

**HAMPSHIRE COUNTY COUNCIL****Decision Report**

<b>Decision Maker:</b>	Regulatory Committee
<b>Date:</b>	21 October 2015
<b>Title:</b>	Application for Construction of a new southern section of Newgate Lane to provide a new connection from Newgate Lane to Peel Common Roundabout together with the construction of a junction and link road to access the existing route of Newgate Lane, at Land to the east of Newgate Lane, Fareham Hampshire. (Application No's. P/15/0717/CC and 15/00382/HCC3) (Site Ref: FAH007 and GPH003)
<b>Reference:</b>	7000
<b>Report From:</b>	Head of Strategic Planning

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## 1. Executive Summary

- 1.1 Two planning applications have been submitted for a new 1.5 kilometre long section of single carriageway through predominantly undeveloped land which lies within the Meon Strategic Gap in order to provide a new southern section of Newgate Lane between Tanners Lane and the Peel Common roundabout. The scheme includes additional modifications to Peel Common Roundabout including stopping up of the existing road in order to accommodate the new route alignment.
- 1.2 The development would result in a reduction in traffic congestion on highway routes to and from the Gosport peninsula supporting economic development and regeneration within the sub-region and would contribute to the development of a high quality and sustainable integrated transport system for the Boroughs. It would not significantly affect the integrity of the Meon Strategic Gap, result in significant impacts on flora and fauna, lead to the loss of playing field or result in an increased flood risk and would be acceptable in terms of highway safety. The proposal would however result in a significant increase in noise levels at seven properties in the short-term and one property in the long-term.
- 1.3 It is considered that the proposal would be in accordance with the Fareham Borough Local Plan Part 1 (2011) & Part 2 (2015) and the Gosport Borough Local Plan Review (2006) and emerging draft Gosport Borough Local Plan (2011-2029) and therefore it is recommended that planning permission in

respect of construction of a new southern section of Newgate Lane to provide a new connection from Newgate Lane to Peel Common Roundabout together with the construction of a junction and link road to access the existing route of Newgate Lane, at Land to the east of Newgate Lane, Fareham Hampshire (Application No. P/15/0717/CC) (Site Ref: FAH007) & (Application No. 15/00382/HCC3) (Site Ref: GPH003) be approved for the above reasons, subject to the conditions listed in integral Appendix B.

## **2. Site and proposal**

- 2.1 The proposal is for a new 1.5 kilometre long section of single carriageway providing a new southern section of Newgate Lane between Tanners Lane and the Peel Common roundabout. The scheme includes additional modifications to Peel Common Roundabout in order to accommodate the new route alignment.
- 2.2 The objectives of the scheme are to:
  - reduce journey time delay and peak hour congestion; and
  - assist movement in a north-south direction between Fareham and Junction 11 of the M27 and the Gosport peninsula.
- 2.3 The new road would provide an alternative to the existing traffic routes of the A32 and roads through Stubbington village.
- 2.4 The majority of the new road lies within the Borough of Fareham. However, a short section located south of Woodcote Lane lies within Gosport Borough. This means that the proposal has two application references but is considered as a single application within this report.
- 2.5 The B3385 Newgate Lane is a single carriageway road that extends in a north-south direction between the A32 Gosport Road to the north and the Peel Common Roundabout to the south. The southern section of Newgate Lane is narrow and winding with frontage access and turning traffic.
- 2.6 The planning application sites comprise a north to south corridor of land to the east side of Newgate Lane, between HMS Collingwood and the Peel Common Roundabout. The proposed alignment of the new road would run through an area of predominantly undeveloped land comprising of arable farmland, playing fields and a recreation ground which lie within the Meon Strategic Gap and would pass just to the east of properties at the end of Woodcote Lane (where it would be in closest proximity to residential properties) and to the west of the Peel Common estate. An un-made path known locally as Brookers Lane (ancient highway) which routes from the eastern end of Woodcote Lane in an east-west direction and connects to the western edge of the residential area of Bridgemary would be bisected by the scheme.

- 2.7 The alignment and footprint of the new section of road is shown on plan EC/CJ007861/02/002. A typical cross section of the proposed scheme (to the north of Woodcote Lane) would consist of:
- a 7.3 metres wide carriageway with two 3.65 metres lanes;
  - two metres wide verge on both sides of the carriageway; a circa two metres wide drainage ditch on one side of the carriageway and a 4.5 metres wide swale on the other side;
  - 1.2 metres high highway boundary fences on both sides of the road; and
  - new hedgerows planted on both sides of the road.
- 2.8 The existing Newgate Lane would remain as a service road to the properties along Newgate Lane between Peel Common Roundabout, at the south and Newgate Cottage, at the north. The service road will be stopped up at the northern (70 metres north of Tanners Lane/Newgate Lane junction) and southern (at the Peel Common roundabout) ends and will not be accessible to vehicular traffic from Peel Common roundabout. A new ghost island junction will facilitate access to the existing route of Newgate Lane via a new link road. This junction will have a right-turn bay of length circa 50 metres in order to allow southbound traffic to safely wait for gaps in traffic. The overall width of the right-turn bay will be circa six metres in order to allow traffic turning right from the link road to wait in the centre of the new carriageway and make the turn in two manoeuvres.
- 2.9 The old route of Newgate Lane (between Tanners Lane and the Peel Common roundabout) will become an advisory on-road cycle route and new cycle destination signs will be provided. It will connect cyclists to the off-road shared use facilities along the Newgate Lane northern section and around Peel Common roundabout. An uncontrolled pedestrian crossing with central refuge would continue to allow movement between Woodcote Lane and Brookers Lane.
- 2.10 All new bus stops will be provided on carriageway, but on the new road the central hatched area adjacent to the bus stops will allow vehicles to safely pass a bus parked at the stop. These stops will be accessed using the new pedestrian refuge crossings. The carriageway of Woodcote Lane and the Brookers Lane path will be resurfaced in order to enable pedestrians, including disabled users, to access the new bus stops safely and to provide a better surface for cyclists.
- 2.11 Landscape and acoustic mitigation in the form of a combination of landscaped earth bunds and/or acoustic fencing in specific areas are proposed on the western side of the new road near to Woodcote Lane for a distance of 230 metres and for a 650 metre length on the eastern side from 70 metres north of the Peel Common roundabout. The new road will not be lit from Peel Common roundabout to the new ghost island junction for the link road. From the link road junction northwards the road will be lit.
- 2.12 The construction phase is anticipated to take approximately 18 months.

- 2.13 The site lies in proximity to a number of both statutorily and non-statutorily designated nature sites including:
- Portsmouth Harbour Special Protection Area (SPA) and Ramsar (incorporating Portsmouth Harbour Site of Special Scientific Interest (SSSI));
  - Solent and Southampton Water SPA and Ramsar (incorporating Titchfield Haven SSSI;
  - Lee-on-the-Solent to Itchen Estuary SSSI;
  - Lee-on-Solent Golf Course SINC;
  - Alver Wood SINC;
  - Lee-on-Solent Golf Course South SINC; and
  - Alver Valley SINC.
- 2.14 There are no scheduled monuments or listed buildings within the site boundary. However there is one scheduled monument and seven Grade II listed buildings within a 1 kilometre area; the closest of which (Foxbury Cottages and Farmhouse) is 50 metres to the west of the site boundary.
- 2.15 The proposed scheme does not lie within any areas of land designated as within Flood Risk Zone 2 or 3 (land at risk of flooding from rivers or the sea). The southern part of the site is located in a Groundwater Vulnerability Zone. The Environment Agency has also identified the whole site to be susceptible to ground water flooding and parts of the site to be vulnerable to surface water flooding.
- 2.16 The application is accompanied by a Transport Assessment (TA).
- 2.17 Due to the scale of the proposal, the application is accompanied by an Environmental Statement (ES) which is considered to comply with the requirements of Parts 1 & 2 of Schedule 4 of the Town & Country Planning (Environmental Impact Assessment) Regulations (2011). The ES encompasses a broad range of aspects of the environment that may be affected by the project and has been prepared in accordance with the regulations.
- 2.18 The application is accompanied by a Technical Note to inform a Habitats Regulations Assessment which has screened the proposal for the likelihood of significant effects of the proposal on Portsmouth Harbour Special Protection Area (SPA) and Ramsar (incorporating Portsmouth Harbour Site of Special Scientific Interest (SSSI)), Solent and Southampton Water SPA and Ramsar (incorporating Titchfield Haven SSSI AND Lee-on-the-Solent to Itchen Estuary SSSI under the Conservation of Habitats and Species Regulations 2010.

### 3. Development plan policies

#### Fareham Borough Local Plan

3.1 The Fareham Borough Local Plan is the one of the appropriate development plan documents for consideration. The Local Plan is comprised of 3 parts:

- Part 1: The Adopted Core Strategy (2011) (FLP: Part 1);
- Part 2: The Development Sites and Policies Plan (2014/15) (FLP: Part 2); and
- Part 3: The Welborne Plan (2014) (FLP: Part 3).

3.2 The following policies within the Local Plan are relevant to this proposal:

FLP: Part 1:

- Policy CS4: Green Infrastructure, Biodiversity and Geological Conservation;
- Policy CS5: Transport Strategy and Infrastructure;
- Policy CS12: Daedalus Airfield Strategic Development Allocation;
- Policy CS14: Development Outside Settlements;
- Policy CS15: Sustainable Development and Climate Change;
- Policy CS16: Natural Resources and Renewable Energy;
- Policy CS17: High Quality Design;
- Policy CS21: Protection and Provision of Open Space; and
- Policy CS22: Development in Strategic Gaps.

FLP: Part 2:

- Policy DSP2: Environmental Impact;
- Policy DSP13: Nature Conservation; and
- Policy DSP49: Improvements to the Strategic Road Network.

