No services would be accessed from Glenthorne Close. All these would come through from the new development on Hammond Industrial Estate, along with all the construction traffic

7.0 Consultations

INTERNAL:

7.1 Economic Development: Comments:

- Whilst the proposal does appear to have the potential to provide some level of employment, this would be small scale relative to the wider Swordfish Business Park allocation which has very recently been through the Examination in Public for the new Local Plan.
- The proposal, if permitted, would take valuable land allocated for employment generating uses which otherwise could make better use of the site's proximity to the airfield to provide more significant levels of specialist employment in accordance with the Council's Vision for Daedalus and the development plan policies.
- The risks to the delivery of a strategically identified employment site remain of overarching concern.

7.2 Estates / Property: Objection

- The Council as both landowner and airport operator does not support this application.
- The Council's position as landowner and developer of the Daedalus site is that this application does not support the published 2015 Vision for the site, updated in 2018. The Vision is for Daedalus to become a premier location for aviation, aerospace engineering and advanced manufacturing businesses, creating many skilled employment opportunities for local people and under-pinned by a vibrant and sustainable airfield. As such, the Council is promoting around 58 hectares of land at Daedalus for employment use.
- While this application clearly offers aviation-related employment, we assert as landowner/ developer that residential use is neither appropriate nor welcome on this site. We have informed the applicant that the site is not for sale for this proposed use.
- The Council's position as airport operator is that this proposal would adversely affect the airport's operation, which would be compromised by the safety and security risks presented by people living within the airport boundary: specifically the risk of residents, visitors wanted and unwanted, children, animals etc entering the active airfield and the potential for FOD (Foreign Object Debris).
- The Council does not believe that anything can mitigate these risks sufficiently and does not support this application.

7.3 Ecology: Objection

- Access to the site was not available for the applicant's survey and all assessment has been carried out behind the fence line.
- It is not clear how evidence of badger use, in the form of latrines, well worn paths, holes etc... could have been identified. A site visit is required.
- The proposal will result in the loss of part of the Secondary Support Site Area F13. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. The non-designated sites are classified as Core Areas, Primary Support Areas, Secondary Support Areas, Low Use and Candidate Sites.
- The Local Planning Authority cannot confirm that there will not be a likely significant effect on the Special Protection Areas (SPAs) due to the loss of SPA supportive habitat

7.4 Environmental Health (Contamination): No objection

- Subject to conditions

7.5 Environmental Health (Pollution): Comments awaited

7.6 Solent Airport Manager: Objection

- Regional and City Airports Ltd (RCA) operates Solent Airport under contract to and on behalf of the airport owner, Fareham Borough Council and holds the Civil Aviation Authority Licence
- RCA is required to maintain compliance with the terms of the CAA licence.
- It is my view as Airport Manager that the risks presented by this proposal – i.e. residential properties located within the Airport boundary - cannot be fully managed. A number of issues, including unauthorised airfield intrusions from visitors (children, guests, domestic animals), the reliance upon an airfield operator to be exercised as an additional security method, potential breaches of airport policy's i.e. no smoking, live flames etc (especially out of normal operating hours), direct access 24/7 on to an active airport and potential foreign object debris (FOD) have implications that are a potential risk to life.
- There is no satisfactory evidence to demonstrate that these risks can be mitigated to an acceptable level and therefore as the Accountable Manager for the CAA licence, I cannot be satisfied that they are acceptable risks.

7.7 Streetscene (Parks and Open Spaces): Comments.

- No comments until detailed landscape proposals are provided
- If the intention is to transfer the open space to the Council then a commuted maintenance sum would be required

7.8 Streetscene (Refuse and Recycling): Comments

- Suitable waste collection arrangements will be needed for the residential element
- A sweep plan is required to show access for collection vehicles and suitable bin collection points

7.9 Fareham Housing: Comments

- The size of the site triggers an affordable housing contribution.
- It is unclear whether these live/work units would be suitable for affordable housing.
- In such circumstances a financial contribution in lieu of on-site provision can be acceptable.
- The applicant has stated that no affordable housing contribution is viable.
- Fareham Housing can provide further comments once the Council has reviewed the applicant's viability report

EXTERNAL:

7.10 Hampshire County Council (Highways): No Objection:

- Concern with regards to the access proposal given the proximity to the existing dropped kerbs either side of the access route through Glenthorne Close. Vehicles joining from the neighbouring driveways will be both parallel and immediately adjacent to through traffic caused by development. It is considered that this traffic during peak periods will be light in nature. Therefore the potential for conflict between the development traffic and neighbouring properties will be minimal. Also, with the location of the gate feature to the south of the access road, it is unlikely neighbouring properties will be prevented from egressing onto the highway in the event development traffic is waiting to enter the site. The footway into the site is now acceptable at 2m wide
- The access results in the re-positioning of street furniture.
- Swept path analysis shows manoeuvres of a refuse vehicle and a fire tender.
- The Personal Injury Data has been updated.
- The trip generation has used the TRICS data and three categories – office & Light Industrial, Education, and residential are now appropriate for the development.
- The transport statement has expressed the total trip generation figure of new vehicles through Glenthorne Close is 236 movements per day. The development has been estimated to generate 23 two-way movements in the AM peak and 19 two-way movements in the PM peak period.
- Trip types have been split as part of the trip analysis. The development will generate 7 large goods vehicle movements in the AM peak and 2 trips in the PM peak.
- The development would generate a total of 10 daily ordinary goods vehicle trips with 1 trip occurring in the AM peak period.
- The proposal not considered to be of detriment to the operation and safety of the local highway network.

7.11 Hampshire County Council (Lead Local Flood Authority - LLFA): Comments

- Other than an indication on the application form that soakaways will be used for the assessment of flooding, the applicant has not provided any additional information on the surface water management proposal/local flood risk.
- Therefore, it is unclear which drainage strategy the applicant is seeking for approval.
- Bearing in mind that this is outline planning application which is seeking to fix the layout, at this stage we request that the applicant provides additional information on the proposed surface water management within the application site

7.12 Natural England: Objection

- Further information is required to determine the impact of the proposal on designated sites.
- As submitted the application could have a likely significant effect on a number of protected Habitat Sites. The following information is required to be able to undertake a Habitats Regulations Assessment:
- Details of mitigation measures to address any nutrient impacts;
- Consideration of the partial loss of a secondary support area and details of mitigation measures.
- Identification of and mitigation of recreational pressures on the designated sites in The Solent and the New Forest.

7.13 Civil Aviation Authority (CAA) – Airfield Advisory Team (AAT): Comments

- Mixed use hangars are known to be popular abroad. The US and New Zealand are good examples of where such developments have enhanced the aerodromes on which they have been built.
- Such a scheme hasn't taken off in the UK and could be an exciting and important part of the future for some of our GA aerodromes. It could work at Solent Airport
- Sites that adopt such a scheme will need to ensure that the development is optimised for their operation specifically, taking in to account proximity to current and potential future infrastructure, not limited to apron space, taxiways, runways, navigational aids, signage, AGL (airfield ground lighting).
- Additionally, thought will need to be given to airside access from the hangars themselves, as well as boundaries with the landside environment, access throughout the day, security and much more besides.
- The area in which this scheme is proposed has been allocated for employment use and in particular, partial aerospace employment. What this proposed development achieves is a unique interpretation of this. In particular, the development must demonstrate that the current aviation use is not adversely affected.

7.14 Hampshire Constabulary (Designing Out Crime): Comments

- There is some natural surveillance of the amenity space from the proposed dwellings.
- To further reduce the opportunities for anti-social behaviour the space should be enclosed by a robust boundary treatment at least 1m high. At least two access / egress points should be provided within the boundary treatment. Planting within the open space should be such that it does not obscure natural surveillance of the space, nor create a place within which a person might lie-in-wait unseen.
- Each unit is provided with an area of private amenity space to the side of the unit. A robust boundary treatment at least 900mm high should be fitted to the front of the space
- Each unit appears to be provided with three parking spaces. Given that these units are dwellings and business units, is enough parking provided?
- To provide for the safety and security of residents and visitors lighting along the proposed access road must conform to the relevant BS Standard
- Each of the units has three bedrooms, which implies that a family may reside within the unit. It is difficult to legislate for the actions of family members; whose actions may compromise the safety of the air side operations.
- The Safety and Security document makes reference to the Home Owners Association (HOA). The chair of the HOA will be responsible for agreeing security procedures with the airport operator and ensuring that each unit complies with these procedures. Assuming a chair can be elected, such an arrangement places some aspects for the security of the airfield in the hands of a homeowner with no legal authority to enforce any procedures.

7.15 Gosport Borough Council: Comments

- GBC's preference would be for the land to be used for high quality, employment led uses in aviation or other target sectors. It is accepted that this will provide some employment in the aviation sector however the density of jobs is likely to be lower than a purely employment led scheme such as Swordfish Business Park.
- Residential uses may provide operational restrictions on the ground floor uses
- Residential development may also prejudice other employment users in the locality
- Hangar Homes is a new model and it's difficult to assess its need
- The Designing Out Crime Officer has previously identified concerns for this type of proposal – primarily around the position of the proposed security fence and lack of natural surveillance of the spaces between units. Suggest that a consultation is done for this proposal
- Whilst the scheme should strive to achieve a 10% biodiversity net gain, ecological measures should not attract birds and bats which could be hazards to aviation.

