

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 15/03/2023**

**P/22/0363/OA  
VISTRY GROUP PLC**

**FAREHAM EAST  
AGENT: TETRA TECH**

OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE DEVELOPMENT OF UP TO 109 RESIDENTIAL DWELLINGS (C3 USE) WITH ACCESS FROM PINKS HILL, INFORMAL & FORMAL OPEN SPACE & ASSOCIATED LANDSCAPING, DRAINAGE INFRASTRUCTURE, ACOUSTIC BUND/FENCE & OTHER ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING BUILDINGS & ASSOCIATED HIGHWAY/PEDESTRIAN IMPROVEMENT WORKS TO PINKS HILL & MILITARY ROAD

LAND AT PINKS HILL, FAREHAM

### ***Report By***

Susannah Emery – direct dial 01329 824526

### ***1.0 Introduction***

- 1.1 The application is reported to the Planning Committee due to the number of third party letters of objection received.

### ***2.0 Site Description***

- 2.1 The application site measures approximately 5.65 ha in size and is located outside of the urban settlement boundary as defined in the adopted and emerging local plan. It consists primarily of grazing land which lies to the east side of Pinks Hill/Military Road. The site extends from the junction of Pinks Hill with the A27 at the southern tip to the Suez waste transfer station at the northern boundary. The eastern boundary is enclosed by the A27 corridor and there is a tree belt extending along this boundary.
- 2.2 The site is divided into a number of different paddocks and is used for grazing horses. There are several associated small scale stables and outbuildings across the site.
- 2.3 A 0.60ha parcel of land located approximately midway along the length of the application site from north to south adjacent to the western boundary with Pinks Hill is currently excluded from the application site boundary as it falls outside the control of the applicant. It is suggested this could come forwards as a potential development site at a later date.

- 2.4 The site is well screened along the A27 corridor with partial vegetation screening along Pinks Hill/ Military Road. The southern tip of the site is also more densely vegetated.
- 2.5 The topography of the site is sloping from the north-west boundary with Military Road down towards the south-eastern boundary. The lowest point of the site is 17.43m above ordnance datum (AOD) and the highest point is 29.58m AOD representing a range of 12.25m.
- 2.6 The site extends to the south-east of Fort Wallington Industrial Estate. The remains of Fort Wallington are Grade II listed. There is a Type 25 Pill Box located to the western boundary of the site which is of historic interest although not a designated heritage asset.
- 2.7 The site is located within Flood Zone 1, meaning it has a low probability of flooding.
- 2.8 The site is categorised as falling within Grade 3b of the Agricultural Land Classification and is therefore excluded from the definition of 'best and most versatile agricultural land' set out within the NPPF.

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

- 3.1 Outline planning permission is sought for up to 109 dwellings on the site with all matters reserved except for access.
- 3.2 A singular vehicle access point is proposed from Pinks Hill with potential pedestrian connections indicated to Pinks Hill/Military Road.
- 3.3 Matters of scale, appearance, layout and landscaping are to be reserved however a number of parameter plans have been submitted including a site framework plan, a street hierarchy plan, a land uses plan, a storey heights plan, a public open space & drainage plan, and a pedestrian movement plan.
- 3.4 The application indicates that the proposal would include 40% affordable housing split between first homes, affordable rented and shared ownership.
- 3.5 An area of public open space is indicated within the centre of the site including for the provision of a LEAP.
- 3.6 Building heights are stated as being predominantly two storey with some 2½ storey focal buildings.
- 3.7 A landscaped noise attenuation bund is shown along the south-eastern boundary with the A27 measuring 2m in height with a 2m acoustic fence on top.

- 3.8 The indicative drainage strategy for the site includes a SUD's infiltration basin located towards the southern end of the development.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

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

CS2 - Housing Provision  
CS4 - Green Infrastructure, Biodiversity and Geological Conservation  
CS5 - Transport Strategy and Infrastructure  
CS6 - The Development Strategy  
CS14 - Development Outside Settlements  
CS15 - Sustainable Development and Climate Change  
CS17 - High Quality Design  
CS20 - Infrastructure and Development Contributions  
CS21 – Protection & Provision of Open Space

##### **Adopted Development Sites and Policies Plan**

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  
DSP15 - Recreational Disturbance on the Solent Special Protection Areas  
DSP40 - Housing Allocations

##### **Fareham Local Plan 2037 (Emerging)**

The Fareham 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 requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31<sup>st</sup> October until 12<sup>th</sup> December 2022. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022/2023. 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  
H1 – Housing Provision  
HP5 – Provision of Affordable Housing

HP7 – Adaptable & Accessible Dwellings  
 HP9 – Self Build & Custom Build Homes  
 CC1 – Climate Change  
 CC2 – Managing Flood Risk & 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 Area (SPA's)  
 NE4 - Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent  
 NE6 – Trees, Woodland & Hedgerows  
 NE8 – Air Quality  
 NE9 - Green Infrastructure  
 NE10 – Protection & Provision of Open Space  
 TIN1 - Sustainable Transport  
 TIN2 - Highway Safety & Road Network  
 TIN4 - Infrastructure Delivery  
 D1 - High Quality Design & Placemaking  
 D2 - Ensuring Good Environmental Conditions  
 D4 - Water Quality & Resources  
 D5 - Internal Space Standards  
 HE1 – Historic Environment & Heritage Assets  
 HE3 – Listed Building & Structures and/or their Settings  
 HE4 - Archaeology

#### **Other Documents:**

Fareham Borough Design Guidance Supplementary Planning Document  
 (Excluding Welborne) 2015  
 Residential Car and Cycle Parking Standards SPD 2009

## **5.0 Relevant Planning History**

5.1 None relevant.

## **6.0 Representations**

6.1 One hundred and forty-four representations have been received (including one from the Fareham Society) raising the following material planning issues:

### *Principle of development*

- The site is not allocated for development within the emerging local plan
- The decision to include the site as an allocation within the local plan was reversed for sound reasons relating to its suitability
- The proposed yield of the site as an allocation was 80 dwellings
- Loss of greenfield site

- Desirability of location for additional homes
- Site is poorly related to the urban area
- Unsustainable location in relation to facilities and services
- Residents would be reliant of private vehicles
- The housing is not required

### *Visual Impact*

- Harmful to character and appearance of the area
- Visually intrusive
- Loss of attractive open downland setting
- Loss of rural setting would lead to urban sprawl and give Wallington an entirely sub-urban character
- No mitigation will ever compensate for the loss of natural environment
- Widening of Pinks Hill would be harmful to the appearance of the lane

### *Highways*

- Visibility at site access is limited
- Additional traffic on local road
- Likely to increase flow of traffic through Wallington village down Military Road and Wallington Shore Road where roads are narrow and difficult to negotiate
- Increased HGV movements on Pinks Hill as a result of proposed widening and future development
- The works to Military Road leading to single file traffic would be a safety hazard and stationary traffic would lead to pollution and noise
- Delme Arms roundabout can be difficult to access for Wallington residents
- Local road network cannot safely accommodate additional vehicle movements
- Pinks Hill is unsafe for pedestrians who will take shortest route
- The widening of Pinks Hill must be delivered before development takes place
- Lack of connectivity with local services
- Safety concerns from increased use of pedestrian footpath to Pallant Gardens by cyclists/scooters
- The cumulative impact of continued piecemeal development needs to be considered
- Lack of public transport serving the site

