

OFFICER REPORT FOR COMMITTEE

DATE: 14/10/2020

**P/20/0506/OA
WORKHAM EUROPEAN PROPERTY
LTD**

**SARISBURY
AGENT: LUKEN BECK MDP LTD**

**DEMOLITION OF AGRICULTURAL BUILDINGS AND ERECTION OF UP TO 38
DWELLINGS WITH ASSOCIATED LANDSCAPING AND ACCESS**

**LAND AT EYERSDOWN FARM QUARANTINE KENNELS, 285 BOTLEY ROAD,
SOUTHAMPTON SO31 1ZJ**

Report By

Richard Wright – 01329 824758

1.0 *Introduction*

- 1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' reported to the Planning Committee meeting on 24th June 2020 this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).

2.0 *Site Description*

- 2.1 The planning application site comprises 2.65 hectares (approximately 6.5 acres) of pasture fields and a number of buildings used for agricultural purposes, commercial cattery and kennels.
- 2.2 The land is located on the western side of Botley Road and occupies two sections of road frontage and a significant area behind the ribbon development along the road. The cattery, kennels and agricultural buildings are grouped together close to the eastern edge of the site with Botley Road alongside the existing farmhouse (which is not part of the red edged application site and is to be retained). A further cluster of low level, dilapidated poultry sheds are located in the southern part of the site. The land slopes downhill away from Botley Road.
- 2.3 The site is located outside of the defined Urban Settlement Boundary, the urban area being approximately 200 metres away at its closest point to the east (as the crow flies). To the immediate north of the application site, separated by a mature boundary hedgerow, is Burr ridge Recreation Ground and Burr ridge Village Hall.

2.4 An existing private track into the southern part of the site from Burridge Road is not included within the red edge of the application site.

3.0 Description of Proposal

3.1 Outline planning permission is sought for up to 38 dwellings along with associated landscaping and access (although all matters, including access, are reserved).

3.2 In support of the application the applicant has submitted an illustrative masterplan showing how 38 dwellings could be arranged on the site. The masterplan also shows a proposed retention pond within the red edged site and an area identified as to be used for nitrate mitigation purposes on land edged blue between the housing and the existing recreation ground.

3.3 Despite access not being for consideration at this stage, detailed information has been provided by the applicant including access drawings.

4.0 Policies

4.1 The following policies apply to this application:

National Planning Policy Framework (NPPF)
Planning Practice Guidance (PPG)

Adopted Fareham Borough Core Strategy

CS2: Housing Provision

CS4: Green Infrastructure, Biodiversity and Geological Conservation

CS5: Transport Strategy and Infrastructure

CS6: The Development Strategy

CS9: Development in the Western Wards & Whiteley

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

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

5.0 Relevant Planning History

None

6.0 Representations

6.1 A total of 76 objections have been received from 69 local residents raising the following material planning considerations:

General

- Contrary to local plan policy
- Impact on schools, doctors, dentists and other local services
- Too much development in the area already (e.g. North Whiteley)
- Loss of countryside for housing
- Harmful to rural character of the village
- Absence of local amenities meaning reliance on private vehicles
- More housing is not needed

Design

- Visual impact
- Out of keeping with other houses in area
- Tight knit urban form with small gardens at odds with more spacious character of nearby dwellings in Botley Road and Burr ridge Road
- Backland development
- Cramped, overly dense development, small houses together with small gardens

Highways

- Increase in traffic along Botley Road (which will only get worse with traffic from North Whiteley)
- Speeding vehicles along Botley Road
- Botley Road is not suitable to cope with increased traffic
- Access is too close to existing entrances/exits onto Botley Road
- Mud on road will make it slippery and unsafe
- Makes it even more difficult for pedestrians and cyclists
- Access visibility is poor
- Pavement is narrow near to the site
- Access should not be provided along the private track from Burr ridge Road
- Lack of appropriate parking provision
- Poor public transport links

Environmental

- Loss of habitat
- Encroachment onto SSSI
- Harm to protected species
- Noise, light and air pollution
- Impact on wildlife
- Flood risk
- Foul water drainage problems
- Water supply problems

Amenity

- Overlooking
- Loss of privacy
- Noise and vibration from additional vehicles
- Security risk to rear of properties

7.0 Consultations

EXTERNAL

Natural England

7.1 No objection.

Highways (Hampshire County Council)

7.2 The visibility splays at the access have not been agreed as acceptable by the Highway Authority. Notwithstanding this, it is noted that the application is for outline permission with all matters (including access) reserved. Having reviewed the plans, it is possible the maximum required visibility splays to be provided within the land ownership of the application, albeit outside of the red line plan. The access is therefore allowable in principle and acceptable level of visibility can be achieved, however details of this are yet to be agreed.

