

OFFICER REPORT FOR COMMITTEE

DATE: 16/02/22

**P/20/1594/FP
MR & MRS COLE**

**WARSASH
AGENT: LUKEN BECK**

ERECTION OF DETACHED 4-BED DWELLING ADJACENT TO EXISTING DWELLING/GUEST HOUSE AND USE OF VEHICULAR ACCESS ON TO NEWTOWN ROAD BY RESIDENTS OF BOTH PROPERTIES WITH GUESTHOUSE PARKING TO REAR

THE BADGERS, 86 NEWTOWN ROAD, WARSASH, SOUTHAMPTON, SO31 9GB

Report by

Susannah Emery – direct dial 01329 824526

1.0 Introduction

1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.

2.0 Site Description

2.1 This application relates to a site within the countryside which lies to the western side of Newtown Road just to the north of the junction with Pitchponds Road.

2.2 The two sides of Newtown Road within the vicinity of the application site have a distinctly different character; the eastern side lies within the urban area and the western side lies within the countryside. The western side is more spacious in character and distinguished by large dwellings set within large plots with mature planting and trees. Some of the largest dwellings, notably Kingswood Court and Admirals House to the north and south of the application site have been subdivided and now comprise several smaller properties. The eastern side of Newtown Road is much denser, with smaller plot sizes and the streetscene is more suburban in appearance.

2.2 The application site currently falls within the curtilage of No.86 Newtown Road which is a large detached property known as 'Hamble Retreat' which has a mixed use of residential/guest house. Within the curtilage there are several ancillary buildings associated with the guesthouse including a single storey log cabin used as guest accommodation to the west of the main dwelling, four studio flats contained within a single detached building within the south-west corner of the site and a grill/BBQ hut to the south of the main building.

- 2.3 The application site is currently used partially as car parking and also forms part of the more formal amenity space of the existing dwelling which is enclosed from the wider site by privacy screening and also contains the grill/BBQ hut.
- 2.4 The primary vehicular access to the existing building is currently along a rear service road which emerges on to Newtown Road to the north of the application Site adjacent to Admirals House. This road continues past the entrance to No.86 into the Warsash Maritime Academy site, although this entrance is gated and not in regular use.
- 2.5 There is a secondary gated vehicular access to No.86 on to Newtown Road. This gate is currently used on an occasional basis for large deliveries to the guesthouse but is subject to a planning condition which prevents its more frequent use.
- 2.6 The trees on the application site are covered by an area tree preservation order (FTPO 261) and the site is heavily constrained by these trees.
- 2.7 The ground levels slope down from Newtown Road towards the west (rear) and there is also a sloped wooded bank which rises up to the southern boundary.

3.0 Description of Proposal

- 3.1 Planning permission is sought for the erection of a detached 4-bed dwelling with accommodation set over three floors, to include a lower ground floor. As a result of the varying land levels on site the lower ground floor would not be visible from the front elevation and would be set into the slope.
- 3.2 The dwelling would be finished in brickwork with feature stonework used on part of the front elevation to create a focal point. The roof would be slate with grey aluminium fascias, soffits and bargeboards and windows. The design features front and rear facing balconies with frameless glass balustrades.
- 3.3 The proposed dwelling would be positioned within a large plot measuring in excess of 25m from the rear of the dwelling to the rear boundary. However, as a result of the varying ground levels and tree coverage not all of this is considered to be useable garden area. The area immediately to the rear of the dwelling would be levelled and terraced using retaining walls to provide three distinct useable garden areas totalling over 300sqm.
- 3.4 Vehicular access to the proposed dwelling would be taken from the existing gated entrance on to Newtown Road. The access would be modified by removing the gates and relocating the high front boundary fence to improve the existing visibility splays. The existing parking on the frontage of No.86

Newtown Road would also be accessed via the shared access on to Newtown Road. The guesthouse accommodation within the curtilage of the existing property would continue to be accessed via the rear service road.

- 3.5 The existing trees on site and boundary hedgerows and shrubs would be retained.
- 3.6 The proposal includes three car parking spaces to serve the proposed dwelling with a garage providing secure cycle parking. The existing property would retain a minimum of seventeen car parking spaces.
- 3.6 The proposal would comply with the Nationally Described Minimum Space Standards.

