

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 20 January 2021

Time: 2.30 pm

Venue: Microsoft Teams Virtual Meeting

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors F Birkett
T M Cartwright, MBE
P J Davies
M J Ford, JP
L Keeble
R H Price, JP

Deputies: K A Barton
J S Forrest
Mrs C L A Hockley
Mrs K Mandry
Mrs K K Trott



1. Apologies for Absence

2. Chairman's Announcements

3. Declarations of Interest

To receive any declarations of interest from members in accordance with Standing Orders and the Council's Code of Conduct.

4. Deputations

To receive any deputations of which notice has been lodged.

5. Actual Revenue Expenditure (Pages 1 - 7)

To consider a report by the Director of Planning and Regeneration on the actual revenue expenditure for 2019/20.

6. Spending Plans 2021/22 (Pages 8 - 14)

To consider a report by the Director of Planning and Regeneration on the Spending Plans for 2021/22.

7. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 15)

To consider a report by the Director of Planning and Regeneration on development control matters, including information regarding new planning appeals and decisions.

ZONE 1 - WESTERN WARDS

(1) **P/18/1240/FP - 356 BROOK LANE - LAND TO THE REAR SARISBURY GREEN SO31 7DP (Pages 18 - 30)**

(2) **P/18/1413/OA - LAND TO EAST OF 246 BOTLEY ROAD BURRIDGE SO31 1BL (Pages 31 - 54)**

(3) **P/20/1007/FP - 21 BURRIDGE ROAD SO31 1BY (Pages 55 - 71)**

(4) **P/20/1251/CU - 15 BROOK LANE WARSASH SO31 9FH (Pages 72 - 77)**

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(5) **P/20/1228/VC - 65 OLD STREET FAREHAM PO14 3HQ (Pages 80 - 85)**

8. Planning Appeals (Pages 86 - 89)



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
12 January 2021

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FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date **20 January 2021**

Report of: **Director of Planning and Regeneration**

Subject: **ACTUAL REVENUE EXPENDITURE**

SUMMARY

This report sets out for the information of Members details of the actual revenue expenditure for 2019/20 in respect of the services for which this Committee is responsible.

RECOMMENDATION

The Committee is asked to note the content of the report.

INTRODUCTION

1. The final accounts for the financial year for this Committee shows that the actual expenditure of £953,091 was £286,191 (43%) above the revised budget of £666,900 which was agreed by this Committee in January 2020 and approved by Full Council in February 2020.
2. The actual totals of gross expenditure and income are set out in the table below.

	Revised Budget 2019/20	Actual 2019/20	Variance 2019/20
	£	£	£
Employees	792,200	895,856	103,656
Transport	11,600	13,749	2,149
Supplies & Services	142,800	358,096	215,296
Third Party Payments	100,200	97,053	-3,147
Internal Recharges	166,100	161,130	-4,970
GROSS EXPENDITURE	1,212,900	1,525,883	312,983
Other Income	-2,600	-20,000	-17,400
Fees & Charges	-543,400	-552,792	-9,392
GROSS INCOME	-546,000	-572,792	-26,792
NET EXPENDITURE	666,900	953,091	286,191

3. The main reasons for the variance was due increased spend on consultants and legal costs in relation to planning applications and appeals. There was also additional spend on employee costs mainly due to additional pension costs that are removed from the overall council position. Income from fees and charges were lower than anticipated so the income target was reduced by £100,000 in the last quarter.
4. The actual net revenue expenditure for the year analysed over the main services heading is shown in the following table:-

	Revised Budget 2019/20	Actual 2019/20	Variance 2019/20
	£	£	£
Planning Applications	249,500	396,601	147,101
Planning Advice	235,700	238,037	2,337
Planning Enforcement	125,400	97,146	-28,254
Planning Appeals	56,300	221,307	165,007
	666,900	953,091	286,191

5. A detailed breakdown of the actual cost of the individual services is shown in Appendix A. The main variations which exceed £1,000 from the approved budgets are detailed below.

PLANNING APPLICATIONS

6. The service was overspent by just over £147,000 after a revised budget increase of £100,000 to take account of lower planning fee income. The main reason for variance was a large overspend in the employee budget £117,900, mainly due to additional pension costs of £77,600. A temporary Principal Planner post linked to income was established and not included in the budget £57,000. Offset by various staffing savings during the year of £19,700, which included maternity cover and managing vacancies.
7. There were additional use of consultants for providing specialist advice on Air Quality and the Welborne application. The council did receive a 50% contribution from the developer towards this of £52,400.
8. There was reduction in income from applications of over £52,300 during the year even after the original budget was reduced by £100,000 for the revised budget. The planning applications remain low due to the ongoing issues with nitrates.
9. There was additional income from the Legal Partnership of smaller S106 remittances totalling £23,800 for recovery of staff time.

PLANNING ADVICE

10. The overall overspend for this service was just over £2,000. There were savings from vacant posts throughout the year although this was offset by an overspend due to pension costs of £23,900.
11. Income was a third less than budgeted, £13,500 as the income was expected for the whole year, but the additional fees weren't approved until Feb 2020.

PLANNING ENFORCEMENT

12. The overall underspend for this service was just over £28,000. The main reason for this was unexpected £20,000 income for costs awarded from the Woodhams case for breach of a Tree Preservation Order. There were savings from vacancy management throughout the year £20,800 and additional pension costs of £12,200.

PLANNING APPEALS

13. The overall overspend for this service was over £165,000. The main reason for this was an increased use of consultants and legal advice on appeals. There were a number of high profile appeals during the year including Downend Road, Portchester (£120,500) Borderland Fencing Land to the East of New Road (£39,100) 125 Greenaway Road (£13,100), Land East Furze Court (£5,000), Posbrook Lane (£4,000) and the Tithe Barne (£1,500).

RISK ASSESSMENT

14. There are no significant risk considerations in relation to this report

CONCLUSION

15. The cost of the services provided by this Committee was £286,191 higher than anticipated when the revised budgets were prepared and the reasons for this are set out in this report.
16. Any overspends against the overall budget will have to be offset by corresponding underspends within other committees or portfolio budgets. Where this is not possible then reserves will have to be used to balance the council's accounts.

Enquiries:

For further information on this report please contact Neil Wood. (Ext 4506)

PLANNING COMMITTEE**ACTUAL OF EXPENDITURE AND INCOME 2019/20**

	Revised Budget 2019/20 £	Actual 2019/20 £	Variance 2019/20 £
Planning Applications	249,500	396,601	147,101
Planning Advice	235,700	238,037	2,337
Planning Enforcement	125,400	97,146	-28,254
Planning Appeals	56,300	221,307	165,007
	666,900	953,091	286,191

	Revised Budget 2019/20 £	Actual 2019/20 £	Variance 2019/20 £
<u>SUBJECTIVE ANALYSIS</u>			
Employees	792,200	895,856	103,656
Transport	11,600	13,749	2,149
Supplies & Services	142,800	358,095	215,295
Third Party Payments	100,200	97,053	-3,147
Internal Recharges	166,100	161,130	-4,970
GROSS EXPENDITURE	1,212,900	1,525,883	312,983
Other Income	-2,600	-20,000	-17,400
Fees & Charges	-543,400	-552,792	-9,392
GROSS INCOME	-546,000	-572,792	-26,792
NET EXPENDITURE	666,900	953,091	286,191

	Revised Budget 2019/20	Actual 2019/20	Variance 2019/20
	£	£	£
<u>PLANNING APPLICATIONS</u>			
EMPLOYEES	453,400	571,318	117,918
TRANSPORT EXPENDITURE	7,000	10,124	3,124
SUPPLIES AND SERVICES	114,900	169,147	54,247
THIRD PARTY PAYMENTS	81,200	76,520	-4,680
INTERNAL RECHARGES	109,300	106,123	-3,177
GROSS EXPENDITURE	765,800	933,232	167,432
OTHER INCOME	-2,600	0	2,600
FEES AND CHARGES	-513,700	-536,630	-22,930
GROSS INCOME	-516,300	-536,630	-20,330
NET EXPENDITURE	249,500	396,602	147,102

	Revised Budget 2019/20	Actual 2019/20	Variance 2019/20
	£	£	£
<u>PLANNING ADVICE</u>			
EMPLOYEES	212,200	200,847	-11,353
TRANSPORT EXPENDITURE	2,100	1,360	-740
SUPPLIES AND SERVICES	2,000	1,878	-122
THIRD PARTY PAYMENTS	13,200	15,307	2,107
INTERNAL RECHARGES	35,900	34,807	-1,093
GROSS EXPENDITURE	265,400	254,199	-11,201
FEES AND CHARGES	-29,700	-16,162	13,538
GROSS INCOME	-29,700	-16,162	13,538
NET EXPENDITURE	235,700	238,037	2,337

	Revised Budget 2019/20	Actual 2019/20	Variance 2019/20
	£	£	£
<u>PLANNING ENFORCEMENT</u>			
EMPLOYEES	97,700	90,908	-6,792
TRANSPORT EXPENDITURE	2,500	2,166	-334
SUPPLIES AND SERVICES	3,000	3,011	11
THIRD PARTY PAYMENTS	5,800	5,226	-574
INTERNAL RECHARGES	16,400	15,834	-566
GROSS EXPENDITURE	125,400	117,145	-8,255
OTHER INCOME	0	-20,000	-20,000
GROSS INCOME	0	-20,000	-20,000
NET EXPENDITURE	125,400	97,145	-28,255

	Revised Budget 2019/20	Actual 2019/20	Variance 2019/20
	£	£	£
<u>PLANNING APPEALS</u>			
EMPLOYEES	28,900	32,784	3,884
TRANSPORT EXPENDITURE	0	99	99
SUPPLIES AND SERVICES	22,900	184,059	161,159
INTERNAL RECHARGES	4,500	4,365	-135
NET EXPENDITURE	56,300	221,307	165,007
TOTAL PLANNING COMMITTEE	666,900	953,091	286,191

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 20 January 2021

Report of: Director of Planning and Regeneration

Subject: SPENDING PLANS 2021/22

SUMMARY

This report sets out the overall level of revenue spending on this Committee's services and seeks agreement for the revised revenue budget for 2021/22 and the base budget for 2021/22 before being recommended to Full Council for approval.

RECOMMENDATION

That the Planning Committee: -

- (i) agrees the revised budget for 2020/21;
- (ii) agrees the base budget for 2021/22; and
- (iii) recommends the budget to Full Council for approval.

INTRODUCTION

1. The Council has a co-ordinated strategic service and financial planning process and this report allows the committee to consider in detail these plans for the provision of the Planning Committee services during the next financial year.
2. This report and the revenue budgets have been prepared in accordance with the Medium Term Finance Strategy that was approved by the Executive on 4 January 2021 and will cover the fees and charges and the revenue budget.

FEES AND CHARGES

3. The Planning Committee charges that are shown in the budget figures are mainly statutory and therefore not under the control of the committee.
4. The current level of Planning fees were set by Central Government and came into force on 17 January 2018.

REVENUE BUDGET

5. Appendix A analyses the overall budget total for the individual Planning Committee services and by the different types of expenditure and income.

BASE BUDGET 2020/21

6. The base budgets for 2020/21 were considered by this committee in January 2020 and were confirmed by Full Council in February 2020. The base budget for 2020/21 amounted to £472,600.

REVISED BUDGET 2021/22

7. The revised budget for 2021/22 is £599,000 which represents an increase of £126,400 or 21% from the base budget.
8. The main change to the revised budgets were the mid year approval of the planning appeal legal and consultant payments. In addition £10,000 was added to Planning Enforcement to remedy Bridge Road which will be funded from general fund reserves.

BASE BUDGET 2021/22

9. The base budget for 2021/22 is £482,000 an increase of £9,400 or 2% from the base budget.
10. The main change to the budget is the introduction of Welborne Applications, which is the design code fee and pre application advice income.
11. Appendix A of this report shows the analysis of expenditure and income

for individual services and the following paragraphs of this report set out issues affecting individual services that have arisen in the current year in order to explain the variations between base 2020/21 budgets and the 2021/22 base budget.

SERVICE ISSUES

12. In preparing the budget there have been limited changes to the way the employee budgets have been calculated due to a national pay freeze from April 2021 and a 3 year freeze on employer pension contributions which commenced in April 2020.
13. Any changes to employee costs reflected in the figures in this report have come from movements in time allocations and not as an increase in costs.
14. Internal Recharges costs provided for this committee include ICT, HR, Finance and Audit, Customer Services and accommodation recharges.
15. In addition the recharges from various partnerships which support the committee include Southampton Legal Partnership, Environmental Health Partnership and Building Control Partnership are shown under Third Party Payments heading.
16. The changes to these two areas have been small when compared to the Base Budget for 2020/21.

PROCESSING APPLICATIONS

17. There has been an overall increase in the 2021/22 base budget for this service of £17,500. The majority of the increase is due to reapportioning of staff time allocation. In addition, there has also been an increase to the cost of internal recharges due to a change in the way the recharges have been calculated.
18. The increases in budget have been more than offset by additional income as a result of income due from the Welborne application.

PLANNING ADVICE

19. There has been a reduction in the 2021/22 base budget for this service of £16,900. This is mainly due to reductions in employee budgets due to movement in time allocations.

PLANNING ENFORCEMENT

20. There has been a small increase in the 2021/22 base budget for this service of £3,500. This is mainly due to a small increase in the employee budget.

PLANNING APPEALS

21. There has been a larger increase in the 2021/22 base budget for this

service of £40,300. This is due to slippage of the appeal at Newgate Lane North and South, and Posbrook Lane becoming a hearing not an enquiry and both spanning two financial years.

RISK ASSESMENT

22. There are no significant risk considerations in relation to this report.

CONCLUSION

23. A number of Planning Committee services are partly funded from fees and charges and other types of income. After taking service income into account investment income and the Council's share of business rate income reduce the remainder of the overall cost of services is met by council tax payers.
24. These sources of income are generally outside the Council's control and do not reflect the changes in the overall level of spending on local services.
25. With these sources of income effectively "fixed", members need to be aware that, unless it can be matched by increased service income, additional spending on services has to be fully funded by council tax payers.
26. It follows that Members must give full weight of the Council's overall position and future council tax levels when the revenue budgets for 2021/22 are considered.

Appendix A – Revenue Budget 2020/21 revised and 2021/22 Base Budget.