7.3 The site is not considered to be in a sustainable location. Whilst it is noted that the site is adjacent to limited leisure facilities and a green space, it is not located within the recommended distance for access to existing healthcare, retail or education facilities.

7.4 In the opinion of the Highway Authority, the proposal involves development that cannot be reconciled with the National Planning Policy Framework in that it would result in the users of the development being unable to make use of sustainable transport opportunities and therefore users of the site will depend on the use of the private car.

Southern Water

- 7.5 No objection.

Flood and Water Management Team (Hampshire County Council)

- 7.6 No objection subject to conditions regarding surface water drainage scheme (and long-term management of such) and existing watercourse.

Archaeology (Hampshire County Council)

- 7.7 No objection.

Children's Services (Hampshire County Council)

- 7.8 Due to the small size of the development there is no requirement for an education contribution.

INTERNAL

Affordable Housing Strategic Lead

- 7.9 No objection assuming 15 affordable homes are provided on site (with the residual 0.2 equivalent as an in lieu contribution) with 10 of these homes being for social/affordable rent and the remaining 5 for shared ownership/intermediate.

Ecology

- 7.10 Awaiting final comments in response to latest ecological information provided by applicant. Previous concerns have been raised and further information requested regarding reptile relocation and biodiversity enhancement.
- 7.11 The submitted Ecological Appraisal by WYG (January 2020) confirms that the habitats on site have potential for a number of protected species. Subsequent phase 2 surveys confirmed the likely absence of GCNs (April 2020) and roosting bats within the surveyed buildings (May 2020). The Reptile Presence / Likely Absence Survey by WYG (May 2020) confirmed the presence of a low population of slow worms on site. The report recommends that reptiles are displaced to retained and enhanced areas of the site or suitable areas off-site. This is not acceptable as the exact area of the receptor site is required to ensure the suitability of the proposals and the long-term viability of the reptile population present on site. Therefore, further information is required.
- 7.12 The proposals will result in a net loss in biodiversity and therefore measures to ensure no net loss and a net gain in biodiversity will be required. There are numerous opportunities for biodiversity enhancement particularly in the northern/north-western section of the site and therefore further information is required.

7.13 There are concerns in relation to the site layout. A woodland forms the western boundary of the site. The private gardens are designed to face the woodland. Indirect impacts as a result of spread of non-native species, garden waste disposal, etc. is anticipated. Therefore, a suitable green buffer along the western boundary will be required. This buffer would need to be located outside the residential curtilage. This area could be linked with the proposed retention pond and nitrate mitigation area.

Trees

7.14 The development can be built out with no significant adverse impact on retained trees. However, of concern is the layout of the southern portion of the site which sets dwellings and garden spaces backing on the east, south and west boundaries, with relatively short gardens to existing trees. Ideally the layout should be front facing onto these treed areas using roads/driveways to increase the views of these features and reduce the impact in terms of dominance and shading on useable garden spaces.

Contaminated Land Officer

7.15 No objection subject to condition.

Environmental Health

7.16 No objection however the applicant is recommended to submit an initial risk assessment for noise.

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;
- b) Residential development in the countryside;
- c) The impact on European Protected Sites
- d) Policy DSP40;
- e) Other matters;
- f) The planning balance

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

8.2 A report titled "Five-year housing land supply position" was reported to the Planning Committee meeting on 24th June 2020. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council currently has a

housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5-year period).

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

8.11 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.”

8.12 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.

8.13 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.

b) Residential Development in the Countryside

8.14 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.

8.15 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.'

8.16 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).

