

FAREHAM

BOROUGH COUNCIL

AGENDA PLANNING COMMITTEE

Date: Wednesday, 16 June 2021

Time: 2.30 pm

Venue: Council Chamber - Civic Offices

Members:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors F Birkett
Miss J Bull
T M Cartwright, MBE
P J Davies
M J Ford, JP
Mrs C L A Hockley
R H Price, JP

Deputies: S Dugan
J S Forrest
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. Planning applications and Miscellaneous Matters including an update on Planning Appeals (Page 1)

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/19/0643/FP - 69 BOTLEY ROAD PARK GATE SO31 1AZ** (Pages 3 - 27)

(2) **P/20/0204/FP - LAND AT ADDISON ROAD SARISBURY GREEN** (Pages 28 - 56)

(3) **P/20/0928/FP - 53 TITCHFIELD PARK ROAD PO15 5RN** (Pages 57 - 71)

ZONE 2 - FAREHAM

ZONE 3 - EASTERN WARDS

(4) **P/21/0470/FP - 2 GREAT GAYS FAREHAMS PO14 3JU** (Pages 74 - 79)

(5) **Planning Appeals** (Pages 80 - 87)



P GRIMWOOD
Chief Executive Officer
Civic Offices
www.fareham.gov.uk
08 June 2021

**For further information please contact:
Democratic Services, Civic Offices, Fareham, PO16 7AZ
Tel:01329 236100
democraticservices@fareham.gov.uk**

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date: 16 June 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 2.30 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/19/0643/FP PARK GATE	69 BOTLEY ROAD PARK GATE SOUTHAMPTON SO31 1AZ 12 DWELLINGS WITH ASSOCIATED ACCESS AND PARKING, FOLLOWING DEMOLITION OF THE EXISTING DWELLING	1 PERMISSION
P/20/0204/FP PARK GATE	LAND AT ADDISON ROAD SARISBURY GREEN SOUTHAMPTON ERECTION OF FOUR DETACHED DWELLINGS AND TWO SEMI-DETACHED DWELLINGS, PARTIAL DEMOLITION OF NO. 2 LONGVIEW AND TWO STOREY SIDE EXTENSION	2 PERMISSION
P/20/0928/FP TITCHFIELD	53 TITCHFIELD PARK ROAD TITCHFIELD FAREHAM PO15 5RN DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION FOUR DETACHED DWELLINGS WITH ASSOCIATED CAR PARKING, CYCLE AND BIN STORAGE	3 PERMISSION

OFFICER REPORT FOR COMMITTEE

DATE: 16/06/2021

P/19/0643/FP
LAWSH ONE LTD

PARK GATE
AGENT: PURE TOWN PLANNING

12 DWELLINGS WITH ASSOCIATED ACCESS AND PARKING, FOLLOWING
DEMOLITION OF THE EXISTING DWELLING

69 BOTLEY ROAD, PARK GATE, SOUTHAMPTON, SO31 1AZ

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

1.1 The application is being reported to the Planning Committee as the application proposes housing development partly upon land currently designated as countryside.

2.0 Site Description

2.1 The greater part of the application site is located within the designated countryside, with the site frontage situated within the Western Wards Urban Settlement Boundary.

2.2 The site comprises an existing detached dwelling on the western side of Botley Road, is a classified road (A3051) linking the Western Ward settlements to Botley and the M27. Botley Road is a busy road, especially during peak times.

2.3 The site is located close to Swanwick Railway Station and a regular bus route between Whiteley and Fareham and within easy walking distance to the services and facilities in Park Gate, including the regular buses along the A27.

2.4 The rear part of the site comprises an unmaintained open field, beyond which, to the north, west and south are areas of mature trees and woodland. To the north of the site lies the Hamble Heights Residential Care Home with the Fareham/Southampton railway line and M27 motorway beyond. To the south lies The Village Inn public house and car park.

3.0 Description of Proposal

3.1 Detailed planning permission is sought for the proposed works.

3.2 The development would see the demolition of 69 Botley Road, and the construction of 12 new houses, comprising six blocks of semi-detached two

storey dwellings. A full bell mouth access would be created onto Botley Road ensuring suitable visibility north and south along this road.

- 3.2 The application submission has been supported by a number of technical documents including a Transport Assessment and Speed Surveys, Drainage Assessments, Ecology Reports and Noise Assessment, together with the Planning, Design and Access Statement and associated plans.

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 and Whiteley
CS14:	Development Outside Settlements
CS15:	Sustainable Development and Climate Change
CS16:	Natural Resources and Renewable Energy
CS17:	High Quality Design
CS18:	Provision of Affordable Housing
CS20:	Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1:	Sustainable Development
DSP2:	Environmental Impact
DSP3:	Impact on Living Conditions
DSP4:	Prejudice on Adjacent Land
DSP6:	New Residential Development Outside of the Defined Urban Settlement
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
National Planning Policy Framework 2019

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/09/1024/FP Erection of 5 Dwellings with associated car parking
and landscaping and alterations to existing dwelling
APPROVED 17 February 2010

P/18/0768/FP Ten 3-bedroom, semi-detached dwellings with
garages, parking, landscaping and access onto Botley
Road
WITHDRAWN 7 September 2018

6.0 Representations

- 6.1 Two third party letters of representation have been received regarding this application, including one from The Fareham Society. The Fareham Society acknowledge that the scheme is potentially acceptable subject to drainage issues being resolved but highlight that without the land to the north and south also being developed, in isolation the scheme looked out of keeping.
- 6.2 The other third party objector raised concerns regarding highway safety, which if considered in conjunction with other developments locally would overwhelm the local road network.

7.0 Consultations

EXTERNAL

Natural England

- 7.1 Consideration of the Council's Appropriate Assessment raises no concerns, subject to appropriate conditions.

Lead Local Flood Authority (Hampshire County Council)

- 7.2 No objection, subject to conditions.

Highway Authority (Hampshire County Council)

- 7.3 No objection, subject to conditions to maintain visibility splays.

INTERNAL

Ecology

- 7.4 No objection, subject to conditions.

Environmental Health (Contaminated Land)

- 7.5 No objection, subject to condition.

Head of Housing Delivery

- 7.6 Following consideration of the Council's Independent Advisors, no objection to off-site financial contribution in lieu of on site provision.

Environmental Health (Noise and Pollution)

- 7.7 No response was received in respect of this application. However, a response to P/18/0768/FP raised no objection subject to conditions regarding fencing for the gardens and whole dwelling ventilation as defined in the Noise Assessment.

Tree Officer

- 7.8 No objection, subject to a condition regarding tree planting/landscaping scheme.

8.0 Planning Considerations

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

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

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

- 8.2 A Report entitled 'Five year housing land supply position' was reported for Members' information to the February 2021 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 4.2 years of housing supply against its five year housing land supply (5YHLS) requirement.

- 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 indicated 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 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.
- 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 (in part):

“For decision-taking this means:

- c) Approving development proposals that accord with an up-to-date development plan without delay; or,*
- d) Where there are no relevant development plan policies which are most important for determining the application are out-of-date, grant 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 Footnote 6 to paragraph 11 reads:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; and designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”

- 8.9 Footnote 7 to paragraph 11 reads (in part):

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73);...”

8.10 This planning application proposes new housing outside the defined urban settlement boundaries. The Council cannot demonstrate a five-year housing land supply. Footnote 7 of the NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.11 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are no specific policies in the NPPF which protect areas or assets of particular importance which provide a clear reason for refusing the proposed development. The key judgement therefore is that set out in the second limb of the paragraph, namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole (the so called ‘tilted balance’).

8.12 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.”

8.13 In this particular case an appropriate assessment has been undertaken and concluded that the development 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.

8.14 The following sections of the report assesses the application proposals against the 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

8.15 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 largely outside of the defined urban settlement boundary of the Western Wards, although two of the proposed houses along with a section of the access road are located within the defined settlement boundary.

8.16 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'

8.17 Policy DSP6 (New Residential Development outside of the Defined Urban Settlement Boundaries) 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).

8.18 The greater part of the site is located outside of the defined urban settlement boundary and a substantial part of 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.

c) Policy DSP40 (Housing Allocations)

8.19 Local Plan Policy DSP40 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 demonstrate 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'.*

8.20 Each of these five points are considered further below.

Policy DSP40 (i)

8.21 The development proposal is for the construction of 12 dwellings, following the demolition of the host dwelling. The scheme would also override an extant planning permission for 5 dwellings to the rear of 69 Botley Road. There is therefore a net increase of 11 dwellings being created. This is considered to be relative in scale to the 5YHLS shortfall and therefore point (i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.22 The planning application site is located partially within and adjacent to the designed Western Wards Urban Area, with the host dwelling being situated within the urban area, but the rear, larger part of the site located within the designated countryside. Due to this relationship with the urban area, the site is considered to be adjacent to, and well related to the existing urban settlement boundary and can be well integrated with the neighbouring settlement of Park Gate. Point (ii) of Policy DSP40 is therefore satisfied.

Policy DSP40 (iii)

8.23 The site largely comprises a backland development, with the majority of the development in the larger part of the site to the rear of the frontage development along this part of Botley Road. Due to the containment of the site, with the woodland to the west, the railway line and M27 to the north and existing residential development to the south, it is considered that the development of the site would not have an unacceptable impact upon the countryside. The scale of the development, in the context of the existing large scale neighbouring developments (Hamble Heights Care Home (to the north) and The Village Inn Public House (to the south) would ensure that the two storey development reflects the character of the surrounding area.

8.24 The site is a part of a wider draft housing allocation in the Publication Version of the draft Local Plan. It is important to also highlight that further residential development to the southwest, accessed via Beacon Bottom is also proposed to be allocated within the draft Local Plan.

- 8.25 Due to the level of containment, and the proposed future development of nearby land, it is considered that the development of the site would not have an unacceptable adverse impact on the wider countryside. Point (iii) of Policy DSP40 is therefore satisfied.

Policy DSP40 (iv)

- 8.26 The application is submitted in full and the applicant has highlighted a willingness to start as soon as planning permission is granted. This would therefore ensure that the site will deliver housing in the short term, and a reduced implementation period of 24 months has been applied to the conditions. Point (iv) of Policy DSP40 is therefore satisfied.

Policy DSP40 (v)

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

Environmental/Ecology Implications:

- 8.28 The application has been supported by detailed ecological reports which have been considered by the Council's Ecologist and Natural England, and subject to conditions raises no objection to the development.
- 8.29 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 for 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.
- 8.30 In light of their importance, areas within The Solent have been specifically designated under UK law. The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the Protected Sites around The Solent (Solent and Southampton Water Special Protection Area and Ramsar site, Portsmouth Harbour Special Protection Area and Ramsar site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbour Special Protection Area and Ramsar site, the Solent Maritime Special Areas of Conservation and the Solent and Isle of Wight Special Area of Conservation). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive 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 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment to consider the likely significant effects on the Protected Sites around The Solent.
- 8.32 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 Protected 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 Protected 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 in this case is the Local Planning Authority.
- 8.33 The impact of increased recreational disturbance as a result of new residential developments has long been established, and the Solent Recreational Mitigation Strategy, sets out how developers can mitigate the impact of their development on the likely significant effect on the Protected Sites.
- 8.34 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 Protected Sites.
- 8.35 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also have 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 Protected Sites up to 2023, subject to appropriate mitigation.
- 8.36 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the Protected Sites. The key considerations for the Assessment of the likely significant effects are set out below.
- 8.37 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent and Southampton Water SPA and is therefore considered to contribute towards an impact of the Protected Sites as a result of increased recreational disturbance in combination with other development around The

Solent area. The applicant has acknowledged the need to make the appropriate financial contribution in accordance with the adopted Solent Recreational Mitigation Strategy, which would be secured via a Section 106 agreement. This forms part of the recommendation to this application. The Appropriate Assessment concludes that subject to the payment of the contribution to fund the mitigation identified in the Solent Recreation Mitigation Strategy, the proposals would not have an adverse effect on the integrity of the Protected Sites as a result of recreational disturbance either in isolation, or in combination with other plans or projects.

- 8.38 Secondly, in respect of the impact of the development 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 10.8kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, 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 nitrogen budget assumes an occupancy rate for the new development of 2.4 people. Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate, nor have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is appropriate.
- 8.40 The previous use of the land has been classified in the nitrogen budget as predominantly green space (0.27ha) with a small proportion as urban (0.11ha). The frontage of the site forms the established residential curtilage, including garden of 69 Botley Road, and the rear part of the site forms an unused field, laid to grass. The rear part of the site has not been used for any grazing and as such its classification as green space for the purposes of the calculation is considered acceptable.
- 8.41 The nitrogen budget shows a surplus of 10.8kg/TN/yr that would enter The Solent via the wastewater treatment works. The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 11kg 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.

