

## OFFICER REPORT FOR COMMITTEE

DATE: 14/02/2024

**P/23/1341/OA  
LAND WEST OF FAREHAM PARK ROAD**

**FAREHAM NORTH-WEST  
AGENT: WOOLF BOND LLP**

OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT ACCESS)  
FOR THE CONSTRUCTION OF SEVEN DWELLINGS WITH ACCESS FROM  
FAREHAM PARK ROAD

LAND WEST OF FAREHAM PARK ROAD, FAREHAM

### **Report By**

Hannah Goldsmith - direct dial 01329 824665

#### **1.0 Introduction**

- 1.1 This application is reported to the Planning Committee due to the number of third-party representations received.

#### **2.0 Site Description**

- 2.1 The application site comprises a parcel of land measuring approximately 0.3 hectares in sizes. The site is currently vacant however the lawful use of the site is a caravan storage facility.
- 2.2 The site is accessed via Hope Lodge Close which consists of seven detached dwellinghouses which were granted planning permission in 2018. Hope Lodge Close, which is an unadopted road, provides access to the adopted highway of Fareham Park Road. The access road crosses a public right of way (Bridleway 82) near the junction with Fareham Park Road.
- 2.3 The site is bound by mature trees and hedgerows. To the northwest of the site is an area of ancient woodland designated as a Site of Important for Nature Conservation (SINC) known as Iron Mill Coppice. To the north of the site are stable buildings along with a scaffolders yard. The M27 motorway is a short distance further north. Ground levels vary on site with ground levels sloping downwards from the eastern to western boundary.
- 2.4 The site where housing is proposed is located outside of the designated urban settlement boundaries. However, the edge of the urban area lies to the immediate south of the site meaning the proposed access via Hope Lodge Close is defined as being within the urban area. The site also lies within a designated Strategic Gap (The Meon Gap) and an Area of Special Landscape Quality as defined in the adopted Fareham Local Plan 2037.

### **3.0 Proposal**

- 3.1 Outline planning permission is sought for residential development of seven units along with parking, landscaping and access roads. All matters except for the means of access are reserved.
- 3.2 Access into the site would be provided through Hope Lodge Close (a private road which does not form part of the adopted highway). From Hope Lodge Close access is proposed through the end of the close adjacent to the dwelling known as 8 Hope Lodge Close.
- 3.3 The application is supported by a Landscape and Visual Evidence and Appraisal, Arboricultural Impact Assessment, Environmental Noise Impact Assessment Report and Ecological Impact Assessment.

### **4.0 Policies**

- 4.1 In addition to the National Planning Policy Framework (2023)(NPPF), the relevant policies within the Fareham Local Plan 2037 include:

DS1 – Development in the Countryside

DS2 – Development in Strategic Gaps

DS3 – Landscape

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)

NE6 – Trees, Woodland and Hedgerows

TIN2 – Highway Safety and Road Network

D1 – High Quality Design and Place Making

D2 – Ensuring Good Environmental Conditions

#### Other Documents

Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)

Design Guidance Supplementary Planning Document excluding Welborne (December 2015)

### **5.0 Relevant Planning History**

- 5.1 P/16/1178/FP - Residential development to provide 7 x 4 bed detached houses, garages, landscaping and new access including demolition of Hope Lodge. Approved May 2017.

- 5.2 P/16/1424/OA – Ten Dwellings (Use Class C3) and Associated Roads, Parking, Landscaping Areas and Pumping Station (Outline Application) Refused May 2017.
- 5.3 P/17/1385/FP – Residential Development to Provide 7x4 Bed Detached Houses, Garages, Landscaping and New Access Including Demolition of Hope Lodge (Alternative to Previous Permission Granted Under Reference P/16/1178/FP). Approved February 2018.
- 5.4 P/18/0363/OA - Residential Development of Up To 28 Units Including The Provision Of 8 Affordable Homes, Along With Parking, Landscaping And Access Road. Refused December 2022. Appeal Dismissed February 2022

## **6.0 Representations**

- 6.1 Seven letters of representation from six addresses have been received (including a letter from the Fareham Society), objecting to the proposals on the following grounds:

### Principle of the proposal

- Development would be a significant incursion into the countryside;
- Would make it difficult to resist further residential development in the vicinity;
- The site lies within a Strategic Gap and would significantly affect the integrity of the gap;
- The site has not been identified as a housing allocation area;
- No justifiable reason for development to impede on the Countryside;
- The site is not previously developed land;
- Proposal would be contradictory to previous planning refusals and appeals;

