



FAREHAM BOROUGH LOCAL PLAN 2037

Hearing Statement

Written Statement relating to Matter 6

Housing Allocations (Site HA54)

Prepared on behalf of Persimmon Homes (South Coast)



February, 2022

1. INTRODUCTION

- 1.1 This Hearing Statement has been prepared on behalf of Persimmon Homes (South Coast) in response to the Revised Publication Fareham Local Plan. Our client previously made representations to the Publication Local Plan in December 2020 and also to the Revised Publication Local Plan in July 2021.
- 1.2 Persimmon Homes have land interests within Fareham Borough and in particular at the edge of Stubbington which includes (but is not limited to) the site south of Oakcroft Lane (Site HA54) which was recently granted planning permission on appeal.
- 1.3 This statement has been prepared in accordance with the prevailing planning policy and guidance, in particular the National Planning Policy Framework (NPPF), July 2021 and the Planning Practice Guidance (PPG). It expands on our client's previous representations and, in relation to **Site HA54** (Land east of Crofton Cemetery and west of Peak Lane) argues that the permission granted on appeal for 206 dwellings in January 2022 requires various amendments to the wording of the allocation policy in order to make this effective.
- 1.4 Paris Smith LLP, on behalf of Persimmon Homes (South Coast) wish to take a full and active part in the Hearing to be held on Tuesday 29th March 2022 in relation to Matter 6 (Housing Allocations – Site HA54 Land east of Crofton Cemetery and west of Peak Lane).

2. ALL ALLOCATIONS

Q6. Are the sites allocated for housing in Policies FTC3-9, HA1-HA56 and BL1 soundly based; are the site-specific requirements set out in the relevant policies justified and effective and is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Council's trajectory?

Site HA54 (Land east of Crofton Cemetery and west of Peak Lane)

- 2.1 Planning consent was granted on appeal for 206 dwellings in January 2022 (see **Appendix 1**).¹ This consent demonstrates that the principle of development has been established in relation to this site and that the development is likely to be viable and deliverable in the short term. Condition 1 attached to the planning permission requires commencement of development within 18 months of the date of the decision. It is therefore considered the allocation is viable and the development is deliverable.
- 2.2 Persimmon Homes have concerns in relation to a number of the site-specific requirements which, as drafted, are not justified or effective in all cases. We set out these concerns below and how these issues may be resolved to achieve a soundly-based site allocation policy.
- 2.3 Delivery of the scheme will be in line with our client's previous representations in July 2021 (CD009) which will see the entire scheme delivered within the 5-year period 2022/3 to 2026/7
- 2.4 In relation to the Revised Policies Map (CD002), we consider that this should be further revised to remove the distinction the map makes between "*HOUSING ALLOCATIONS (HA1, HA3-4, HA7, HA9-10, HA12-13, HA15, HA17, HA19, HA22-24, HA26-44)*" and "*NEW HOUSING ALLOCATIONS (HA46-56)*." Whilst this was perhaps of some assistance in the public consultation, there is no logical reason for this distinction to remain in the version of the Policies Map that will be adopted.

¹ Appeal Decision Notice for Land East of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham (Ref: APP/A1720/W/21/3275237)

3. HA54 LAND EAST OF CROFTON CEMETERY AND WEST OF PEAK LANE

Q39. Is the development of this site in a Strategic Gap justified? What are the implications in terms of visual amenity and the local character?

- 3.1 FBC has included site HA54 (Land east of Crofton Cemetery and West of Peak Lane) as a housing allocation site in the Revised Publication Local Plan, accepting the principle of residential development. The southern portion of this land, that which is proposed for development, is to be removed from the Strategic Gap designation. However, the parcel of land immediately north, between Oakcroft Lane and Peak Lane and south of the Stubbington Bypass will be retained as part of the Strategic Gap and will be used as an ecological mitigation area to support the Brent Geese and Solent Waders network. This has been secured through Planning Obligations as part of the recent planning permission.
- 3.2 The evidential basis for removing the site south of Oakcroft Lane can be found in the 'Technical Review of Areas of Special Landscape Quality and Strategic Gaps' (DS003). This identifies the potential to extend the settlement boundary to include the isolated field south of Oakcroft Lane and east of Crofton Cemetery (which constitutes the southern portion of the site proposed for allocation).²
- 3.3 Further justification for the site's allocation is the successful planning appeal for 206 dwellings³. This application was originally refused by Members (contrary to officer advice) on 18th February 2021⁴. However, permission was granted on appeal on 10th January 2022, subject to conditions. In paragraph 46 of the Appeal Decision Notice, the Inspector concluded that: "*the portion of the site proposed for development, which lies south of Oakcroft Lane, is well related to the existing settlement and the visual effects of the proposal would be localised. Furthermore, the use of the land to the north of Oakcroft Lane as an ecological enhancement area would contribute to ensuring that a physical and visual level of separation between Stubbington and Fareham would be maintained*". This assessment corresponds with the findings of the Technical Review of Areas of Special Landscape Quality and Strategic Gaps (DS003).
- 3.4 It should be noted that a similar conclusion to that expressed by the Inspector cited above was reached by a different Inspector in August 2019 in regard to an outline scheme for 16 houses on land at The Grange, Oakcroft Lane, Fareham,⁵ which lies directly to the south west of Site HA54.
- 3.5 Returning to the recent Appeal Decision Notice for Site HA54, the Inspector stated (in paragraph 21) that the impact of the proposed scheme on visual amenity and local character of the area was considered to be localised and limited to the immediate environs of the site. Overall, the Planning Inspector found no harm to the wider landscape character or to the integrity of the Strategic Gap.

Q40. On what basis has the indicative yield of 180 dwellings been determined?

- 3.7 Persimmon Homes (South Coast) believe that the method used by FBC to calculate an indicative yield of 180 dwellings is flawed and unjustified. As set out in their previous presentations (July 2021, CD009), this site's capacity has been determined using a constraints which is based on appropriate technical evidence and is informed by urban design work. This is the approach Persimmon Homes have used to prepare the planning application that has been successful on appeal. This planning permission has demonstrated that a yield of 206 dwellings on the southern portion of this site is appropriate and is consistent with a sustainable form of development. It is worth noting that, in paragraph 30 of the Decision Notice, the Inspector considered the proposed scheme design and she considered that is to: "*provide a*

² Paragraph 8 of Chapter 4 of the Technical Review of Areas of Special Landscape Quality and Strategic Gaps 2020

³ Appeal Ref: APP/A1720/W/21/3275237 (included as Appendix 1 to this statement)

⁴ P/20/0522/FT: Development of 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane, car parking, landscaping, substation, public open space and associated works.

⁵ Appeal ref APP/A1720/W/19/32222404.

well-considered layout, the character and form of which would not be at odds with the urban grain of the adjoining residential streets, and which over time would become comfortably assimilated into the existing urban fabric.”

- 3.9 Therefore, we consider that there is no sound reason or justification to limited the yield of Site HA51 to 180 dwellings and the following modifications to the policy wording are requested:

Indicative Yield:	180 dwellings <u>206 dwellings</u>
Planning Status as at 1st April 2021 <u>2022</u>:	Planning applications refused (P19/0301/FP, P/20/0522/FP) <u>Planning Appeal APP/A1720/W/21/3275237 ALLOWED</u> <u>10/01/2022</u>
Site-specific requirement a)	The quantity of housing proposed shall be broadly consistent with the indicative site capacity <u>Planning Appeal (APP/A1720/W/21/3275237)</u> ; and

Q41. What evidence is there to demonstrate the impact of the development on the local highway network either alone or in combination with other allocations (specifically HA55). If that impact is a negative one, would suitable mitigation measures address the issues?

