

OFFICER REPORT FOR COMMITTEE

DATE: 16/06/2021

**P/19/0643/FP
LAWSH ONE LTD**

**PARK GATE
AGENT: PURE TOWN PLANNING**

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

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

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

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

2.0 Site Description

- 2.1 The greater part of the application site is located within the designated countryside, with the site frontage situated within the Western Wards Urban Settlement Boundary.
- 2.2 The site comprises an existing detached dwelling on the western side of Botley Road, is a classified road (A3051) linking the Western Ward settlements to Botley and the M27. Botley Road is a busy road, especially during peak times.
- 2.3 The site is located close to Swanwick Railway Station and a regular bus route between Whiteley and Fareham and within easy walking distance to the services and facilities in Park Gate, including the regular buses along the A27.
- 2.4 The rear part of the site comprises an unmaintained open field, beyond which, to the north, west and south are areas of mature trees and woodland. To the north of the site lies the Hamble Heights Residential Care Home with the Fareham/Southampton railway line and M27 motorway beyond. To the south lies The Village Inn public house and car park.

3.0 Description of Proposal

- 3.1 Detailed planning permission is sought for the proposed works.
- 3.2 The development would see the demolition of 69 Botley Road, and the construction of 12 new houses, comprising six blocks of semi-detached two

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

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

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2:	Housing Provision
CS4:	Green Infrastructure, Biodiversity and Geological Conservation
CS5:	Transport Strategy and Infrastructure
CS6:	The Development Strategy
CS9:	Development in the Western Wards and Whiteley
CS14:	Development Outside Settlements
CS15:	Sustainable Development and Climate Change
CS16:	Natural Resources and Renewable Energy
CS17:	High Quality Design
CS18:	Provision of Affordable Housing
CS20:	Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1:	Sustainable Development
DSP2:	Environmental Impact
DSP3:	Impact on Living Conditions
DSP4:	Prejudice on Adjacent Land
DSP6:	New Residential Development Outside of the Defined Urban Settlement
DSP13:	Nature Conservation
DSP15:	Recreational Disturbance on the Solent Special Protection Areas
DSP40:	Housing Allocations

Other Documents:

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

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

P/09/1024/FP	Erection of 5 Dwellings with associated car parking and landscaping and alterations to existing dwelling
APPROVED	17 February 2010
P/18/0768/FP	Ten 3-bedroom, semi-detached dwellings with garages, parking, landscaping and access onto Botley Road
WITHDRAWN	7 September 2018

6.0 Representations

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

7.0 Consultations

EXTERNAL

Natural England

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

Lead Local Flood Authority (Hampshire County Council)

- 7.2 No objection, subject to conditions.

Highway Authority (Hampshire County Council)

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

INTERNAL

Ecology

- 7.4 No objection, subject to conditions.

Environmental Health (Contaminated Land)

- 7.5 No objection, subject to condition.

Head of Housing Delivery

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

Environmental Health (Noise and Pollution)

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

Tree Officer

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

8.0 Planning Considerations

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

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

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

- 8.2 A Report entitled 'Five year housing land supply position' was reported for Members' information to the February 2021 Planning Committee. That Report set out this Council's local housing need along with this Council's current housing land supply position. The Report concluded that this Council has 4.2 years of housing supply against its five year housing land supply (5YHLS) requirement.

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

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

- 8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 Paragraph 73 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer.
- 8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are 'out-of-date'. It states (in part):

“For decision-taking this means:

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

- 8.8 Footnote 6 to paragraph 11 reads:

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

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

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

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

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

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

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

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

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

b) Residential Development in the Countryside

8.15 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies largely outside of the defined urban settlement boundary of the Western Wards, although two of the proposed houses along with a section of the access road are located within the defined settlement boundary.