#### Gosport Borough Local Plan Review

3.3 The Gosport Borough Local Plan Review (2006) (GLP) is the other appropriate development plan documents for consideration and has the following relevant saved policies for consideration:

- R/DP1: General Standards of Development within the Urban Area;
- R/T1: Land use and Transport;
- R/BH3: Development Affecting Listed Buildings;
- R/BH8: Archaeology and Ancient Monuments;
- R/OS2: Strategic Gaps;
- R/OS4: Protection of Existing Open Space;
- R/OS11: Protection of Areas of National Nature Conservation Importance;
- R/OS13: Protection of Habitats Supporting Protected Species;

- R/OS14: Biodiversity Action Plan;
  - R/ENV10: Noise pollution; and
  - R/ENV12: Air Quality.
- 3.4 The Draft Gosport Borough Local Plan (2011-2029) (dGLP) is an emerging plan and has the following policies for consideration:
- Policy LP5: Daedalus; and
  - Policy LP21: Improving Transport Infrastructure.
- 3.5 There are a number of other strategic and local Transport and Economy plans that can be considered as material considerations (see commentary).
- 3.6 The relevant policies are set out in Appendix C of this report.

#### National Planning Policy Framework (NPPF)

- 3.7 The NPPF is also a material consideration. The following paragraphs are relevant:
- Paragraph 7 (Three dimensions of Sustainable development);
  - Paragraphs 11 - 14 (Presumption in favour of sustainable development);
  - Paragraph 17 (Decision making);
  - Paragraph 19: (Supporting sustainable economic growth); and
  - Paragraph 134 (Heritage assets).

## **4. Consultations**

- 4.1 **Fareham Borough Council:** No objection to the proposal subject to a number of suggested conditions.
- 4.2 **Gosport Borough Council:** The Borough Council welcomes and supports the proposal, stating that it will address current traffic impacts on Stubbington Village and congestion on the Gosport peninsula, supporting the promotion of local employment essential for the economic welfare of the Borough.
- 4.3 **Environmental Health - Fareham and Gosport:** No objection to the development subject to conditions relating to noise, Unexploded Ordnance (UXO), materials management and land contamination.
- 4.4 **Environment Agency:** No objection subject to appropriate conditions relating to invasive plants, water voles, and ecological enhancements.
- 4.5 **Local Highway Authority:** No objection to the proposed scheme subject to condition. A significant amount of transport assessment and modelling work has been undertaken by HCC and SYSTRA in developing the preferred alignment of the NGLS scheme. The TA demonstrates that the proposed scheme with its identified mitigation measures and the

associated other highway schemes (identified in the Transport Strategy) will meet the aim of the wider Transport Strategy.

- 4.6 **Natural England:** No objection to the development. The application site is within or in close proximity to the following European designated sites; Solent and Southampton Water Special Protection Area (SPA), the Solent and Southampton Water Ramsar site and also at a national level designated as the Titchfield Haven Site of Special Scientific Interest (SSSI). Natural England concurs with the view of the Habitat Regulations Assessment (HRA), which concludes that the proposal is unlikely to result in significant effects are unlikely to occur on the SPA/Ramsar sites. With regard to the Titchfield Haven SSSI, Natural England is satisfied that the proposed development being carried out in strict accordance with the, as submitted, will not damage or destroy the interest features for which the site has been notified. Regarding soils and land quality, Natural England concludes that the development would not appear to lead to the loss of over 20 ha of 'best and most versatile' agricultural land, as outlined in paragraph 12 of the NPPF. Natural England recommends that Defra's Construction Code of Practice for the Sustainable Use of Soils on Construction Sites is followed.
- 4.7 **Defence Infrastructure Organisation:** No objection.
- 4.8 **Portsmouth Water:** No objection.
- 4.9 **Southern Water:** No objection to the development subject to conditions.
- 4.10 **Sport England:** No objection subject to a condition securing the provision of playing field that is equivalent or better quantity and quality than the area of playing field lost at HMS Collingwood as part of this development.
- 4.11 **Lead Local Flood Authority:** No objection subject to condition.

## 5. Representations

- 5.1 35 representations were received from members of the public, 11 of which were supportive of the scheme. The main areas of concern raised in the remaining representations are as follows;
- Loss of recreation amenity;
  - Concern about the closure of the southern section of Newgate Lane and the access problems this may cause;
  - Impact of the scheme on agricultural businesses;
  - Ecological impact on flora and fauna;
  - Archaeological impact;
  - Visual and landscape impact of the development including effects of lighting;
  - Impact on residential amenity as a result of noise, dust or vibration;
  - Impact on property values;
  - Impact on air quality; and

- Preference for a roundabout at the new junction with the old Newgate Lane and the new section; and preference for dualling/widening of Newgate Lane (alternative designs).
- 5.2 The above issues will be discussed and addressed within the following commentary, except where identified as not being relevant to the decision. In respect of this the availability of alternative designs is not relevant to the consideration of the application, the relevant decision to be made is whether the scheme submitted for approval either is or is not acceptable in planning terms. The impact of a development on the value of neighbouring property does not constitute a material planning consideration. The decision relates only to the submitted scheme, any future applications for development of surrounding land would be subject to the requirement for separate planning permission.

## **6. Commentary**

### Development Plan

- 6.1 The principle of the construction of a new road to the east of the existing southern section of Newgate Lane is supported by Policy DSP49: Improvements to the Strategic Road Network of the FLP: Part 2. This policy safeguards the alignment of the submitted scheme for the development of a new road link between Peel Common Roundabout and the northern section of Newgate Lane in order to improve and maintain the effectiveness of the Strategic Road Network. Paragraph 6.20 states that the approach follows assessment of a number of options for improving capacity on the southern section of Newgate Lane.
- 6.2 Strategic objective SO3 of the FLP: Part 1 is to: deliver a sub regionally important strategic employment site at the Daedalus Airfield and provide a range of other employment opportunities to enable companies to both expand and locate within the Borough, including locally important clusters, whilst maintaining and improving workforce skills and maintaining low levels of unemployment. In addition strategic objective SO5 is to: ensure development provides timely and appropriate transport infrastructure to support the needs of development and provide public transport and quality pedestrian and cycle links to reduce dependence on the car.
- 6.3 The Solent Local Enterprise Partnership (SLEP): Solent Strategic Economic Plan (2014-20) identifies the objectives and strategic priorities of the LEP. Table 3 of the Plan states that transformational action is required which will provide a new alternative route to the Gosport Peninsula to relieve the extreme congestion of the existing main road link from the motorway, to include improvements to the southern section of Newgate Lane. Annex 2 to the Plan states that previous Planning for Urban South Hampshire (PUSH) and Transport for South Hampshire and Isle of Wight (TfSHIOW) studies have concluded that the future prospects of the Solent economy are limited by traffic congestion across the region with many

roads already at or about to reach their capacity consequently discouraging investment.

- 6.4 Annex 3 of the SLEP Plan states that new and improved routes from the Gosport peninsula will provide the necessary uplift in the existing transport network required to encourage investment into the Solent Enterprise Zone (SEZ). One of two such components is improvements to the southern section of Newgate Lane (following on from on-going improvements to the northern section of Newgate Lane) which will in combination provide better access from the peninsula to the east towards the M27 junction 11.
- 6.5 Policy CS5: Transport Strategy & Infrastructure of the FLP: Part 1 states that the Council will work with the Local Highways Authority and transport operators to promote, permit and develop a high quality and sustainable integrated transport system for the Borough. Part 3 states that proposals which provide necessary appropriate transport infrastructure and that are designed and implemented to prioritise and encourage safe and reliable journeys by walking, cycling and public transport are to be permitted.
- 6.6 Policy CS12: Daedalus Airfield Strategic Development Allocation of the FLP: Part 1 allocates Daedalus Airfield (adjacent to the south of Gosport Road) as a Strategic Development Allocation for employment (SEZ). Paragraph 5.56 states that the key objective for the site is to provide local employment opportunities.
- 6.7 Paragraph 8.2 of the PUSH South Hampshire Strategy: A framework to guide sustainable development and change to 2026 (October 2012) states that transport delays impact on individuals and businesses and could deter some businesses from expanding or locating within South Hampshire, in turn affecting the prospects of economic and employment growth.
- 6.8 The draft Gosport Borough Local Plan (2011-2029) sets out the development strategy for Gosport and statutory policies to guide future development. The Plan is not yet adopted but has completed its examination and modifications stage with the Borough in possession of the Inspectors Report and pending a decision on the adoption of the Plan. The Plan sets out a number of key objectives and it is considered that the Newgate Lane proposal is relevant to objectives: 3: To regenerate the SEZ at Daedalus; and 14: To help facilitate improvements to the Borough's transport infrastructure including public transport proposals, as well as improvements to the highway network and pedestrian and cycling routes.
- 6.9 Policy LP21: Improving Transport Infrastructure of the emerging dGLP aims to promote and provide a transport system that supports development within the Borough and enables sustainable economic growth.
- 6.10 Paragraph 10.15 of the draft GLP states that there remains a need to improve strategic highway access to address journey time reliability, to support growth within the Borough and to enable proposed local employment sites to compete with other sites within South Hampshire. In particular it is necessary to improve the Newgate Lane corridor to an

appropriate standard to accommodate commercial traffic to the SEZ at Daedalus and provide a safer and more attractive route for cyclists between Lee-on-the-Solent and Fareham. Paragraph 10.26 of the Plan states that the Borough Council is aware that land may be required for the proposed Newgate Lane improvements, of which a small section is proposed to run through the Borough at Brookers Field. Accordingly this part of the proposal is identified on the Policies Map.