- 3.10 The original planning application submitted by Persimmon Homes was supported by a full Transport Assessment (which is available on request).⁶ This concluded that the proposed development would not have a significant impact on the operation of the local highway network. It should be noted that following extensive engagement with Hampshire County Council Highways to address various points raised, no objections were received from the Highway Authority.
- 3.11 Access to the development is via a new junction onto Peak Lane, north of the existing junction with Oakcroft Lane. There is no direct access from the development onto Stubbington Bypass from.
- 3.12 In the Appeal Decision Notice, the Inspector states (in paragraph 51) *“I share the view of the Highways Authority who are satisfied that subject to works at some junctions in the vicinity of the site, the proposal would not have a significant impact on highway safety of the free flow of traffic on the wider highways network.”*
- 3.13 The Revised Transport Assessment which supported the original planning application included a proposed development of 1,027 dwellings to the south of Longfield Avenue as part of the sensitivity testing for the junction capacity analysis. As with Site HA55, this included vehicular access points to Longfield Avenue and Peak Lane. Whilst the previous preproposals at this site were not of exactly the same scale as the current proposed HA55 allocation, this is considered to be a good approximation for the likely traffic impact of that allocation site.
- 3.14 We note that FBC has just published an *Updated Strategic Transport SRTM Do Something Report* (FBC022). This has been published late in the ‘statement writing period’ and our client’s transport consultants have not yet had the opportunity to consider this fully. We are unable therefore to take this into account at this stage and we hope that a specific period of consultation on this important document will be provided during the Examination.

Q42. Should the site-specific requirements include cycle and walking connections from the site to local shops, the adjoining development (site ref HA55), and Fareham and Stubbington village?

- 3.15 The Appeal Decision Notice concludes that the existing roads around the site which connect to Stubbington village could reasonably be used for cycling. In addition to on-site pedestrian routes, which form part of the approved planning consent, the Inspector agreed that pedestrian

⁶ Prepared by Paul Basham Associates (April 2020).

linkages from the site to the existing footway network should be provided and secured via a planning condition (see Condition 29) prior to development proceeding above damp-proof course.

- 3.16 Persimmon Homes previous representations to the Revised Publication Local Plan (CD009) raised concerns about several of the other site-specific requirements of Policy HA54. We shall address these below.
- 3.17 **Criterion e)** states; “*The scale, form, massing and layout of development to be specifically designed to respond to nearby sensitive features such as neighbouring Solent Wader and Brent Goose sites shall be provided; and*”. This does not make sense and so is not effective. Clarification is sought about the intention of this criterion.
- 3.18 **Criterion f)** limits the development to 2 storeys. However, this is not justified or based on any robust evidence and our preference would be for this to be addressed through Policy D1 (Design). It should be noted that the recent Appeal Decision Notice commented on the intention to use 2.5 storey dwellings (in paragraph 24) and it was considered that this would cause no harm to the character of the scheme of the wider area. Therefore, we see no reason for the HA54 policy to continue to seek a limit of 2 storeys. If it is not acceptable to FBC to deal with this through Policy D1, we would propose that this criterion should be revised to: “*f) Building heights should be a maximum of 2 2.5 storeys; and*”
- 3.19 **Criterion k)** seeks a Construction Environmental Management Plan to avoid adverse impacts on the Solent designated sites of nature conservation. However, we consider that this would be a general requirement for many developments in the area and so should be added to one of the Natural Environment policies rather than repeating it in numerous site allocation policies.
- 3.20 **Criterion l)** requires certain infrastructure provision and contributions. The list includes reference to ‘health’. However, as the Appeal Decision Notice confirms in paragraphs 60 and 78, healthcare services was not raised as an area requiring mitigation and no contributions were requested for healthcare. Therefore, in the absence of evidence that the development will have a healthcare impact that requires mitigation, the criterion should be revised as follows: “*l) Infrastructure provision and contributions including but not limited to ~~health~~, education and transport shall be provided in line with Policy TIN4 and NE3.*”

APPENDIX 1: Appeal Decision Notice for Land East of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham



Appeal Decision

Inquiry (Virtual) Held on 19-21 and 26-28 October 2021

Site Visit made on 2 November 2021

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th January 2022

Appeal Ref: APP/A1720/W/21/3275237

Land East of Crofton Cemetery and West of Peak Lane, Stubbington, Fareham, PO14 2TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Persimmon Homes South Coast against Fareham Borough Council.
 - The application Ref P/20/0522/FP, dated 5 June 2020, was refused by notice dated 18 February 2021.
 - The development proposed is 206 dwellings, access road from Peak Lane maintaining Link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road) with car parking, landscaping, substation, public open space and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to Access Road), with Car Parking, Landscaping, Substation, Public Open Space and associated works at land east of Crofton Cemetery and west of Peak Lane, Stubbington, Fareham, PO14 2TF in accordance with the terms of the application, Ref P/20/0522/FP, dated 5 June 2020, and the plans submitted with it, subject to the conditions attached to this decision.

Preliminary Matters

2. The scheme originally comprised a 209 house scheme. This was altered to a 206 house scheme during the course of the application following discussions with the Local Planning Authority. The description of development has been amended accordingly.
3. The proposal was refused for 10 reasons. Reason vi) relates to the provision of affordable housing. Reason vii) relates to the potential impacts of recreation disturbance on the Solent Coastal Protection Areas and the Solent Wader and Brent Goose network. Reason viii) relates to the provision and management of open space. Reason ix) relates to the provision and implementation of a Travel Plan. Reason x) relates to the need for a financial contribution towards education provision. All these issues have subsequently been made the subject of a Unilateral Undertaking (UU) submitted with the appeal and the Council are no longer contesting these matters. I have taken this UU into account in determining the appeal.

4. Reason iv) of the reasons for refusal states:

"The quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area. Some of the house types also fail to meet with the Nationally Described Space Standards."

Revised plans have since been submitted which respond to the Council's concerns regarding room sizes in some of the dwellings. Furthermore, the Council have also clarified that the reference to a cramped layout relates primarily to a concern regarding the quality of the layout, rather than any specific concern in relation to living conditions.

5. Following refusal of the application Natural England raised concerns regarding the potential effect of development within the Borough on the New Forest Protected Sites. In response the appellant provided a UU aimed at providing funding for works to mitigate the potential effects of the development. Following the Inquiry sessions a formal response was sought from Natural England and this was provided in a letter dated 25 November 2021¹. I have taken this UU and the comments of Natural England into account in determining the appeal.
6. The parties concur² that the Council is currently unable to demonstrate a five year supply of housing land. The current figure is agreed to be between 3.17 and 3.57 years of supply. The parties also agree that significant weight is to be attached to the delivery of housing from the proposed development. As such I have not considered necessary to conclude on the precise extent of the shortfall.

Main Issues

7. Accordingly, the main issues for the appeal are:

- The effects of the proposal on the landscape character and appearance of the area;
- The effects of the proposal on biodiversity and protected species, in particular the integrity of the Protected Sites around the Solent and the New Forest Protected Sites.

Reasons

The Policy Background

8. The site lies outside the settlement boundary of Stubbington. The development plan for the area is made up of the Adopted Fareham Borough Core Strategy 2011 (CS) and Adopted Local Plan Part 2: Development Sites and Policies Plan (LP). Policy CS2 of the CS states that, in delivering housing, priority should be given to the reuse of previously developed land within the urban areas, while Policy CS6 states that development will be focussed in a series of identified development areas, including within existing settlements and at strategic allocations. Policy CS14 indicates that built development on land outside the defined settlements will be strictly controlled to protect the countryside from development which would adversely affect its landscape

¹ ID35

² 5YHLS Statement of Common Ground

character, appearance and function. Policy DSP6 of the LP states that there will be a presumption against new residential development outside the defined urban settlement boundaries.

9. The CS predates the Framework and so is not based on an up-to date Framework complaint assessment of housing needs. The housing requirement has not been reviewed within the last 5 years. Policy CS2 and CS6 cannot therefore be considered to be up to date. In addition, policies CS14 and DSP6 are derived from settlement boundaries which are based on an out of date housing requirement and this reduces the weight I can attribute to them.
10. Furthermore, there is no dispute that the Council cannot currently demonstrate a 5 year supply of housing land (5YHLS) and that as such, policy DSP40 of the LP is relevant to the determination of this appeal.
11. Policy DSP40 allows for additional residential development where a 5YHLS cannot be demonstrated subject to various criteria being met. By seeking to find additional housing sites, and by accepting that development can, in appropriate circumstances, take place outside settlement boundaries, it must follow that compliance with Policy DSP40 would outweigh conflict with policies CS2, CS6 and CS14 of the CS and DSP6 of the LP. I return below to DSP40 and the criteria within it.
12. Policy CS17 requires that all development achieves high quality design. Although the policy predates the Framework, the Framework is clear that good design is a key aspect of sustainable development and so the policy is consistent with its aims.

