

**OFFICER REPORT FOR COMMITTEE**

**DATE: 12/04/2023**

**P/21/1334/OA  
LAND & PARTNERS LTD**

**WARSASH  
AGENT: BJC PLANNING**

OUTLINE APPLICATION FOR UP TO 27 DWELLINGS WITH ACCESS FROM LOCKSWOOD ROAD, ASSOCIATED OPEN SPACE, SUSTAINABLE DRAINAGE & LANDSCAPING

LAND WEST OF LOCKSWOOD ROAD, WARSASH

***Report By***

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**1.0 Introduction**

- 1.1 This application is reported to the Planning Committee for determination because of the number of representations which have been received.
- 1.2 Members will be aware that the emerging Fareham Local Plan 2037 is now at a very advanced stage. Upon adoption, the Fareham Local Plan 2037 will replace the Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites and Policies).
- 1.3 The Executive is considering a report on the adoption of the Fareham Local Plan 2037 at its meeting on the 3 April. One of the recommendations within the report is that a recommendation is made to Council to adopt the Fareham Local Plan 2037. If the Executive agrees this recommendation, Council will be convened on 5 April to consider the Executive's recommendation that the Fareham Local Plan 2037 be adopted.
- 1.4 Officers will provide an update at the Planning Committee meeting confirming the status of the Fareham Local Plan 2037 and Local Plan Parts 1 and 2.
- 1.5 The site is within an area allocated for residential development in the emerging Fareham Local Plan 2037 under Policy HA1 which covers a total area within Warsash of approximately 33ha and has an indicative yield of 824 dwellings.
- 1.6 A previous outline planning application (P/17/0998/OA) for a much larger parcel of land which extended from Brook Lane in the west to Lockswood Road in the east, included the land subject to this application. That application was reported to the Planning Committee in October 2018. Members resolved to grant planning permission subject to planning conditions and the prior

completion of a Section 106 legal agreement. The application was eventually withdrawn in February 2022 as the applicant no longer wished to proceed.

- 1.7 The ownership of a large portion of the site subject to the previous application has now been transferred by the applicant to Bargate Homes/VIVID and there is a separate planning application currently being considered in relation to this site (P/22/1812/FP)

## **2.0 Site Description**

- 2.1 The application site lies outside of the urban settlement boundary to the west of Lockwood Road just to the north of the roundabout at the junction with Warsash Road.
- 2.2 The site extends to 1.49ha in size. The northern part of the site is currently occupied by large horticultural greenhouses and associated residential mobile homes. To the east of the greenhouses adjacent to Lockwood Road extends a triangular shaped area of grassland. There is a significant tree belt/hedgerow along the eastern site boundary running parallel with Lockwood Road. A dropped kerb and five bar gate provide access to the site from Lockwood Road, although this access does not appear to be in regular use.
- 2.3 The southern part of the site is currently undeveloped and consists of grassland with scattered trees. There are a number of trees within the south west corner of the site covered by a group tree preservation order (TPO) as well as a number of protected individual trees which are concentrated particularly around the boundaries of the southern part of the site.
- 2.4 The western boundary of the application site abuts the private unmade vehicular track that connects Greenaway Lane with Warsash Road and provides access to Vero's business park. The southern boundary abuts residential properties on Warsash Road.
- 2.5 The site is located within Flood Zone 1, meaning it has a low probability of flooding.

## **3.0 Description of Proposal**

- 3.1 Outline planning permission is sought for the construction of up to 27 dwellings with all matters reserved. The means of access to the site, the layout, appearance and scale of buildings and the landscaping of the site are therefore matters reserved for a future application and not for consideration at this time.

- 3.2 An illustrative masterplan has been submitted which identifies a vehicular access point to the site from Lockwood Road together with the developable areas of the site, it also indicates the areas to be used for surface water drainage infrastructure and an area within the southern part of the site to be retained as ecological habitat. A potential vehicular/cycle and pedestrian link to land to the west is shown.
- 3.3 It is indicated that the development would be split into two clusters of dwellings. One would be sited to the north of the site where the greenhouses currently stand and the second cluster would be located within the southern undeveloped part of the site. The two areas would be separated by the access road leading into the site from Lockwood Road. The illustrative masterplan shows 22 dwellings sited to the north of the access and 5 dwellings to the south. It is suggested that the development would provide a mix of house types, sizes and tenures and would be a maximum of 2 ½ storey height. The proposal would provide a policy compliant 40% affordable housing.