### Visual harm

- Development would harm the character and appearance of the countryside;
- Building of houses would be visually intrusive;

### Impact on ecology and protected species

- Proposal would result in a loss in habitat units;
- Would disrupt wildlife on the site and the adjoining SINC;
- Concerns regarding who will enforce whether ecological enhancements are implemented and retained;
- Concrete gully next to field runs directly into river Meon

### Neighbouring amenity

- Existing residential properties Hope Lodge Close cause a disturbance in terms of noise and light;

#### Highway Concerns

- Increased vehicle traffic crossing the bridleway causing risk for bridleway users;
- Increased traffic will be detrimental to residents of Hope Lodge Close in terms of safety, noise, visual and light disruption;
- There is insufficient and unsuitable access for construction vehicles to gain entry to the site;
- Access road does not provide sufficient clearance for two cars to pass;
- Insufficient onsite parking for visitors;
- Limited visibility at the junction between Hope Lodge Close and Fareham Park Road;

### **7.0 Consultee Responses**

#### EXTERNAL

#### **Archaeology (Hampshire County Council)**

7.1 No objection

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

7.2 No objection

#### **Countryside Services (Hampshire County Council)**

7.3 No objection

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

7.4 No objection. New scrub planting has now been shown on the site layout plan and included in the Biodiversity Net Gain Metric calculations. Justification has also been provided in relation to the size of the reptile receptor site.

#### INTERNAL

#### **Tree Officer**

7.5 No objection subject to condition

#### **Environmental Health**

7.6 No objection subject to glazing and noise prevention measures being secured.

#### **Environmental Health (Contaminated Land)**

- 7.7 No objection. This application could be approved subject to a condition requiring details of a site investigation to be submitted to the LPA prior to the commencement of development and where necessary, agreed scheme of remedial measures to be fully implemented prior to the commencement of each unit.

## **8.0 Planning Considerations**

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

- a) Planning History
- b) Implications of housing delivery in Fareham
- c) Residential development in the countryside;
- d) Residential development within the strategic gap;
- e) Landscape & Visual Impact
- f) Highways Matters
- g) Ecology and Trees
- h) Biodiversity Net Gain
- i) Impact on Protected Sites
- j) Other Matters
- k) Planning balance

### **a) Planning History**

- 8.2 There is an extensive planning history relating to this site. The current scheme has been reduced in scale to try and address previous reasons for refusal. Unlike previous proposals for larger housing schemes, the current proposal would be contained within an area of previously developed land.

- 8.3 It should be noted that local policy requirements following the adoption of the Fareham Local Plan (2037) last year and the Council's five year housing land supply position have changed since the above planning applications listed in the Planning History section of this report were considered. Previous planning decisions relating to the site will be addressed again later in this report.

### **b) Implications of housing delivery in Fareham**

- 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 11 of the NPPF clarifies what is meant by the presumption in favour of sustainable development for decision taking. It states:

8.6 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<sup>8</sup>, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; 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’.*

8.7 Footnote 7 to paragraph 11 reads as follows:

*‘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 187) 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 72); and areas at risk of flooding or coastal change’.*

8.8 Footnote 8 to paragraph 11 reads:

*‘This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years*

- 8.9 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.
- 8.10 Following revisions to the NPPF in December 2023, paragraph 76 of the NPPF states Local Planning Authorities which have an adopted plan which is less than five years old, and are able to identify a five year supply of specific, deliverable sites at the time that the examination of the plan is concluded, are now no longer required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes. Fareham Borough Council has an adopted plan which is less than five years old and as the adopted plan identified at least a five-year supply of specific and deliverable sites at the time that its examination was concluded, the above exemption is applicable.
- 8.11 However, notwithstanding the lifting of the requirement to demonstrate a five year housing land supply, having regard to footnote 8 above, development plan policies are considered out-of-date where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.
- 8.12 Whilst the Council can demonstrate a five-year housing land supply, the Housing Delivery Test results published on 19<sup>th</sup> December 2023 stated that the Council has achieved 42% of its housing target. The Council has written to the Department for Levelling Up, Housing and Communities (DLUHC) to say that it believes this figure is incorrect and should actually be 58%. Notwithstanding, regardless of which figure is correct, it means the delivery of housing in the last three years (2019 to 2022) was substantially below (less than 75%) the housing requirement. Footnote 8 to NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11 is engaged.
- 8.13 Taking NPPF paragraph 11(c), if the proposed development accords with the Council's local plan it should be approved.
- 8.14 If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d). Taking the first limb of paragraph 11(d), as this report sets out, in this case there are specific policies

in the NPPF which protect areas of assets of particular importance referred to within footnote 7, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

- 8.15 The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance'), will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at Limb 1.
- 8.16 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.