Background Papers:

Reference Papers:

Enquiries:

For further information on this report please contact Neil Wood. (Ext 4506)

PLANNING COMMITTEE

ESTIMATE OF EXPENDITURE AND INCOME FOR THE COUNCIL TAX 2021/22

	Base Estimate 2020/21	Revised Estimate 2020/21	Base Estimate 2021/22
	£	£	£
PROCESSING APPLICATIONS	72,900	108,200	55,400
PLANNING ADVICE	215,400	204,300	198,500
PLANNING ENFORCEMENT	127,300	140,700	130,800
PLANNING APPEALS	57,000	145,800	97,300
	472,600	599,000	482,000

SUBJECTIVE ANALYSIS

	Base Estimate 2020/21	Revised Estimate 2020/21	Base Estimate 2021/22
	£	£	£
EMPLOYEES	766,400	792,200	766,500
TRANSPORT EXPENDITURE	11,500	11,500	11,600
SUPPLIES AND SERVICES	64,800	167,100	103,800
THIRD PARTY PAYMENTS	103,400	113,300	106,400
INTERNAL RECHARGES	172,500	185,900	184,700
GROSS EXPENDITURE	1,118,600	1,240,000	1,173,000
OTHER INCOME	-2,600	-2,600	-2,600
FEES AND CHARGES	-643,400	-638,400	-688,400
GROSS INCOME	-646,000	-641,000	-691,000
NET EXPENDITURE	472,600	599,000	482,000

	Base Estimate 2020/21	Revised Estimate 2020/21	Base Estimate 2021/22
	£	£	£
<u>PROCESSING APPLICATIONS</u>			
EMPLOYEES	456,500	473,200	472,200
TRANSPORT EXPENDITURE	7,600	7,600	7,500
SUPPLIES AND SERVICES	32,900	32,900	30,500
THIRD PARTY PAYMENTS	83,200	88,600	86,300
INTERNAL RECHARGES	109,000	122,200	120,200
GROSS EXPENDITURE	689,200	724,500	716,700
OTHER INCOME	-2,600	-2,600	-2,600
FEES AND CHARGES	-613,700	-613,700	-658,700
GROSS INCOME	-616,300	-616,300	-661,300
NET EXPENDITURE	72,900	108,200	55,400

	Base Estimate 2020/21	Revised Estimate 2020/21	Base Estimate 2021/22
	£	£	£
<u>PLANNING ADVICE</u>			
EMPLOYEES	183,900	165,000	167,600
TRANSPORT EXPENDITURE	1,500	1,500	1,500
SUPPLIES AND SERVICES	6,000	6,000	5,700
THIRD PARTY PAYMENTS	13,900	16,100	13,800
INTERNAL RECHARGES	39,800	40,400	39,600
GROSS EXPENDITURE	245,100	229,000	228,200
FEES AND CHARGES	-29,700	-24,700	-29,700
GROSS INCOME	-29,700	-24,700	-29,700
NET EXPENDITURE	215,400	204,300	198,500

	Base Estimate 2020/21	Revised Estimate 2020/21	Base Estimate 2021/22
	£	£	£
<u>PLANNING ENFORCEMENT</u>			
EMPLOYEES	97,200	98,400	101,200
TRANSPORT EXPENDITURE	2,400	2,400	2,600
SUPPLIES AND SERVICES	3,000	13,300	2,600
THIRD PARTY PAYMENTS	6,300	8,600	6,300
INTERNAL RECHARGES	18,400	18,000	18,100
GROSS EXPENDITURE	127,300	140,700	130,800
NET EXPENDITURE	127,300	140,700	130,800

	Base Estimate 2020/21	Revised Estimate 2020/21	Base Estimate 2021/22
	£	£	£
<u>PLANNING APPEALS</u>			
EMPLOYEES	28,800	25,600	25,500
SUPPLIES AND SERVICES	22,900	114,900	65,000
INTERNAL RECHARGES	5,300	5,300	6,800
GROSS EXPENDITURE	57,000	145,800	97,300
NET EXPENDITURE	57,000	145,800	97,300

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 20 January 2021

Report of: Director of Planning and Regeneration

Subject: PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS

SUMMARY

This report recommends action on various planning applications.

RECOMMENDATION

The recommendations are detailed individually at the end of the report on each planning application.

AGENDA

All planning applications will be heard from 2.30pm onwards.

Agenda Annex

ZONE 1 – WESTERN WARDS

Park Gate

Titchfield

Sarisbury

Locks Heath

Warsash

Titchfield Common

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/18/1240/FP PARK GATE	356 BROOK LANE - LAND TO REAR SARISBURY GREEN SOUTHAMPTON SO31 7DP ERECTION OF TWO DETACHED 3-BED DWELLINGS	1 PERMISSION
P/18/1413/OA SARISBURY	LAND TO EAST OF 246 BOTLEY ROAD BURRIDGE SOUTHAMPTON SO31 1BL OUTLINE APPLICATION FOR SEVEN DETACHED DWELLINGS (RESUBMISSION OF P/18/0347/OA)	2 OUTLINE PERMISSION
P/20/1007/FP SARISBURY	21 BURRIDGE ROAD BURRIDGE SOUTHAMPTON SO31 1BY RESIDENTIAL DEVELOPMENT OF 4 SELF- BUILD DWELLINGS, AMENITY AREAS WITH ACCESS OFF BURRIDGE ROAD (AMENDED SCHEME TO P/18/1252/FP)	3 REFUSE
P/20/1251/CU WARSASH	15 BROOK LANE WARSASH SOUTHAMPTON SO31 9FH CHANGE OF USE FROM RESTAURANT	4 PERMISSION

(CLASS E) TO HOT-FOOD TAKEAWAY (SUI
GENERIS)

Agenda Item 7(1)

OFFICER REPORT FOR COMMITTEE

DATE: 20 January 2021

P/18/1240/FP
MR DEREK LINDSAY

PARK GATE
AGENT: SOLENT PLANS LTD

ERECTION OF TWO DETACHED 3-BED DWELLINGS

356 BROOK LANE - LAND TO REAR, SARISBURY GREEN, SOUTHAMPTON,
SO31 7DP

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 The application is reported to planning committee as over five third party letters of representations have been received.

2.0 Site Description

2.1 The application relates to a site within the urban area which extends to the rear of No.356 Brook Lane which stands on the eastern side of Brook Lane. The existing dwelling is a detached bungalow occupying a generous plot which is well maintained. The site abuts properties on Hollybrook Gardens to the south and east. The site to the north has been developed recently by the erection of two detached two storey dwellings (P/16/0439/FP) to the rear of No.358 Brook Lane.

3.0 Description of Proposal

3.1 Planning permission is sought for the erection of two detached 3-bed dwellings to the rear of the existing dwelling. The dwellings would be accessed via a driveway extending along the southern side of the existing dwelling. The two dwellings would be traditionally designed and would be a handed version of each other. The properties would each have two car parking spaces and a garage.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy

CS9: Development in the Western Wards & Whiteley

CS15: Sustainable Development & Climate Change

CS17: High Quality Design

CS20: Infrastructure & Development Contributions

Adopted Development Sites and Policies

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP13: Nature Conservation

DSP15: Recreational Disturbance on the Solent Special Protection Areas

Other Documents:

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

Residential Car Parking Standards 2009

5.0 Representations

5.1 Eight representations have been received raising the following concerns;

- Overdevelopment of garden land
- Overlooking
- Bungalows would not result in the same loss of privacy
- Lack of privacy to front of adjacent dwelling
- Light disturbance from use of access
- Increased noise from use of access and rear gardens
- Access should be sited to opposite side of site
- Boundary fence should be raised in height
- Potential for damage to boundary fence along access
- Detrimental to enjoyment of garden
- Loss of mature trees and shrubs
- Security concerns as a result of unrestricted access being formed to rear of site
- Loss of light and overshadowing
- The proposal should provide a net gain in biodiversity (including Swift bricks)
- Surface water run-off on to adjacent gardens
- The use of renewable energy (ie solar panels) should be considered
- Formation of another access on to Brook Lane
- Construction hours should be controlled
- Any damage should be 'made good' by the developer
- There should be no impact to adjoining property services
- Local schools are over-subscribed

6.0 Consultations

INTERNAL

- 6.1 **Transport Planner** – No highway objection subject to planning conditions to secure provision of access and parking as shown, bin and cycle storage.

EXTERNAL

- 6.2 **Natural England** - We consider that without appropriate mitigation this proposal would have a significant effect on: Solent and Southampton Water SPA, Solent & Southampton Water Ramsar, Solent Maritime SAC, Solent and Dorset Coast SPA, Portsmouth Harbour SPA, Portsmouth Harbour Ramsar, New Forest SPA, Ramsar and SAC, Solent and Isle of Wight Lagoons SAC and Chichester and Langstone Harbours SPA and Ramsar.
- 6.3 This application is within 5.6km of Solent and Southampton Water SPA & Ramsar and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant complies with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and would have no objection to this aspect of the application.
- 6.4 The application is supported by a nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of TN 1.41 Kg/year (inclusive of 20% buffer). Natural England is aware that Fareham Borough Council is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach. It is noted that the positive N budget for this development will be mitigated by offsetting against land taken out of high intensity agricultural land at Little Duxmore Farm on the Isle of Wight (plots 0032a & b). As you are aware, appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites. Provided you as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that the appropriate level of mitigation can be

fully secured in perpetuity, Natural England would advise that the Appropriate Assessment can conclude there will be no adverse effect on the integrity of the Solent European Sites in relation to water quality impacts.

6.5 The HRA outlines the proposals will incur an adverse effect on Solent Maritime SAC in-combination with short-term planned growth within the Fareham borough, with respect to the qualifying feature Perennial vegetation of stony banks, via increased atmospheric nitrogen deposition from road traffic emissions. The impact will affect a wider area across South Hampshire and the HRA outlines that Havant Borough Council and Portsmouth City Council will set up a Nitrogen Action Plan in order to address this. To mitigate the current development's impact, the HRA outlines Fareham Borough Council will implement the Nitrogen Action Plan accordingly. Provided the details of the Nitrogen Action Plan set out a suitable monitoring regime that assesses N-deposition on the protected site over the long-term and mitigation measures are brought forward as necessary to reduce appropriate levels of nitrogen within the affected natural system, then Natural England would concur that the cumulative adverse effect for this development has been adequately addressed.

6.6 In order for your authority to be assured that the proposal meets the requirements of the NE standing advice additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the Council's Biodiversity Team.

7.0 *Planning Considerations*

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

- a) Principle of Development
- b) Impact on Character & Appearance of the Area
- c) Impact on Amenity of Neighbouring Properties
- d) Highways
- e) Trees & Ecology
- f) Impact on European Protected Sites

a) Principle of Development

7.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously

developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as previously developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.

b) Impact on Character & Appearance of the Area

- 7.3 The character of the surrounding area has been altered by the backland development to the rear of the Brook Lane frontage properties to the north of the application site. Two dwellings have been erected to the rear of No.358 and a small development of four dwellings has been erected to the rear of Nos 360-362. Both these developments are accessed via private access drives between the frontage properties. The existing plot of No.356 remains as the largest within the surrounding area. The site is bounded by properties on Hollybrook Gardens to the east and south which have far more modest plots. In this respect Officers are of the view that the proposal to sub-divide the plot would have no adverse impact on the character of the surrounding area. The remaining plot sizes are considered to be in keeping with the surrounding pattern of development. Two storey dwellings are visible to the rear of the frontage properties on Brook Lane and therefore the erection of two storey dwellings on the application site is considered acceptable.

c) Impact on Amenity of Neighbouring Properties

- 7.4 Various concerns have been raised by the occupants of the properties adjacent to the proposed access drive. It is suggested that the proposal would result in noise and disturbance from use of the access and loss of privacy and light disturbance to the frontage of No.354 which is screened by a low-level fence on the party boundary. Planning conditions relating to boundary treatment and hardsurfacing will be imposed and Officers will be looking to ensure the privacy to the front of No.354 is enhanced by the erection of a higher fence alongside this property which would also prevent headlights shining into the adjacent bedroom window. A permeable hard surface will be sought for the driveway as opposed to gravel to reduce noise and also surface water run-off on to adjacent properties. It is not considered that the number of vehicle movements generated on the access drive by two properties would result in a significant level of noise and disturbance to adjacent properties.

- 7.5 The proposed dwellings would have rear gardens measuring a minimum of 11m in depth. The rear facing windows of Plot 1 would face on to the flank wall of No. 28 Hollybrook Gardens and the rear facing windows within Plot 2 would face towards the rear garden of this property. The level of separation would comply with the requirements set out within the Council's adopted Design SPD. The front facing first floor windows to the dwellings would also be 11m from the rear garden boundary of the existing dwelling.
- 7.6 Amended plans have been sought to increase the distance between the rear of No.34 Hollybrook Gardens and the flank wall of Plot 1. This separation distance was initially indicated as being 11m but has been increased to 13m to exceed the minimum level of separation specified within the adopted Design SPD. It is not considered that the relationship of the proposed dwellings with surrounding properties is close enough to result in a detrimental loss of light to those properties or that any increased noise as a result of the use of the garden areas would have a detrimental impact on the living conditions currently enjoyed by the occupants of the surrounding properties.

d) Highways

- 7.7 The proposed access would be 5m in width for the initial 10m in length which would enable two vehicles to pass in the entrance to the site. This would prevent vehicles waiting on Brook Lane which would be likely to interfere with the free flow of traffic on this road. Adequate visibility can be achieved and there are no concerns regarding highway safety as a result of the provision of an additional access on to Brook Lane.
- 7.8 The proposal makes adequate provision for car parking in accordance with the Council's Residential Car & Cycle Parking SPD. Each 3-bed property would have two car parking spaces which satisfies the requirement. The garage could provide additional parking or secure cycle parking.
- 7.9 A bin collection point is shown adjacent to Brook Lane with adequate space for bin storage available on each individual plot.

e) Ecology

- 7.10 The site is a mature but well maintained residential garden within a built up suburban environment. There are no significant trees. It is not considered that the proposal would result in a significant negative impact on protected species. Ecological enhancements of the site would be secured by planning condition in accordance with the National Planning Policy Framework.

f) Impact on European Protected Sites

- 7.11 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 7.12 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 7.13 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 7.14 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated European sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 7.15 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are set out below.
- 7.16 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would

not have an adverse effect on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects.