- 8.42 In addition to the above mitigation, and in order to ensure compliance with the Natural England methodology, a further condition would be required to ensure the development meets the Building Regulations optional requirement of a water consumption limit of a maximum of 110 litres per person per day. With these mitigation measures secured, the Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will ensure no adverse effect on the integrity of the Protected Sites either alone or in combination with other plans or projects.
- 8.43 Natural England has been consulted on the Council's Appropriate Assessment, and they have raised no objection to the conclusions.
- 8.44 The proposal is therefore considered to accord with the Habitat Regulations and complies with policies CS4, DSP13, DSP15 and criteria (v) – environmental issues, of Policy DSP40 of the adopted Local Plan.

Amenity Implications:

- 8.45 The site is bounded by a residential care home (Hamble Heights) to the north and a public house to the south. The residential care home is set over 3 storeys, and the building is situated to the northern part of the site, with car parking on the southern part, adjacent to the application site. At its closest the building will be approximately 25 metres away from a direct line of sight into one of the proposed rear gardens of the proposed dwellings (Plot 1). The care home building does lie within 4 metres (at its closest) to the end of the rear garden of Plot 3, although there is not a direct line of sight which would result in an unacceptable adverse impact on the living conditions of future occupiers.
- 8.46 To the south of the site lies The Village Inn, which includes a large pub garden to the rear. The pub garden would lie adjacent to the proposed access road, and would not therefore result in a direct impact from noise disturbance to the private amenity spaces of the proposed dwellings.

- 8.47 The site comprises garden lengths which fully accord with the advice in the Council's adopted Design Guidance, which together with a reasonable level of frontage landscaping will ensure a high quality living environment for the future occupiers.
- 8.48 The application has been supported with a Noise Impact Assessment due to the proximity of the railway line and Motorway to the north of the site. The location of site in close proximity to the railway line (48 metres to the north) and M27 (120 metres to the north) means the gardens will need to be bounded by 1.8 metre high close boarded fencing and trickle ventilation within standard double glazed windows will need to be installed in each property to ensure the noise levels within the properties accord with British noise standards. The Council's Environmental Health Officer concurs with the recommendation of the submitted Noise Assessment.
- 8.49 The development has been assessed against the Nationally Described Space Standards. The Nationally Described Space Standards set out nationally acceptable minimum standards for property sizes based on the number of bedrooms and intended number of occupants, and further minimum standards for single and double bedroom sizes. The scheme is fully compliant with the standards sought in the Space Standards.
- 8.50 It is therefore considered that the proposed dwellings would result in a high quality of environment for future occupiers. It is therefore considered that the proposal complies with policies CS17, DSP2, DSP3 and DSP40, criteria (v) – amenity impact of the Local Plan.

Traffic Implications:

- 8.51 The site has been considered by Hampshire County Council, as the Highway Authority, and no objection has been raised to the proposals. The application has also been supported with a tracking diagram to demonstrate that the Council's refuse vehicle will be able to enter and exit the site in a forward gear, thereby ensuring no unacceptable risk to highway safety for users of the site or Botley Road.
- 8.52 An earlier application for a similar development (Application P/18/0768/FP) was withdrawn as it sought to retain the host dwelling at 69 Botley Road, and four of the extant dwellings permitted under P/09/01024/FP, together with a further 10 dwellings to the rear. That development for 15 dwellings would have been accessed via a dropped kerb only onto Botley Road. The use of a dropped kerb approach was considered unsatisfactory to the Highway Authority, and the application was withdrawn, resulting in the submission of the current application incorporating the full bell mouth entrance, following the demolition of 69 Botley Road.

- 8.53 The site provides car parking in line with the Council's Adopted Residential Car Parking Standards. Each property benefits from two car parking spaces, and the site contains two visitors spaces. Two of the parking spaces for Plots 10 and 11 are garage spaces, but the size of the garage measures 3.1 metres by 6.3 metres which are acceptable to provide car parking spaces, in accordance with the Council's adopted Residential Car Parking Standards. The garages would be subject to a condition requiring their retention as parking.
- 8.54 The site lies close to the Swanwick Railway Station, and is within easy walking and cycling distance to the services and facilities in Park Gate and Segensworth. There are regular buses along Botley Road, through Whiteley and along the A27 Bridge Road.
- 8.55 It is therefore considered that the proposal complies with policy CS17 and DSP40, criteria (v) – traffic impact of the Local Plan.
- 8.56 It is therefore considered that point (v) of Policy DSP40 is satisfied. The development proposal fully accords with the five criteria of policy DSP40, which carries greater weight than policies CS2, CS6, CS14 and DSP6 in this case due to the lack of a five year housing land supply position.

d) Other Matters

- 8.57 **Affordable Housing:** Under Policy CS18 of the Council's adopted Core Strategy, the Council requires the provision of affordable housing at 30% on a scheme of this scale. Policy CS18 also states that *'where development viability is an issue, developers will be expected to produce a financial assessment to which it is clearly demonstrated the maximum number of affordable dwellings which can be achieved on the site.'*
- 8.58 The planning application has been accompanied with an Economic Viability Appraisal to support the application. The Viability Appraisal explains that the cost of the site's purchase (part of which enjoys an extant planning permission for 5 dwellings without the need to provide any affordable housing), means that the scheme would not viable if an affordable housing contribution needed to be made.
- 8.59 The Council appointed an independent consultant to assess the applicant's submitted Viability Appraisal. Following the assessment by the Council's appointed consultant, the applicant provided an updated Viability Appraisal which was considered further by the Council's consultants. Revisions made to the applicant's Assessment regarding sales values, construction costs and benchmark land values were taken into account. The Council's independent

consultants concluded that whilst the scheme would not be viable if on-site affordable housing provision had to be provided, an off-site contribution of £52,551.00 could be made whilst maintaining the viability of the scheme.

- 8.60 This off-site contribution has been considered by the Council's Head of Housing Delivery who considers it an acceptable position. Officers consider that on this basis, the proposal accords with Policy CS18 of the adopted Core Strategy.
- 8.61 **Piecemeal Development:** Policy DSP4 (Prejudice to Adjacent Land) seeks to ensure that where piecemeal development is proposed on part of a wider, developable site, the development *'does not prejudice the development of adjacent land and that highway access, pedestrian access and services to adjoining land are provided'*.
- 8.62 The proposed development seeks permission for 12 dwellings on part of a site which is proposed to be allocated for approximately 24 dwellings in the Publication Version of the draft Local Plan (draft Allocation HA17). In addition to the application site, the proposed housing allocation includes land to the north and south. The planning application submission has been carefully designed to enable further expansion of the site to the north and south, whilst also ensuring that the access road into the site is capable of accommodating further housing development. Within the Officers recommendation, it is proposed that access to adjacent land to the north and south is secured through the Section 106 planning obligation.
- 8.63 Subject to access being secured to adjacent land, the development proposal is considered to accord with Policy DSP4 of the adopted Part 2 Local Plan: Development Sites and Policies.
- 8.64 **Draft Local Plan:** This site was consulted on as part of the Regulation 18 draft local plan in 2017 identified for a yield of 24 dwellings. In response to this consultation the Council received responses from 28 individuals and/or organisations, including 25 objections. Following the consultation, work has been undertaken to respond to/resolve these objections. In 2020 the site was included in the Regulation 19 consultation on the Publication Local Plan, 1 consultation response was received in respect of the site in the form of a comment. Therefore, as the plan has reached publication plan stage, has been subject to a number of high level assessments that support its allocation and the allocation policy in respect of this site has not received objections, it can be considered that some weight can be applied to the policy in accordance with para 48 of the NPPF.

e) The Planning Balance

8.65 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.'

8.66 Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- The application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or,
- 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.

8.67 The approach detailed within the preceding paragraph, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development against the Development Plan.

8.68 The greater part of 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.

8.69 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 presented to the Planning Committee in February 2021 and the Government steer in respect of housing delivery.

8.70 Officers have weighed up the material considerations and conflict between policies and the development of a greenfield site weighed against Policy DSP40. It has been concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and would be well related to the existing urban

settlement boundary such that it can be integrated with the adjacent settlement. Whilst the proposal is not located immediately adjacent to other residential development, the scheme has been sensitively designed to reflect the character of housing in the local area and would minimise any adverse impact on the wider countryside.

- 8.71 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 largely undeveloped. However, that impact would be localised and merely extend the existing built form. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.72 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 Protected Sites around The Solent would be appropriately mitigated.
- 8.73 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 6 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would make a material contribution in light of the Council's current 5YHLS.
- 8.74 There is a conflict with development plan policy CS14 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.75 In undertaking a detailed assessment of the proposals throughout this report and applying the *'tilted balance'* to those assessments, Officers consider that:
- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a

clear reason for refusing the development proposal, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy and the impact of nitrogen loading on The Solent can be adequately mitigated; and,

- (ii) Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.

8.76 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the completion of the Section 106 legal agreement.

9.0 Recommendation

9.1 Subject to:

- a) 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 Special Protection Area; and,
- The payment of an off-site financial contribution towards affordable housing provision of £52,551.00.
- Securing vehicular/ pedestrian access to the land to the north and south; and

- b) Subject to the following conditions;

GRANT PLANNING PERMISSION,

1. The development hereby permitted shall be commenced within 24 months of the date of this decision.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be constructed in accordance with the following approved drawings:

- a) Block and Location Plan (Drawing: 8960/301);
- b) Site Plan (Drawing: 8960/300 Rev F);
- c) Existing Building (Drawing: 8960/311);
- d) Floor Plans and Elevations – Plots 1 & 2 (Drawing: 8960/302 Rev B);
- e) Floor Plans and Elevations – Plots 3 & 4 (Drawing: 8960/303 Rev A);
- f) Floor Plans and Elevations – Plots 5 & 6 (Drawing: 8960/304 Rev A);
- g) Floor Plans and Elevations – Plots 7 & 8 (Drawing: 8960/305 Rev A);
- h) Floor Plans and Elevations – Plots 9 & 10 (Drawing: 8960/306 Rev A);
- i) Floor Plans and Elevations – Plots 11 & 12 (Drawing: 8960/307 Rev A);
- j) Garages (Drawing: 8960/308 Rev C);
- k) Site Scenes (Drawing: 8960/310 Rev D); and,
- l) Drainage Layout (Drawing: C1343 P 100 Rev P).

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

3. No development hereby permitted shall proceed beyond damp proof course level until details of all proposed external facing and hardsurfacing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

5. The bin storage areas as shown on the approved Site Plan (Drawing: 8960/300 Rev F) shall be provided prior to the occupation of the dwellings hereby permitted. The areas shall be subsequently retained for bin storage or collection at all times.

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

6. No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before the dwelling to which they relate is first occupied and shall thereafter be retained and kept available for their permitted use at all times.

REASON: To encourage cycling as an alternative mode of transport.

7. No development shall take place until a detailed surface water drainage scheme, based on the submitted Drainage Strategy Report and SuDS Maintenance and Management Plan (C1343 Rev P- dated 29 April 2020, and addendum dated 8 September 2020) and Drainage Designed Reply to LLFA Queries (C1343, Rev A – dated 14 December 2020) prepared by CGS Civils, has been submitted to and approved in writing by the Local Planning Authority. The Scheme shall include a maintenance regime and evidence of exceedance flows and runoff. Once approved, the surface water drainage scheme shall be implemented and retained in accordance with these details for the lifetime of the development.

REASON: In order to ensure satisfactory disposal of surface water. 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 adverse impacts of inadequate drainage.

8. The development hereby permitted shall be undertaken in accordance with the recommendations in the Noise Assessment (prepared by inacoustic, dated 5 July 2018). Once implemented, there shall be no deviation from the recommendations of this report unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity for future occupiers.

9. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the dwelling hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

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

10. No development shall take place until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access(es), including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been submitted

to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard. 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.

11. 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.

REASON: To ensure that the roads and footways are constructed in a satisfactory manner.

12. No dwelling hereby permitted shall be first occupied until the visibility splays at the junction of the estate road/access with Botley Road has been provided in accordance with the approved details. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety

13. No dwelling, hereby approved, shall be first occupied until the approved parking (including the garages) 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.

14. None of the development hereby permitted shall be occupied, unless otherwise first agreed in writing with the Local Planning Authority, until the visitor parking spaces marked on the approved plan, have been provided on site and made available for use. These spaces shall be subsequently retained at all times.

REASON: The car parking provision on site has been assessed in the light of the provision of visitor parking spaces so that the lack of these spaces may give rise to on street parking problems in the future.

15. 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.

16. The landscaping scheme, submitted under Condition 14, 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.

17. No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided at the following level:

- At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision.

The development shall be carried out in accordance with the approved details with the charging points provided prior to first occupation of the dwelling to which it serves.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

18. 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 a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

19. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

20. 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.

21. No development shall take place 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 they are kept clear of any mud or other debris falling from construction vehicles, and

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

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

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

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.