#### **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

DSP4 – Prejudice to adjacent land

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)**

- DS1 Development in the Countryside
- DS3 Landscape
- H1 Housing Provision
- HA1 North & South of Greenaway Lane
- HP5 Provision of Affordable Housing
- HP7 Adaptable & Accessible Dwellings
- HP9 Self & 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
- TIN1 Sustainable Transport
- TIN2 Highway Safety & Road Network
- TIN4 Infrastructure Delivery
- D1 High Quality Design & Placemaking
- D2 Ensuring Good Environmental Conditions
- D3 Co-ordination of Development and Piecemeal Proposals
- D4 Water Quality & Resources
- D5 Internal Space Standards

**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 The following planning history is relevant:

<b>P/17/0998/OA</b>	Outline application for up to 157 dwellings with access from Brook Lane and Lockwood Road, associated open space, sustainable drainage and landscaping
<b>Withdrawn</b>	28 February 2022

**6.0 *Representations***

6.1 Nine representations have been received (including one from the Fareham Society) raising the following concerns;

- Impact on character of the area
- High density of development
- Loss of village identity
- Urban sprawl
- Loss of greenspace
- Loss of habitat and impact to wildlife
- Detrimental to highway safety
- Increased vehicle movements on local road network
- Increased road noise
- Air pollution
- Lack of local public transport
- Increased pedestrian/cycle movements on private track
- The junction of the track with Warsash Road is not safe for pedestrians/cyclists
- The new access to Lockwood Road should be used to provide access to the northern users of the track (i.e. Vero) as opposed to Greenaway Lane
- There should be no vehicular link formed between Lockwood Road and Brook Lane
- A pedestrian/cycle link east-west should be secured
- The substantial tree/hedge screen along Lockwood Road should be retained
- Impact on local facilities and services

## **7.0 Consultations**

EXTERNAL

### **Highways (Hampshire County Council)**

- 7.1 The site is located to the west of Lockwood Road and north of Warsash Road. Access is to be taken via a priority bellmouth junction of Lockwood Road. Lockwood Road is a C-classified road governed by a 30mph speed limit (the submitted Transport Assessment incorrectly states this as a 40mph road). The proposed access is c.100m north of the Warsash Road/ Lockwood Road mini-roundabout.
- 7.2 The proposed development is estimated to generate 15 trips in the AM peak and 16 trips in the PM peak period. The Highway Authority agree to the trip generation figures proposed.

- 7.3 The updated PIA data (personal injury accident) within the submitted transport statement identifies a total of 6 recorded accidents within the vicinity of the site, 1 being serious and 5 being slight in nature. It is considered that there is no significant cluster of accidents in the vicinity of the site and there appears to not be an existing safety issue in within the study area that may be exacerbated by the number of trips produced by the development. A Road Safety Audit (RSA) was previously submitted in relation to planning application P/17/0998/OA. It has been agreed with the applicant that a further RSA will be submitted to support a future reserved matters application, whereby the access will be a matter for determination.
- 7.4 It is considered that the indicative location of the access is acceptable in principle subject to further information to be submitted as part of a future reserved matters planning application. A new crossing point is proposed just north of the new access to allow pedestrians to cross to the eastern side Lockswood Road from the development and travel north towards Locks Heath Shopping Centre. Cyclists are expected to use the carriageway on site from the development site and further join Lockswood Road.
- 7.5 As this is an outline planning application with all matters reserved the internal layout is not currently considered as part of this planning application. It has been agreed that comments on the internal layout (i.e pedestrian / cycle connectivity, SUDs clarification, future links etc) can be determined as part of a future reserved matters planning application. It is confirmed that the crossover north of the site access will be closed as part of this application as it will become redundant.
- 7.6 The Highway Authority raises no objection to the proposal.

### **Ecology (Hampshire County Council)**

- 7.7 It has been confirmed that the reptiles on site would be translocated to an offsite receptor area which will require works to be made suitable for reptiles. Whilst I have no major concerns in relation to the strategy itself, I request that a planning condition is secured to ensure the receptor site is made suitable for reptiles (through the removal of cotoneaster and seeding the site with horseshoe vetch), prior to any translocation taking place. Reptile translocation can only be carried out once these works have been completed.
- 7.8 An Ecology Corridors Plan has been submitted, showing 3m buffers along the eastern, central, north-western and southern boundaries of the site. This is positive however the Reserved Matters application must also secure the retention of the areas shown as new planting/retained habitats on the submitted Land Use plan. If you are satisfied that these matters could be

resolved during the Reserved Matters stage, then I wouldn't raise any additional concerns in relation to the application.

### **HCC – Education**

- 7.9 Due to the low number of dwellings there is no requirement for a contribution towards educational infrastructure.

### **HCC – Archaeology**

- 7.10 No objection

### **HCC - Flood Water Management Team**

- 7.11 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 permeable paving, gravel trench soakaways, infiltration crates and an infiltration basin. This is acceptable in principle considering that the infiltration testing showed acceptable infiltration rates at the site.
- 7.12 Considering that this is an outline planning application with all matters reserved, and bearing in mind that there is a potential for the applicant to discharge surface water runoff into the adjacent surface water network if the additional groundwater assessment shows that infiltration is not feasible at the site, at this stage the information submitted by the applicant has addressed our concerns regarding surface water management and local flood risk.

INTERNAL

### **Affordable Housing**

- 7.13 Policy HP5 of the emerging plan would require 40% of the homes on this development to be provided as affordable housing. In accordance with Policy HP5 at least 10% must be for social rent and at least 55% must be for affordable rent and at least 10% of the overall housing provision on site must be provided as affordable home ownership. Based on the maximum proposed yield the development would generate a requirement for 10.8 affordable dwellings. The applicant has offered the policy compliant amount of 10 dwellings for affordable housing on site and 0.8 of a unit as a financial contribution.