- 6.11 The Solent Transport Joint Committee - Transport Delivery Plan (2012 – 2026) states that there is a need for transport intervention to support sustainable economic growth and that in the absence of transport intervention, transport will act as a constraint on sustainable economic growth.
- 6.12 Policy CS14: Development Outside Settlements of the FLP: Part 1 seeks to restrict new built development outside of the defined urban settlement boundaries to that essential to agriculture, forestry or essential infrastructure. The provision of the new road would contribute to the infrastructure needs of the Borough and wider area such that the scheme is considered to be in accordance with Policy CS14.
- 6.13 The Local Transport Plan 3 – Joint Strategy for South Hampshire – Hampshire County Council, Portsmouth City Council, Southampton City Council, TfSHIOW (2011) contains the following policies which the proposal is considered to accord with:
- Policy A: To develop transport improvements that support sustainable economic;
  - Policy C: To optimise the capacity of the highway network and improve journey time reliability for all modes;
  - Policy D: To achieve and sustain a high-quality, resilient and well-maintained highway network for all;
  - Policy E: To deliver improvements in air quality;
  - Policy H: To promote active travel modes and develop supporting infrastructure; and
  - Policy N: To safeguard and enable the future delivery of transport improvements within the South Hampshire area.
- 6.14 The proposed scheme is considered to comply with and be supported by the above policies and supporting text as it shall result in a reduction in traffic congestion on highway routes to and from the Gosport peninsula consequently facilitating the support of economic development and regeneration within the sub-region. The scheme is to include provision for pedestrian and cycle links in the area which will support and encourage active travel modes.
- 6.15 The principal of the development is established by the FLP: Part 2 and as such the proposal is considered to be in accordance with the Development Plan.

### Economic Impacts

- 6.16 Information provided in support of the application asserts that the proposal will trigger significant wider economic benefits for the surrounding area, helping to accommodate transport movements from key strategic sites at the SEZ and Welborne SDA as well as benefits for Gosport peninsula and centres of employment at key business parks. The applicant states that the improvement of a key route between the SEZ/Gosport peninsula and the strategic network would ensure this area remains an attractive proposition for businesses and will help to safeguard jobs.
- 6.17 The application states that the proposal would have the following economic benefits:
- There is expected to be increased capacity and improved journey time reliability on a key route to/from the Gosport peninsula and the wider strategic network would improve access to growth sites. There is also expected to be beneficial impacts on other parts of the network due to the re-assignment of traffic to the bypass. This will result in a positive impact on the network and increase its ability accommodate growth and attract inward investment;
  - Businesses (existing / prospective) on the peninsula will benefit from changes in travel conditions on the primary western access route, such as costs of access to customers and costs of access to supplies. This is particularly the case due to improved access to the wider strategic network, including the M27 (Junction 9);
  - Businesses will have access to a larger pool of labour due to increased accessibility; and
  - Workers will have access to a wider range of jobs, and the improved access provided by the scheme will increase the ability of people living outside the regeneration areas to access jobs within the regeneration areas. Although there is a focus on attracting inward investment that creates jobs which are filled by local people (and hence contributes to reducing out-commuting), there is still likely to be a need for some specialist roles to be filled from further afield and the ability of the area to have access to a larger labour pool will be a more attractive proposition for businesses considering whether to invest in the area.

### Noise & Vibration

- 6.18 Through the adoption of best practice and other mitigation measures the effects of noise and vibration during the construction phase are expected to be negligible; though it is acknowledged that there is likely to be periods where there will be an increase in both noise and vibration which will impact on residents in closest proximity to the works.
- 6.19 In the short-term (upon opening) seven properties are predicted to experience a significant increase in noise levels as a result of the scheme

and in the long-term (at year 15 of operation) this will reduce to one as a result of sensitivity to noise reducing over time.

- 6.20 There are a number of areas (particularly along Newgate Lane, Gosport Road and the western end of Woodcote Lane) that will experience a reduction in noise levels as a result of the proposed scheme due to the redistribution of traffic flows in the area.
- 6.21 The new road is to be surfaced with Hot Rolled Asphalt (HRA). Comments have been made regarding the use of low-noise road surfacing as part of the scheme. Road noise is comprised of engine noise and tyre noise, at low traffic speeds engine noise is the main contributor and at high speed tyre noise is. The Design Manual for Roads and Bridges (DMRB) states that where the calculated average speed of a new road would be less than 47 miles per hour, a low-noise surface type would only achieve a very minor reduction in noise levels. As the average traffic speed on the new road will be less than 47 miles per hour, the potential reduction in noise levels provided by low-noise surfacing would be imperceptible and therefore does not form part of the scheme.
- 6.22 The Environmental Health Officer has raised no objection in respect of the impact of noise and vibration subject to recommended conditions being attached to any planning consent. The impact of noise is expected to be most significant at the more rural locations along the planned route as a result of the lower existing background noise levels. Although it is not anticipated, should increases in noise as a result of the proposal exceed 68db, specific dwellings may be liable for noise insulation and/or compensation under the Noise Insulation Regulations 1975 and Part I of the Land Compensation Act 1973. Further information on these can be found in Appendix D of this report.

### Landscape

- 6.23 The impact of the proposed scheme on the landscape is likely to be larger during the construction phase of the development due to the additional noise and visual intrusion of the machinery and vegetation removal. Overall there would be a minimal impact on the landscape surrounding the proposed scheme, including the setting and character of the overall area and change in viewpoints.
- 6.24 The Arboriculture Assessment identifies that a total of 20 individual trees (one of which is Category A), 6 groups of trees and 11 hedgerows will be lost as a result of the scheme. No Category A groups of trees or hedgerows will be lost.
- 6.25 Measures to reduce the construction and operation impact will include the protection of trees to appropriate standards, tidy site management to reduce visual clutter associated with building works, retention of trees, additional tree and shrub planting, landscape bunds, traffic management

and the implementation of a site specific Construction Environmental Management Plan (CEMP).

- 6.26 The most notable long-term impacts are predicted to be:
- Impact on the Woodcote/Alver Valley landscape character area; and
  - The view from Newgate Lane, Albert Road and Woodcote Lane and the view from surrounding properties, including night time views.
- 6.27 The site lies within the Meon Strategic Gap. Policy CS22: Development in Strategic Gaps of the FLP: Part 1 states that development proposals will not be permitted where they significantly affect the integrity of the Gap and the physical and visual separation of settlements. The ES states that as a result of additional traffic creating both audible and visual disturbance to the tranquillity of the local area the setting of the area would be influenced by increased built form. However, the ES states that the development will not introduce any uncharacteristic elements into the landscape as highways are a feature of the surrounding area as well as being present in the Strategic Gap area. There would be an impact on the Gap however the alignment of the road is such that adequate open space is retained either side of the route. Some of this open land also benefits from a level of protection as a result of being playing fields. The proposal is therefore considered not to significantly affect the integrity of the Gap or the physical and visual separation of settlements and would be in accordance with Policy CS22: Development in Strategic Gaps of the FLP: Part 1 and Policy R/OS2: Strategic Gap of the adopted GLP.

### Design

- 6.28 The applicant has provided supporting information detailing the iterative design process associated with the project from inception to submission.
- 6.29 In respect of this consideration is stated as having been given to:
- The design speed of the route and ability to accord with the Design Manual for Roads and Bridges (DMRB) standards for horizontal alignment (making the route safer and more attractive to traffic);
  - The need to provide adequate drainage;
  - The need to minimise the diversion of statutory undertaker's plant; and
  - The assessment of relative scheme costs for the different options.
- 6.30 Policy R/DP1: General Standards of Development within the Urban Area of the adopted GL sets out general design standards for development within the Urban Area of Gosport.
- 6.31 The application states that it was found that the off-line (not on the existing) alignment was preferable due to providing a better horizontal alignment, being less restricted by existing properties and requiring less diversion of statutory undertakers plant.

- 6.32 In light of this the proposal is considered to have been respectful and mindful of key characteristics of the area including scale, form and spaciousness and is therefore considered to comply with Policy CS17: High-quality design of the FLP: Part 1 and Policy R/DP1: General Standards of Development within the Urban Area of the adopted GLP.

### Highways

- 6.33 Policy CS17: High-quality design of the FLP: Part 1 states that all development, buildings and spaces will be of a high quality of design and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the principles of urban design and sustainability to help create quality places. The policy sets design considerations for development. Policy R/T1: Land use and Transport of the adopted GLP states that development to assist the progression of an integrated transport network, a choice of transport modes and the operation of efficient public transport will be permitted.
- 6.34 The application is accompanied by a Transport Assessment (TA) which states that traffic flows in the local area are currently high. Future year modelling demonstrates that the impact of the scheme on traffic flows and overall journey times across the wider highway network is forecast to be relatively minor however the main benefits of the scheme are improvements to journey time reliability, consistently higher traffic speeds and a safer environment for pedestrians, cyclists and vehicular traffic.
- 6.35 Junction modelling demonstrates that following completion of the scheme all assessed junctions are forecast to operate within capacity in both the AM and PM peak periods. The report also demonstrates that pedestrian and cyclist amenity will be enhanced in a number of ways as a result of the scheme, due to the removal of the majority of vehicular traffic from the existing route of the southern section of Newgate Lane. The bus service that currently uses Newgate Lane will be re-routed onto the new road with new bus stops being provided, and the report demonstrates that over the longer term there are expected to be improvements to bus journey times on this service.
- 6.36 Comments received regarding access issues to the southern section of the old Newgate Lane are noted. Access to this section would be by way of the new link road which would result in a minor increase in vehicular journey time for residents at the southernmost extent. The Emergency Services were consulted during the design of the scheme and did not raise objection to the proposal to stop up the southern section of the existing Newgate Lane.
- 6.37 The Highway Authority raises no objection to the proposal and considers that the proposed scheme will meet the aim of the wider Transport Strategy.

- 6.38 The proposal is considered to comply with Policy CS5: Transport Strategy and Infrastructure of the FLP: Part 1 and Policy R/T1: Land use and transport of the adopted GLP.