**c) Residential development in the countryside**

- 8.17 Policy HP1 of the Local Plan states residential development within the Urban Area boundary will be supported in principle and residential development outside of the Urban Area boundary will be permitted where one of the following applies:

*'a) It involves a conversion of an existing non-residential building where:*

- 1) the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding; and*
- 2) evidence has been provided to demonstrate that no other suitable alternative uses can be found, and conversion would lead to an enhancement to the building's immediate setting.*

*b) It is for a replacement dwelling which is of an appropriate character to the location.*

*c) It has been demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work.*

*d) It accords with Policies HP2, HP3, HP4, and HP6.'*



8.18 Officers confirm that none of the exceptions would apply.

8.19 However, as the application sites lies within an area which is outside of the defined urban settlement boundary, policy DS1 of the Local Plan which relates to Development in the Countryside is applicable.

8.20 Policy DS1 states:

*‘Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:*

*a) Is for development associated with an existing lawful dwelling, or*

*b) Is proposed on previously developed land and appropriate for the proposed use, or*

*c) Is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere; or*

*d) Is for a new or replacement building, conversion and/or extension within an existing educational facility (as identified on the Policies map) and would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site or,*

*e) Is for housing development either allocated or compliant with one of the following policies; HP1, HP2, HP4, HP6 or HP11, or*

*f) Is for employment development compliant with one of the following policies: E1 or E5, or*

*g) Is for a new small-scale employment development to convert or extend an existing building, or replace a redundant or derelict structure, or*

*h) Provides infrastructure that meets an overriding public need, or*

*i) Can demonstrate a requirement for a location outside of the urban area.*

*In addition, proposals will need to demonstrate that they;*

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

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

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

*m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality.'*

- 8.21 The proposed development does not relate to retail, community, leisure or tourism. Nor does it relate to a new or replacement building, conversion and/or extensions within an existing educational facility or employment site. While the proposed development does relate to housing, the proposed development does not comply with policies HP1, HP2, HP4, HP6 or HP11 which relate to small scale development in the countryside (development of no more than 4 units), exception sites, five-year housing supply and sites allocated for Gypsies, Travellers and Travelling Show People. Furthermore, the development does not provide infrastructure that meets an overriding need or demonstrate a requirement for a location outside of the urban area, meaning the proposed development does not benefit from support by virtue of parts (a), (c), (d), (e), (f), (g), (h) or (i) of the above policy.
- 8.22 However, consideration has been given to part (b) of the policy which states development will be supported where the development is proposed on previously development land and appropriate for the proposed use.
- 8.23 The definition of Previously Developed Land is set out within Annex 2: Glossary of the NPPF. Previously Developed Land is defined as;

*'Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape'.*

- 8.24 In this instance, the site forms part of a site last in use as a caravan storage park and which includes areas of hardstanding and several outbuildings. While the Council has previously taken the view the site does not constitute previously developed land as defined within the NPPF, in a recent appeal decision (reference: APP/A1720/W/21/3271214) dated February 2022 relating to application reference P/18/0363/OA, the Planning Inspectorate describes the site, as 'previously developed land currently in use as a caravan storage facility'. As members will be aware, previous appeal decisions are a material planning consideration.
- 8.25 While the site has been vacant following the demolition of 84 Fareham Park Road and the construction of Hope Lodge Close, areas of hardstanding on the site remain. Having regard to the previous use of the site and the above appeal decision, the Council are of the view the site constitutes previously developed land.
- 8.26 However, part (b) of policy DS1 also requires the land to be appropriate for the proposed use, which in this instance would be housing. The application site is adjacent to the Settlement Policy Boundary and an existing area of housing to the east, Hope Lodge Close. The proposed development would utilise an existing access from Fareham Park Road and existing spine road through Hope Lodge Close. Having regard to the accessible location of the site, proximity to an existing area of housing and the urban area, the land is considered, in principle, to be appropriate for the proposed use.
- 8.27 In summary, for the reasons given above, the development is considered to be on previously developed land and appropriate for the proposed use, in compliance with part (b) of policy DS1 of the Fareham Local Plan 2037.
- 8.28 Having regard to part two of the policy, while parts (l) and (m) are not relevant to this application, for the reasons set out in full later in this report, the proposal is considered to comply with parts (j) and (k) of the policy.

