

OFFICER REPORT FOR COMMITTEE

DATE: FEBRUARY 2022

**P/20/1100/FP
MRS A HINDLE**

**SARISBURY
AGENT: MISS L HARVELL**

CONSTRUCTION OF 1 NO. FIVE BEDROOM DWELLING INCLUDING ACCESS AND AMENITY AREAS FOLLOWING THE DEMOLITION OF EXISTING AGRICULTURAL BUILDING

THE NURSERY, LAND TO THE REAR OF 166 BOTLEY ROAD, BURRIDGE, SOUTHAMPTON, SO31 1BL

Report By

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1.0 *Introduction*

1.1 This application is reported to the Planning Committee due to the number of third-party representations that have been received.

2.0 *Site Description*

2.1 The application site comprises several agricultural buildings, including a large glasshouse located on land to the rear of 166 Botley Road. The site is accessed by an unmade track leading off from the eastern side of Botley Road. The application site is surrounded by semi-detached properties to the west with larger detached dwellings to the south. An area of woodland is located to the north and east which separates the housing estate at Lipizzaner Fields, Whiteley to the east of the application site.

3.0 *Description of Proposal*

3.1 The proposal is to demolish the existing agricultural buildings and replace them with a detached 5-bedroom dwelling.

3.2 The ground floor accommodation would comprise of an entrance lobby, family room, drawing room, kitchen, study, garden store, WC, larder, utility room, changing room swimming pool and garage.

3.3 The first-floor accommodation would comprise of 5 bedrooms with 5 en-suite bathrooms.

3.4 The planning application is supported with a full suite of drawings, together with technical supporting documents comprising a Planning Statement, Ecology Report, Arboricultural Impact Assessment and Method Statement,

Ground Contamination Assessments, Transport Note and a Nitrate Budget Calculation.

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

CS14: Development Outside Settlements

CS17: High Quality Design

Adopted Development Sites and Policies

DSP1: Sustainable Development

DSP2: Environmental Impact

DSP3: Impact on Living Conditions

DSP6: New Residential Development Outside of Designed 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

5.0 Relevant Planning History

5.1 In July 2018 a prior approval application was approved for the conversion of an agricultural building on this site to one single storey 4/5 bedroom residential dwelling under Part 3, Class Q (Change of Use) of the Town and Country (General Permitted Development) (England) Order 2015 (Ref P/18/0613/PC). The approval of this application established a residential use of the site. The prior approval expired on 31st July 2021.

6.0 Representations

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

- a) Increase number of vehicles using access
- b) Damage to track during construction
- c) Out of keeping with character of area

- d) Excessive for plot size
- e) Cost of maintenance of track
- f) Loss of light
- g) Concerns over removal of hedge
- h) Excessive ridge height
- i) No details on boundary treatments
- j) No details on provision of utilities
- k) Highway safety
- l) Covenant on private track
- m) No details on method of access during construction
- n) No details on landscaping
- o) Overbearing
- p) Legal access of track

7.0 Consultations

EXTERNAL

Highways Hampshire County Council

- 7.1 No objection, subject to condition requesting a Construction Management Plan

Natural England

- 7.2 No objection subject to mitigation being identified and secured.

INTERNAL

Ecology

- 7.3 No objection subject to conditions.

Trees

- 7.4 No objection.

Contaminated Land

- 7.5 No objection subject to conditions

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 Current 5-Year Housing Land Supply Position
- b) Residential Development in the Countryside
- c) Site History
- d) Impact on Protected Sites

- e) Policy DSP40 (Housing Allocations)
- f) Other Matters
- g) The Planning Balance

a) Implications of Fareham's Current 5-year Housing Land Supply Position

8.2 A report titled 'Five Year Housing Land Supply Position' was presented to the Planning Committee in January 2022. That report set out this Council's local housing need along with the Council's current housing land supply position. The report concluded that the Council has 4.31 years of housing supply against its five year housing land supply (5HLS) requirement.

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

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

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

8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicated otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework 2021 (NPPF).

8.6 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.

8.7 Paragraph 74 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

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

'For decision-taking this means:

- 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, or the policies which are most important for determining the application are out-of-date (see footnote 7 below), granting planning permission unless:*
 - i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7 below); or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

8.9 Footnote 7 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 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.'

8.10 Footnote 8 to paragraph 11 reads:

'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 74); or where the Housing Delivery Test indicated that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.'

8.11 This planning application proposes new housing outside the defined urban settlement boundaries and the Council cannot demonstrate a five year housing land supply. Footnote 8 to 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.

