

OFFICER REPORT FOR COMMITTEE

DATE: 13 December 2023

**P/23/1141/FP
IMPERIAL HOMES SOUTHERN
COUNTIES**

**SARISBURY WARD
AGENT: VIVID DESIGN STUDIO LTD**

CONSTRUCTION OF 12 – TWO AND THREE BEDROOM DWELLINGS WITH CAR PARKING ALONG WITH USE OF EXISTING ACCESS ONTO SWANWICK LANE. ENABLING DEVELOPMENT TO SECURE FUNDING FOR THE RESTORATION OF DRYING SHEDS 1 & 2 WITHIN BURSLEDON BRICKWORKS

LAND AT BURSLEDON BRICKWORKS, COAL PARK LANE, SWANWICK, SOUTHAMPTON, S031 7GW

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application is presented to the planning committee due to the number of third party letters received during the course of the planning application.

2.0 Site Description

2.1 The Bursledon Brickworks Industrial Museum site lies within Swanwick and is situated between the main Fareham to Eastleigh railway line (southern boundary) and the M27 motorway (northern boundary). The Museum site currently benefits from two access points, from Coal Park Lane (to the west) and Swanwick Lane (to the east). The main museum buildings, including the drying sheds are located to the western side of the site with the eastern side of the site comprising car parking and open storage areas. The proposed development would be located on part of the eastern open storage area which is considered surplus to requirements.

2.2 The site is situated to the north of Swanwick Lane and is accessed via the main gated entrance to the Brickworks site. The site comprises the unmade gravelled and hardcore access road into the Museum car park, and further areas of hardcore to the west of this track which has been used for car parking and outdoor storage over the years.

2.3 To the east of the access road is an area of woodland leading to the embankment down to the M27 motorway. To the west of the site bounding the car parking area is a further wooded area which leads to a further embankment down to the railway line. Beyond the railway line lies the main urban settlement area of Swanwick, fronting Swanwick Lane.

3.0 Description of Proposal

- 3.1 The development proposal seeks to construct three rows of terraced properties laid out in a 'T' shape comprising 11 of the properties. A further single coach house style property would be created to the rear of these, with the overall appearance of the development likened to a row of Victorian styled workers' cottages.
- 3.2 The housing development will see the construction of 4 x 2-bedroom and 8 x 3-bedroom dwellings, with car parking and private gardens. Each property would also benefit from appropriate space for bin storage and secure cycle storage.
- 3.3 The main gated entrance from Swanwick Lane will be retained, although the gates will be permanently opened. A new set of security gates will be constructed to the northern end of the development to separate the housing development from the wider Museum site.
- 3.4 The proposed development is proposed as 'enabling development' as the funds generated from the sale of the land for housing will be used to fund the restoration of two drying sheds located within the Bursledon Brickworks Industrial Museum. The two drying sheds have recently been added to Historic England's Heritage at Risk register, and their restoration would see them made wind and water tight.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

DS1	Development in the Countryside
DS3	Landscape
H1	Housing Provision
HP1	New Residential Development
NE1	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2	Biodiversity Net Gain
NE3	Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4	Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of The Solent
NE6	Trees, Woodland and Hedgerows
TIN1	Sustainable Transport
TIN2	Highway Safety and Road Network

D1	High Quality Design and Place Making
D2	Ensuring Good Environmental Conditions
D5	Internal Space Standards
HE1	Historic Environment and Heritage Assets
HE3	Listed Buildings and Structures and/or their Settings
HE6	Heritage at Risk

Other Documents:

National Planning Policy Framework (NPPF) 2023

Historic England – Enabling Development and Heritage Assets Good Practice Advice (2020)

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 There is no recent relevant planning history directly relating to this application site. However, the following planning history is of relevance, and relates to the Drying Sheds 1 and 2:

P/22/0664/FP	Conservation and alteration works to sheds 1 & 2 to create office space
APPROVED	19 August 2022
P/22/0665/LB	Conservation and alteration works to sheds 1 & 2 to create office space
GRANTED	19 August 2022

6.0 Representations

6.1 Six representations have been received regarding the planning application, including from The Fareham Society and the Burrigge and Swanwick Residents Association. Two of the letters support the proposals, including The Fareham Society who recognise the benefits of supporting the restoration of the Drying Sheds, and the simple design approach employed. Four letters of objection however raise the following concerns:

- Noise impacts from M27 motorway
- Highway safety concerns with Swanwick Lane
- Negative impacts on nearby listed buildings
- Restoration of sheds should not mean deviations from local plan policies
- Set a precedent for further development along Swanwick Lane
- Out of character with the museum

- Insufficient car parking for museum and future residents
- Lack of infrastructure
- Would limit future expansion of museum

7.0 Consultations

EXTERNAL

Archaeology – Hampshire County Council

7.1 No objection

Lead Local Flood Authority – Hampshire County Council

7.2 No objection, subject to conditions

Highway Authority – Hampshire County Council

7.3 No objection, subject to conditions

Ecology – Hampshire County Council

7.4 Final comments awaited

Southern Water

7.5 No objection – formal consent required for a connection to the public foul sewer to be made.

Historic England

7.6 Supports application on heritage grounds. The development would be well screened from the Museum, and the simple design and brick facades would be in keeping with the character of workers' cottages set within the demise of the brickworks.