Nature of the Scheme

13. The application site comprises two arable fields located on the edge of Stubbington. The site is crossed by Oakcroft Lane which runs from east to west across the site. The northern section of the site, to the north of Oakcroft Lane, is a flat arable field. It is bounded by Peak Lane to the east and further open arable land to the north. Within this lies the Stubbington By-pass which is currently under construction. An ecological enhancement area created as mitigation for the Stubbington by-pass route lies to the west. This section of the site is proposed for use as ecological mitigation in the form of an enhancement space to support the wider Solent Waders and Brent Goose network.
14. The southern section is adjoined by residential development to the east and south, with protected trees, particularly to the south, forming a buffer between existing housing and the development site. The western boundary with Crofton Cemetery comprises a relatively low mature hedge. The northern boundary along Oakcroft Lane is lined by a mature row of poplar trees. The southern section of the site sits at a marginally higher level than Oakcroft Lane and is largely flat. The topography and surrounding planting mean that although the site is well related to the existing settlement, it is clearly visible as part of the open countryside.
15. The proposal is for 206 dwellings, to be constructed within the southern section of the site, comprising a mixture of two storey and two and half storey dwellings and a two storey unit of flats. The woodland to the south along Marks Tey Road would remain outside the development area. The layout would include public open space and a play area to the south of the site. Access

would be provided via a new junction to Peak Lane which would be located approximately 175 metres to the north of the existing access from Mays Lane/ Peak Lane. Part of Oakcroft Lane would be converted into a no through road, with access to the remainder of Oakcroft Lane being made via the proposed new access road.

The Effects of the Proposal on the Character and Appearance of the Area

16. The Council consider that the proposed development would have an adverse visual effect on the immediate countryside around the site and would fail to respond positively to its edge of settlement location. Policy DSP40 sets out that development outside the settlement boundary will only be acceptable where:
 - i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;
 - ii. The proposal is sustainably located adjacent to and well related to, the existing urban settlement boundaries;
 - iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside and, if relevant, the strategic gaps;
 - iv. It can be demonstrated that the proposal is deliverable in the short term; and
 - v. The proposal would not have any unacceptable environmental, amenity or traffic implications.
17. The Council are of the view that the development would fail to comply with criteria ii) and iii) of DSP40 but would not conflict with criteria i), iv) or v).
18. I am satisfied that the size of the scheme is proportionate to the deficit in supply. I also note that the deliverability statement submitted with the appeal shows that the scheme could be delivered in the short term.
19. In seeking to "minimise any adverse impact on the countryside" it is evident that the policy recognises that some adverse impact on the countryside will arise as a result of development in a countryside location.
20. Furthermore, the site is allocated for residential development of 180 houses in the emerging Fareham Local Plan. Although this has not yet been through the proper process of Examination, it is nonetheless indicative of the Council's acceptance that some form of development could be satisfactorily accommodated on the site. The Council's concerns therefore do not amount to a point of principle but instead focus on the detailed design of the scheme as proposed.
21. Both parties submitted landscape and visual impact assessments as part of their submissions and the methodologies for these were discussed at length at the Inquiry. I consider the Council's approach to be more rigorous, not least because it takes a cogent approach to defining the landscape character area and the landscape sensitivity of the site. Nevertheless, both assessments reach the conclusion that the impacts of the scheme are localised and limited to the immediate environs of the site. I am therefore satisfied that the proposal would not cause harm to wider landscape character.

22. It is clear that in the immediate views identified the extent of change would be substantial and would result in the loss of open views for adjoining residents and visitors to the cemetery. Users of Oakcroft Lane would also have the quality of the existing rural experience diminished by the introduction of built form where there currently is none. These changes would have an adverse impact on the character and appearance of the countryside in this location. However, to my mind, substantial localised changes would be expected from almost any form of residential development of the site.
23. In this regard the Council have identified a number of specific design issues in which it considers the proposal to be deficient and which reduce the quality of the scheme to a significant degree. The first, which is relevant to how the scheme would impact upon existing rural character, is the design approach taken at the edges of the site. As noted above, when seen from the north and north west the proposed built form would be clearly evident. The proposed layout includes a sweeping frontage to the north, set back from the boundary, which will be framed by the row of poplars, which will have been selectively thinned, along with the proposed boundary planting. In relation to how the development would address the cemetery, the north western and western frontage would be varied by some of the dwellings being set back and through the provision of gaps formed by the lower height garages.
24. Taking into account the distance of the dwellings from the boundary, the varied height of buildings and variations in building line and roofline, the development would not appear overly dense and views into the development would be available through gaps in the frontage. As such a reduction in the number of dwellings in this location to "feather the edge" would not be necessary to ensure a sympathetic relationship between the development and the cemetery and Oakcroft Lane. I take into account that the development would include some two and a half storey dwellings, however, these would be used selectively throughout the development and would not, to my mind result in an overly urban character to the scheme.
25. I have considered whether the proximity of residential development to the cemetery would have an unacceptably adverse impact on its existing rural character. I noted on site that the part of Old Crofton Cemetery which is nearest to the cemetery is relatively quiet, but that noise from passing traffic was nonetheless evident. It is bounded by a relatively low hedge so there is an open aspect to the east when walking along the site boundary. The introduction of housing in the adjoining field would remove this, however, the position of the proposed dwellings, behind a landscaped area and the proposed access road indicates that overlooking into the cemetery would be limited.
26. Furthermore, in terms of the impact of noise, it is likely that some awareness of cars using the access road, children playing or other domestic activity would occasionally be evident to visitors of the cemetery. I note that the access around the scheme has been designed to discourage its use as a circulatory route and so I see no reason why it would be used by a large number of vehicles. I also have no reason to consider that the number of residents or vehicles the development would introduce along the site boundary would lead to significant intrusion, or diminish the use of the cemetery as a place of quiet contemplation.

27. Views of the development from the south would be limited by the retention of the existing woodland. When within the woodland users of the public footpath that runs through it would perceive the new dwellings behind a substantial band of open space and in some views users would also see the urban form of existing dwellings along Marks Tey Road and Summerleigh Walk. Therefore, whilst the introduction of housing to the adjoining field would, in some parts impinge upon the rural character of the woods, this impact would be relatively limited.
28. During the Inquiry much was made of the quality of the landscaping around the edges of the development and whether it would become sufficiently established to soften the edge of the development. The landscaping is intended to frame the development, not to screen it, and I am satisfied that this is an appropriate approach in an edge of settlement location. Having regard to the position and crown spread of existing trees, I am also content that the scheme as proposed would have a realistic possibility of becoming established and that subject to appropriate conditions would be adequately maintained.
29. I have considered whether the scheme would be well related to the existing settlement. It lies immediately adjacent to the settlement boundary and is within reasonable walking distance of the services and facilities available within Stubbington village. I noted on site that a level footpath provided a safe walking route from the northern end of the site to the village which had a good range of shops and facilities with bus routes to other local centres. The roads around the site could also reasonably be used for cycling and where use of the private car was necessary, trip lengths would not be long, with opportunities for linked trips. However the scheme as presented provides limited linkages into and out of the site on foot. This was discussed at the Inquiry and I note the appellant and Council's acceptance that this matter could be addressed through the use of conditions.
30. In relation to the provision of green infrastructure the scheme has been designed to provide a buffer of open space around the site, with two further areas of open space located within the residential layout. The space which encircles the development would provide an informal walking route around the site. Tree lined streets connect the open spaces within the development with the open space around the scheme. This network of open areas and wider streets would provide a clear structure and hierarchy of connected spaces within the site. I accept the Council's point, that more open space would provide a more open and spacious character for the development with greater interconnectivity. However, I also do not consider the scheme as proposed to be deficient in open space, or represent poor or inappropriate design for its context. Instead it would provide a well-considered layout, the character and form of which would not be at odds with the urban grain of the adjoining residential streets, and which over time would become comfortably assimilated into the existing urban fabric.
31. Taken together, I am of the view that the scheme would be well related to the existing settlement, and that it has been sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside which lies within the strategic gap. As such, and having regard to my conclusions on amenity, environmental and traffic implications below I find no conflict with DSP40 of the LP, or with CS17 of the CS and the Framework which seeks to achieve high quality design.