8.12 Taking the first limb of NPPF paragraph 11(d), there are specific policies in the NPPF which protect areas or assets of particular importance, namely habitat sites which are specifically mentioned in Footnote 7. Where such

policies provide a clear reason for refusing the development proposed, then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d) is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance') and this will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at limb 1.

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

b) Residential Development in the Countryside

- 8.14 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

- 8.15 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'.

- 8.16 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states – there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non-residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage.

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

c) Site History

- 8.18 As stated above, this site benefitted from prior approval granted in July 2018 for the partial demolition and conversion of the existing agricultural buildings on the site, reference: P/18/0613/PC. This prior approval lapsed in July 2021.
- 8.19 The granting of the prior approval application represents a material consideration in the determination of this planning application. Officers do not consider there have been any material changes in national legislation and guidance in respect of re-using these former agricultural buildings for residential purposes since 2018. If a further prior approval application was submitted there remains a strong likelihood that approval would once again be granted.
- 8.20 The granting of the prior approval for the use of the former agricultural building as a dwelling, established a residential use of the site.

d) The Impact on Protected Sites

- 8.21 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.22 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.23 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Protected Sites' (PS).
- 8.24 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated PS 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 PS. This is done following a process known as an Appropriate Assessment (AA). 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.

- 8.25 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the PS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.
- 8.26 In respect of Recreational Disturbance, the development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The applicants have made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the PS as a result of recreational disturbance in combination with other plans or projects on the Solent SPAs.
- 8.27 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).
- 8.28 The Council has produced an Interim Mitigation Solution to address this newly identified likely significant effect of development in Fareham within the ZOI. The Interim Mitigation Solution was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has made this contribution, which has been secured by a further Section 111 agreement.
- 8.29 In respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of

increased amounts of wastewater from new dwellings) will have a likely significant effect upon the PS.

- 8.30 A nitrogen budget has been calculated in accordance with Natural England's *'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'* (June 2020) ('the NE Advice') which confirms that the development will generate 0.7 kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be urban land due to the extent of the structures and hardstanding currently on the site. Due to the uncertainty of the effect of nitrates from the development on the PS, 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.
- 8.31 The applicant has purchased 0.75kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT) as evidenced by the submission of a notice of purchase. 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 nitrates entering The Solent marine environment.
- 8.32 In addition to water quality impacts, air quality impacts are also a factor that needs consideration. The Council's Air Quality Habitat Regulations Assessment for the Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the emerging Local Plan, there would not be a significant impact as a result of air pollution on the Protected Sites for the life of the plan, up to 2037.
- 8.33 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the PS either alone or in combination with other plans or projects. The difference between the nitrates credits secured and the output will result in a small annual net reduction of nitrogen entering The Solent.
- 8.34 Natural England was consulted on the Council's Appropriate Assessment in January 2022 and raised no objection in respect of recreational disturbance on The Solent SPAs, New Forest SPA, SAC and Ramsar Site or on water or air quality implications. 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.

e) Policy DSP40 (Housing Allocations)

8.35 In the absence of a five year supply of deliverable housing sites, Officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

8.36 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 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.*

Each of these five points are considered further below.

Policy DSP40 (i)

8.37 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for one dwelling which is relative in scale to the current shortfall. The proposal is therefore compliant with Policy DSP40(i).

Policy DSP40 (ii)

8.38 This criterion seeks to ensure the proposal is sustainably located, well related to the existing urban settlement boundary and can be well integrated with the neighbouring settlement. The existing urban settlement boundary is located 21 metres to the east of the application site with an area of woodland in

between. It is therefore considered that the proposal is reasonably well related to the neighbouring settlement but would be difficult to be integrated due to the woodland. The site is sustainably located however, within walking distance to local services and facilities in Park Gate. The building is not isolated and would be related to the neighbouring dwellings and the therefore the settlement of Burr ridge. The proposal is therefore considered to accord with part (ii).