- 7.17 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the EPS.
- 7.18 A nitrogen budget has been calculated in accordance with Natural England's *'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'* (June 2020) ('the NE Advice') which confirms that the development will generate 1.4 kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be urban. Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 7.19 The applicant has purchased 1.5 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT) which has been confirmed by the Trust through the submission of a note of purchase. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment.
- 7.20 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

Summary

- 7.21 In summary it is not considered that the proposal would have any detrimental impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, highway safety, or ecology. It is not considered that the proposal would have an adverse effect on the integrity of the EPS as appropriate mitigation has been secured. The proposal accords with the relevant local plan policies and is recommended for approval.

8.0 Recommendation

- 8.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin within 3 years from the date of this decision notice.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development shall be carried out in accordance with the following approved documents:
 - a) Site Location Plan (1:1250) & Proposed Site Plan – drwg No.SD-1840-11 Rev G
 - b) Amended Elevations & Floor Plans – drwg No. SD-1840-10 Rev C
 - c) Proposed Garages – drwg No.SD-1840-12 Rev AREASON: To avoid any doubt over what has been permitted.
3. No development shall take place above damp proof course/slab level until details of all external materials and hard surfacing materials (including a fixed permeable finish to the access driveway) to be used in the construction of the dwellings hereby permitted, have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.
REASON: To secure the satisfactory appearance of the development.
4. No development above damp proof course (DPC) shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times unless otherwise agreed in writing with the local planning authority.
REASON: In the interests of residential amenity; in the interests of the visual amenity of the area.

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

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

6. The landscaping scheme, submitted under Condition 5 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

7. Prior to the commencement of development details of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

REASON: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework.

8. The first floor windows proposed to be inserted into the side elevations of the dwellings hereby permitted shall be glazed with obscure glass and be of a non opening design and construction to a height of 1.7 metres above internal finished floor and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

9. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

10. None of the development hereby approved shall be occupied until the bin collection point has been provided in accordance with the approved plan (drwg No. SD-1840-11 Rev G). This area shall be subsequently retained for bin collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

11. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

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

a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will be implementing to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Brook Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

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

The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available

for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

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

13. No work relating to any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised public holidays, unless otherwise first agreed in writing with the Local planning authority.

REASON: To protect the amenities of the occupiers of nearby residential properties; in accordance Policy DSP3 of the Development Sites and Policies Plan.

9.0 Notes for Information

Before any development is commenced on site the approval of the Highway Authority (Hampshire County Council) must be given for the new vehicular access. This is in addition to this planning permission. Further details on how to apply can be found online via:

<http://www3.hants.gov.uk/roads/apply-droppedkerb.htm>

Contact can be made either via the website or telephone 0300 555 1388.

10.0 Background Papers

P/18/1240/FP

FAREHAM

BOROUGH COUNCIL



356 Brook Lane
Scale 1:1,250

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OFFICER REPORT FOR COMMITTEE

DATE: 20 JANUARY 2021

P/18/1413/OA
AMICI DEVELOPMENTS LTD

SARISBURY WARD
AGENT: SENNITT PLANNING

OUTLINE APPLICATION FOR SEVEN DETACHED DWELLINGS

LAND TO EAST OF 246 BOTLEY ROAD, BURRIDGE

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 The application is reported to the Planning Committee due to the number of third party letters of objection received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered at the June 2020 Planning Committee that this Council currently have a housing land supply of 4.03 years.
- 1.3 To meet the Council's duty as the competent authority under the Conservation of Habitats and Species Regulations 2017 ("the habitats regulations"), a Habitats Regulations Assessment is required to consider the likely significant effects of the development of the protected sites around the Solent. An Appropriate Assessment has been undertaken as part of the consideration of this application and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around the Solent. Further details of this have been set out in the following report.
- 1.4 This planning application represents a re-submission following an earlier refused proposal. The applicants have sought to address a number of the key areas of concern raised by the Planning Committee and neighbouring occupiers. That earlier application was subject to an appeal, which whilst dismissed by a Planning Inspector, was only dismissed on issues relating to nitrates. The key changes to the scheme are set out below:
 - i) Reduction in the number of units from 8 dwellings to 7;
 - ii) Removal of the separate exit, allowing for a single in/out access road between 244 and 246 Botley Road;
 - iii) Improved landscaped buffer between 250 Botley Road and the proposed dwellings; and,
 - iv) Increased garden sizes for a number of the dwellings.

2.0 Site Description

- 2.1 The application site is located within the countryside, to the east of Botley Road, and is located immediately adjacent to the Whiteley Urban Settlement Boundary (separated from it by a 30m wide buffer). The site is located in Burrige, and is bounded by residential development fronting Botley Road, the Caigers Green residential development to the north and Whiteley to the east. To the south of the site lies the rear gardens associated with other properties fronting Botley Road.
- 2.2 The site itself is laid to grass, with a mature established hedgerow along the northern boundary, beyond which is a public right of way connecting Whiteley to Botley Road. The eastern boundary comprises an ancient woodland, which forms part of the wider buffer between Burrige and the Whiteley development.
- 2.3 The properties along the eastern side of Botley Road and in the Caigers Green development comprise large, detached, predominantly two storey dwellings. Properties within Whiteley are two storey, higher density residential estate type houses, with a mix of detached, semi-detached and terraced properties.
- 2.4 There are currently two buildings on the site, both of which would be demolished as part of the proposal, and both being outbuildings; one was used as a store associated with 246 Botley Road, and the other, a former stable building.

3.0 Description of Proposal

- 3.1 The application, submitted in outline with only access and layout being considered represents the re-submission following an earlier refused planning application (P/18/0347/OA). Appearance, landscaping and scale would be subject to reserved matters applications. This application, for seven detached, two storey dwellings has been amended since the original application, with the following key changes made:
- a) Reduction in number of units from eight to seven;
 - b) Alterations to the access from an earlier separate in and out, to a single two way access arrangement onto Botley Road;
 - c) Provision of a buffer area between the properties at 248 and 250 Botley Road; and,
 - d) Increased garden sizes for the proposed dwellings.
- 3.2 The application has been supported by detailed ecological reports, an arboricultural impact assessment, transport assessment and a detailed planning, design and access statement.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2: Housing Provision;

CS4: Green Infrastructure, Biodiversity and Geological Conservation;

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy

CS9: Development in Western Wards and Whiteley

CS14: Development Outside Settlements

CS17: High Quality Design

CS20: Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries

DSP13: Nature Conservation

DSP15: Recreational Disturbance on the Solent Special Protection Areas

DSP40: Housing Allocations

Other Documents:

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

Residential Car Parking Standards 2009

The National Planning Policy Framework (February 2019)

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/18/0347/OA	Outline Application for the provision of up to eight detached 5-bedroomed dwellings with access onto Botley Road
REFUSED	18/09/2018
APPEAL	
DISMISSED	17/10/2019

6.0 Representations

6.1 Twenty-two letters have been received regarding this application, of which five letters of support have been received and seventeen letters of objection have

been received. The five letters of support made the following comments regarding the proposals:

- New layout and design an improvement on the earlier scheme;
- Contribute towards freeing up smaller houses to enable people to move up the property ladder;
- Smaller sites less intrusive than larger development sites.

6.2 The seventeen letters of objection raised the following concerns:

- Out of character with the local area;
- Impact on local wildlife and ecology;
- Noise disruption for traffic and during construction;
- Highway safety concerns with Botley Road;
- Loss of a greenfield site/countryside;
- Overdevelopment/high density;
- Inadequate car parking provision;
- Surface water drainage concerns

7.0 Consultations

EXTERNAL

HCC Highways

7.1 No objection, subject to conditions

INTERNAL

Ecology

7.2 No objection, subject to conditions.

Recycling Co-ordinator

7.3 No objection, subject to consideration by the Council's Transport Planner.

Transport Planner

7.4 No objection, subject to conditions.

Public and Open Spaces Manager

7.5 No objections, subject to the open space being a planted buffer strip with no access provided.

Tree Officer

7.6 No objection, subject to compliance with the Tree Report.

Environmental Health (Contaminated Land)

7.7 No objection, subject to conditions and informatives.

Environmental Health (Knotweed)

7.8 No objection, subject to conditions and informatives.

8.0 Planning Considerations

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

- a) Implications of Fareham's Current 5-Year Housing Land Supply Position (5YHLS);
- b) Residential Development in the Countryside;
- c) Policy DSP40 (Housing Allocations);
- d) Other Matters;
- e) The Planning Balance.

8.2 a) Implications of Fareham's Current 5-Year Housing Land Supply Position
A report titled "Five year housing land supply position" was reported for Member's information in the June 2020 Planning Committee. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.03 years of housing supply against the new 5YHLS.

8.3 The starting point for the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

8.4 In determining planning applications there is a presumption in favour of policies of the extant Development Plan, unless material considerations indicated otherwise. Material considerations include the planning policies set out in the NPPF.

8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.

8.6 Paragraph 73 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with

applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are “out-of-date”. It states:

“For decision-taking this means:

- *Approving development proposals that accord with an up-to-date development plan without delay; or*
- *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
 - i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

8.8 The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.9 Members will be mindful of Paragraph 177 of the NPPF which states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats sites (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

8.10 In this particular case an appropriate assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around the Solent subject to the proposed mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 applies.

8.11 The following sections of the report assesses the application proposals against this Council’s adopted Local Plan policies and considers whether it

complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

8.12 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

8.13 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:

“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.”

8.14 Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies Plan states – there will be a presumption against new residential development outside of the defined urban settlement boundaries (as identified on the Policies Map).

8.15 The site is clearly outside of the defined urban settlement boundary of Whiteley and the proposal is therefore contrary to Policies CS2, CS6 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Consideration of Policy DSP40: Housing Allocations

8.16 Policy DSP40: Housing Allocations, of the Local Plan Part 2, states that:

“Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i) The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
- ii) The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*

- iii) *The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv) *It can be demonstrated that the proposal is deliverable in the short term; and,*
- v) *The proposal would not have any unacceptable environmental, amenity or traffic implications”.*

8.17 Each of these five bullet points are worked through in detail below.

Policy DSP40 (i)

8.18 The proposal, submitted in outline (with only access and layout being considered), is for the construction of 7 dwellings. This is considered to be relative in scale to the demonstrated 5-year housing land supply shortfall and would therefore accord with part (i) of Policy DSP40. The Planning Appeal Inspector also concurred with this assessment that the scheme accorded with Part (i) of DSP40.

Policy DSP40 (ii)

8.19 The site is located within the designated countryside, but does lie immediately to the east of the Whiteley Urban Settlement Boundary, as defined in the Adopted Local Plan, save for the 30 metre wide landscape buffer between Burrige and Whiteley, which would be maintained by the development proposal. The site is bounded by existing residential development in Burrige to the north (at Caigers Green) and to the west (along Botley Road). Therefore, it is considered that the development would be visually connected to the existing urban settlement.

8.20 In terms of being functionally linked to the existing urban settlements, and therefore close to amenities, the site would be directly linked to the public rights of way that run through Whiteley, and would be only 1.1 km walk away from local facilities at Gull Coppice, which include a convenience store, post office, cafes, hairdressers, community centre and health centre. Swanwick Railway Station is located 1.6km walk to the south of the site. The low density layout of the proposal also accords with and is well related to the low density development found in Burrige, as evidenced at Caigers Green, the modern development to the immediate north of the site. The proposed development therefore accords with Part (ii) of Policy DSP40 in terms of being well related to the existing urban settlement boundary and well-integrated with the neighbouring settlement. The Planning Appeal Inspector also concurred with this assessment that the scheme accorded with Part (ii) of DSP40, stating the *‘the site would be well related to the adjoining settlement boundary of Whiteley and would be integrated to this and surrounding built areas by footways in such a way that future occupiers of the development would not be*

wholly dependent on the private vehicle to access services and facilities' (paragraph 26 of Appeal Decision).

Policy DSP40 (iii)

- 8.21 As referred to above, the site lies outside of the defined urban settlement area, within the countryside where Policy CS14 of the Adopted Fareham Borough Core Strategy states that built development will be strictly controlled to protect it from development which would 'adversely affect its landscape character, appearance and function'. The site is not located within a designated Strategic Gap.
- 8.22 Botley Road is characterised by large, detached dwellings both fronting the road and as backland development, particularly on the eastern side of the road. The site falls within the BurrIDGE – Swanwick – Whiteley character area and is characterised as 'Urban: Low Density Fringe/Ribbon Development' in the Fareham Landscape Assessment 2017. The Assessment concludes there to be no landscape designations affecting this area and it is therefore of low value as a landscape resource. However, trees and woodland are valuable landscape features and should be retained where possible. It is further noted that built development is the dominant characteristic of this area and further infill development would not be out of place in this suburban environment but that any new development would need to respond to the existing settlement pattern and retain mature trees/woodland and areas of public open space.
- 8.23 The low-density character of the proposed development, which would be set in landscaped plots is similar to the neighbouring development at Caigers Green, and spacious developments fronting Botley Road, reflecting the prevailing low density character of BurrIDGE. Whiteley, to the east of the site comprises higher density residential estate type developments, which include terraces, semi-detached and detached dwellings, within modest sized plots. The proposal would maintain the 30 metre wide landscaped buffer between BurrIDGE and Whiteley, ensuring the two settlements retain an acceptable degree of separation, which was considered appropriate when the development at Caigers Green was permitted in 2002.
- 8.24 Further, the landscaped strip proposed to the eastern boundary of the site would be transferred to the Borough Council as part of the development, ensuring the Council retains ownership of the entirety of the landscape strip that separates BurrIDGE and Whiteley, which at the point of the development represents the narrowest current part of the Council's ownership (presently only 18 metres wide).

- 8.25 It is therefore considered that the development proposal is sensitively designed and in keeping with the prevailing character of Burrige, and its development would minimise any wider adverse impacts on the countryside in this location. The proposed development therefore accords with Part (iii) of Policy DSP40.
- 8.26 The earlier application was refused on this reason, due to the location of the site within the countryside. However, the Planning Appeal Inspector considered that the site was well related to the urban area of Whiteley and would result in a development similar to that of Caigers Green (to the north of the site), stating in paragraph 30 that *'The Caigers Green development shows that housing behind Botley Road forms part of the area and the present scheme, with its opportunities for landscaping, would assimilate satisfactorily into the overall grain of the area without undue harm'*. Therefore, the Planning Appeal Inspector considered the proposed development of the site accorded with Part (iii) of DSP40.

Policy DSP40 (iv)

- 8.27 The application has been submitted on behalf of Amici Developments Ltd, and the supporting statement indicates that if planning permission is granted that the site could be deliverable in the short term. The applicants would be willing to accept conditions requiring the submission of a reserved matters application within 18 months of outline consent being granted. The proposed development would therefore be in accordance with the matter (iv) of Policy DSP40.

