OFFICER REPORT FOR COMMITTEE DATE: 24/04/2019

P/18/1252/FP RGOM

SARISBURY WARD AGENT: STEVE CARRINGTON

SIX 4-BEDROOM DETACHED DWELLINGS, AMENITY AREAS AND A MEANS OF ACCESS FROM BURRIDGE ROAD

21 BURRIDGE ROAD, BURRIDGE, SOUTHAMPTON, SO31 1BY

Report By

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1.0 Introduction

- 1.1 The application has received over five third party letters of representations, including letters of support and objection.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.66 years.

2.0 Site Description

- 2.1 The application site is located within the defined countryside and is not located close to or adjacent to the existing defined urban area. The site is located on the southern side of Burridge Road, which comprises an existing ribbon of residential development that extends westwards on the western side of Botley Road (B3051), which connects Botley (to the northwest) to the settlements of the Western Wards and the M27 to the east and southeast. Burridge is a small village comprising limited services and facilities, formed along the Botley Road.
- 2.2 The application site is located in a backland position, to the rear of 23, 25, 27 and 29 Burridge Road, and to the west of 21 and 21a (the annex to 21) Burridge Road. The site is accessed via the existing single track access road serving 21/21a Burridge Road, and is situated between 19 and 23 Burridge Road.
- 2.3 The position of 21/21a Burridge Road (to the immediate east of the site) is situated on an elevated position, and the ground drops sharply to the west beyond the raised gravelled parking area that serves 21/21a Burridge Road. Beyond the slope, the western part of the site is more level, and currently forms the lawned garden area of 21 Burridge Road. The site's boundaries are

largely formed by mature trees and hedging, characteristic of the rural nature of the site.

3.0 Description of Proposal

- 3.1 The application, submitted in full, comprises six, four bedroomed, two storey detached dwellings, set in landscaped plots with car parking provision for the individual houses, access roads to serve the new dwellings and 21/21a Burridge Road.
- 3.2 The proposal incorporates two house types, both incorporating 4 bedrooms and three bathrooms at first floor level, with kitchen/diners, living room and family rooms at ground floor levels.
- 3.3 The application has been supported by a detailed planning statement, design and access statement, preliminary ecological survey and dormouse survey, and a detailed drainage strategy.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS2: Housing Provision
- CS5: Transport Strategy and Infrastructure
- CS6: The Development Strategy
- CS14: Development Outside Settlements
- CS17: High Quality Design

Adopted Development Sites and Policies

- DSP1: Sustainable Development
- DSP2: Environmental Impact
- DSP3: Impact on Living Conditions
- DSP6: New Residential Development Outside of the Defined Urban Settlement Boundaries
- DSP13: Nature Conservation
- DSP15: Recreational Disturbance on the Solent Special Protection Areas
- DSP40: Housing Allocations

Other Documents:

National Planning Policy Framework (February 2019) Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015 Residential Car Parking Standards November 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/12/0773/FP	Erection of replacement coach house as detached residential annex, new detached garage and single storey rear extension and front porch to existing dwelling
APPROVED	15/02/2013
P/13/1077/FP	Alteration (raising of ridge) to roof to provide first floor accommodation
APPROVED	11/12/2013

6.0 Representations

- 6.1 Thirty-eight letters of representation have been received regarding this application. Eight letters of support have been received, and twenty-nine letters of objection (from twenty-three households). One further letter from Hampshire Swifts has been received raising comments on the lack of 'swift bricks' being incorporated into the development.
- 6.2 Of the eight letters of support that have been received, the main points raised comprise:
 - The development location was considered in the SHLAA as deliverable and developable, despite not being a preferred site;
 - Burridge Road is suitable to accommodate additional traffic;
 - Low density scheme, comparable to the local character;
 - Access road acceptable to meet Highway Officer's comments;
 - Contribute to Housing Land Supply shortfall;
 - Long established residential site;
 - Burridge needs more housing all the local housing should not just be provided at Warsash;
 - Small scale developments should be considered more favourably;
 - Would enable people to move up the property ladder.
- 6.3 The twenty-nine letters of objection comprise the following main points:
 - Area already subject to major development at North Whiteley;
 - New backland development out of keeping with character of area;
 - Traffic / highway safety concerns for access to Botley Road;
 - Constrained access into site steep and narrow track;
 - Inadequate visitors car parking provision on site;
 - Drainage concerns;