### **Trees**

- 7.14 If adequate precautions to protect the retained trees are specified and implemented in accordance with the arboricultural method statement included

in the tree report produced by RGS Arboricultural Consultants – May 2022, the development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.

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

7.15 No objection subject to condition

### **8.0 Planning Considerations**

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

- a) The approach to decision making
- b) Fareham Local Plan 2037 policy position
- c) Residential development in the countryside
- d) Accessibility of the site & Highway Matters
- e) Landscape & Visual Impact
- 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 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 over the previous three years. 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), there are specific policies in the NPPF which protect areas or assets of particular importance, namely habitat sites, which are specifically mentioned in footnote 7. Where such policies provide a clear reason for refusing the development proposed then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d), is 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'). However, this will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

8.12 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."*

8.13 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.

8.14 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) Fareham Local Plan 2037 policy position**

- 8.15 National planning policy allows Council's 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). The emerging Local Plan is well advanced carries considerable weight in the consideration of planning applications.
- 8.16 The site of this planning application is part of a wider allocation for housing with an indicative overall yield of 824 dwellings within the emerging Fareham Local Plan (Policy HA1). A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. A number of representations have been submitted both in support of and objecting to the policy however the proposed modifications to the policy are of a minor nature. Officers therefore consider that significant weight can be given to this policy in the assessment and determination of this application.

**c) Residential development in the countryside**

- 8.17 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.
- 8.18 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.'*
- 8.19 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.

- 8.20 Policy DS1 of the emerging Fareham Local Plan 2037 concerns development within the countryside. The policy sets out a number of exceptions (a-i) where development in the countryside may be permitted, particularly 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. The application involves the development of an allocation site and is therefore compliant with Policy DS1.
- 8.21 The site is located outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2 and CS6 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies. The proposal would be considered contrary to Policy CS14 if it were deemed that it would adversely affect the landscape character, appearance and function of the countryside which is discussed in more detail in section e) of this report. The proposal would comply with Policies HA1 and DS1 of the emerging Fareham Local Plan 2037 as the site is an allocation site within the emerging Fareham Local Plan 2037.

#### **d) Accessibility of the Site & Highway Matters**

- 8.22 Policy CS15 of the Core Strategy states that the Council will promote and secure sustainable development by directing development to locations with sustainable transport options and access to local services. The nearest bus stop to the application site is located on Warsash Road approx. 250m from the application site which is served by the X5 first bus service which runs between Southampton, Warsash, Fareham & Gosport. The site is located within approx. 750m of the centre of Warsash village where there is a range of local shops and services. The Locks Heath District Centre lies approx 1.8km from the proposed development site to the north. The nearest primary school, Hook with Warsash C of E Primary School, is located approx. 850m from the site and Brookfield secondary school lies approximately 1.6km away. The site is considered to be sustainably located.
- 8.23 Whilst this is an outline application with all matters reserved it is confirmed within the application description that access would be taken to the site from Lockswood Road and it is also intended to secure this by planning condition. The Highway Authority considers the indicative location of the access to be acceptable in principle. No concerns are raised in respect of the impact of the proposal on highway safety based on the indicative position and formation of the bellmouth access shown within the transport statement and the predicted additional vehicle movements on the local road network. However, the means of access to the site is not being approved at this time and would be the subject of a Reserved Matters application.

- 8.24 Concerns have been raised by a local residents in respect of the potential connection of the application site to the private track which extends along the western boundary of the site and the prospect of the increased movement of vehicles, pedestrians or cyclists on this track as a result. The illustrative masterplan for the proposed development indicates a potential vehicular link from the internal highway within the application site across the track to land to the west.
- 8.25 The applicant has submitted a statement in respect of the legal status of the track. The track serves several properties that are in various commercial and residential uses. According to records obtained from HM Land Registry a number of properties identified along the track own their portion of the track but the other track owners also have rights of access, including vehicles, over the entire length. The track is unmade and it appears that the various frontage properties are responsible for the maintenance of the section within their ownership. Whilst the public appear to have been using the track for a number of years as a short cut between Greenaway Lane and Warsash Road there are no formal rights registered on the Land Registry Titles and the route does not appear on the public rights of way records.
- 8.26 Officers view on this matter is that the application site forms part of a wider housing allocation and it is considered important that every opportunity is taken to secure the potential for vehicular, pedestrian and cycle connectivity between individual sites, even if these links do not ultimately come to fruition. Policy HA1 of the emerging Local Plan states that proposals should meet a number of site specific requirements including the provision of pedestrian and cycle connectivity between adjoining parcels, as well as providing connectivity with Warsash Road and nearby facilities and services. As it stands, at present there are clearly legal issues which would prevent vehicular access from the application site over the track to connect with existing (ie Vero's) or future development to the west. The condition of the track means that increased use in its current state by vehicles in particular would not be desirable and this is not something Officers are seeking to orchestrate. The Highway Authority have clearly indicated that they would not support a motorised vehicular link between Lockswood Road and Brook Lane, however they advise that there should be a safeguarded route for pedestrians and cyclists east-west through the site and up to the site boundary.
- 8.27 Through the Section 106 legal agreement it is intended to secure the provision of a vehicular/pedestrian/cycle link from the application site right up to the western boundary with the track (and also to the north boundary). In doing so there remains the ability to form a vehicular connection should this be considered beneficial in the future. The applicant has been advised by the