Policy DSP40 (v)

- 8.28 The final test of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below:

Environment/Ecology

- 8.29 In respect of environmental implications, the application has been supported by detailed Ecological Surveys, and the Council's Ecologist has raised no objection to the proposals, subject to the provision of appropriate conditions, including the provision of a Biodiversity Mitigation, Enhancement and Management Plan, in accordance with the April 2018 Ecology Report. It is considered that subject to compliance with the recommendations of the ecological reports, the development would not have an adverse impact on those protected species on the site, and the development could result in the provision of protected habitats for reptiles and dormice. It is considered that the proposal would not have a detrimental impact on the local ecology of the area.

- 8.30 The development is likely to have a significant effect on the following designated sites in respect of recreational disturbance, air quality and water quality: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, Solent and Isle of Wight Lagoons Special Area of Conservation and the Solent Maritime Special Area of Conservation – collectively known as the European Protected Sites (EPS). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.31 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent Geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.32 In light of their importance, areas within the Solent have been specifically designated under UK/European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC).
- 8.33 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on the designated European sites, or if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.34 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.35 Firstly, in respect of Recreational Disturbance the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased

recreational disturbance in combination with other development in the Solent area. The applicants have confirmed their acceptance to make the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects. The SRMP payment would be secured through a Section 106 legal agreement.

- 8.36 Natural England has also highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the European Protected Sites.
- 8.37 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the European Protected Sites also has the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the European Protected Sites up to 2023, subject to appropriate mitigation.
- 8.38 Finally, in respect of the impact on water quality, a nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (June 2020) which confirms that the development will generate 4.5kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.39 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 4.5kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.

- 8.40 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering The Solent.
- 8.41 Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings that the proposed development will not have a likely significant effect, either alone or in combination with other plans and proposals on the European Protected Sites.
- 8.42 It is therefore considered that the development accords with the Habitat Regulations and complies with policies CS4, DSP13 and DSP15 of the adopted Local Plan.

Amenity Implications

- 8.43 In terms of consideration of the amenity impact, the site layout plan is being considered as part of the outline application, and therefore it is possible to clearly assess the potential impact of the development on the living conditions of neighbouring occupiers.
- 8.44 The closest neighbouring residential properties to the site are located at 4 and 6 Caigers Green (to the north of the site), and 246, 248 and 250 Botley Road, which would be located directly to the west of the site, and 242 and 244 Botley Road to southern boundary of the site, with 244 Botley Road and 246 Botley Road situated adjacent to the proposed access road.
- 8.45 Number 6 Caigers Green would be located 11m from the proposed side elevation of Plot 3. These properties would be separated by the existing public right of way, and given the level of separation, it is considered that the two small, first floor windows on the side elevation of 6 Caigers Green would not be unacceptably impacted by the proposed development. The extensive rear garden of 242 Botley Road runs along the shared southern boundary of the site, adjacent to which Plot 1 is situated. Given the size of the plot of 242 Botley Road, and the distance of approximately 90m to the rear elevation of 242 Botley Road, which is also not at a direct line of sight, it is considered that the provision of the built form, or level of overlooking would not have an unacceptable adverse impact on the living conditions of occupiers of this property.
- 8.46 Number 244 Botley Road also forms a shared boundary with the site's southern boundary and would also be situated adjacent to the proposed

access road. The northern boundary of 244 Botley Road comprises part of the driveway of the property, leading to the garage building located to the rear of the dwelling. The dwelling itself is situated approximately 4m away from the boundary, beyond which is a further 1m comprising landscaping beyond which is the proposed access road. The development comprises seven dwellings, and therefore volumes of traffic are likely to be low, and travelling at slow speeds either approaching the proposed junction with Botley Road or entering the site which includes means (speed humps) to ensure vehicle speeds are low. Therefore, it is considered that the proposals would not result in an unacceptable adverse impact on the living conditions of occupiers of 244 Botley Road. The rear elevation of Plot 7 would be located approximately 95m away from the rear elevation of 244 Botley Road. Number 246 Botley Road, which forms part of the application site would see its driveway and access used as part of the proposal. The site access would run past the existing property, however, as stated above, it is considered that the level of traffic generated by the proposals would not be significant nor would it warrant an objection on the grounds of noise or pollution. The rear garden area would be protected by a new boundary wall and landscaped buffer. The existing rear elevation of 246 Botley Road would be located almost 50m away from the proposed two storey rear elevation of Plot 1. The levels of separation to the rear elevations of 244 and 246 Botley Road to their nearest property on the development site would far exceed the minimum 22m distance recommended in the Council's adopted Residential Design Guidance.

- 8.47 Numbers 248 and 250 Botley Road share part of their rear boundary with the application site, with Plots 1 and 2 located beyond. Both properties would be located over 40m away from the rear elevation of 248 Botley Road, and approximately 60m away from 250 Botley Road. These levels of separation far exceed the minimum standards sought in the Council's adopted Residential Design Guidance, and the boundaries between the two would be enhanced with additional landscaping to further soften the visual appearance of the development. The immediate rear boundary of the site beyond 248 Botley Road and within and adjacent to the rear gardens of Plots 1 and 2 has an issue with Japanese Knotweed. This would need to be eradicated before they are occupied, and a landscape belt of trees planted along the proposed rear boundaries of Plots 1 and 2. However, given the level of separation between Plots 1 and 2 and 248 and 250 Botley Road, it is considered that the proposals will not have an unacceptable adverse impact on the living conditions of these occupiers.
- 8.48 It is considered that the provision of the development of the site, which currently forms part of the open buffer between Burr ridge and Whiteley, at a low-density, characteristic of other developments in Burr ridge, would not have an adverse impact on the character or appearance of the area. The retention

of the hedgerow along the northern boundary and maintenance of the landscaped buffer at 30m wide would ensure the development and Burrige remain distinctly separate from the higher density development at Whiteley. The scheme is therefore considered to comply with the considerations of good quality design as set out under Policy CS17 of the adopted Core Strategy.

Traffic Implications

- 8.49 Turning to the matter of highway safety and traffic implications, the application would result in the provision of seven additional dwellings accessing Botley Road, an A-class road. The current application varies from that of the original refused application which sought a separate access and egress point along Botley Road, and now seeks to create a single access and egress point between 244 and 246 Botley Road. The application has been considered by the Council's Transport Planner and Hampshire County Council as Highway Authority, and no objection to the proposals have been raised. Given the record of traffic incidents along Botley Road, achieving adequate visibility splays have been paramount to the proposals to ensure no unacceptable increase in highway safety risk is caused as a result of the development proposal.
- 8.50 The visibility splays exceed the standards required for a 30mph road and the opinion of the Highway Authority is that the access would not pose an unacceptable increased risk to highway safety along Botley Road in this location. Internally, the site provides adequate car parking spaces for the individual dwellings, together with visitors' spaces despite the individual dwellings having sufficient space on private driveways to accommodate visitors parking. Pedestrian/cycle access to the site would be achieved via the main access road, which measures 4.2m in width.
- 8.51 It is therefore considered that the proposed access arrangement and increased activity from the development would not cause material harm to other road users, pedestrians or cyclists. Adequate off-street car parking would be provided for each plot.
- 8.52 In summary, it is therefore considered given the impact of the character and appearance of the area as set out above, that the proposal fully accords with the requirements of criteria (v) of Policy DSP40, and Policies CS17 and DSP3 of the adopted Local Plan. The Appeal Inspector concurred that the earlier proposal, which had a different access arrangement and layout was considered acceptable in terms of amenity impacts and highway impacts, with the only reason for the appeal being dismissed related to the impact on nitrates affecting the protected sites around The Solent.

d) Other Matters

Affordable Housing

- 8.53 The application proposes the provision of seven dwellings on a site measuring 1.1 hectares, and therefore there is a requirement to provide affordable housing. In accordance with the submitted Economic Viability Assessment, the residual valuation undertaken demonstrates that the scheme could make an off-site affordable housing contribution of £106,537.00 towards providing affordable housing elsewhere in the Borough. The financial contribution will be secured through the provision of a Section 106 legal agreement.

Trees/Open Space

- 8.54 The eastern boundary of the site comprises an area of mature woodland, which forms part of the Burridge/Whiteley buffer. This area largely falls outside the site and would comprise the end of the rear garden of Plot 6. The northeast corner of the site would become part of the wider Burridge/Whiteley buffer and be landscaped with trees behind the existing boundary hedgerow. This area, together with a further 5 metre strip of land to the east of the site would form a separate reptile habitat corridor, all of which would be transferred to the ownership of the Borough Council subject to the satisfactory completion of a Section 106 legal agreement. This has been considered and agreed with the Council's Public and Open Spaces Manager, having been based on the level of contribution agreed by the Planning Appeal Inspector at the Appeal. There are no significant trees on the site which would be affected by the development, and a detailed scheme of landscaping would be subject to a future reserved matters planning application.

e) The Planning Balance

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

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 8.56 The site lies outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.
- 8.57 Officers have carefully assessed the proposals against Policy DSP40 (Housing Allocations) which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position

presented to the Planning Committee in June 2020 and the Government steer in respect of housing delivery.

- 8.58 In weighing up the material considerations and conflict between policies, the development of a countryside site weighed against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, well related to the existing urban settlement boundary such that it can be integrated with the adjacent settlement whilst at the same time being sensitively designed to reflect the area's existing character and minimising any adverse impact on the countryside.
- 8.59 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present undeveloped. However, that impact would be localised and extend the existing built form. Officers consider that the change in character of the site and the resulting visual effect would not cause substantial harm.
- 8.60 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Subject to the payment of the habitat mitigation contribution, and following completion of the Appropriate Assessment, it is considered that the likely significant effect on the Solent's European Protected sites would be adequately mitigated.
- 8.61 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver a net increase of 7 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is modest but would make a material contribution in light of the Council's current 5YHLS shortfall.
- 8.62 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions, and subject to a Section 106 legal agreement.

9.0 Recommendation

9.1 Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would

cause through increased recreational disturbance on the Solent and Southampton Water, Solent and Dorset Coast Special Protection Area and Portsmouth Harbour Special Protection Areas;

- Financial contribution toward the provision of off-site affordable housing; and,
- The provision and transfer of land to the northeast and east of the site as part of the Burridge/Whiteley Buffer and 5 metre width reptile habitat corridor to the Council, including financial contributions for its maintenance;

GRANT OUTLINE PLANNING PERMISSION, subject to the following Conditions:

1. Application for approval of details of the appearance and scale of the buildings and the landscaping of the site (all referred to as the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved. REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
2. Applications for approval of all reserved matters shall be made to the Local Planning Authority not later than 18 months from the date of this permission. REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters. REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be constructed in accordance with the following approved documents:
 - a) Location Plan (Drawing: 17-1032-001-A);
 - b) Site Plan (Drawing: 17-1032-005-B);
 - c) Site Plan (Coloured) (Drawing: 17-1032-006-B);
 - d) Site Plan (Massing and Active Frontage) (Drawing: 17-1032-007-A);
 - e) Proposed Access with Vehicle Visibility Splays (Drawing: 118648-TP-006-01-B);
 - f) Proposed Access with Swept Path Vehicle Access and Egress Refuse Vehicle (Drawing: 118648-TP-006-02-A); and,
 - g) Proposed Access with Swept Path at Turning Head Refuse Vehicle (Drawing: 118648-TP-006-03-A).REASON: To avoid any doubt over what has been permitted.

5. The development hereby permitted shall proceed in accordance with the measures set out in Section 5.0 'Requirements and Recommendations' of the revised Ecological Assessment Report (Peach Ecology, December 2018).
REASON: To protect the habitats and species likely to be present on site.

6. A Biodiversity Enhancement and Management Plan shall be submitted for approval to the Local Planning Authority before the development commences. Included details shall be in accordance with the outline ecological mitigation and enhancement measures detailed within the submitted revised Ecological Assessment Report (Peach Ecology, December 2018), and include detailed scheme of enhancements such as the number, type and location of bat and bird boxes, lighting details, details of soft landscaping, in particular the 5metre buffer planting along the eastern boundary and the reptile receptor site in the north-eastern corner of the site, along with a landscape management plan. Any such approved measures shall thereafter be implemented in strict accordance with the agreed details and with all measures maintained in perpetuity, unless otherwise agreed in writing by the Local Planning Authority. A summary report, along with photographic evidence of the implemented enhancement measures shall then be submitted to and approved in writing by the Local Planning Authority on completion of the works.
REASON: To provide ecological compensation, management and enhancement in accordance with the NERC Act 2006 and the NPPF.

7. Prior to works commencing on site, a Japanese Knotweed Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved Japanese Knotweed Management Plan, with regards to the treatment of Japanese Knotweed on the application site. A record shall be kept of the remedial works undertaken during the construction phase of the dwelling and for the length of any long term chemical treatment program undertaken and this report shall be made available to the Local Planning Authority.
REASON: To ensure adequate remediation for this invasive species.

8. Prior to the commencement of the development, three equally spaced near surface (within 0-30mm) soil samples shall be taken from the area just around the stable building and tested for asbestos fibres. Where the investigation reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the Local Planning Authority. The statement shall also include the nomination of a competent person (to be agreed with the Local Planning Authority) to oversee the implementation of these measures.
REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place.

9. Prior to the occupation of the dwellings hereby permitted, the agreed scheme of remedial measures shall be fully implemented. Remedial measures shall be validated in writing by an independent competent person as agreed with the Local Planning Authority. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the Local Planning Authority. The requirements of the Local Planning Authority shall be agreed in advance.

Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the Local Planning Authority. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the Local Planning Authority.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

10. The development hereby permitted shall be undertaken in full accordance with the recommendations of the Sapling Arboriculture Tree Report (ref: J1094 – dated March 2018). There shall be no deviation from this report without the prior written approval of the Local Planning Authority.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

11. No development shall start on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 59.0 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

REASON: To provide satisfactory means of access and in the interests of highway safety.

12. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

13. No dwelling hereby permitted shall be first occupied until it has a direct connection, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the commencement of the penultimate building or dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details to an adoptable standard.
REASON: To ensure that the roads and footways are constructed in a satisfactory manner.

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

- a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) the measures the developer will be implementing to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Botley Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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

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

15. No dwelling hereby approved shall be first occupied until detailed plans and proposals have been submitted to the Local Planning Authority for approved showing:

- a) Refuse bin storage (sufficient for 2no. 240 litre wheeled bins); and,
- b) Secure cycle storage.