Natural England

7.7 Comments awaited on the Council's Appropriate Assessment

INTERNAL

Conservation Planner – Fareham Borough Council

7.8 No objection - Subject to detailed consideration of the finished appearance of the building materials, the development would be acceptable on Historic Environment grounds, and would secure the future of a heritage asset considered to be of national importance.

Environmental Health (Noise and Pollution) – Fareham Borough Council

7.9 The application was supported by a detailed Noise Impact Assessment. Appropriate whole house ventilation system would be needed to address

overheating. No objection, subject to full compliance with the submitted Noise Report to ensure that noise levels do not affect the future occupants of the development.

Environmental Health (Contaminated Land) – Fareham Borough Council

7.10 No objection, subject to appropriate de-contamination conditions.

Fareham Housing

7.11 Independent Financial Viability Assessment undertaken, confirming that no affordable housing can be provided with the development proposal. No objections raised based on conclusion of the Council's Viability Assessment.

Tree Officer – Fareham Borough Council

7.12 No objection, subject to conditions regarding compliance with submitted Tree Reports.

Refuse and Recycling – Fareham Borough Council

7.13 No objection based on submitted tracking drawings. Comment on possible indemnity regarding use of unadopted road.

8.0 *Planning Considerations*

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

- a) Principle of development as enabling development;
- b) Impact on Heritage Assets
- c) Design and appearance;
- d) Impact on living conditions;
- e) Ecology and Biodiversity Net Gain;
- f) Impact on Habitat Sites;
- g) Highways and Parking;
- h) Other matters;
- i) The Planning Balance

a) Principle of Development

8.2 The development site is located within the designated countryside area, and is situated within the Lower Hamble Valley Area of Special Landscape Quality. The designated urban settlement boundary of Lower Swanwick is situated less than 50 metres away from to the site, on the western side of the railway line.

8.3 The residential development of the site would be contrary to Policies DS1, DS3 and HP1 of the adopted Fareham Local Plan 2037 as it does not accord with the overarching objectives of protecting the countryside. Furthermore, the proposal does not accord with the small-scale development in the countryside Policy HP2, where developments of up to 4 houses in the countryside can be permitted.

8.4 However, Policy HE6 (Heritage at Risk) of the Local Plan makes provision for appropriate development to depart from the principal policies governing the location of development where the harm of that development would be outweighed by the benefits of conservation of designated heritage assets. Policy HE6 accords with the objectives of Paragraph 208 of the NPPF which states:

'Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.'

8.5 Historic England has provided Good Practice Advice (GPA4) entitled Enabling Development and Heritage Assets (2020) which provides further advice to Local Planning Authorities, developers and other interested parties set against the background of the NPPF and related advice given in the Planning Practice Guidance (PPG). Essentially, in order to determine whether or not a development proposal is 'enabling development' relates to the conservation deficit (i.e. the amount by which the cost of repair (and conservation to optimum viable use if appropriate) of a heritage asset exceeds its market value on completion of repairs and conservation, allowing for all appropriate development costs).

8.6 Harm caused by an enabling development to a heritage asset is likely to be permanent and irreversible, and therefore enabling development should be considered a last resort. A comprehensive scheme which demonstrates that the restoration can be fully funded, repaired and maintained for the future is required to demonstrate that the enabling development is sufficient to undertake the necessary works.

8.7 The GPA4 also sets out seven necessary steps in order to assess the justification for enabling development and to ensure accordance with Paragraph 208 of the NPPF. These consist of:

1. Condition Survey
2. Assessment of Alternative Options
3. Assessment of Cost of repairs

4. Assessment of the market value of the heritage asset in current and repaired condition
5. Detailed scheme design for the preferred option
6. Development appraisal of required financial contribution
7. Delivery plan for restoration works.