highway authority that the highway infrastructure within the site must be designed to be capable of accommodating higher volumes of traffic that could arise in the event that a connection is formed. Irrespective of whether a vehicular connection is formed in the future it is considered important to deliver a pedestrian/cycle connection up to the western boundary so as not to restrict movement throughout the housing allocation. The provision of such a connection up to the western boundary would not encroach onto private land or interfere with private property rights.

- 8.28 Officers are satisfied that the proposal would not have any unacceptable highway implications and would comply with Policy CS5 of the adopted Core Strategy and Policies TIN1, TIN2 and HA1 of the emerging Fareham Local Plan 2037.

#### **e) Landscape & Visual Impact**

- 8.29 The site is not located with a designated strategic gap within the current adopted local plan or an area of special landscape quality within the emerging Fareham Local Plan 2037. It is however, located within designated countryside where Policy CS14 of the adopted Fareham Borough Core Strategy confirms that built development will be strictly controlled to protect it from development which would "adversely affects its landscape character, appearance and function".
- 8.30 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 'Warsash Nurseries' Character Area (LCA2). The sub area in which the site lies (02.2a) is described as having a suburban, fringe character. It is stated that;

*'The character and quality of the landscape has already been affected by urban influences and landscape value is relatively low and, therefore, tolerant of change. The presence of a good structure of woodland, hedgerows and trees provides opportunities for integration of new buildings within the existing field pattern, without significant adverse effects upon landscape resources.'*

- 8.31 The parties who would primarily be affected by visual changes would be residents close to the site and those travelling along Lockwood Road or the private track. A large area of the northern part of the site is previously developed land, occupied by greenhouses and residential mobile homes. The indicative layout shows that the development of the northern part of the site would likely occupy a similar area of the site as the greenhouses and this development would be set back from Lockwood Road with existing

vegetation on the eastern and western boundaries retained. Development to the south of the site would be more visually contained, screened from view to an extent by trees, vegetation and the frontage properties on Warsash Road. It is considered that the proposal would primarily have a localised visual impact and the visual impact from longer distance views would be limited.

8.32 The indicative masterplan shows how the site might be laid out. Whilst acknowledging that this plan is for illustrative purposes only, Officers are satisfied that the site could accommodate up to the maximum overall quantum of development proposed. The layout and design of the site would be the subject of a Reserved Matters application and these aspects would need to be the subject of careful consideration at that time.

8.33 Whilst the scale and appearance of buildings is also a reserved matter, in terms of building heights the application suggests development would be a maximum of 2 ½ storey. Policy HA1(f) of the Emerging Fareham Local Plan 2037 states that;

*'Building heights should be limited to a maximum of 2.5 storeys, except for buildings which front onto Greenaway Lane, Lockwood Road and Brook Lane where building heights shall be limited to a maximum of 2 storeys. In very limited circumstances, a 3 storey form can be acceptable within the central part of the site(s) away from the surrounding road network, having regard to Policy D1'*

The reserved matters application would need to demonstrate building heights to be acceptable in terms of visual impact.

8.34 It is not considered that the development of the site would have an unacceptable impact on the landscape character of the surrounding area. The development of the site is considered in principle to comply with Policy CS14 of the Core Strategy and Policy DS1 of the emerging Local Plan although further consideration will need to be given to the site layout, and the appearance and scale of buildings at the reserved matters stage and to ensure compliance with Policy CS17 of the Core Strategy (D1 of the Emerging Fareham Local Plan 2037).

#### **f) Ecology & Trees**

8.35 The application is supported by an ecological assessment (Peach, 6 July 2022) which includes an assessment of the impact of the proposal on protected species. The trees and buildings/structures proposed to be removed have been checked for roosting bats and none were found, they were all considered to have negligible bat roosting potential. The majority of existing

hedgerows and trees would be retained and new features for roosting bats would be required to be incorporated into the proposed dwellings.