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

REASON: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

16. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

17. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

18. No works shall commence on site until details of the proposed surface water and foul water drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

REASON: To ensure that the proposed development is satisfactorily drained.

INFORMATIVES:

- a) The applicant is referred to the Environment Agency publication The Knotweed Code of Practice – Managing Japanese Knotweed on Development Sites (Note this document has been withdrawn on 11 July 2016, alternative up to date guidance are available – PCA Property Care Association – Code of Practice for the Management of Japanese Knotweed – Version 2.7: Last modified 10/11/2014; and, The Invasive Non-Native

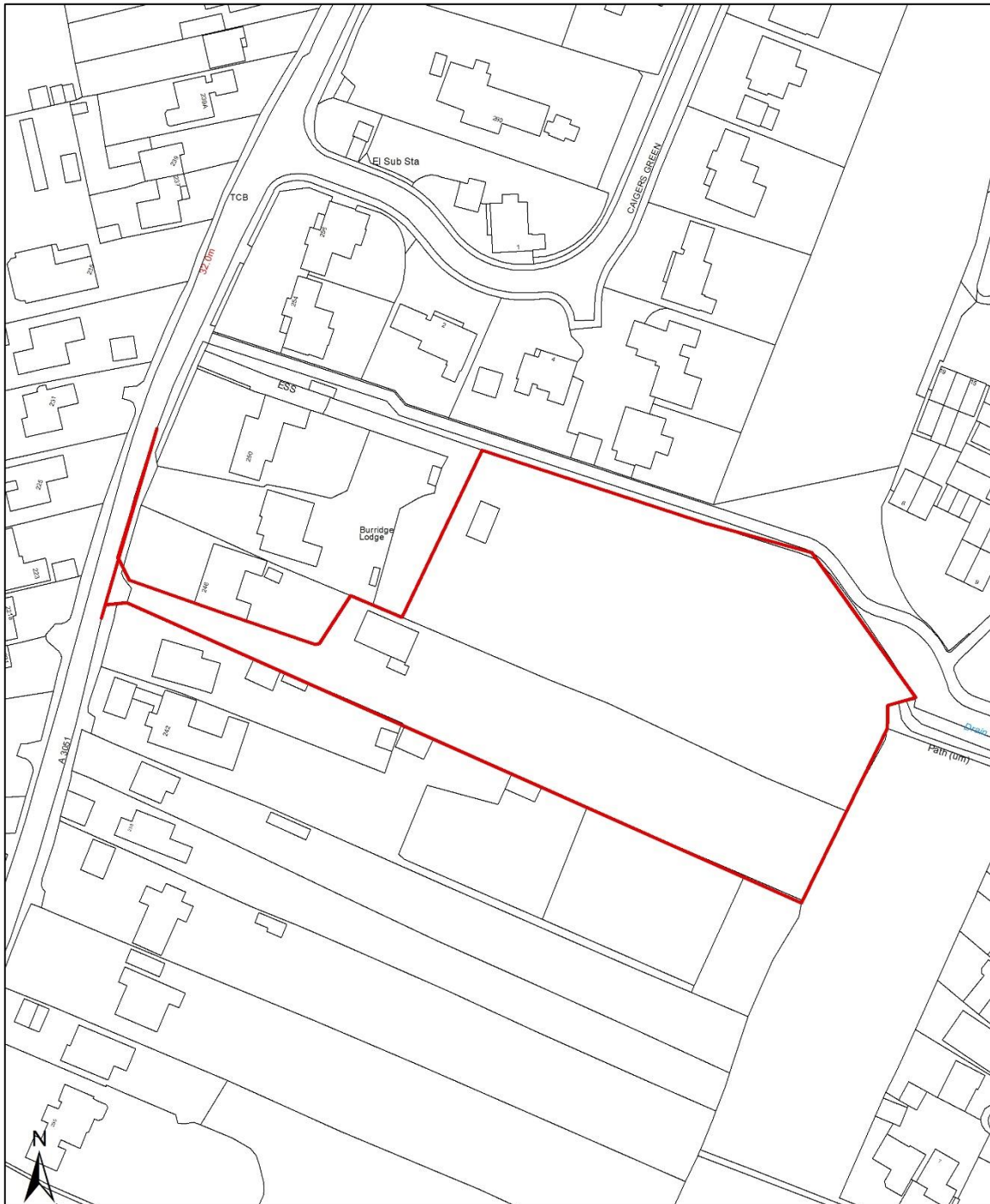
Specialists Association (INNSA) Code of Practice – Managing Japanese Knotweed – 2017).

11.0 Background Papers

P/18/1413/OA

FAREHAM

BOROUGH COUNCIL



Land to Esst of 246 Botley Road

Scale 1:1,250

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OFFICER REPORT FOR COMMITTEE

DATE: 20 January 2021

P/20/1007/FP
RGOM

SARISBURY WARD
AGENT: RGOM

RESIDENTIAL DEVELOPMENT OF 4 SELF-BUILD DWELLINGS, AMENITY AREAS, WITH ACCESS OFF BURRIDGE ROAD (AMENDED SCHEME TO P/18/1252/FP)

21 BURRIDGE ROAD, BURRIDGE, FAREHAM, SO31 1BY

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 An appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Planning Inspectorate notified the Council on 11th December 2020 of the receipt of the appeal although no confirmation has yet been received that they have accepted it as valid.
- 1.2 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant policies and relevant material considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.

2.0 Site Description

- 2.1 The application site is located within the defined countryside and is not located close to or adjacent to the existing defined urban area. The site is located on the southern side of BurrIDGE Road, which comprises an existing ribbon of residential development that extends westwards on the western side of Botley Road (B3051), which connects Botley (to the northwest) to the settlements of the Western Wards and the M27 to the east and southeast. BurrIDGE is a small village comprising limited services and facilities, formed along the Botley Road.
- 2.2 The application site is located in a backland position, to the rear of 23, 25, 27 and 29 BurrIDGE Road, and to the west of 21 and 21a (the annex to 21) BurrIDGE Road. The site is accessed via an existing single track access road serving 21/21a BurrIDGE Road, and is situated between 19 and 23 BurrIDGE Road.

- 2.3 The position of 21/21a Burr ridge road (to the immediate east of the site) is situated on an elevated position, and the ground drops sharply to the west beyond the raised gravelled parking area that serves 21/21a Burr ridge Road. Beyond the slope, the western part of the site is more level, and currently forms the lawned garden area of 21 Burr ridge Road. The site's boundaries are largely formed by mature trees and hedging, characteristic of the rural nature of the site.

3.0 Description of Proposal

- 3.1 The application, submitted in full, comprises four 4-bedroom detached chalet bungalow style dwellings, set in landscaped plots with car parking provision for the individual houses, access roads to serve the new dwellings and 21/21a Burr ridge Road.
- 3.2 The four dwellings share design ideas but are individually designed to seek to better reflect the varied character of properties along Burr ridge Road.
- 3.3 The application has been supported by a detailed planning statement, design and access statement, ecological reports and noise impact assessment.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy

CS14: Development Outside Settlements

CS17: High Quality Design

Adopted Development Sites and Policies

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries

DSP13: Nature Conservation

DSP15: Recreational Disturbance on the Solent Special Protection Areas

DSP40: Housing Allocations

Other Documents:

National Planning Policy Framework (February 2019)

4.2 Members will be aware that the Publication Version of the emerging Fareham Local Plan, which addresses the Borough's development requirements up until 2037 was until recently out for its first round of public consultation. At this early stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of planning applications.

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/18/1252/FP	Six 4-bedroom detached dwellings, amenity areas and a means of access from Burrige Road
REFUSED	25 April 2019
APPEAL	21 April 2020
DISMISSED	

6.0 Representations

6.1 Twenty-seven representations have been received from twenty-six different addresses, of which twenty-one representations of objection have been received and five representations of support.

6.2 The representations of objection raise the following concerns regarding the development proposal:

- Contrary to Local Plan policies;
- Development in the countryside;
- Inappropriate backland development;
- New development of 3,500 houses at North Whiteley will already burden local infrastructure;
- Overstretched public services – doctors, dentists, schools...
- Out of character – ribbon road frontage development with long back gardens;
- Overly dense development compared to remainder of Burrige Road;
- Highway safety concerns - steep narrow access track;
- Access from Burrige Road to Botley Road already dangerous;
- Inadequate visitors parking;
- Drainage and flooding issues;
- Impact on wildlife;
- Impact on designated sites around The Solent;
- Unsustainable location – no public transport;

- It would encourage others to try developing in their gardens;
- Bin storage on Burr ridge Road a health and safety risk;
- Noise disturbance to neighbouring properties along access track;
- Self build properties could exacerbate the disturbance due to elongated built time;
- Impact on ancient woodland and ancient/veteran trees;
- Overlooking and loss of privacy.

6.3 The representations of support highlight that the development proposal would result in a discrete development, with good sized properties in well-proportioned plots, sympathetic to the character of Burr ridge. Policies of the Draft Local Plan supports the provision of small-scale development outside the defined urban area.

7.0 Consultations

EXTERNAL

HCC Highways

7.1 Following receipt of additional and amended information, no objection was raised to the proposed development, subject to conditions.

INTERNAL

Ecology

7.2 Enhancements to boundary planting supported together with the provision of other biodiversity enhancements which would need to be controlled by planning condition. However, due to the age of submitted reports, updated ecology surveys would be required to ensure that the site conditions remain unchanged.

7.3 Further, in accordance with Natural England advice, the development is likely to have a significant effect on European designated sites due to increases in wastewater and recreational disturbance from the new housing.

Trees

7.4 No arboricultural grounds for refusal. Condition required for tree protection.

Environmental Health (Noise and Pollution)

7.5 The developer has submitted a letter from a noise consultant which concludes no significant adverse impact. No objections raised in respect of noise from the development.

Streetscene (Waste and Recycling)

- 7.6 The bin collection point at the site entrance to the development is acceptable.

Streetscene (Open Space)

- 7.7 The developer or residents would need an appropriate management company to ensure the communal areas are properly maintained.

8.0 Planning Considerations

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

- a) Implications of Fareham's current 5-year housing land supply position;
- b) Residential development in the countryside;
- c) Policy DSP40 (Housing Allocations);
- d) Other matters; and,
- e) The planning balance.

a) Implications of Fareham's current 5-year housing land supply position

- 8.2 A report titled 'Five Year Housing Land Supply Position' was reported to Members' at the Planning Committee in June 2020. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has a 4.03 years of housing supply against the new 5YHLS.

- 8.3 The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

- 8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material consideration include the planning policies set out in the National Planning Policy Framework 2019 (NPPF).

- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.

- 8.6 Paragraph 73 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a

buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the Local Plan which are most important for determining the application are considered out-of-date.

- 8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are 'out-of-date'. It states:

“For decision-taking this means:

- a) Approving development proposals that accord with an up-to-date development plan without delay; or,*
- b) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:*
 - i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or,*
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

- 8.8 A key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

- 8.9 Members will be mindful of paragraph 177 of the NPPF which states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

- 8.10 The following sections of the report assesses the application proposals against national planning policy and this Council's adopted Local Plan policies and considers whether it complies with those policies or not. A further material consideration is a determination of an appeal for a similar scheme which was dismissed in April 2020. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

- 8.11 In the absence of a five-year supply of deliverable housing sites, Officers consider that Policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable. This view was shared by the Planning Appeal Inspector in the 2020 appeal decision.

b) Residential Development in the Countryside

- 8.12 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The site lies within an area which is outside of the defined urban settlement boundary. Policy CS14 of the Core Strategy states that:

“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.”

- 8.13 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states:

“There will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).”

- 8.14 The site is clearly outside of the defined urban settlement boundary and the proposal does not comprise one of the acceptable forms of development listed in Policy CS14. The proposal is therefore contrary to Policies CS2, CS6 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan. The previous Planning Appeal Inspector concurred with this assessment.

c) Policy DSP40 (Housing Allocations)

- 8.15 Policy DSP40 of the Local Plan Part 2 states that:

‘Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i) The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
- ii) The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*

- iv) *It can be demonstrated that the proposal is deliverable in the short term; and,*
- v) *The proposal would not have any unacceptable environmental, amenity or traffic implications'.*

8.16 Each of these five points are considered in turn below.

Policy DSP40 (i)

8.17 The proposal is for 4 dwellings and is therefore relative in scale to the 5YHLS shortfall and as such point (i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.18 The application site lies within the designated countryside on the western side of Botley Road, which opens out to the wider countryside stretching down to the banks of the River Hamble, which is less than a kilometre to the west. Much of this land comprises the Swanwick Lakes Nature Reserve with the only substantive built form comprising the existing ribbon of residential development along Burridge Road. The defined urban settlement boundary is located approximately 300 metres to the east of the site, on the eastern side and beyond the road frontage development of Botley Road. The urban settlement boundary currently comprises the western edge of the higher density development of Whiteley.

8.19 Burridge Road is a quiet, ribbon of road frontage residential development stretching into the open countryside, with many of the properties comprising long rear gardens with the open countryside beyond. The proposal would not therefore be sustainably located adjacent to, or well related to the existing urban area. Its backland character would also be fundamentally contrary to the road frontage development and would not therefore be well integrated with the neighbouring settlement.

8.20 In addition, Burridge contains very limited services and facilities, meaning most residents are required to access local services and facilities, such as doctors, shops, cafes, schools and employment by private vehicles. The closest railway station (Swanwick) is a considerable walk away along a busy, heavily trafficked road, and all services and facilities in Whiteley are located on the eastern side of Botley Road.

8.21 In paragraph 17 of the Planning Appeal Decision, the Inspector incorrectly stated that there are frequent buses along Botley Road, whilst acknowledging that the railway station is within 2 kilometres of the site. There are no public buses that operate through Burridge along this section of Botley Road, and mapping indicates that the station is 2.25 kilometres away, an estimated 30 minute walk away on an undulating, in part narrow footpath. The relative

distance, over 2 kilometres, to the railway station and the lack of any public buses along Botley Road through Burr ridge greatly reduces the sustainability of the site, of which the Inspector considered were material considerations that could outweigh the conflict to point (ii) of Policy DSP40. However, Officer's remain of the opinion that the development of the site would not sustainably located or well related to the urban settlement boundary.

- 8.22 It is therefore considered that the proposal fails to accord with point (ii) of Policy DSP40.