### Ecology

- 6.39 During the construction phase effects upon statutory and non-statutory designated sites are predicted to be negligible. Undesignated habitat will be lost to the proposed scheme and this will result in a temporary negative effect at a local scale for the duration of the construction phase, until landscaping is operational on completion. Similarly, temporary negative effects at a site level upon amphibians, badgers, bats, breeding birds, reptiles, and Species of Principal Importance (SPI) (hedgehog and harvest mouse) and at a site to local level upon invertebrates are predicted as a consequence of the proposed scheme, these are primarily due to habitat loss and fragmentation.
- 6.40 These impacts will be compensated for in the medium-long-term through the creation of new habitats along the road verge and the replacement of other important habitats as a result of new landscaping and therefore will be temporary effects for the duration of construction.
- 6.41 The County Ecologist and Natural England raised no objection in relation to nature conservation impacts, subject to recommended conditions being attached to any planning consent. Both consultees consider that the development is unlikely to result in significant effects on European sites and as such screened the proposal out from further stages of assessment under the Conservation of Habitats and Species Regulations 2010.
- 6.42 Adverse impacts have been minimised where possible and provision made for mitigation and it is considered that any negative impacts associated with the proposal are outweighed by the need for, and benefits of, the development. As such, the proposal is considered to comply with Policy CS4: Green Infrastructure, Biodiversity and Geological Conservation of the FLP: Part 1, Policy DSP13: Nature Conservation of the FLP: Part 2 and Policy R/OS11: Protection of Areas of National Nature Conservation Importance, R/OS13: Protection of Habitats Supporting Protected Species and Policy R/OS14: Biodiversity Action Plan of the adopted GLP.

### Air Quality

- 6.43 Through good site practice and the implementation of suitable mitigation measures the residual impacts of the construction phase on air quality would be negligible.
- 6.44 Overall the proposed scheme will be beneficial for air quality overall, due largely to through traffic being moved further away from existing properties (the scheme will move the alignment of the carriageway away from existing residential dwellings adjacent to the current alignment of Newgate Lane South). The scheme would cause both increases and decreases in Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter up to 10 micrometers in size

(PM<sub>10</sub>) which is attributable to the nature of the development which will not generate any additional traffic, but cause a redistribution of existing traffic on the local road network.

- 6.45 Overall the proposed scheme is not predicted to have an adverse effect on air quality (and results in improvements in air quality in a number of areas) nor result in any new exceedances of the Air Quality Standard (AQS) objectives for NO<sub>2</sub> or PM<sub>10</sub>.
- 6.46 The Environmental Health Officer raised no objection in relation to air quality impacts subject to recommended mitigation measures being applied. The proposal is therefore considered to comply with Policy DSP2: Environmental Impact of the FLP: Part 2 and Policy R/ENV12: Air Quality of the adopted GLP.

#### Water Environment & Drainage

- 6.47 The drainage strategy for the scheme has been designed in order that the development does not result in an increase in surface water flood risk. The scheme aims to ensure that discharge rates do not exceed the existing situation and that the water quality in receiving water courses will not be adversely affected. Sustainable Drainage Systems (SDS) have been designed into the proposed scheme. The SDS will process runoff pollutants, such as oils, fuels or chemicals and will have impermeable layers, which pollutants will not be able to pass through. Surface run-off shall be channelled by a combination of ditches and swales to detention basins where the flow shall be release into existing watercourses at the current Greenfield rate. In order to comply with Environment Agency requirements sufficient capacity is to be provided to detain a 100 year plus 30% climate change storm and restrict release of this to the current Greenfield run-off rate.
- 6.48 The ES concludes that the proposed scheme is not expected to cause an environmental or ecological risk to the sensitive receiving waters, nearby designated areas or other water courses in the area.
- 6.49 There is predicted to be a neutral effect on surface water flood flows and groundwater flood flow as a result of the scheme and a negligible effect on flood flows in the River Alver catchment.
- 6.50 The proposed scheme does not lie within any areas of land designated as within Flood Risk Zone 2 or 3 (land at risk of flooding from rivers or the sea). The Environment Agency, the Lead Local Flood Authority and the County Ecologist have raised no objection in relation to flood risk, surface water management or impact on the water environment, subject to conditions. As such the proposal is considered to provide for the satisfactory disposal of surface water and is therefore in accordance with Policy DSP2: Environmental Impact of the FLP: Part 2.

### Agricultural Land

- 6.51 The construction and operation of the development will require:
- 0.9 hectares of agricultural land classified as Subgrade 3a (medium sensitivity); and
  - 2.7 hectares of agricultural land classified as Subgrade 3b (low sensitivity).
- 6.52 While the Subgrade 3a agricultural land falls in the NPPF (2012) definition of 'Best and Most Versatile' (BMV) agricultural land (i.e. Agricultural Land Classification Grades 1, 2 and 3a), the amount of land required is of a low magnitude and the effect is therefore negligible.
- 6.53 The amount of Subgrade 3b agricultural land required to construct and operate the proposed development is of low magnitude and because it falls outside of the BMV category, the significance of this land loss is assessed as being negligible.
- 6.54 The fragmentation and loss of land within agricultural holdings has been assessed within the ES. The conclusion is that due to the amount of land required to construct and operate the by-pass the proposed development would have a negligible residual effect on one agricultural holding.
- 6.55 The Local Planning Authority has taken into account the economic and other benefits of the BMV land in accordance with paragraph 112 of the NPPF. The alignment of the proposed route is the result of an iterative design process which has sought to avoid and mitigate impacts associated with the development and it is regrettable that implementation of the scheme would result in the loss of or fragmentation of the agricultural land identified above.

### Cultural Heritage & Historic Assets

- 6.56 During construction appropriate measures will be implemented to reduce any potential negative impact on any buried remains/surface archaeological deposits, however there would be likely to be a small negative impact. The mitigation measures include further targeted archaeological works to be agreed with HCC through a Written Scheme of Investigation.
- 6.57 The assessment determined that the setting of a number of designated and non-designated heritage assets would be directly affected by the proposed development. The setting of designated and non-designated heritage assets with direct/partial views of the site can be affected by visual, acoustic and artificial lighting intrusion.
- 6.58 Assets affected would include Foxbury Cottages, Foxbury Farmhouse Grade II Listed Building and locally listed barn, Carriston Cottage Grade II Listed Building and Peel Farm Locally Listed Building.

- 6.59 The County Archaeologist raised no objection to the proposal. Therefore, subject to conditions, it is considered that there would not be substantial harm to designated and non-designated assets. In accordance with paragraph 134 of the NPPF, where a proposal would lead to a less than substantial harm to the significance of an asset this harm should be weighed against the public benefits of the proposal. In light of this it is considered that though some harm to assets would result from the delivery of the scheme, the benefits of the proposal as outlined above would outweigh this impact. The proposal is therefore considered to be in accordance with paragraph 134 of the NPPF.
- 6.60 The proposal is considered to comply with policies R/BH3: Development Affecting Listed Buildings and R/BH8: Archaeology and Ancient Monuments of the adopted GLP.

#### Recreation

- 6.61 Policy CS21: Protection and Provision of Open Space of the FLP: Part 1 seeks to protect the provision of existing recreational open spaces. Development that would result in the loss of or reduce the recreational value of open spaces, including public and private playing fields is not permitted by the policy unless the facility is under used or of poor quality and a better quality replacement is available. This policy reflects the advice in paragraph 74 of the NPPF.
- 6.62 Policy R/OS4: Protection of the Existing Open Space states that development will not be permitted on existing open space (including outdoor sports facilities, play spaces and informal open space), except where the redevelopment of a small part of the site for recreation and/or community facilities would retain and enhance the existing facilities or alternative provision is made available of equivalent or greater community benefit in terms of quality, quantity and accessibility.
- 6.63 The route of the proposed road passes through the Brookers Playing Fields in the south and the MOD playing fields at HMS Collingwood in the north. The part of the road that passes through the Brookers Playing Fields runs along the western boundary of the open space which is currently an overgrown scrub area. The route of the road in this location avoids any of the formally laid out pitches and therefore is not considered to conflict with policy R/OS4 of the adopted GLP.
- 6.64 As the northern part of the road reconnects to the existing Newgate Lane it passes through the MOD playing fields at HMS Collingwood leading to a loss of playing field. Supporting information submitted with the application states that it is proposed to reconfigure the layout of existing pitches to facilitate no net loss of playing pitch provision as a result of the scheme. Both Sport England and the Defence Infrastructure Organisation (MoD) have raised no objection to the proposal subject to a condition requiring the provision of replacement playing pitch of equivalent quantity and quality of that which is to be lost and this shall be attached to any consent.

- 6.65 Comments have been raised regarding the impact of the scheme on recreational amenity and these are noted. On the eastern side of the new road 3 metre high acoustic fencing and planting will be erected, from about 70m north of Peel Common roundabout for the length of the Brookers playing fields in order to mitigate visual and acoustic impacts of the new road. The Environmental Health Officer and Gosport Borough Council have not raised objection to the scheme and therefore the impact on this area is considered to be acceptable.
- 6.66 The proposal is considered to comply with Policy CS21: Protection and Provision of Open Space of the FLP: Part 1 and Policy R/OS4: Protection of the Existing Open Space.

#### Geology, Soils & Land Contamination

- 6.67 Proposed scheme workers and local residents may experience a small negative impact from exposure to contamination and contamination dust.
- 6.68 The Environmental Health officer raised no objection to the proposal subject to conditions regarding contaminated land and un-exploded ordnance. In light of this the proposal is considered to be in accordance with Policy DSP2: Environmental Impact of the FLP: Part 2.

#### Materials

- 6.69 Primary construction materials for the scheme will in broad terms include recycled construction material within the capping and lower pavement construction levels including the footway. Existing topsoil will be stripped and carefully stored for reuse. Any surplus topsoil will be removed from the site.
- 6.70 The excavation and construction works associated the proposed scheme will result in waste arisings and the need to dispose of material to landfill. The volume of waste generated can be minimised by adhering to a Waste Management Plan (WMP). The WMP will form part of the Construction Environmental Management Plan (CEMP). The ES concludes that the residual effect of waste arisings during the excavation and construction works will be of minor significance.
- 6.71 By reducing waste during the construction phase through design and material selection, reducing and re-using waste on-site and maximising the reduction in the use of resources and energy the proposal is considered to comply with Policy CS15: Sustainable Development & Climate Change and Policy CS16: Natural Resources and Renewable Energy of the FLP: Part 1.