Policy DSP40 (iii)

- 8.39 This criterion seeks to ensure that the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside. Policy CS17 of the Core Strategy states that all development will be designed to respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form and spaciousness and use of external materials.
- 8.40 The Fareham Borough Design Guidance SPD (Excluding Welborne) highlights the importance of new dwellings having regard to the scale and character of the surrounding area. The proposed dwelling would have a similar footprint to the existing agricultural building. The height of the existing agricultural building is approximately 6m and the height of the proposed two storey dwelling would be approximately 8m in height. Furthermore, due to the gradient of the site which slopes northwards it is not considered that the additional 2 metres would result in a significant increase in bulk.
- 8.41 The Design Guidance states that the new plot should be similar in size to nearby properties. The nearby properties of 164 and 166 Botley Road both benefit from large plot size therefore, it is considered that the plot size is comparable to the surrounding dwellings.
- 8.42 The Guidance also states that the new dwelling should be in proportion to the plot size so it does not appear cramped or out of character. The dwelling would have a similar footprint to the existing agricultural building and there would be a large garden located around the dwelling similar to the other nearby properties. The garden would exceed the 11m requirement stated in the SPD. Therefore, it is not considered that the dwelling would appear cramped or out of character.
- 8.43 The dwelling would be constructed of a variety of materials including brickwork and cladding. Having regard to the varied character of the area it is considered that the proposed materials would be acceptable. The development would therefore accord with part (iii) of DSP40.

Policy DSP40 (iv)

- 8.44 The applicant's planning statement advises that there are no known constraints that would prevent delivery of this site within the short term. It is therefore considered that criteria (iv) of Policy DSP40 is satisfied.

Policy DSP40 (v)

- 8.45 The final criteria of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below. The impact of the development on Protected Sites has been set out earlier in this report.

Environmental Implications:

Protected Species

- 8.46 The Council's Ecologist has considered the submitted Ecological Report and raises no objection to the proposal providing conditions are imposed to ensure that the development is carried out in accordance with the details submitted in the report and a detailed biodiversity enhancement is submitted.

Trees

- 8.47 The Tree Officer has considered the impact on the trees and raises no objection to the proposal.

Amenity Implications:

- 8.48 The Design Guidance states that dwellings within backland locations must be carefully designed to preserve the outlook and privacy available to existing properties. It also states that first floor windows should be at least 11 metres from boundaries they look towards and no less than 22 metres from facing windows in neighbouring houses.
- 8.49 No 166 Botley Road is located to the south of the application site. There would be a separation distance of 25 metres between the rear elevation of 166 at the first-floor windows of the application site. There would be a separation distance of 14 metres between the proposed dwelling at the boundary of 166 Botley Road therefore, the proposal exceeds the requirements of the Design Guidance SPD. Therefore, given the large separation distance it is not considered that the proposal would result in an unacceptable adverse impact on the living conditions of 166 Botley Road.

- 8.50 There would be a separation distance of 44 metres between the application site and the rear elevation of 164 Botley Road. Therefore, it is not considered that the proposal would result in an unacceptable adverse effect on the living conditions of this property.
- 8.51 There would be a significant separation distance (over 80 metres) between the application site and the properties to the west along Botley Road. Therefore, it is not considered that the proposal would result in any unacceptable adverse impact on these properties.
- 8.52 Concerns have been raised regarding loss of light and outlook to the properties located within Lipizzaner Fields which is located to the east of the application site. There is a large area of woodland and a separation distance of approximately 38 metres between the application site and the rear elevation of No 65 Lipizzaner Fields. Therefore, given this significant separation distance it is not considered that the proposal would result in any significant adverse effect.
- 8.53 There is a separation distance of approximately 74 metres between the application site and the nearest property to the north at 212 Botley Road. Therefore, it is not considered that the proposal would result in an unacceptable adverse impact on the amenities of No 212 Botley Road.
- 8.54 The internal dimensions of the dwelling would exceed the minimum sizes set out in the Nationally Described Space Standards.
- 8.55 The development proposal is therefore considered to accord with the requirements of the Design Guidance and would not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers or future residents, in accordance with Policy DSP3.

Traffic Implications:

- 8.56 The Residential Car Parking Standards Supplementary Planning Document requires at least 3 car parking spaces for a dwelling with 4 or more bedrooms. There is ample space within the front driveway to provide car parking for at least 3 vehicles therefore, the proposal complies with the Residential Car Parking Standards SPD.
- 8.57 Concerns have been raised regarding highway safety when accessing the private drive to the east of Botley Road. Hampshire County Council as Highway Authority has considered the application and have carried out an independent review of the trip rate information and have concluded that there are no highway safety concerns associated with the proposal. They have

recommended that a condition is imposed requesting a Construction Method Statement which provides details of construction works.