7.16 Southern Water: Comments

- The proposal will require the diversion of a public foul rising main

- There are restrictions on tree planting adjacent to Southern Water sewers, rising mains and water mains. We have a guide on landscaping near infrastructure.
- A formal application to connect to the public sewer will be required.

8.0 Planning Considerations

- 8.1 The main planning considerations in the determination of this application are:
- Development at Daedalus & the principle of this development
 - Employment led development and live work units
 - Employment;
 - Live/work Units;
 - Implication of Fareham's current 5-year housing land supply position (5YHLS)
 - Residential development in the countryside
 - Impact on Habitat Sites
 - Nitrogen Neutrality
 - Recreational Disturbance
 - Loss of support site
 - Conclusions on Habitat Sites
 - Impact on protected species
 - DSP 40:
 - DSP 40 (i) Relative in scale to the 5 year HLS shortfall
 - DSP 40 (ii) Sustainably located and well related to the urban settlement
 - DSP 40 (iii) Strategic gap, Design and Character
 - DSP 40 (iv) Deliverable in the short term
 - DSP 40 (v) Environmental, Amenity and Highway Impacts
 - Airport Operations
 - Flood risk and drainage
 - Affordable Housing
 - Other matters
 - Planning Balance

Development at Daedalus and the principle of this development:

- 8.2 On 12 October 2015, after extensive engagement with various stakeholders and a two-month period of public consultation, the Council formally adopted its Vision and Outline Strategy for Daedalus, setting out its ambitions for the airfield and the wider development area. The vision for Daedalus is:

'Our vision is for Daedalus to become a premier location for aviation, aerospace engineering and advanced manufacturing businesses, creating many skilled employment opportunities for local people, underpinned by a vibrant and sustainable airfield.'

Building on the existing general aviation uses, the airfield will be an attractive destination for visiting aircraft and will offer the hangars, facilities and services to attract more corporate and commercial aviation activities, allowing it to be a self-sustaining in the medium term and contribute positively to the local community'.

8.3 The Vision document was updated in 2018. It is not an adopted part of the Development Plan nor is it a Supplementary Planning Document. It does, however set out the Corporate vision for Daedalus. Points of note within the vision are that the site should be:

- *“an attractive location for businesses”;*
- *A “premier location”;*

and specifically for the Daedalus West area this would comprise:

- *“Two clusters of activity:*
 - *An aviation cluster, comprising mainly medium-large sized hangarage for commercial aviation businesses to locate*
 - *A commercial business development park; attracting target-sector based businesses”.*

8.4 Nationally, the NPPF advises that planning policies should recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the government’s General Aviation Strategy (Para 106 (g)).

8.5 The site falls within the Daedalus Employment allocation under policy CS12. The site is within the “Hangars West” area identified for development within policy CS12.

8.6 Policy CS12 seeks to permit development where:

- *it is demonstrated that it does not adversely affect the existing or future potential general aviation operation of the airfield;*
- *it does not unacceptably diminish the integrity and function of the strategic gap between Stubbington/ Lee-on-the-Solent and Fareham/ Gosport;*
- *it does not adversely affect the integrity of the landscape character of the countryside;*
- *it can demonstrate that there will be no adverse impacts on European designated sites;*
- *primary access is from Broom Way (Hangars East) and Gosport Road (Hangars West);*
- *it does not have an adverse impact on air quality;*
- *prior consideration is given to the potential extraction of mineral deposits;*
- *it incorporates the site's heritage where feasible;*
- *both archaeological and contamination assessments and evaluations are carried out prior to the commencement of development;*
- *it delivers, or facilitates the delivery of high quality development including:*
 - a) *employment development that retains and strengthens the marine and aviation employment clusters, particularly those that require direct access to an operational airfield;*

- b) *between 10,000 sq.m and 33,000 sq.m of net additional general, or light industrial or warehousing (associated with aerospace or marine) employment floorspace with only ancillary office accommodation, to contribute towards the overall provision set out in Policy CS1;*
- c) *the creation of local employment opportunities that take advantage of and develop local skills, including during construction;*
- d) *open space accessible to residents particularly those of Stubbington and Hill Head;*
- e) *landscaping and green infrastructure including allotments together with linkages to the existing footpath network and the Alver Valley;*
- f) *environmental and biodiversity protection and enhancement;*
- g) *minimising increases in traffic levels and congestion, through sustainable transport arrangements;*
- h) *a reorganisation and consolidation of existing and new floorspace, including the phased removal of some existing built structures to create an efficient arrangement of buildings and associated activities sympathetic to the landscape and strategic gap, whilst having regard to the specific space and operational requirements of aviation related employment uses;*
- i) *appropriate utility service provision (water, waste water, energy and communications).*

Replacement and new buildings will be energy efficient and be designed to reflect existing building heights and mass and take advantage of site topographical and built features that help to reduce adverse impacts upon residential amenity, landscape character and the integrity of the strategic gap.

Development must take account of the odour contour on the north of the site from the Peel Common waste treatment works.

- 8.7 Within the policy CS12 allocation the Core Strategy Proposals Map identifies two parcels of land within the Daedalus site for employment use: Hangars West and Hangars East. The site falls within the Hangars West area.
- 8.8 Policy E3 of the new Local Plan applies to Swordfish Business Park (the name now given to Hangars West in the Core Strategy). This policy “extends” the allocation for employment led development beyond the “Hangars West” allocation within the Core Strategy (policy CS12) such that the site falls within the newly, extended, employment allocation also.
- 8.9 Policy E3 sets out that Swordfish Business Park will
 - a) *Contribute towards the delivery of 12,800sqm of employment floor space and ancillary uses, in line with the Daedalus Vision, including R&D, convenience, childcare and education and training of pilots (in addition to the 22,000sqm already permitted); and*

- b) Primary vehicular access shall be obtained from Gosport Road; and*
- c) Proposals shall have no adverse impacts on the existing or future viability of Solent Airport; and;*
- d) New buildings and extensions shall be of high-quality design and where appropriate, in keeping with the style and appearance of existing development; and*
- e) New buildings and extensions on the western boundary of the site will have regard to the scale of surrounding residential land uses, and*
- f) Proposals shall meet the requirements of Policy NE5, and*
- g) The scale, form, massing and layout of development to be specifically designed to respond to nearby sensitive features such as adjacent supporting sites for Brent Geese and Waders; and*
- h) A Construction Environmental Management Plan to avoid adverse impacts of construction on the Solent designated sites shall be provided; and*
- i) Ensures adequate surface water drainage is provided on site and addressed through a Drainage Strategy; and*
- j) Traffic increases are minimised through the provision of new and improved walking and cycling connectivity, and*
- k) Contamination assessments (in accordance with Policy D2) shall be carried out prior to the commencement of development of each individual parcel; and*
- l) Consultation with Historic England on an assessment of the historic significance of any buildings to be lost, and*
- m) The site is within a Minerals Consultation Area. Minerals extraction may be appropriate, where environmentally suitable, subject to confirmation of the scale and quality of the resource; and,*
- n) Appropriate utilities and services shall be provided for; and*
- o) Infrastructure provision or contributions shall be provided in line with Policy TIN4*

- 8.10 Within Policy E3 the proposed Swordfish Business Park is shown as three joined triangular parcels of employment land to the west of the Daedalus runway with no direct access from the residential areas on the east side of Stubbington Lane. Policy C12 and E3 (b) requires that primary vehicular access shall be obtained from Gosport Road.
- 8.11 The policy for Swordfish Business Park clearly seeks to contain both the business activity and the traffic it generates within the business park and not utilise routes through residential neighbourhoods.
- 8.12 The application makes the case that Swordfish Business Park has not yet happened and may not happen. However, the application submission is silent on the fact that there is already an extant outline planning permission for employment floor space on Hangars West and a reserved matter approval for the necessary servicing infrastructure including the Gosport Road access.
- 8.13 The application brings the access through the adjacent residential area to the west of the airport. It is the applicant's case that operationally the site would not bring significant volumes of traffic through Glenthorne Close and the applicant

is in negotiations with the owner of the Hammond Industrial Park in an effort to utilise that site for construction traffic routing. This proposal does not accord with policies CS12 and E3(b) given that the access is not taken from Gosport Road. The transport impact of the development on the locality is considered further later in this report.

- 8.14 The impact of the development against the other policy tests are also set out through this report under the relative headings.
- 8.15 The emerging Local Plan sets out that by providing a range of types of site in different geographical locations suiting different needs, the Plan will ensure that both short and long term employment need can be provided for, as well as offering choice and flexibility in terms of suitable sites for different uses. The Plan also seeks to identify suitable sites for the delivery of housing, none of which are at Solent Airport.
- 8.16 It is noted that the proposal seeks to provide some small level of employment (considered further in the next part of this report) but it is not a development that wholly accords with the policies of the Development Plan relative to provision of employment floor space or the Daedalus Vision and therefore it must be concluded that the principle for development is unacceptable and the proposal conflicts with the requirements of policy CS12 and policy E3(a).