INFORMATIVE:

- a) 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>

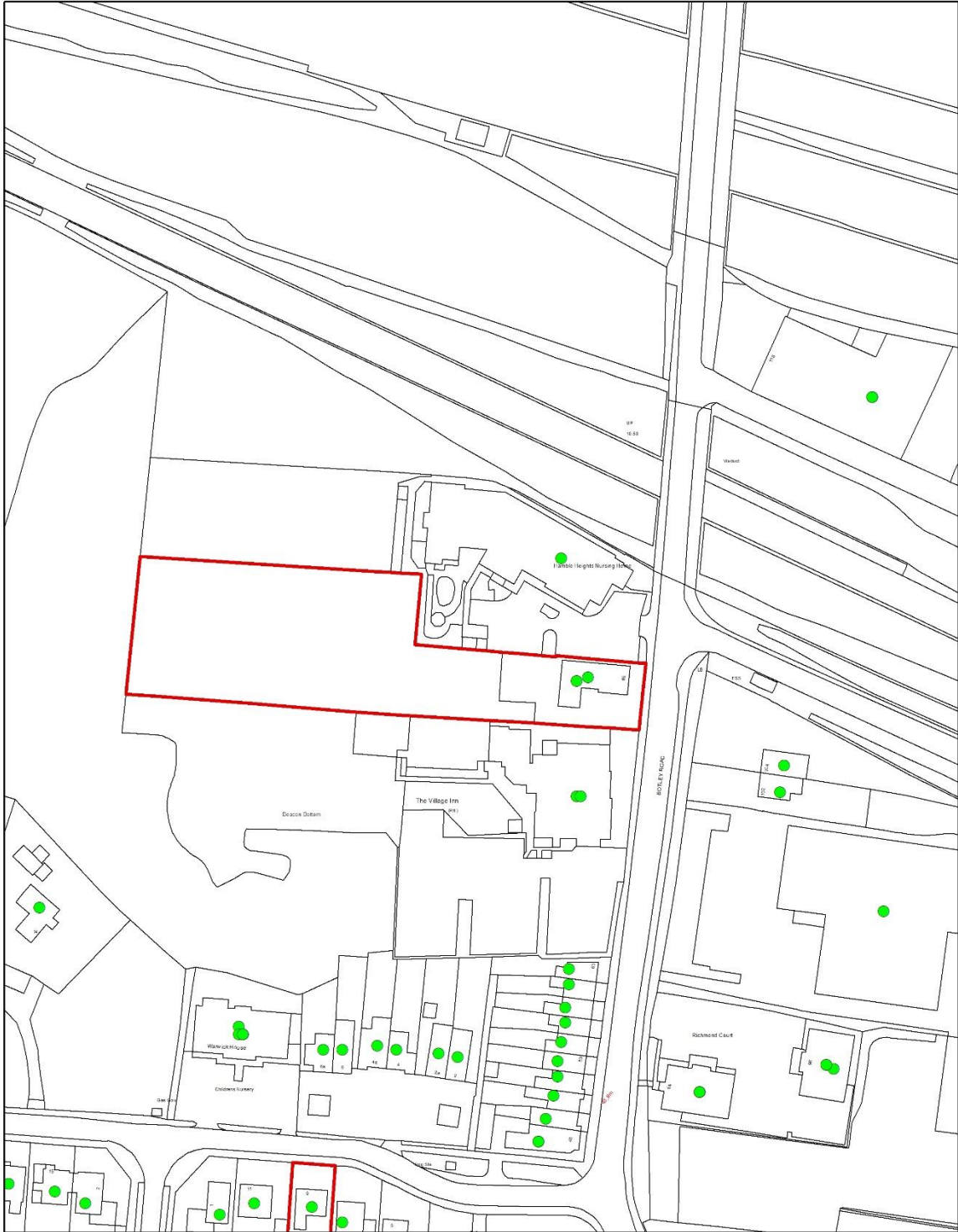
Contact can be made either via the website or telephone 0300 555 1388.

11.0 Background Papers

P/19/0643/FP

FAREHAM

BOROUGH COUNCIL



69 Botley Road
Scale: 1:1,250



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2016

Agenda Item 5(2)

OFFICER REPORT FOR COMMITTEE

DATE: 16/6/2021

**P/20/0204/FP
GREEN ACRE PROJECTS LTD**

**PARK GATE
AGENT: C&L MANAGEMENT**

ERECTION OF FOUR DETACHED DWELLINGS AND TWO SEMI-DETACHED DWELLINGS, PARTIAL DEMOLITION OF NO.2 LONGVIEW AND TWO STOREY EXTENSION

LAND AT ADDISON ROAD, SARISBURY GREEN, SOUTHAMPTON

Report by

Susannah Emery – direct dial 01329 824526

1.0 Introduction

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

2.0 Site Description

2.1 The application site lies to the north west of Addison Road. The site lies within the countryside and abuts the urban area and residential properties along the southern boundary.

2.2 To the east and overlooking the site, stand a pair of semi-detached cottages which are accessed via a field gate and private track from the end of Addison Road. To the north is a mature tree line which encloses the site and segregates it from the undeveloped land beyond. A number of the individual trees on the north and south boundaries are protected by a tree preservation order (TPO). To the west is an area of woodland which is also covered by a group TPO.

2.3 There was previously a horse stable on the site and associated hard standing and the western part of the site was used for grazing horses however this has now ceased and the stable building has been removed. The site now consists largely of grassland.

3.0 Description of Proposal

3.1 The application as submitted was for the erection of nine detached dwellings. Officers have negotiated significant amendments to the scheme which has resulted in a reduction in dwelling numbers.

- 3.2 Planning permission is sought for the erection of six dwellings. A pair of two 3-bed semi-detached dwellings (Plots 1 & 2) would stand at the eastern edge of the site facing east towards the pair of semi-detached cottages 'Portsdown View' and 'Dalwood' which lie at the northern end of Addison Road.
- 3.3 Four detached two storey dwellings (3 x 4- bed and 1 x 6 bed) would extend across the site from east to west in an informal linear arrangement with the front elevation facing north and rear gardens extending to the southern boundary with properties on Addison Road and Spring Road.
- 3.4 The dwellings are proposed to be brick built with feature timber cladding and render. The roofs of Plots 1 & 2 would be finished with slate with terracotta ridge tiles whilst the remaining plots would have plain clay tiles.
- 3.5 The access drive serving all six properties would connect to the northern termination point of Addison Road, and extend across the frontage of No.2 Longview.
- 3.6 In order to accommodate the proposed access a two-storey element of the existing dwelling No.2 Longview would be demolished and a smaller two storey extension would be constructed to the northern side, set back from the front of the property. A detached car port and driveway would also be provided to the northern side.
- 3.7 An enclosed wildlife buffer would extend along the south, west and northern boundaries of the site.
- 3.8 The proposals would comply with the Nationally Described Minimum Space Standards.

4.0 Policies

Approved 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

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

CS21 - Protection and Provision of Open Space

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

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

Design Guidance Supplementary Planning Document excluding Welborne (Dec 2015)

5.0 Relevant Planning History

None relevant.

6.0 Representations

6.1 Eight representations have been received raising the following concerns;

Principle of Development

- Do the proposed dwellings meet the specific housing needs of the Borough?
- The site is not allocated for housing in the draft local plan
- Setting a precedent for further development within the area
- Not suited to first time buyers and no affordable housing provision

Impact to Character of Area

- Loss of countryside detrimental to character and appearance of the area

Highways

- Two way traffic cannot pass on Addison Road
- Cutting back the hedgerow would not give sufficient width to the road

- Blind driveways emerge on to Addison Road
- Potential use of neighbouring properties driveways as passing points
- Vehicles mounting pavement to pass to the detriment of pedestrian safety
- The road is frequently blocked by refuse/delivery vehicles which would restrict access to proposed dwellings
- Highway safety concerns from increased vehicle movements
- Noise and pollution from additional traffic
- Impact on air quality
- Vehicles frequently stop outside the gate to Dalwood and Portsdown View which would result in conflict
- Accident statistics do not reflect the reality of negotiating Addison Road
- The anticipated number of vehicle movements generated by the development is underestimated
- Increased waiting time at Addison Road/Bridge Road junction

Ecology & Trees

- Impact on wildlife through loss of habitat
- Rather than seeking nitrate mitigation for the proposal it would be of more benefit to reduce nitrogen by maintaining the site as a wildlife habitat
- Pressure to remove/reduce boundary trees in the future
- Boundary trees and woodland should be protected by a TPO
- Concerns over extent and methods adopted within ecological surveys

Other Matters

- Increased surface water run-off
- Damage to Spring Road from increased flooding which is not adopted and has no drainage
- A pedestrian cut through would be formed to Spring Road but there is no right of way
- Additional pressure on foul drainage system
- Replacement boundary fencing requested prior to commencement of development
- Additional pressure on local services eg. doctors, schools
- Concerns regarding contractors parking and access for construction works

One additional letter was received from Hampshire Swifts requesting integral bat and bird roosting features.

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 The access to the site is proposed to be circa 5m wide, which is sufficient for a development of this scale. Similarly tracking drawings have been supplied to show that refuse collection vehicles can enter and exit the site in forward gear. The pinch point within the site has been designed to allow priority for vehicles leaving the site. Whilst it is normally preferred to give priority to those leaving the highway, this design has been implemented specifically to reduce speeds into the site. The pinch point is also set back from the highway enough so that there is unlikely to be queuing back to the highway due to this stretch only serving four plots.
- 7.2 There is slight concern over the effective width of Addison Road. A site visit noted that there is significant hedgerow overhanging the highway, reducing the available carriageway. This should be cut back to the edge of the highway boundary to allow the full width of Addison Road to be utilised prior to occupation. The anticipated increase in trips due to the development is considered acceptable once this improvement has taken place and should be secured through a suitably worded condition.
- 7.3 Due to the parking restrictions in place on Addison Road, it will be required for a Construction Management Plan to be submitted for approval prior to commencement. This plan should include details of contractor parking in order to prevent any disruption to existing residents.
- 7.4 The parking standards for the site are laid down by Fareham Borough Council (FBC) as the local parking authority, in accordance with their Residential Car and Cycle Parking Standards Supplementary Planning Document (SPD) as adopted in November 2009. The development proposes to slightly exceed this quantum which is considered acceptable in this location to minimise on-street parking potentially blocking access for service vehicles.
- 7.5 The submitted accident data is considered acceptable. Whilst no accident pattern is indicated at the junction of Addison Road and the A27, the cluster of accidents to the east of the site has a common cause of vehicles turning right. The proposed development will increase this level of movement at the junction of Addison Road / A27, however the forecast peak increase is not considered to have a significant detrimental impact.
- 7.6 After reviewing the proposals, the Highway Authority is satisfied that there is no direct or indirect impact upon the operation or safety of the local highway

network and raise no objection subject to a planning condition securing submission of a construction method statement/management plan.

Natural England

- 7.7 The Council's appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.
- 7.8 Natural England advises a Construction Environmental Management Plan (CEMP) should be submitted to and approved in writing by the district ecologist/biodiversity officer that identifies the steps and procedures that will be implemented to avoid or mitigate constructional impacts on species and habitats.

INTERNAL

Ecology

- 7.9 The result of the single dusk emergence survey of the building on site has now been provided, which confirms the likely absence of roosting bats and therefore I have no concerns that the proposals will have an adverse impact on roosting bats. No further concerns are raised in relation to the impact on badgers or dormice following receipt of amended ecological appraisal.
- 7.10 The Reptile Survey & Outline Mitigation (Ecosupport, September 2020) confirms that a 'Good' population of slow worms is present on site. The areas to be retained as the reptile receptor site will be along the northern, western and southern boundaries. The submitted report then states that the retained reptile receptor will be separated from the developed areas by a wooden knee rail to prevent public access and a monitoring and management plan has been recommended. These measures are acceptable in principle.
- 7.11 No further objection is raised subject to planning conditions to secure development in accordance with the recommendations set out within the Ecological Assessment, the submission of a Biodiversity Enhancement and Management Strategy for the wildlife buffer and the results of the reptile relocation programme, along with photographs showing the enhanced receptor area.

Trees

7.12 The proposed layout has taken the existing tree constraints into consideration so as to influence the number and positioning of dwellings and their associated garden spaces to coexist with the trees in a viable and sustainable manner. A detailed tree protection method statement will be required including a site specific design and specification for the 'no dig' element of the road / turning head within the Root Protection Areas of existing trees. Subject to the provision of such I consider the impact of the proposed development will be minimal and acceptable.

8.0 Planning Considerations

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

- a) Implication of Fareham's current 5-year housing land supply position (5YHLS);
- b) Residential Development in the Countryside;
- c) The impact upon Protected Sites
- d) Policy DSP40 (Housing Allocations);
- e) Other Matters;
- f) The Planning Balance

a) Implication of Fareham's Current 5-Year Housing Land Supply Position

8.2 A report titled "Five year housing land supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on Wednesday 17th February 2021. The report concluded that this Council has 4.2 years of housing supply against the 5YHLS requirement.