Effect of the proposal on Biodiversity and Protected Species

32. The site lies within a short distance of a number of designated and non-designated nature conservation sites including the Solent and Southampton Water and the Portsmouth Harbour Ramsar sites, the Solent and Southampton Water, Portsmouth Harbour Dorset Coast and Chichester and Langstone Harbours Special Protection Areas (SPA), and the Solent Maritime Special Area for Conservation. Together these designations are known as the Protected Sites around The Solent. In addition, the site itself is identified as a Solent Wader and Brent Goose Strategy site which is used by overwintering birds that functionally support the Solent's SPAs. Policy DSP15 of the LP seeks to protect these sites. It also lies within the Zone of Influence of the New Forest Special Area of Conservation (SAC), New Forest SPA and New Forest Ramsar site.
33. Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) I am required as competent authority to undertake an Appropriate Assessment of the proposal on the basis of its likely significant effects on European Sites. In relation to the Protected Sites Around the Solent these have been identified as:
- Loss of functional land (alone and in-combination);
 - Pollution to groundwater;
 - Nutrient outputs during occupation (alone and in-combination);
 - Recreational disturbance during occupation (alone and in-combination).

In relation to the likely effects on the New Forest Sites the likely significant effects have been identified as recreational disturbance during occupation (in combination).

34. I have reviewed the Shadow Habitat Regulation Assessment (SHRA) and in relation to the effects of nutrient outputs the proposed development will remove the land from agricultural use, and so, based on the Nitrogen Neutrality Calculation within the SHRA I am content that the proposal would not lead to an overall increase in nitrates as a result of the development.
35. A number of mitigation measures are proposed to address these effects which, having regard to the advice of Natural England, I am satisfied would adequately mitigate the effects of the development to ensure there would be no adverse effect on the integrity of any European sites. The mitigation would be achieved through planning obligations submitted with the appeal and through planning conditions. These would comprise:
- A contribution towards the Solent Recreation Mitigation Partnership Strategy (SRMP);
 - A Habitats Mitigation Contribution to mitigate the impact which the Development would otherwise have on the European Nature Conservation Sites within the administrative area of the New Forest National Park Authority;
 - Provision of ecological mitigation land to the north of Oakcroft Lane for use a biodiversity enhancement space to support the Solent Waders and Brent Goose network. The land is to be transferred to the Borough Council along

- with a financial sum towards maintenance. These matters are to be secured by planning obligations.
- A Construction Environmental Management Plan and a SUDs maintenance plan, to be secured via planning condition;
 - A planning condition to cap water consumption to a maximum of 110 litres per person per day;
36. The ecological mitigation land is proposed to be planted as a wildflower meadow with works to enhance its function as a support area for waders and Brent Geese. The scheme would also have landscape planting around the proposed housing site, with the wooded area to the south left undisturbed. The proposal would result in a minimal loss of trees around the site before construction with a net increase in trees within the site following development. The scheme also includes a long term management plan to ensure trees on site are protected. Together these elements would provide an increase in biodiversity within the site.
37. Having regard to the Ecological Impact Assessment submitted with the application, I am satisfied that subject to the mitigation measures set out within it, which can be secured by condition, the proposal would not have a detrimental impact on local wildlife including protected species. I therefore find no conflict with Policies CS4 of the CS and DSP13, DSP14 and DSP15 of the LP which together seek to protect habitats important to the biodiversity of the Borough.

Other Matters

Designated Heritage Assets

38. Old Crofton Church, also known as The Church of St Edmund, is a grade II* listed building and it lies to the west of Old Crofton Cemetery, which adjoins the south-west boundary of the site. Old Crofton Manor is a grade II listed building which lies immediately to the west of Old Crofton Church.
39. The Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty on decision makers to have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest when considering whether to grant planning permission for development which affects the setting of a listed building. This duty is reflected in the Framework which subsequently goes on to categorise any harm to the significance of a heritage asset as either '*substantial harm to or total loss of significance of an asset*' or '*less than substantial harm to the significance of an asset*'.
40. Old Crofton Church is a C13th chapel with C14th, C15th, C18th and C19th additions. It has a cruciform plan form and is constructed in ashlar, rubble and brick, with steep tiled roofs. It sits within the Old Churchyard from which open views of the southern and eastern elevations are available and the incremental growth of the building is apparent. The steeply pitched roof, brick buttresses to the east and gothic windows in the south transept and eastern gable form notable features. The building also has various internal features of note. The significance of the asset lies in its status as a surviving example of a medieval church where large parts of the original C13th, C14th and C15th fabric remain, in the unusual plan form of the building, and in the contribution the building

makes to the character of the surrounding area, providing visual evidence of Crofton as a historically separate settlement to Stubbington.

41. Old Crofton Manor is a large two and a half storey red brick dwelling set in generous gardens adjacent to Old Crofton Church. The building and grounds have been altered over time but it retains some of its original external features, with the steeply pitched roof and tall chimneystacks forming notable features in the streetscene. The significance of the asset lies primarily in the age of parts of its fabric and in the contribution it makes to the character of the area, when viewed alongside the adjoining Old Crofton Church.
42. I have considered the extent to which the setting of these assets contributes to their significance. The immediate churchyard undoubtedly contributes to how the Church, and to a much lesser extent the Manor House, are viewed. The buildings would originally have been set in open countryside but this has been greatly reduced by the introduction of relatively recent residential development to the south and west. To the north and east the cemetery extension, and the wooded portion of the appeal site, screen the old churchyard and the Manor House and St Edmunds from views of the rural hinterland to the north. As a result the proposed development would not be likely to be visible from the heritage assets, nor would it be notable in shared views.
43. I am conscious that the proposal would lead to a loss of an open field in relatively close proximity to the assets. In coming to a view, I have had regard to the evidence put to me by Historic England³ as Statutory Consultee. Nevertheless, as I noted on site, the very close proximity of existing suburban development adjacent to the church and in the wider area has already significantly altered the original rural character of the asset's wider setting, to the extent that the development proposed would not, to my mind, materially alter how the asset is currently appreciated.
44. I am therefore satisfied that the development would not harm the significance of nearby heritage assets and find no conflict with the Framework, which seeks to sustain and enhance such assets.

The Strategic Gap

45. The site is located within the designated Fareham - Stubbington Strategic Gap, where Policy CS22 highlights that development should not significantly affect the integrity of the gap and the physical and visual separation of settlements. Policy DSP40 also seeks to minimise any adverse impact on the character of strategic gaps.
46. A number of residents have expressed concerns regarding the effects of the proposal upon the strategic gap, although this view is not shared by the Council. As outlined above the portion of the site proposed for development, which lies south of Oakcroft Lane, is well related to the existing settlement and the visual effects of the proposal would be localised. Furthermore, the use of the land to the north of Oakcroft Lane as an ecological enhancement area would contribute to ensuring that a physical and visual level of separation between Stubbington and Fareham would be maintained.

3. Comments from Historic England dated 17th July 2020

47. Some residents fear that the proposal will form a precedent for other development in the area, which they fear would erode the strategic gap. My findings on this case relate to the specific circumstances of this proposed development and I have dealt with it according to its individual merits. Any future developments would also be considered on the merits of the case at that time. I therefore have no reason to consider that a permission for this development would pre-determine a future application on another.
48. I am therefore satisfied that the use of the land south of Oakcroft Lane for housing would not lead to an unacceptable erosion of the integrity of the wider gap, and so would not undermine its effectiveness and I find no conflict with policy CS22 of the CS or DSP40 of the LP in this regard.