Policy DSP40 (iii)

- 8.23 As stated in the preceding paragraphs Burr ridge Road is characterised by road frontage residential properties along its length. The only exception to this is the adjoining property at 21 Burr ridge Road, which largely predates the majority of the other properties along Burr ridge Road. However, despite this, its backland presence has not been replicated elsewhere along the road with all other properties essentially fronting the street. This view has also been corroborated in recent appeal decisions for backland development along Burr ridge Road (including the appeal for the current application site).

- 8.24 In view of this, road frontage development is the prevailing character of Burr ridge Road, and therefore the introduction of this small backland residential estate would appear wholly incongruous with the general pattern of development. Policy CS17 requires that new development respond positively to and be respectful of the key characteristics of the area, including scale, form and spaciousness.

- 8.25 Whilst the development has been reduced from six dwellings to four dwellings, and the overall design of the proposed properties are more sympathetic to the mixed style along Burr ridge Road, the scheme would still result in a higher density development than the remainder of Burr ridge Road, and fail to accord with the overarching ribbon, road frontage character.

- 8.26 Paragraph 6 of the dismissed appeal decision which related to the scheme of 6 dwellings states that:

'Whilst the site would be screened from the main road the introduction of this pattern of development, which would fail to create a positive layout or respect the more varied ribbon style development that dominates the wider area, would be significantly harmful to the character of the area. The fact that the character is semi-urban does not justify the introduction of a cramped and ill-considered layout'.

8.27 The Inspector continued to confirm in paragraph 8 that the development proposal would result in '*significant harm to the character and appearance of the area*', conflicting with policies CS17 and criteria (iii) of DSP40.

8.28 Despite the changes made since the earlier application and appeal, Officer's remain of the opinion that the proposal would not be sensitively designed to reflect the mixed character of the area and its back land situation fails to accord with the prevailing character of road frontage, ribbon development along BurrIDGE Road. The application therefore fails to comply with Policy CS17 and point (iii) of DSP40.

Policy DSP40 (iv)

8.29 Whilst the application proposes that the four dwellings would be self-builds, the application has been submitted in full detail and therefore, given the scale of the proposed development, it would be capable of being delivered in the short term. The proposal would therefore comply with point (iv) of DSP40.

Policy DSP40 (v)

8.30 The final criteria of Policy DSP40 requires that the proposal would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below:

Environmental/Ecology

8.31 The application has been supported by a Preliminary Ecological Survey, Dormouse Survey and 2019 Ecology Addendum. Given the nature of the site, maintained grassland, there were no significant ecological issues regarding the proposed development of the site. However, the Council's Ecologist had requested updated survey work be undertaken to ensure no significant changes had taken place, particularly in view of the boundary planting and trees. However, no updated survey work was provided and as such the potential ecological implications remain unconfirmed and could result in a detrimental impact on protected species on or around the site.

8.32 The Council's Tree Officer raised no objection to the scheme, subject to a condition requiring boundary tree protection is provided during the course of the construction period.

8.33 The development is likely to have a significant effect on the following designated sites in respect of recreational disturbance, air quality and water quality: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site, Solent and Isle of Wight Lagoons Special Area of Conservation and the Solent Maritime Special Area

of Conservation – collectively known as the European Protected Sites (EPS). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

- 8.34 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent Geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.35 In light of their importance, areas within The Solent have been specifically designated under UK law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC).
- 8.36 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on the designated European sites, or if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority, or the Planning Inspectorate in regard to an Appeal.
- 8.37 Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the EPS.
- 8.38 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise Local Planning Authorities to

take a precautionary approach when addressing uncertainty and calculating nutrient budgets.

- 8.39 No nitrate neutrality information has been provided by the applicant in relation to this application, and therefore it can only be concluded that the development would increase nitrogen loading onto the EPS and would therefore have an unacceptable impact, conflicting with Policies CS4, DSP13.
- 8.40 In addition to the impacts set out above, it is recognised that increasing the number of houses close to the Special Protection Areas could result in increased recreational disturbance to over-wintering birds and have a likely significant effect. The Solent Recreation Mitigation Partnership Strategy (SRMP) has been developed to address this potential impact. Subject to appropriate financial contribution being secured, which the applicant confirms would be forthcoming in the event that planning permission was being recommended, Officer's believe that this likely significant effect can be satisfactorily mitigated. However, no mitigation has been provided and therefore the likely significant effect remains.
- 8.41 The application proposal is therefore considered contrary to point (v) – Environmental Impact of DSP40, whilst also conflicting with CS4, DSP13 and DSP15.

Amenity Implications

- 8.42 The applicants have had regard to the various concerns raised regarding the impact of the earlier development proposed on the living conditions of existing and future occupiers. The application has been supported by the noise assessment highlighting that the increased level of activity along the access track, and in particular the relative proximity to habitable rooms in 19 and 21a Burrige Road, would not be excessive. The noise assessment has been considered by the Council's Environmental Health Officers who have raised no objection. The matter was also considered by the Planning Appeal Inspector to the scheme for 6 dwellings, and again raised no concerns.
- 8.43 In terms of the revised layout and the reduction in number of units, there would now be no direct overlooking between the existing and proposed dwellings, and the levels of separation are acceptable. Despite the fact that the proposal would result in a density of development greatly higher than the prevailing character along Burrige Road, largely to the extensive gardens most of the houses along Burrige Road benefit from, each of the dwellings would have gardens in excess of 11 metres in length (lengths ranging from 17 metres to 20 metres).

- 8.44 However, despite the suitability of the current layout on the living conditions of existing and future occupiers, household waste and recycling are proposed to be collected from a bin collection point adjacent to the site entrance with Burridge Road. The distance for Plot 3 to the kerbside at Burridge Road would be in excess of 130 metres, including having to pull full wheelie bins up a steep slope. The earlier proposal for six dwellings included provision for the entering and exiting of refuse vehicles in a forward gear on the site for their weekly collections. Given the excessive distances it represents a poor quality of design, detrimental for future occupiers of the proposed dwellings.
- 8.45 It is therefore considered that the proposed development would result in an unacceptable adverse impact on the living conditions for future occupiers, and therefore fails to accord with point (v) – amenity implications of DSP40.

Traffic Implications

- 8.46 In respect of the traffic impact from the development proposal, the application has been considered by Hampshire County Council, as the Highway Authority. The County Transport Planner has raised no objection on the suitability of the access driveway, including passing places and visibility splays onto Burridge Road, together with the confirmation of the provision of a sprinkler system for each dwelling, addressing the need for a fire tender vehicle to enter the site.
- 8.47 The development provides sufficient private car parking provision for each of the dwellings, comprising driveway parking and open car ports. A further six spaces outside the application site would be retained for 21 and 21a Burridge Road. In addition, one additional visitors' space would be provided.
- 8.48 The car parking arrangement and level of car parking accords with the Council's Residential Car Parking Standards SPD and is therefore acceptable.
- 8.49 Therefore, the access arrangements are considered to be acceptable and the car parking provision meeting the adopted standards. Therefore, the proposal accords with point (v) – traffic implications of DSP40.
- 8.50 In summary therefore, the proposed development fails to accord with requirements of points (ii), (iii) and (v) of Policy DSP40 of the adopted Local Plan.

d) Other Matters

- 8.51 Nationally Described Space Standards: The proposed dwellings, which are all four bedroomed, two storey dwellings, all comply the minimum requirements of the nationally described space standards, which is sought within Policy CS17 of the adopted Local Plan.

e) The Planning Balance

8.52 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning application:

“If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise”.

8.53 As set out above, the effect of paragraph 177 of the NPPF is that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.

8.54 In this instance Officers have identified likely significant effects on a habitats site, and in particular, the lack of mitigation against the impact of increasing levels of nitrogen on the protected sites around The Solent as a result of increased numbers of residential properties. Officers have not undertaken an Appropriate Assessment. Accordingly, the presumption in favour of sustainable development set out in paragraph 11 of the NPPF does not apply.

8.55 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.

8.56 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report from the June 2020 Planning Committee and the Government steer in respect of housing delivery.

8.57 In weighing up the material considerations and conflict between policies, the development of the site in the countryside weighed against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and could be achieved in the short term. However, the proposal fails to accord with points (ii), (iii) and (v) of Policy DSP40, in that it would be poorly related to the existing urban area, out of character with the current pattern and scale of residential development in

Burrige Road, and the layout of the scheme would result in an unacceptable means of refuse and recycling collection for future occupiers. Furthermore, if it had not been for these overriding objections, updated survey work would have been sought to ensure that protected species on or immediately around the site would not be materially harmed by the proposals.

8.58 Having carefully considered all relevant material planning considerations, Officers would have recommended that planning permission should be refused for this proposal.

8.59 Members are invited to confirm that had they been able to determine the application they would have refused it for the reasons set out below. The position agreed by Members will then be presented as the Council's case to the Planning Inspector.

9.0 Recommendation

Members confirm that had they had the opportunity to determine the application they would have REFUSED it for the following reasons:

The development would be contrary to Policies CS2, CS6, CS14 and CS17 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP6, DSP13, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:

- i) The provision of dwellings in this location would be contrary to adopted local plan policies which seeks to prevent residential development in the countryside. Further, the development would not be sustainably located adjacent to or well integrated with the neighbouring settlement area.
- ii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped, backland location, which would be out of character with the prevailing pattern of development in the area.
- iii) As a result of the poor layout design, the proposal would result in an excessive distance for refuse/recycling bins to be taken to and from the proposed properties, to the detriment of future residents.
- iv) Insufficient information has been provided to adequately demonstrate that no harm would be caused to features of ecological importance on and surrounding the site and protected species.

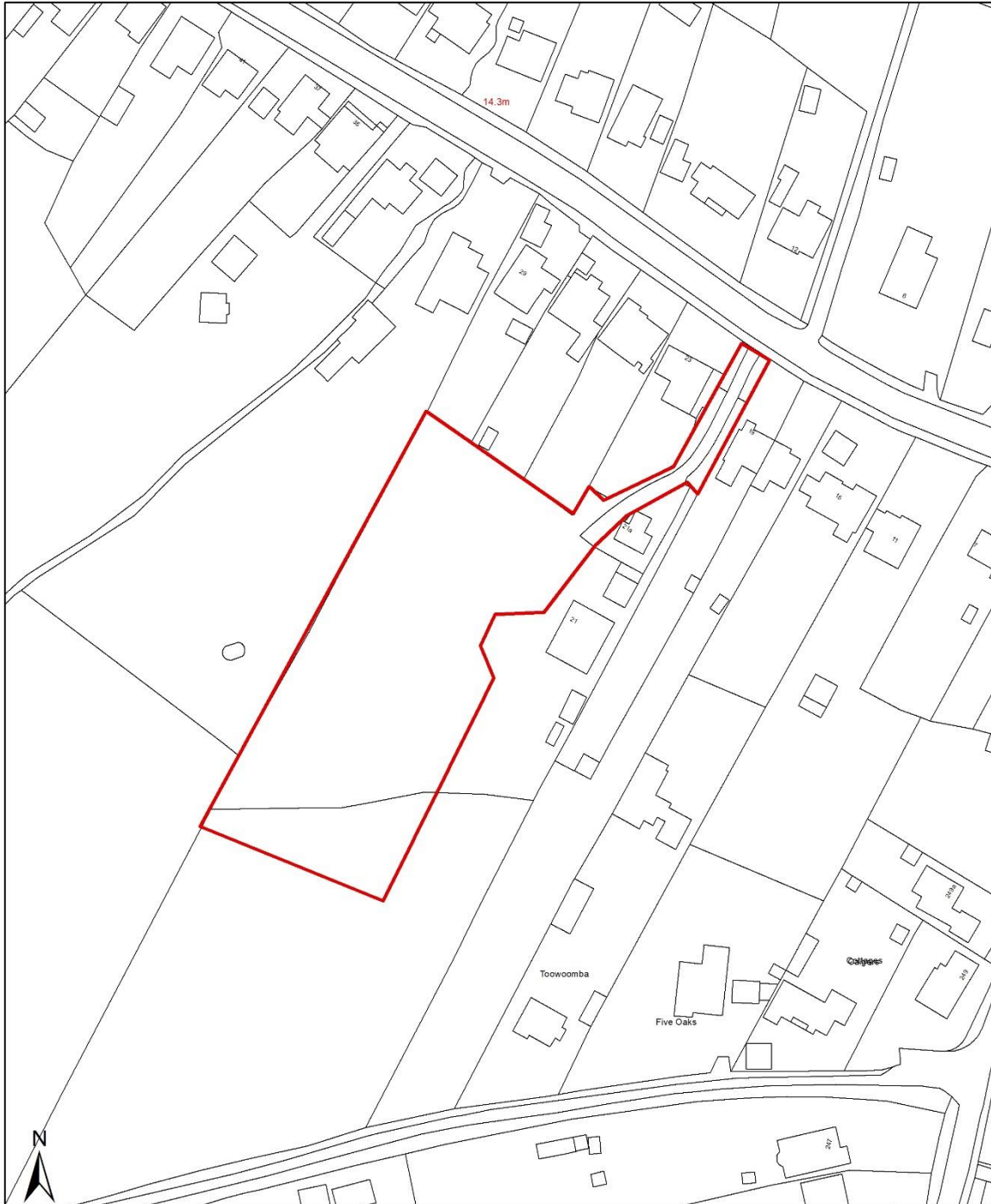
- v) The proposal would have likely adverse effects on the integrity of European Protected Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation.
- vi) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Waters Special Protection Area and the Portsmouth Harbour Special Protection Area.

10.0 Background Papers

P/20/1007/FP

FAREHAM

BOROUGH COUNCIL



21 Burrige Road
Scale 1:1,250

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Agenda Item 7(4)

OFFICER REPORT FOR COMMITTEE

DATE:

P/20/1251/CU
Mr NADER NEJATI

WARD: WASASH
AGENT: Mr N NEJATI

CHANGE OF USE FROM RESTAURANT (CLASS E) TO MIXED USE RESTAURANT (CLASS E) AND HOT-FOOD TAKEAWAY (SUI GENERIS)

15 BROOK LANE, WARSASH, SOUTHAMPTON, SO31 9FH

Report By

Katherine Alger- direct dial 01329 824666

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third party letters that have been received.

2.0 Site Description

2.1 This application relates to an existing commercial unit located on the western side of Brook Lane. The premises is currently vacant and were formerly occupied by Italian restaurant, as such the site comprises a Class E use (formerly A3) under the 2020 changes to the Use Classes Order. The site lies within the Warsash Local Centre, and the surrounding area comprises a variety of different uses including a car showroom, a hairdressers and a Chinese takeaway.