**d) Residential development within the strategic gap**

- 8.29 The proposals map of the Fareham Borough Local Plan shows that the site lies within a designated Strategic Gap.
- 8.30 Policy DS2 of the Local Plan states:

*'In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements, Strategic Gaps are identified as shown on the Policies map between the following areas:*

- 1) Fareham / Stubbington and the Western Wards (Meon Gap)
- 2) Fareham / Bridgemarky and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)

*Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters’.*

- 8.31 The Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020) which is part of the evidence base for the Fareham Local Plan 2037) states the Meon river creates a distinctive linear feature which provides a break between the housing market area of Southampton and Portsmouth. The Review recognises the pressure for development is moderate within the Meon Gap, however, there may be pressure for development along the settlement edges of West Fareham.
- 8.32 The Fareham Landscape Assessment 2017, which also forms part of the evidence base for the Fareham Local Plan, states any future development should avoid any significant encroachment into the area beyond the existing urban edges of Fareham, Titchfield Park and Titchfield, especially where this may erode the physical or perceived gap between settlements or intrude upon the unspoilt, rural character and high quality of the landscape settings of these urban areas and important heritage assets.
- 8.33 This application proposes a smaller scale of development compared to the previous proposal for 28 dwellings on the site which was dismissed on appeal in 2022. Following these amendments to reduce the scale of the development, this proposal is not considered to be a significant encroachment on the Strategic Gap. This is a modest development of seven houses, contained within an area of previously development land situated between the M27 and an area of housing of a similar scale, adjacent to the urban boundary. Officers are of the view the proposed development would not intrude upon the unspoilt, rural character of the landscape and would not significantly affect the integrity of the Meon Gap, in compliance with policy DS2 of the Fareham Local Plan.

**e) Landscape & Visual Impact**

- 8.34 The proposals map of the Fareham Local Plan shows that the site lies within an Area of Special Landscape Quality (ASLQ).
- 8.35 Policy D1 of the Fareham Local Plan 2037 requires development proposals and spaces to be of high-quality design based on the principles of urban design and sustainability. The policy goes on to state development proposals

will be permitted where proposals appropriately respond to the positive elements of local character.

8.36 Policy DS3 states;

*‘Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.*

*Development in the countryside shall recognise the intrinsic character and beauty of the countryside, playing particular regard to intrinsic landscape, character, quality and important features...’*

8.37 The Fareham Landscape Assessment 2017 (which is part of the evidence base for the Fareham Local Plan 2037) identifies that the site lies within the Upper Meon Valley character area which comprises the upper part of the Meon Valley and occupies a corridor contained between the urban edges of Fareham to the east, Titchfield Park to the west and Titchfield to the south. While the assessment recognises the area lacks the ‘wilder’ qualities of the lower Meon Valley floodplain, the overall effect is an essential rural (or semi) rural, pastoral landscapes.

8.38 The Technical Review of Areas of Special Landscape Quality and Strategic Gaps also forms part of the evidence base for the Fareham Local Plan 2037. The Technical Review recognises the Meon Valley ASLQ as having a high scenic quality and topographic and visual unity, particularly in the lower reaches where the valley is at its widest. While there are open views towards the southern end of the ASLQ, the review recognises, further upstream, the valley is more wooded and enclosed and views are restricted. The Review goes on to recognise while there are no detracting influences noted in the lower reaches of the ASLQ which has a high tranquillity rating, there are major road and rail corridors which pass through the upper section which affects the sense of seclusion.

8.39 The Fareham Landscape Assessment 2017 goes on to state the Meon Valley character area has some potential to accommodate limited small-scale development where it can be carefully integrated within well-treed, strongly enclosed plots of land in associated with existing development and is of a similar character and scale to similar built development within the locality.