### *Infrastructure*

- Pressure on local services ie. schools, doctors, dentist
- Impact on utilities needs to be considered
- Foul sewage system is at capacity

- Lack of play/recreation areas

#### *Ecology*

- Loss of natural habitat
- Ecological 'benefits' are fanciful
- Impact on wildlife
- Impact on biodiversity and reliance on off-site compensation which is yet to be secured

#### *Pollution*

- The site acts as a buffer between Wallington and the motorway against noise and pollution
- Increased vehicle movements would generate noise and adversely affect air quality
- Concern over the adequacy of the noise assessment
- Site is adjacent to industrial units, A27 and motorway and residents would be subjected to associated noise and smells
- Proximity to SUEZ waste transfer station and logistics depo should not lead to restrictions on this facility, suitable mitigation must be put in place
- Noise during construction
- Increase noise of pedestrians using route through Pallant Gardens

#### *Heritage*

- Harm to setting of Wallington Fort
- Pill box must be retained
- Impact to Conservation Area

#### *Other*

- The proposal would exacerbate existing surface water flooding due to loss of natural soak away and increased run-off
- No permission is given for use of adjacent land for highway works
- Site stability may be an issue
- Detrimental to quality of life of Wallington residents
- Loss of property value

## **7.0 Consultations**

EXTERNAL

### **Hampshire County Council - Highways**

- 7.1 The Highway Authority is satisfied that the previously recommended reasons for refusal can be removed and raises no objection to the proposal on highway grounds, subject to conditions and the below being secured by either a Section 106 legal agreement or planning condition;
- A financial contribution of £425,000 towards sustainable travel improvements at the Delme Roundabout;
  - To secure rights for the public to pass and repass by foot and cycle in perpetuity between the site and Pallant Gardens secured within a S106 agreement;
  - Submit and implement a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan;
  - Implementation of highway works as shown in principle on drawings HL04000-61-TTE-00--SK-O-0001 Rev P03 (Widening of Pinks Hill & Proposed Site Access) and HL04000-61-SK0006 - P02 (Military Road improvements);
  - Securing that the form of development ensures no informal pedestrian connections can be formed to Pinks Hill south of the site access.
- 7.2 A framework travel plan has been provided in support of the above planning application and it can be considered to be broadly acceptable at this stage. If the Local Planning Authority is minded to approve this planning application the Travel Plan should be secured via a Section 106 legal agreement with associated Approval and Monitoring Fee of £1,500 and £15,000 respectively. A Travel Plan Bond will also be required.

### **Hampshire County Council – Archaeology**

- 7.3 No objection subject to planning condition

### **Hampshire County Council - Flood Water Management Team**

- 7.4 The information submitted by the applicant in support of this planning application indicates that surface water runoff from the application site will be managed through rain gardens and an infiltration basin. This is acceptable in principle since the infiltration test showed good infiltration rates at the site.
- 7.5 Any subsequent reserved matters / full planning application should include additional information on the existing and proposed flow direction routes at the application site. This should demonstrate that the overland flowpaths will not be blocked or displaced to any adjacent site or land.

- 7.6 Considering that this is an outline planning application with all matters reserved, at this stage the information submitted by the applicant has addressed our concerns regarding surface water management and local flood risk. Therefore, the County Council as the Lead Local Flood Authority has no objection to the proposals subject to a planning condition to secure submission of a detailed surface water drainage scheme.

### **Environment Agency**

- 7.7 The site is in source protection zones and a principal aquifer, but there is no historical contamination on the site, and the proposed use of residential houses to mains is unlikely to present contamination issues and therefore it is considered low risk.

### **Hampshire County Council - Children's Services**

- 7.8 The proposed development of up to 109 dwellings (assuming they are all 2 beds or more) will generate 33 primary and 23 secondary pupils. This is based on a figure of 0.3 primary age children per new dwelling and 0.21 secondary age children which was derived by conducting demographic surveys of developments that have been completed within Hampshire and calculating the average number of primary and secondary age children on those developments.
- 7.9 This development lies in the catchment areas of Harrison Primary and Cams Hill Secondary Schools. These schools are full. Whilst it is not proposed to expand these schools it is necessary to acknowledge the impact additional pupils will have on the schools' facilities and accommodation. A contribution of £717,986 (index linked) is required towards school infrastructure to mitigate the impact of the development on educational facilities to accommodate the additional children expected to be generated by the development.

### **Southern Water**

- 7.10 No objection

INTERNAL

### **Affordable Housing**

- 7.11 The current Local Plan policy (CS18 of the Core Strategy) requires 40% of the proposed homes to be provided as affordable housing. The tenure split should be 65:35 (affordable/social rent to affordable home ownership).

Local Plan examination hearings have now concluded. Policy H5 from this emerging plan would require 40% of the homes on this development to be affordable with a 10:55:35 tenure split (social rent to affordable/social rent to affordable home ownership). I would expect a mix of property sizes, to reflect



local housing need and to ensure a balanced community. The applicant has stated they will provide a mix as part of a future Reserved Matters application.

- 7.12 Affordable housing and market housing should be indistinguishable from each other and the placement and layout of homes should allow for informal social interaction between tenures and house sizes. The National Planning Policy Framework promotes inclusive communities which enable informal social interaction between members of the community who may not usually come into contact with each other (paragraph 92). Mixed tenure developments, with a range of property types and sizes, and a thoughtfully designed street layout, can allow for this. The illustrative masterplan shows dwellings in a number of parcels. I would expect affordable housing to be distributed throughout these parcels.

### **Urban Design**

- 7.13 The density is some 37dph based on 109 dwellings on 2.88ha as defined on the land use parameter plan. This is fairly standard in this borough for a mixed size scheme of suburban form but will not be 'landscape led' in terms of spacing and scope within gardens for a leafy appearance. In that regard, the scheme will not assimilate well into the countryside panorama as currently viewed from Military Road/Pinks Hill.
- 7.14 Levels can provide interest if done well. Ultimately, details are to be submitted, but there is concern that suitable arrangements may reduce the identified number of units proposed.

### **Trees**

- 7.15 The existing site is predominantly paddocks for grazing horses and there is little if any tree cover across the site, with the most valuable trees, hedges and scrub around the perimeter. The latter will presumably be retained and enhanced as part of the buffer zones and habitat corridors shown on the indicative master plan. The challenge will be to provide sufficient, suitable soft landscaping and tree planting throughout the roads, parking areas, property frontages and green / amenity space to soften the built form and maintain green links through the development.

### **Ecology**

- 7.16 *Protected Species* - I can confirm that my concerns in relation to reptiles have been addressed as the submitted plan now includes an area of grassland to the north of the existing retained woodland. In respect of the impact of the proposal on Dormice further information has been submitted, confirming that habitat fragmentation is unlikely and the extent of habitat loss is limited to removal of 0.5km of hedge. No further concerns in relation to protected species.