- Impact on biodiversity, nature conservation and loss of habitat for local wildlife;
- Adverse environmental impact;
- No public transport facilities in Burridge;
- Design of the estate out of keeping with mixed character in Burridge Road;
- Site located in designated countryside;
- Development comprises small plots more urban in character;
- Overdevelopment of the site;
- Overlooking due to elevated position;
- Contaminated land issues;
- Impact on established boundary vegetation, including mature trees;
- Concern regarding additional surface water run-off onto neighbours land;
- Lots of vegetation clearance already taken place impacting wildlife;
- Would set a precedent along Burridge Road/Green Lane;
- Loss of privacy;
- Noise disturbance from number of vehicles on access road;
- Density of the development too high;
- Narrow access road would be difficult for refuse vehicles and 8no. bins at the site entrance an obstruction to the footpath and visibility for neighbours;
- Impact on Swanwick Nature Reserve and Upper Hamble Country Park;
- Light pollution;
- No difference between this proposal and the recent dismissed appeal decision at 17 Burridge Road;
- No affordable housing would be provided; and,
- Impact on trees which may be important as part of the local landscape character.

7.0 Consultations

INTERNAL

Ecology

7.1 No major concerns regarding the proposal, however, further information regarding the impact on existing habitats from the removal of established vegetation should be provided.

Transport Planner

7.2 No objection, subject to conditions.

Trees

7.3 Principle seems to be viable. In the absence of any arboricultural assessment of the trees, how they will be safely retained and not negatively impact on the proposal it is not possible to comment in more detail.

Recycling Co-ordinator

7.4 A Bin Collection Point will be required near the entrance to this development and must be shown on the plans. It must be big enough to accommodate at least 6 bins and garden waste sacks. As they are large houses some may require additional bin capacity if large families move in.

8.0 Planning Considerations

- 8.1 The following matters represent the key material planning considerations which would need to be assessed to determine the suitability of the development proposal. The key issues comprise:
 - a) Implication of Fareham's current 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) Implication of Fareham's current 5-year housing land supply position

- 8.2 A report titled 'Five Year Housing Land Supply Position' is reported for Members' information elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council has 4.66 years of housing supply against the new 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 much be made in accordance with the plan unless material considerations indicate otherwise".

- 8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.

- 8.6 Paragraph 73 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

"For decision-taking this means:

- Approving development proposals that accord with an up-to-date development plan without delay; or
- Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting planning permission unless:
 - *i.* The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."
- 8.8 However, paragraph 177 of the NPPF states:

"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), <u>unless an appropriate</u> <u>assessment has concluded that the plan or project will not adversely affect the</u> <u>integrity of the habitats site</u>." (underlined emphasis added)

8.9 The wording of this paragraph was recently amended by government in the February 2019 rewording of the NPPF to clarify that in cases such as this one where no appropriate assessment has been undertaken, the so-called 'tilted balance' as it has come to be known, of paragraph 11 is not engaged. 8.10 The following sections of this report assess 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

- 8.11 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 and away from the defined urban settlement boundary.
- 8.12 Policy CS14 (Development Outside Settlements) states that:

'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure'.

- 8.13 Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement) of the Local Plan Part 2: Development Sites and Policies states – *'there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map)'.*
- 8.14 The site is clearly outside of the defined urban settlement boundary and the proposal 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) Policy DSP40 (Housing Allocations)

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

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

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

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

Policy DSP40(i)

8.17 The proposal is for only 6 dwellings and is therefore relative in scale to the 5YHLS shortfall and therefore point (i) of Policy DSP40 is satisfied.