- 8.58 In summary therefore regarding Policy DSP40, it is considered that the proposal would be DSP40 compliant and is therefore acceptable in policy terms.

f) Other Matters raised in objections

- 8.59 **Covenant on access track-** This is not a material planning consideration and is dealt with by legislation separate to planning.
- 8.60 **Damage to track during construction-** HCC Highways have suggested imposing a condition requiring a Construction Management Plan. Whilst this can ensure suitable management of the development to minimise disruption prior to the commencement of development, damage to a private track is a separate matter. However, it would be important that the applicant is aware that they will be liable to ensure that the track is restored to its original condition following the completion of the development.
- 8.61 **Cost of maintenance to track-**This is not a material planning consideration.
- 8.62 **Removal of hedging and landscaping-** A condition has been imposed to request details of existing landscaping to be retained and proposed landscaping.
- 8.63 **Provision of utilities-** The planning statement clarifies that utilities are already available on the site (there is a w/c on the site). If new services are required, provision is readily available along Botley Road.

g) The Planning Balance

- 8.64 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.'

- 8.65 As set out earlier in the report, paragraph 11(d) 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:

- i) The application of policies in this Framework that protect areas or 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.'*

- 8.66 Officers have carried out an Appropriate Assessment and concluded that the proposal would not adversely affect the integrity of Protected Sites. There is therefore no clear reason to refuse the application on these grounds and in the absence of a 5YHLS the application should therefore be determined in accordance with paragraph 11(d)(ii) applying the presumption in favour of sustainable development.
- 8.67 This 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 and against the Development Plan.
- 8.68 The site is located 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.
- 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 Committee in January 2022, and the Government's steer in respect of housing delivery.
- 8.70 In weighing up the material considerations and conflict between policies, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and if granted, the development could be delivered in the short term. The proposal is considered to be sustainably located with good access to local services and facilities. The design of the dwelling is acceptable and would integrate well with the existing development, at a low density characteristic of the area. The proposed development would be visually contained by surrounding trees and additional boundary landscaping such that there would not be any substantial harm.
- 8.71 Officers are satisfied that there are no outstanding amenity and environmental issues which cannot be otherwise addressed through planning conditions. There would not be any unacceptable impact on highway safety.

8.72 In balancing the objectives of adopted policy which seeks to restrict development within the countryside along with the shortage of housing supply, Officers acknowledge that the proposal could deliver only one dwelling in the short term. The modest contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in light of the Council's current 5YHLS.

8.73 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered contrary to the development plan. However, in light of the Council's lack of 5YHLS, 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. Whilst the prior approval allowing existing buildings on site to be used for residential purposes has expired, no changes in legislation or on-site conditions mean Officers consider that a further prior approval is likely to be approved. Furthermore, the level of harm arising as a result of the development would not be significant and Officers form the view that more weight should be given to Policy DSP40 than CS14 and that when considered against the balance of the development plan, the scheme is considered to accord with the development plan as a whole.

8.74 In the event that Members were minded to conclude that the scheme did not accord with the development plan taken as a whole, however, Officers have nevertheless undertaken a detailed assessment of the proposals through this report against the NPPF and applying the 'tilted balance' to those assessments, Officers consider that:

- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated; and
- (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

And therefore the tilted balance points towards granting approval in any event.

8.75 Having carefully considered all material planning matters and assessing the proposal against the development plan and the tilted balance, Officers consider planning permission should be granted.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

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

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

2. The development shall be carried out in accordance with the following approved documents:

- a) Location Plan 19.01.01 Rev C
- b) Site Plan 19.01.11 Rev C
- c) Ground Floor Plan 19.01.12 Rev E
- d) First Floor Plan 19.01.13 Rev E
- e) Proposed Elevations 19.01.15 Rev E
- f) Perspective View 19.01.17 Rev A
- g) Rear Perspective View 19.01.19
- h) Proposed Roof Plan 19.01.14 Rev D
- i) Section AA 19.01.18
- j) Site Sections 19.01.16 Rev C
- k) Planning Statement
- l) Arboricultural Impact Assessment and BS5837 Tree Survey J1207.02

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

3. The dwelling hereby approved, shall not be first occupied until the approved parking and turning areas 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.

4. The dwelling hereby permitted shall not be first occupied until the bicycle storage relating to it, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

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

5. The dwelling hereby approved shall not be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority. If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.
REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.
6. 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
7. The landscaping scheme, submitted under Condition 6, 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.
8. 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 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.

9. The development shall be undertaken in accordance with the measures detailed in Section 6.0 'RECOMMENDED ACTIONS TO MITIGATE AND ENHANCE' of the revised Preliminary Ecological Appraisal by Ecosupport (January 2021)

REASON: To ensure the safeguarding of the protected species.