- 7.17 *Biodiversity & Priority Habitat* - Having reviewed the submitted Land Use Plan, it is clear that the majority of the calcareous grassland (priority habitat) on site, with the exception of the northern boundary, will be lost to development. It should be noted that the creation of the proposed noise bund along the southern/eastern boundary will result in the loss of the calcareous grassland in this area, which is proposed to be re-created.
- 7.18 It has been stated that the mitigation hierarchy has been met. In my opinion, this could only be met if the proposed number of housing and layout is changed in a manner where the majority of the better-quality Priority Habitat calcareous grassland on site is retained.
- 7.19 The proposed offsite compensation (at Butler Farms, Meon Springs) is based on the conversion of arable land to calcareous grassland. However, no information has been provided to confirm how this can be achieved. Has any soil testing been carried out to confirm the soil type? If the land is arable, would the soil not be too nutrient rich? Further studies are required to confirm if the establishment of a calcareous grassland can be achieved, as this would not be a simple case of sowing the area with a chalk grassland seed mix. Due to lack of information in respect of the offsite compensation and clarification that calcareous grassland could be successfully created, my recommendation is that permission is not granted due to adverse impact on biodiversity, unless you are satisfied that the adverse impacts on ecology are outweighed by the need for, and benefits of, the development.
- 7.20 *Biodiversity Net Gain (BNG)* – Whilst the required BNG could somehow be achieved off-site there has been a misunderstanding in relation to the requirement for BNG and the separate requirements associated with compensating for loss of Priority Habitat on site.

#### **Environmental Health (Noise/Pollution/Air Quality)**

- 7.21 Provided the recommendations for noise and ventilation details set out in the noise report (TETRA TECH, March 2022) are fully implemented this should protect the amenity of future residents in respect of industrial noise and road noise. I have reviewed the odour assessment (TETRA TECH, March 2022) and as long as the recommendations in relation to an odour planting buffer are implemented the amenity of future residents in relation to odour should be protected.
- 7.22 In respect of matters relating to Air Quality, there would be no adverse comments in respect of this application.

#### **Environmental Health (Contamination)**

- 7.23 No objection subject to planning condition

### **Conservation Planner**

- 7.24 Maintaining the visual and physical relationship between Grade II listed Fort Wallington and its surrounding landscape is now key to the understanding and character of the surviving elements of the Fort. In this particular instance the relationship between the Fort and the landscape are an important part of its original design. The Forts were designed to allow a field of view to the area immediately in front of them to allow the artillery pieces to be effective. The “openness” of the area is, therefore, an intrinsic part of its original design and this is now the main surviving element in terms of understanding the context of the Fort. Anything that further erodes this relationship would cause further harm to the setting of the listed building.
- 7.25 The visibility between Fort Wallington and Fort Nelson also forms part of the original design of the Forts and, although it has been eroded to a certain extent, the longer-distance visual relationship is still maintained. Fort Wallington is an interesting structure as it is technically the last of the Portsdown Hill Forts and forms the link between the Forts on the high ground to the north and the lower level Forts protecting the Fareham and Gosport peninsula. Anything that interrupts the current visual relationship between the two Forts will further erode the character, setting and understanding of the Grade II listed building.

### **Open Spaces Manager**

- 7.26 If the open space is intended to be transferred to the Council with the appropriate contribution then this would need to exclude any SUDS features. The SUDS features would need to be either retained by the developer or passed onto a suitable management company responsible for the future maintenance of the estate.

## **8.0 Planning Considerations**

- 8.1 The following matters represent the key material planning considerations which need to be assessed to determine the suitability of the development proposal:
- a) The approach to decision making
  - b) Residential development in the countryside
  - c) Accessibility of the Site & Highway Matters
  - d) Landscape & Visual Impact
  - e) Impact on Heritage Assets
  - f) Ecology
  - g) Impact on Habitat Sites
  - h) Other Matters
  - i) The Planning Balance

## **A) THE APPROACH TO DECISION MAKING**

8.2 A report titled "Five year housing land supply position" was reported to the Planning Committee on 25<sup>th</sup> January 2023. That report sets out this Council's local housing need along with the Council's current housing land supply position. The report concludes that the Council had 5.49 years of housing supply against its five year housing land supply (5YHLS) requirement including a 20% buffer.

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

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

8.4 In determining planning applications there is a presumption in favour of 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).

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

8.6 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.

8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

*"For decision-taking this means:*

*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 7 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."*

8.8 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."*

8.9 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."*

8.10 This planning application proposes new housing outside the defined urban settlement boundaries. Whilst the Council can demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that the Council has achieved 62% of its housing target. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75%) the housing requirement. 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.

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

8.12 The second limb of NPPF paragraph (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.

8.13 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."*

8.14 The wording of this paragraph clarifies that the presumption in favour of sustainable development set out in Paragraph 11 does not apply unless an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitats site subject to mitigation.

8.15 The following sections of the report assess the application proposal 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.

## **B) RESIDENTIAL DEVELOPMENT WITHIN THE COUNTRYSIDE**

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

8.17 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.'*

8.18 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). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage. Officers confirm that none of the exceptions would apply.

8.19 The progress of the emerging Fareham Local Plan 2037 is well advanced and it carries weight in the consideration of planning applications, with some policies carrying considerable weight. Policy DS1 concerns development within the countryside. The policy sets out a number of exceptions (a-i) where development in the countryside may be permitted, including where associated with an existing use or involving development of previously developed land, the development of an allocation site or where there is a demonstrated need for a location outside of the urban area. Officers do not consider that any of the listed types of permissible development within the countryside are applicable to the application proposal. In addition, the policy states that;

*"Proposals for development within the Countryside will need to demonstrate that they;*

*k) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and*

*l) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and*

*m) Maintain the character of the undeveloped coast, and*

*n) Demonstrate a preference for lower quality agricultural land."*

8.20 The application site was initially included as a housing allocation site (HA8) within the Draft Local Plan 2036 and was consulted upon as part of the Regulation 18 consultation exercise in 2017. Following that exercise it was later omitted from the Regulation 19 Publication Local Plan which was subsequently submitted to the Planning Inspector for examination. The Emerging Fareham Local Plan 2037 states that;

*“For the avoidance of doubt, policies FTC1, FTC2, FTC3, FTC4, HA2, HA5, HA6, HA8, HA11, HA14, HA16, HA18, HA20, HA21, HA25 do not exist. These references relate to policies that were consulted upon during the Draft Local Plan 2017 consultation and are no longer proposed to be allocated in the Local Plan. This may be because the site is no longer available or deemed to be suitable.”*

- 8.21 Whilst the applicant is keen to place great weight on this previous potential allocation, Officers are of the view that the former identification of the site as a possible housing allocation is of very limited relevance and carries no weight in determining this application. The planning application is supported by a far greater site-specific body of evidence and the relevant planning issues have been considered in far greater depth than would previously have been possible.
- 8.22 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy, Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies and Policy DS1 of the Emerging Fareham Local Plan 2037.