8.17 The site is clearly outside of the defined Urban Settlement Boundary and the proposal does not comprise one of the acceptable forms of development listed in Policy CS14. The proposal is therefore contrary to Policies CS2, CS6, CS9 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 European Protected Sites

8.18 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.

8.19 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.

8.20 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).

- 8.21 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 EPS 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 EPS. 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 either the Local Planning authority or the Planning Inspectorate, depending on who is determining the application.
- 8.22 When considering the proposed development there are two main likely significant effects on EPS.
- 8.23 The first likely significant effect on EPS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the EPS.
- 8.24 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise Local Planning Authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.25 The applicant has submitted a nutrient budget for the development which seeks to demonstrate that the development would be nitrate neutral. The budget includes the adjacent blue-edged land in the calculations, however there is concern that in doing so the applicant's assessment does not follow the Natural England methodology. Officers have carried out a separate assessment of the application site alone which shows that the development would generate an additional 21.5 kg of nitrogen a year (kg TN/year). The adjacent blue edged land set aside for mitigation would provide a reduction of 18 kg a year meaning a shortfall of 3.5 kg would remain unmitigated. On the basis of this calculation the proposal fails to demonstrate nutrient neutrality and as a result the development would result in adverse effects on the

integrity of the EPS. The difference in the applicant's approach and that followed by Officers is down to a technical interpretation of how the Natural England methodology should be applied and further advice has been sought from Natural England on this matter. However, Officers acknowledge that the amount of additional mitigation land required is likely to be relatively small and, in the event the application had been looked on favourably in all other respects, the applicant would have been invited to amend the mitigation proposals accordingly.

- 8.26 The second of these likely significant effects on EPS concerns recreational disturbance on the Solent coastline through an increase in population. Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMP). Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMS. In the absence however of a legal agreement to secure such a contribution, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal is held to be contrary to Policy DSP15.

d) Policy DSP40

- 8.27 Policy DSP40: Housing Allocations, of 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”.

8.28 Each of these five bullet points are worked through in turn below:

Policy DSP40 (i)

8.29 The proposal for up to 38 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet (i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

8.30 The site is not located adjacent to or well related to the existing Urban Settlement Boundary which lies approximately 200m to the southeast. It cannot therefore be said to be well integrated with that neighbouring settlement.

8.31 The applicant has argued that, whilst the site is not adjacent to the urban area, it is next to built development along Botley Road. The character of the area, is essentially one of single and two storey residential ribbon development set out and related to Botley Road and Burrige Road. The ribbon development comprises singular and generally large, deep plots that extend into the wider countryside to the rear. The ribbon development is a strong linear form with little in the way of development to the rear of the frontage dwellings and what little there is generally comprises outbuildings, agricultural structures and occasional single dwellings located off modest single track accesses. Not only is the surrounding area around the application site not designated as being within the urban settlement boundaries it also does not have the characteristics of the urban area. Officers do not consider this to be an exceptional case where the second limb of Policy DSP40 could be said to have been satisfied by virtue of the locality, for all intents and purposes, being like an urban area.

8.32 The site is located adjacent to the Burrige Village Hall and recreation ground (including sports pitches and children’s play area). However, with the exception of access to leisure and community facilities, the site is not located within reasonable walking distance from most other services and facilities. The shops and businesses of Park Gate Local Centre are some 2.5km from the application site whilst the centre of Whiteley is 2.8km away. The nearest primary school is currently 2km away and the secondary school considerably further than that. Swanwick railway station is a 2.3km walk and, whilst there are bus stops close to the entrance to the application site on Botley Road, Officers are not aware of any scheduled bus service along the road.

8.33 The applicant has suggested that new services being constructed as part of the North Whiteley development (within Winchester City Council’s authority

area) would be within easy reach of the application site for journeys by foot or cycle. They suggest Whiteley Lane as a potential route for such journeys however Officers do not consider that the lane, which is a private, unmade and unlit track, would be suitable for such a purpose. The applicant has also highlighted footpath 21, a public right of way on the eastern side of Botley Road, as a link route however the suitability of this track is also in doubt as is the exact nature of the services and facilities to be accessed this way or the distances involved. The outline planning permission granted by Winchester City Council (ref. 15/00485/OUT) provides for a primary school and local centre which would be accessible along footpath 21 (which becomes footpath 9 into North Whiteley) approximately 1.2 – 1.4km from the application site. Planning permission for the school was granted in 2019, the school is already under construction and is due to open in September 2021. The phasing and delivery of the local centre however is less certain, as are the services and facilities within that centre, and there remains questions as to what extent these would contribute to the sustainability of the application site as a location for further housing development.