Highways Issues

49. Access to the proposed housing would be provided via a new section of road linking directly to Peak Lane, north of the existing junction of Peak Lane and Oakcroft Road. Oakcroft Lane would then become a no-through road for occupiers of Three Ways Close, to the east of the site with access to Oakcroft Lane provided from the new section of road linking Peak Lane.
50. Having regard to the advice of the highways authority I am satisfied that the internal layout the scheme would be acceptable in highways terms and that sufficient parking would be provided. Subject to appropriate conditions the scheme would also be capable of providing appropriate measures for electric vehicle (EV) charging and cycle storage.
51. I note the concerns of residents with regard to rat-running and increased congestion. However, taking into account the revised modelling submitted with the scheme I share the view of the highways authority who are satisfied that subject to works to some junctions in the vicinity of the site, the proposal would not have a significant impact on highway safety or the free flow of traffic on the wider highways network. The works identified can be secured through a planning obligation.
52. I also note concerns that the scheme makes insufficient provision for cyclists. Within the site measures to secure cycle storage could be secured via condition. Furthermore, the appellant has committed to providing a substantial sum in the form of a Highways Contribution which is to be directed in part towards measures to secure sustainable modes (of transport) in Stubbington. The legal agreement accompanying the application also requires a travel plan aimed at setting out measures to reduce reliance on the private car. I am therefore satisfied that subject to such measures being implemented the proposal would make adequate provision for cyclists.
53. Finally, the matter of pedestrian links from the site was discussed at the Inquiry. I share the view of the Council that the scheme as proposed makes insufficient provision in this regard, with limited pedestrian routes into the site. However, I am advised that additional linkages could be provided within the scheme, and secured by condition and so this matter does not weigh against the proposal.

Effect on Residential Amenity

54. I note the concerns of some reasons with regard to the potential effects of the development on adjoining occupiers, in particular the potential for overlooking.

The proposed layout would ensure that an acceptable separation distance would be achieved between the proposed dwellings and those adjoining the site, and that this, along with the proposed boundary planting, would ensure an acceptable standard of accommodation is maintained for existing residents. Furthermore, subject to the implementation of the submitted revised plans the proposed dwellings would provide an acceptable standard of internal accommodation.

55. I therefore conclude that the proposal would provide an acceptable residential environment for existing and future occupiers and find no conflict with policies CS17 of the CS or DSP3 of the LP which seek to ensure acceptable living conditions of all occupiers, or with the Framework, which has similar aims.

Affordable Housing

56. The proposal would provide 82 affordable housing units of mixed size and type, 50 of which would be for affordable rent. The Council accept that the amount and mix of affordable housing is appropriate for the site and that this reflects local needs. I am satisfied that along with the affordable housing contribution, the proposal would make acceptable provision for affordable housing and complies with the Local Plan Policy CS18, which seeks to provide 40% affordable housing on sites of 15 dwellings or more, of a mix of types, sizes and tenures reflecting identified housing needs.

Loss of Agricultural Land

57. The development would lead to a loss of agricultural land which is a concern for some residents. Policy CS16 of the CS directs that new development should safeguard the use of natural resources by preventing the loss of best and most versatile agricultural land (BMV). This predates the Framework. The Framework directs that where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality, but this relates to plan making, not to decision making. Although the appellant has not carried out a comparative assessment in this regard to indicate that no lower grade land is suitable and available, the Framework does not require such a sequential test for planning applications and so it is not reasonable to require it. Neither does the Framework define what "significant" development might comprise.
58. The site is 19.4 hectares in area with around 15.9 hectares indicated to be within arable use. I am advised that the land is made up of both Grade 3b and Grade 2 agricultural land. Grade 2 is considered the best and most versatile and this is located in the area proposed to remain undeveloped and used for ecological mitigation. The remainder of the site proposed for housing falls within Grade 3b. Having regard to the amount of BMV that would be lost from production and the threshold for consultation⁴, I am satisfied that although the proposal would lead to a loss of land from agricultural production, this would not be significant and would not conflict with the Framework.
59. Although there would be some conflict with CS16, I take into account that the northern portion of the site would be undeveloped and that the supporting text to the policy sets out that as well as being essential for agriculture, such land helps shape the character of the Borough's landscape, aids biodiversity habitats

⁴ Schedule II of the General Development Procedure Order

and stores carbon. As the northern portion of the site would not be developed these functions would remain unchanged. I therefore attribute only very limited weight to the conflict with CS16 in this case.

Local Services

60. A number of residents have expressed concerns in relation to the potential impact of the proposal on local services. I am satisfied that the provisions of the planning obligation will mitigate the potential effects of the development in relation to school places. Some residents have referred to difficulties getting appointments at the local doctor's surgery and fear that the proposal will add to further demand. However, I have not been advised of any objection from the local commissioning group and no firm evidence that the development would lead to significant harm in this regard. I also note concerns that the site may be required for cemetery expansion in the future. However, I have been provided with no substantive evidence to demonstrate that the land would either be required or available for this use. I therefore find no conflict with policy CS15 of the CS which seeks to ensure sufficient capacity is available of made available for infrastructure.

Flooding, Drainage, Water Supply Issues and Air Quality

61. The Flood Risk Assessment (FRA) submitted with the proposal shows that parts of the site lie within flood zones 2 and 3a, within the floodplain of a tributary of the River Meon. This section of the site is not proposed for development with the proposed dwellings lying within flood zone 1. The FRA includes a surface water drainage strategy which seeks to ensure that surface water run off rates from the development do not exceed current levels through use of an on-site attenuation tank and an attenuation basin to be located to the south of the site. I note the concerns of some residents regarding the safety of the attenuation basin. However, the submitted plans show these to be shallow sided and designed to be implemented within a residential environment. Furthermore, taking into account the advice of the Environment Agency, provided the scheme was carried out in accordance with the surface water drainage strategy, the development would not increase the risk of flooding off-site. Finally, having regard to the comments of Southern Water and Portsmouth Water, I am satisfied that the proposal is able to be adequately served by water and sewerage infrastructure.

62. Some residents have raised concerns relating to the effects of the development on air quality. The Council did not require an air quality assessment as part of the proposal and I have no evidence to suggest that one was necessary. Nevertheless, the Council identified the greatest air quality concerns to be likely to arise during construction and through the use of the private car. Subject to a construction management plan any impacts from dust would be minimised. Furthermore, the scheme could be adequately served by electric vehicle charging points to facilitate a reduction in vehicular emissions, and as outlined above, would be subject to a travel management plan and highways works aimed at improving sustainable transport in Stubbington. I am therefore satisfied that, subject to appropriate conditions, the proposal would have an acceptable impact on air quality.

63. Accordingly, I find no conflict with policy DSP2 of the LP which seeks to ensure development does not have an adverse environmental impact on the wider environment or on the management and protection of water resources, or with

policy CS15 of the CS which seeks to manage flood risk through the use of sustainable urban drainage systems.

Other Matters

64. The site is currently used for dog walking and other informal recreation. The existing public access to the woods at the southern end of the site would be unaltered by the development and although the informal route around the southern field appears to be used by some, it is not a public right of way and its loss cannot therefore weigh against the proposal. I have no substantive evidence to support the view that the proposal would lead to an increase in crime or anti-social behaviour. Whilst I note the comments of some residents regarding the payment by existing residents for landscape maintenance at Summerleigh Park, this matter does not impact upon the merits or otherwise of this scheme. These matters do not therefore weigh against the proposal.

The Planning Balance

65. Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
66. For the reasons outlined above I find no conflict with policies CS17 which seeks to ensure that new development is of high quality design and meets the requirements of future occupiers. I also find no conflict with CS15 as the site is sustainably located, able to be served by local infrastructure and would not increase flood risk. The development would provide an acceptable residential environment for existing and future occupiers and I find no conflict with policies DSP2 and DSP3 of the LP which together seek to protect the living conditions of all occupiers.
67. I find no conflict with policy CS18 which seeks to provide affordable housing to meet local needs or policy CS21 which relates to the provision of open space. Having regard to the submitted unilateral undertakings, as outlined below I find no conflict with policy CS20 which requires that development mitigates the impact of development on infrastructure.
68. I also find no conflict with policy CS4 of the CS and policies DSP13, DSP14 and DSP15 of the LP which all seek to protect habitats that are important to biodiversity, or with policy CS22 which aims to protect the integrity of the Strategic Gap, and the physical and visual separation of settlements.
69. The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.
70. The development would conflict with policies CS2, CS6 and CS14 of the CS and DSP6 of the LP due to its location outside a defined settlement. However, although it would lead to some localised harm to the character and appearance of the countryside, it would nonetheless comply with policy DSP40, which is to be applied in circumstances where the aforementioned policies have failed to deliver an adequate supply of housing in the district. Having regard to the

impetus in the Framework to significantly boost the supply of housing, and the aims of DSP40, I am satisfied that conflict with CS2, CS6, CS14 and DSP6 is outweighed by compliance with DSP40.