### **C) ACCESSIBILITY OF THE SITE & HIGHWAY MATTERS**

- 8.23 The application proposal initially attracted a number of objections from the Highway Authority (Hampshire County Council). Since that time there have been a series of discussions between the applicant and the Highway Authority in an attempt to resolve the objections raised.
- 8.24 Concerns were previously raised in respect of the accessibility of the site and the reliance on the use of Military Road as the primary pedestrian link between the application site and local services within Wallington/Fareham. This route was not considered suitable for all users, particularly in the hours of darkness and for more vulnerable road users, including school children, users with buggies and those with disabilities.
- 8.25 The application was amended in January 2023 to include a scheme of highway improvement works to Military Road to provide a formal pedestrian link between the application site and existing residential development within Wallington via the existing footpath through to Pallant Gardens. The proposed works include the provision of a 1.8m wide footway along the southern side of Military Road from the footpath to Pallant Gardens up to the junction with Pinks Hill. The scheme includes the provision of low level light bollards and a pedestrian crossing point across Pinks Hill to the north of the proposed access. The applicant has undertaken a walking and cycling infrastructure audit which identifies the routes and distances to local facilities. The Highway Authority considers that the pedestrian improvement works would provide a



safe, attractive and appropriate route to key local facilities within a suitable walking and cycling distance from the development site.

- 8.26 A traffic calming buildout is proposed on Military Road at the western end of the pedestrian improvement works with eastbound vehicles required to give way to oncoming traffic coming from Pinks Hill. Forward visibility eastbound is shown to be 121 metres from that build out and 96 metres for westbound traffic. Tracking plans shows vehicles would be able to access and egress driveways to the adjacent properties along Military Road as well the passing of two vehicles (one being a refuse lorry) at the stop line behind the build out. The Highway Authority consider the forward visibility and the swept path analysis on Military Road to be acceptable and does not consider the proposed works to be detrimental to highway safety.
- 8.27 The proposed pedestrian improvements works would bring a good range of services and facilities to within a 2km walk/cycle of the application site including primary/secondary schools and Fareham town centre with associated public transport, employment, retail and leisure facilities. Officers are therefore of the view that the site is sustainably located taking into account the relevant guidance on such matters.
- 8.28 Pinks Hill and Military Road are private roads which are owned by Fareham Borough Council. The amended proposals also included for works to widen Pinks Hill to 6.5m to ease two-way traffic movements. These works are considered necessary to accommodate the additional forecast traffic as a result of the development and must therefore be delivered prior to occupation of the development. The applicant has discussed these works with the Council's Asset Management team who have confirmed that in principle they would be agreeable to the proposed works being carried out. In the event planning permission were forthcoming then there would be further discussions required between the developer and the landowner before these works could come forward. The highway works could be secured by a so-called 'Grampian-style' planning condition requiring submission of a greater level of construction detail for the works to Pinks Hill for approval and for those works to be undertaken prior to the commencement of the development. The highway widening works would need to retain the historic pill box positioned to the east of Pinks Hill.
- 8.29 The Highway Authority initially raised highway safety concerns in respect of visibility at the junction of the proposed site access with Pinks Hill. An amended plan for the access showing the required level of visibility (60 metres to the south and 64 metres north of the proposed access) has been submitted. These splays are located either over land owned by FBC or the developer and would therefore need to be either dedicated as highway (requiring landowners to be party to a Section 278 Agreement) or a condition

imposed to ensure visibility at the junction will be kept free from obstruction in perpetuity. Tracking plans have been provided for the proposed site access to demonstrate the passing of a refuse vehicle and a large car, which is considered acceptable. The access plan indicates signage south of the proposed bellmouth to deter pedestrians walking in this direction; further measures to deter pedestrian use of Pinks Hill would likely be required during the detailed design stage.

- 8.30 An assessment of the impact on the A27 on-slip (Pinks Hill) junction has been carried out by the applicant using Department for Transport 2021 data that shows the daily traffic movements on that section of the road network. The A27 northbound route experiences approximately 26,000 daily traffic movements. Based on the additional 252 movements a day generated by the proposed development onto the A27, it is considered that the development impact on this junction would be minimal and would be of little detriment to the operation and safety of the A27.
- 8.31 Finally a highways contribution would be sought for highway improvement works proposed to the Delme Arms roundabout. The level of transport contribution sought relates directly to costs regarding proposed improvements to pedestrian and/or cycle infrastructure. This contribution would be required to provide more sustainable travel choices and to manage the growing travel demands in a sustainable way. A financial contribution of £425,000 has been agreed with the applicant and would need to be secured through a Section 106 legal agreement.

#### **D) LANDSCAPE & VISUAL IMPACT**

- 8.32 The Fareham Landscape Assessment 2017 (which is part of the evidence base for the Fareham Local Plan 2037) identifies that the application site lies within the Portsdown landscape character area (LCA11) within the 'Fort Wallington Fringe'. The application site falls within an area of land described as 'an area of 'captured' landscape sandwiched between the motorway, the A27 road corridor and the northern edge of Wallington'. The land is predominantly used for horse grazing and is stated as having a scruffy urban fringe character which is influenced by the nearby presence of large scale industrial/commercial buildings and associated infrastructure. The strong vegetation cover within and around the edges of the area is seen as a positive feature which significantly reduces the visual intrusion of the motorway and adjacent roads and vice versa screens views into the site from the motorway and the A27 corridor.
- 8.33 The intrinsic quality of the landscape immediately surrounding Fort Wallington is considered to be relatively low due to its disconnected nature from the wider

rural landscape and Portsdown Hill. However in relation to the land which forms the application site, the landscape assessment specifically states that;

*‘ although intrinsic landscape value is low, there may be a case for retaining the open, undeveloped character of the fields on the eastern side to allow the distinctive topography of this chalk spur and the commanding position and setting of the former Fort to be appreciated more readily than if clothed in built development.’*

- 8.34 Whilst the Council acknowledges that visibility of the application site from the surrounding area is limited there are localised open views into and across the fields, which form the application site, to the east of Fort Wallington from Pinks Hill and Military Road. These views are afforded through gaps in the hedgerows and open sections of boundary and gateways. From the most elevated viewpoints, most of the land within the eastern fields is visible within the foreground of views south-eastwards over the Borough towards Portsmouth Harbour. The application site therefore effectively forms a green undeveloped buffer between the edge of Wallington to the north and west and the A27 corridor to the south-east and the sub-urban development extending beyond. As a result of the expansive views available, the undeveloped land to the south and east of the Fort (the application site) is judged as being of moderate visual sensitivity within the Landscape Assessment.
- 8.35 The Landscape Assessment highlights that the importance of maintaining the open character of fields on the opposite side of Pinks Hill to the East of Fort Wallington as part of the setting of this heritage feature requires consideration by relevant specialists. The impact of the proposal on the setting of Fort Wallington is discussed in more detail in the relevant section of this report below.
- 8.36 The application is accompanied by a Landscape & Visual Appraisal which considers the likely significant effects of the proposed development on the landscape character and visual amenity within the surrounding area. The appraisal sets out a number of mitigation measures incorporated into the scheme to avoid or reduce adverse effects including the creation of a landscaped bund along the south-eastern boundary of the site adjacent to the A27. It is also stated that the woodland at the southern end of the site would be retained and that a landscaped buffer would be provided adjacent to this woodland with a green corridor extending through the site to the northern boundary. Existing healthy trees along the Pinks Hill/Military Road boundary would also be retained.
- 8.37 These mitigation measures however do little to lessen the visual impact of the proposed development and its impact on landscape character in terms of the