- 8.34 In summary, the proposal is not sustainability located adjacent to, or well related to, the existing urban settlement area. The proposal fails to meet the second criteria of Policy DSP40.

Policy DSP40 (iii)

- 8.35 The third test of Policy DSP40(iii) is that 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*'.
- 8.36 As set out above, the character of the surrounding area is of ribbon development with deep plots often containing mature treed boundaries linking with wider woodland and trees belts of the Upper Hamble Valley. The topography and landscape characteristics of the site reflect the small scale mixed farmland and woodland identity of the Upper Hamble Valley Landscape Character Area as well as the fringe characteristics of land to the rear of the ribbon development, as part of the Burr ridge/Swanwick Landscape Character Area (as identified in the Fareham Landscape Assessment 2017). In the recent Landscape Character Assessment Review (Sep 2020), the northern part of the site is included as part of the inclusion of the Upper Hamble Valley as an Area of Special Landscape Quality.
- 8.37 The application is accompanied by an illustrative masterplan showing how the applicant envisages a development of up to 38 dwellings on the site could be achieved. The masterplan shows a standard suburban form of development which Officers consider is not of a form, scale or landscape character that would sit comfortably in the landscape context.

8.38 Policies CS14 and DSP6 both refer to the impact of development being reduced such as by grouping new replacement buildings around existing. There is a cluster of agricultural buildings, cattery and kennel structures on the site close to Botley Road at present. There is also a group of low-level poultry sheds in the southern part of the site. The design approach shown in the illustrative masterplan fails to utilise the unplanned farmstead clusters of buildings and instead sets out a comprehensive suburban development across the entire site and on land where no built form currently exists. The southern part of the site is enclosed by mature trees and woodland on multiple sides however the illustrative layout fails to address or acknowledge this setting, and instead turns its back to the woodland area without a suitable habitat buffer. The Council's ecologist and tree officer have commented that such a layout does not represent good practice and would lead to indirect impacts on those trees and biodiversity on the site.

8.39 It is noted that the masterplan is indicative and layout is proposed by the applicant to be a reserved matter for consideration at a later date should the principle of development be found acceptable and outline permission granted. It is also noted that it is not a policy requirement to limit new development purely to the footprint and scale of existing built form. However, the illustrative masterplan follows a design approach that is not suitably responsive to the character of the existing surrounding area and landscape. The proposal fails to demonstrate that up to 38 dwellings could be accommodated on the site in a way that minimises the impact of the development (the key test of Policy DSP40(iii)) or without adversely affecting the landscape character and appearance of the countryside (a requirement of Policy CS14).

Policy DSP40 (iv)

8.40 Officers consider that the proposal for 38 houses could be delivered within the short term. The proposal would therefore be in accordance with point (iv) of policy DSP40.

Policy DSP40 (v)

8.41 The final test of Policy DSP40 requires that the proposal does not have any unacceptable environmental, amenity or traffic implications. These issues are considered in turn below.

Environmental

8.42 The impact of the development on European protected sites has been set out earlier in this report.

8.43 The Council's Ecologist has raised concerns regarding the relocation of reptiles and the loss of biodiversity as a result of the development. The

applicant has provided further information on both of these points and an update will be provided to Members of the Planning Committee in advance of the meeting.

Amenity

- 8.44 The application is in outline meaning the layout of the site and therefore relationship and distance between dwellings is yet to be proposed. Consideration of the likely impact on light to, outlook from and privacy enjoyed by neighbouring dwellings is a reserved matter for a subsequent stage of the planning process.
- 8.45 There are no adjacent land uses which would be likely to materially affect the living conditions of future residents, for example by way of noise or odour.