Policy DSP40(ii)

- 8.18 The application site lies within the designated open countryside on the western side of Botley Road, which open out to countryside stretching down to the banks of the River Hamble, less than a kilometre to the west. Much of this land comprises the Swanwick Lakes Nature Reserve with the only substantive built from comprising the existing ribbon of residential development along Burridge Road. The defined urban settlement boundary is located approximately 300 metres to the east of the site, on the eastern side and beyond the road frontage development of Botley Road. The urban settlement boundary currently comprises the western edge of the higher density development of Whiteley.
- 8.19 Burridge Road is a quiet, ribbon of road frontage residential development stretching into the open countryside, with many of the properties comprising long rear gardens with the open countryside beyond. The proposal would not therefore be sustainably located adjacent to, or well related to the existing urban area. Its backland character would also be fundamentally contrary to the road frontage development and would not therefore be well integrated with the neighbouring settlement.
- 8.20 In addition, Burridge comprises very limited services and facilities, meaning most residents are required to access local services and facilities, such as doctors, shops, cafes, schools and employment by private vehicles. The closest railway station (Swanwick) is a considerable walk away along a busy, heavily trafficked road, and all services and facilities in Whiteley on the eastern side of Botley Road.
- 8.21 The proposal therefore fails to accord with point (ii) of Policy DSP40.

Policy DSP40(iii)

- 8.22 As stated in the preceding paragraphs Burridge Road is characterised by road frontage residential properties along its length. The only exception to this is the adjoining property at 21 Burridge Road, which largely predates the majority of the other properties along Burridge Road. However despite this, its backland presence has not been replicated elsewhere along the road with all other properties essentially fronting the street.
- 8.23 In view of this, road frontage development is the prevailing character of Burridge Road, and therefore the introduction of this small backland residential estate would appear wholly incongruous with the general pattern of development. Policy CS17 requires that new development respond positively to and be respectful of the key characteristics of the area, including scale, form and spaciousness.
- 8.24 In addition, the design of the properties fails to adequately address the mixed character of properties along Burridge Road. Whilst there is a mix of property styles and types along Burridge Road, including large two storey dwellings, the majority of the properties are bungalows or chalet bungalows. The proposed development would appear at odds with this character, comprising largely identical, estate style, wholly two storey dwellings.
- 8.25 The proposal, would not therefore be sensitively designed, fails to reflect the mixed character of the area and its backland situation fails to comply with the prevailing character of road frontage development along Burridge Road. The application therefore fails to comply Policy CS17 and with point (iii) of Policy DSP40.

Policy DSP40(iv)

8.26 The application, submitted in full details and the applicant has confirmed that the development, if permitted would be capable of being delivered in the short term. The proposal would therefore comply with policy (iv) of Policy DSP40.

Policy DSP40(v)

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

Environmental/Ecology

8.28 The application has been supported by a Preliminary Ecological Survey and separate Dormouse Survey. Given the nature of the site, maintained grassland, there are no significant ecological issues regarding the proposed development of the site. The only area of concern raised by the Council's Ecologist was in respect of the potential impact of the development on the hedgerow along the western boundary. A condition requiring the retention

and re-enforcement of this hedgerow would be required in the event that planning permission is granted.

- 8.29 The Council's Tree Officer raised no objection to the scheme, commenting that the proposal seems to be viable in terms of the spatial layout in relation to existing trees. A condition regarding tree protection during construction would need to be applied to ensure the boundary trees are protected during any works.
- 8.30 The Solent coastline (including the River Hamble) provides feeding grounds for internationally protected populations of overwintering birds and is used extensively for recreation. Natural England has concluded that the likelihood of a significant effect in combination arising from new residential development around the Solent cannot be ruled out.
- 8.31 The application site lies within 5.6 km of the Solent and Southampton Water Special Protection Area and Ramsar Site and the Solent Maritime Special Area of Conservation. At its closest, the designations lie only 430 metres away to the northwest of the site, and therefore any development is likely to have a significant effect on these important designations.
- 8.32 Policy DSP15 requires appropriate mitigation against the impact of the development on the Solent Special Protection Area, as required by the Solent Recreation Mitigation Partnership Strategy (SRMP), which has been formally adopted by the Council. No contribution towards habitat mitigation has been provided to mitigation against increased recreational disturbance, and therefore development is contrary to the adopted SRMP and policy DSP15. Therefore the proposals are considered to be contrary to policies DSP2, DSP13 and DSP15 of the adopted Local Plan.
- 8.33 The application proposal is therefore considered contrary to point (v) environmental impact of Policy DSP40.
- 8.34 Given the application proposal is likely to have a significant effect on internationally important designations the Council, as a competent authority, is required to undertake a Habitat Regulations Assessment and Appropriate Assessment before planning permission is granted. However, given that the application does not comply with the requirements of the Development Plan and Officers are not recommending planning permission is granted, no further assessment needs to be undertaken.