## **7. Summary**

- 7.1 It is considered that the proposal would be in accordance with the Fareham Borough Local Plan Part 1 (2011) & Part 2 (2015) and the Gosport Borough

Local Plan Review (2006) and emerging draft Gosport Borough Local Plan (2011-2029). The development would result in a reduction in traffic congestion on highway routes to and from the Gosport peninsula supporting economic development and regeneration within the sub-region and would contribute to the development of a high quality and sustainable integrated transport system for the Boroughs. It would not significantly affect the integrity of the Meon Strategic Gap, result in significant impacts on flora and fauna, lead to the loss of playing field or result in an increased flood risk and would be acceptable in terms of highway safety. The proposal would however result in a significant increase in noise levels at seven properties in the short-term and one property in the long-term.

## **8. Recommendation**

- 8.1 That planning permission in respect of Construction of a new southern section of Newgate Lane to provide a new connection from Newgate Lane to Peel Common Roundabout together with the construction of a junction and link road to access the existing route of Newgate Lane, at Land to the east of Newgate Lane, Fareham Hampshire (Application No. P/15/0717/CC) (Site Ref: FAH007) & (Application No. 15/00382/HCC3) (Site Ref: GPH003) be approved for the above reasons, subject to the conditions listed in integral Appendix B.

### Appendices:

Integral Appendix A – Corporate or Legal Information

Integral Appendix B – Conditions

Integral Appendix C – Development plan policies relevant to the proposal

Integral Appendix D – Relevant Legislation

Integral Appendix E – Location Plan

RefRpt/7000/RS

**CORPORATE OR LEGAL INFORMATION:****Links to the Corporate Strategy**

<b>Hampshire safer and more secure for all:</b>	N/A
Corporate Improvement plan link number (if appropriate):	
<b>Maximising well-being:</b>	N/A
Corporate Improvement plan link number (if appropriate):	
<b>Enhancing our quality of place:</b>	N/A
Corporate Improvement plan link number (if appropriate):	
<b>OR</b>	
The proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because the proposal is an application for planning permission and requires determination by the County Council exercising its powers under Regulation 3 of the Town and Country Planning General Regulations 1992.	

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

DocumentLocation

Construction of a new southern section of Newgate Lane to provide a new connection from Newgate Lane to Peel Common Roundabout together with the construction of a junction and link road to access the existing route of Newgate Lane, at Land to the east of Newgate Lane, Fareham Hampshire (Application No. P/15/0717/CC) (Site Ref: FAH007) & (Application No. 15/00382/HCC3) (Site Ref: GPH003).

Strategic Planning, The Castle, QEII, West, Floor 1 , Winchester SO238UD

SCO/2014/0417: Scoping Report - Stubbington Bypass and Newgate Lane southern section

Strategic Planning, The Castle, QEII, West, Floor 1 , Winchester SO238UD

## CONDITIONS

### Time Limits

1. The development hereby permitted shall be begun before the expiration of five years from the date on which this planning permission was granted.

Reason: To comply with Section 91(as amended) of the Town and Country Planning Act 1990.

### Plans and Particulars

2. The development hereby permitted shall be carried out and completed strictly in accordance with the approved plans, specifications and written particulars identified within the decision notice.

Reason: To ensure that the development is carried out in accordance with the approved details.

### Hours of Working

3. The hours of work shall be limited to 08:00 to 18:00 hours Monday to Friday and 08:00 to 13:00 hours on a Saturday with no works on a Sunday or a public holiday and with night works only be permitted following the advance agreement of the Local Planning Authority.

Reason: In the interests of public amenity and to ensure the development is in accordance with Policy DSP2 of the Fareham Borough Council Local Plan Part 2 (2015).

### Construction Impacts

4. No development hereby permitted shall commence until a revised Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority. The Plan shall:

(i) Be amended to include the points listed in paragraph 6.6.13 and any other relevant content of the Environmental Statement;

(ii) Set out the measures that will be implemented to avoid and minimise impacts to adjacent habitats, species and designated sites including pollution prevention measures, lighting controls, avoidance of encroachment of machinery and materials.

(iii) Contain a Waste Management Plan which shall set out details of how waste can be minimised during the construction through design and material selection, reducing and re-using waste on-site and maximising the reduction in the use of resources;

(iv) Detail the lighting strategy to be used during construction and operation of the development.

The details shall be in accordance with the outline Construction Environmental Management Plan (WSP, June 2015). The development shall be subsequently implemented in accordance with the approved details.

Reason: To protect the amenity of nearby properties, to avoid impacts to features of ecological interest and to ensure the development is in accordance with Policies DSP2 and DSP13 of the Fareham Borough Council Local Plan Part 2 (2015) and Policy CS4, CS15 and CS16 of the Fareham Borough Council Local Plan: Part 1 (2011).

## Highways

5. No development hereby permitted shall commence until a Construction Traffic Management Plan (to include details on the daily and total number and size of lorries accessing the site, the turning of delivery vehicles and lorry routing as well as provisions for removing mud from vehicles) and a programme of works has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before the development hereby permitted is commenced and retained throughout the duration of construction.

Reason: In the interests of highway safety.

## Noise

6. The acoustic barriers as proposed in Table 6.32 and paragraph 6.7.43 of the ES shall be built prior to the operation of the development hereby approved and maintained as described for the duration of the development.

Reason: To reduce disturbance to nearby residents from road traffic noise and to ensure the development is in accordance with Policy DSP2 of the Fareham Borough Council Local Plan Part 2 (2015).

7. Within three months of the development coming into operation, noise monitoring shall be undertaken to compare the effects of the development with the predicted impacts within the ES. The scope and duration of the monitoring shall be agreed in writing with the Local Planning Authority prior to implementation and the results of the monitoring shall be submitted to the Local Planning Authority.

Reason: In the interests of public amenity and to ensure the development is in accordance with Policy DSP2 of the Fareham Borough Council Local Plan Part 2 (2015).

## Nature Conservation

8. Prior to the commencement of development a Habitat Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall follow the recommendations outlined in Appendix 9.11, section 6 of the Water Survey Report, dated May 2015 and include:
- (i) Description and evaluation of the features to be managed as detailed on Planting Plans 1-4 (HCC, April 2015);
  - (ii) Ecological trends and constraints on site that may influence management;
  - (iii) Aims and objectives of management;
  - (iv) Appropriate management options for achieving aims and objectives;
  - (v) Prescriptions for management actions;
  - (vi) Preparation of a work schedule (including a 5 year project register, an annual work plan and the means by which the plan will be rolled forward annually);
  - (vii) Personnel responsible for implementation of the plan;
  - (viii) Monitoring and remedial / contingencies measures triggered by monitoring.

The plan shall be implemented as approved.

Reason: To avoid impacts to features of ecological interest and to ensure the development is in accordance with Policy DSP13 of the Fareham Borough Council Local Plan Part 2 (2015) and Policy CS4 of the Fareham Borough Local Plan: Part 1 (2011).

9. Prior to commencement of any works, a detailed reptile mitigation strategy shall be submitted to and approved in writing by the Local Planning Authority, and thereafter implemented. The strategy shall be in accordance with the measures outlined in section 9.6.57 of the Environmental Statement Volume 1 (WSP, June 2015) and Appendix 9.10 and shall set out full details of mitigation including timings and schedule, methodology, locations of proposed fencing, details of pre-translocation works to the proposed receptor area comprising habitat adjoining the unnamed watercourse which flows south of Oxleys Coppice, and its on-going management.

Reason: To avoid harm to reptiles and to ensure the development is in accordance with Policy DSP13 of the Fareham Borough Council Local Plan Part 2 (2015) and Policy CS4 of the Fareham Borough Local Plan: Part 1 (2011).

10. Prior to commencement of any works, a detailed badger mitigation strategy informed by any necessary updating surveys shall be submitted to and approved in writing by the LPA, and thereafter implemented unless otherwise approved. The strategy shall be in accordance with the measures outlined in sections 9.6.32 and 9.6.94 of the Environmental Statement Volume 1 (WSP, June 2015) and shall set out full details of mitigation including timings and schedule, methodology, locations and specifications of proposed badger tunnels and badger proof fencing.

Reason: to avoid impacts to badgers and to ensure the development is in accordance with Policy DSP13 of the Fareham Borough Council Local Plan Part 2 (2015) and Policy CS4 of the Fareham Borough Local Plan: Part 1 (2011).

11. The measures as detailed in section 9.6.38 of the Environmental Statement Volume 1 (WSP, June 2015) and Appendix 9.5b shall be implemented in full, unless varied by a European Protected Species (EPS) license subsequently issued by Natural England. Thereafter, the compensation measures shall be permanently maintained and retained in accordance with the approved details.

Reason: to ensure the favourable conservation status of bats and to ensure the development is in accordance with Policy DSP13 of the Fareham Borough Council Local Plan Part 2 (2015) and Policy CS4 of the Fareham Borough Local Plan: Part 1 (2011).

12. Prior to work commencing, the area must be surveyed for water voles, at an appropriate time, by an expert ecologist. If evidence is found, advice on how to proceed must be sought from the ecologist.

Reason: This condition is necessary to meet legal obligations to protect this species. Water voles are fully protected under Schedule 5, Section 9 (4) of the Wildlife and Countryside Act 1981 (as amended).