8.40 The application site is strongly enclosed by mature woodland on its western boundary, mature hedgerows along the northern boundary and residential curtilage to the east. As a result of the sloping landform and well vegetated

boundaries, the impact of the site is relatively localised and not easily visible from medium and long-distance views. The application site is visible from the M27 to the north of the site. However, the development would be seen within the context of the existing houses in Hope Lodge Close and neighbouring farm and stable buildings and scaffolding yard.

- 8.41 A public footpath runs along the urban area to the south of the site. The planning officer walked this section of footpath as part of their site visit. Views towards the site were limited due to the linear woodland which runs along the north side of the footpath.
- 8.42 The application is supported by a Visual Impact Appraisal which concludes that whilst the proposed development would result in some minor adverse effects through the introduction of built form, the effects would be minimal due to the wooded nature of the site's immediate surroundings.
- 8.43 Having regard to its existing appearance, lawful use as a caravan storage park and close proximity to existing residential development, officers are of the opinion the land on which the application site lies, is considered not to be of a high scenic quality. This view is supported by the Planning Inspectorate in a recent planning appeal decision (APP/A1720/W/21/3271214) relating to the proposed development of 28 dwellings on the site and the neighbouring field. In the appeal decision, the Planning Inspector recognised that the former caravan storage site has a different scenic value to the neighbouring field. The Inspector recognised the undeveloped field to the west of the application site made an important contribution to the open and spacious character of the surrounding area while the current application site was described as having an 'unkempt' appearance.
- 8.44 The proposed indicative site layout 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 the development proposed without causing adverse harm to the landscape. Furthermore, the impact of the development in visual and landscape terms would be modest and the proposed development recognises the intrinsic character and beauty of the countryside, in compliance with policy DS3 of the Fareham Local Plan.

**f) Highways Matters**

- 8.45 *Policy TIN2 of the Fareham Local Plan states:*

*'Development will be permitted where:*

- a) *There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe; and*
- b) *The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of development on the network are mitigated through a sequential approach consisting of measures that would avoid/reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes'*

8.46 Access to the site would be to and from Fareham Park Road via an existing access through Hope Lodge Close. The Local Highways Authority have been consulted on the proposal and consider the existing access to be suitable to accommodate the additional traffic generated by the development and have raised no objection.

8.47 A public bridleway intersects Hope Lodge Close which forms part of the access to the proposed development. Hampshire County Council's countryside services have been consulted on the application and have raised no objection to the proposal.

#### **g) Ecology and Trees**

8.48 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network states that development will be permitted where:

*'a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*

*b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*

*c) Proposals do not prejudice the Ecological Network or result in its fragmentation.'*

8.49 The application is supported by an Ecological Impact Assessment (Ecosa, December 2023) which includes an assessment of the impact of the proposal on protected species. The report states habitats on the site are suitable to support a range of protected species including badger, breeding birds, common toad and European hedgehog. Surveys have confirmed the

presence of common reptile species on the site and the outbuilding on the site supports a common pipistrelle day roost.

- 8.50 The report identifies the Iron Mill Coppice SINC directly to the west of the site as having the greatest ecological value. Part of the Iron Mill Coppice includes an area of ancient woodland, however, the ancient woodland is located approximately 80m from the application site boundary.
- 8.51 A number of measures are proposed to protect the adjacent SINC and any protected species on the site. These measures include protective fencing while the site is cleared under the supervision of an ecologist. Any animals including reptiles will be removed to an established receptor site and bat and bird boxes will be incorporated into the design of the dwellings. In addition, a dense buffer of scrub will be established along the boundaries of the Iron Mill Coppice SINC to deter informal access by residents. All of these measures would be secured by condition and would need to be incorporated within the layout proposed at reserved matters stage. A further condition is recommended to secure details of the number and location of bird and bat boxes to be installed as part of the development.
- 8.52 In terms of trees, the application is supported by an Arboricultural Impact Appraisal and Method Statement and a Tree Protection Plan. The report states no trees will need to be removed or pruned to facilitate the development.
- 8.53 The submitted construction method statement provides a detailed description of how operations will be carried out to minimise any impact on the trees. Having regard to the Iron Mill Coppice to the southwest of the application site tree protection barriers are proposed along the western boundary and southwestern corner of the site.
- 8.54 The Council's tree officer has been consulted on the application and has raised no objection subject to a condition requiring the works to be carried out in accordance with the Arboricultural Method Statement and Tree Protection Plan.