- 8.8 Further consideration of these points is set out in this Report. The two drying sheds (Drying Sheds 1 & 2) at the Bursledon Brickworks are of national importance due to the relationship and working understanding of the Brickworks site. It is the only remaining Victorian steam-driven brickworks left in the UK, built in the late 19th Century. Bursledon Brickworks buildings, including the derelict drying sheds are all Grade II* listed and are considered nationally important historic industrial buildings, comprising a Staffordshire brick-making kiln, brick processing sheds and other ancillary specialised enclosures and engine and machine houses.
- 8.9 The only surviving elements of the Drying Sheds are the unsupported brick walls, and substantial weather damage over the years requires significant repair and restoration works to the flooring and walls, before a new roof can be constructed over them to make sure they become weather tight and as such preserved for future generations. Planning and Listed Building permissions were granted in 2022 for the restoration works to the Drying Sheds, and for their conversion to flexible office accommodation to be let out to provide both a small fund to the museum directly and remaining funds used for the future repairs and maintenance of the rest of the building. That application provided a detailed conditions assessment of the condition of the drying sheds, and information regarding an assessment of alternative options which could be employed to secure the future of the buildings.
- 8.10 The Drying Sheds were added to the Historic England's Heritage at Risk Register in 2023 due to continuing degradation of the walls. As such, the need for works to restore them has become more urgent. The Brickworks Museum Trust has successfully obtained National Lottery Heritage Funding to contribute towards the conversion of the sheds to employment generating units for future long-term maintenance of the Museum site, but this is subject to conditions that the main restoration works are undertaken, and the Trust was required to fund this themselves. The Museum Trust has sought for many years funding for the restoration of the Drying Sheds. However, none came to fruition and therefore the only means of achieving the goal of restoring the Drying Sheds would be through the release of part of the underutilised areas of the site for an appropriate enabling development which is required to secure the additional funding needed.

- 8.11 As required in the Historic England GPA4, which requires a comprehensive scheme is evidenced, the applicant Imperial Homes has entered into a Joint Contracts Tribunal (JCT) contract with the Bursledon Brickworks Museum Trust setting out the scale and scope of works to be undertaken to the Drying Sheds to ensure that all parties within the construction process are aware of their responsibilities. The contract also sets out the scale and nature of the proposed works and confirms the projected costing for undertaking the works and a timeframe for their implementation.
- 8.12 The proposed housing development would be situated on an area of the brickworks site furthest from the Listed structures, in an area of largely overgrown car parking that has not been used for car parking purposes to a significant degree for a number of years. The area is subsequently used as external storage by the Museum and has become predominantly overgrown with vegetation. The area has been deemed surplus to requirements by the Museum and as such, its sale for enabling development has been argued by the Applicant to be a better use of the site and would contribute towards the restoration of the Drying Sheds.
- 8.13 The Council has reviewed the contract and had a Viability Assessment undertaken to establish that the extent of the costs of undertaking the enabling development is no greater than necessary to make the conservation of the heritage asset viable, in accordance with the requirements of Policy HE6 and advice from Historic England. In accordance with the contract, the money paid for the site will be provided to the Museum Trust into an escrow account to ensure the monies are only used by the Trust for the restoration works. The works for the enabling development will be secured by a section 106 legal agreement pursuant to the Town and Country Planning Act 1990 to restrict occupancy of the houses in phases until the restoration works are completed.
- 8.14 The scale and extent of the works and the impact of the development on the Brickworks site have been carefully considered by Historic England and the Council's Conservation Planner, and both have raised no objection to the scheme. Officers have considered the advice of Historic England's GPA4 and consider that the benefits of securing the future conservation of nationally significant heritage assets outweighs the disbenefits of a modest housing development on part of the site in close proximity to the urban settlement area which would otherwise be in conflict with policies DS1, DS2 and HP1 of the Local Plan. The development is considered therefore to accord with Policy HE6 of the Fareham Local Plan 2037 and paragraph 208 of the NPPF.

b) Impact on Heritage Assets

- 8.15 As set out above, the application site is located to the eastern end of the Bursledon Brickworks Museum site, as far as possible from the Grade II* listed buildings that form the main brickworks site. At its closest the rear gardens of Plots 9 – 12 would be located over 185 metres away from the southern elevation of the brickworks building. There is also a significant number of trees and other vegetation between the designated heritage assets and the development site, which would effectively screen views of the houses from the brickworks itself.
- 8.16 The application has been supported by a detailed Heritage Statement where the impact of the proposed development on the significance of the Grade II* listed buildings is considered. The Statement considers that despite the location of the development within the historic grounds of the Brickworks site, the level of separation means the development would be visually disassociated from the brickworks. Further, the design of the proposals is characteristic of existing built form in close proximity to the listed buildings (on Riverview Terrace), the Statement concludes that any harm caused to the setting would be mitigated through careful design, choice and use of materials, scale, form, and massing.
- 8.17 Consideration of the impacts has been undertaken by both Historic England and the Council's Conservation Planner, having regard to the test within Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended), which seeks to ensure that, when considering whether to grant planning permission for development which affects a listed building or its setting, the Local Planning Authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The level of impact of the development on the listed buildings is also considered in the NPPF, in order to establish a level of harm, whether that be significant or substantial. Officers consider that, given the level of separation, the proposed development would result in no harm to the listed buildings themselves or their setting. The works would enable the restoration of the heritage assets for the preservation of their special architectural and historic interest for future generations.
- 8.18 Officers therefore consider that the development proposal would not impact on the nearby heritage assets or their setting and would therefore accord with Policy HE3 of the adopted Fareham Local Plan 2037.

c) Design and Appearance

- 8.19 Policy D1: High Quality Design and Place Making of the adopted Fareham Local Plan 2037 seeks to ensure that development proposals and spaces will

be of a high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality spaces.