Amenity

8.35 In terms of the consideration of the amenity impact on the living conditions of neighbouring occupiers and future occupiers, the development comprises six,

two storey detached dwellings all of which comprise garden sizes that meet the minimum requirements of the adopted Design Guidance (between 11m and 18.5m in length). Whilst the size of gardens accords with the adopted Design Guidance, the gardens would be considerably smaller than those surrounding the development, particularly given the overall sizes of the dwellings proposed. The relatively small gardens in this location is symptomatic of the wider concerns that the proposals are out of keeping with the character of the area (as considered above).

- 8.36 The properties closest to the rear boundary of the existing road frontage properties along Burridge Road (23-29 Burridge Road) would be located over 46 metres away, and would therefore far exceed the minimum 22 metre level of separation sought for new residential developments in the Design Guidance. It is therefore considered that despite the current undeveloped outlook that the properties at 23-29 Burridge Road benefit from, the provision of these properties would not have a significant adverse impact on their outlook, from overlooking/loss of privacy to warrant a refusal on this point.
- 8.37 However, whilst the levels of separation are acceptable to the existing occupiers, the proposed access road would result in a significant increase in the number of vehicles passing and repassing along it between 19 and 23 Burridge Road. 21 Burridge Road also comprises a self-contained annex to the north of the main property. The annex contains a main living room with patio doors on its western elevation, currently overlooking the site. These doors would be situated within 2 metres of the access road, and would, it is considered have a significant adverse impact on their living conditions from both noise disturbance and impact on outlook. Further, 19 Burridge Road, a former school house includes a number of primary windows at ground and first floor level on their western elevations, again within 2 metres of the proposed enhanced access road.
- 8.38 It is therefore considered, due to the likely increase in number of vehicle movements along the access road, from one dwelling (and separate annex) to essentially seven properties (and annex) using the road. The access road also comes immediately adjacent to the eastern boundary of 23 Burridge Road, and the road largely wraps around the rear garden of this property, at an elevated position. It is therefore considered that due to the increased number of vehicle movement that the proposals are likely to result in an unacceptable adverse impact from noise and pollution disturbance to the occupiers of the adjoining residential properties.
- 8.39 In terms of the impact on future occupiers of the development, the front elevations of the two western most plots (orientated north/south) would be located only 10 metres from the proposed side boundaries of the two central

plots (orientated east/west), and would result in an unacceptable level of direct overlooking and loss of privacy within the rear gardens of these two central plots from first floor bedroom windows. This level of separation is contrary to the advice in the adopted Design Guidance, which requires that *'first floor windows should be at least 11 metres from boundaries that look towards'*. The Guidance continues to state that *'in cases of more spacious areas a greater distance is likely to be required'*. Given the low density, spacious character of Burridge Road, it would therefore be more appropriate in this location to require separation distances greater than the minimum. It is acknowledged that these areas would be within the public realm, although given the nature of the proposal, the layout is not considered to be typical of the surrounding area of road frontage development.

8.40 Therefore, it is considered that the proposed layout and density of the development proposed would have an unacceptable impact of the living conditions of existing and future occupiers as a result of increased noise disturbance, loss of outlook and insufficient privacy to future occupiers. The development would therefore be contrary to Policies CS17, DSP2 and DSP3 of the adopted Local Plan, and is therefore considered contrary to point (v) – amenity impact of Policy DSP40.

