

FAREHAM

BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT
PROCEDURE) ORDER 2015**

Planning Decision Notice

Planning Application Reference: P/22/0363/OA

Decision Date: 17 March 2023

Fareham Borough Council, as the Local Planning Authority, hereby **REFUSE** the **Outline Planning Application With All Matters Reserved (Except For Access) For The Development Of Up To 109 Residential Dwellings (C3 Use) With Access From Pinks Hill, Informal And Formal Open Space And Associated Landscaping, Drainage Infrastructure, Acoustic Bund And Fence And Other Associated Works Including Demolition Of Existing Buildings & Associated Highway/Pedestrian Improvement Works to Pinks Hill Road and Military Road at Land at Pinks Hill, Fareham , as proposed by application P/22/0363/OA** for the following reasons:

1. The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP5, DSP6, DSP13 & DSP15 of the Adopted Fareham Borough Local Plan Part 2: Development Site and Policies and Policies DS1, D2, HP1, HP5, NE1, NE2, NE3, NE4, NE10, HE1, HE3, TIN1, TIN2 & TIN4 of the emerging Fareham Local Plan 2037

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

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposed development would be harmful to the landscape character, appearance and function of the countryside;

- c) The proposal would erode the visual and physical relationship between the Grade II listed Fort Wallington and its surrounding landscape resulting in harm to the setting of Fort Wallington (Grade II Listed) and its significance as a heritage asset;
- d) The proposal fails to protect and enhance biodiversity by adhering to the principals of the mitigation hierarchy and would result in harm to biodiversity and the unacceptable loss of priority habitat without adequate mitigation and/or compensation;
- e) On the basis of the information available it has not been demonstrated that the proposal would provide at least 10% net gain for biodiversity in an accepted manner which would thereafter be maintained for a minimum of 30 years;
- f) In light of the close proximity of proposed housing to commercial traffic and industrial uses (especially the Suez waste recycling and transfer station/ logistics depot to the north), future occupants of the proposed development would be unacceptably adversely impacted from existing activities in the surrounding area;
- g) In the absence of a legal agreement to secure such, the proposal fails to make on site provision of affordable housing at a level in accordance with the requirements of the local plan;
- h) In the absence of a legal agreement to secure such, the proposal fails to mitigate against the adverse effects of the development on the safety and operation of the strategic and local highway network in the form of a financial contribution towards off-site highway improvements;
- i) In the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar;
- j) In the absence of a legal agreement to secure the provision of public open space and contributions towards the associated management and maintenance of the open space, the recreational needs of residents of the proposed development would not be met;

- k) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- l) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.
- m) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the additional generation of nutrients entering the water environment.

Notes for Information

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

This decision relates to the following plans and documents;

- i) Site Location Plan – drwg No. CB_78_214_PARAM_001 Rev A
- ii) Constraints Plan - drwg No. CB_78_214_902
- iii) Illustrative Masterplan – drwg No. CB_78_214_PARAM_000 Rev C
- iv) Amended Site Framework Plan - drwg No.CB_78_214_PARAM_002 Rev C
- v) Amended Street Hierarchy Plan - drwg No.CB_78_214_PARAM_003 Rev C
- vi) Amended Storey Heights Plan – drwg No.CB_78_214_PARAM_004 Rev C
- vii) POS & Drainage Plan - drwg No.CB_78_214_PARAM_005 Rev C
- viii) Land Uses Plan - drwg No.CB_78_214_PARAM_006 Rev C
- ix) Amended Pedestrian Movement Plan – drwg No.CB_78_214_PARAM_007 Rev C
- x) Section Streetscenes – drwg No. CB_97_214_SEC_SS_01
- xi) Illustrative Sections – PRJ01 TTE 00 ZZ DR L 0008 Rev P02
- xii) Long Section Fort Wallington to Fort Nelson - PRJ01 TTE 00 ZZ DR L 0009 Rev P01
- xiii) Landscape Strategy – drwg No. HL04000-61.LA 100
- xiv) Design & Access Statement, March 2022

- xv) Planning Statement (incorporating Affordable Housing Statement), March 2022
- xvi) Ecological Appraisal, March 2022
- xvii) Light Spillage Assessment, 4 March 2022
- xviii) Reptile Survey Report, March 2022 & August 2022
- xix) Interim Bat Activity Survey Report, March 2022
- xx) Updated Bat Activity Survey Report, July 2022
- xxi) Dormouse Survey Report, March 2022 & July 2022
- xxii) Phase 1 Geoenvironmental Assessment Desk Top Study, Feb 2022
- xxiii) Biodiversity Net Gain Assessment, August 2022
- xxiv) Responses to Ecology Comments May & September 2022
- xxv) Arboricultural Assessment & Method Statement, 3 March 2022
- xxvi) Tree Protection Plan – drwg No. 21141-2
- xxvii) Odour Survey & Assessment, 4 March 2022
- xxviii) Noise Assessment, March 2022
- xxix) Transport Assessment, March 2022
- xxx) Highway Technical Note 2, July 2022
- xxxi) Highway Technical Note 3, October 2022
- xxxii) Framework Travel Plan, January 2023
- xxxiii) Proposed Realignment of Pinks Hill – drwg No. HL04000-61 TTE 00 XX SK O 0001 Rev PO3
- xxxiv) Proposed Off-Site Pedestrian Works – drwg No. HL04000-61 TTE 00 XX SK O 0002 Rev P03
- xxxv) Swept Path Analysis - HL04000-61 TTE 00 XX SK O 0003 Rev P03
- xxxvi) Vertical Visibility - HL04000-61 TTE 00 XX SK O 0004 Rev P02
- xxxvii) Proposed Realignment of Pinks Hill – drwg No. HL04000-61 TTE 00 XX SK O 0005 Rev P02
- xxxviii) Military Road Improvement Scheme – drwg No. HL04000-61 TTE 00 XX SK O 0006 Rev P02
- xxxix) Military Road Swept Path Analysis – drwg No. HL04000-61 TTE 00 XX SK O 0007 Rev P01 & 0008 Rev P01
- xl) Air Quality Assessment, 4 March 2022
- xli) Flood Risk Assessment & Drainage Strategy, March 2022
- xlii) Landscape & Visual Appraisal, 7 March 2022
- xliii) Heritage Statement, February 2022
- xliv) Heritage Statement Addendum, August 2022
- xlvi) Archaeological Desk-Based Assessment, February 2022
- xlvi) Statement of Community Involvement, March 2022
- xlvi) Pinks Hill Nutrient Balancing Assessment, March 2023

Notes to Accompany Planning Decision Notice

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General Notes for Your Information:

- The application documents can be obtained by viewing the submitted application online at www.fareham.gov.uk/planning
- A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Susannah Emery on 01329 824526 or at semery@fareham.gov.uk if:
 - You would like clarification about this notice
 - You are unhappy with this decision or the way it has been reached

Right of appeal:

- The person who made this application has the right to appeal to the Secretary of State against the imposition of any of the conditions this permission is subject to.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice.
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
 - Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
 - Or submit online at The Planning Inspectorate website at
 - www.gov.uk/planning-inspectorate
- There is no third party right of appeal for neighbours or objectors.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10

days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices:

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.

A handwritten signature in black ink, appearing to read 'L Smith', is located in the bottom right corner of the page.