13. Clearance of any tree/scrub/shrub/hedgerow vegetation or demolition of buildings shall only take place between September and February (inclusive). If this is not possible then pre-clearance site checks shall be undertaken to ensure that no active nests are present. Work shall cease in any areas where occupied nests are identified and an exclusion zone of 5 m shall be maintained around such nests, until such time as those nests become unoccupied of their own accord.

Reason: to avoid impacts to nesting birds and to ensure the development is in accordance with Policy DSP13 of the Fareham Borough Council Local Plan Part 2 (2015) and Policy CS4 of the Fareham Borough Local Plan: Part 1 (2011).

14. No development until a detailed method statement for removing or the long-term management / control of Japanese knotweed and Australian Swamp Stonecrop on the site shall be submitted to and approved in writing by the local planning authority. The method statement shall include measures that will be used to prevent the spread of these species during any operations e.g. mowing, strimming or soil movement. It shall also contain measures to ensure that any soils brought to the site are free of the seeds / root / stem of any invasive plant listed under the Wildlife and Countryside Act 1981, as amended. Development shall proceed in accordance with the approved method statement.

Reason: To prevent the spread of Japanese knotweed and Australian Swamp Stonecrop which are invasive species. Without it, avoidable damage could be caused to the nature conservation value of the site contrary to national planning policy as set out in the National Planning Policy Framework paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible.

## **Recreation**

15. No construction works that entail the loss of any part of the MOD playing fields at HMS Collingwood shall take place until equivalent or better quantity and quality of playing field that would be lost has been provided in an alternative location within the HMS Collingwood site. The details of the replacement playing fields to be provided shall be submitted to and approved in writing by the Local Planning Authority in consultation with Sport England and shall include the following information:
- (i) an assessment by an agronomist to ascertain what works are necessary to the north eastern section of playing field to making it suitable for play, undertaken in accordance with Sport England's Equivalent Quality Assessment of Playing Fields- briefing note;
  - (ii) a detailed scaled plan showing all proposed pitches (rugby, football and cricket) marked out. This must take account of the whole cricket outfield and the necessary safety margins around each pitch;
  - (iii) the impact of the road on users of the playing field in particular noise and air pollution.

Reason: To ensure that the quality and quantity of the replacement playing field is equivalent or better than the existing playing field to be lost and ensure that the proposal is in accordance with Policy CS21 of the FLP: Part 1.

## **Contaminated Land**

16. The development shall be carried out in accordance with the UXO mitigation measures as recommended in the 1st Line Defence Detailed Unexploded Ordnance Threat Assessment Report, ref 1979JB00 24 October 2014 and any recommendations that come out of the shallow intrusive works and Magnetometer Survey.

Reason: To prevent injury and disturbance to both construction workers and flora and fauna during the construction of the development and to ensure that the development shall not be at risk from such devices for the duration of its operation.

17. 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).

Reason: To ensure the remediation of contaminated land encountered during construction of the development and to ensure the development is in accordance with Policy DSP2 of the Fareham Local Plan: Part 2 (2015).

### **Landscaping**

18. The development shall be carried out in accordance with the Arboricultural Impact Assessment & Tree Protection Plan and Arboricultural Method Statement (dated 12th March 2015) and submitted with the application.

Reason: To protect existing trees which are to be retained during construction and to ensure the development is in accordance with Policy CS4 of the Fareham Local Plan: Part 1 (2011).

19. Prior to the commencement of development a Landscape Management Plan shall be submitted to the Local Planning Authority for approval in writing. The Plan shall specify the phasing and timescales for carrying out of landscaping works, and provision for future maintenance. Any trees or shrubs which, within a period of five years from the date of planting, die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species. The scheme shall be implemented as approved.

Reason: In the interests of visual amenity and landscape character of the area and to ensure the development is in accordance with Policy CS22 of the Fareham Local Plan: Part 1 (2011).

### **Water Environment**

20. Prior to the commencement of development detailed design information of drainage structures to be constructed as part of the development shall be submitted to the Local Planning Authority for approval in writing. The details shall be implemented as approved for the duration of the development.

Reason: To ensure the development does not result in an increase in flood risk and to ensure the development is in accordance with Policy DSP2 of the Fareham Local Plan: Part 2 (2015).

21. Prior to completion of the development, information regarding the management of Sustainable Drainage Systems (SuDS) for the duration of the development shall be submitted to the Local Planning Authority for approval in writing. The details should at minimum:

- Specify the responsibilities of each party for the implementation of the SuDS Scheme;
- Specify a timetable for implementation;
- Provide a management and maintenance plan for the lifetime of the development.

The details shall be implemented as approved for the duration of the development.

Reason: To ensure that the SuDS function as designed for the duration of the development and to ensure that the development is in accordance with Policy DSP2 of the FLP: Part 2 (2015).

### **Archaeology**

22. No development shall take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Planning Authority.

Reason: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

23. No development shall take place until the applicant has secured the implementation of a programme of archaeological mitigation of impact in accordance with a Written Scheme of Investigation that has been submitted to and approved by the Local Planning Authority.

Reason: To mitigate the effect of the works associated with the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

24. Following completion of archaeological fieldwork a report shall be produced and submitted to the Local Planning Authority in accordance with a programme to be approved by the Local Planning Authority. The programme shall include where appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement.

Reason: To contribute to our knowledge and understanding of our past by ensuring that opportunities are taken to capture evidence from the historic environment and to make this publicly available.

### **Rights of Way**

25. No builders or contractors vehicles, machinery, equipment, materials or anything associated with the works should be left on or near Public Rights of Way so as to obstruct, hinder or present a hazard to walkers.

Reason: To prevent conflict with existing Public Rights of Way in the vicinity of the development and to ensure the development is in accordance with Policy

### **Note to Applicants**

1. This decision does not purport or convey any approval or consent which may be required under the Building Regulations or any other Acts, including Byelaws, orders or Regulations made under such acts.
2. In determining this planning application, the Local Planning Authority has worked with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application by liaising with consultees, respondents and the applicant and discussing changes to the proposal where considered appropriate or necessary. This approach has been taken positively and proactively in accordance with the requirement in the National Planning Policy Framework, as set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015.
3. There must be no surface alterations to a Public Rights of Way, nor any works be carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under s131 Highways Act 1980.
4. Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a PROW to a standard commensurate with its expected normal public use.
5. If there is likely to be an effect on the Public Rights of Way in terms of dust, noise or other obstruction during the period of the works, we suggest that a Health and Safety Risk Assessment be carried out, and that if there is deemed to be a risk to users of the network, the applicant should contact this office directly to discuss the Temporary Closure of the effected Footpath/s for the duration of the works.

## Development plan policies relevant to the proposal

### **The Fareham Borough Local Plan - Part 1: The Adopted Core Strategy (2011)**

#### **Policy CS4 Green Infrastructure, Biodiversity and Geological Conservation**

Habitats important to the biodiversity of the Borough, including Sites of Special Scientific Interest, Sites of Importance for Nature Conservation, areas of woodland, the coast and trees will be protected in accordance with the following hierarchy of nature conservation designations:

- (i) International - Special Protection Areas (SPA), Special Areas of Conservation (SAC) and RAMSAR;
- (ii) National - Sites of Special Scientific Interest (SSSI) and National Nature Reserves;
- (iii) Local - Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above;
- (iv) Sites of Nature Conservation Value.

Where possible, particularly within the identified Biodiversity Opportunity Areas, sites will be enhanced to contribute to the objectives and targets set out in UK, Regional, County and Local Biodiversity Action Plans. Green Infrastructure networks, which buffer and link established sites, whilst also enabling species to disperse and adapt to climate change will be maintained and enhanced.

Networks of accessible multi-functional Green Infrastructure will be planned around existing green spaces in urban, urban fringe and rural areas and will be appropriate to the extent and distribution of the existing and proposed population.

Development Proposals will be permitted where Green Infrastructure provision in accordance with the Green Infrastructure Strategy has been integrated within the development where this is appropriate. Development proposals will provide for appropriate access to greenspace for informal recreation to avoid adverse impacts from recreation and other impacts on European<sup>31</sup> and Ramsar sites and on nationally and locally important sites.

Green Infrastructure will be created and safeguarded through: Investing in appropriate management, enhancement and restoration, and the creation of new resources including parks, woodland and trees, and wildlife habitats; Not permitting development that compromises its integrity and therefore that of the overall green infrastructure framework.

In order to prevent adverse effects upon sensitive European sites in and around the Borough, the Council will work with other local authorities (including the Partnership for Urban South Hampshire) to develop and implement a strategic approach to protecting European sites from recreational pressure and development. This will include a suite of mitigation measures, with adequate provision of alternative recreational space for access management measures within and around the European sites and mitigation for impacts on air quality due

to road traffic, supported by developer contributions where appropriate. Development likely to have an individual or cumulative adverse impact will not be permitted unless the necessary mitigation measures have been secured. The Council will, through its Annual Monitoring Report, Local Air Quality Management and ongoing visitor surveys and related activities, scrutinise the effectiveness of the joint strategic approach to avoidance and mitigation of effects on European sites. It will adjust the rate, scale and/or distribution of housing or employment development across the Borough to respond to the findings of new evidence where appropriate, including the Solent Disturbance and Mitigation Project in order to preserve the integrity of European sites. Sites of geological importance will be protected and enhanced.

### **Policy CS5 – Transport Strategy and Infrastructure**

The Council will, where necessary, work with the Local Highways Authority, Highways Agency and transport operators to promote, permit, develop and/or safeguard a high quality and sustainable integrated transport system for the Borough”.

The Stubbington Bypass would help enable delivery of a higher quality highway network within the southern part of Fareham Borough that supports the overall Plan objectives.

The bypass would support the delivery of Policy CS12 which relates to new development at Daedalus airfield.