- 8.36 The updated reptile survey in 2021 recorded a good population of slow worms and a low population of common lizards on the site. To avoid harm to reptiles during the development phase the use of an off-site receptor site has been agreed with Council Officers at Anson Grove Public Open Space. The reptile receptor site can be enhanced to support the translocated reptiles and a scheme of works to include the clearance of invasive shrub species (cotoneaster) and replanting (horseshoe vetch) has been discussed with the Council's Countryside Rangers. Prior to the commencement of development a detailed mitigation strategy, including a plan of the proposed works to the reptile receptor site and the arrangements in place for the implementation of the strategy, will be required to be submitted to the Council and agreed. The submission and agreement of the reptile mitigation strategy (including for the short term management of the site to treat cotoneaster regrowth for 2 years following initial clearance) and a contribution towards future maintenance of the receptor site would be secured within the Section 106 legal agreement. There are opportunities to enhance areas of the site such as the wildlife corridors and SUD's area for reptiles in the longer term which should be further considered at the reserved matters stage.
- 8.37 Badger tracks were recorded through the site and nearby and a latrine was recorded; no badger setts were recorded during the surveys however it is considered important that the proposals do not prevent movement of badgers into or through the site. A badger culvert would be required beneath the internal spine road to enable movement of badgers safely from south-north. In light of the proposed mitigation, the Council's Ecologist has not raised any concerns in respect of the impact of the proposal on protected species.
- 8.38 Initially concerns were raised by the Council's Ecologist and Design Officer in respect of the loss of ecological connectivity between the application site and surrounding land. Policy HA1 of the emerging Fareham Local Plan sets out a requirement for the provision of natural greenspace and wildlife habitats and east-west wildlife corridors within the allocation. In order to ensure that the proposal retains connectivity for wildlife between adjacent sites, it has been agreed that 3m wide wildlife corridors would be secured around the boundaries of the site and internally which would allow the movement of badgers for example between their setts and their foraging areas. The provision and retention of these corridors and a larger area of retained/enhanced habitat shown on the illustrative masterplan within the south-western part of the site would be secured through the S106. The Council's ecologist has recommended a planning condition to secure the submission of an ecological management plan which would clarify the



ecological features to be retained and created, a planting scheme and the management arrangements for these areas of the site.

#### *Biodiversity Net Gain (BNG)*

- 8.39 In line with the Environment Act 2021 and paragraph 175 of the National Planning Policy Framework, the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 of the emerging 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’*

- 8.40 BNG has been calculated for the proposed development by the applicant’s ecologist using the biodiversity metric. In accordance with NE guidance, in order to demonstrate a 10% BNG the metric should show separate gains for both habitat units and linear hedgerow units. Clarification has been sought from the Council’s ecologist as to whether the submitted calculations demonstrate the required 10% BNG in an acceptable form and an update will be provided at the Planning Committee meeting. Since this is an outline application and the inputs are based to an extent on assumptions at this stage, the submission of a biodiversity net gain plan with the Reserved Matters application would be secured through the S106 confirming that the minimum 10% net gain would be achieved and providing further detail of how the habitat would be managed and maintained for a minimum of 30 years.

#### *Trees*

- 8.41 The proposal would necessitate the removal of a number of trees as set out within the supporting tree survey report which are assessed as being of low/moderate quality. It is not considered that the loss of these trees would have a significant impact upon the visual amenity of the immediate or surrounding area. In respect of the retained trees, and in particular the concentration of protected trees in the southern half of the site, the indicative layout does not appear to significantly conflict with, nor compromise the root protection areas. An arboricultural method statement would be required to support a detailed application.
- 8.42 The construction of the access as shown on the indicative plans would necessitate the removal of a section of the tree belt/hedgerow fronting Lockwood Road measuring approximately 30m in length. The remainder of

the hedgerow would continue to provide an effective screen for the development.

#### **g) Impact on Habitat Sites**

- 8.43 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.
- 8.44 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.
- 8.45 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).
- 8.46 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.
- 8.47 When considering the proposed development Officers considers there to be two main likely significant effects on HS.

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

- 8.48 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.

- 8.49 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. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE's advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.50 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 24.02 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 residential urban land, horticulture, woodland and greenspace.
- 8.51 The applicant has entered into a contract to reserve 24.02 kgTN/yr of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.52 A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from Whitewool Farm has been received by the Council. A further planning condition would secure details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110L per person/per day to reflect the assumptions of the nitrate budget.

### ***Recreational Disturbance***

- 8.53 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.

- 8.54 Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies (NE3 of the emerging Local Plan) 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).
- 8.55 Natural England have also advised that the development's location within a 13.8km radius of the New Forest designated sites requires mitigation in order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites.
- 8.56 The applicant will be required to enter into a legal agreement to secure the appropriate financial contribution in accordance with the Solent Recreation Mitigation Strategy and the Council's interim Mitigation Solution on New Forest Recreational Disturbance.
- 8.57 The Council has carried out an Appropriate Assessment and concluded that the proposed mitigation and conditions will be adequate for the proposed development and ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan and Policies NE1, NE3 and NE4 of the emerging Fareham Local Plan 2037.
- 8.58 Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are expected shortly. Members will be updated at the Committee Meeting.

#### **h) Other Matters**

##### ***Affordable Housing***

- 8.59 The proposal would include the provision of 40% affordable housing and the applicant has agreed this would be compliant with the tenure mix set out within Policy HP5 of the emerging Fareham Local Plan 2037. It is recommended that the size, mix and tenure of affordable housing is secured by legal agreement in line with identified local need as guided by Fareham Housing.