8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

8.4 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".

8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations

indicate otherwise. Material considerations include the planning policies set out in the NPPF.

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

8.7 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.

8.8 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 proposed⁶; 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."

8.9 Footnote 6 to Paragraph 11 reads:

"The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change."

8.10 The key judgement 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.

8.11 Paragraph 177 of the NPPF 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.”

8.12 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. The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

8.13 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.

8.14 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.'

8.15 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).

8.16 The site is clearly outside of the defined urban settlement boundary 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) The impact upon Protected Sites

- 8.17 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.
- 8.18 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.
- 8.19 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 'Protected Sites' (PS).
- 8.20 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.21 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.22 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 PS as a result of recreational disturbance in combination with other plans or projects.

- 8.23 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 PS.
- 8.24 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 8.2 kg/TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, 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.
- 8.25 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people. Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate, and nor have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is considered appropriate.
- 8.26 The previous use of the land for the purposes of the nitrogen budget is considered to be largely open space/greenfield (0.58ha) with a small area of urban land to include the residential curtilage of No.2 Longview Cottages (0.03ha). It is understood that the western part of the application site may previously have been used as grazing land for horses. A grazing use would have a higher nitrogen leaching rate (13 Kg/TN/Yr) than open space/greenfield (5 Kg/TN/Yr) per hectare and would therefore have reduced the requirement for nitrate mitigation however no evidence of this use has been submitted by the applicant for the preceding 10 year period. Assuming the greenfield value for the vast majority of the site is therefore considered to be suitably precautionary.

- 8.27 The applicant has purchased 8.25 kg 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.
- 8.28 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the PS either alone or in combination with other plans or projects. The difference between the credits and the output shows 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.

d) Policy DSP40 (Housing Allocations)

- 8.29 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.
- 8.30 Local Plan Policy DSP40 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 demonstrate 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.*

Each of these five points are considered further below.

Policy DSP40(i)

- 8.31 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for six dwellings which is relative in scale to the current shortfall.

Policy DSP40(ii)

- 8.32 It is acknowledged that the site is located beyond the settlement policy boundary and is therefore contrary to policies which aim to secure the majority of new housing within the urban area. However, the application site abuts the urban boundary along the entire length of the southern boundary and it is therefore well related to this boundary. The development site is considered to be within a sustainable location located approximately 1.3km (16-minute walk) from Park Gate which provides various amenities including convenience stores, eateries, banks and a post office. The Locks Heath Centre is approximately 2.1km (25-minute walk) from the site. The Brook Lane Doctors Surgery and Fareham Community Hospital are also approx. 1.3km from the site. The catchment schools are Sarisbury Primary and Brookfield Secondary which are accessible on foot.
- 8.33 Bus stops are located approximately 400m from the site access on the A27. The First Bus Group X4 service provides a route between Portsmouth and Southampton, with intermediary stops in Woolston, Titchfield, Fareham, Portchester and Port Solent. The service runs every 30 minutes Monday to Saturday, with a reduced hourly service on Sundays. Swanwick Train Station is approx. 1.1km from the site (14-minute walk or 5-minute cycle).
- 8.34 The application site is considered to be well related to the existing urban boundary so that development can be integrated with the adjoining settlement. The site is sustainability located with good access to local services and public transport links. It is therefore considered that point (ii) of Policy DSP40 is satisfied.

Policy DSP40(iii)

- 8.35 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, *“development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials”*. Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside.

- 8.36 The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published draft Fareham Local Plan 2036) identifies that the site lies within the North Sarisbury Character Area. This area is described as being of semi-rural, wooded landscape that is sandwiched between the M27 to the north and the urban edges of Lower Swanwick, Sarisbury and Park Gate. It is noted that its isolation from surrounding countryside to the north and the influence of its urban context lend a distinctive 'fringe' character to the landscape.
- 8.37 The area is identified as having some potential to accommodate limited small-scale development within the existing framework of small fields and woodland, particularly in areas adjacent to existing built development where landscape character and quality is already influenced by urban/suburban features, and where the effects could be mitigated by the existing framework of woodland or by new planting.
- 8.38 Officers consider the proposal is sensitively designed to reflect the character of the neighbouring settlement. Amendments were sought during the course of the application to seek a higher quality, less suburban style appearance to the dwellings which would be fitting of the more rural location and the character of the surrounding area. The number of dwellings was reduced whilst plot sizes and dwelling sizes have been increased. The two semi-detached properties facing towards the existing properties at the northern end of Addison Road have been designed to be in keeping in terms of scale and bulk whilst the remaining four plots consist of larger detached dwellings more akin to the neighbouring properties to the south on Spring Road and those that are set back behind the built up frontage of Addison Road and abut the southern boundary. A minimal width shared surface driveway was sought to reduce the formality of the access road.
- 8.39 It is considered that the proposed development would respond positively to the existing built form within the vicinity of the site. The visual impact of the development would also be heavily curtailed by the presence of mature tree screening on the northern and western boundaries which would visually enclose the development and restrict views into the site from the wider countryside designation which extends to the north. The proposal is considered to satisfy point (iii) of Policy DSP40 and comply with policy CS17.

Policy DSP40(iv)

- 8.40 There are no issues which would be likely to significantly delay the commencement of development. The applicant has advised that the intention

would be to commence on site soon after planning permission being granted. It has been agreed that a reduced implementation period of 18 months would be acceptable although this is considered to be a conservative timeline. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

Policy DSP40(v)

- 8.41 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.

Impact on Protected Species/Biodiversity Net gain

- 8.42 The application has been supported by an Ecological Appraisal which includes a Phase 1 habitats survey and also a Preliminary bat roost assessment for both trees and buildings and the results of an emergence survey carried out on the section of No.2 Longview which would be demolished.
- 8.43 Habitats within the site have been assessed as suitable to support common species of reptiles and therefore targeted reptile surveys have been carried out. Based on the survey results it was concluded that there is a 'Good' population of Slow Worms on site. Site clearance works would result in the loss of reptile habitat on site and subsequent construction of the residential development would mean this loss is permanent. Should reptiles be present during the clearance, this could result in their death and/or injury. As all reptile species are protected, this would constitute an offence under the Wildlife & Countryside Act (1981). Due to the legal protection relating to reptiles, it is necessary to secure mitigation to ensure these animals are not harmed as a result of the construction works and to ensure that there is no net reduction in the conservation status of reptiles in the local area.
- 8.44 The proposals have sought to retain as much of the existing habitat within which reptiles were recorded as possible along with providing additional areas that will be enhanced for reptiles. The main areas retained would be along the northern boundaries with areas also retained along the western and southern boundaries. Prior to the commencement of development reptiles would be captured from the development site and released into the receptor site. Reptile exclusion fencing would be required around the entire site to prevent re-entry during construction.
- 8.45 To provide the relocated reptiles with suitable areas to hibernate within, 2 wood-based hibernacula will be created within the receptor strip. To ensure

that the retained reptile receptor habitat is afforded the appropriate level of protection a wooden knee rail would need to be installed along the boundary to prevent public access. A planning condition would be imposed to seek further details of the future management arrangements for the wildlife area.

- 8.46 The site was thoroughly searched for evidence of use by Badgers, with the specific aim of identifying the presence and location of any setts. Based on the identification of potential Badger setts on site, further monitoring was undertaken using cameras. The mammal holes identified were found to be in use by Fox although Badgers were recorded foraging / commuting. Due to a number of videos being recorded showing Badgers using the site for foraging and commuting, a pre-commencement update to the Badger survey will be required and this will likely involve the hole again being monitored with trail cameras for a period of 28 days to ensure they are not in use by Badger. If the status of the holes changes and they become used by Badgers, a licence would be required prior to any sett closure. The wildlife buffer around the boundaries of the site would maintain a substantial area of habitat in the long term which Badgers can use for foraging and commuting.
- 8.47 No trees within the work site were assessed as having bat roost potential. However, based on the 'low' roost assessment of the section of the Longview dwelling proposed for demolition, a single dusk emergence survey was required to ascertain the presence / likely absence of roosting bats as per best practice survey guidelines. The survey did not identify any roosting bats.
- 8.48 In terms of securing biodiversity enhancement in accordance with the requirement of the National Planning Policy Framework, each of the proposed dwellings would include one Swiftbrick and one bat brick. In addition to the integrated bat brick, five further bat boxes would also be erected on the retained mature trees around the boundary of the site. The landscaping areas around the dwellings would have a Hedgehog home incorporated (such as the Igloo Hedgehog home or Hogitat Hedgehog house).
- 8.49 To ensure the northern boundary is protected to a certain degree from cat access (and the potential for subsequent predation upon any Dormice present), a single hedgerow would be planted at the base of the existing trees using thorny species ideally (such as Blackthorn / Hawthorn and Dog Rose).
- 8.50 A net gain assessment for the site was undertaken using the Defra 2.0 metric to demonstrate how an increase in the biodiversity value of the site can be achieved. The gains have been achieved through the enhancement of the retained grassland areas on-site, planting of areas of scrub and the creation of hedgerows between the dwellings.

Trees

- 8.51 The Council's Principal Tree Officer initially raised concerns over the original layout for nine dwellings. It was considered that the proximity of the dwellings to the northern boundary tree line would impact on the rooting environment and result in an unacceptable relationship between the dwellings and the trees in terms of dominance and shading. Some of the dwellings were originally indicated as having north facing rear gardens backing on to the northern boundary with the access road positioned to the south. The amended proposal has significantly improved the relationship between the proposed dwellings and the retained trees by moving development away from the northern boundary and incorporating the wildlife buffer beneath the tree canopy. The enlargement of plots, particularly Plot 6 which is the most enclosed plot, would also assist in reducing the overbearing impact that large trees can have on smaller garden areas.
- 8.52 No trees are to be removed from the site to facilitate development, however as a result of a lack of management over time the Arboricultural Impact Assessment proposes the removal of several dead trees in addition to works to crown lift and prune retained trees to improve their overall condition. No concerns are raised in respect of these works.
- 8.53 The proposed dwellings have been positioned outside of the root protection areas (RPA) of the trees. Whilst the access road would impinge partially within the RPA, hard surfacing can be installed using an above ground, entirely porous, build up and foundations for the car port to Plot 6 can be engineered to reduce foundation depths and use piles and pad foundations where appropriate to reduce the need for trenching.

Amenity

- 8.54 It is not considered that the proposal would have an unacceptable adverse impact on the living conditions of neighbouring residential properties in terms of loss of light, outlook or privacy.
- 8.55 Plots 1 and 2 would be positioned in excess of 22m from the front facing windows of Dalewood and Portsdown View which accords with the guidance set out within the Council's adopted Design Guide SPD.
- 8.56 Plot 3-6 have also been positioned so that the first floor rear facing windows would be a minimum of 11m from the adjacent private garden areas of neighbouring properties along the southern boundary to prevent any

unacceptable loss of privacy. Existing trees and vegetation along this boundary would also restrict views in and out of the site.

Surface Water Run-Off

- 8.57 Concerns have been raised that the proposal would exacerbate surface water run-from the site. A planning condition would be imposed to seek further details of the drainage to be installed to all hard surfaced areas to ensure that this matter is considered.

Traffic

- 8.58 The application is supported by a Highways Technical Note (Paul Basham Associated Ltd) which concerns highway safety, parking provision, trip generation, servicing and access arrangements.
- 8.59 The proposed 6 dwellings are anticipated to generate 3 trips in both AM and PM peak hour periods, with 28 trips anticipated over a 12-hour period. This equates to 1 additional vehicle trip every 20 minutes in the peak periods, which, due to the built-up nature of the local road network, is considered negligible. An assessment into Personal Injury Accident (PIA) data within the vicinity of the site has been undertaken for the 3-year period between January 2017 – December 2019 which did not indicate any accidents occurring at the Bridge Road/Addison Road junction.
- 8.60 The Highway Authority (HCC) acknowledge that the width of Addison Road at its northern end would not enable two way traffic to easily pass. The view is however taken that a single width access with turning facilities would not be unacceptable for the level of dwellings it would serve. A tracking plan has been submitted by the applicant to demonstrate a potential passing place at the northern end of Addison Road, although the applicant's highways engineer emphasises that this would not be a frequent occurrence based on anticipated trip generation. Once within the application site the proposed access would become a 5m wide shared surface carriageway which would enable passing. A pinch point would be provided internally, approximately 20m from the site access, designed to ensure vehicle speeds are controlled through the site.
- 8.61 Swept-path analysis demonstrates that a refuse vehicle would be able to enter the site, turn via the turning head, and exit the site in a forward gear. This arrangement offers an improvement for refuse vehicles when compared to the existing conditions on Addison Road which does not provide turning facilities and requires vehicles to either reverse up/down the northern extent of Addison Road or for refuse collectors to drag bins for excessive distance.

8.62 The proposal would comply with the Council Car & Cycle Parking Residential Car & Cycle Parking SPD in terms of car parking provision.