### **Policy CS12 - Daedalus Airfield Strategic Development Allocation**

The Daedalus Airfield is allocated for strategic employment development. Development will be permitted where:

- it is demonstrated that it does not adversely affect the existing or future potential general aviation operation of the airfield;

- it does not unacceptably diminish the integrity and function of the strategic gap between Stubbington/ Lee-on-the-Solent and Fareham/ Gosport;

- it does not adversely affect the integrity of the landscape character of the countryside;

- it can demonstrate that there will be no adverse impacts on European designated sites;

- primary access is from Broom Way (Hangars East) and Gosport Road (Hangars West);

  - it does not have an adverse impact on air quality;

  - prior consideration is given to the potential extraction of mineral deposits;

  - it incorporates the site's heritage where feasible;

- both archaeological and contamination assessments and evaluations are carried out prior to the commencement of development;

  - it delivers, or facilitates the delivery of high quality development including:

    - a. employment development that retains and strengthens the marine and aviation employment clusters, particularly those that require direct access to an operational

airfield;

b. between 10,000 sq.m and 33,000 sq.m of net additional general, or light industrial or warehousing (associated with aerospace or marine) employment floorspace with only ancillary office accommodation, to contribute towards the overall provision set out in Policy CS1;

c. the creation of local employment opportunities that take advantage of and develop local skills, including during construction;

d. open space accessible to residents particularly those of Stubbington and Hill Head;

e. landscaping and green infrastructure including allotments together with linkages to the existing footpath network and the Alver Valley;

f. environmental and biodiversity protection and enhancement;

g. minimising increases in traffic levels and congestion, through sustainable transport arrangements;

h. a reorganisation and consolidation of existing and new floorspace, including the phased removal of some existing built structures to create an efficient arrangement of buildings and associated activities sympathetic to the landscape and strategic gap, whilst having regard to the specific space and operational requirements of aviation related employment uses;

i. appropriate utility service provision (water, waste water, energy and communications)

#### **CS14 Development Outside Settlements**

Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure. The conversion of existing buildings will be favoured. Replacement buildings must reduce the impact of development and be grouped with other existing buildings, where possible. In coastal locations, development should not have an adverse impact on the special character of the coast when viewed from the land or water.

#### **CS15 Sustainable Development and Climate Change**

The Borough Council will promote and secure sustainable development by directing development to locations with sustainable transport options, access to local services, where there is a minimum negative impact on the environment or opportunities for environmental enhancement. Development must not prejudice the development of a larger site.

This will be achieved by:

Ensuring that the scale and density of the proposal makes an efficient use of land. With a minimum of 60dph within areas with high multi-modal transport accessibility and good access to a range of social, environmental and economic infrastructure, taking account of the character of the location.

Seeking to achieve the following timescale and levels for the Code for Sustainable Homes and the equivalent for non residential development unless it can be demonstrated to be unviable:

All residential development achieves at least the following level of the Code for Sustainable Homes		All multi-residential and non-residential developments with a floor space of over 500 m <sup>2</sup> must achieve at least the following BREEAM standards
Until the end of 2011	3	BREEAM 'very good'
from 2012	4	BREEAM 'excellent'
from 2016	6	BREEAM 'excellent'

Ensuring that there is sufficient capacity available, or will be made available, in existing infrastructure to meet the needs of the new development including adequate land and funding for waste management.

Avoiding unacceptable levels of flood risk and proactively managing surface water through the promotion of sustainable drainage techniques.

### **CS16 Natural Resources and Renewable Energy**

New development will be expected to safeguard the use of natural resources by:

Demonstrating the latest best practice for energy efficiency, passive solar design and water conservation in the construction and use of the buildings;

Taking measures to reduce carbon emissions, pollution and waste during the construction and operation of new developments through orientation, layout, design and material selection;

Reducing, reusing and recycling waste on-site;

Preventing the loss of the best and most versatile agricultural land (Grades 1, 2 or 3a of the Natural England Agricultural Land Classifications System);

Protecting mineral resources from permanent development, without first allowing for extraction, which would lead to the sterilisation of the deposit.

Development (1 dwelling or more and 500m<sup>2</sup> or more of non-residential floorspace) will be encouraged to contribute to the Fareham target of 12MW of renewable energy by 2020. Major developments (250 dwellings or more or 5,000 sq.m or more of non-residential floorspace) should aim to maximise on-site renewable energy production and resource efficiency. In such cases, the extent of contribution should be demonstrated, taking account of viability. The generation of energy from renewable or low carbon sources will be permitted unless there are judged to be unacceptable social, environmental or economic impacts.

### **Policy CS17 - High Quality Design**

All development, buildings and spaces will be of a high quality of design and be safe and easily accessed by all members of the community. Proposals will need to demonstrate adherence to the principles of urban design and sustainability to help create quality places. In particular development will be designed to:

- respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of

- external materials,
- provide continuity of built form, a sense of enclosure with active frontages to the street and safety of the public realm,
- ensure permeable movement patterns and connections to local services, community facilities, jobs and shops,
- create a sense of identity and distinctiveness and one that is legible,
- enable and/or encourage a mix of uses and diversity in an area,
- ensure that the public realm has pedestrian priority<sup>77</sup>, is safe, secure, functional and accessible, and is constructed of quality materials and well maintained,
- enable buildings to provide flexible accommodation, which can be adapted to suit all members of a community throughout their lifetime,
- provide green infrastructure, including landscaping, open spaces, greenways and trees within the public realm, and
- provide appropriate parking for intended uses taking account of the accessibility and context of a development and tackling climate change.

In addition new housing will be required to:

secure adequate internal and external space, dwelling mix, privacy, and sunlight and daylight to meet the requirements of future occupiers.

Demonstration of adherence to the principles must be set out within design and access statements, and/or where relevant, design codes, briefs, frameworks or masterplans and to include a contextual analysis. Where relevant, a report by a licensed assessor which sets out compliance with the BREEAM and/or Code for Sustainable Homes level operating at the time of any application for planning permission.

New housing should seek to achieve the Lifetime Home standard from 2013. Prior to 2013, the Council will encourage developers to meet the lifetime home standard having regard to the viability of the proposal.

### **Policy CS21 Protection and Provision of Open Space**

The Borough Council will safeguard and enhance existing open spaces and establish networks of Green Infrastructure to add value to their wildlife and recreational functions. Development which would result in the loss of or reduce the recreational value of open space, including public and private playing fields, allotments and informal open space will not be permitted, unless it is of poor quality, under-used, or has low potential for open space and a better quality replacement site is provided which is equivalent in terms of accessibility and size.

Proposals for new residential development will be permitted provided that, where existing provision is insufficient to provide for the additional population, public open space is provided as follows:

Parks and Amenity Open Space 1.5 ha / 1,000 population

Outdoor Sport – 1.2 ha / 1,000 population

Children's Play Equipment – 14 pieces of equipment per 1,000 1-12 year olds

Youth Facilities – 1 youth facility/MUGA per settlement area.

In addition to these types of open spaces, where existing provision is insufficient to provide for the additional population, the Borough Council will seek the provision of accessible greenspace which meets the standards set out in the South East Green Infrastructure Framework including Accessible Natural Green Space standards

### **Policy CS22 Development in Strategic Gaps**

Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements. Strategic Gaps have been identified between Fareham/Stubbington and Western Wards/Whiteley (the Meon gap); and Stubbington/Lee on the Solent and Fareham/Gosport.

Their boundaries will be reviewed in accordance with the following criteria:

- a) The open nature/sense of separation between settlements cannot be retained by other policy designations;
- b) The land to be included within the gap performs an important role in defining the settlement character of the area and separating settlements at risk of coalescence;
- c) In defining the extent of a gap, no more land than is necessary to prevent the coalescence of settlements should be included having regard to maintaining their physical and visual separation.

## **The Fareham Borough Local Plan - Part 2: Development Sites and Policies (2015)**

### **Policy DSP2: Environmental Impact**

Development proposals should not, individually, or cumulatively, have a significant adverse impact, either on neighbouring development, adjoining land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour).

Development should provide for the satisfactory disposal of surface and waste water, and should not be detrimental to the management and protection of water resources.

### **Policy DSP13: Nature Conservation**

Development may be permitted where it can be demonstrated that;

- i. designated sites and sites of nature conservation value are protected and where appropriate enhanced;
- ii. protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced;

- iii. where appropriate, opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and
- iv. The proposal would not prejudice or result in the fragmentation of the biodiversity network.

Proposals resulting in detrimental impacts to the above shall only be granted where the planning authority is satisfied that (this section of the policy should not be applied to impacts on SPA designated sites which are subject to stricter protection tests as set out in The Conservation of Species and Habitats Regulations (as amended) 2010);

i. Impacts are outweighed by the need for, and benefits of, the development; and

ii. Adverse impacts can be minimised and provision is made for mitigation and, where necessary, compensation for those impacts is provided.

Enhancements that contribute to local habitat restoration and creation initiatives as set out in the Hampshire Biodiversity Action Plan (or other similar relevant document ) will be supported.

#### **Policy DSP49: Improvements to the Strategic Road Network**

The alignments shown on the Policies Map are safeguarded for the following proposals, which will improve and maintain the effectiveness of the Strategic Road Network:

- a. B3385 Newgate Lane, Palmerston Drive – Tanners Lane ;
- b. B3334 Gosport Road– B3334 Titchfield Road (Stubbington Bypass)

The parcels of land shown on the Policies Map, are safeguarded for the following proposals, which will improve and maintain the effectiveness of the junctions on the Strategic Road Network:

- i. Segensworth Roundabout;
- ii. A27/West Street/Station roundabout and Gudge Heath Lane Junction; and
- iii. Delme Roundabout and A27 approaches.