71. With regard to policy CS16, having regard to the amount of BMV agricultural land to be lost from production, and the proposed future use, I attribute only very limited weight to this harm.
72. The proposal would provide 206 homes, 40% of which would be affordable, this benefit alone carries significant weight in the planning balance. The proposal would also bring some economic benefits through construction and through the additional spend generated by new residents, who would also help to sustain local services. The other benefits put to me, in relation to environmental and highways improvements and the provision of open space are in fact measures required to mitigate the impacts of the scheme and I have not attributed them weight in the planning balance.
73. The harm that would arise due to the loss of agricultural land would not significantly and demonstrably outweigh the very substantial benefits the scheme would provide in relation to housing provision and the other identified benefits of the scheme.
74. The proposal would therefore amount to sustainable development when assessed against the Framework, taken as a whole. This is a material consideration which would outweigh the identified conflict with policies CS2, CS6, CS14, CS16 and DSP6. Planning permission should therefore be granted.

Planning Obligations

75. The application is accompanied by two Unilateral Undertakings made under Section 106 of the Town and Country Planning Act 1990 (as amended). The agreements make provision for a number of matters which I deal with below in turn.
76. The first legal agreement makes provision for a habitats mitigation payment to be made to enable works to be carried out to mitigate the effects of the development on the European Nature Conservation Sites within the administrative area of the New Forest National Park Authority.
77. The mitigation payment is necessary to mitigate the effects of the development and to make the development acceptable in planning terms. Having regard to the precautionary principle implicit in any consideration of the effects of development on nature conservation sites of this type, I am also satisfied that the payment is proportionate and so is fairly and reasonably related in scale and kind to the development.
78. The second legal agreement makes provision for financial contributions to be made in respect of highways, affordable housing, education, and open space. Having regard to the submissions at the Inquiry⁵ I am satisfied that the provisions of the second undertaking in respect of affordable housing, education, and open space are necessary to make the development acceptable in planning terms and are proportionate to the scale of the development.

⁵ ID18 ID19 and ID25

79. The second agreement also makes provision for a number of highways related contributions. These comprise £50,000 towards improvements at the Peak Lane/Rowan Way/Longfield Avenue roundabout, £10,500 towards bus infrastructure improvements and £5,000 towards implementing a Traffic Regulation Order at Bells Lane. These works are all necessary to mitigate impacts directly arising from the development and the sums identified are commensurate with the mitigation required. The agreement also makes provision for a travel plan to reduce the impact of car travel associated with the proposed development. I am therefore satisfied that these provisions are necessary to make the development acceptable in planning terms.
80. The agreement also identifies a Highways Contribution of £500,000 to be used towards provision of the Stubbington Bypass and supporting infrastructure works, including measures to minimise traffic and encourage sustainable modes within Stubbington village. The highways authority accept that the proposal would not have a significant impact on the flow of traffic on the by-pass. Furthermore, whilst I note that the traffic modelling submitted with the proposal is reliant on the by-pass to serve the development, I am advised that this is scheduled for completion by Spring 2022. I therefore do not accept that a contribution to the by-pass itself is necessary in planning terms.
81. Nevertheless, in order to ensure the longer term capacity of the by-pass, which would be reduced by the cumulative effects of additional traffic including that from this development, measures will be needed within the wider highways network around the site to support a modal shift. I am therefore satisfied that measures to support sustainable transport modes in Stubbington village are necessary to support the development. The agreement, which takes the form of a unilateral undertaking, does not apportion an exact amount within the Highways Contribution for these works. Nevertheless, the total sum would not be inconsistent to the nature of the works likely to be involved and that the contribution is necessary and proportionate to the scale of the development.
82. In summary the obligations outlined in the agreement are necessary to make the development acceptable in planning terms, are directly related to the development and are fairly and reasonably related in scale and kind to the development. The contributions would also comply with policy CS20 of the CS. However, as they simply fulfil policy expectations, they attract no positive weight in support of the scheme.

Conditions

83. The suggested Schedule of Conditions was discussed at the Inquiry. I have made some small amendments to ensure that they meet the requirements set out in the Framework paragraph 56, particularly in the interests of precision and enforceability. The conditions now set out in the Schedule annexed to this decision are necessary to make the development acceptable and meet the tests set out in the Framework.
84. Condition 1 requires that the develop will commence within eighteen months. This reflects the requirement in criteria iv) of Policy DSP40 which provides for situations where the Council is unable to demonstrate a 5 year housing land supply. The supporting text to the policy indicates that, where necessary, the Council will include a planning condition to limit the commencement time to ensure delivery in the short term.

85. Condition 2 is necessary to identify the approved plans. Condition 3 relates to the approved materials for the development and condition 4 relates to the approved boundary treatments and these are necessary to ensure a satisfactory appearance for the development. Condition 5 relates to the provision of bin and cycle storage and is necessary to ensure that the storage needs of occupiers are facilitated in the design of the scheme. Condition 18 requires confirmation of finished internal floor levels and this is necessary to ensure the development is carried out in accordance with the approved plans.
86. Conditions 6, 7, 8,9 and 10 relate to the implementation of highway design details and parking and are necessary in the interests of highway safety. Condition 11 requires the provision of electric vehicle charging points within the development. This is necessary to facilitate a change to low emission transport in the interests of air quality and carbon reduction.
87. Conditions 12, 13 and 27 which relate to measures outlined in the ecological impact assessment and the provision of lighting within the development are required to ensure the development does not harm wildlife or wildlife habitats on or off site. I have also included condition 31 which relates to the provision of a construction environment management plan, and this is necessary to prevent the pollution of groundwater, in the interests of protecting local wildlife. Condition 21 requires water efficiency measures within the new dwellings, which is necessary to reduce the impacts of water extraction within the catchment and to help mitigate the impacts of nutrient outputs on nearby protected habitats. Conditions 16 and 17 are necessary to protect trees on site and conditions 25 26 and 30 are necessary to ensure the proposed landscaping is implemented and maintained.
88. Condition 14 is required to ensure that the archaeological investigation takes place in accordance with the Written Scheme of Investigation. This is necessary to ensure the proper investigation and recording of the site, which is potentially of archaeological and historic interest.
89. Condition 22, which limits construction hours and condition 23, which requires that development takes place in accordance with a construction management plan and condition 24 which prohibits burning materials on site during construction are necessary to protect the living conditions of adjoining occupiers. Condition 20, relates to measures to protect occupiers from noise, and is necessary to provide acceptable living conditions for future occupiers.
90. Conditions 15 is necessary to ensure the site is served by adequate drainage. I have amended this condition to ensure that the long term maintenance of surface water drainage structures is effectively dealt with. Condition 28 is necessary to limit surface water run off from the site, to reduce flood risk.
91. Condition 19 requires that contamination investigation and remediation is required if any contamination is encountered during construction. This is necessary to protect human health and to protect groundwater.
92. Condition 29 requires that pedestrian links are provided from the development into the surrounding area. This is necessary to ensure the site is well connected to the existing urban fabric and to encourage sustainable transport.

Conclusion

93. I note the specific comments from the Right Honourable Caroline Dineage MP in relation to the impact on local services, the effects of the proposal on the strategic gap and potential impacts on highway safety and air quality, but for the reasons outlined above these do not alter my overall conclusions.