- 8.20 The Policy continues to highlight ten key characteristics of high quality design, comprising context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Developments should appropriately respond to the positive elements of local character, ecology, history, culture and heritage.
- 8.21 The development proposal has been carefully laid out to ensure a simple form of development is created, that would reflect a more utilitarian approach that would have been employed in the creation of workers cottages which would be associated within close proximity to an industrial complex. The scheme is designed to reflect traditional Victorian workers cottages that would be expected to be seen in the vicinity of an industrial environment such as the Brickworks. A similar row of cottages exists to the west of the Brickworks, opposite their entrance on Coal Park Lane. The cottages at Riverview Terrace comprises a row of 11 cottages of a simple bricked appearance under a plain tiled roof, with single sliding sash windows and in some cases front porch details. The same design approach has been employed for the application.
- 8.22 The form and appearance of the proposed dwellings take these key characteristics with simple bricked elevations, under plain clay tiled roofs. Symmetrical facades and some variation to the roof forms are in keeping with the general architectural approach used elsewhere locally and as such, the overall design and appearance is sympathetic to the historic setting of the development within close proximity of the brickworks.
- 8.23 All the properties benefit from 11 metre private rear gardens, and the layby parking and angled parking along the access road is proposed to create a more informal parking arrangement. The spaces would be interspersed with ornamental trees planted along the access road, with each of the properties having 1.5m to 2m long front garden areas. The remainder of the site would maintain many of the existing boundary planting and trees, which would be further enhanced as part of the ecological enhancements for the site.
- 8.24 Therefore, it is considered by Officers that the design of the properties and the layout and appearance of the scheme is acceptable. The development accords with the principles of urban design and place making, in accordance with Policy D1 of the Fareham Local Plan 2037.

d) Impact on Living Conditions

- 8.25 Policy D2: Ensuring Good Environmental Conditions of the adopted Fareham Local Plan 2037 states that development must ensure good environmental conditions for all new and existing users of buildings and external spaces. The Policy continues to state that:

'Development proposals...will be permitted where they...do not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook and ventilation and providing adequate daylight, sunlight and privacy; and, do not individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupiers, adjoining land, or the wider environment...'

- 8.26 In respect of ensuring the development accords with the provisions of Policy D2, it is important to have regard to the advice in the Fareham Borough Design Guidance (excluding Welborne): Supplementary Planning Document, December 2015 (Design SPD).
- 8.27 The development proposal has been assessed against the guidance in the Design SPD, and it is considered that the development proposal complies with the advice in terms of levels of separation for privacy and overlooking, and garden lengths for provision of suitable external spaces and outlook. The only minor discrepancy relates to the outlook from Plot 7 towards the side flank wall of Plot 8. The Design SPD seeks a minimum separation of 12.5 metres between rear facing windows and a two storey blank flank wall. Due to the presence of a main sewer and its easement, a separation of only 12 metres can be achieved between plots 7 and 8. Given the lowered eaves of Plot 8, the width of its rear garden (6m) and the open character of the site, it is considered that this relationship is acceptable in this particular instance.
- 8.28 In respect of existing neighbours, due to the location of the site, between the railway line and M27 motorway, the closest residential neighbours are those located opposite the site entrance on the southern side of Swanwick Lane, and those to the west of the site between the railway line and Swanwick Lane. Due to the levels of separation, it is considered that the proposals would not result in an unacceptable adverse impact on the living conditions of these occupiers.
- 8.29 In respect of future occupiers of the site, the proximity of the railway line and the M27 motorway form an important material consideration likely to impact the living conditions of future residents. The layout of the site has been carefully considered to ensure that the private amenity spaces are orientated either side on or away from the M27 motorway, which would represent the

greatest noise impact. Railway noise is intermittent and would not occur during the quieter night-time period, with the exception of an occasional freight train.

- 8.30 The application has been supported by a detailed Noise Impact Assessment, which has been carefully considered by the Council's Environmental Health Officers. Outside private amenity areas will largely accord with the World Health Organisation recommended noise levels of being below 55 dB, although there might be some moments where the noise in rear gardens of Plots 9 – 12 might exceed this, but this would be intermittent and not to an unacceptable level. Appropriate acoustic fencing to the sides of these gardens would contribute towards reducing this impact.
- 8.31 In terms of internal noise levels, with appropriate acoustic design of the houses (windows and whole house mechanical means of ventilation/cooling), an acceptable level of noise reduction would be achievable to ensure no unacceptable adverse impact from noise pollution would be caused for future occupiers. The Environmental Health Officer concurs with these recommendations and conclusions, subject to a condition ensuring compliance with the submitted Noise Assessment.
- 8.32 Officers consider that the proposal complies with the advice within the Design SPD to and would not therefore result in an unacceptable adverse impact on the environmental conditions of existing or future occupiers. The proposal is therefore considered to accord with the provisions of Policy D2 of the adopted Fareham Local Plan 2037.
- 8.33 In addition, Policy D5 requires new dwellings to adhere to the minimum standards set out within the Nationally Described Space Standards. All the proposed dwellings accord with these standards and would therefore comply with the provisions of Policy D5 of the Fareham Local Plan 2037.