#### **Gosport Borough Local Plan Review (2006) (saved policies)**

##### **R/DP1 General Standards of Development within the Urban Area**

Development proposals will be permitted within the urban area, as defined on the Proposals Map, provided that:

- i. the scheme does not cause significant harm to the character of the surrounding area in terms of scale, setting, design, layout, materials, landscaping and the retention of important views;
- ii. significant harm is not caused to the historic environment and buildings of national and local importance, nature conservation interests and important landscape features;
- iii. where proposals are submitted either on or near to a site that is either known to be, or may be contaminated, the nature and extent of any such contamination has

been determined and if appropriate the necessary remediation measures have been identified and agreed;

- iv. there is no significant loss of amenity, which could include issues such as traffic generation, noise, vibration, smell or pollution;
- v. any new scheme does not prevent the ability in appropriate circumstances to obtaining the proper comprehensive development of adjoining land;
- vi. appropriate infrastructure, safe access and parking arrangements can be provided or are available to the site;
- vii. any layout is designed to reduce the potential for criminal activity and anti-social behaviour; and
- viii. it has been demonstrated that the risk of flooding both to the proposed development and arising from the development has been appropriately considered and that the proposal incorporates relevant on-site and off-site flood prevention measures as appropriate.

### **R/T1 Land use and Transport**

Development proposals to assist the progression of an integrated transport network, a choice of transport modes and the operation of efficient public transport will be permitted.

### **R/BH3 Development Affecting Listed Buildings**

When considering an application that would affect a Listed Building and would result in any of the following:

- i. its alteration or extension;
- ii. a change of use;
- iii. a change to its setting;

the applicant will be required to demonstrate, through the submission of the full details of the likely impact, that the historic and architectural character of the building and its setting will not be harmed.

### **R/BH8 Archaeology and Ancient Monuments**

Development will not be permitted which harms nationally important Archaeological Sites, whether scheduled or not, or their setting.

Applications likely to affect Archaeological Sites should be accompanied by an assessment of their value, in each case considering the individual merits; and prepared by an appropriately qualified person and approved by the Borough Council in advance of any formal determination of the relevant application.

Where preservation is not possible or feasible a planning condition may be imposed requiring a programme of investigation and recording to an acceptable standard prior to the commencement of the development.

### **R/OS2 Strategic Gaps**

Development proposals that would physically and/or visually diminish the Stubbington/Lee-on-the-Solent and Fareham/Gosport Strategic Gaps will not be permitted.

### **R/OS4 Protection of Existing Open Space**

Development proposals will not be permitted on existing open space (including outdoor sports facilities, play spaces and informal open space), except where:

- i. the redevelopment of a small part of the site for recreation and/or community facilities would retain and enhance the existing facilities; or
- ii. alternative provision is made available of equivalent or greater community benefit in terms of quality, quantity and accessibility.

### **R/OS11 Protection of Areas of National Nature Conservation Importance**

Development proposals will not be permitted if they may directly or indirectly harm a Site of Special Scientific Interest unless the reasons for the development clearly outweigh:

- i. the nature conservation importance of the site itself; and
- ii. the national policy to safeguard such sites.

Where development is exceptionally permitted the Authority will consider the use of conditions or planning obligations to ensure the protection of the site's nature conservation interest.

### **R/OS13 Protection of Habitats Supporting Protected Species**

Development will not be permitted on a site that would have an adverse impact on a protected species or its habitat unless it can be clearly demonstrated that there is an overriding need for the development. In such instances, the planning authority will impose conditions on the planning permission or enter into planning obligations to:

- i. facilitate the survival of individual members of the species;
- ii. reduce disturbance to a minimum; and
- iii. provide adequate alternative habitats to sustain at least the current levels of population of the species.

### **R/OS14 Biodiversity Action Plan**

Development Proposals should ensure that species and habitats set out in the UK and Hampshire Biodiversity Action Plans will be protected and where possible enhanced. Development which would adversely affect, directly or indirectly, the biodiversity of the Borough and landscape features which are of major importance for wild flora and fauna, will only be permitted when mitigating measures can be provided to retain or reinstate the level of biodiversity or nature conservation value of the features. In order to achieve this, conditions and/or planning obligations will be used.

### **R/ENV10 Noise pollution**

Development proposals which are noise-sensitive will not be permitted if the users would be adversely affected by noise from existing or proposed noise-generating uses.

Development proposals which are noise-generating will not be permitted if they would be liable to increase adversely the noise experienced by the users of existing or proposed neighbouring noise-sensitive development.

### **R/ENV12 Air Quality**

Development proposals will not be permitted when they are likely to:

- i. lead to the National Air Quality Strategy standards or objectives being exceeded either individually or in combination with other land uses; or
- ii. be adversely affected by existing poor air quality.

### **Draft Gosport Local Plan (emerging)**

#### **Policy LP5: Daedalus**

Proposals for the Daedalus site (as shown on the Policies Map) should be for an employment-led regeneration scheme with a mix of uses.

The balance of uses, infrastructure requirements and internal and external linkages will be planned in a comprehensive and co-ordinated way in close liaison between Gosport Borough Council, Fareham Borough Council, Hampshire County Council, the Solent Local Enterprise Partnership and landowner.

2. Planning permission will be granted to provide a number of uses as set out below:

- a) 75,000 sq.m (gross) employment floorspace (B1, B2 and B8) including premises suited for advanced manufacturing and technology clusters including marine, aviation and aerospace uses;
- b) a range of leisure and recreational facilities to enhance the visitor attractions at Lee-on-the-Solent;
- c) food and drinks premises;
- d) community facilities to meet local requirements and make the best use of available buildings; and
- e) up to 350 dwellings.

3. Planning permission will be granted for development provided that:

- a) the distinctive built heritage of the area is conserved and enhanced having particular regard to the character of the Daedalus Conservation Area. Historic buildings should be appropriately reused and their setting protected. The development will need to respect and enhance its seafront setting. Opportunities will need to be taken to include interpretation of the site's historic significance;
- b) safe and attractive pedestrian and cycle routes are provided to link with the Lee-on-the-Solent District Centre, the seafront and neighbouring residential areas;
- c) the site is served by a hierarchy of access points to meet the requirements of the various users of the site;

- d) opportunities to improve public transport infrastructure and services to the site are taken;
- e) a Framework Travel Plan and an HGV Servicing Plan is prepared to the satisfaction of the highway authority;
- f) proposals mitigate any impacts on the Strategic Road Network or other parts of the highway network including necessary offsite transport measures that accord with the latest transport strategies for the Gosport peninsula;
- g) it includes measures to avoid and mitigate any adverse impacts on internationally important habitats. Proposals should preserve and where possible enhance biodiversity and geological interests in the vicinity;
- h) environmental considerations such as contamination and flood risk issues are assessed and fully addressed;
- i) the site is served by sufficient levels of infrastructure as required by other policies in the Local Plan.

### **Policy LP21: Improving Transport Infrastructure**

1. The Borough Council will work with the Highway Authority, the Highways Agency, Fareham Borough Council, transport providers, developers and other stakeholders where necessary to promote and provide a transport system that supports development within the Borough and enables sustainable economic growth through a policy of reduce, manage and invest.
2. Development proposals will need to contribute to the delivery of an integrated and sustainable transport network including, where appropriate, measures outlined in the latest Local Transport Plan and Transport Delivery Plan (or equivalent) and supporting documents.
3. Development proposals will not be permitted which prejudice the delivery of transport improvements as identified in the latest Local Transport Plan (or equivalent) and supporting documents.

### **National Planning Policy Framework (NPPF)**

*Paragraph 7:* There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- **a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

*Paragraph 11:* Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

*Paragraph 12:* This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise. It is highly desirable that local planning authorities should have an up-to-date plan in place.

*Paragraph 13:* The National Planning Policy Framework constitutes guidance<sup>8</sup> for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.

*Paragraph 14:* At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

approving development proposals that accord with the development plan without delay; and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

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

specific policies in this Framework indicate development should be restricted.

*Paragraph 17:* Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;

- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in this Framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

*Paragraph 19:* The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

*Paragraph 134:* Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## Relevant legislation

### The Noise Insulation Regulations 1975 (amended 1988)

The Noise Insulation Regulations (NIR) apply to buildings affected by the construction and use of new, or altered, highways. Buildings which are eligible under the regulations are dwellings or other buildings used for residential purposes, not being more than 300 metres from the nearest point of the carriageway.

Under the provisions contained in the NIR, the appropriate highway authority is under a duty to carry out, or make a grant in respect of the cost of carrying out, insulation works on an eligible building, where the following three conditions are satisfied:

- (i) the combined maximum traffic noise level, i.e. the relevant noise level, from the new or altered highway together with other traffic in the vicinity must not be less than the specified noise level (68 dB(A) L10 (18 hour));
- (ii) the relevant noise level is at least 1.0 dB(A) more than the prevailing noise level, i.e. the total traffic noise level existing before the works to construct or improve the highway were begun;
- (iii) the contribution to the increase in the relevant noise level from the new or altered highway must be at least 1.0 dB(A).

Where one or more of these conditions is not met, therefore, there is no duty to carry out, or make a grant in respect of, insulation works. For eligible properties, the insulation package includes secondary glazing, supplementary ventilation, Venetian blinds and double or insulated doors. Only windows to habitable rooms (e.g. living rooms and bedrooms) would be eligible.

### The Land Compensation Act 1973 (Part 1)

provides for an eligible owner of a residential property with a statutory right to claim compensation for the depreciation in value of their property due to 'physical factors' (noise, vibration, smell, fumes, smoke, artificial lighting or discharge onto the property of any solid or liquid substance) caused by the use of a new road, even though no land has been taken. The first date when a claim may be submitted to Hampshire County Council, as Highway Authority is 12 months after the new road is first open to the public.

In certain circumstances, a claim may also be made for a reduction in value of a property caused by the Execution (construction) of a new road i.e. if there is some physical interference with some right to which an owner is entitled.

Further information about the right to claim for compensation where no land is taken can be found in Booklet 4 (see Section 3) entitled 'Compensation to residential owners and occupiers' prepared by the Department for Communities and Local Government – Web Link;

<https://www.gov.uk/government/publications/compulsory-purchase-and-compensation-booklet-4-compensation-to-residential-owners-and-occupiers>