94. Accordingly, For the reasons given I conclude that the appeal is allowed.

Anne Jordan

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

Christopher Boyle QC

He called:

Jon Seymour of ACD Environmental

Keith Dillon of ID Partnerships

Sarah Beuden of Savills

Richard Chilcott of Ecosa (habitats session)

David Buczynskyj of Persimmon Homes South Coast (conditions session)

FOR THE LOCAL PLANNING AUTHORITY:

Robert Williams of Counsel

He called:

Phillip Russell Vick of Enplan on behalf of Fareham Borough Council

Steve Jupp on behalf of Fareham Brough Council

Peter Kneen Principal Planner Fareham Borough Council (habitats and conditions sessions)

INTERESTED PARTIES:

Cllr Pal Hayre (Stubbington Ward) on behalf of local residents

Mr B Marshall on behalf of the Fareham Society

Mr Nicholas John – Local Resident

DOCUMENTS

ID1	Appellant's opening statement
ID2	Council's opening statement
ID3	Letter to Natural England regarding New Forest SPA recreational disturbance
ID4	Downend Road appeal decision
ID5	Discussion points for the recreational disturbance round table session
ID6	Persimmon unilateral undertaking with plans 18.10.21
ID7	Landscape units diagram submitted by Mr Russell Vick
ID8	Measured distance A
ID9	Measured distance B
ID10	Measured distance C
ID11	Measured distance D
ID12	Buildings heights plan
ID13	Fareham appeal queries New Forest NPA comments
ID14	Tracked change copy of the NPPF
ID15	Comments from HCC Highways dated 4.9.2020
ID16	Comments from HCC Highways dated 26.11 2020
ID17	HCC transport contribution policy
ID18	Comments from HCC Childrens Services 15.9.2020
ID19	HCC developer contribution guidance document (education)
ID20	Environmental Health Comments 06.07.2020
ID21	Comments from Historic Environment – Archaeology 06.07.2020
ID22	Planning Statement from the Outline Application P.21.1211.OA
ID23	Response from Natural England to FBC (dated 26.10.2021)
ID24	Two additional suggested conditions
ID25	Additional comments from HCC (email from Glenn Parkinson dated 28.10.2021)
ID26	Letter from PINS to Natural England regarding HRA Appropriate Assessment (dated 28.10.2021)
ID27	Additional Comments from FBC regarding commuted Sum for Ecological Enhancement Area (dated 28.10.2021)
ID28	Persimmon Unilateral Undertaking
ID29	Notes of deputation from Councillor Pal Hayre
ID30	Additional comments from appellant on highways contribution (email from Sarah Beuden 28.10.2021)
ID31	Updates site visit itinerary
ID32	FBC closing statement
ID33	Appellant closing statement
ID34	Recreational disturbance round table – appellant comments
ID35	Formal response from Natural England (dated 25.11.2021)

Schedule of Conditions

1. The development hereby permitted shall commence within eighteen months from the date of this decision.
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Location Plan (Drawing: A-02-001-LP);
 - b) Site Layout (Drawing: A-02-015-SL Rev I);
 - c) Tenure Plan (Drawing: A-02-010-TP Rev K);
 - d) Building Heights (Drawing: A-02-012-BH Rev I);
 - e) Boundary Treatments (Drawing: A-02-013-BT Rev I);
 - f) North Oakcroft Lane Strategy (Drawing: PERSC22805 20);
 - g) Habitat Plan (Drawing: PERSC22805 15 Sheet 1);
 - h) Habitat Plan (Drawing: PERSC22805 15 Sheet 2);
 - i) Tree Protection Plan (Drawing: PRI21504-03A Sheet 1 of 2);
 - j) Tree Protection Plan (Drawing: PRI21504-03A Sheet 2 of 2);
 - k) Swept Path Analyses (1 of 2) (Drawing: SPA-001 Rev A);
 - l) Swept Path Analyses (2 of 2) (Drawing: SPA-002 Rev A);
 - m) Swept Path Analyses (3 of 4) (Drawing: SPA-003);
 - n) Swept Path Analyses (4 of 4) (Drawing: SPA-004);
 - o) Substation Plans and Elevations (Drawing: SUB-001);
 - p) Junction Visibility Splays (1 of 3) (Drawing: VS-001);
 - q) Junction Visibility Splays (2 of 3) (Drawing: VS-002);
 - r) Junction Visibility Splays (3 of 3) (Drawing: VC-003);
 - s) Carleton (Drawing: CAR-001);
 - t) Carleton – Type B (Drawing: CAR-002);
 - u) Carleton – Tile hanging (Drawing: CAR-003);
 - v) Charnwood Corner (Drawing: CHARN-C-001);
 - w) Charnwood Corner – Type B (Drawing: CHARN-C-002);
 - x) Charnwood Corner – WB (Drawing: CHARN-C-003);
 - y) Charnwood Corner – Flint (Drawing: CHARN-C-004);
 - z) Charnwood Corner – Bay (Drawing: CHARN-C-005);
 - aa) Charnwood Corner – Bay Type B (Drawing: CHARN-C-006);
 - bb) Dalby (Drawing: DALB-001);
 - cc) Dalby (Drawing: DALB-002);
 - dd) Single Garage (Drawing: Gar-001 Rev B);
 - ee) Twin Garage (Drawing: Gar-002 Rev B);
 - ff) Double Garage (Drawing: Gar-003 Rev B);
 - gg) Greenwood (Drawing: GWD-001);
 - hh) Greenwood Corner (Drawing: Gwd-C-001);
 - ii) Haldon (Drawing: HAL-001);
 - jj) Haldon HA (Drawing: Hal-001);
 - kk) Haldon HA MID (Drawing: HAL-HA);
 - ll) Haldon HA END (Drawing: HAL-HA-003);
 - mm) Haldon HA Type B (Drawing: HAL-HA-004);
 - nn) Haldon HA Type B (Drawing: HAL-HA-005);
 - oo) Haldon HA Type B (Drawing: HAL-HA-006);
 - pp) Hanbury (Drawing: Han-001 Rev E);
 - qq) Hanbury Type B (Drawing: Han-002 Rev E);
 - rr) Hanbury Tile Hanging (Drawing: Han-003 Rev D);
 - ss) Hanbury TH Mid (Drawing: Han-004 Rev D);

tt) Hanbury TH – HIP (Drawing: Han-005 Rev C);
uu) Hanbury – Barn Hip (Drawing: Han-006 Rev C);
vv) Hanbury Corner (Drawing: Han-C-HA-001 Rev E);
ww) Hanbury Corner – Type B (Drawing: Han-Cnr-002 Rev E);
xx) Hanbury Corner – TH (Drawing: Han-Cnr-003 Rev D);
yy) Hanbury Corner – Hip (Drawing: Han-Cnr-004 Rev C);
zz) Hanbury Corner (Drawing: Han-Cnr-005 Rev B);
aaa) Hanbury – HA (Drawing: HAN-HA-001 Rev B);
bbb) Hanbury – HA (Drawing: HAN-HA-002 Rev B);
ccc) Rendlesham HA MID (Drawing: REN-HA-002 Rev A);
ddd) Rendlesham HA END (Drawing: REN-HA-003 Rev A);
eee) Rendlesham HA Tile Hanging (Drawing: REN-HA-004 Rev A);
fff) Sherwood (Drawing: SHER-001);
ggg) Whinfell (Drawing: WHIN-001);
hhh) Whinfell Type B (Drawing: WHIN-002);
iii) Whinfell MID (Drawing: WHIN-003);
jjj) Whinfell Type C (Drawing: WHIN-004);
kkk) Whinfell Type D (Drawing: WHIN-005);
lll) Whiteleaf (Drawing: WHLF-001 Rev A);
mmm) Whiteleaf – WB Hipped (Drawing: WHLF-002);
nnn) Windermere (Drawing: WIN-001);
ooo) Windermere Type B (Drawing: WIN-002);
ppp) Windermere Tile Hanging (Drawing: WIN-003);
qqq) Windermere Tile Hanging V2 (Drawing: WIN-004);
rrr) Windermere v2 (Drawing: WIN-005);
sss) Windermere v2 Flint (Drawing: WIN-006);
ttt) 4 x 1 Bed flats (Drawing: 4x 1bf-001 Rev A);
uuu) 4 x 1 Bed flats (Drawing: 4x 1bf-002 Rev B);
vvv) 4620a (Drawing: 4620a-001 Rev C);
www) 4620a v2 (Drawing: 4620a-002 Rev A);
xxx) Bond (Drawing: BON-001 Rev B);
yyy) Bond V2 (Drawing: BON-002);
zzz) Knightsbridge (Drawing: KNI-001 Rev B);
aaaa) Knightsbridge – Weather board (Drawing: KNI-002 Rev B);
bbbb) Marlborough (Drawing: MARL-001 Rev B);
cccc) Marlborough – Weather board (Drawing: MARL-002 Rev B);
dddd) Marlborough (Drawing: MARL-003 Rev A);
eeee) Marylebone (Drawing: MAR-001 Rev B);
ffff) Marylebone V2 (Drawing: MAR-002);
gggg) Single Garage (Drawing: GAR-004 Rev A);
hhhh) Twin Garage (Drawing: GAR-005 Rev A);
iiii) Double Garage (Drawing: GAR-006 Rev A)