views from the upper reaches of Pinks Hill/Military Road over the application site. The applicant's Landscape appraisal concludes that there would be only short term moderate adverse effects to the landscape of the site and the setting of Fort Wallington during the construction works. In the long term it is considered that the scale of effect would reduce to a minor adverse effect following the integration of the site into its setting. In terms of visual impact only a minor adverse effect was identified on users of the public right of way (Paradise Lane/Allan King Way) to the east of the application site and Standard Way (presumably Military Road/Pinks Hill) both during construction and in the long term. The appraisal concludes that the site provides an opportunity to receive the proposed development without creating any notable adverse effects on any landscape or visual receptors with all long-term effects considered acceptable.

- 8.38 Officers do not agree with this assessment. The proposed development would clearly have a significant impact on the landscape character of the area taking it from pastoral fields to relatively dense urban development with minimal regard given to the retention of a landscaped setting. The proposed development would be clearly evident from Pinks Hill/Military Road in views to the south-east and would also be seen from higher land to the east on the opposite side of the A27 corridor and moving up the slopes of Portsdown Hill. Any attempt to further screen the development from Pinks Hill would not compensate for the loss of views over the open landscape. It is considered that the proposed development would be harmful to the local landscape character, appearance and function of the countryside in which the site lies contrary to Policies CS14 & CS17 of the Core Strategy and Policy DS1 of the emerging Fareham Local Plan 2037.

## **E) IMPACT ON HERITAGE ASSETS**

- 8.39 There are no listed buildings on the site itself and it is not located in a Conservation Area. The closest Conservation Area to the application site is Wallington which is located around 500m to the north-west and in this instance not considered to be adversely affected. The application site lies on the eastern side of Pinks Hill, around 50m to the east of the Grade II Fort Wallington which is a designated heritage asset. Fort Wallington dates to circa 1860 and was one of a series of forts built for the defence of Portsmouth Harbour against a potential war with France. Fort Wallington has a historic and spatial physical link with Fort Nelson to the north-east which is a Scheduled Monument and this relationship is considered important to its understanding.
- 8.40 The Pill Box located at the western boundary of the site which is visible from Pinks Hill dates from circa 1940 and is a circular structure made from

shuttered concrete and corrugated iron with embrasures for machine guns. This type of Pill Box is rare and should be retained as part of the proposals including the widening of Pinks Hill, which is shown to be the case.

- 8.41 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on the local planning authority to have special regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.
- 8.42 The NPPF advises that heritage assets are an irreplaceable resource and the approach set out in the NPPF paragraph 195 requires local planning authorities to take account of the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting) to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. When considering the impact of a proposal on the significance of a designated heritage asset the local planning authority should give great weight to the asset's conservation and the more important the asset the greater the weight should be (NPPF paragraph 199). Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification (NPPF paragraph 200).
- 8.43 NPPF paragraph 202 advises that,

*“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.”*

- 8.44 Policy DSP5 of the adopted local plan states, amongst other things, that:

*” In considering the impact of proposals that affect the Borough’s designated heritage assets, the Council will give great weight to their conservation...”*

*Harm or loss will require clear and convincing justification in accordance with national guidance...”*

It continues by saying that:

*“Listed buildings will be conserved by... ensuring that development does not harm, and if desirable, enhances their settings.”*

8.45 Policy HE1 of the Emerging Fareham Local Plan 2037 states;

*‘All development should seek to conserve and enhance the historic environment and heritage assets, in line with local and national policy. The Council will take appropriate positive steps to conserve and enhance the Borough’s historic environment and heritage assets.’*

8.46 Policy HE3 of the emerging Fareham Local Plan 2037 states in part;

*‘Where a development would affect a listed building/structure and/or its setting, proposals should preserve or enhance any features of special architectural or historic interest they possess, proposals must demonstrate sufficient understanding of and respond to the historic environment.’*

8.47 The supporting text to Policy HE3 sets out that a Heritage Statement will be required to describe the significance of any heritage assets affected, including any contribution made by their setting and the impact of the proposal on the special interest and significance of the heritage asset. It should also set out why the works proposed are desirable or necessary and demonstrate how the public benefit of the works outweighs any harm.

8.48 Proposals will be assessed in accordance with the NPPF and the Council will give great weight to the desirability of preserving the listed building/structure, its setting or any features of special architectural or historic interest. The weight to be attached to any specific harm in the overall balance remains a matter of planning judgement, reflecting both the scale of the harm itself and the particular significance of the asset.

8.49 The Council’s Conservation Planner is of the view that the proposal would be harmful to the setting of Fort Wallington. Using the terminology of the NPPF, the level of harm to the significance of the heritage asset is considered to be “less than substantial” but would lie at the upper end of a spectrum of harm.

8.50 The surviving flank wall to the south-east of Fort Wallington with its associated gun embrasures is the main surviving historic element of the building. It is considered that a key part in the continued understanding of the Fort, and an intrinsic part of its surviving character, is the reading of the flank wall and its visual relationship with its surrounding landscape context and also the intervisibility with Fort Nelson to the north-east. In this particular instance the relationship between the Fort and the landscape are an important part of its original design. The Forts were designed to allow a field of view to the area immediately in front of them to allow the artillery pieces to be effective. The “openness” of the area is, therefore, an intrinsic part of its original design and

this is now the main surviving element in terms of understanding the context of the Fort. The character of the Grade II listed Fort building has already been eroded by the construction of the industrial estate in the interior which makes the relationship between the surviving elements of the Fort and its landscape context even more important in the understanding of the building.

- 8.51 In response to these concerns the applicant's heritage consultant provided a Heritage Statement Addendum (August 2022). The Addendum asserts the view that the Conservation Planner's attribution of importance to the application site in respect of the Fort's historic function is overstated, with Fort Wallington and Fort Nelson being land defence Forts and having their fields of view to the north and north-west. In terms of the intervisibility between Fort Wallington and Fort Nelson it is suggested that the applicant has responded positively to the Council's Conservation Planner's concerns by removing any potential three storey development from the site.
- 8.52 The Council's Conservation Planner considers that the conclusion of the Heritage Statement Addendum understates the relationship between the Palmerston Forts in general (and Fort Wallington in particular) with their wider landscape context. While the original focus of the artillery pieces and gun embrasures on the forts on the higher ground was, as correctly stated, focused on the areas to the north and east, the forts themselves still have a physical and visual relationship with their landscape setting.
- 8.53 Fort Wallington was listed in 1976, well after the eastern part of the fort was demolished during the construction of the M27. This shows that the surviving southern curtain wall was still considered to have sufficient historic and architectural value to be worthy of listing even after the eastern part of the fort had been demolished.
- 8.54 As stated in NPPF paragraph 202, less than substantial harm to a heritage asset should be weighed against the public benefit of the proposal. The applicant's view is that the significant benefits of the scheme, including the delivery of additional open market and affordable housing and highway improvements to the Pinks Hill and Military Road, would significantly outweigh this harm.
- 8.55 Officers acknowledge that there would be some benefits arising from the proposal, most notably the provision of additional housing towards the Council's housing supply including affordable housing; however it is not considered that it has been demonstrated that the benefits would outweigh the harm to the designated heritage asset. It should also be noted that the emerging Fareham Local Plan 2037, which it is anticipated will be adopted imminently, identifies sufficient land to meet the Council's housing needs.