Employment led development and live work units

Employment:

- 8.17 The use of the buildings would be a mixture of operations within Use Classes E(g), F.1(a) and C3.
- 8.18 The C3 use is the residential component part. Class F.1(a) relates to the provision of education seeing as at least two of the potential occupiers are engaged in flight training and one has the use of a flight simulator. Class E(g) relates to uses that can be carried out in a residential area without causing detriment to the amenity of the area (offices, research and development and light industrial uses); this use class is reflective of the 'old B1' use class.
- 8.19 The application has been amended to omit operations such as "fibre glassing" within the buildings as this would have been considered as a B2 (General Industrial) use; an activity that is not compatible with a residential use whether in the same building or close to neighbouring dwellings. Uses in classes E(g) and F.1(a) are considered in land use terms, in principle, to be acceptable.
- 8.20 The applicant's case is that this is an employment led development and this weighs heavily in its favour. Documents supporting the application set out that the employment density for the proposed units is greater than that already seen elsewhere at Daedalus, specifically on the Faraday Business Park (Hangars East) where hangars have an airside access.

- 8.21 The submission seeks to compare the proposed nine mixed use buildings with a projected level of occupation, based on the applicant's research on occupiers proposed, against the four actually occupied commercial hangars on the east side of the Airport. It is the applicant's case that when scaled up (seeing as the hangars on the east side of the airport are larger than the proposal) that the employee density on the application site would be three times higher than those at Faraday Business Park and 50% higher in terms of employees per unit.
- 8.22 It is also the applicant's case that with each unit having a greater commercial floor area (60% / 203.068sqm) to residential floor area (40% / 136.098sqm) ratio that this would contribute to the proposal being employment led.
- 8.23 Taking this last issue first; this percentage split of the floor areas does not alone make the proposal employment led. Indeed, for the Gosport Appeal (see planning history section above) which had a larger residential floor area versus commercial floor area per unit (60% residential to 40% commercial), the Inspector found that

"...a substantial element of the employment floorspace is taken up by the aircraft hangar, which, in my view, limits the overall employment opportunity of the scheme".

The Inspector then concluded that

"...whilst the proposal could potentially generate around 18 full time employees, given the level of employment space that would actually be delivered, I do not consider that the proposal amounts to an employment led development as required by Policy LP16" (para 8).

- 8.24 Whilst the ratio of employment to residential floor area has changed since the Gosport appeal with the balance now in favour of the commercial floor area (60% up from 40%), the fact remains that a large area of the ground floor is still taken up by the hangar, which may have an element of a workshop about it, but it is also an area to park an aircraft.
- 8.25 Of the 203sqm of the employment floor area identified on the proposed plans, 108sqm, or 53% of the employment floor space, is attributed to the hangar. This figure is even higher if the "Owners Office" at first floor is excluded from the calculation and only the ground floor employment area is assessed (the hangar then takes up 59%).
- 8.26 With over half of the employment floor area being taken up as hangar space, Officers would concur with the findings of the Inspector i.e. *"...a substantial element of the employment floorspace is taken up by the aircraft hangar...which limits the overall employment opportunity of the scheme"*. The Inspector's conclusions would apply to this scheme in exactly the same way as they did in the appeal proposal in so far as the extent of the hangar floorspace limits the overall employment offer.

- 8.27 Regarding employment densities, Officers do not agree with several aspects of the case advanced by the applicant.
- 8.28 Firstly, the submission doesn't take account of the overall floorspace that has been permitted by the outline planning permission at Daedalus within the Enterprise Zone nor the Council's aspirations for the airport through its Vision. The permitted levels of floor space provide an opportunity for high levels of employment and job generation for aviation related business that require an airside access. Given that the outline permission is extant this must have a bearing on the likely delivery of employment floorspace at Daedalus.
- 8.29 The application opts not to take account of the constructed but vacant units which could well be occupied with a far higher density than the currently occupied units. It must be the case that if these buildings are built that they could well be occupied to their maximum potential.
- 8.30 Instead, the proposal, in critiquing the units on Faraday Business Park, only considers the occupied units with an airside access and not the other employers on the business park of which many have aviation related elements but do not require airside access.
- 8.31 The applicant's projected job creation is based on a number of parties showing an interest in this proposal and estimating a range of jobs for each unit. The submission predicts that the scheme would create thirty jobs from the nine units proposed. However this job quota is a result of using the top of each range when in fact the quantum of jobs provided and the overall employment density may well actually be lower if the middle or the bottom of the range is utilised; it appears to be the most optimistic forecast of job creation from the proposal. Of those interested parties in the development units, one is already an airport occupant (Bournemouth Avionics) so these jobs would potentially be moving across the airport rather than be new jobs and another prospective occupier is currently operating from the Innovation Centre (Aero Safety Ltd).
- 8.32 Lastly, the Council has no way of requiring that the ground floor of the hangar homes will definitely be used for employment purposes. With residential accommodation, it will be within the control of individual residents, what work if any takes place within the ground floor of the building.
- 8.33 It is considered that the priority for this part of the airfield, within the Swordfish Business Park, should be focused on more significant levels of specialist employment generating uses in line with the Daedalus Vision and as set out within policy CS12 of the Core Strategy and Policy E3 of the new Fareham Local Plan 2037.
- 8.34 It is noted that the application makes the case that this proposal would make a positive contribution to the area by the delivery of aviation related business and jobs to the area. Whilst the development may provide some limited employment opportunities, these would be small scale in relation to the wider employment allocation. There are other aviation related businesses already at Daedalus (both with and without direct airside access) which would appear to suggest

that the presence of other employers at the airfield is adequate enough already to attract new, large scale aviation and marine related businesses to the Borough.

- 8.35 Whilst the proposal does appear to have the potential to provide some level of employment, this would be small scale relative to the wider Swordfish Business Park allocation which has very recently been through the Examination in Public for the emerging Local Plan. Delivery of the site, and the wider Business Park, is best achieved through this policy.
- 8.36 Whilst development of the Swordfish Business Park has not yet commenced, there is a reserved matter approval in place for the necessary infrastructure including access road and the necessary taxiway adjustments rather than an access through a residential cul-de-sac to the west of the airport.
- 8.37 The proposal, if permitted, would take valuable land allocated for employment generating uses which otherwise could make better use of the site's proximity to the airfield to provide more significant levels of specialist employment in accordance with the Council's Vision for Daedalus and the development plan policies. As such it is concluded that the proposal would conflict with the policies CS12 and E3 of the Development Plan.

Live/work Units:

- 8.38 In line with the paragraph 81 of the NPPF, the Fareham Local Plan 2037 aims to support and facilitate sustainable economic growth and productivity across the Borough through:
- a. Setting criteria and identifying strategic sites, for local inward investment to match the strategy and to meet anticipated needs over the plan period;*
 - b. Seeking to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and,*
 - c. Being flexible to accommodate needs not anticipated in the plan, allowing for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.*
- 8.39 The applicant describes the proposal as "live/work" units and makes specific reference to criterion c), above, of para 6.4 of the new local plan and makes the case therefore that the development plan provides positively for this type of proposal. It is important to note, however, that para 6.4 of the new Local Plan is supporting text and that there is no planning policy at Daedalus that provides for live/work units.
- 8.40 The applicant also places great emphasis on the fact that there is a bias in the overall floor area of each unit in favour of the ground floor (commercial area) over the residential areas at first floor.

- 8.41 In determining the proposal for six similar units to the west of the control tower (within the Borough of Gosport) in 2021 that the Inspector noted that the Gosport development plan identified that when considering live/work units that *“...these should be considered primarily as residential development”* (para 5). There is no such distinction in the Fareham Development Plan or the NPPF.
- 8.42 The applicant has, for this application, adjusted the floor plans of the proposal from the Gosport appeal scheme such that the bias is in favour of the ground floor commercial area with the first floor residential part of the building being of a smaller area, plus the inclusion of the ‘Owners Office’ at first floor.
- 8.43 Whilst this difference in floor plan arrangement from the appeal proposal is noted, it is considered that the concept of ‘Live/Work’ is such that the two uses are not really detachable from one another, but are inextricably linked and each part is dependent on the other. As such it is not unreasonable to consider that the actual ‘use’ of the building, rather than the physical split of floor area, would at the very least be more of a 50-50 split such that the residential element is not ancillary to the commercial activities but rather sits along side it. In addition, the residential floor area provides for a three bedroom unit easily capable of accommodating a family, many of whom would not benefit from the live/work arrangements. Furthermore, the live/work concept is weakened when it is considered that other employees and most of the created jobs promoted as a positive by the applicant would need to travel to the site.
- 8.44 It is considered that the proposal essentially provides a parking space for the aircraft of the dwelling occupant’s along side an area for some home working or the running of a small business. It is noted that the “Owners Office” is actually located on the first floor of the building with access directly from the living area. It is clear that the two uses – residential and commercial – are inextricably linked in a ‘live/work’ unit and are not easily divisible in practical terms.
- 8.45 Whilst it could be concluded that this type of building is a unit that would facilitate a “live/work” arrangement for the occupant of each unit, the fact that the two uses are not divisible means that the proposal seeks, to secure new residential development on an allocated employment site and in the countryside. This conflicts directly with the provisions of CS12 of the Core Strategy related to employment development at Daedalus and policy CS14 which seeks to limit new development in the countryside.
- 8.46 Whilst Para 6.4 of the Local Plan 2037 provides for the plan to be responsive to new ways of working, especially as the country recovers from the Covid-19 pandemic, it is considered that criterion a) of that paragraph that best applies to the development at Solent Airport in so far as the site (and the wider Swordfish Business Park) is an identified strategic site to help meet the identified employment needs over the plan period.
- 8.47 Whilst the Council is seeking to be adaptive and flexible through criterion c) of paragraph 6.4 of the new Local Plan; as set out above the provision of a specific policy for live/work units is not included in the Plan. Paragraph 6.4 of the emerging Local Plan was drafted with the intention of supporting people to

operate a business from their own home. This could incorporate a range of business types, such as small workshops for small-scale enterprises. The reference to flexible working practices and live-work accommodation is therefore more than just working from home. The policies for employment in the emerging Plan do, however, have a clear direction and vision for the land at Solent Airport (policy E3 refers).