e) Ecology and Biodiversity Net Gain

- 8.34 Policies NE1 and NE2 of the Fareham Local Plan have regard to the protection of biodiversity and nature conservation, and require that all new residential developments achieve a 10% net gain in biodiversity. The application has been supported by a detailed Ecological Assessment having regard to protected species on the site and the provision of Biodiversity Net Gain (BNG).
- 8.35 Dormice were recorded on the site and subject to appropriate additional planting, suitable compensatory habitat around the development can be achieved on site to ensure no harm to these protected mammals takes place either before, during or after construction. Final details have yet to be agreed

with the Council's Ecologist, and the recommendation is subject to this matter being formally addressed before any decision can be issued.

- 8.36 With regard to BNG, DEFRA 4.0 Metric calculations have been submitted with the planning application which demonstrates that the scheme can achieve, in the communal areas around the site (outside the private garden areas) a biodiversity net gain of 13%. Again, like the dormouse issue, this matter needs further clarification before the Council's Ecologist can confirm the specific details are acceptable, and the recommendation is subject to this matter being formally addressed before any decision can be issued.
- 8.37 Therefore, subject to formal agreement with the Council's Ecologist, and subject to appropriate conditions to secure the protection of the dormice and provision of BNG, Officers considered that the development would accord with the provisions of Policy NE1 and NE2 of the adopted Fareham Local Plan 2037.

f) Impact on Habitat Sites

- 8.38 Policy NE1 of the Fareham Local Plan 2037 sets out the strategic approach to Nature Conservation and Biodiversity and confirms that development will be permitted where designated sites are protected and enhanced. Policy NE3 requires that development that result in a net increase in residential units will be permitted subject to compliance with the Solent Recreation Mitigation Strategy. Policy NE4 confirms the requirement to ensure the integrity of the designated sites is maintained having regard to the effect of nutrients.
- 8.39 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10% 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.
- 8.40 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).
- 8.41 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.

- 8.42 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.43 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result in increased recreational disturbance in combination with other development in The Solent area. The application has confirmed that appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) will be paid prior to the issuing of planning permission. The contribution will be secured by a section 111 agreement pursuant to the Local Government Act 1972 which will be completed by the applicant.
- 8.44 Additionally, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in an increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites, referred to as the 'Zone of Influence' (ZOI). The Council's Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive on 7th December 2021. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has confirmed that the appropriate financial contribution will be made prior to the issuing of planning permission and will be secured by the completion of a section 111 agreement pursuant to the Local Government Act 1972.
- 8.45 In respect of the impact of the development on water quality as a result of surface water and foul water drainage, 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.
- 8.46 A nitrogen budget has been calculated in accordance with Natural England's *Nutrient Neutrality Generic Methodology* (Feb 2022) (the 'NE' advice) and

updated calculator (April 2022) which confirms that the development will generate 11.47kg TN/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 mixture of open urban land and woodland. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to the NE 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.

- 8.47 The applicant has agreed to purchase 11.47kg TN/year of nitrate mitigation 'credits' from the scheme at Warnford Park, within the South Downs National Park, which will see the farmland taken out of intensive agricultural use and would be managed and maintained over the lifetime of the development. A contract to purchase the credits is in the process of being completed and will need to be provided before the issuing of planning permission. Through the operation of a legal agreement between the landowners at Warnford Park (Andrew Sellick), Fareham Borough Council and the South Downs National Park Authority in April 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.48 The purchase of the nitrate mitigation credits has the effect of ensuring a piece of land at Warnford Park is retained and managed in a way which ensures a reduction in nitrates entering that land of 11.47kg TN/year for the lifetime of the development for which planning permission is being sought. This will ensure that the scheme can demonstrate nitrate neutrality.
- 8.49 A condition will be imposed to ensure that details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110 litres per person per day to reflect the assumptions of the nitrate budget calculation.
- 8.50 The third aspect is impact on air quality, where the designated sites can be adversely affected through airborne pollution from development sites generated either during construction or operation / occupation. The Council's Air Quality Habitat Regulations Assessment for the adopted Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.
- 8.51 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effects on the integrity of the HS either alone or in combination with other plans or projects. The difference

between the credits and the output will result in a small annual net reduction of nitrogen entering The Solent. Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are awaited. The recommendation for the Committee is that the decision is not issued until such time that the comments from Natural England have been received and considered. Subject to receipt of those comments, Officers consider that the development accords with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the adopted Fareham Local Plan 2037.