Accordingly, the proposal is considered contrary to Policies DSP5 of the adopted Local Plan Part 2: Development Sites & Policies and Policies HE1 & HE3 of the Emerging Fareham Local Plan 2037. Furthermore, it is considered that policies in the NPPF that protect areas or assets of particular importance, and which include listed buildings, therefore provide a clear reason for refusing the development proposed in heritage terms as set out in NPPF paragraph 11d(i)

## **F) ECOLOGY**

### ***Loss of Biodiversity (Priority Habitat)***

8.56 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.

8.57 Policy NE1 of the emerging Fareham Local Plan 2037 concerns the protection of Nature Conservation, Biodiversity and the Local Ecological Network. It states that:

“Development will be permitted where;

- a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*
- b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*
- c) Proposals do not prejudice the Ecological Network or result in its fragmentation...”*

8.58 The supporting text to Policy NE1 set out that development in Fareham Borough will be expected to make a positive contribution to the existing natural environment. It is considered that development which does not do this, contributes to the continuing decline of biodiversity and would therefore not constitute sustainable development.

8.59 The Ecological Appraisal submitted with the application identifies that the site consists of a large area of calcareous grassland across much of the site (3.88ha). This type of grassland is mostly found on the low chalk or hard limestone hills of southern England and is characteristically species rich in flora supporting hundreds of species of invertebrates and butterflies. Calcareous grassland is listed as a habitat of principal importance, otherwise known as ‘priority habitat’ first identified in the UK Biodiversity Action Plan (BAP). Whilst priority habitat does not receive statutory protection, the habitat



is designated as such due to its important ecological value and should therefore be afforded proportionate protection. The potential loss of priority habitat, to which the Council's Ecologist has raised significant concerns, is a material planning consideration.

- 8.60 The Council's Ecologist is of the view that the proposal fails to meet the 'mitigation hierarchy' of 'avoid, mitigate, compensate'. Policy NE1 of the emerging Fareham Local Plan 2037 clarifies that development will be expected to adhere to the principles of the mitigation hierarchy. This means, if a development has the potential to harm biodiversity directly or indirectly, the impact should be avoided (such as by finding an alternative site or through appropriate design). If harm cannot be avoided, then adequate mitigation should be provided. As a last resort, if mitigation is not provided, compensation amounting to the lifetime of the development should be arranged. Development should demonstrate clearly that the mitigation hierarchy has been followed.

- 8.61 Para 180 of the NPPF states in part;

*"When determining planning applications, local planning authorities should apply the following principles:*

*a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused..."*

- 8.62 The applicant considers that where possible the loss of biodiversity has been avoided by retaining woodland at the southern end of the site and the tree belt along the south-east boundary. It is suggested that the loss of calcareous grassland has been avoided by retaining as many areas of calcareous grassland as possible whilst maintaining a viable development. Some mitigation is to be provided on site by replacing this habitat and where some loss cannot be avoided additional compensation is to be provided off-site. The proposed off-site compensation consists of the conversion of an existing parcel of arable land to calcareous grassland at Butler Farms, East Meon which lies outside of the Borough. However, limited information on this compensatory habitat has been provided to confirm that it is deliverable or that the conditions at the site make it suitable for calcareous grassland creation.
- 8.63 Officers consider that the proposed development would realistically result in the loss of much of the existing calcareous grassland on site during the construction works with some areas to be recreated as on-site mitigation post

development along the south-eastern boundary of the site and at the southern end adjacent to the retained woodland. The land uses plan however shows that the area at the southern end of the site is also intended to contain the SUD's infrastructure and pumping station leaving little space for grassland creation. The applicant's reliance largely on off-site compensation, which falls outside of the Borough, is not considered to be acceptable and fails to adhere to the principles of the mitigation hierarchy. The significant distance between the application site and the land where compensation is proposed to be provided is also a concern. Whilst alternative compensation sites within the Borough closer to the application site have been explored by the applicant, a suitable alternative has not been found, demonstrating the rarity and value of the habitat.

- 8.64 It is considered that the proposal fails to protect and enhance biodiversity by adhering to the principles of the mitigation hierarchy and would result in the unacceptable loss of priority habitat without adequate mitigation and/or compensation contrary to Policy CS4 of the adopted Core Strategy, Policy NE1 of the emerging Local Plan and Para 180 of the NPPF.

#### ***Biodiversity Net Gain***

- 8.65 Under the Environment Act 2021, all planning permissions granted in England (with a few exemptions) will have to deliver at least 10% biodiversity net gain (BNG) from an as yet unconfirmed date in November 2023. Whilst this requirement is not yet mandatory Policy NE2 of the Emerging Fareham Local Plan 2037 concerns biodiversity net gain and states;

*'The development of one or more dwelling or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years'*

In line with the Environment Bill Act 2021 and para 175 of the NPPF the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 is considered to carry considerable weight at this time and Officers consider it appropriate for the proposed development to deliver a minimum 10% BNG.

- 8.66 The National Planning Practice Guidance (NPPG) for the Natural Environment advises that biodiversity net gain should complement and work with the biodiversity mitigation hierarchy. It is important to recognise that achieving the required level of BNG does not override the protection for designated sites, protected or priority species and irreplaceable or priority habitats set out in the NPPF.

- 8.67 The supporting text to Policy NE2 advises that the Council will aim, where possible, to secure net gain for biodiversity for a longer period than that required by the Environment Act 2021 (min 30yrs) up to the lifetime of the development with which it is associated. Therefore, the Council would expect a costed management and maintenance plan for habitats created for biodiversity net gain to include enough funding to last for a minimum period of 30 years.
- 8.68 To achieve BNG in a way that is consistent with the mitigation hierarchy the Council expects biodiversity net gain to be provided on-site in the first instance. However, where it can be shown that biodiversity net gain cannot be adequately achieved on-site, either a combination of on-site and off-site measures or entirely off-site measures are acceptable. Off-site measures should be made in reasonable proximity to the development as far as possible. An initial BNG assessment for the proposed development demonstrated that the proposal would result in a net loss of 2.4% habitat units on-site.
- 8.69 The applicant has submitted an updated BNG assessment which demonstrates that the proposal could deliver a 10% net gain in habitat units based on the reliance of off-site compensation. As the application is in outline form this assessment makes a number of assumptions in terms of the on-site habitat to be retained and created which would need to be evidenced at the reserved matters stage. The off-site compensatory calcareous grassland habitat at Butler Farm, West Meon would hence serve a dual purpose in terms of compensating for the harm to biodiversity on site and demonstrating a 10% BNG for the proposal overall. Officers are not satisfied that it has been demonstrated that a higher percentage of BNG could not be provided on-site in the first instance by adhering to the mitigation hierarchy. As above there remains concerns about the suitability of the compensatory habitat site for the creation of calcareous grassland and there are also concerns that the off-site BNG is not within reasonable proximity to the site.