- 8.48 The flexibility for the potential of live/work units would be better applied to a residential led scheme whereby the housing can be adaptive to allow for additional home working or for the operation of a genuine small business. The driver behind this paragraph in the emerging Plan is to encourage economic growth across the Borough that falls outside the traditional practices and locations, such as business parks or industrial estates. This proposal however seeks the provision of residential units on a strategically identified employment site whereby the job creation outcomes are unclear and the proposal potentially risks the delivery of a strategically identified employment site.
- 8.49 For the above reasons, and for the reasons set out elsewhere in this report the proposal is not considered to be a fully employment led development and would fail to satisfy the requirements of the development plan Core Strategy Policy CS12 and Policy E3 of the new Fareham Local Plan 2037.
- 8.50 On the basis that the proposal is not accepted as an employment led development or a scheme that would allow for the partial delivery of Swordfish Business Park, it follows therefore that the application seeks to gain a permission for new residential development on a site allocated for employment and one that is within the countryside. The proposal is against the housing policies for the Borough and in the NPPF.

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

- 8.51 An update report on the Council's five year housing land supply position was presented to the Planning Committee on 6th July 2022. The report set out this Council's local housing need along with the Council's current housing land supply position. The report concluded that the Council had 5.01 years of housing supply against its five year housing land supply (5YHLS) requirement.
- 8.52 Following the publication of that position the Council's housing supply was considered during several recent appeals held during August and October into proposed residential development at Land east of Cartwright Drive, Land east of North Wallington and Land east of Newgate Lane. At those appeals it was put to the Council that the evidence available suggested that several housing sites identified in the Council's supply as having outline planning permission would deliver fewer dwellings now reserved matters submission had been made. For example, the reserved matters application for Land adjacent to 125 Greenaway Lane (ref. P/21/1780/RM) proposed 80 dwellings rather than the 100 dwellings for which outline planning permission was given (a nett reduction of 20 homes from the Council's housing supply). In evidence it was also identified that, for a small number of other sites, the number of dwellings being

delivered would be less than previously stated. At the appeals the Council accepted that the evidence on this matter was clear and that the resultant reduction in the five year housing land supply meant that the position stood at 4.88 years. At the time of writing this report, officers remain of the view that 4.88 years is correct and that the Council does not have a five year supply of housing.

- 8.53 The starting point for making a decision 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".

- 8.54 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

- 8.55 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.

- 8.56 Paragraph 74 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.

- 8.57 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:

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 8 below), 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 (see footnote 7 below); 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."

8.58 Footnote 7 to Paragraph 11 reads:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change."

8.59 Footnote 8 to paragraph 11 reads:

"This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years."

8.60 This planning application proposes new housing outside the defined urban settlement boundaries and the Council cannot demonstrate a five year housing land supply. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.61 Even if it was the case that the Council could demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that 62% of the Council's housing requirement had been delivered. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75% of) the housing requirement over the previous three years. Again, footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.62 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are specific policies in the NPPF which protect areas of assets of particular importance namely habitat sites which are specifically mentioned in footnote 7. Therefore, a judgement will need to be reached as to whether policies in the Framework would have provided a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

8.63 The second limb of NPPF paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance') will only apply if it is judged that there

are no clear reasons for refusing the development having applied the test at Limb 1.

- 8.64 Members will be mindful of Paragraph 182 of the NPPF which states that:

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

- 8.65 The wording of this paragraph clarifies the presumption in favour of sustainable development set out in Paragraph 11 of the Framework does not apply if the proposal is likely to have an adverse effect on the integrity of a habitats site(s). In such circumstances, like this application, then the application can be determined in accordance with paragraph 38(6) under the 'straight' balance rather than the 'tilted balance' in Paragraph 11 of the Framework.
- 8.66 The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

Residential development in the countryside:

- 8.67 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. As set out above the application site lies within an area which is outside of the defined urban settlement boundary.
- 8.68 Policy CS14 of the Core Strategy states that:
- 'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'*
- 8.69 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).
- 8.70 National planning policy allows Councils to give appropriate weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with the NPPF (para 48 NPPF).
- 8.71 The Publication version of the Fareham Local Plan which addresses the Borough's development requirements up until 2037 has recently been

examined by the Planning Inspectorate; the Plan is therefore at an advanced stage. Policy HP2 allows for new small-scale (of not more than four units) residential development outside the urban area in situations where the site is within or adjacent to existing areas of housing or the site is well related to the settlement boundary and the site is within reasonable walking distance to a good bus service route or a train station. The development must also be of an appropriate design that does not adversely affect the predominant development form of the area. The proposal is of a quantum of development greater than 4 units and so must conflict with this policy. The remaining tests in policy HP2 are considered below.

- 8.72 The site is clearly outside of the defined urban settlement boundary and no justifications have been put forward to satisfy policy CS14. The proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy, policy DSP6 of the Development Sites and Policies Plan and policy HP2 of the emerging Fareham Local Plan 2037.

Impact on Protected Sites:

- 8.73 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive habitat sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.74 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.
- 8.75 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS) (previously 'European Protected Site').
- 8.76 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 habitat 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 habitat sites. This is done following a process known as an Appropriate Assessment. The competent authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The competent authority is either the local planning authority or the Planning Inspectorate, depending on who is determining the application. In this case, it is the Planning Authority.

- 8.77 When considering the proposed development there are likely significant effects on Habitat Sites, relating to increased nutrients entering The Solent and recreational disturbance. In addition, the site is identified in the Solent Waders and Brent Goose Strategy as a Secondary Support Area. The likely significant effects are considered in turn below.

Nutrient neutrality

- 8.78 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.
- 8.79 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.80 The application is supported by a Nitrogen Budget which shows that the development would have a surplus nitrogen budget. Following the publication of new guidance by Natural England in March 2022, the applicant has provided a nitrate budget. The latest methodology and calculator indicates that the nutrient loading of the development would be 12.32kg TN/year which would require mitigation. The nitrate statement explains however, that a mitigation strategy has not yet been secured.
- 8.81 The application fails to address the likely significant effects arising from increased wastewater from the development entering The Solent leading to adverse effects on the integrity of the HS of The Solent. The failure to provide appropriate and appropriately secured mitigation means the application is contrary to Policies CS4 & DSP13 of the adopted local plan and Policy NE4.

Recreational disturbance

- 8.82 The second of these likely significant effects on HS concerns disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.83 With regards The Solent SPAs, Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be

permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to The Solent Recreation Mitigation Strategy (SRMS).

- 8.84 The applicant has indicated that he is willing to make a financial contribution through the SRMS, however no such contribution has been forthcoming nor secured. In the absence of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.
- 8.85 With regards the New Forest HS, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The western side of the Borough of Fareham falls within this 13.8km radius, measured on the basis of 'how the crow flies'.
- 8.86 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority.
- 8.87 The applicant has indicated, as with the SRMS above, that he is willing to make a financial contribution to the Council's interim solution. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is considered to be contrary to Policies CS4, DSP13, DSP15 and NE3.

Loss of support site

- 8.88 The entirety of the site is also covered by a Solent Waders and Brent Goose site designation (F13) as a secondary support site. The Solent Waders and Brent Goose Strategy (SWBGS) aims to protect the network of non-designated terrestrial wader and brent goose sites that support the Solent Special Protection Areas (SPA) from land take and recreational pressure associated with new development. The non-designated sites are classified as Core Areas, Primary Support Areas, Secondary Support Areas, Low Use and Candidate Sites. The aim of the Strategy is to ensure that the current geographical spread of sites across the network is maintained and enhanced.
- 8.89 The Secondary Support Areas offer a supporting function to the Core and Primary Support ecological network and are generally used less frequently by significant numbers of SPA geese and waders. The Secondary Support Areas

network also provide suitable and favoured sites in years when the population includes high numbers of juveniles, as well as ensuring future resilience.

- 8.90 Loss of or damage to Secondary Support Areas should be discouraged, and on-site avoidance and mitigation measures considered wherever possible. It is expected that in most cases the loss, or partial loss, of Secondary Support Areas will be off-set by the provision of suitable replacement habitats which are supported by an agreed costed habitat management plan and funding secured in perpetuity in accordance with policy NE5.
- 8.91 The application proposes the loss of part of a secondary support site for Solent Wader and Brent Geese without mitigation proposed or secured and thus is in direct conflict with the adopted and emerging development plan.
- 8.92 The submitted Preliminary Ecological Appraisal (PEA) describes how the Civil Aviation Authority (CAA) are also in the process of trying to get Natural England to remove the designation from the airfield and that the airfield operates a bird deterrent scheme to ensure no bird strikes to aircraft. Notwithstanding the applicant's comments, the airfield is designated at this time.
- 8.93 Officers conclude that without appropriate mitigation for the impact of the development on the Solent Waders and Brent Goose network, the development would have a harmful impact on this functionally linked habitat. The proposal conflicts with policy CS4 of the Core Strategy, policy DSP13 of the Local Plan Part 2 and policy NE5 of the Fareham Local Plan 2037.