8.63 Overall Officers are of the view that the proposed development fully accords with the requirements of Policy DSP40 of the Adopted Local Plan and would make a modest contribution to overcoming the current shortfall in housing supply in the Borough.

e) Other Matters

8.64 Concerns have been raised that the proposal would lead to increased pressure on local services such as school and doctors as a result of increased residents however it is not considered the impact would be sufficient to justify refusal of the application.

f) The Planning Balance

8.65 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.'

8.66 Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

- 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.

8.67 The approach detailed within the second bullet of the preceding paragraph, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

8.68 The site is outside of the defined urban settlement boundary and the proposal

does not relate to agriculture, forestry, horticulture and 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 Local Plan Part 2: Development Sites and Policies Plan.

- 8.69 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 presented to the Planning Committee in February 2021 and the Government steer in respect of housing delivery.
- 8.70 In weighing up the material considerations and conflict between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, located adjacent to the existing urban settlement boundaries such that it can be well integrated with those settlements whilst at the same time capable of being sensitively designed to reflect the area's existing character and minimising any adverse impact on the Countryside.
- 8.71 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 largely undeveloped. However as the site abuts the urban area and is contained by mature trees to the north and west any long distance views of the development would be minimal therefore having a negligible impact on the landscape character of the countryside which extends to the north of the site.
- 8.72 Officers are satisfied that there are no outstanding amenity and environmental issues which cannot otherwise be addressed through planning conditions. There would not be any unacceptable impact on highway safety and the increase of vehicles on the local road network would not be significant.
- 8.73 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver six dwellings, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.
- 8.74 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and officers have considered the scheme against the criterion therein. The scheme is

considered to satisfy the five criteria and in the circumstances Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

8.75 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:

(i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated; and

(ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

8.76 Having carefully considered all material planning matters, and notwithstanding the objections which have been received, Officers recommend that planning permission should be granted subject to the recommended conditions.

Recommendation

GRANT PLANNING PERMISSION subject to the following conditions;

1. The development shall begin within 18 months 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:

- i) Location Plan – drwg No. 100 Rev A
- ii) Existing Site Plan – drwg No. 101 Rev A
- iii) Proposed Site Plan – dwg No. 110 Rev H
- iv) Plot 1 Elevations – drwg No. 301 Rev D
- v) Plot 1 Floor Plans – drwg No. 302 Rev E
- vi) Plot 2 Elevations – drwg No. 303 Rev D
- vii) Plot 2 Floor Plans – drwg No. 304 Rev D
- viii) Plot 3 Elevations – drwg No. 305 Rev D
- ix) Plot 3 Floor Plans – drwg No.306 Rev E
- x) Plot 4 Elevations – drwg No. 307 Rev D
- xi) Plot 4 Floor Plans – drwg No. 308 Rev D

- xii) Plot 5 Elevations – drwg No. 309 Rev D
 - xiii) Plot 5 Floor Plans – drwg No. 310 Rev D
 - xiv) Plot 6 Elevations – drwg No. 311 Rev D
 - xv) Plot 6 Floor Plans – drwg No. 312 Rev D
 - xvi) Existing Floor Plans No.2 Longview – drwg No. 319 Rev B
 - xvii) Proposed Floor Plans No.2 Longview – drwg No.320 Rev B
 - xviii) Existing Elevations Longview – drwg No. 321 Rev B
 - xix) Proposed Elevations No.2 Longview – drwg No.322 Rev B
 - xx) Proposed Car Ports – drwg No.323 Rev A
 - xxi) Ecological Assessment (Ecosupport Nov 2020)
 - xxii) Reptile Survey & Outline Mitigation (Ecosupport Oct 2020)
 - xxiii) Arboricultural Impact Assessment (Mark Hinsley Arboricultural Consultants Ltd, dated 8 September 2020) & Tree Protection Plan
 - xxiv) Highway Technical Note (Paul Basham Sept 2020)
- REASON: To avoid any doubt over what has been permitted.

3. No development (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) hereby permitted shall proceed beyond damp proof course level until details of all proposed external facing materials for Plots 1-6 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. The materials to be used in the construction of the extension to No.2 Longview Cottages hereby permitted shall match as closely as possible those used on the existing building unless otherwise agreed in writing with the Local Planning Authority.
- REASON: To secure the satisfactory appearance of the development.

5. No development (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) hereby permitted shall proceed beyond damp proof course level until details of the finished treatment and drainage of all areas to be hard surfaced have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.
- REASON: To secure the satisfactory appearance of the development; To ensure that the access is constructed to a satisfactory standard and to prevent excessive water runoff on to the highway and adjacent land.

6. The first floor windows proposed to be inserted into the following elevations of the approved development shall be obscure-glazed and of a non-opening

design and construction to a height of 1.7 metres above internal finished floor level;

- i) Plot 2 south (side) elevation
- ii) Plot 3 west (side) elevation
- iii) Plot 4 east (side) elevation
- iv) Plot 5 west (side) elevation
- v) Plot 6 east (side) elevation

and shall thereafter be retained in that condition at all times.

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

7. The six dwellings (Plots 1-6) hereby approved shall not be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any 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 protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

8. No development (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) shall commence until details of the internal finished floor levels of the proposed dwellings in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

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. The car ports hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so they are available for their designated purpose.

REASON: To ensure adequate car parking provision; in accordance with Policy CS17 of the Fareham Borough Core Strategy.

11. No development (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

REASON: To encourage cycling as an alternative mode of transport.

12. No development (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided at the following level:

- a) One EV charging point installation per residential dwelling (Plots 1-6) with off-street parking.

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

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

13. Prior to the commencement of development (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) a Biodiversity Enhancement and Ongoing Management Strategy in relation to the ecological buffers to be retained along the northern, western and southern boundaries of the site shall be submitted and approved in writing by the Local Planning Authority. This strategy shall include details of the enhancement of the buffer areas and the future management and monitoring arrangements including further details of the measures to be taken to reinforce the protection of these areas with future residents to minimise human disturbance (ie home owner information packs, appropriate signage). Development shall subsequently proceed in accordance with any such approved details.

REASON: to enhance biodiversity in accordance with NPPF and to ensure the protection of retained habitats and protected species.

14. Development shall proceed in accordance with the measures detailed in Section 6.0 'Recommendations' of the Ecological Assessment report (Ecosupport, November 2020) and Section 5.0 'Outline Mitigation Strategy' of the Reptile Survey & Outline Mitigation (Ecosupport, Rec October 2020).
REASON: to ensure the protection of retained habitats and protected species.
15. Within 3 months from the completion of the reptile capture and relocation programme, the results of the reptile relocation programme, along with photographs showing the enhanced receptor area (northern, southern and western boundaries) shall be submitted to the Local Planning Authority.
REASON: to ensure the number of relocated reptiles is in line with the carrying capacity of the receptor area.
16. No development shall proceed beyond damp proof course level (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) until a scheme of external lighting designed to minimise impacts on wildlife and habitats has been submitted to and approved in writing by the local planning authority. Prior to the first occupation of the development hereby permitted the approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.
REASON: In order to minimise impacts of lighting on the ecological interests of the site.
17. The development shall be carried out in accordance with the Arboricultural Impact Assessment & Tree Protection Plan (Mark Hinsley Arboricultural Consultants Ltd, dated 8 September 2020) unless otherwise agreed in writing with 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; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.
18. No development shall commence (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) until a tree protection method statement (including a site specific design and specification for the 'no dig' element of the road / turning head within the Root Protection Areas of existing trees) has been submitted to and approved by the Local Planning Authority in writing and the approved scheme has been implemented. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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

19. No development shall proceed beyond damp proof course (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) 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.

20. The landscaping scheme, submitted under Condition 19, 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.

21. None of the residential dwellings (Plots 1-6) 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 a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

22. No development shall commence on site (with the exception of the part demolition and construction of the permitted extension to No.2 Longview Cottages) until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP

(unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) Arrangements for the routing of lorries and details for construction traffic access to the site;
- d) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- e) A scheme for the suppression of any dust arising during construction or clearance works;
- f) The measures for cleaning Addison Road to ensure it is kept clear of any mud or other debris falling from construction vehicles, and
- g) Location of temporary site buildings, compounds, construction material, and plant/chemical storage areas used during demolition and construction;
- h) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- i) details of any temporary lighting required for the construction phase;
- j) No burning on-site;

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

23. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday,

before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised 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.

24. No development shall commence until the vegetation overhanging the highway boundary to the western side of Addison Road (alongside Salterns and Clanfield) has been trimmed back to the edge of the highway boundary.
REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

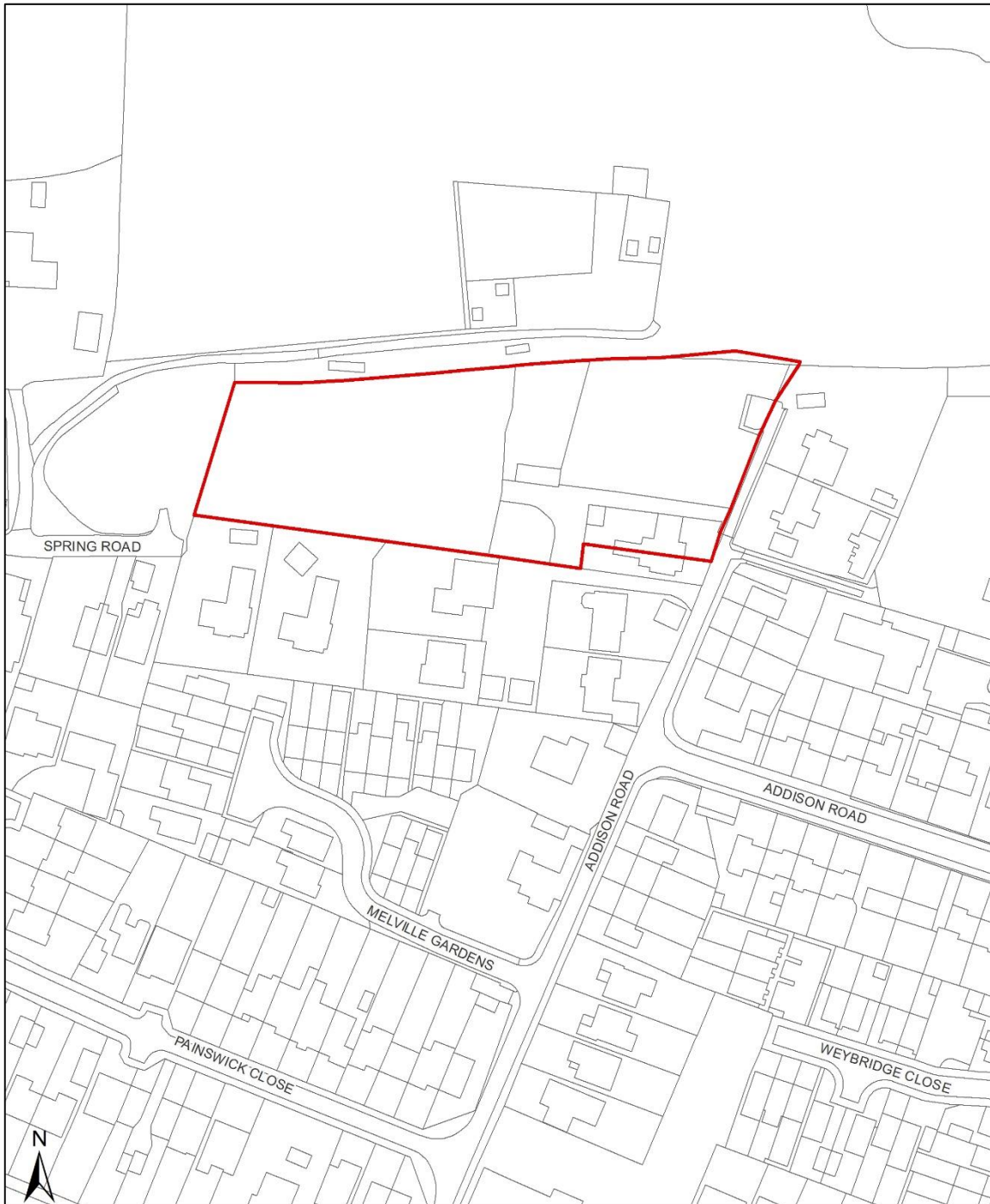
Note to applicant

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a Section 278 license agreement with, the Highway Authority. Full details of how to apply and the required documents to be submitted can be found via the following link:

<https://www.hants.gov.uk/transport/developers/section-278>.

FAREHAM

BOROUGH COUNCIL



Land at Addison Road
Scale 1:1,250

© Crown copyright and database rights 2021 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

OFFICER REPORT FOR COMMITTEE

DATE: 16/06/2021

P/20/0928/FP
MR REYNOLDS

TITCHFIELD
AGENT: C&L MANAGEMENT

DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH ASSOCIATED CAR PARKING, CYCLE AND BIN STORAGE

53 TITCHFIELD PARK ROAD, TITCHFIELD, FAREHAM, PO15 5RN

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 representations that have been received.