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

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

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

8.18 The greater part of the site is located outside of the defined urban settlement boundary and a substantial part of the proposal is therefore contrary to Policies CS2, CS6 and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies.

c) Policy DSP40 (Housing Allocations)

8.19 Local Plan Policy DSP40 states that:

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

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

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

8.20 Each of these five points are considered further below.

Policy DSP40 (i)

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

Policy DSP40 (ii)

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

Policy DSP40 (iii)

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

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

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

Policy DSP40 (iv)

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

Policy DSP40 (v)

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

Environmental/Ecology Implications:

- 8.28 The application has been supported by detailed ecological reports which have been considered by the Council's Ecologist and Natural England, and subject to conditions raises no objection to the development.
- 8.29 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent Geese. These birds come for as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.30 In light of their importance, areas within The Solent have been specifically designated under UK law. The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the Protected Sites around The Solent (Solent and Southampton Water Special Protection Area and Ramsar site, Portsmouth Harbour Special Protection Area and Ramsar site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbour Special Protection Area and Ramsar site, the Solent Maritime Special Areas of Conservation and the Solent and Isle of Wight Special Area of Conservation). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

- 8.31 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment to consider the likely significant effects on the Protected Sites around The Solent.
- 8.32 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on the designated Protected Sites, or if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Protected Sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority in this case is the Local Planning Authority.
- 8.33 The impact of increased recreational disturbance as a result of new residential developments has long been established, and the Solent Recreational Mitigation Strategy, sets out how developers can mitigate the impact of their development on the likely significant effect on the Protected Sites.
- 8.34 Natural England has also highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the Protected Sites.
- 8.35 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also have the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.36 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the Protected Sites. The key considerations for the Assessment of the likely significant effects are set out below.
- 8.37 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent and Southampton Water SPA and is therefore considered to contribute towards an impact of the Protected Sites as a result of increased recreational disturbance in combination with other development around The

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

- 8.38 Secondly, in respect of the impact of the development on water quality, a nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in The Solent Region' (June 2020) which confirms that the development will generate 10.8kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.39 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people. Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate, nor have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is appropriate.
- 8.40 The previous use of the land has been classified in the nitrogen budget as predominantly green space (0.27ha) with a small proportion as urban (0.11ha). The frontage of the site forms the established residential curtilage, including garden of 69 Botley Road, and the rear part of the site forms an unused field, laid to grass. The rear part of the site has not been used for any grazing and as such its classification as green space for the purposes of the calculation is considered acceptable.
- 8.41 The nitrogen budget shows a surplus of 10.8kg/TN/yr that would enter The Solent via the wastewater treatment works. The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 11kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust

(HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.

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

Amenity Implications:

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

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

Traffic Implications:

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

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

d) Other Matters

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

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

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

e) The Planning Balance

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

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

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

- The application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or,
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

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

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

- 8.69 Officers have carefully assessed the proposals against Policy DSP40 (Housing Allocations) which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in February 2021 and the Government steer in respect of housing delivery.

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

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

- 8.71 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present largely undeveloped. However, that impact would be localised and merely extend the existing built form. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.72 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Subject to the payment of the habitat mitigation contribution, and following completion of the Appropriate Assessment, it is considered that the likely significant effect on the Protected Sites around The Solent would be appropriately mitigated.
- 8.73 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver a net increase of 6 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would make a material contribution in light of the Council's current 5YHLS.
- 8.74 There is a conflict with development plan policy CS14 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.75 In undertaking a detailed assessment of the proposals throughout this report and applying the *'tilted balance'* to those assessments, Officers consider that:
- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a

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

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

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

9.0 Recommendation

9.1 Subject to:

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

- Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water Special Protection Area; and,
- The payment of an off-site financial contribution towards affordable housing provision of £52,551.00.
- Securing vehicular/ pedestrian access to the land to the north and south; and

- b) Subject to the following conditions;

GRANT PLANNING PERMISSION,

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

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

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

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

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

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

REASON: To secure the satisfactory appearance of the development.

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

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

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

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

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

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

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

REASON: In order to ensure satisfactory disposal of surface water. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

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

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

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

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

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

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

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

REASON: To ensure that the roads are constructed to a satisfactory standard. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

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

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

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

REASON: In the interests of highway safety

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

REASON: In the interests of highway safety.