Conclusions on Habitat Sites:

- 8.94 The Local Planning Authority as "Competent Authority" is unable to conclude that the proposed development would not have a likely significant effect on the integrity of the Habitat Sites (HS).
- 8.95 As set out in paragraph 8.64 above, the effect of Paragraph 182 of the NPPF is that:

"The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site".
- 8.96 The effect of NPPF paragraph 182 means that if the proposal is likely to have an adverse effect on the integrity of a habitats sites, then the application can be determined in accordance with paragraph 38(6) under the 'straight' balance and in the absence of an Appropriate Assessment.
- 8.97 In this instance Officers have identified likely significant effects upon Habitat Sites as a result of an unmitigated surplus of nitrate pollution generated by the development entering the water environment of The Solent, increased and

unmitigated recreational pressure on the HS and the loss of important secondary supporting habitat.

- 8.98 If it were not for the in-principle objection to the development, the applicant would have been invited to address these ecological issues by producing mitigation proposals and making the necessary contributions to the relevant strategies.
- 8.99 In the absence of such mitigation or agreements, the proposal fails to appropriately mitigate its impacts and would be contrary to Policies CS4, DSP13, DSP15, NE1, NE3, NE4 and NE5. The Officer recommendation is to refuse planning permission and since the application is not being favourably recommended it has not been necessary for the authority to carry out an Appropriate Assessment.

Impact on protected species:

- 8.100 The application is supported by a preliminary ecological appraisal (PEA) that confirms that the site is of low ecological value. The Council's Ecologist has expressed concern at the content of the PEA regarding the impact of development upon a known badger sett within the airfield boundary. The PEA has been undertaken from the site boundaries only. It is considered that in order to fully assess the ecological impact upon the badger sett that further on-site survey work is required. The landowner however, has not granted any access in order for this further survey work to be undertaken. The applicant has requested to survey the site by low flying drone in the absence of access on foot being granted. Such drone flying has been resisted by the Airport Manager on the grounds of airport safety.
- 8.101 The applicant is challenging the refusal of the Council, as landowner, to enable access to the land for the undertaking of a badger survey. Any legal challenge relates to matters of property law and does not stop the Council in its capacity as Local Planning Authority from deciding the planning application.
- 8.102 The applicant has requested that the survey for badgers be reserved by planning condition. Officers do not consider it appropriate to deal with a survey of this type as a condition of a planning permission. Circular 06/2005 identifies that information on protected species must be available before a decision is made, and this is supported by Natural England's standing advice on protected species. Planning authorities are required to assess the impact of the works on the ecology of the site and without the right level of information (survey, impact assessment and appropriate, proportional avoidance, mitigation and compensation measures), this assessment is not possible. The Circular does provide for a survey to be secured by condition but in "exceptional circumstances" only. Currently the application site does not pose a risk to public safety or the safety of the protected species and as such the applicants request for a planning condition is not considered an "exceptional circumstance".
- 8.103 Policy DSP13 of the Local Plan Part 2 seeks to ensure that protected species are protected and, where appropriate, enhanced as a result of development

(criterion ii). Criterion b) of Policy NE1 of the Fareham Local Plan 2037 also seeks to permit development where protected species are protected and enhanced. In the absence of the necessary survey work it is not possible to conclude that the development would not have an impact upon badgers contrary to policy and the advice in Circular 06/05 and this is reflected in the recommended reasons for refusal.

DSP 40

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

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

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

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

DSP 40 (i) Relative in scale to the 5 year housing land supply (5YHLS) shortfall

8.105 The Council is presently unable to demonstrate a 5YHLS. The proposal for nine dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

DSP 40 (ii) Sustainably located and well related to the urban settlement

8.106 The application sets out all the local amenities nearby to the site within Stubbington and the other nearby settlements. The site is within reasonable walking distance to a good bus service route along Stubbington Lane and the amenities at Stubbington village centre.

8.107 The documents in support of the proposal suggest that by allowing people to live above their work would bring sustainability benefits through a reduction in commuting. Furthermore, the application submits that the demographic of the potential occupants is such that the occupiers would likely not be part of the 'school run'. Whilst this may be the case in so far as the interested occupiers list, the residential elements of the buildings provides for three bedrooms which would easily accommodate a family. Furthermore, each occupier has set out

their forecast job creation levels (as critiqued above) such that there is still an element of in-commuting by this proposal for those employees.

8.108 Whilst the site is outside of the defined urban settlement boundary it is immediately adjacent to Stubbington and this is a sustainable location.

8.109 However, this criterion of policy DSP40 has two parts to it. The issue of being sustainably located is one part of the test, with the second part being whether the proposal is well integrated with the neighbouring settlement. In this case, the proposal is not considered to be well integrated into the adjoining settlement contrary to the second part of this policy test. This matter is assessed further under DSP40 (iii) below when the implications for the character of the area are considered.

DSP 40 (iii) Strategic gap, Design and Character

Strategic Gap:

8.110 The site is, for planning policy purposes, within the Strategic Gap within the adopted development plan; policy CS22 refers.

8.111 Strategic Gaps are established planning tools designed, primarily, to define and maintain the separate identity of settlements. Policy CS22 states that:

“Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements.”

8.112 The gap between Fareham, Stubbington and Lee-on-the-Solent is currently effective in maintaining the separate identity between the settlements. The airfield does not, however, form a tract of undeveloped countryside in the same way that other parts of the Strategic Gap do. It already contains sporadic built development around the edges of the airfield and has a distinct character of its own.

8.113 This site is allocated within both the adopted development plan and the emerging Plan for commercial/employment related development. Development here would physically result in the reduction of the gap by virtue of new buildings within it however, given the site's context in the Core Strategy and its relationship with the eastern edge of Stubbington, the visual separation of settlements would likely remain and the proposal would not harm the gap whereby coalescence of settlements occurred and therefore the proposal would accord with policy CS22.

8.114 It is noted that for the purposes of the emerging Plan, the Strategic Gap designation does not apply to the Swordfish Business Park allocation such that the site is outside of the Strategic Gap in the emerging Fareham Local Plan 2037.

Design and Character:

- 8.115 Policy CS17 of the Core Strategy seeks to ensure that developments respond to and are respectful of the key characteristics of the area. Policy D1 of the Fareham Local Plan 2037 is the relevant policy in the emerging Plan.
- 8.116 Glenthorne Close and its surrounding roads are all of domestic scale and proportion with a 1960/70's age of architecture. The local street pattern consists of a gently curving road network with Glenthorne Close stretching along in a "S" shape with generously spaced pairs of semi-detached dwellings. The estate feel is very much of a verdant character; the design is open plan with wide, tree planted verges and soft or open frontages which allows for a spacious street scene and views afforded between the pairs of dwellings as a consequence of the shared driveways between.
- 8.117 The architecture consists of shallow pitched roofs with a strong gable theme. The wide horizontal windows and tile hanging all contribute to this very domestically proportioned street scene and surroundings to the application site.
- 8.118 The proposal provides for a road with a very slight bend but is otherwise long and continuous rather than winding like Glenthorne Close. The arrangement of dwellings are aligned in a repetitive and uniform way with no variation. The layout lacks any substantial open frontages and wide tree lined verges. The architecture of the buildings, whilst only shown indicatively, appears to be of a form that is more akin to the airport than the settlement from which the site is served such that the proposal fails to integrate with the settlement from which it is served as required by policy DSP40 (ii).
- 8.119 The frontages of the buildings are illustratively shown to have a modern architectural treatment which is alien to the neighbouring settlement by virtue of the roof form (a curved barrelled roof), fenestration and car parking arrangements. The frontage of the units is dominated by car parking, as is the northern side of the access road, only broken up by the occasional tree whereas Glenthorne Close is typified by wide, tree lined verges, front gardens and driveway parking. Consequentially the street scene of Glenthorne Close is markedly different to the proposal. The architecture, whilst illustrated to be contemporary, is not complementary to Glenthorne Close but rather, as a result of the layout of the proposal, it is an alien extension to the close.
- 8.120 Notwithstanding this alien appearance to its surroundings and the lack of integration into Glenthorne Close, when taken in isolation it is accepted that the proposal could be, in a contemporary form to its roadside elevation, of residential appearance. This further adds to the argument against the proposal being a mixed use employment led scheme. The street scene looks wholly residential, contemporary (and not complementary in this case), but residential.
- 8.121 Furthermore, the access road seems very ornamental and lined on one side with all the proposed parking broken only by equally spaced trees which differs from the more spacious feel of Glenthorne Close. The ordered and rhythmic design of the street scene would, it is considered, jar with the settlement from

which the site is served. The proposal would not respond to the local character and nor is it respectful of it. Thus the proposal is considered to conflict with the requirements of policy CS17, criterion (iii) of DSP40 and the specific test in criterion (ii) of DSP40 regarding the development being well integrated with the settlement. The proposal also conflicts with policies D1 and H2 of the Fareham Local Plan 2037

DSP 40 (iv) Deliverable in the short term

- 8.122 The application indicates that there are a number of interested occupants for the scheme and that the development could be delivered and occupied quickly if the applicant is able to acquire the land.
- 8.123 The site is on land owned by Fareham Borough Council and partially within a defined employment allocation. The Council in its capacity as the landowner has advised that it is not interested in selling the land for the purpose applied for.
- 8.124 As the landowner is not interested in selling the land for the purposes proposed in the application, the site is not deliverable in the short term. The proposal therefore conflicts with part (iv) of policy DSP40.