10. No development shall take place until a detailed scheme of biodiversity enhancements (beyond the installation of bat and bird boxes) to be incorporated into the development have been submitted to and approved by

the Local Planning Authority in writing. The development shall be undertaken in accordance with the approved details.

REASON: To enhance biodiversity in accordance with the NPPF and the Natural Environment and Rural Communities Act 2006.

11. The dwelling hereby permitted shall not be occupied until details of water efficiency measures to be installed has 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

12. 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.

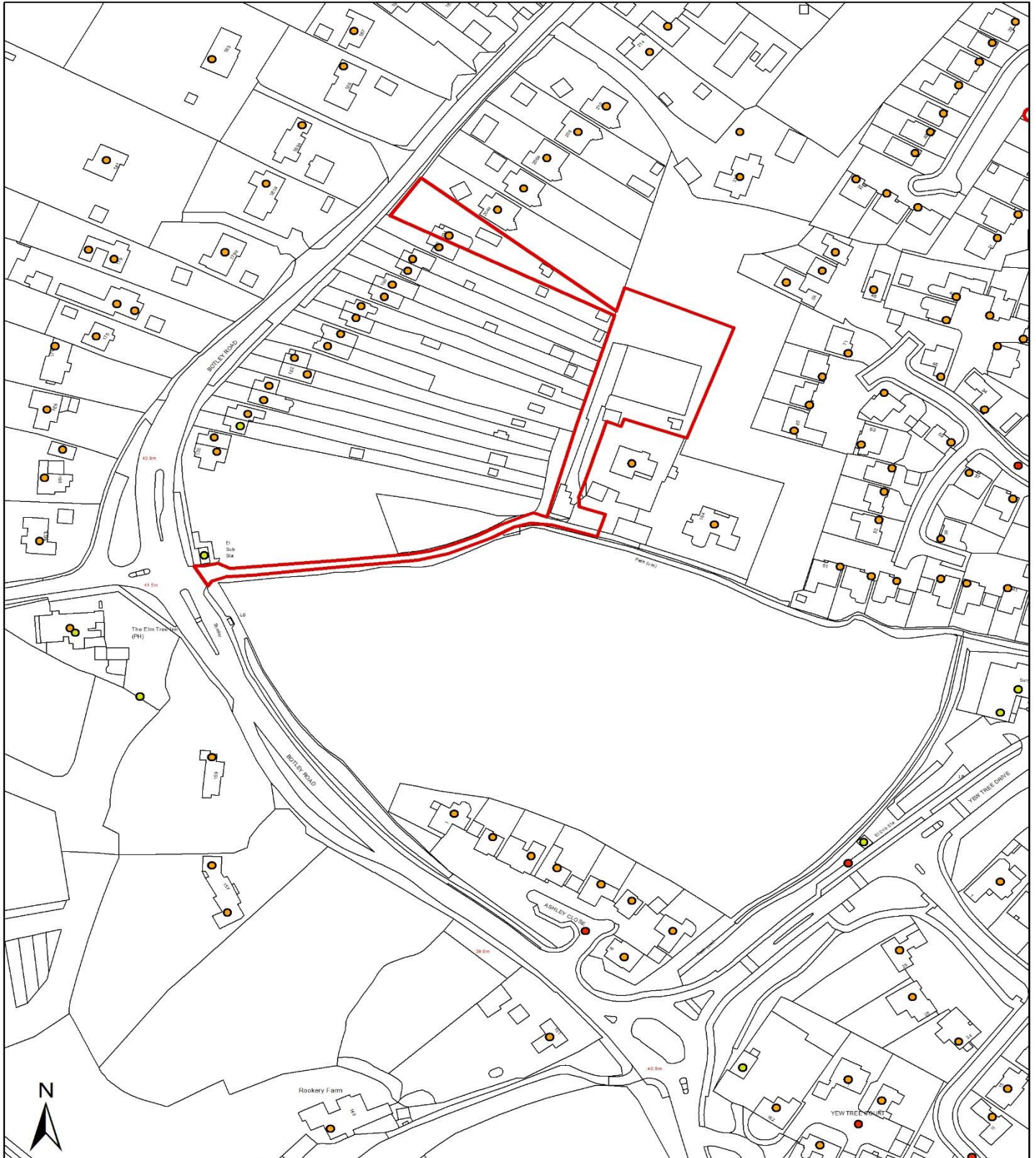
13. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details 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.

10.0 Background Papers

P/20/1100/FP

FAREHAM BOROUGH COUNCIL



The Nursery
166 Botley Road
Scale 1:2,000

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