#### **h) Biodiversity Net Gain**

- 8.55 In line with para 175 of the NPPF the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 of the Local Plan 2037 concerns biodiversity net gain (BNG) 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'*

- 8.56 BNG has been calculated for the proposed development by the applicant's ecologist using the biodiversity net gain metric. In accordance with the Natural England guidance, in order to demonstrate a 10% BNG the metric should show separate gains for both habitat units and linear hedgerows. The submitted BNG metric demonstrates the pre and post development value of the site. However, 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 should be secured by condition to confirm how 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.

**i) Protected Sites**

- 8.57 Policies NE3 and NE4 of the Fareham Local Plan confirm 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.
- 8.58 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.
- 8.59 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). 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.

- 8.60 When considering the proposed development Officers consider there to be two main likely significant effects on HS.

Water Quality (nitrates)

- 8.61 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is an 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 dwelling) will have a likely significant effect upon the HS.
- 8.62 A nitrogen budget has been calculated in accordance with Natural England's 'National Generic Nutrient Neutrality Methodology' (Feb 2022) ('the NE Advice') and revised calculator (20 April, 2022) which confirms that the development will generate 11.28 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.
- 8.63 Having regard to the previous use of the land, the existing use of the land for the purposes of the nitrogen budget is considered to be scrub land. 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 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.
- 8.64 The applicant has entered into a contract to purchase 11.28kg 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. 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.
- 8.65 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 11.28kg 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. Should planning permission be granted, a planning condition would be imposed requiring the applicant to provide evidence of notice of purchase of the

allocated credits to the Local Planning Authority prior to the commencement of development.

- 8.66 A further condition will be imposed to ensure the Building Regulations Optional Requirement of 110 litres of water per person per day is complied with, in order to accord with the nitrates loading calculation.

*Recreational Disturbance*

- 8.67 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 applicant has made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS).
- 8.68 In addition, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in a 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 Councils Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. 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 made the appropriate financial contribution.
- 8.69 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the Habitat Sites either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and the Council are currently awaiting their comments.

**j) Other Matters**

*Amenity Implications*

- 8.70 Matters of scale, appearance and layout are reserved for consideration at the future reserved matters application stage. It is at that stage that these details would be provided and consideration given as to whether the proposals comply with the 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 and residential properties. A

condition requiring details of noise mitigation measures to address the impact of the M27 is recommended.

**k) The planning balance**

- 8.71 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'*

- 8.72 As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.
- 8.73 The site is outside of the defined urban settlement boundary and the proposed development does not relate to any of the types of development set out in policy HP1 of the Local Plan. However, the proposal would be compliant with Policy DS1 of the Fareham Local Plan concerning development in the countryside.
- 8.74 In terms of any potential adverse impacts, it is not considered that the development would unacceptably harm the landscape character and appearance or function of the countryside. The proposed residential development would be sustainably located adjacent to the settlement policy boundary and an existing area of housing. Subject to appropriate mitigation, it is not considered that the proposal would have any adverse impact on ecology, trees or highway safety.
- 8.75 The proposal is considered to accord with the adopted local plan and Officers recommend that outline planning permission is granted.

**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;

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

1. Details of the appearance, scale, 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. i) Location Plan TWJ01-LOC-01 A
  - ii. ii) Environmental Noise Impact Assessment Report (June 2022)
  - iii. iii) Arboricultural Impact Appraisal and Method Statement (August 2023)
  - iv. iv) Tree Protection Plan Reference: 17339-3
  - v. v) Ecological Impact Assessment Rev 2 (December 2023)

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

5. No development hereby permitted shall commence until a desk top study of the former uses of the site and adjacent land and the potential for contamination, with information on the environmental setting including known geology and hydrogeology. This report should develop a conceptual model and identify potential contaminant – pathway - receptor

linkages.

Should the above study reveal a potential for contamination, 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 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.

6. None of the dwellings hereby permitted shall be occupied until the agreed scheme of remedial measures shall be fully implemented and on completion, 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 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 adequate mitigation against land contamination on human health.

7. No development shall commence until details of the external finished ground levels and internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site

and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

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

8. 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.

9. No development 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 in writing by the local planning authority. 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 and drainage of the development.

10. No development shall proceed beyond damp-proof course level until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

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.

11. The landscaping scheme submitted and approved under Condition 1 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.