DSP 40 (v) Environmental, Amenity and Highway Impacts

Environmental Impacts:

- 8.125 The key environmental impacts are set out above relative to the impacts upon Habitat Sites, specifically with regards to nitrates, recreational pressures to the Protected Sites and the loss of the secondary support site for Brent Geese and wading birds. The conclusions on these matters alone are considered sufficient for the proposal to fail against part (v) of policy DSP40.

Highway Impacts:

- 8.126 As set out in the earlier part of this report, and specifically in the representation section, an amended Transport Statement was submitted by the applicant in July 2022 and the public given an opportunity to comment on the amended document.
- 8.127 A further revision to the Transport Statement was submitted by the applicant in September 2022 with minor amendments made in an attempt to overcome the outstanding concerns of the Highway Authority. The Highway Authority have been consulted on the latest Transport Statement and now raise no objection to the proposal.
- 8.128 Policy CS5 of the Core Strategy seeks to ensure that development proposals do not adversely affect the safety and operation of the strategic and local road network. The policy also requires development to be designed and implemented to prioritise and encourage safe and reliable journeys by walking,

cycling and public transport. Policy TIN2 of the Fareham Local Plan 2037 is the relevant policy in the emerging Local Plan.

- 8.129 In this case the access to the site is to be taken from the turning head at the end of Glenthorne Close between numbers 16 and 17.
- 8.130 This arrangement will result in the vehicles of these two neighbouring dwellings and their driveways being parallel to and immediately adjacent to the through traffic to the development. This access arrangement initially raised safety concerns with the Highway Authority. However, further analysis of the likely trip generation, plus amendments to the layout providing a gate into the site set back over 16m from the highway is such that the likely traffic flows through the site adjacent to these neighbouring driveways is not considered to raise a safety issue for users of the highway. As such that the proposal satisfies policies CS5 and TIN2.
- 8.131 The September 2022 Transport Statement adjusts the width of the footways proposed into the site to 2m (from 1.5m) to accommodate the movement of all types of foot traffic. This part of the proposal now complies with the Highway Authority standards. As such This element of the proposal would also comply with policies CS5 and TIN2.
- 8.132 The application Transport Statement is accompanied by vehicle tracking plans that show how a fire tender and a refuse vehicle would access the site, turn and leave. The September version includes, at the Highway Authority's request, a longer refuse vehicle and family car be tracked through the site to show how the different vehicle sizes can pass on the access road and the approach to the site. The Highway Authority raise no concerns at these tracking plans
- 8.133 On review of the applicant's Transport Statement the estimated trip generation to and from the site the applicant has utilised TRICS (Trip Rate Information Computer System) which is an industry standard tool to assess proposed trip generation levels for all types of developments.
- 8.134 The Transport Statement has expressed the total trip generation figures for the development at 236 daily movements. The Highway Authority had previously requested that clarity be provided in the trip types and number of larger vehicles expected to be produced by the development that would be required to manoeuvre through Glenthorne Close.
- 8.135 The development has been estimated to generate 23 two-way movements in the AM peak and 19 two-way movements in the PM peak period. Trip types have been split as part of the trip analysis and it has been calculated that the development will generate 7 large goods vehicle (up to 30 tonnes) movements in the AM peak and 2 trips in the PM peak. The development would generate a total of 10 daily ordinary goods vehicle (All commercial vehicles with 2 axles and twin rear wheels, vehicles with 3 axles and all goods vehicles with 4 or more axles) trips with 1 trip occurring in the AM peak period.

8.136 It is the Highway Authority's conclusion that such levels of traffic generation would not adversely affect the safe operation of the local road network and thus the scheme would satisfy the requirements of policies CS5 and TIN2.

8.137 The Highway Authority has deferred the assessment of the parking provision to the Planning Authority. The Transport Statement as amended sets out that 72 parking spaces are to be provided as part of the application. This breaks down the component parts of each building to its constituent use class and attributes a parking requirement for each part of the mixed use building in accordance with the Council's parking standards.

Amenity:

8.138 Whilst the Highway Authority has concluded that the proposed development would not give rise to any adverse impact on the safe operation of the local road network, the impact upon the amenity of the Close also requires consideration.

8.139 Glenthorne Close, as described above, is a residential cul-de-sac. The road meanders through the Close up to the turning head and site access with a mixture of parking being on driveways and on street. The Close, by virtue of its design and layout, essentially results in only traffic for the close coming through the close. To that end, the Close is dominated by resident and domestic type traffic. Not being a through road, the amenity of the Close is therefore one of low traffic levels and of a quiet residential area.

8.140 Whilst not giving rise to any issues of highway safety, the proposal would generate some 236 extra daily vehicle movements through the Close with forty two of these in the morning (23 two way trips) and evening (19 two way trips) peak periods and with a variety of vehicle types trying to negotiate the bends in the close and the on-street parked cars.

8.141 It is considered that the potential for 236 daily additional vehicle movements through a quiet, residential cul-de-sac would give rise to an unacceptable adverse impact upon the amenity of the close by virtue of increased activity on the road to the detriment of the quiet, residential cul-de-sac character of the road. Such levels of traffic activity and the type of visiting commercial vehicles would have a demonstrably harmful impact upon the perception of the road as a residential close affecting the amenity and environment for the Glenthorne Close Residents. As such the proposal is considered to conflict with the requirements of policy DSP40 (v) and the emerging policy D2 of the Fareham Local Plan 2037.

8.142 Within the submission it suggests that the occupiers of the units would accept that aircraft noise is a consequence of living on an airport and that the proposed buildings would be fitted with appropriate acoustic mitigation. Whilst the airport is adjacent to the residential areas in Stubbington, this proposal brings the residential use into the airport and much closer to the moving aircraft and associated noise.

- 8.143 The comments of the Environmental Health Officer are awaited as to the acceptability of the balconies overlooking the airfield and the provision of acoustic glazing to mitigate the impacts of noise upon the amenity of residents.
- 8.144 It is not clear that the proposal will create an acceptable living environment for the residents of the proposed buildings. Furthermore, the proposed garden area for each unit is located between each unit with large balconies overlooking the airfield.
- 8.145 The side garden for each unit is approximately 7m wide and extends the length of the building. The architecture of the buildings is such that they are shown with a high eaves level and barrelled roof. This appearance and the need for high security fencing to the airport side of these side gardens means that whilst they are of a reasonable size, these traits make for a space that could well have a sense of enclosure and dominance from the buildings. The layout and scale of the development therefore is likely to affect the usability of these spaces as domestic gardens.
- 8.146 The application proposes that these side gardens are in addition to the external balcony spaces provided at first floor for each unit. In this case the first floor is a three bedroom unit and it would not be unreasonable to expect a family to reside in the units such that the complementary garden area is considered to be a necessary addition to the unit. However, for the reasons set out above, the layout and juxta-positioning of the units to the side gardens would be to the detriment of these spaces and affect their usability as gardens.
- 8.147 Despite the poor relationship of the side gardens to adjacent buildings, the planning application also proposes an area of open space in the north western part of the site. As a communal space this would provide an alternative outside space for residents to use and which would on balance outweigh the constrained individual garden areas being provided.
- 8.148 Regarding the impacts upon neighbouring properties, the proposed layout is such that the proposed plot 9 is the closest to offsite neighbours; namely number 6 Ashton Way. The separation distance building to building is shown as being 22m which is within the parameters of the Council's design guide. Whilst the orientation of plot 9 is facing out towards the rear of 6 Ashton Way, the first floor of the proposed buildings are arranged so that bedrooms are facing these neighbours at first floor level. Such an arrangement is not dissimilar to a more traditional 'back-to-back' relationship between bedroom windows.
- 8.149 With reference to the proposed mixed use for each building, as discussed above, each of the buildings would be a mixed use comprising of Uses in classes E(g) and F.1(a) along with the C3 residential use. Class E(g) relates to uses that can be carried out in a residential area without causing detriment to the amenity of the area (offices, research and development and light industrial uses) and as such the proposed mix of uses is not considered to result in harm to the potential future occupiers or the amenity of the nearby neighbouring dwellings.

- 8.150 The proposal is considered to conflict part (v) of policy DSP40 and policy D2 of the emerging Fareham Local Plan 2037.