g) Highways and Parking

- 8.52 The access arrangements from Swanwick Lane to the site remain unchanged from the existing situation, including the retention of the existing Brickworks gated entrance, although these gates would remain permanently opened. A new security gate would be erected at the northern end of the site. Access arrangements, including suitable tracking diagrams for various vehicles such as the Council's refuse vehicle, have been provided, demonstrating there is suitable space on site for these vehicles to enter, turn and exit in a forward gear.
- 8.53 The access and turning arrangements have been considered by the Highway Authority at Hampshire County Council and no objections have been raised, subject to appropriate conditions. The Council's Refuse and Recycling Manager has also raised no objection to the proposals, and bin collection can be accommodated outside each property.
- 8.54 In terms of car parking, for 2 and 3 bedroomed properties, two allocated car parking spaces are required to accord with the Council's adopted Residential Car Parking Standards. Each property will have two car parking spaces, one immediately adjacent to their property and another in close proximity (usually opposite on the other side of the access road). This ensures compliance with the car parking standards. Two visitors' car parking spaces would also be provided for the residents.
- 8.55 The application makes no reference to the provision of Electric Vehicle (EV) charging for the properties, and therefore this is subject to a condition. Given the car parking layout, there is space immediately adjacent to each property to provide EV charging facilities for each property. Each property would also benefit from secure cycle storage within each rear garden. These would be secured by condition.
- 8.56 The development is therefore considered by Officers to accord with Policy TIN2 of the Fareham Local Plan 2037.

h) Other Matters

- 8.57 **Affordable Housing** – The application is proposing to provide no affordable housing provision and evidence of the viability of the scheme has been provided by the applicant. That evidence has been independently assessed by the Council's Viability Consultants who concurs with the evidence submitted. Having regard to Policy HE6, the nature of enabling developments requires that the extent of any such development should be no greater than necessary to make the conservation of the heritage asset viable.
- 8.58 The Viability Consultant has confirmed that, given the funding level required for the implementation of the restoration works to the drying sheds, and the scale of the development being limited to no more development than is required for those enabling works, there is no capacity within the funding arrangements to provide any on-site or off-site affordable housing. The viability assessments have been considered by the Council's Housing Development Officer and no objections to the lack of affordable housing provision on this site has been raised.
- 8.59 **Foul and Surface Water Drainage** – The application has been supported by a detailed Surface Water Drainage Design and SuDs Management and Maintenance Plan, together with details of Ground Soakage levels. Those details have been carefully considered by the Lead Local Flood Authority at Hampshire County Council who have raised no objections to the proposed drainage strategy, subject to appropriate conditions.
- 8.60 **Area of Special Landscape Quality** – The site lies within the eastern edge of the Lower Hamble Valley Area of Special Landscape Quality (ASLQ) (Policy DS3). Policy DS3 highlights that any development would therefore need to ensure that the landscape features would be protected and enhanced. The majority of the vegetation around the perimeter of the site would be retained and enhanced, and whilst views of the development would be visible from the site entrance along Swanwick Lane, a comprehensive landscaping scheme would be subject to condition to ensure the landscape setting would be preserved. The location of the site, on the edge of the ASLQ would not result in the intrinsic landscape character, quality or any important features being irreversibly harmed or lost.

i) The Planning Balance

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

'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’.

8.62 The site is located outside the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies DS1, DS3, HP1 and HP2 of the adopted Fareham Local Plan 2037.

8.63 Officers have carefully considered the proposal against the provisions of Policy HE6 (Heritage at Risk) which states:

‘Where a proposed development would conflict with other policies in the Plan, but would secure the conservation of a heritage asset, the Council will consider whether the benefits of conservation would outweigh any harm caused from departing from other policies’.

8.64 Officers have also considered the information provided by Historic England in their consultation response and the supporting advice from Historic England in their Good Practice Advice entitled Enabling Development and Heritage Assets (2020). It is considered, given the inclusion of the drying sheds within the Heritage at Risk Register, and the detailed consideration on the viability of the proposed development by the Council’s independent consultants, the development would accord with the requirements of Policy HE6

8.65 It is necessary to balance the objectives of the relevant adopted policies of the Local Plan which seek to restrict development in the countryside alongside the conservation benefits of the proposal.

8.66 Whilst there is a clear conflict with development plan Policy HP1 as this would be development in the countryside, the development is considered to fully accord with the requirements of Policy HE6. The conservation benefits of supporting the scheme which would fund the restoration of Grade II* listed structures on the Heritage at Risk Register is a material consideration to which significant weight should be afforded.