12. No development shall commence until a scheme of acoustic mitigation to address the impacts of motorway noise from the nearby M27 has been submitted to and agreed in writing by the Local Planning Authority. The details submitted shall be based on the conclusions reached in the approved Environmental Noise Impact Assessment Report (ref: SA – 7181) and shall fully set out how the mitigation measures will avoid significant adverse environmental impacts on future residents. None of the dwellings hereby permitted shall be occupied until the approved mitigation measures have been implemented in full and those measures shall be retained at all times thereafter.

REASON: To protect the living conditions of future residents.

13. None of the dwellings hereby permitted shall be occupied until all windows have been installed with glazing and trickle vents in accordance with the Glazing and Ventilation Specification set out in paragraph 14.4 of the approved Environmental Noise Impact Assessment Report (reference: SA – 7181). These noise mitigation measures shall be subsequently retained at all times thereafter.

REASON: To protect the amenities of the residents.

14. No development shall commence until a Biodiversity Gain Plan setting out the measures that will provide net gains for biodiversity of at least 10% has first been submitted to and approved by the local planning authority in writing. The submitted plan shall:

- a) Quantify the post development biodiversity value of the site using the DEFRA biodiversity metric / the Small Sites Biodiversity Metric, unless the local planning authority first agrees in writing that another metric may be used, with an explanation of the condition scores set out in the DEFRA guidance. Plans of the site must be provided together with Excel spreadsheet copies of the completed relevant metrics to demonstrate how the metric conclusions were reached;



- b) Identify how a gain of at least 10% Biodiversity Net Gain can be achieved through a series of measures. The proposed habitat must be provided on-site in the first instance. If on-site provision cannot be achieved this must be evidenced before off-site measures are proposed. Off-site measures should be in reasonable proximity to the development;
- c) Demonstrate that the proposed habitat is on a 'like for like' basis and avoids the 'trading down' of habitat type i.e, replacing rare habitat with much more common habitat;
- d) Demonstrate that proposals have followed the 'mitigation hierarchy': avoiding habitat loss where possible; minimising the extent of negative impacts that can't be avoided; restoring degraded ecosystems where negative impacts can't be avoided or minimised; and as a last resort compensating for any residual negative impacts;
- e) Demonstrate that proposals maximise the connectivity of the proposed habitat with habitat in the wider area to avoid fragmented or isolated habitat;
- f) Confirm how the proposed measures to secure 10% Biodiversity Net Gain will be managed, maintained, monitored and funded for a minimum of 30-years.

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

15. 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.

16. None of the dwellings hereby permitted shall be occupied until details of water efficiency measures to be installed within that 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.

17. The development hereby approved shall be carried out in full accordance with the measures detailed in Section 5 'Assessment of Ecological Effects and Mitigation/Compensation Enhancement Measures' of the Ecological Impact Assessment prepared by ECOSA (December 2023). None of the dwellings hereby permitted shall be occupied until the approved ecological enhancements have been fully implemented. These enhancement measures shall be subsequently retained.

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

18. The development hereby permitted shall not commence until details of proposed bird and bat boxes (including number and location) have been submitted to and agreed in writing with the Local Planning Authority. None of the dwellings hereby permitted shall be occupied until the bird and bat boxes have been installed in accordance with the specifications and locations set out in the scheme and retained thereafter.

REASON: To ensure the protection of protected species.

19. No external lighting shall be installed until a wildlife-sensitive lighting scheme, to ensure that foraging and commuting bats and other nocturnal wildlife are not disturbed during the lifetime of the development, has been submitted to and approved in writing by the Local Planning Authority. All external lighting shall be installed in accordance with the specifications and locations set out in the scheme and maintained thereafter in accordance with the scheme. Under no circumstances shall any other external lighting be installed at any time unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To ensure the protection of protected species.

20. The development shall be undertaken in accordance with the recommendations contained within the submitted Arboricultural Impact Appraisal and Method Statement (Barrell Tree Consultancy, 22<sup>nd</sup> August

2023) and Tree Protection Plan reference 17339-3. The tree protection measures 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 protection of important trees and hedgerows.

21. None of the dwellings hereby permitted shall be 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.

22. 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 Hope Lodge Close and Fareham Park Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles;
- 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;
- j) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- l) Temporary lighting;
- m) Protection of pedestrian routes during construction;
- n) No burning on-site;
- o) Scheme of work detailing the extent and type of piling proposed;
- p) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;
- q) 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; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

23. 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.

Then:

**DELEGATE** authority to the Head of Planning to make any necessary modification, deletion or additions to the proposed conditions.