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

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

15. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be

retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

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

16. The landscaping scheme, submitted under Condition 14, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

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

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

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

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

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

REASON: In the interests of preserving water quality and resources

19. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

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

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

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

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

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

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

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

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

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

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

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

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

INFORMATIVE:

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

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

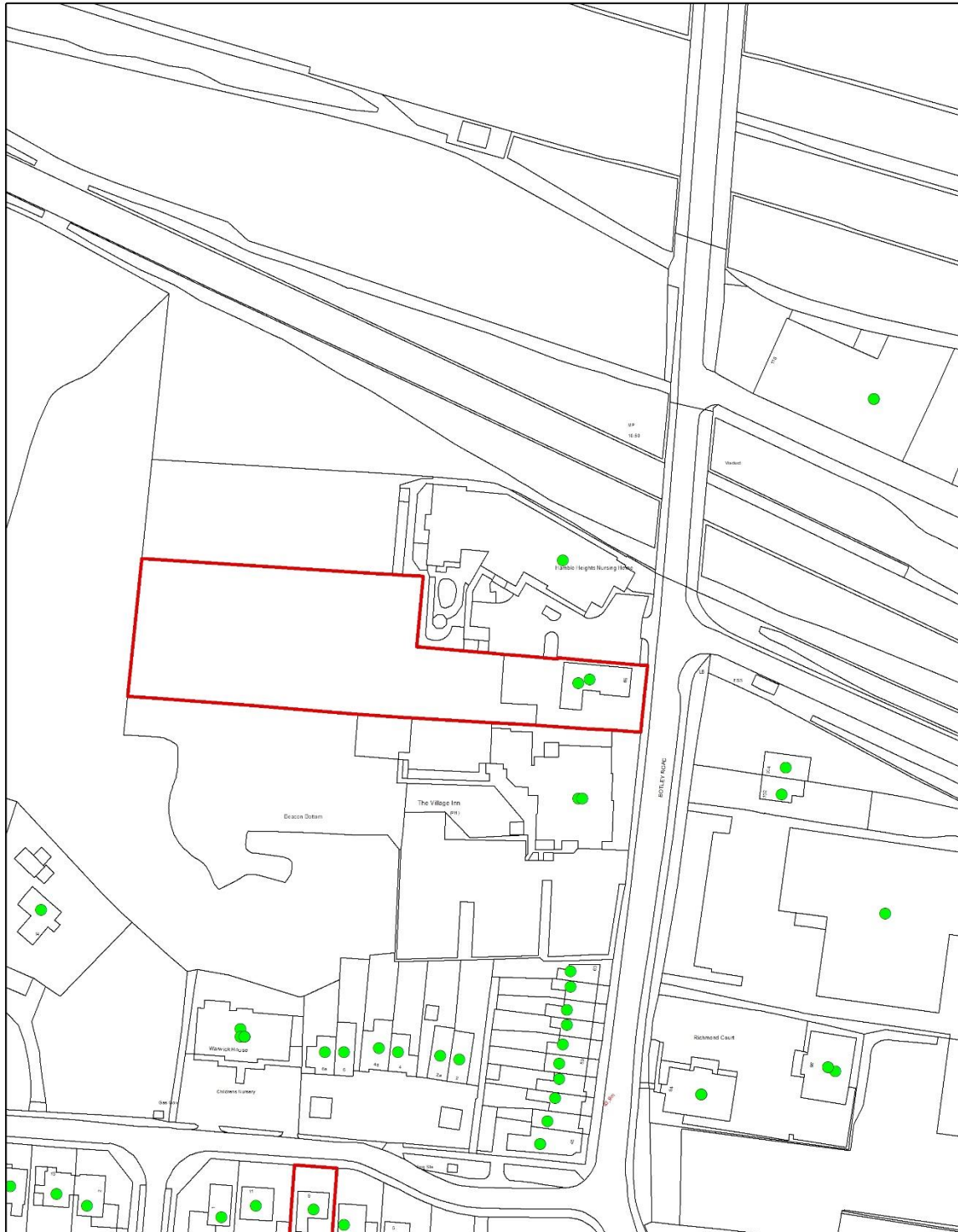
Contact can be made either via the website or telephone 0300 555 1388.

11.0 Background Papers

P/19/0643/FP

FAREHAM

BOROUGH COUNCIL



69 Botley Road
Scale: 1:1,250



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