3.0 Description of Proposal

3.1 The proposal is for the change of use from restaurant (Class E) to a hot-food takeaway (a Sui generis use, (formerly a Class A5 use)).

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS3: Vitality and Viability of Centres

CS5: Transport Strategy and Infrastructure

CS17: High Quality Design

Adopted Development Sites and Policies

DSP2: Environmental Impact

DSP3: Impact on Living conditions

DSP17: Existing Employment Site Areas

DSP34: Development in District Centres, Local Centres, and Local Parades
DSP39: Hot Food Shops

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document
(excluding Welborne) December 2015
Non-Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

5.2 In 1995 planning permission was approved on appeal for the change of use to an Italian Restaurant (Class A3) (Ref P/95/1017/CU).

6.0 *Representations*

6.1 Eight representations have been received which raise objection on the following grounds:

- Condition on previous application restricting takeaway
- Insufficient parking
- Litter
- Too many takeaways within surrounding area
- Noise
- Anti-social behaviour
- Inaccurate parking shown

7.0 *Consultations*

Environmental Health

7.1 The Council's Environmental Health Officer raises no objection to the proposal subject to conditions restricting the opening hours and details to be provided of the extraction system.

8.0 *Planning Considerations*

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

- a) Principle of change of use
- b) Impact on residential amenity
- c) Parking
- d) Other matters

- a) Principle of change of use
- 8.2 The site is located at the southern end of Brook Lane, within the centre of Warsash village which is a designated Local Centre.
- 8.3 Policy DSP34 of the Local Plan Part 2 states that town centre uses will be permitted in the Borough's Centres and Parades where they are of an appropriate scale and maintain the current hierarchy of retail centres and will need to ensure an adequate provision of car parking within the designated centre.
- 8.4 The unit is of an appropriate scale and would not conflict with the retail hierarchy of the Borough as it would not result in the loss of an A1 unit as it was previously in use as a restaurant.
- 8.5 There are a number of A1 retail uses within close proximity to the site including a hairdressers next door. Therefore, the proposal would not result in an unacceptable continuous group of non-retail uses on the same side of the street and would therefore accord with Policy DSP34.
- 8.6 Policy DSP39 relates to hot food shops. It states that proposals for shops for the sale of hot food (Class A5) will be permitted provided that they would not:
- i) Damage the vitality and viability of the centre or area;
 - ii) Adversely affect the character of the area; and,
 - iii) Have an unacceptable environmental, amenity or traffic implications.
- 8.7 There are a number of centre uses including hot food takeaways within the surrounding area. It is considered that the proposed takeaway use would be appropriate within this location, would have regard to the prevailing character and would not damage the vitality and viability of the local centre. The proposal therefore is in accordance with Policy DSP39.
- 8.8 The amenity, traffic and parking implications will be addressed later in this report.
- b) Impact on residential amenity
- 8.9 The site is located within a designated Local Centre, and as such the area already has a degree of background noise throughout the day, including other commercial activities and other sources of plant equipment noise.
- 8.10 The opening hours of the premises would be between 10am and 11pm which the Environmental Health Officer considers acceptable, and which accord with

the other takeaway premises within Warsash Local Centre. A condition will be imposed to ensure that the premises do not operate outside of these hours.

- 8.11 The Council's Environmental Health Officer has reviewed the application and discussed the proposal with the applicant. There is an existing extraction system within the premises which is considered to be sufficient for the future occupiers. The applicant is considering replacing this extract system, for which a separate grant of planning permission will be required.
- 8.12 There are residential properties located to the north of the application site. However, due to the existing character with other local centre uses, limiting the opening hours and the existence of an existing extraction system, it is considered that the change of use would not result an unacceptable adverse impact on the amenities of these occupiers.
- 8.13 The proposal is therefore in accordance with Policy DSP3.

c) Parking/Highways

- 8.14 The Council's Non-Residential Parking Standards SPD sets out the minimum parking standards for Class A5 (now Sui Generis) uses. It requires that a minimum of 1 car parking space per members of staff is provided plus 1 space per delivery vehicle. The applicant has provided a site plan showing 4 car parking spaces to the side and 1 car parking spaces to the rear of application site.
- 8.15 Additionally, due to the site's location within the Local Centre it is within easy reach of public transport services, with a bus stop located directly outside the parade of shops. There is also a large public car park on Shore Road which is a 5-minute walk from the application site. Therefore, it is considered that there is sufficient parking for both customers and staff. The proposal therefore complies with the Non-residential car parking standards SPD.

d) Other Matters

- 8.16 Objections have been received regarding the potential impact of anti-social behaviour and littering. However, this is a police matter and controlled under Environmental Health legislation and is not therefore a material planning consideration.

9.0 Recommendation

- 9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before 21st January 2024.

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable

the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the approved documents:

- a) Site Plan
- b) Parking Plan
- c) 15 Brook Lane- Floor Plan 1:100

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

3. The premises shall not be open for customers other than between the hours of: 10:00 to 23:00 Monday-Sunday.

REASON: In order to protect the amenities of occupiers of nearby residential properties.

4. No deliveries shall be taken at or despatched from the site outside the hours of 10:00 to 23:00 Monday-Sunday.

REASON: In order to protect the amenities of occupiers of nearby residential properties.

5. An active shop window display shall be retained at all times at the front of the premises facing Brook Lane.

REASON: In the interests of vitality, viability and character of Warsash Local Centre in accordance with Policy DSP34 of the Local Plan Part 2: Development Sites and Policies.

6. The premises shall be used for a hot food takeaway (Sui Generis Use) and for no other purpose.

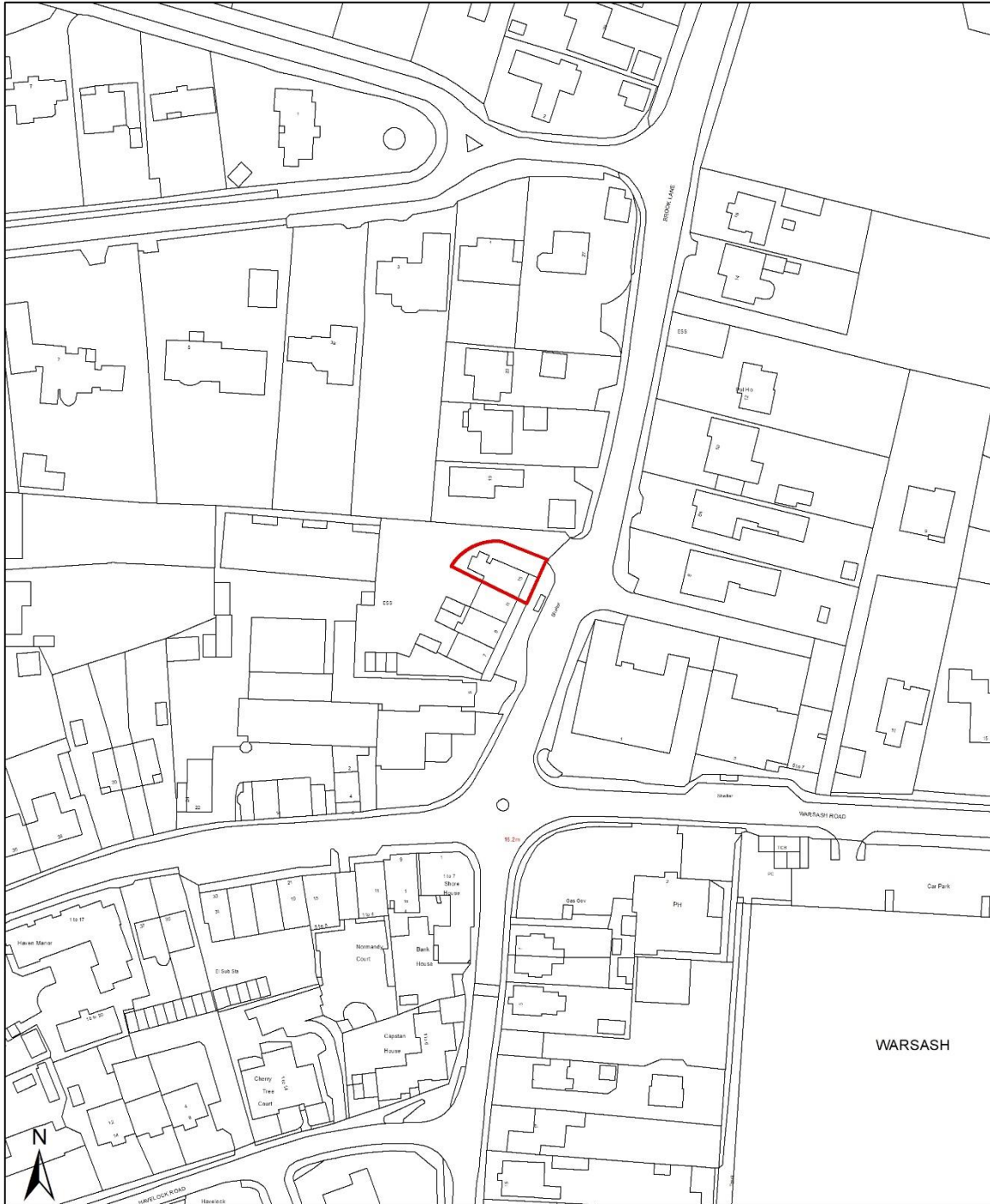
REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

10.0 Background Papers

P/20/1251/CU

FAREHAM

BOROUGH COUNCIL



15 Brook Lane
Scale 1:1,250

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Agenda Annex

ZONE 2 – FAREHAM

Fareham North-West

Fareham West

Fareham North

Fareham East

Fareham South

REFERENCE SITE ADDRESS & PROPOSAL
NUMBER &
WARD

ITEM NUMBER &
RECOMMENDATION

No items in this Zone

ZONE 3 – EASTERN WARDS

Portchester West

Hill Head

Stubbington

Portchester East

REFERENCE NUMBER & WARD	SITE ADDRESS & PROPOSAL	ITEM NUMBER & RECOMMENDATION
P/20/1228/VC	65 OLD STREET FAREHAM PO14 3HQ	5
HILL HEAD	REMOVAL OF CONDITION 3 OF PLANNING PERMISSION- P/16/0301/FP FOR THE CONSTRUCTION OF 14 STABLE BARN WITH HORSE WALKER AND 60 X 30 MANEGE, NEW TOILET /STORE BUILDING AND GRAVEL/TARMAC HARDSTANDING	REFUSE

Agenda Item 7(5)

OFFICER REPORT FOR COMMITTEE

DATE:

**P/20/1228/VC
MS LILY BEVERIDGE**

**HILL HEAD
AGENT: MR R STONE**

REMOVAL OF CONDITION 3 OF PLANNING PERMISSION- P/16/0301/FP FOR THE CONSTRUCTION OF A 14 STABLE BARN WITH HORSE WALKER AND 60 X 30 MANEGE, NEW TOILET/STORE BUILDING AND GRAVEL/TARMAC HARDSTANDING

65 OLD STREET, FAREHAM, PO14 3HQ

Report By

Katherine Alger – Direct Dial: 01329 824666

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third party letters that have been received.

2.0 Site Description

2.1 The application site comprises of land to the rear of 65 Old Street, whilst also to the immediate rear of Nos 59, 61, 63 and 67 Old Street. There is an access track between the houses at Nos 65 and 67 Old Street leading from the adopted highway of Old Street to the application site itself.

2.2 The site is used as a stable yard consisting of a 14 stable American style barn, 6 mobile loose boxes and an additional 4 stables on part of the site behind No 67 Old Street. There is also a horse walker, lunge pen and a manège on the site.

2.3 The site is used for the grazing, keeping, training and exercising of horses and the breeding and sale of foals.

3.0 Description of Proposal

3.1 The proposal is to remove Condition 3 of planning permission P/16/0301/FP. Condition 3 reads as follows:

The use of the buildings hereby permitted shall be carried out only by Ms Lily Beveridge and/or persons in connection with the personal private use of the land by Ms Beveridge unless otherwise agreed in writing by the Local Planning Authority.

REASON: To retain planning control over the development hereby permitted and to ensure no intensification of the use of the land which might otherwise

adversely affect the living conditions of neighbours or may be harmful to the safety and convenience of users of the adjacent public highway.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS5: Transport Strategy and Infrastructure
CS14: Development Outside Settlements
CS17: High Quality Design
CS22: Development in Strategic Gaps

Adopted Development Sites and Policies

DSP2: Environmental Impact
DSP3: Impact on Living Conditions

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/16/0301/FP	Construction of 14 Stable Barn with Horse Walker & 60 x 30m Manège, New Toilet/Store Building and Gravel/Tarmac hardsurfacing
Approve	26 th May 2016

6.0 Representations

6.1 A total of twelve representations have been received (seven in support and four objecting). The comments are listed as follows:

Support

- a) No issues with parking
- b) No odour
- c) No concerns with parking
- d) Lorries only use site a few times a week
- e) No invasion of privacy
- f) Well managed business
- g) No increase in noise
- h) Improvements to site have enhanced area
- i) Supports local business

Object

- a) already being used as a business

- b) large horse vehicles entering and leaving site
- c) highway safety
- d) increase in traffic
- e) loss of privacy
- f) promote further development of site
- g) increase in people using site
- h) odour
- i) damage to road surface
- j) inappropriate for residential location
- k) commercialisation of the site

7.0 Consultations

EXTERNAL

Highways

- 7.1 Objection- The applicant has not provided sufficient evidence that this would not have a detrimental impact onto the local highway network.

INTERNAL

Environmental Health

- 7.2 The application should demonstrate the adverse impact to the neighbours can be avoided by way of assessment.

8.0 Planning Considerations

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

- a) Impact on residential amenity
- b) Highway safety

a) Impact on residential amenity

- 8.2 The proposal is to remove Condition 3 of the original planning application (Ref P/16/0301/FP). This would enable the site to be used by an unrestricted number of people and the stables and associated facilities would not as such be limited to be used solely by the named applicant.

- 8.3 In the original application the case officer stated that *“the facilities for which planning permission being sought are extensive, the proposal is unlikely to have any materially harmful impact on the surrounding area and neighbours because it relates to the leisure activities of one individual...whilst it is probable that Lily will transport horses using large vehicles in and out of the site when travelling to its competitions this is unlikely to be so frequent as to cause nuisance to neighbours or any highway safety issues into or out of Old*

Street". The case officer clearly considered the amenity and highway impact of the use of the site and considered that for one individual it would not have a significant impact.

