

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 20 JANUARY 2021**

**P/18/1413/OA  
AMICI DEVELOPMENTS LTD**

**SARISBURY WARD  
AGENT: SENNITT PLANNING**

**OUTLINE APPLICATION FOR SEVEN DETACHED DWELLINGS**

**LAND TO EAST OF 246 BOTLEY ROAD, BURRIDGE**

### ***Report By***

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#### ***1.0 Introduction***

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

## **2.0 Site Description**

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

## **3.0 Description of Proposal**

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

#### **4.0 Policies**

4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

CS2: Housing Provision;  
CS4: Green Infrastructure, Biodiversity and Geological Conservation;  
CS5: Transport Strategy and Infrastructure  
CS6: The Development Strategy  
CS9: Development in Western Wards and Whiteley  
CS14: Development Outside Settlements  
CS17: High Quality Design  
CS20: Infrastructure and Development Contributions

##### **Adopted Development Sites and Policies**

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

##### **Other Documents:**

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

#### **5.0 Relevant Planning History**

5.1 The following planning history is relevant:

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

#### **6.0 Representations**

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

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

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

6.2 The seventeen letters of objection raised the following concerns:

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

## **7.0 Consultations**

EXTERNAL

### **HCC Highways**

7.1 No objection, subject to conditions

INTERNAL

### **Ecology**

7.2 No objection, subject to conditions.

### **Recycling Co-ordinator**

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

### **Transport Planner**

7.4 No objection, subject to conditions.

### **Public and Open Spaces Manager**

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

### **Tree Officer**

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

### **Environmental Health (Contaminated Land)**

- 7.7 No objection, subject to conditions and informatives.

### **Environmental Health (Knotweed)**

- 7.8 No objection, subject to conditions and informatives.

## **8.0 Planning Considerations**

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

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

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

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

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

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

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

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

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

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

*“For decision-taking this means:*

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

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

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

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

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

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

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

**b) Residential Development in the Countryside**

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

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

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

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

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

**c) Consideration of Policy DSP40: Housing Allocations**

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

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

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

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

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

#### **Policy DSP40 (i)**

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

#### **Policy DSP40 (ii)**

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

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



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

**Policy DSP40 (iii)**

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

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

**Policy DSP40 (iv)**

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

**Policy DSP40 (v)**

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

**Environment/Ecology**

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

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

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

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

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

#### **Amenity Implications**

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

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

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

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

### **Traffic Implications**

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

### **d) Other Matters**

### ***Affordable Housing***

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

### ***Trees/Open Space***

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

### ***e) The Planning Balance***

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

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

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



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

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

## **9.0 Recommendation**

- 9.1 Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:
- Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would

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

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

GRANT OUTLINE PLANNING PERMISSION, subject to the following Conditions:

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

5. The development hereby permitted shall proceed in accordance with the measures set out in Section 5.0 'Requirements and Recommendations' of the revised Ecological Assessment Report (Peach Ecology, December 2018).

REASON: To protect the habitats and species likely to be present on site.

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

REASON: To provide ecological compensation, management and enhancement in accordance with the NERC Act 2006 and the NPPF.

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

REASON: To ensure adequate remediation for this invasive species.

8. Prior to the commencement of the development, three equally spaces near surface (within 0-30mm) soil samples shall be taken from the area just around the stable building and tested for asbestos fibres. Where the investigation reveals a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the Local Planning Authority. The statement shall also include the nomination of a competent person (to be agreed with the Local Planning Authority) to oversee the implementation of these measures.

REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place.

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

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

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

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

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

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

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

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

REASON: In the interests of highway safety.

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

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

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

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

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

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

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

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

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

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

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

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

REASON: In the interests of preserving water quality and resources

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

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

#### INFORMATIVES:

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

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

**11.0 *Background Papers***

P/18/1413/OA

# FAREHAM

BOROUGH COUNCIL



Land to Esst of 246 Botley Road

Scale 1:1,250

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