2.0 Site Description

2.1 The application site relates to a detached bungalow located within the Urban area. The site is set within a large plot of land located on the eastern side of Titchfield Park Road on the corner with Branewick Close. The surrounding area is characterised by a variety of residential dwellings.

3.0 Description of Proposal

3.1 The proposal is for the demolition of the existing dwelling and construction of four detached dwellings with associated car park, cycle and bin storage.

3.2 The proposal would include 3 x 4 bedroomed properties (Plots One, Two and Four) and 1 x 3 bedroomed property (Plot Three).

3.3 The accommodation for Plots' One, Two and Four would comprise of a lounge, kitchen/diner, study, utility room and WC at ground floor. The first floor accommodation would comprise of four bedrooms including two en-suites and a family bathroom.

3.4 Plot Three accommodation would comprise of a lounge, kitchen/diner, utility and WC on the ground floor and three bedrooms including one en-suite and a family bathroom on the first floor.

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

CS17: High Quality Design

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 *Relevant Planning History*

5.1 There is no relevant planning history

6.0 *Representations*

6.1 A total of thirty-five representations have been received which raise objections on the following grounds:

- Highway safety
- Lack of affordable houses
- Increase in traffic
- Not in-keeping
- Flooding
- Increased noise
- Increase in debris during demolition
- Plot sizes too small
- Pollution
- Loss of vegetation
- Loss of parking
- Loss of green space
- Unsustainable location
- Overshadowing from trees
- Already large housing developments within area
- Dwellings are prominent and intrusive
- Loss of privacy

- Overcrowding
- Impact to protected species
- Road unadopted - owned by management company

7.0 Consultations

EXTERNAL

Highways Hampshire County Council

7.1 No objection, subject to conditions.

Natural England

7.2 No Objection

INTERNAL

Ecology

7.3 No Objection subject to conditions.

Trees

7.4 No objection subject to the submission of a new tree planting and landscaping scheme, to be conditioned.

8.0 Planning Considerations

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

- a) Principle of development
- b) Design/Impact on character and appearance of surrounding area
- c) Impact on residential amenity
- d) Highways
- e) Ecology
- f) Trees
- g) Impact on Protected Sites
- h) Other issues raised in objections
- i) Conclusion

a) Principle of development

8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on re-using 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) Design/Impact on character and appearance of surrounding area

- 8.3 Policy CS17 of the Core Strategy states that all development will be designed to respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form and spaciousness and use of external materials.
- 8.4 The Fareham Borough Design Guidance SPD highlights the importance of new dwellings having regard to the scale and character of the surrounding area. Titchfield Park Road and the adjoining estate of Branewick Close is varied in character with a mix of different housing densities. The properties to the east as well as the properties in Fern Way have much smaller plot sizes compared to the properties within Titchfield Park Road. Furthermore, the application site benefits from a much larger plot compared to the other properties within the surrounding area. Therefore, it is considered that the sub-division of the site to create four dwellings would create a development proposal with comparable plot sizes to other properties within the immediate surrounding area.
- 8.5 In terms of the design of the four dwellings, these would have an appropriate design and palette of materials which would have regard to existing character of the surrounding area.
- 8.6 The dwellings would have a garden depth of at least 11m which would comply with the guidance specified in the Design Guidance SPD. Further, there would be no large trees that would cause overshadowing to the rear gardens of the dwellings.
- 8.7 Each dwelling provides suitable parking as well as landscaping within the front gardens and each dwelling would be set back from the road as do the majority of properties within the surrounding area. A Condition will be imposed to ensure that the details of the landscaping are provided prior to the commencement of the development.
- 8.8 An ecological buffer zone would be provided on the northern boundary adjacent to Branewick Close. This would ensure that the development would

be set away from the road and would provide sufficient net gain in ecological habitat which will be addressed further on within this report.

- 8.9 It is therefore considered that the design of the proposal would be acceptable and would have regard to the key characteristics of the surrounding area.

c) Impact on Residential Amenity

- 8.10 Each dwelling would be set back from the highway by a front driveway and garden and the orientation of the windows would mean that there would be no overlooking or loss of privacy to the occupiers opposite on Titchfield Park Road or on Branewick Close. There is also a separation distance of 22.5 metres (approximately) between the rear elevations of Plots One and Two to the rear elevations of Plots Three and Four. This level of separation would therefore slightly exceed the minimum 22 metres sought in the Council's adopted Design Guidance.
- 8.11 In terms of the impact on the neighbouring occupier to the south, No 55 Titchfield Park Road, Plot Two would align with No 55 and would not project beyond the rear elevation. The only window facing onto No 55 would be obscure glazed windows serving an en-suite at first floor, and there would be a door at ground floor serving the utility room. Concerns have been raised about the close proximity of Plots Three and Four to No 55. However, the rear elevation of Plot Four is set approximately 22 metres from the existing first floor rear elevation of No 55 Titchfield Park Road, which is also at an oblique angle. The Design Guidance SPD sets out the requirement of a 22-metre level of separation between direct facing windows. Therefore, it is considered that the proposal would not result in an unacceptable adverse impact on the living conditions of occupiers of No 55 Titchfield Park Road.
- 8.12 No 49 Titchfield Park Road, to the north of the site is separated from the application site by Branewick Close and a separation distance of approximately 13m separates the application site from No 49. Furthermore, the only window facing onto No 49 would be an obscure glazed en-suite window. Therefore, it is not considered that the proposal would result in any unacceptable adverse impact on the amenities of No 49 Titchfield Park Road.
- 8.13 The development has been assessed against the Nationally Described Space Standards. The Nationally Described Space Standards set out nationally acceptable minimum standards for property sizes based on the number of bedrooms and intended number of occupants, and further minimum standards for single and double bedroom sizes. The scheme is fully compliant with the standards sought in the Space Spaces.

8.14 The development proposal is therefore considered to accord with the requirements of the Design Guidance and would not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers or future residents, in accordance with Policy DSP3.

d) Highways/Parking

8.15 HCC Highways initially raised an objection to the proposal. Subsequently the orientation of Plots Three and Four have been amended. They were initially orientated northwards with the access directly to the north on Branewick Close. The plans have been amended so these properties face eastwards and now access the site from the southern arm of Branewick Close.

8.16 HCC Highways has confirmed that the concerns raised regarding the parking layout and property access have been addressed. The Authority is therefore satisfied that there is no direct or indirect impact upon the operation or safety of the local highway network. This recommendation is subject to a condition requiring a construction method statement.

8.17 Concerns have been raised by third parties that Branewick Close is unadopted and owned by a management company. The ownership of the road is not a material planning consideration and is considered under separate legislation which would need to be resolved by the applicant.

8.18 The Residential Car Parking Standards Supplementary Planning Document requires a three bedroomed dwelling to provide 2 off-street car parking spaces and a four bedroom dwelling to provide 3 off-street car parking spaces. The three bedroomed dwelling (Plot Three) will provide 2 car parking spaces and the rest of the four bedroom dwellings will provide three car parking spaces which would be in accordance with the Residential Car Parking Standards SPD. Sufficient landscaping would be retained around to the car parking areas to ensure a soft visual appearance from the street scene, particularly along Titchfield Park Road. Landscaping would be subject to a separation condition, and a separate condition imposed to ensure the provision and retention of the car parking provision on the site.

e) Ecology

8.19 The plans have been amended following discussions with the Council's Ecologist to include an Ecology Buffer Zone to the north of the application site adjacent to the highway with Branewick Close. The Ecologist has reviewed the revised documents and updated plans and is satisfied that the proposal would not have a detrimental impact on protected species of biodiversity of the site.

8.20 Conditions will be imposed to ensure that the proposed receptor site is made suitable for reptiles by removing the existing ornamental shrubs and sowing with a suitable seed mixture. A further condition will ensure that the development is carried out in accordance with the measures specified in the submitted Reptile Mitigation Strategy and the Ecological Report, and a third condition will require that a report of action summarising the results of the reptile capture and translocation programme is submitted to the LPA for approval.

f) Trees

8.21 Concerns have been raised by third parties regarding the loss of trees on the site. The Tree Officer has assessed the proposal and raises no objection to the proposal subject to a condition requiring details of landscaping.

g) Impact on protected sites

8.22 The site lies within 5.6km of The Solent and Southampton Water SPA and Ramsar Site, Solent and Dorset Coast SPA, Portsmouth Harbour SPA and Ramsar Site and the Solent Maritime SAC, for which it is important to ensure that new residential developments, in combination with other developments, do not have a significant effect on the integrity of these sites as a result of increased recreational disturbance and increased nitrogen loading from water sources and air pollution.

8.23 The applicant has paid the necessary habitat mitigation contribution to address the likely significant effect of the development from increased recreational disturbance on the Protected Sites.

8.24 In addition, the provision of additional dwellings within the Borough will have a detrimental impact on air and water quality on the Protected Sites around The Solent. Natural England has advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also have 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 Protected Sites up to 2023, subject to appropriate mitigation.

8.25 In respect of water quality, a calculation of the nitrogen loading from the development demonstrates that the scheme will generate 2.8kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, 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 permission can be granted.

- 8.26 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people. Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However, competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate, and no have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is appropriate.
- 8.27 The existing use of the land has been classified as urban (0.13ha) as it is used as a residential dwelling.
- 8.28 The nitrogen budget shows a surplus of 2.8kg/TN/year that would enter The Solent via the wastewater treatment works. The applicant has entered into a contract and purchased 3.00kg 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 would be imposed to ensure the Building Regulations Optional requirement of a maximum of 110 litres of water per person per day is complied with, in order to accord with the nitrates loading calculation and the Appropriate Assessment.
- 8.29 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 Protected Sites 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.
- 8.30 Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings.

8.31 It is therefore considered that the development accords with the Habitat Regulations and complies with Policies DSP13 and DSP15.

h) Other issues raised in objections

8.32 **Flood Risk** - Concerns have been raised that the proposal would result in flooding. The site is within Flood Zone 1 and therefore the risk of flooding is low.

8.33 **Affordable Housing** - With regards to the lack of affordable housing, Policy CS18 (Provision of affordable housing) states that the council will require affordable housing on all schemes that can deliver a net gain of 5 or more dwellings. Further, the NPPF has since updated this provision in so far as the threshold for the provision of affordable housing contributions, which supersedes the provisions of Policy CS18. The NPPF provision is that affordable housing should only be sought for major development with a housing provision of 10 dwellings or more. This scheme results in only a net increase in 3 dwellings, and therefore there is no requirement to make an affordable housing contribution.

8.34 **Noise** - The minor increase in number of residential units as a result of the development is not considered likely to amount to an increase in noise and disturbance compared to other residential properties within the surrounding area.

8.35 **Construction Disturbance** - Further, any development is likely to result in a minor level of disturbance and disruption to the local area during the course of the construction period. The application would be subject to a condition requiring the submission of a Construction Management Plan in order to ensure that any impact is minimised. Further, the disturbance would only be for a limited period of time, during the construction period.

Conclusion

8.36 Notwithstanding the representations received, it is therefore considered that the proposal would be acceptable and would be in accordance with the Fareham Borough Core Strategy and the Fareham Local Plan Part 2: Development Sites and Policies.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiry of three years from the date of this decision.

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) Location Plan 999-100 Rev A
 - b) Existing Site Plan 999-101 Rev A
 - c) Proposed Site Plan 999-110 Rev H
 - d) Plot One Floor Plans 999-201 Rev A
 - e) Plot Two Floor Plans 999-202 Rev A
 - f) Plot Three Floor Plans 999-203 Rev B
 - g) Plot Four Floor Plans 999-204 Rev B
 - h) Plot One Elevations 999-211 Rev A
 - i) Plot Two Elevations 999-212 Rev A
 - j) Plot Three Elevations 999-213 Rev B
 - k) Plot Four Elevations 999-214 Rev B
 - l) Planning Statement
 - m) Ecology Report

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

3. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) of all proposed external facing (and hardsurfacing) materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. The first floor windows proposed to be inserted into the north and south elevations serving the en-suite of the approved development shall be:
 - a) Obscure-glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;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 property.

5. 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.

6. None of the dwellings hereby permitted shall be first occupied until the bicycle storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

REASON: To encourage cycling as an alternative mode of transport.

7. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority. If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any 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 protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

8. 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

9. The landscaping scheme, submitted under Condition 8, 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.

10. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

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

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

c) Arrangements for the routing of lorries and details for construction traffic access to the site;

d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;

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

f) A scheme for the suppression of any dust arising during construction or clearance works;

g) The measures for cleaning Titchfield Park Road and Branewick Close to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;

i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;

j) Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms^{-1} at the boundary of the SPA;

- k) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- m) Temporary lighting;
- n) Protection of pedestrian routes during construction;
- o) No burning on-site;
- p) Scheme of work detailing the extent and type of piling proposed;
- q) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;
- r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; 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.