Highways

- 8.46 The Highway Authority Hampshire County Council have raised no objection to the proposals in principle, acknowledging that the impact of traffic on Botley Road is not considered to be severe.
- 8.47 Access is a reserved matter; however it is nonetheless a material planning consideration at the outline stage whether safe and satisfactory vehicular and pedestrian access into the site could be provided. Detailed technical discussions have taken place between the Highway Authority and the applicant and Officers are satisfied that suitable access into the application site can be achieved to serve the proposed development.

e) Other matters

Affordable Housing

- 8.48 The proposal includes the provision of 40% affordable housing comprising a blend of affordable tenures. Subject to appropriate size, mix and tenure being agreed to meet the identified local need to comply with Policy CS18, Officers consider this acceptable and appropriate to secure via a Section 106 legal agreement.

Effect upon Local Infrastructure

- 8.49 Concerns have been raised over the effect of the number of dwellings on schools, doctors and other services in the area.
- 8.50 Hampshire County Council Children's Services have commented that due to the limited size of the development they do not consider a contribution towards improvements to local schools is necessary in this instance.

8.51 The difficulty in obtaining doctor's appointments and dental services is an issue regularly raised in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver their services. A refusal on these grounds could not be substantiated.

f) Planning balance

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

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

8.53 As set out earlier within this report, the effect of Paragraph 177 of the NPPF is that:

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

8.54 In this instance Officers have identified likely significant effects upon EPS through deterioration in the water environment as a result of increased nitrates and increased recreational disturbance. Officers have not undertaken an Appropriate Assessment at this time. Accordingly, the presumption in favour of sustainable development set out at Paragraph 11 of the NPPF does not apply.

8.55 The site is outside of the defined Urban Settlement Boundary and the proposal does not relate to agriculture, forestry, horticulture 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.

8.56 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee on 24th June 2020 and the Government steer in respect of housing delivery.

8.57 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 satisfies just two of the five policy tests (points (i) and (iv)).

- 8.58 The proposal is not located adjacent to, or well related to, the existing urban settlement area (DSP40(ii)). It also fails to demonstrate that the impact of the development on the countryside would be minimised (DSP40(iii)) or that it would not adversely affect the landscape character and appearance of the countryside. There would be adverse effects on EPS and the proposal fails to provide satisfactory detail on two further ecological points: mitigation measures to address the impact on reptiles known to be present on the site and how the development would achieve a net gain in biodiversity. For these reasons it fails the policy test at DSP40(v).
- 8.59 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 38 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. In addition, the proposals include the provision of forty percent affordable housing. Added to this is the benefit of the additional jobs and expenditure in the locality arising from construction activity and the completed development itself.
- 8.60 Officers have carefully weighed the benefits which would be delivered by the proposals, having regard for the Council's 5 year housing land supply position, against the conflict with adopted local plan policies, the failure to comply with two key elements of Policy DSP40 and the adverse effects on the integrity of EPS.
- 8.61 In light of this assessment, and taking into account all other material planning considerations, Officers recommend that planning permission should not be granted for this application. A recommendation for refusal is set out below at paragraph 9.1.

9.0 Recommendation

- 9.1 Subject to the receipt of final comments from the Council's ecologist and Natural England and the inclusion of any further reasons for refusal raised in those comments;

REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS6, CS14, CS16, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan,

And Paragraphs 170 & 175 of the National Planning Policy Framework (NPPF), and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The application site is not sustainably located adjacent to, well related to or well integrated with the existing urban settlement boundaries;
- c) The proposal fails to demonstrate that the development could be accommodated on the site in a way that minimises the impact of the development and without adversely affecting the landscape character and appearance of the countryside;
- d) The proposal would have likely adverse effects on the integrity of European Protected Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation;
- e) In the absence of sufficient information, the proposal fails to provide satisfactory mitigation for the impact of the development on reptiles known to be present on the site;
- f) In the absence of sufficient information, it is considered that the proposal will result in a net loss in biodiversity contrary to national planning policy which requires a net gain in biodiversity;
- g) In the absence of a legal agreement to secure such, the proposal fails to make on-site provision of affordable housing at a level in accordance with the requirements of the local plan; and,
- h) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.