4.0 Policies

Approved Fareham Borough Core Strategy

- CS2 - Housing Provision
- CS4 - Green Infrastructure, Biodiversity and Geological Conservation
- CS5 - Transport Strategy and Infrastructure
- CS6 - The Development Strategy
- CS9 - Development in the Western Wards & Whiteley
- CS14 - Development Outside Settlements
- CS15 - Sustainable Development and Climate Change
- CS16 - Natural Resources and Renewable Energy
- CS17 - High Quality Design
- CS20 - Infrastructure and Development Contributions
- CS21 - Protection and Provision of Open Space

Adopted Development Sites and Policies

- DSP1 - Sustainable Development
- DSP2 - Environmental Impact
- DSP3 - Impact on living conditions
- DSP6 - New residential development outside of the defined urban settlement boundaries
- DSP13 - Nature Conservation
- DSP15 - Recreational Disturbance on the Solent Special Protection Areas
- DSP40 - Housing Allocations

Other Documents

- Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)
- Design Guidance Supplementary Planning Document excluding Welborne (Dec 2015)

5.0 Relevant Planning History

P/94/1410/OA	Outline Permission for Erection of Four Detached House and Garages Refused 27 April 1995
P/03/1544/FP	Erection of Detached Dwelling with Integral Garage and Enclosed Swimming Pool (Alternative to P/03/0390/FP) Permission 17 February 2004
P/09/1113/CU	CHANGE OF USE FROM SINGLE RESIDENTIAL DWELLING TO MIXED RESIDENTIAL AND BUSINESS USE (BED & BREAKFAST) - RETROSPECTIVE APPLICATION Permission 29 March 2010
P/14/0259/FP	ERECTION OF DETACHED 4-BAY GARAGE WITH LOFT STORE ABOVE Permission 1 May 2014
P/15/1234/VC	Variation of Condition 2 of P/09/1113/CU (to allow the occupation of up to 8 rooms at any one time as bedroom accommodation for paying overnight guests) Permission 29 January 2016
P/17/1242/CU	Change of use of premises to a guesthouse with ancillary residential accommodation including change of use of an existing log cabin and garage building to provide 5 self contained apartments for use as guest accommodation (Use Class C1); Erection of a single storey extension; Relocation of a single storey grill hut; Erection of replacement fencing and double gates over 1 metre in height adjacent to Newtown Road in amended position (Retrospective Application) Permission 26 January 2018

6.0 Representations

6.1 Eight representations have been received raising the following concerns;

- Harmful to character of the area
- Proximity to existing dwelling is not in keeping and would result in the loss of a substantial gap which contributes to the character of the area
- Urbanisation of the site
- Dwelling would be visible from the River Hamble and would impact on landscape character

- Contrary to Policy DSP6 as would not constitute in-fill development within a continuously built-up frontage
- Minimal benefit in terms of housing supply outweighed by harm
- Detrimental to amenity of neighbouring properties
- Impact to protected trees
- Mature trees have been removed from the site prior to submission of the planning application
- The existing access on to Newtown Road is blind
- Large vehicles often parked waiting on the road
- Increased traffic and overtaking opposite a road junction
- Detrimental to pedestrian safety
- Road not suitable for large construction vehicles
- Traffic survey was undertaken south of the Pitchponds road junction and therefore does not reflect accurate traffic flows

An additional representation has been received from Solent University (Maritime Academy) which raises no objection in principle subject to vehicle access for the proposed dwelling being taken solely from Newtown Road and there being no disruption to water supply which passes through the application site.

One letter of support has also been received.

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 After reviewing the proposals, the Highway Authority is satisfied that there is no direct or indirect impact upon the operation or safety of the local highway network and would therefore raise no objection subject to removal of the existing gates and a planning condition to secure lines of sight as shown on the plans.