## **G) IMPACT ON HABITAT SITES**

- 8.70 Core Strategy Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

- 8.71 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.
- 8.72 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).
- 8.73 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated 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 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 the Local Planning Authority.
- 8.74 Whilst an Appropriate Assessment has not been carried out at this time, when considering the proposed development Officers considers there to be two main likely significant effects on HS.

#### ***Water Quality (nitrates)***

- 8.75 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.
- 8.76 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.

- 8.77 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development would generate 99.7 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be a combination of primarily lowland (grazing) with small parcels of commercial/industrial land, shrub and woodland.
- 8.78 Whilst Officers have agreed the calculations in the submitted nitrate budget for the proposed development and the applicant has indicated mitigation would be secured from the Whitewool nitrate credit scheme, no evidence of this mitigation has been presented to enable the Council to undertake its appropriate assessment. The proposal therefore 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 proposal is contrary to Policies CS4 & DSP13 of the adopted local plan and Policy NE4 of the emerging Fareham Local Plan 2037.

#### ***Recreational Disturbance -***

- 8.79 The second of the likely significant effects on HS concerns disturbance on The Solent coastline through increased recreational use by visitors to the sites. The development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area.
- 8.80 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). Had the proposal been found acceptable in all other regards the Appellant would have been invited to make a financial contribution through the SRMS. 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 held to be contrary to Policy DSP15 of the Local Plan Part 2: Development Sites & Policies and Policy NE3 of the emerging Fareham Local Plan 2037.

## **H) OTHER MATTERS**

### ***Affordable Housing***

- 8.81 Policy CS18 of the adopted Core Strategy and Policy HP5 of the Emerging Fareham Local Plan 2037 require the provision of 40% affordable housing. The applicant has indicated a willingness to provide the required level of affordable housing. If planning permission were forthcoming the affordable housing provision would need to be secured via a unilateral undertaking under Section 106. In the absence of the legal agreement the proposal is considered contrary to Policy CS18 of the Core Strategy and Policy HP5 of the Emerging Fareham Local Plan 2037.

### ***Noise Disturbance to Future Residents/Smells & Dust***

- 8.82 The application is supported by a noise assessment (Tetra Tech, March 2022). Noise surveys have been undertaken and the results used to predict the effects of noise on future residents of the development. The proximity of adjacent roads, the SUEZ waste recycling and transfer facility and logistics depo and the nearby industrial units have been taken into account within the assessment. It is considered that adverse impacts could be mitigated by an appropriate glazing strategy with enhanced glazing to certain facades and through the provision of alternative means of ventilation. Alternative ventilation can be provided in several ways from acoustic trickle vents to other passive ventilation systems. The parameters plans for the site also make provision for an acoustic barrier/bund at a height of 4.0m along the southern boundary of the site to reduce road traffic noise levels. The noise levels from the industrial units to the north of the development have been assessed and are predicted to have a low impact on the proposed development. With the mitigation strategy, noise levels are predicted to meet the BS8233:2014 internal guideline criteria during the daytime and night-time. The Council's Environmental Health Officer has reviewed the Noise Assessment and agreed with its findings. Any reserved matters application would need to be supported by additional information in respect of the proposed sound attenuation measures.
- 8.83 The application is also supported by an odour survey & assessment (Tetra Tech, March 2022) which has been carried out to identify the potential magnitude and significance of odour from the SUEZ waste recycling centre on the proposed development. No complaints in respect of odour or dust have been received by the Council in recent years since 2017. The sniffing survey results identified mainly 'neutral' to 'mildly unpleasant' smells (attributed to

either livestock or waste) across the site during the surveys. Based on the odour sniffing survey results, it has been deemed that development located within the north-west corner of the site would require additional protection from odour. Odour mitigation is proposed in the form of a planting buffer, which would form a vegetative environmental buffer (VEB), at the boundary of the site.

### ***Flood Risk & Surface Water Drainage***

- 8.84 The flood risk assessment and drainage strategy for the site concludes that the flood risk to the site from all sources is low. The proposed development would increase the impermeable area of the site. This would generate additional surface water runoff which, if uncontrolled, which could increase the risk of surface water flooding elsewhere, as well as fluvial flooding if more surface water is conveyed downstream. It is therefore necessary to manage surface water runoff on site to avoid increasing the flood risk elsewhere. Given the site's underlying geology it is considered infiltration is likely to be feasible at this location which is the preferred method of discharge. It is proposed to provide all of the required storage volume in an infiltration basin on-site. The Lead Local Flood Authority (HCC) has advised they would raise no objection to the proposals subject to a planning condition to secure submission of a detailed surface water drainage scheme.

### ***Public Open Space (POS) & Play Provision***

- 8.85 Whilst the parameters plans indicate areas of the site to be dedicated to Public Open Space (POS) the applicant would need to satisfy the Council at the Reserved Matters stage that the overall provision of POS meets the requirements of the Planning Obligations SPD and that the areas would be useable as such and not dedicated for other purposes (ie. drainage infrastructure, pumping station, ecological areas etc). The proposed number of units would require the provision of a Locally Equipped Area of Play (LEAP). This, along with the public open space overall, would need to be secured via a Section 106 legal agreement. In the absence of a legal agreement to secure the POS the proposal is considered contrary to Policy CS21 of the Core Strategy and Policy NE10 of the emerging Fareham Local Plan 2037.

### ***Effect upon Local Infrastructure***

- 8.86 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area. The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. A refusal on these grounds would not be substantiated.

- 8.87 Hampshire County Council have advised that a financial contribution should be sought towards education provision which would need to be secured through a Section 106 legal agreement.

#### **I) PLANNING BALANCE**

- 8.88 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”.*

- 8.89 The development proposal would harm the setting of listed buildings when applying the statutory test under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. Officers consider that the level of harm would be less than substantial. NPPF paragraph 202 advises that such harm should be weighed against the public benefits of the proposal and Officers do not consider that the benefits of the proposal would outweigh the harm to the designated heritage asset. Accordingly, policies in the Framework that protect areas or assets of particular importance, and which include listed buildings, would provide a clear reason for refusing the development under NPPF paragraph 11d(i) without the ‘tilted balance’ of paragraph 11d(ii) being engaged.

- 8.90 However, Officers do not consider that the presumption in favour of sustainable development set out in NPPF paragraph 11 should be applied at all in this instance. As set out 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”.*

- 8.91 In this instance Officers have identified likely significant effects upon HS through deterioration in the water environment as a result of increased nitrates and increased recreational disturbance. As mitigation has not been secured to address these likely significant effects an Appropriate Assessment has not been undertaken by Officers at this time. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.