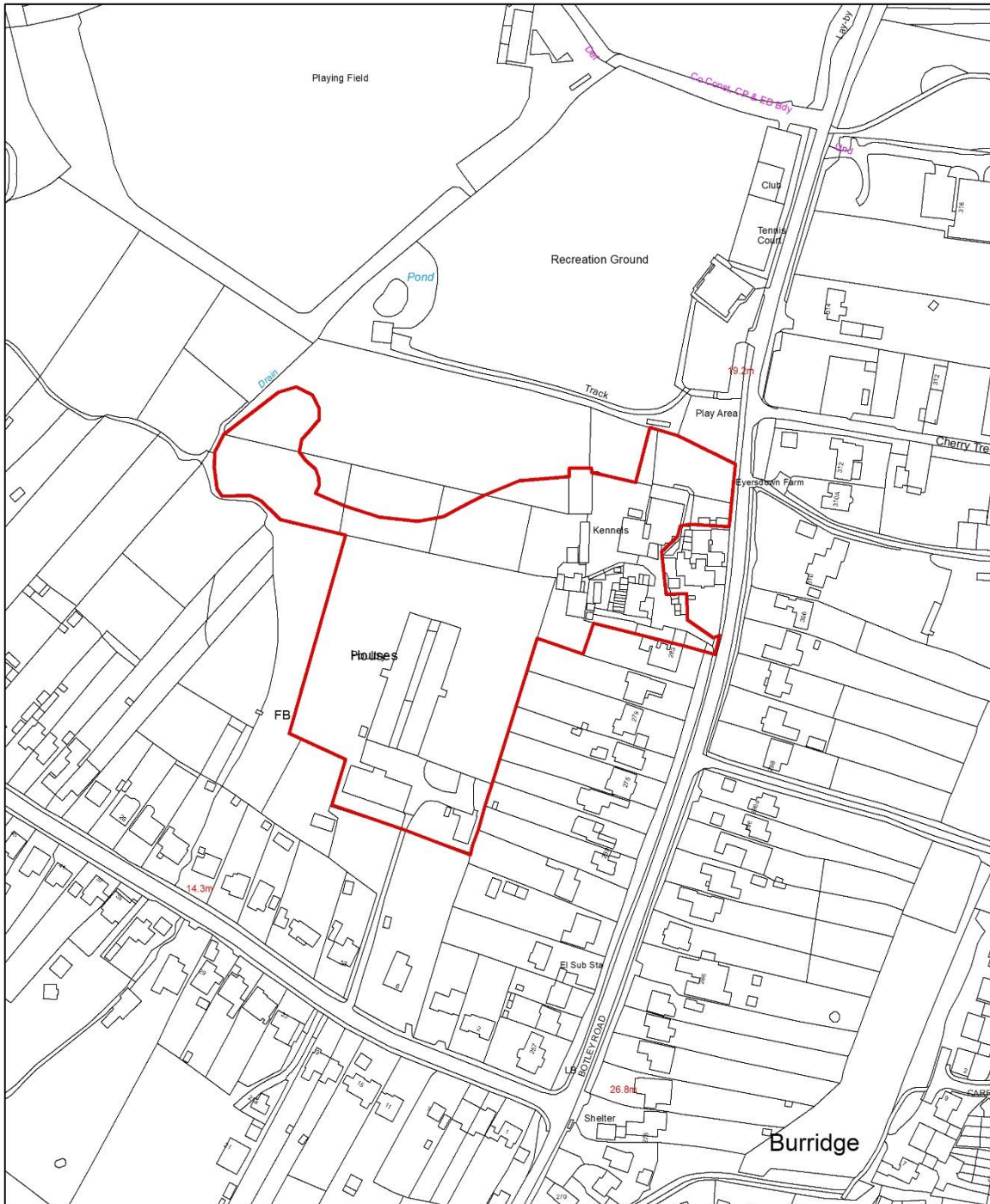
10.0 Notes for Information

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

11.0 Background Papers
P/20/0506/OA

FAREHAM

BOROUGH COUNCIL



Eversdown Farm Quarantine Kennels

Scale 1:2,500

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