Traffic

- 8.41 In respect of the traffic impact from the development proposal, the application has been considered by the Council's Transport Planner, and the access alignment has been amended following these comments. The Council's Transport Planner raised no objection, subject to conditions following receipt of these amendments, which includes the provision of adequate passing points along the access road, and confirmation that the access road and estate roads are capable of accommodating an 11.3 metre long refuse vehicle, which would be able to enter and exit the site in a forward gear.
- 8.42 The development provides sufficient car parking provision for each of the proposed dwellings, and four spaces retained for 21 and 21a Burridge Road. No visitors spaces are proposed although four of the six dwellings would comprise four spaces each, one more than the minimum three spaces required for 4-bedroom dwellings. The spaces do include tandem parking, which whilst acceptable, can result in additional vehicle movements and cars being parked along estate roads. In addition, the two central plots (orientated to the east/west) have car parking spaces provided on the eastern side of the road, resulting in a poor arrangement to these two plots, and therefore poor quality design, contrary to the advice in Policy DSP17, which requires high quality design, which are safe and easily accessible by all members of the community. Policy DSP17 also requires developments to provide appropriate

parking for intended uses, and the contrived parking arrangements fail to accord with the principles of this approach.

- 8.43 Therefore, despite the access arrangements being considered acceptable, which would not result in an unacceptable impact on highway safety, and the car parking provision meeting the adopted standards, the parking arrangement is disjointed and contrived, particularly in a residential development of such low density. Therefore, it is considered that the proposal fails to comply with Policy CS17 and point (v) traffic impact of Policy DSP40.
- 8.44 In summary therefore, the proposed development fails to accord with the requirements of points (ii), (iii) and (v) of Policy DSP40 of the adopted Local Plan.

d) Other Matters

8.45 **Affordable Housing:** The development proposal comprises a site area of 0.49ha and a development of six new dwellings. Whilst the adopted Core Strategy sets out that affordable housing should be provided on sites over 5 dwellings (Policy CS18), the revised NPPF only requires an affordable housing provision for major development, comprising 10 or more dwellings (or on sites over 0.5ha). This is a material planning consideration which in this instance Officers consider should be given greater weight than Policy CS18. Therefore, there is no requirement for this development proposal to provide any affordable housing.

e) The Planning Balance

8.46 Section 38(6) of the Planning ad Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications:

"If regard is to be had to the development plan for the purposes 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".

- 8.47 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 the Local Plan Part 2: Development Sites and Policies Plan.
- 8.48 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 elsewhere on this agenda and

the Government steer in respect of housing delivery. It is acknowledged that the proposal would make a modest contribution towards addressing the current housing shortfall. Notwithstanding, the proposal fails to accord with the points (ii), (iii) and (v) of Policy DSP40, in that it would be poorly related to the existing urban area, out of character with the current pattern and scale of residential development in Burridge Road, and would result in unacceptable impacts on areas of ecological importance, and on the amenity of existing and future occupiers.

8.49 Having carefully considered all material planning considerations, Officers recommend that planning permission should not be granted for this application, for the following reasons:

9.0 Recommendation

9.1 REFUSE PLANNING PERMISSION:

The development would be contrary to Policies CS2, CS6, CS14, CS17 and CS20 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP6, DSP13, DSP15 and DPS40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan, and is unacceptable in that:

- i. the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside. Further, the development would not be sustainably located adjacent to or well integrated with the neighbouring settlement area.
- ii. the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped, backland location, which would be out of character with the prevailing pattern of development in the area.
- iii. the access arrangements and layout of the proposed development would result in an unacceptable adverse impact on the living conditions of existing occupiers as a result of noise and pollution disturbance due to the proximity of and increased activity in relation to existing habitable rooms in the surrounding residential properties.
- iv. the development would result in an unacceptable impact from overlooking and lack of privacy for future occupiers due to the proximity of neighbouring first floor windows.

- v. insufficient information has been provided to adequately demonstrate that no harm would be caused to features of ecological importance on and surrounding the site and protected species.
- vi. in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increased in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Waters Special Protection Area and the Portsmouth Harbour Special Protection Area.
- **11.0 Background Papers** P/18/1252/FP