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

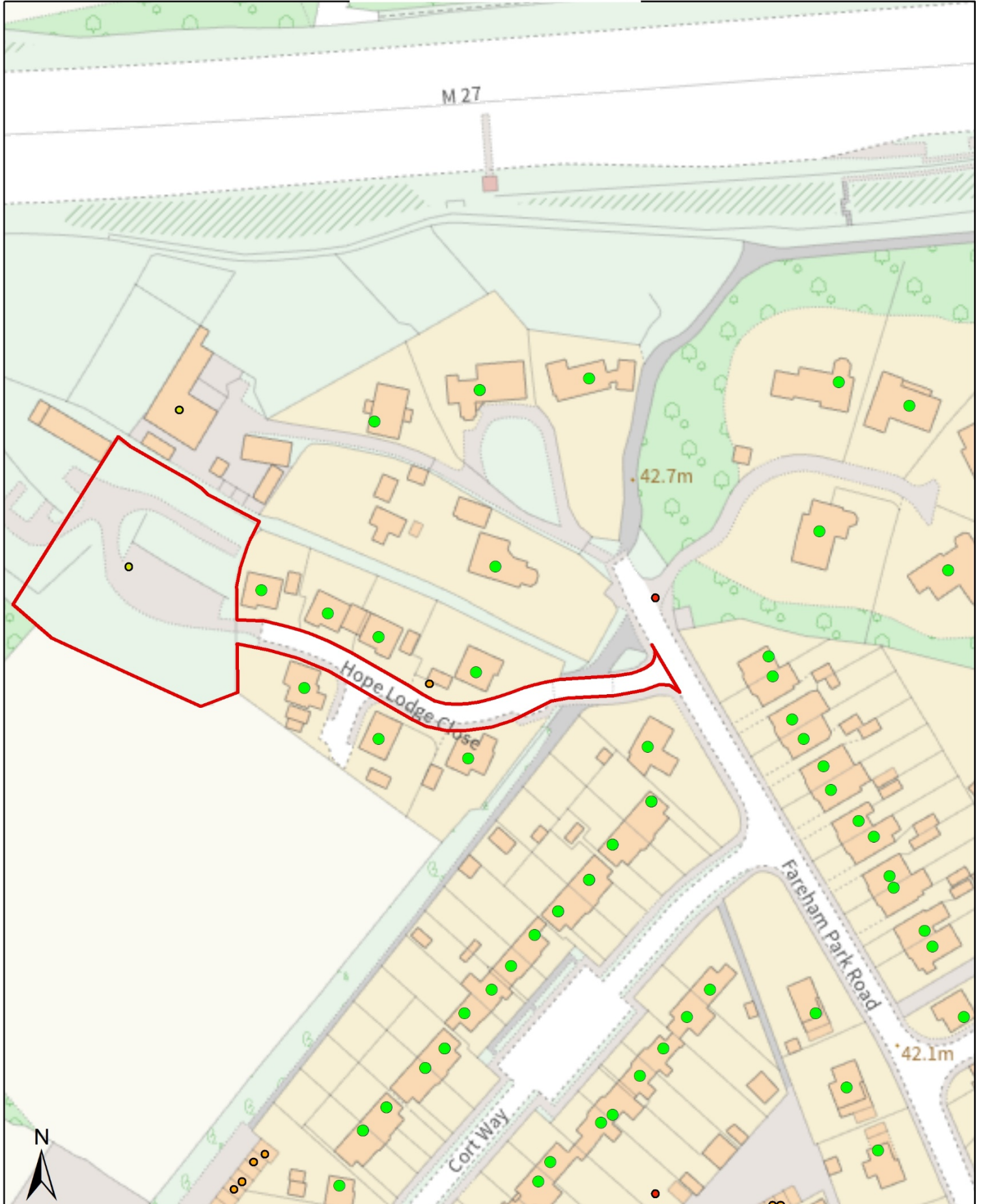
10.1 No vehicles (including builder's and contractor's), machinery, equipment, materials, spoil, skips, scaffolding, or anything else associated with the works, use, or occupation of the development, shall be left on or near to Fareham Bridleway 82 as to cause obstruction, hindrance, or a hazard to the legitimate users. The public retain the right to use the Public Right of Way at all times.

#### **11.1 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 West of Fareham Park Road

Scale 1:1,250

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