##### ***Self-Build***

- 8.60 The NPPF states that authorities should plan for a mix of housing to address the need of different groups in the community. This includes people wishing to commission or build their own homes (para 61). Policy HP9 of the emerging

Fareham Local Plan 2037 promotes the provision of self and custom build homes to help meet the demands of those on the Council's Self Build Register. The policy states that that on sites of 40 dwellings or more 10% of the overall dwellings proposed shall be provided as self or custom build dwellings. The policy also clarifies that sites that feature as part of a cluster of adjoining development sites shall be considered cumulatively and if progressed on an individual basis 10% of dwellings shall also be provided as self or custom build homes. As the application site forms part of the wider HA1 allocation site it is therefore intended to secure this 10% provision by planning condition.

### ***Adaptable and Accessible Dwellings***

- 8.61 The emerging Fareham Local Plan 2037 set out that in light of Fareham's above average aged population it is important that more homes are constructed at an adaptable standard to give greater choice and the ability for older people to remain in their homes should they wish, whilst supporting and encouraging the provision of specialist and older person housing when appropriate. In addition, 16% of the resident population of the Borough have a long-term health problem or disability indicating that there is an increased requirement for specialist accommodation options moving forward. In accordance with Policy HP7 of the emerging Fareham Local Plan 2037 it is proposed to impose a planning condition to secure that at least 15% of the proposed dwellings are constructed to Category 2 standard as outlined in Part M (Access to and Use of Buildings) of the Building Regulations (2015 edition).

### ***Amenity Implications***

- 8.62 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that the detailed consideration of these issues would need to comply with relevant local plan policy and the adopted design guidance SPD to ensure appropriate amenity standards for future residents and to protect the living conditions of neighbouring residential properties.

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

- 8.63 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 could not be substantiated. The County Council have advised that based on the scale of the scheme an educational contribution would not be warranted.

## **Loss of Agricultural Land**

8.64 Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. The NPPF does not place a bar on the development of the best and most versatile agricultural land. Parts of the site are classified as Grade 3b agricultural land which falls outside of the 'best and most versatile' agricultural land category and therefore there is no conflict with Policy CS16.

### **i) The Planning Balance**

8.65 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".*

8.66 As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

8.67 Paragraph 182 of the NPPF states that;

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

8.68 An Appropriate Assessment has been undertaken and concluded that the proposal would not adversely affect the integrity of protected Habitat Sites. There is therefore no clear reason to refuse the application on these grounds. Whilst the Council can demonstrate a 5YHLS, having regard to the results of

the Housing Delivery Test, the application should be determined in accordance with paragraph 11(d)(ii) applying the presumption in favour of sustainable development.

- 8.69 This approach detailed within the preceding paragraph has become known as the 'titled balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.70 The site is outside of the defined urban settlement boundary and the proposed development does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would therefore be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.71 The site is however part of the HA1 housing allocation as identified within the emerging Fareham Local Plan 2037, and it is considered that considerable weight can now be attributed to this policy. The proposal would also be compliant with Policy DS1 of the emerging Local Plan 2037 concerning development in the countryside.
- 8.72 In terms of any potential adverse impacts, it is not considered that the development would harm the landscape character and appearance or function of the countryside. The proposed residential development would be sustainably located. Subject to appropriate mitigation it is not considered that the proposal would likely have any adverse impacts on ecology, trees or highway safety.
- 8.73 In balancing the objectives of adopted policy which seeks to restrict development within the countryside along with the shortage of housing supply, it is acknowledged that the proposal could make a valuable contribution towards boosting the Borough's housing supply, which is a material consideration in favour of the proposal. The proposal would also deliver 40% affordable housing.
- 8.74 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated; and
  - (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.75 Therefore, the tilted balance points towards granting approval in any event.

8.76 Having carefully considered all material planning matters and assessing the proposal against the development plan and the tilted balance, it is considered that the proposal is acceptable.

## 9.0 **Recommendation**

9.1 Subject to:

i) The consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment;

**and**

9.2 The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a) To secure 40% of the proposed dwellings as on-site affordable housing; the type, size, mix and tenure to be agreed to the satisfaction of Officers;
- b) To secure vehicular and pedestrian access and cycle connectivity to adjoining land to the north and west right up to the party boundary in perpetuity;
- c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
- d) To secure a financial contribution in accordance with the Council's New Forest Recreational Disturbance Interim Mitigation Solution;
- e) To secure the retention of specified areas of the site for habitat retention/creation in accordance with the illustrative masterplan (those areas indicated for 'retained trees/ecology' and 'new native planting');
- f) To secure the provision of 3m wide ecological corridors as shown on the submitted plan;
- g) To secure the submission of a biodiversity net gain plan demonstrating that a minimum 10% BNG is achievable and confirm how the proposed BNG habitats will be implemented, managed, maintained, monitored and funded for a minimum of 30-years;
- h) To secure the preparation and provision of the off-site reptile translocation area and a contribution towards the future management/maintenance.