Airport Operations:

- 8.151 Both policies CS12 and E3 seek to ensure that the development at Solent Airport does not adversely affect the existing or future potential general aviation operation of the airfield. There are two component parts to the airport impacts; these are airport operations and airport safety.
- 8.152 The application is supported with a document titled "Safety and Security on Solent Aeropark". Within this submission the applicant's case is set out that access to the airfield will only be after passing through four access points when one or two are the norm for other businesses on the airfield. These would be 1) the access gate to the site, 2) access to the front of the buildings, 3) access to the hangar area within the building and 4) from the hangar to airside.
- 8.153 The applicant proposes that there would be a Home Owners Association, the chairman of which would agree all the safety and security procedures with the airport operator and ensure compliance with them from other occupiers.
- 8.154 The existing security fence around the perimeter of the site would remain, with a new security fence constructed between each unit.
- 8.155 The Civil Aviation Authority (CAA) mandates a 21.5m 'unobstructed strip' between the hard-standing and the taxiway for this airport, which is determined by the length and width of the runway and taxiways. The proposal meets this CAA requirement.
- 8.156 The applicant makes the case that the units are in view of the control tower during the operational time of the day but relies on the MCA for other non-operational periods.
- 8.157 The procedures in the applicants "Safety and Security" paper were, in 2021, shared with the CAA Aerodrome Inspector according to the submission. The CAA advice at that time is then quoted in the submission that the operation of the site would comply with the regulatory requirements and should not have any operational impacts to the airport.
- 8.158 What is unclear from the submission is the detailed questions put to the CAA Aerodrome Inspector. Furthermore, this response seems to look at the regulatory requirements of the airport licence rather than the more site specific safety implications. Whilst the CAA advised the applicant in 2021 that this would meet the regulatory requirements, the same CAA Advice is silent, or at least it is not referred to within the submission, on the safety implications for such a development adjacent to and with access to an active airfield.
- 8.159 It is the Airport Manager's view that the risks presented by this proposal cannot be fully managed. A number of issues arise, including unauthorised airfield intrusions from visitors (e.g. children, guests, domestic animals), the reliance

upon the Airport Manager as an additional security method, (for example to identify potential breaches of airport policy's i.e. no smoking, live flames etc (especially out of normal operating hours), direct access 24/7 on to an active airport and potential foreign object debris (FOD) have implications that are a potential risk to life. There is no satisfactory evidence to demonstrate that these risks can be mitigated to an acceptable level and therefore as the Accountable Manager for the CAA licence, the Airport Manager cannot be satisfied that they are acceptable risks and as such they raise an objection to the scheme.

- 8.160 The CAA Comments in response to this application come from the Airfield Advisory Team (AAT) at the CAA and not the aerodrome inspector. The consultation response acknowledges that the site is an allocated employment site. The consultation also accepts that this type of proposal is not new to airfields outside of the UK. The advice continues that the scheme could work in the UK.
- 8.161 However, the CAA AAT view is that it would require all parties to work together in order for concept designs and potential layouts to evolve in order to identify any required mitigation measures to any hazards observed.
- 8.162 The CAA would engage with any risk assessment and take part in any conversations on concept design, if this was a scheme the landowner wanted to explore. The points raised on safety by the Airport Manager would need to be considered as part of this process and assessment of the concept design considerations by the CAA. As such the CAA has not currently lent its support for nor objected to the proposals yet but rather, it seems to reserve its position for the owners of the site and aerodrome authority to look at the scheme and consider whether it is an attractive proposition first. Then a potential next stage could be to assess whether such a proposal can physically work at Solent Airport with the CAA's involvement. The Landowner, however, is very clear that it has no interest in this type of proposal and the land is not for sale for this type of development.
- 8.163 Notwithstanding the view of the Landowner and the Airport Operator the applicant has sought to generate support for the proposal from General Aviation Awareness Council (GAAC) and the Aircraft Owner and Pilots Association (AOPA) which the applicant purports are independent and neither of which voice concerns at the safety of the scheme. The Applicant also refers to the CAA ATT comments as a positive for the scheme in so far as the CAA acknowledges that this type of proposal could work in the UK and here at Solent Airport.
- 8.164 Whilst the comments received from the GAAC and AOPA are noted, they are not statutory consultees and these comments have been generated following contact from the applicant., the comments relate to the principle of the use rather than providing a detailed assessment of the likely risks and how they might be mitigated. It is considered that the views of the Airport Operator must be afforded the most weight. The Airport Manager has expressed concern at the implications for the safe operation of the airport as a result of the proposal

and therefore the proposal is considered to conflict with policies CS12 of the Core Strategy and E3c) of the Local Plan 2037.

Flood risk and drainage:

- 8.165 Policy CS15 of the Local Plan Part 1 promotes and secures sustainable development by avoiding unacceptable levels of flood risk and proactively managing surface water through the promotion of sustainable drainage techniques. Policy CC2 is the relevant policy in the emerging Fareham Local Plan 2037. The site is within flood zone 1, which is the lowest risk area.
- 8.166 The Lead Local Flood Authority (LLFA) and third party representations have queried the application's lack of information on the surface water management proposals to ensure that local flood risk is managed.
- 8.167 The submitted 'Planning, Affordable, landscape, Design & Access Statement' in support of the proposal refers only to a connection by the development into the main sewer in Glenthorne Close and the need for an existing water main through the site to be diverted. The only reference to the management of surface water is within the application form itself which simply indicates that the surface water will be addressed by means of a soakaway.
- 8.168 Drainage is a material planning consideration and as such, whilst this is an application made in outline, given that the application seeks approval of "layout" it is not unreasonable to expect additional details at this stage on the proposed surface water management of the site. This, it is suggested by the LLFA, should include the details of the entire proposed drainage solution, calculations and sufficient information to enable an understanding of the existing conditions and how the proposal will affect this. In the absence of this information, it is unclear how the surface water from the proposed development would not potentially give rise to a risk of flooding to the local area and as such the proposal must fail when considered against policy CS15 of the Core Strategy and policy CC2 of the Fareham Local Plan 2037.

Affordable Housing:

- 8.169 The application is supported by a "Viability Report" which concludes that the proposal is unable to deliver any affordable housing on site nor to provide an off site contribution towards affordable housing in accordance with policy CS18.
- 8.170 Policy CS18 states that on sites providing 5-9 dwellings 30% affordable housing or a financial contribution equivalent to 30% provision should be provided. 30% affordable housing in line with the adopted policy which would equate to a requirement for 2.7 dwellings.
- 8.171 It is noted that policy HP5 of the emerging Fareham Local Plan 2037 states that 40% affordable housing is required from sites providing 10 or more dwellings or development on a site with an area of 0.5ha or more. So the emerging policy would also require any affordable housing provision, a greater provision in fact by 10%. The applicants Viability Report omits to consider the site area as a

qualifying criteria under the new policy and concludes, incorrectly, that no affordable housing would be required under the emerging Local Plan.

- 8.172 Notwithstanding this point, based on CS18, the application submits that it is not viable to provide any affordable housing either on site or by means of off site contribution. It follows, therefore that the applicant's case for a greater contribution as per policy HP5 would also be unviable.
- 8.173 Officers have sought an independent review of the applicant's Viability Report. This review will consider the methodology, the assumptions and the conclusions made by the applicant. The review of this report is awaited and Officers will provide an update at the Planning Committee Meeting.

Other Matters:

- 8.174 The application is supported with a "Valuation Report" which concludes that the provision of commercial units on Swordfish Business Park as per the development plan policies would have a harmful impact on residential property values of the adjacent dwellings whereas the proposed mixed use business units will not have this impact but would in fact enhance the values of the properties in Glenthorne Close.
- 8.175 In rebutting third party comments the applicant has put a lot of weight to this part of the submission. This report has not been scrutinised or verified one way or the other by the Local Planning Authority as the impact of a development on property values is not a material planning consideration. To that end this part of the application is not afforded any meaningful weight.

Planning Balance:

- 8.176 Members will be mindful from the report above that the Council cannot currently demonstrate a 5YHLS yet the position is that it is not far off being able to do so. In the event the Council had achieved a 5YHLS Policy DSP40 would no longer be engaged. Notwithstanding this, as set out in paragraph 8.61 above, the presumption in favour of sustainable development under paragraph 11 of the NPPF would normally still apply because of the Council's failure to satisfy the Housing Delivery Test.
- 8.177 However the effect of NPPF paragraph 182 means as a result of this proposal having an adverse effect on the integrity of a habitats sites and no Appropriate Assessment has been undertaken, the 'titled balance' is not engaged and the application can be determined in accordance with paragraph 38(6) of the Act which essentially means the assessment is made against the policies of the development plan.
- 8.178 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

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

- 8.179 The site is part of an allocated employment site. The proposal is not considered to accord with the requirements of the allocation in terms of its access nor being an employment led scheme; the quantum of floor space and job creation would fall considerably below that envisaged in the development plan.
- 8.180 The proposed live/work units will provide new residential development outside of the defined urban settlement boundary. The proposal does not relate to agriculture, forestry, horticulture and required infrastructure which are acceptable types of development in the countryside.
- 8.181 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Whilst the proposal would be sustainably located adjacent to the urban settlement boundary, it would not be sensitively designed to integrate with or reflect the character of the neighbouring settlement or to minimise any adverse impact on the Countryside. It is not deliverable in the short term and it would have unacceptable environmental, implications due to the failure to provide any mitigation. Additionally, the proposal would give rise to amenity issues through the levels of traffic generated through Glenthorne Close.
- 8.182 Paragraphs 7 and 8 of the NPPF set out that the purpose of the planning system is to contribute to the achievement of sustainable development and that there are three dimensions of sustainable development; namely the performing economic, social and environmental objectives. There would be some economic benefits as a result of both the construction of and occupation of the new mixed use buildings.
- 8.183 A high standard of design is also a key aspect of sustainable development. The harm identified to the character and appearance of the area would be significant. As a result, the social objective of sustainable development of fostering well-designed and beautiful places, would not be achieved. Whilst the Framework encourages the effective use of land in meeting the need for homes it does not suggest that housing is accepted on allocated employment sites.
- 8.184 Furthermore the proposal fails to protect the natural environment and nor will it ensure that the safe operation of the airport can continue. Finally, the application fails to demonstrate that the development would not have an adverse impact on the amenity of the close as a consequence of the additional traffic generation.
- 8.185 The development conflicts with development plan policies CS12, CS4, CS5, CS14, CS17 of the Core Strategy, DSP3, DSP13, DSP15 of the Development Sites and Policies Plan and D2, DS1, HP2, TIN1, TIN2, CC1, CC2, NE1 ,NE3, NE4, NE5 and E3 of the emerging Fareham Local Plan 2037. There are no other material considerations that outweigh the conflicts identified with these

policies. The proposal is recommended for refusal for the detailed reasons set out below.