- 8.92 In light of the harm to heritage assets and the likely significant effects of the proposed development on HS the application must be determined in accordance with the development plan unless material considerations indicate otherwise as set out in the Section 38(6) test (a 'straight balance').
- 8.93 The site is outside of the defined Urban Settlement Boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy, Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan and Policy DS1 of the emerging Fareham Local Plan 2037. The proposal would have an unacceptable impact on the landscape character, appearance and function of the countryside. Furthermore the proposal fails to follow the mitigation hierarchy and would result in a loss of priority habitat and fails to demonstrate that a 10% biodiversity net gain would be achieved. The proposal would result in harm to the significance of a Grade II listed heritage asset and in the absence of suitable mitigation would have an adverse impact on the integrity of Habitat Sites.
- 8.94 Officers acknowledge that the proposal could deliver up to 109 dwellings including a policy compliant 40% affordable housing. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration however this Council is currently able to demonstrate a 5YHLS. Other potential benefits the applicant purports would be forthcoming, such as the proposed highway improvement works to Pinks Hill, are considered less as benefits and more mitigation measures proposed to offset the impacts of the development.
- 8.95 Officers have carefully weighed the benefits which would be delivered by the proposals against the conflict with adopted local plan policies and the policies of the NPPF. Officers are of the view that the harm identified in the preceding paragraphs and the degree of conflict with the development plan outweigh the benefits arising from the scheme.
- 8.96 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application.

## **9.0 Recommendation**

- 9.1 REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP5, DSP6, DSP13 & DSP15 of the Adopted Fareham Borough Local Plan Part 2: Development Site and Policies and Policies DS1,

HP1, HP5, NE1, NE2, NE3, NE4, NE10, HE1, HE3, TIN1, TIN2 & TIN4 of the emerging Fareham Local Plan 2037

And paragraphs 175 and 180a of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposed development would be harmful to the landscape character, appearance and function of the countryside;
- c) The proposal would erode the visual and physical relationship between the Grade II listed Fort Wallington and its surrounding landscape resulting in harm to the setting of Fort Wallington (Grade II Listed) and its significance as a heritage asset;
- d) The proposal fails to protect and enhance biodiversity by adhering to the principals of the mitigation hierarchy and would result in harm to biodiversity and the unacceptable loss of priority habitat without adequate mitigation and/or compensation;
- e) On the basis of the information available it has not been demonstrated that the proposal would provide at least 10% net gain for biodiversity in an accepted manner which would thereafter be maintained for a minimum of 30 years;
- f) In the absence of a legal agreement to secure such, the proposal fails to make on site provision of affordable housing at a level in accordance with the requirements of the local plan;
- g) In the absence of a legal agreement to secure such, the proposal fails to mitigate against the adverse effects of the development on the safety and operation of the strategic and local highway network in the form of a financial contribution towards off-site highway improvements;
- h) In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar;

- i) In the absence of a legal agreement to secure the provision of public open space and contributions towards the associated management and maintenance of the open space, the recreational needs of residents of the proposed development would not be met;
- j) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- l) 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 European Protected Sites which, in combination with other developments, would arise due to the additional generation of nutrients entering the water environment.

### ***Notes for Information***

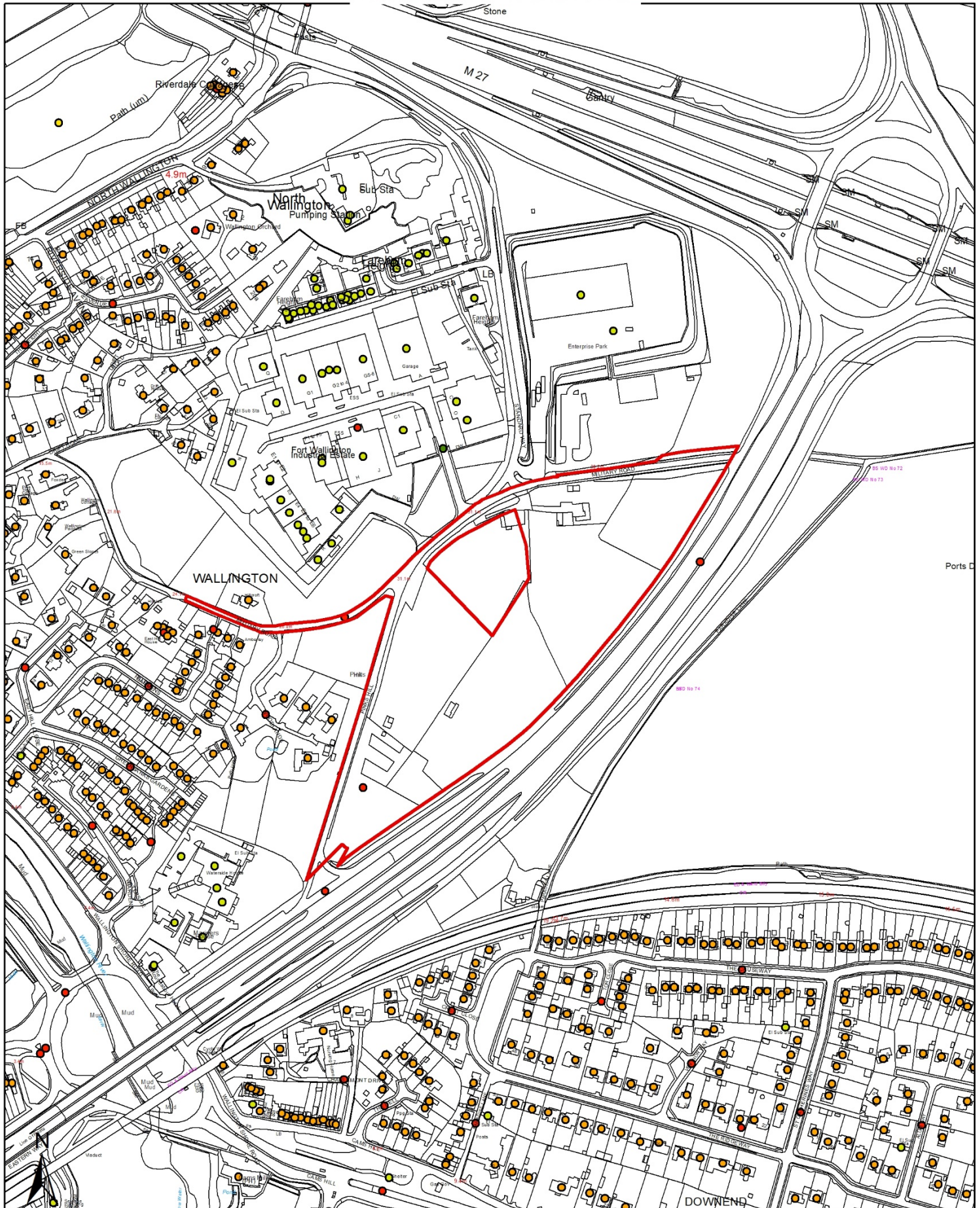
Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points f) - l) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

## **10.0 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 at Pinks Hill

Scale 1:4,500

© Crown copyright and database rights 2021 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.