**THEN**

9.3 **GRANT OUTLINE PERMISSION** Subject to the following conditions:



1. Details of the means of access to the site, the appearance, scale, and layout of buildings and the landscaping of the site (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.  
REASON: To comply with the procedures set out Section 91 of the Town and Country Planning Act 1990.
2. Application for approval of reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.  
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.  
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
4. The development hereby permitted shall be constructed in accordance with the following approved documents:
  - i) Location Plan – drwg No. 151210/SL/LP Rev B
  - ii) Ecological Assessment (Peach Ecology, 6 July 2022)
  - ii) Amended Ecological Corridors Plan – drwg No. SLP-01 Rev P2
  - iii) Tree Survey Report (RGS Arboricultural Consultants, May 2022)
  - iv) Revised Transport Statement (Paul Basham, August 2022)
  - iii) Flood Risk Assessment & Drainage Strategy (Paul Basham, July 2021)
  - iv) Desk Study & Preliminary Risk Assessment Report, 14 February 2017REASON: To avoid any doubt over what has been permitted.
5. No reserved matters application shall be made pursuant to condition 1 unless vehicular access to the site is shown as being taken from Lockswood Road.  
REASON: In the interests of highway safety and residential amenity.
6. Before or on submission of the reserved matters application pursuant to condition 1 it shall be demonstrated that at least 10% of the total number of dwellings to be provided on the site (rounded up to the nearest whole number) shall be provided as self or custom build plots. The plots shall be provided as grouped, serviced plots. The reserved matters application shall include details of the design parameters in place to take account of the emerging built

form of the rest of the development and to ensure no significant detrimental impact on the amenity of existing and future neighbours.

REASON: To meet the identified need for self/custom build dwellings within the Borough in accordance with Policy HP9 of the emerging Fareham Local Plan 2037.

7. Before or on submission of the reserved matters application pursuant to condition 1 it shall be demonstrated that at least 15% of the total number of dwellings to be provided on the site (rounded up to the nearest whole number) shall be constructed at Category 2 standard as outlined in Part M (Access to and Use of Buildings) of the Building Regulations (2015 edition) or equivalent as agreed in writing with the local planning authority.

REASON: To meet the needs for specialist housing within the Borough in accordance with Policy HP7 of the emerging Fareham Local Plan 2037.

8. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

9. No development shall take place until details of the width, alignment, gradient and type of construction proposed for the roads, footways and accesses, to include all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard.

10. No dwelling erected on the site subject to this planning permission shall be first occupied until there is a direct connection from it, less the final

carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the date upon which construction is commenced of the penultimate building/dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

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

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

REASON: In the interests of highway safety.

12. No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

REASON: To encourage cycling as an alternative mode of transport.

13. No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided at the following level:

- a) At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision;
- b) At least one Electric Vehicle (EV) 'rapid charge' point in shared/unallocated parking areas per 10 dwellings with no allocated parking provision.

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

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

14. No development shall take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

15. The landscaping scheme, submitted under Condition 1 shall be implemented in accordance with a scheme to be submitted (including a delivery timetable) or as otherwise agreed in writing with the local planning authority and shall be maintained commencement of the development or as otherwise agreed in writing with the local planning authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the local planning authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

16. No development shall commence until a scheme of lighting (during the operational life of the development), designed to minimise impacts on wildlife, particularly within the wildlife corridors, has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented.

REASON: in order to minimise impacts of lighting on the ecological interest of the site in accordance with Policy DSP13 of the Fareham Local Plan.

17. Development shall proceed in accordance with the measures detailed in Section 5.0 'Requirements and Recommendations' of the Ecological Assessment by Peach Ecology (July 2022).

REASON: to ensure the protection of designated sites, retained habitats and protected species.

18. No development shall take place until a Landscape/Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority in writing. This shall include;

a. A description, plan and evaluation of ecological features to be retained, created and managed such as grasslands, hedgerows, SUDs pond and treelines;

b. A planting scheme for ecology mitigation and enhancement areas;

d. A work schedule (including an annual work plan);

e. The aims and objectives of landscape and ecological management;

f. Appropriate management options for achieving aims and objectives;

- g. Details of the persons, body or organisation responsible for implementation of the plan; and,
- h. Details of a scheme of ongoing monitoring and remedial measures where appropriate

The development shall be carried out in accordance with the approved LEMP  
REASON: to ensure the enhancement/retention of habitats; in the interests of biodiversity.

19. The development shall be undertaken in accordance with the recommendations contained within the submitted Tree Survey Report (RGS Arboricultural Consultants, May 2022). The tree/hedgerow protection shall be retained through the development period until such time as all equipment, machinery and surplus materials have been removed from the site.  
REASON: To ensure protection of important trees and hedgerows.

20. No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment & and Drainage Strategy ref: 097.5007/FRA&DS/3, has been submitted and approved in writing by the Local Planning Authority. The submitted details should include:
- a. A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment.
  - b. A groundwater assessment which includes seasonal variations (winter months).
  - c. Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients.
  - d. Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout.
  - e. Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this.
  - f. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.
  - g. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

REASON: In order to ensure satisfactory disposal of surface water. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

21. Details for the long-term maintenance arrangements for the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of any of the dwellings. The submitted details shall include;
- a. Maintenance schedules for each drainage feature type and ownership.
  - b. Details of protection measures.

REASON: In order to ensure satisfactory disposal of surface water.

22. No development hereby permitted shall commence until an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources has been submitted to and approved in writing by the Local Planning Authority (LPA). The site investigation shall not take place until the requirements of the LPA have been fully established.