11. Prior to commencement of the works on site, the proposed receptor site shall be made suitable for reptiles by removal of ornamental shrubs and sowing with a suitable seed mixture.

REASON: To ensure the long-term protection of reptiles in line with the Wildlife and Countryside Act 1981 (as amended)

12. Development shall proceed in accordance with the measures detailed in Sections 5.4.2 to 5.7 of the submitted Reptile Mitigation Strategy by Ecosupport (December 2020) and Section 6.8 'Design Consideration & Ecological Enhancements' of Ecological Assessment report (Ecosupport, August 2020)

REASON: To ensure the long-term protection of reptiles in line with the Wildlife and Countryside Act 1981 (as amended) and a net gain in biodiversity in line with the NPPF.

13. No later than three months after the completion of the works on site, a report of action, summarising the results of the reptile capture and translocation

programme, along with representative photographs of the receptor site shall be submitted to the LPA for approval.

REASON: to ensure the success of the proposed mitigation strategy in relation to reptiles.

14. The dwelling shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

REASON: In the interests of preserving water quality and resources

15. 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.

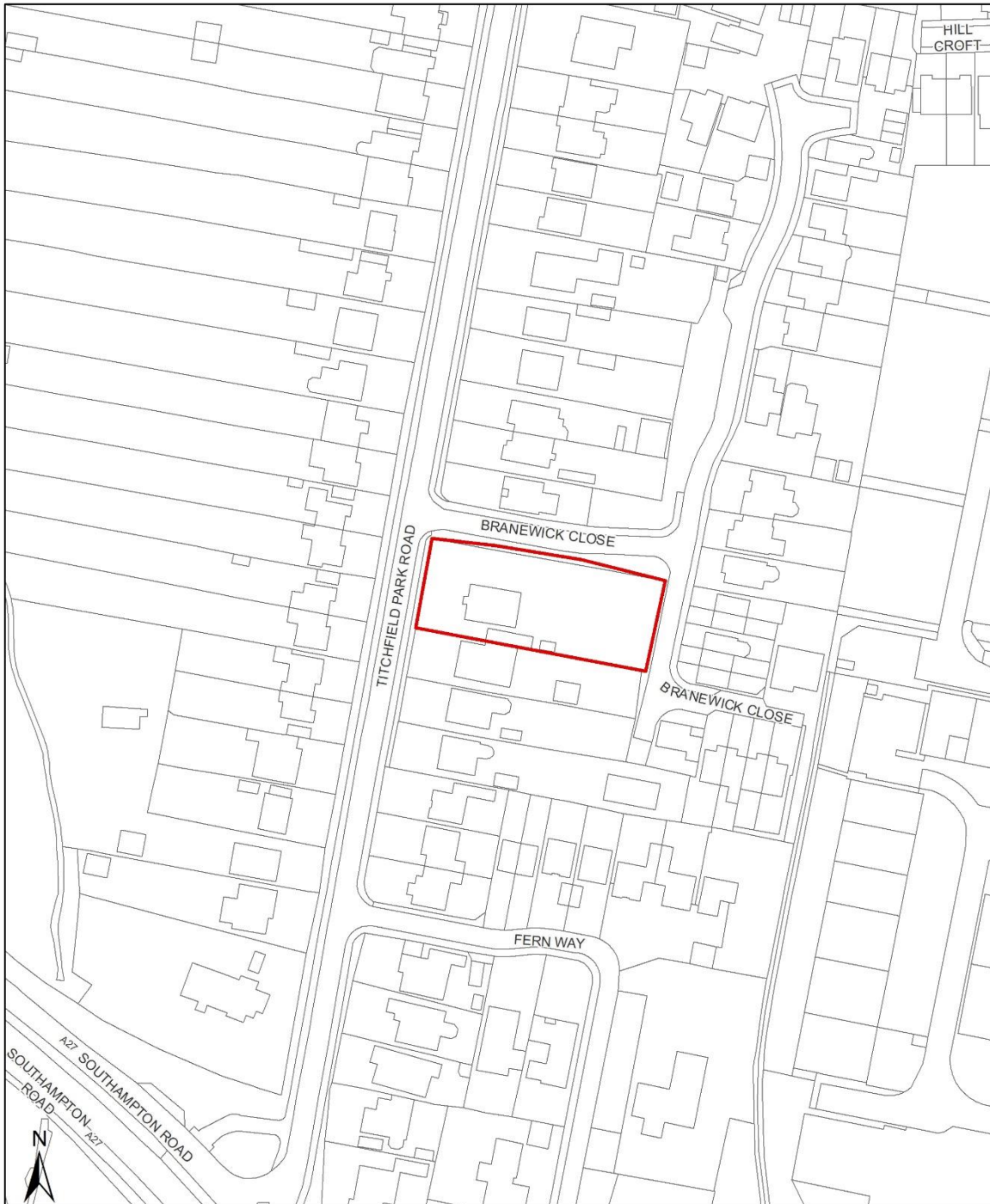
REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

10.0 Background Papers

P/20/0928/FP

FAREHAM

BOROUGH COUNCIL



53 Titchfield Park Road

Scale 1:1,250

© Crown copyright and database rights 2021 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

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/21/0470/FP	2 GREAT GAYS FAREHAM PO14 3JU	4
--------------	-------------------------------	---

HILL HEAD	DETACHED GAMES ROOM	PERMISSION
-----------	---------------------	------------

Agenda Item 5(4)

OFFICER REPORT FOR COMMITTEE

DATE: 16/06/2021

P/21/0470/FP
MR & MRS SADLER

HILL HEAD
AGENT: GEORGE GAMBLIN

DETACHED GAMES ROOM

2 GREAT GAYS, FAREHAM, PO14 3JU

Report By

Lucy Knight – direct dial 01329 824579

1.0 Introduction

1.1 This application is reported to the Planning Committee due to the number of third party letters received and the issues raised are contrary to the Officer recommendation.

2.0 Site Description

2.1 the application site comprises the residential curtilage of a detached property situated on a large plot of land with a north east facing rear garden.

3.0 Description of Proposal

3.1 Permission is sought for a detached outbuilding to be used as a games room incidental to the enjoyment of the existing property. The proposed building is 10.3 metres deep, 6.3 metres wide with a flat roof at 3 metres high. The building is proposed to be finished with cement board cladding to the walls with a flat rubber membrane roof.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS17 High Quality Design

Adopted Development Sites and Policies

DSP2 Environmental Impact

DSP3 Impact on Living Conditions

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/21/0237/LP

Certificate of Lawfulness for an Outbuilding

Approve

01/03/2021

6.0 Representations

6.1 One third party letter of support has been received from the neighbour at 17 Old Street who abuts the north eastern boundary. Ten third party letters of objection have been received from 8 separate address, four of which abut the site, three from properties in close by roads and one from outside of the Borough. The main reasons for the objections are set out below:

- Noise
- Not in keeping
- Loss of outlook
- Potential future use for accommodation
- Loss of privacy

7.0 Consultations

None

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) Background and the principle for development;
- b) Impact upon the character and appearance of the area;
- c) Impact upon neighbouring properties;
- d) Other matters.

a) Background and the principle for development

8.2 The application site is a residential garden in the defined urban settlement boundary where the principle for the development of outbuildings for purposes incidental to the enjoyment of the property to which it serves, is acceptable.

8.3 Members will see from the Planning History section above, that a Lawful Development Certificate was issued in March this year for a similar proposal (the same use, location and footprint as that now proposed) but with a different roof design which resulted in an overall height of 3 metres and with an eaves height of 2.45 metres. It was confirmed that the proposal complied with Schedule 2, Part 1, Class E of the Town and Country Planning (General Permitted Development) (England) Order 2015 and was permitted development thus a Certificate was issued.

8.4 In addition to the issue of this Certificate, it is considered important to note the other permitted development fall back situations with the proposal. In this

case the provisions within Class E of the General Permitted Development Order (which provides for development within the curtilage of a dwellinghouse) provide such that the an outbuilding could in fact be built at a greater height of 4 metres without an express planning permission in this location if it had a dual pitched roof and a lower eaves height of no more than 2.5 metres. It could also be built with the flat roof at a height 0.5 metres lower right up against the boundaries without the need for an express planning permission.

b) Impact upon the character and appearance of the area

- 8.5 The proposal will not be visible from within the street scene. Outbuildings within the rear gardens are common place within this location with many of the surrounding properties having existing outbuildings within the rear gardens, including the application site which has a number of buildings in a bad state of repair in the location in which the new building is proposed.
- 8.6 Whilst third party letters have expressed concern at the design solution, the lack of public vantage points of the building and the above described permitted development fall back options are such that the design is not considered to result in a development that would demonstrably fail to respect the character of the area.
- 8.7 The proposal is therefore, considered to respect the key characteristics of the area and complies with Policy CS17 of the Local Plan Part 1: Core Strategy.

c) Impact upon neighbouring properties

- 8.8 The proposal is situated in excess of 10 metres away from the boundary to the east, approximately 6 metres away from the boundary to the north and in excess of 4 metres away from the western boundary.
- 8.9 The proposed use for the building is considered to be a use that is incidental to the enjoyment of the dwelling house plus one that has already been accepted through the issue of the Certificate referred to above. Therefore, the assessment being made is whether the additional 0.5 metres eaves height which results in the proposal needing an express planning permission is harmful.
- 8.10 Due to the building being proposed away from the boundaries with the neighbouring properties, and the permitted development fall back scenarios, the proposal is not considered to result in an unacceptable adverse impact upon neighbouring properties by way of a loss of sunlight, daylight, outlook and/ or privacy and complies with Policy DSP3 of the Local Plan Part 2: Development Sites and Policies.
- 8.11 DSP2 of the Local Plan Part 2 states that proposals should not have a significant adverse impact, either on neighbouring development, adjoining

land, or the wider environment, by reason of noise, heat, liquids, vibration, light or air pollution (including dust, smoke, fumes or odour).

- 8.12 Many of the comments received relate to noise disturbance and also the positions of windows/ doors and the materials not being soundproof. As a building of the same use, location and footprint can be built without the requirement for planning permission, with a slightly lower eaves height (as per the issued Certificate) it would be unreasonable to add conditions to the planning permission relating to hours of use or require the relocation of windows and doors especially given the separation distances above to the boundary. Furthermore the site remains as a single dwellinghouse and a single planning unit. As such the activity associated with the application site would be expected to be commensurate with a residential property.
- 8.13 The proposal is not considered to result in a significant adverse impact by way of noise and is considered to comply with Policy DSP2 of the Local Plan Part 2: Development Sites and Policies.

d) Other matters

- 8.14 Many of the third party comments received relate to the future use of the building. This application seeks permission for use of the building as a garden games room. This is a use which is considered to be incidental to the enjoyment of the dwelling house. Should the building be used for other purposes in the future and that purpose materially changes the use of the building then the Council would need to assess the need for planning permission and the merits of the case at that time.
- 8.15 It is however, suggested that a condition be added to the permission to limit the use of the building to those ancillary/ incidental to the main dwelling house.

9.0 Recommendation

9.1 PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three 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. Drawing No: Sadler 294.9
 - b. Site Plan
 - c. Location Plan

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

3. The outbuilding hereby permitted shall be used only for purposes incidental or ancillary to the enjoyment of the main dwelling and shall at no time be occupied separately as an independent unit of accommodation.

REASON: To ensure adequate internal and external space including parking provision is made and in the interest of the amenities of the area.