8.67 Having carefully considered all material planning matters, Officers recommend that the benefits of aiding the restoration of the drying sheds in accordance with Policy HE6 and NPPF paragraph 208, would outweigh the harm caused by development in the countryside, and that planning permission should be granted subject to the imposition of appropriate planning conditions and the prior completion of a planning obligation pursuant to section 106 of the Town and Country Planning Act 1990 (as amended) to secure the restoration funds.

9.0 Recommendation

9.1 Subject to:

- a) Consideration of comments from the Council's Ecologist regarding updated details for on-site Biodiversity Net Gain and protected species;
- b) Receipt of payment of appropriate contributions towards the Solent Recreation Mitigation Partnership Strategy and the Council's New Forest interim mitigation solution;
- c) Consideration of any comments from Natural England in response to consultation on the Council's Appropriate Assessment;
- d) Any conditions, additional conditions or modification to the proposed conditions, any of the Consultees may recommend; and
- e) Evidence being provided of a completed contract between the developer and the mitigation provider at Warnford Park demonstrating that the necessary nitrate credits have been secured;

And

Subject to the prior completion of legal undertakings pursuant to section 106 of the Town and Country Planning Act 1990 (as amended), on terms to the satisfaction of the Solicitor to the Council, relating to:

- Phased restriction of the occupation of the new residential development until the restoration of the Drying Sheds has been carried out.

9.2 **GRANT PLANNING PERMISSION**, subject to the following Conditions:

1. The development hereby permitted shall be implemented within three years from the date of this decision.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Site Location Plan (Drawing: 01)
 - b) Block Plan (Drawing: 02A)
 - c) Proposed Site Plan (Overall) (Drawing: 03A)
 - d) Proposed Site Plan (Part 1) (Drawing: 04A)
 - e) Proposed Site Plan (Part 2) (Drawing: 05A)
 - f) Proposed Floor Plans (Plots 1,2,3&4) (Drawing: 06)
 - g) Proposed Plans and Elevations (Plots 1,2,3&4) (Drawing: 07)

- h) Proposed Floor Plans (Plots 5,6&7) (Drawing: 08)
- i) Proposed Plans and Elevations (Plots 5,6&7) (Drawing: 09)
- j) Proposed Floor Plan and Elevations (Plot 8) (Drawing: 10)
- k) Proposed Floor Plans (Plots 9,10,11&12) (Drawing: 11)
- l) Proposed Plan and Elevations (Plots 9,10,11&12) (Drawing: 12)
- m) Proposed Site Sections (Drawing: 13)
- n) Proposed Typical Material Elevations (Drawing: 16)

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

3. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

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

REASON: To secure the satisfactory appearance of the development

5. 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.

6. None of the dwellings hereby permitted shall be first occupied until the bin and bicycle storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed, and to encourage cycling as an alternative mode of transport.

7. No development shall begin until a detailed surface water drainage scheme for the site, based on the principles within the submitted Drainage Strategy (prepared by Cowan Consultancy, dated October 2023), has been submitted to and approved in writing by the Local Planning. The submitted details should include:
 - i. A technical summary highlighting any changes to the design from that within the approved Drainage Strategy
 - ii. Detailed drainage plans to include type, layout and dimensions of drainage features including references to link to the drainage calculations
 - iii. Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change
 - iv. Evidence that urban creep has been included within the calculations
 - v. Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753
 - vi. Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages o storms exceeding design criteria.

The submitted details, once approved shall be implemented and completed before occupation and retained for the lifetime of the development.

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

8. Details for the long term management 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:
 - i. Maintenance schedules for each drainage feature type and ownership

ii. Details of protection measures.

The maintenance details, once approved, shall be retained for the lifetime of the development.

REASON: In order to ensure satisfactory maintenance of the surface water drainage system.

9. The development hereby approved shall proceed in accordance with the recommendations within the Noise Assessment (prepared by Hawkins Environmental, dated 10 March 2023). Once implemented, the noise attenuation measures shall be retained as such for the lifetime of the development.

REASON: To prevent avoidable disturbance to residents from noise.

10. 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.

11. 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 least one Electric Vehicle (EV) charging point shall be provided per dwelling with 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.

12. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

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

13. The landscaping scheme, submitted under Condition 12, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

14. No development shall commence until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

15. No development shall commence until the applicant has undertaken the following:

- An intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources should be carried out. The site investigation shall not take place until the requirements of the LPA have been fully established. This should be submitted to and approved in writing by the LPA.
- Where the site investigation and risk assessment reveals 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.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

16. Prior to the occupancy of any dwelling hereby permitted:
- Any 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.