Should the submitted site investigation and risk assessment reveal a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the LPA. It shall also include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures.

**Prior to the occupancy of each unit:**

The agreed scheme of remedial measures shall be fully implemented.

Remedial measures shall be validated in writing by an independent competent person as agreed with the LPA. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the LPA. The requirements of the LPA shall be agreed in advance.

Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the LPA. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the LPA.

23. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

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

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

c) Arrangements for the routing of lorries and details for construction traffic access to the site;

d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;

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

f) A scheme for the suppression of any dust arising during construction or clearance works;

g) The measures for cleaning Lockswood Road/Warsash Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;

i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;

k) Provision for storage, collection, and disposal of rubbish from the development during construction period;

l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

m) Temporary lighting;

o) No burning on-site;

r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

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

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

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

25. No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 24 February 2023 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Land & Partners.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on Habitat Sites.

26. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day.

The development shall be carried out in accordance with the approved details.

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

Then;

9.4 DELEGATE authority to the Head of Development Management to:

(a) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the section 106 legal agreement; and



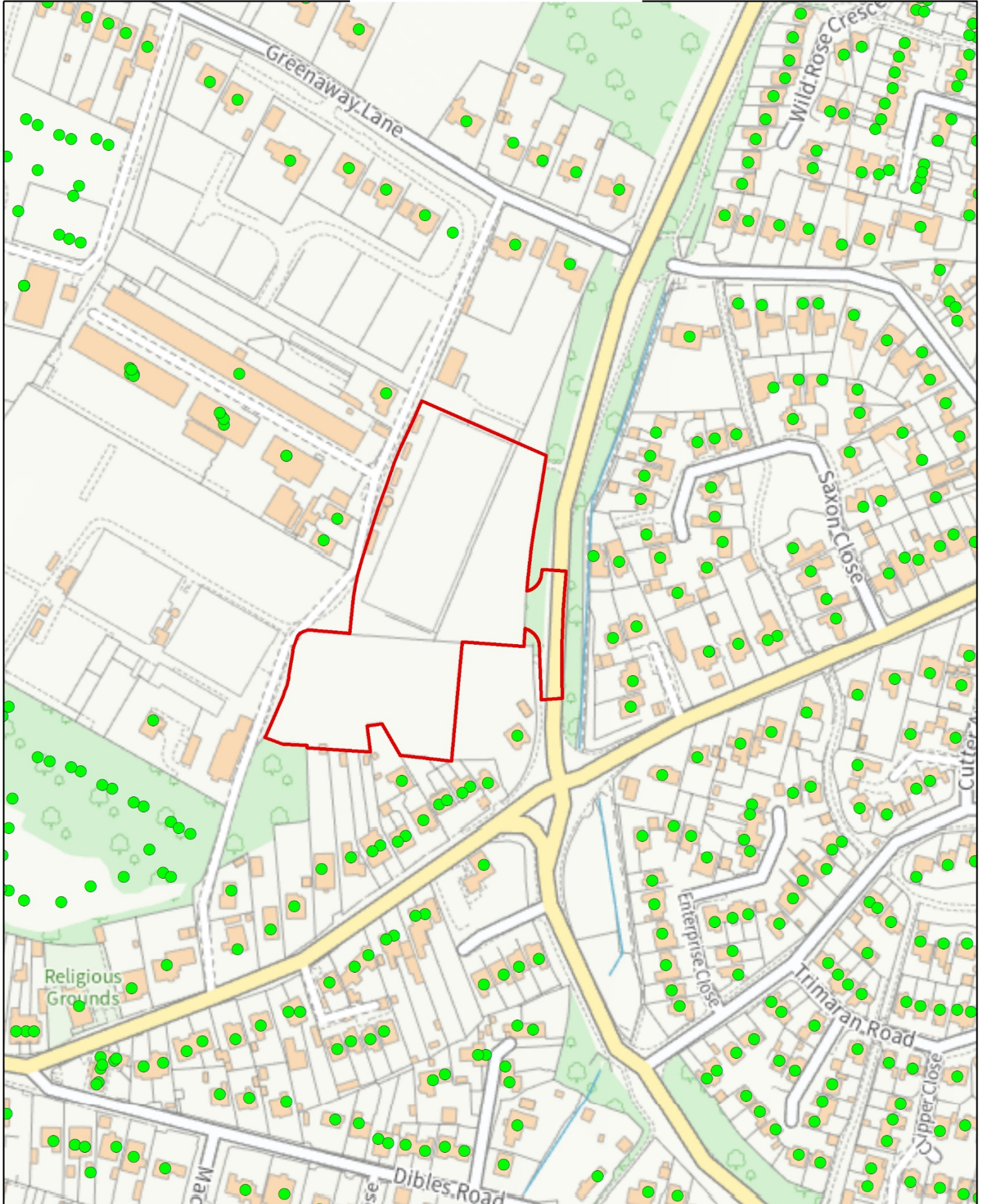
- (b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

**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 West of Lockwood Road  
Warsash  
Scale 1:2,500



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