3. The development hereby permitted shall be undertaken in accordance with the materials and finishes as specified on Drawing A-02-011-MP Rev J (Materials Plan) and the submitted Schedule of Materials (dated February 2021). There shall be no deviation from these materials and finishes unless otherwise first agreed in writing with the Local Planning Authority.
4. No part of the development hereby approved shall be occupied until the boundary treatment relating to it, as shown on Drawing A-02-013-BT Rev I (Boundary Treatment), has been fully implemented. The boundary treatment

shall thereafter be retained at all times unless otherwise first agreed in writing with the Local Planning Authority.

5. No dwelling hereby approved shall be first occupied until detailed plans and proposals have been submitted to the Local Planning Authority for approval showing:
 - (i) Refuse bin storage (sufficient for 2no. 140 litre wheeled bins);
 - (ii) Secure cycle storage.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. Once approved, the storage shall be provided for each dwellinghouse before the dwellinghouse to which it relates is first occupied, and shall thereafter be retained and kept available for the stated purpose.

6. No development shall take place until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access(es), including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been submitted to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.
7. No dwelling hereby permitted shall be first occupied until it has a direct connection, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the commencement of the penultimate building or dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.
8. 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 first agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.
9. None of the development hereby permitted shall be occupied, or by such time as shall be agreed in writing with the Local Planning Authority, until the visitor parking spaces marked on the approved plan, and sufficient to serve that part of the overall development completed at that time, have been provided on site and these spaces shall be subsequently retained at all times.
10. No dwelling hereby permitted shall be first occupied until the visibility splays at the junction of the estate road/access with the existing highway have been provided in accordance with the approved details. The visibility splays

shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

11. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details, including location, type and technical specification of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the local planning authority in writing:
 - a) Five dual Electric Vehicle (EV) charge points throughout the site to serve the visitors car parking spaces to serve the dwellings without on-plot charging points;
 - b) One Electric Vehicle (EV) charging point per dwelling, where parking is provided on plot which is contiguous with its associated dwelling.

The development shall be carried out in accordance with the approved details. Any deviation from these requirements must be submitted to and approved in writing by the Local Planning Authority.

12. The development hereby permitted shall proceed in accordance with the measures detailed within Section 5 of the Ecological Impact Assessment (ECOSA Ltd, revised September 2020), Ecological Management Plan (ECOSA Ltd, revised September 2020) and the Shadow Habitat Regulations Assessment (ECOSA Ltd).
13. No development above damp proof course level shall continue until a scheme of lighting (during operational life of the development), designed to minimise impacts on wildlife, particularly bats, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details.
14. The development hereby permitted shall be undertaken in accordance with the submitted Archaeological Written Scheme of Investigation (Cotswold Archaeology, dated September 2020 ref: AN0223), unless otherwise first agreed in writing by the Local Planning Authority.
15. No development shall take place until details of sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The drainage schemes shall be in general accordance with the submitted Flood Risk Assessment (ref: AMc/19/0161/5909 Rev B, dated March 2019 and plans 5909-05E and 5909-25D), Surface Water Drainage Calculations (ref: AMc/20/MD/5909, dated September 2020) and shall include provisions for long term maintenance.
16. The development hereby permitted shall be undertaken in accordance with the provisions set out within the Arboricultural Impact Assessment and Method Statement (prepared by ACD, ref PER21504aia-amsA, dated May 2020).
17. No development shall take place until the tree protection measures as shown on PER21504- 03A (Sheets 1 and 2) have been installed and shall thereafter

be retained for the full duration of works or until such time as agreed in writing with the Local Planning Authority. No activities, nor material storage, nor placement of site huts or other equipment what-so-ever shall take place within the fencing without the prior written agreement of the Local Planning Authority.

18. No development take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site 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.
19. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered, unless otherwise agreed in writing with the Local Planning Authority. Works shall not recommence before an investigation and risk assessment of the identified material/ ground conditions has been undertaken and details of the findings along with a detailed remedial scheme, if required, has been submitted to and approved in writing by the Local Planning Authority. The remediation scheme shall be fully implemented and shall be validated in writing by an independent competent person as agreed with the LPA prior to the occupation of the unit(s).
20. Development shall be carried out in accordance with the recommendations set out within Paragraph 15.4 within the submitted acoustic report ref: SA-5785-3 dated April 2020.
21. 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 an average of 110 litres per person per day. The development shall be carried out in accordance with the approved details.
22. 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.
23. No development shall take place 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/subcontractors' 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) the measures for cleaning Oakcroft Lane, Mays Lane and Peak Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) 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.

24. No materials obtained from site clearance or from construction works shall be burnt on the site.

25. The development hereby permitted shall proceed in accordance with the detailed landscaping scheme comprising drawings:

- a. Landscape Proposals (Drawing: PERSC22805 11 Sheet 1 Rev D);
- b. Landscape Proposals (Drawing: PERSC22805 11 Sheet 2 Rev D);
- c. Landscape Proposals (Drawing: PERSC22805 11 Sheet 3 Rev D);
- d. Landscape Proposals (Drawing: PERSC22805 11 Sheet 4 Rev D);
- e. Landscape Proposals (Drawing: PERSC22805 11 Sheet 5 Rev D);
- f. Landscape Proposals (Drawing: PERSC22805 11 Sheet 6 Rev D);
- g. Landscape Proposals (Drawing: PERSC22805 11 Sheet 7 Rev D);
- h. Landscape Proposals (Drawing: PERSC22805 11 Sheet 8 Rev D);
- i. Landscape Proposals (Drawing: PERSC22805 11 Sheet 9 Rev D);
- j. Landscape Proposals (Drawing: PERSC22805 11 Sheet 10 Rev D);
- k. Landscape Proposals (Drawing: PERSC22805 11 Sheet 11 Rev D).

Details of any variation from these approved landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority.

26. The landscaping scheme approved under Condition 25 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.

27. Prior to the installation of any street lighting, details of the location, height, luminaires and means of accessories to ensure lighting is kept away from mature trees and hedgerows shall be submitted to and approved in writing by the Local Planning Authority. The lighting shall be installed and retained thereafter in accordance with the approved details.
28. 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.
29. Public access notwithstanding the submitted details, no development shall proceed beyond damp proof course (dpc) level until details showing position, surfacing treatment and a timetable for the provision of pedestrian links connecting the development to Oakcroft Lane (northeast corner), Oakcroft Lane (west boundary), PROW 509 (southwest corner), and Marks Tey Road (southeast corner) shall be submitted and approved, in writing, by the Local Planning Authority. The pedestrian links shall be implemented in accordance with the approved details and timetable and retained thereafter.
30. Notwithstanding the provisions of Habitat Plan (Drawing: PERSC22805 15 Sheet 2) or the detailed landscaping plans from Condition 25, a Landscape Environmental Management Plan (LEMP), including long term management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved in writing by the Local Planning Authority prior to first occupation and the landscape management shall be carried out in accordance with the approved LEMP thereafter.
31. No development shall take place until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The CEMP shall detail pollution prevention measures and suitable construction methods to be employed in order to protect retained habitats and any potential impacts on the surrounding ditch network. The development shall thereafter be carried out in accordance with the approved CEMP.

END OF SCHEDULE