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

17. Protected Species – to be agreed following final comments from the Council's Ecologist

18. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNPA and Andrew Sellick of Gawthorpe Estate dated 1 April 2021 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

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

19. The development shall be carried out in accordance with the details included within the approved Ecological Assessment, BNG Metric Assessment, Technical Assessment, Baseline Ground Conditions V1.5, Proposed Ground Conditions (with trees) V1.5, and Proposed Ground Conditions (with trees and off-site scrub) V1.5 (prepared by Peach Ecology) and the Biodiversity Net Gain measures shall be provided prior to the first occupation of the development hereby permitted. Thereafter the approved Biodiversity Net Gain measures shall be managed, maintained, monitored and funded in accordance with the approved details.

REASON: To secure at least 10% net gains for biodiversity.

20. 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

21. 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.

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

- a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) no burning on-site;
- f) the measures for cleaning Swanwick Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

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

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

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

Then

- 9.3 DELEGATE authority to the Head of Planning to make any necessary modifications, deletion or addition to the proposed conditions or heads of terms of the planning obligations pursuant to Section 106 of the Town and Country Planning Act 1990.

10.0 Notes for Information

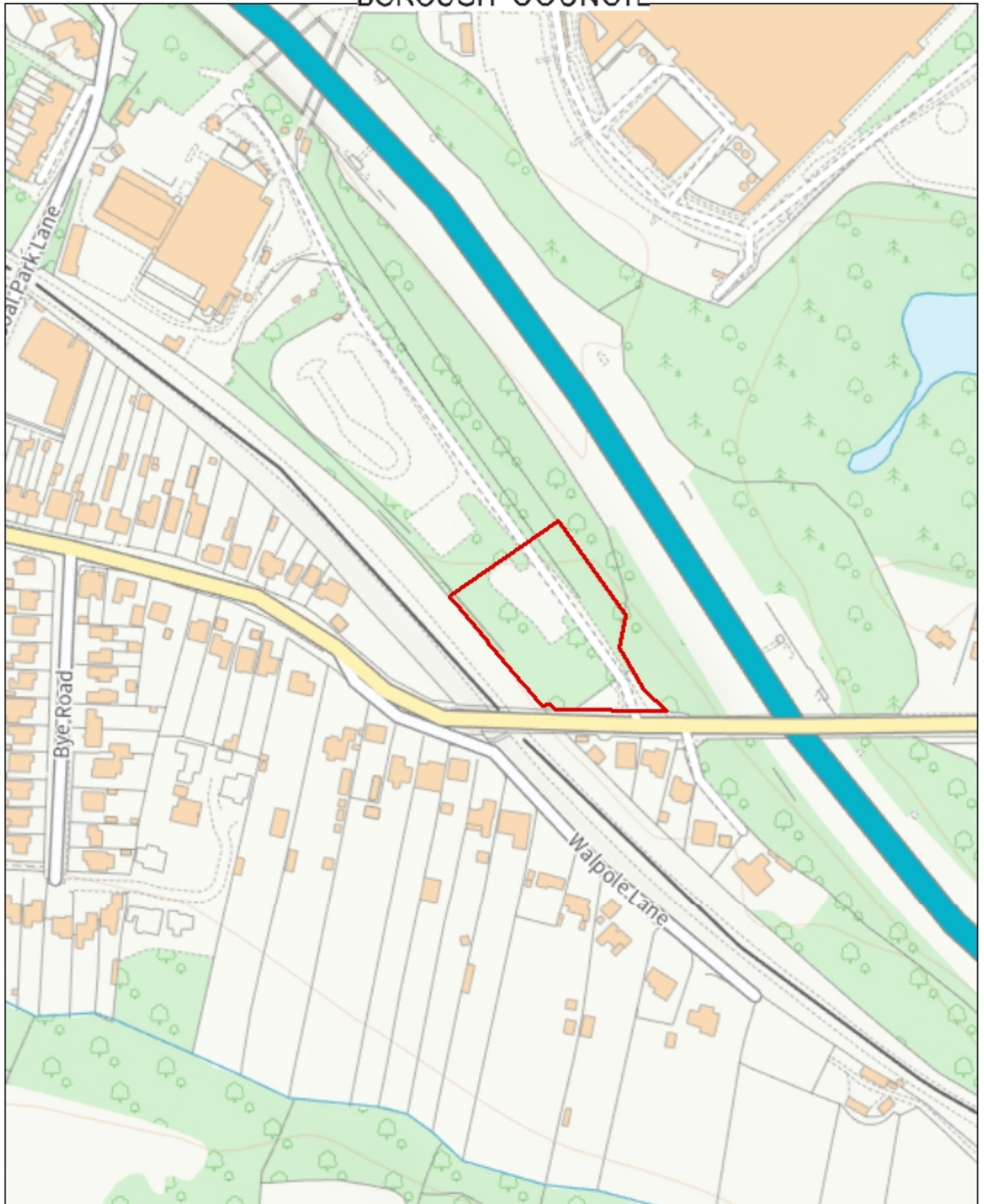
P/23/1141/FP

11.0 Background Papers

- 11.1 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 Bursledon Brickworks
Coal Park Lane, Swanwick

Scale 1:2,500



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