- 8.4 The report concludes by stating that "*it would be sensible to limit the principal use of the site to those for the personal use of Lily Beveridge. Whilst this would still allow Lily to breed horses ancillary to the main use of the site and to have people to help her care for her horses it would prevent a commercial livery, riding school or equestrian centre or the use of the site for others to keep their horses. Such a condition would be required in order to prevent an intensification or change in the nature of the use, to protect the living conditions of neighbours and ensure that the traffic movements associated with such uses do not adversely affect the safe and convenient use of Old Street*".
- 8.5 It is considered that the removal of the condition could result in the intensification of the site and would change the nature of the use. There is a total number of 24 stables within the site and should each of those be occupied by at least one horse owned by 24 separate individuals, there could be at least 24 people coming onto the site daily to visit and care for their horses. It is accepted that the number of horses within the site will not change, however the number of people visiting horses is likely to result in the intensification of the use, to the detriment of the living conditions of neighbours.
- 8.6 The applicant has explained within the submitted Planning Statement that the site would be used on a full livery basis and clients would not visit on a regular basis. Whilst the clients would not need to visit the site daily to care for their horses as this is all provided within the site there is nothing to prevent horse owners from visiting their horses on a daily occurrence, and it would not be reasonable for the Council to impose a condition restricting such activity.
- 8.7 The Environmental Health Officer has requested that the applicant demonstrates whether the proposal would have an adverse impact on the neighbours by way of an assessment. They have advised that the assessment of noise and light should include the predicted increase in vehicle movements of clients to and from the yard and also the predominant noise sources arising from the activities of the yard.
- 8.8 Despite requesting this information, the applicant has been unwilling to provide this to demonstrate that the proposal would not have an adverse impact on the neighbours in terms of noise and light disturbance from moving vehicles. It is therefore concluded that the proposals, based on the likely level of intensification that could occur with an unfettered use of the site, could

result in a significant adverse impact on neighbours by reason of noise, light and air pollution. The removal of Condition 3 would therefore be contrary to Policy DSP2.

b) Highway safety

8.9 Whilst the application proposal does not result in any changes on site to the existing access arrangements, the County Council, as Highway Authority has raised concerns stating that as the application is seeking removal of the restriction of private use, this will allow usage by the public and therefore the site to operate as a business.

8.10 No information regarding trip generation has been provided, nor any assessment as to the impact increased activity would have on the local road network. Details of access into the site have also been omitted. Therefore, the Highway Authority cannot recommend the removal of the condition as the applicant has not provided sufficient evidence that this would not have a detrimental impact onto the local road network. The removal of the condition would therefore fail to accord with Policy CS5.

8.11 Based on the lack of information provided the applicant has failed to demonstrate that the removal of the condition would result in no harm to the amenities of the neighbouring residential occupiers and would not have a detrimental impact on highways safety. Therefore, it is recommended that the condition should not be removed.

9.0 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reason:

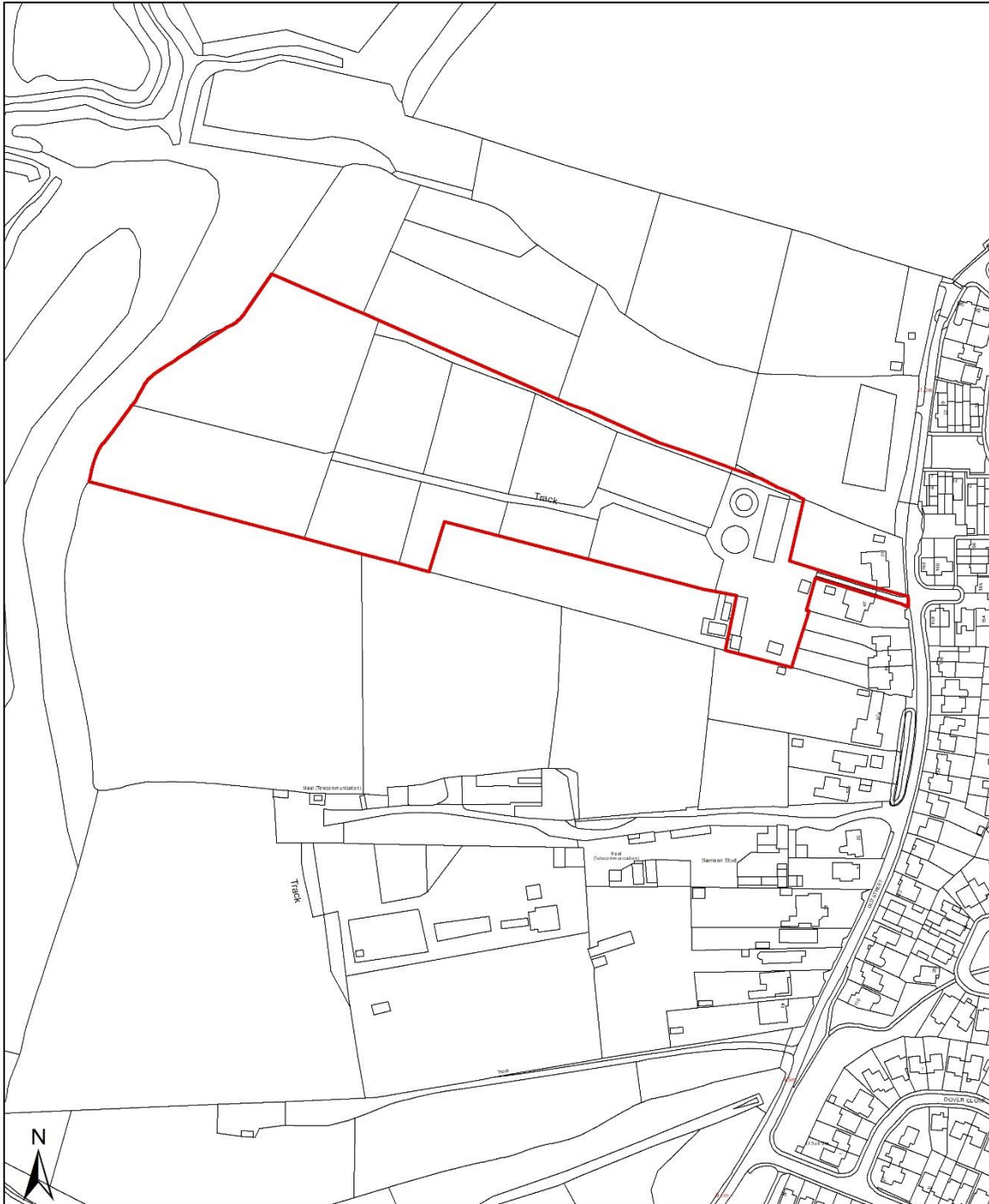
1. The proposal is contrary to policies CS5 and CS17 of the adopted Fareham Borough Core Strategy; Policy DSP2 of the adopted Fareham Local Plan Part 2: Development Sites and Policies, in that it fails to demonstrate that the removal of Condition 3 would not result in a significant impact on the neighbouring occupiers by reason of increased noise, light and air pollution, and highway safety, by reason of insufficient information to adequately assess whether the unfettered use of the site would adversely affect the safety and operation of the local road network.

10.0 Background Papers

P/16/0301/FP & P/20/1228/VC

FAREHAM

BOROUGH COUNCIL



65 Old Street
Scale 1:2,500

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Agenda Item 8

PLANNING APPEALS

The following list details the current situation regarding new and outstanding planning appeals and decisions.

PUBLIC INQUIRY

ENF/40/19

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

PUBLIC INQUIRY

MR KEVIN FRASER

The Tithe Barn Mill Lane Fareham PO15 5RB

16 June 2020

AGAINST ENFORCEMENT

Resurfacing of car park with tarmac

PUBLIC INQUIRY

P/18/1118/OA

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

PUBLIC INQUIRY

Fareham Land LP

Land at Newgate Lane (North) Fareham

Non Determined

REFUSE

PENDING PI DECISION

2 June 2020

NON DETERMINED

Outline Planning Permission for the demolition of existing buildings and development of up to 75 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

PUBLIC INQUIRY

P/19/0316/FP

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

PUBLIC INQUIRY

MR K FRASER

The Tithe Barn Mill Lane Titchfield Fareham

NAC

REFUSE

REFUSE

16 June 2020

AGAINST REFUSAL

Re-surface car park area with tarmac (retrospective application)

HEARING

P/19/0419/DA

Appellant:

Site:

Decision Maker:

Recommendation:

Council's Decision:

Date Lodged:

Reason for Appeal:

HEARING

Mr Patrick Cash

137 Newgate Lane Fareham

11 May 2020

AGAINST ENFORCEMENT

Unlawful development of two structures

PUBLIC INQUIRY

P/19/0460/OA

Appellant:

Site:

PUBLIC INQUIRY

Bargate Homes Ltd

Land at Newgate Lane (South) Fareham

Decision Maker: Non Determined
 Recommendation: REFUSE
 Council's Decision: PENDING PI DECISION
 Date Lodged: 2 June 2020
 Reason for Appeal: **NON DETERMINED**
 Outline planning permission for the demolition of existing buildings and development of up to 115 dwellings, open space, vehicular access point from Newgate Lane and associated and ancillary infrastructure, with all matters except access to be reserved.

HH APPEAL SERVICE

P/19/1073/TO
 Appellant:
 Site:
 Decision Maker:
 Recommendation:
 Council's Decision:
 Date Lodged:
 Reason for Appeal:

HH APPEAL SERVICE

Mr Moon
 6 Alum Way Fareham
 Officer Delegated Powers
 REFUSE
 REFUSE
 4 December 2019
AGAINST REFUSAL
 T14 Lime: Fell due to excessive shading and replant an Acer in its place.

HH APPEAL SERVICE

P/19/1096/TO
 Appellant:
 Site:
 Decision Maker:
 Recommendation:
 Council's Decision:
 Date Lodged:
 Reason for Appeal:

HH APPEAL SERVICE

Mr Ian Collins
 4 CROFTON LANE FAREHAM
 Committee
 REFUSE
 REFUSE
 20 March 2020
AGAINST REFUSAL
 T1 Monterey Pine protected by TPO 545: Fell
DISMISSED
24 November 2020

WRITTEN REPS

P/20/0266/FP
 Appellant:
 Site:
 Decision Maker:
 Recommendation:
 Council's Decision:
 Date Lodged:
 Reason for Appeal:

WRITTEN REPS

Mr & Mrs Miller
 310 Botley Road Burrridge Southampton
 Officer Delegated Powers
 REFUSE
 16 September 2020
AGAINST REFUSAL
 Erection of Detached Bungalow & Use of Existing Annexe as Ancillary Building
DISMISSED
18 November 2020

WRITTEN REPS

P/20/0267/FP
 Appellant:
 Site:
 Decision Maker:
 Recommendation:
 Council's Decision:
 Date Lodged:
 Reason for Appeal:

WRITTEN REPS

Mr & Mrs Miller
 310 Botley Road Burrridge Southampton
 Officer Delegated Powers
 REFUSE
 16 September 2020
AGAINST REFUSAL
 Erection of Detached Two Storey Dwelling following Demolition of Existing Annexe
DISMISSED

	Decision Date:	18 November 2020
WRITTEN REPS	P/20/0298/FP Appellant: Site:	WRITTEN REPS The Executors of E.D. Jowett The Old Forge 251 Bridge Road Lower Swanwick Fareham
	Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	Officer Delegated Powers REFUSE REFUSE 19 October 2020 AGAINST REFUSAL Demolition of existing garage/workshop and construction of 3 Bedroom detached dwelling with associated parking
	Decision: Decision Date:	DISMISSED 17 December 2020
WRITTEN REPS	P/20/0373/FP Appellant: Site:	WRITTEN REPS Mrs Kayleigh Luckins 19 - 21 Juno Close Fareham
	Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	Committee REFUSE REFUSE 15 December 2020 AGAINST REFUSAL Removal of rear boundary planting (partial relief from condition 2 of P/15/0690/RM)
HH APPEAL SERVICE	P/20/0478/FP Appellant: Site:	HH APPEAL SERVICE Mr Ken Carter 23 Hill Head Road Fareham
	Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	Committee APPROVE REFUSE 13 November 2020 AGAINST REFUSAL Single storey rear extension and balcony
	Decision: Decision Date:	DISMISSED 30 December 2020
WRITTEN REPS	P/20/0654/OA Appellant: Site:	WRITTEN REPS Mr Bell 50 Paxton Road Fareham
	Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	Officer Delegated Powers REFUSE REFUSE 29 October 2020 AGAINST REFUSAL Outline application for 2x 3-bed dwellings to the rear of 50-52 Paxton Road
HH APPEAL SERVICE	P/20/0656/VC Appellant: Site:	HH APPEAL SERVICE Mr A. Wells 84 Merton Avenue Portchester Fareham
	Decision Maker: Recommendation: Council's Decision: Date Lodged: Reason for Appeal:	Committee REFUSE REFUSE 8 January 2021 AGAINST REFUSAL

Removal of Condition 6: (Limiting use of garage) of approved planning P/09/0797/FP - Erection of detached double garage.

WRITTEN REPS

P/20/0741/FP
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

WRITTEN REPS

John Warner
87 Highfield Avenue Fareham
Officer Delegated Powers
REFUSE
REFUSE
21 December 2020
AGAINST REFUSAL
Single story self contained annex to the side and rear, for dwelling for 2 family members

HH APPEAL SERVICE

P/20/0930/FP
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

HH APPEAL SERVICE

Mr Duncan
5 New Road Fareham
Officer Delegated Powers
REFUSE
REFUSE
11 January 2021
AGAINST REFUSAL
Front porch

PUBLIC INQUIRY

P/18/1212/LU
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

PUBLIC INQUIRY

Borderland Fencing Ltd
Borderland Fencing New Road Swanwick Southampton
Officer Delegated Powers
REFUSE
REFUSE
13 August 2019
AGAINST REFUSAL
Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)

PUBLIC INQUIRY

P/20/0009/DA
Appellant:
Site:
Decision Maker:
Recommendation:
Council's Decision:
Date Lodged:
Reason for Appeal:

PUBLIC INQUIRY

Borderland Fencing Ltd
Borderland Fencing New Road Swanwick Southampton

PENDING PI DECISION
17 July 2019
AGAINST ENFORCEMENT
Unauthorised expansion of site and breach of conditions