9.0 Recommendation

Subject to:

- i. the receipt and consideration of the comments of Environmental Health; and
- ii. the Consultant's report on the applicant's viability report for affordable housing provision; then
- iii. Delegate to the Head of Development Management to add any further reasons for refusal as considered to be appropriate following the consideration of these two matters,

REFUSE for the following reasons:

- 1. The proposal is not considered employment-led and would provide for inadequate levels of employment and would prejudice the future delivery of the wider Swordfish Business Park (of which the site is a part) which is allocated for large scale employment use. The proposed development is therefore contrary to policy CS12 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy E3 of the emerging Fareham Local Plan 2037.**
- 2. The proposed access is not taken from Gosport Road and the development of the application site in an isolated fashion would prejudice the future delivery of the wider Swordfish Business Park (of which the site is a part) which is allocated for large scale employment use. The proposed development is therefore contrary to policy CS12 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy E3 of the emerging Fareham Local Plan 2037.**
- 3. The proposed development represents new residential development outside the defined settlement boundary for which there is no overriding need or justification. The proposal is therefore considered to be contrary to policy CS14 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy DS1 of the emerging Fareham Local Plan 2037.**
- 4. The proposal would, by virtue of the access, scale and layout, fail to respond positively to or be respectful of the local character and nor would it integrate well with the surrounding settlement. Furthermore, the proposal is not considered to be deliverable in the short term. The proposal is contrary to policy CS17 of the Core Strategy, parts (ii), (iii) and (iv) of policy DSP40 of the Development Sites and Policies Plan and policies D1 and H2 of the emerging Fareham Local Plan 2037.**
- 5. The proposal would adversely affect the existing and future potential general aviation operation of the airfield. The proposed development is therefore considered to be contrary to policy CS12 of the Fareham**

Borough Local Plan Part 1 (Core Strategy) and policy E3 of the emerging Fareham Local Plan 2037.

- 6. It is considered that the level of additional traffic activity and the type of commercial vehicles visiting the application site would have a harmful impact upon the character of Glenthorne Close as a residential close affecting the amenity and environment of the Glenthorne Close Residents. As such the proposal is considered to conflict with the requirements of policy DSP40 (v) of the Development Sites and policies Plan and policy D2 of the emerging Fareham Borough Local Plan 2037.**
- 7. Inadequate information has been submitted in order for the Local Planning Authority to conclude that the development would not have an unacceptable level of flood risk through appropriate management of surface water. The proposed development is therefore considered contrary to policy CS15 of the Fareham Borough Local Plan Part 1 (Core Strategy) and policy CC2 of the emerging Fareham Local Plan 2037**
- 8. The proposal would have likely adverse effects on the integrity of habitat sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation. The proposal is therefore considered contrary to policy CS4 of the Fareham Borough Local Plan Part 1 (Core Strategy), policy DSP13 and criterion (v) of policy DSP40 of the Fareham Borough Local Plan Part 2 (Development Sites and Policies) and policy NE4 of the emerging Fareham Local Plan 2037.**
- 9. The proposal would have likely adverse effects on the integrity of habitat sites in combination with other developments due to the loss of part of a secondary support site habitat and the lack of appropriate and appropriately secured mitigation. The proposal is therefore considered contrary to policy CS4 of the Fareham Borough Local Plan Part 1 (Core Strategy), policies DSP13, DSP14 and criterion (v) of policy DSP40 of the Fareham Borough Local Plan Part 2 (Development Sites and Policies) and policy NE5 of the emerging Fareham Local Plan 2037.**
- 10. Inadequate survey information has been submitted in order for the Local Planning Authority to conclude that the development would not have an adverse impact upon protected species. The proposed development is therefore considered contrary to policy CS4 of the Fareham Borough Local Plan Part 1 (Core Strategy), policy DSP13 of the Fareham Borough Local Plan Part 2 (Development Sites and Policies) and policy NE1 of the emerging Fareham Local Plan 2037.**
- 11. In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of protected habitat sites which, in combination with other developments, would arise due to the impacts of recreational disturbance. The proposal is therefore considered contrary to policy CS4 of the Fareham Borough Local Plan Part 1 (Core Strategy), policy DSP13**

and criterion (v) of policy DSP40 of the Fareham Borough Local Plan Part 2 (Development Sites and Policies) and policy NE3 of the emerging Fareham Local Plan 2037.

10.0 Notes for Information

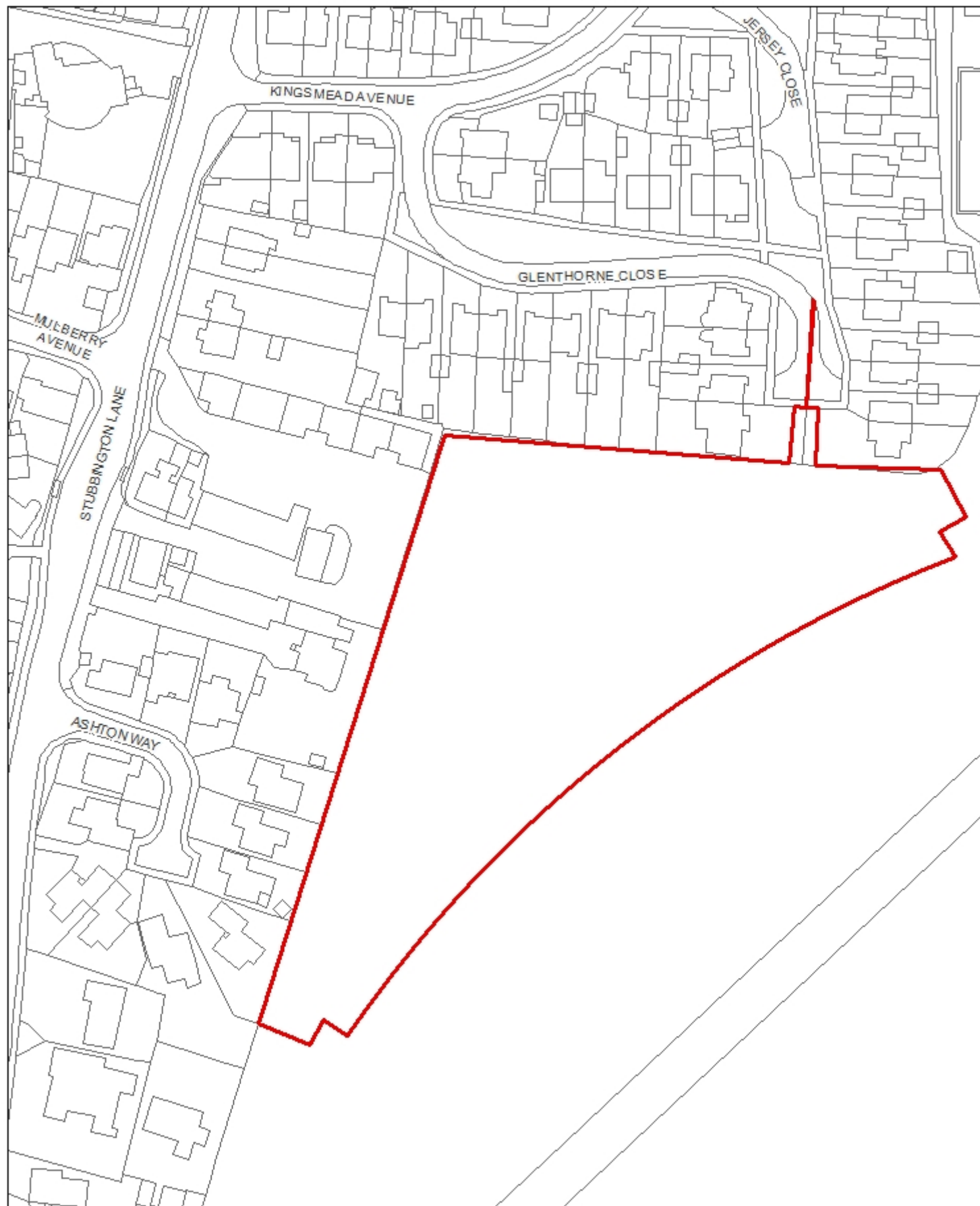
- 10.1 Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address point 11) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990

11.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Land South of 16/17 Glenthorne
Close, Fareham
Scale 1:1,250



© Crown copyright and database rights 2022 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.