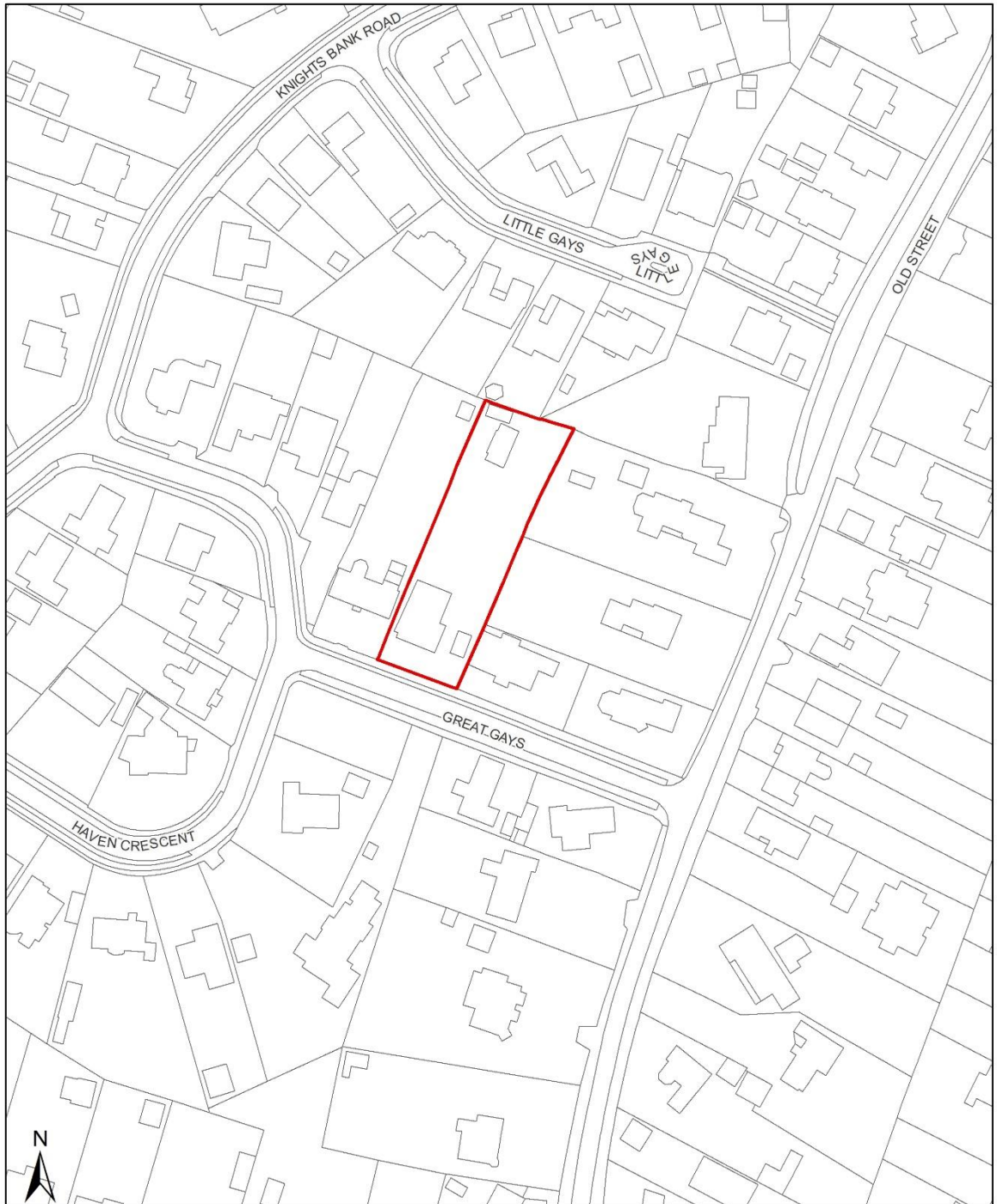
10.0 Background Papers

P/21/0237/LP

P/21/0470/FP

FAREHAM

BOROUGH COUNCIL



2 Great Gays

Scale 1:1,250

© Crown copyright and database rights 2021 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.

FAREHAM

BOROUGH COUNCIL

Report to Planning Committee

Date 08/06/2021

Report of Director of Planning and Regeneration

Subject PLANNING APPEALS

SUMMARY

The following report provides details of all current planning appeals, in particular the procedures under which the appeal will be considered and details of any planning appeal decisions received since the previous Planning Committee meeting.

RECOMMENDATION

That the Committee note the content of the report.

CURRENT PLANNING APPEALS

The following details set out all current planning related appeals and the procedures under which they will be dealt with

WRITTEN REPRESENTATIONS & HOUSEHOLDER

Fareham Borough Council Reference: [P/20/0654/OA](#)

Appeal site address: 50 Paxton Road Fareham PO14 1AD

Ward: Fareham South

The appellant: Mr Bell

Description of proposal: Outline application for 2x 3-bed dwellings to the rear of 50-52 Paxton Road

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/10/2020

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/0811/CU](#)

Appeal site address: 84 Merton Avenue Portchester Fareham PO16 9NH

Ward: Portchester East

The appellant: Mr & Mrs A Wells

Description of proposal: Temporary consent for a takeaway coffee shop.

Council decision: REFUSE

Decision maker: COMMITTEE

Date appeal lodged: 16/03/2021

Reason for Appeal: Appeal against refusal of planning permission

Fareham Borough Council Reference: [P/20/1007/FP](#)

Appeal site address: 21 Burr ridge Road Burr ridge Southampton SO31 1BY

Ward: Sarisbury

The appellant: RGOM

Description of proposal: Residential development of 4 self-build dwellings, amenity areas with access off Burr ridge Road (Amended Scheme to P/18/1252/FP)

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 24/03/2021

Reason for Appeal: No formal decision within determination period

Fareham Borough Council Reference: [P/20/1078/FP](#)

Appeal site address: 34 Warsash Road Warsash Southampton SO31 9HX

Ward: Warsash

The appellant: Mr Christopher Davison

Description of proposal: Detached Garage and Front Boundary Wall

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 29/04/2021

Reason for Appeal: Appeal against refusal of planning permission

INFORMAL HEARING

Fareham Borough Council Reference: [P/19/0419/DA](#)

Appeal site address: 137 Newgate Lane Fareham PO14 1BA

Ward: Stubbington

The appellant: Mr Patrick Cash

Description of proposal: Unlawful development of two structures

Date appeal lodged: 11/05/2020

Reason for Appeal: Against serving of planning enforcement notice

Date scheduled for Informal Hearing to start and duration: 20/07/2021 for 1 day

Fareham Borough Council Reference: [P/19/1193/OA](#)

Appeal site address: Land East of Posbrook Lane Titchfield Fareham

Ward: Titchfield

The appellant: Foreman Homes

Description of proposal: Outline planning application for the erection of up to 57 dwellings, together with associated parking, landscaping and access from Posbrook Lane

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 29/01/2021

Reason for Appeal: No formal decision within determination period

Fareham Borough Council Reference: [P/19/1260/OA](#)

Appeal site address: Land East of Newgate Lane East Fareham

Ward: Stubbington

The appellant: Bargate Homes Limited

Description of proposal: Cross boundary outline application, with all matters reserved except for access, for the construction of up to 99 residential dwellings, landscaping, open space and associated works, with access from Brookers Lane (Gosport Borough Council to only determine part of the application relating to part of access in Gosport Borough)

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 25/02/2021

Reason for Appeal: No formal decision within determination period

Date scheduled for Informal Hearing to start and duration: 22/06/2021 for 1 day

PUBLIC LOCAL INQUIRY

Fareham Borough Council Reference: [P/18/1073/FP](#)

Appeal site address: Land to the South of Romsey Avenue Fareham

Ward: Portchester West

The appellant: Foreman Homes Ltd

Description of proposal: Outline planning application for residential development of 225 dwellings, bird conservation area and area of public open space with all matters reserved except for access

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 07/04/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 10/08/2021 for 6 days

Fareham Borough Council Reference: [P/18/1118/OA](#)

Appeal site address: Land at Newgate Lane (North) Fareham

Ward: Stubbington

The appellant: Fareham Land LP

Description of proposal: 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.

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 02/06/2020

Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 09/02/2021 for 6 days

Fareham Borough Council Reference: [P/18/1212/LU](#)

Appeal site address: Borderland Fencing New Road Swanwick Southampton SO31 7HE

Ward: Sarisbury

The appellant: Borderland Fencing Ltd

Description of proposal: Lawful Development Certificate for mixed use of the glasshouse for storage & manufacturing (Use Class B8 & B2)

Council decision: REFUSE

Decision maker: Officer Delegated Powers

Date appeal lodged: 13/08/2019

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 01/09/2021 for 3 days

Fareham Borough Council Reference: [P/19/0460/OA](#)

Appeal site address: Land at Newgate Lane (South) Fareham

Ward: Stubbington

The appellant: Bargate Homes Ltd

Description of proposal: 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.

Council decision: NONE

Decision maker: Non Determined

Date appeal lodged: 02/06/2020

Reason for Appeal: No formal decision within determination period

Date scheduled for Public Local Inquiry to start and duration: 01/12/2020 for 6 days

Fareham Borough Council Reference: [P/20/0009/DA](#)

Appeal site address: Borderland Fencing New Road Swanwick Southampton SO31 7HE

Ward: Sarisbury

The appellant: Borderland Fencing Ltd

Description of proposal: Unauthorised expansion of site and breach of conditions

Council decision: NONE

Date appeal lodged: 17/07/2019

Reason for Appeal: Against serving of planning enforcement notice

Date scheduled for Public Local Inquiry to start and duration: 01/09/2021 for 3 days

Fareham Borough Council Reference: [P/20/0912/OA](#)

Appeal site address: Land to the East of Down End Road Fareham

Ward: Portchester West

The appellant: Miller Homes Ltd

Description of proposal: Outline planning application with all matters reserved (except the means of access) for residential development, demolition of existing agricultural buildings and the construction of new buildings providing up to 350 dwellings, the creation of new vehicular access with footways and cycleways, provision of landscaped communal amenity space, including children's play space, creation of public open space, together with associated highways, landscaping, drainage and utilities.

Council decision: REFUSE

Decision maker: Committee

Date appeal lodged: 22/04/2021

Reason for Appeal: Appeal against refusal of planning permission

Date scheduled for Public Local Inquiry to start and duration: 03/08/2021 for 4 days

DECIDED PLANNING APPEALS

Fareham Borough Council Reference: [ENF/40/19](#)

Appeal site address: The Tithe Barn Mill Lane Fareham PO15 5RB

Ward: Titchfield

The appellant: MR KEVIN FRASER

Description of proposal: Resurfacing of car park with tarmac

Reason for Appeal: Against serving of planning enforcement notice

Appeal decision: DISMISSED

Appeal decision date: 17/05/2021

Fareham Borough Council Reference: [P/19/0316/FP](#)

Appeal site address: The Tithe Barn Mill Lane Titchfield Fareham PO15 5RB

Ward: Titchfield

The appellant: MR K FRASER

Description of proposal: Re-surface car park area with tarmac (retrospective application)

Council decision: REFUSE

Decision maker: COMMITTEE

Reason for Appeal: Appeal against refusal of planning permission

Appeal decision: DISMISSED

Appeal decision date: 17/05/2021

Further information about Planning Appeals

Introduction

Under the English planning system, only the applicant has a right of appeal. There is currently no right of appeal for third parties. Planning decisions can only be challenged by third parties through the Courts. The Courts can examine whether the decision was lawfully made- the Courts' role is not to consider whether they agree with the decision itself.

When are planning appeals lodged?

A very small proportion of all planning decisions made by this Council end up being considered through the planning appeal system. When planning applications are refused, Government advice is that applicants should firstly contact the Council to see if their proposal can be modified to address the Council's concerns.

The most common type of planning appeal is against the refusal of a planning application. Planning appeals can also be made against specific conditions that have been imposed on a planning permission or where a Council has not made a decision within prescribed time periods.

Who decides planning appeals?

Planning appeals are handled and decided by the Planning Inspectorate. The Planning Inspectorate is an executive agency of the Ministry of Housing, Communities and Local Government.

Nearly all appeals are decided by Planning Inspectors from the Planning Inspectorate and in each case the Inspectors are solely responsible for their decisions. A very small percentage are decided by the Secretary of State - these tend to be the very largest or most contentious schemes.

The different types of appeal procedures

There are different types of procedures for different types of planning appeals, often depending on the complexity of the issues. The Planning Inspectorate decide which type of procedure will be used for any given appeal.

There is an 'expedited procedure' for Householder appeals, with most other appeals being determined through the written representations' procedure. Larger scale and/ or more controversial planning appeals may be dealt with by way of an Informal Hearing or by a Public Local Inquiry.

With all planning appeals, the Planning Inspector will visit the site and will notify the outcome of the planning appeal by way of a written decision. A summary of the three main procedures are set out below:

Appeal by Written Representations

Under this procedure, the Planning Inspector will decide the appeal on the basis of the written material provided by all interested parties and following a visit to the appeal site.

The key aspect of this procedure is that submissions made by the Council, the applicant or interested parties, can only be made in writing for the Planning Inspector to consider.

Appeal by Informal Hearing

The hearing is an inquisitorial process led by the Planning Inspector who identifies the issues for discussion based on the evidence received and any representations made. The hearing may include a discussion at the site.

Interested parties including residents, amenity groups and councillors can normally attend and take part in the discussion. Most hearings last a day, but more complex cases may continue over several days.

Appeal by Public Local Inquiry

Public Local inquiries are the most formal procedure and are used for complex cases where legal issues may need to be considered, or evidence needs to be taken under oath.

An Inquiry is open to the public and provides for the investigation into, and formal testing of, evidence, usually through the questioning ("cross examination") of expert witnesses and other witnesses. Parties may be formally represented by advocates.

Interested parties including residents, amenity groups and councillors can normally attend and speak if they would like to do so.

The length of an inquiry depends on the complexity of the case and can range between a day and several weeks.

Further reading

You can find out more details about the planning appeal process on the [Planning Portal](#)

A [detailed procedural guide on planning appeals](#) can be viewed on the Government website.

You can look at planning appeal decisions made by the Planning Inspectorate across England [via their website](#)