Natural England

- 7.2 Your appropriate assessment, dated 13 December 2021, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

INTERNAL

Ecology

7.3 The submitted Ecological Impact Assessment Report (ECOSA, December 2020) confirms that as the works footprint is mainly covered by astro turf and therefore the site is of negligible potential to reptiles and amphibians. Furthermore, whilst the wooded areas on site have potential for invertebrates such as stag beetle, these areas will not be affected by the proposals. The submitted Arboricultural Implications Assessment and Method Statement' confirms that all trees present on site will be retained and no trees would need to be removed to directly facilitate the development proposal. The ecology report however states that the grill house will be relocated as part of the proposals. This structure is given a moderate suitability to support roosting bats. Another report by Peach Ecology confirms that the potential bat roosting features such as gaps under tiles could be thoroughly checked due to the low height of the building, and no signs of bats were found. Based on the information provided and provided that the enhancement measures as detailed within the ECOSA report are implemented, no concerns are raised.

Trees

7.4 If adequate precautions to protect the retained trees are specified and implemented in accordance with the arboricultural method statement (Eco Urban Nov, 2020), the development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting. A detailed landscaping and tree planting scheme is required.

8.0 Planning Considerations

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

- a) Implication of Fareham's current 5-year housing land supply position (5YHLS);
- b) Residential Development in the Countryside;
- c) The impact upon Protected Sites
- d) Policy DSP40 (Housing Allocations);
- e) The Planning Balance

a) Implication of Fareham's Current 5-Year Housing Land Supply Position

8.2 A report titled "Five year housing land supply position" was reported to Planning Committee on the 19th January 2022. That report sets 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 indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (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 of 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: habitats 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 indicates 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 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'). However 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 the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers

undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

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

8.15 Policy CS14 of the Core Strategy states that:

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

8.15 The proposal is for the erection of a residential dwelling which would therefore not be used for agriculture, forestry, or horticulture and there does not appear to be an essential need for a countryside location. The proposal is therefore contrary to Policy CS14.

8.16 Policy DSP6 of the Local Plan Part 2: Development Sites & Policies states that there will be a presumption against new residential development outside of the defined urban settlement boundaries. New residential development will be permitted in instances where one of more of the following apply:

- i. It has been demonstrated that there is an essential need for rural worker to live permanently or near his/her place of work
- ii. It involves a conversion of an existing non-residential building
- iii. It comprises one or two new dwellings which infill an existing and continuous built-up residential frontage, where:
 - a) The new dwellings and plots are consistent in terms of size and character to the adjoining properties and would not harm the character of the area; and
 - b) It does not result in the extension of an existing frontage or the consolidation of an isolated group of dwellings; and
 - c) It does not involve the siting of dwellings at the rear of the new or existing dwellings.

8.17 It has not been suggested that the dwelling is intended for a rural worker requiring a permanent residence near a place of work and therefore part (i) is not met. The proposal does not involve the conversion of an existing non-residential building therefore part (ii) is not met. Whilst the applicant's agent

asserts the view that the proposal should be considered frontage infill, Officers do not agree that the western side of Newtown Road could be described as having a continuously built up frontage as there are some larger gaps within the built up frontage. It is therefore considered that the proposal would fail to meet part (iii)(b) in that it would result in the extension and consolidation of an existing frontage.

- 8.18 The site is clearly outside of the defined urban settlement boundary and the proposal is considered 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) The impact upon Protected Sites

- 8.19 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.
- 8.20 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.
- 8.21 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).
- 8.22 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 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 sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

- 8.23 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.24 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The applicants have made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP).
- 8.25 In addition 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). The Council's Interim Mitigation Solution to address this likely significant effect 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 agreed to make this contribution, which will be secured by a further Section 111 agreement.
- 8.26 Secondly 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.
- 8.27 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. 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.
- 8.28 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, and nor have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is considered appropriate. The previous use of the land for the purposes of the nitrogen budget is considered to be urban as it falls within the curtilage of the existing dwelling/guesthouse and is laid to hardstanding or included within the enclosed amenity space of the existing dwelling.

- 8.29 The applicant has purchased 0.7 kg of nitrate mitigation 'credits' from Heaton Farms. Through the operation of a legal agreement between Heaton Farms, Isle of Wight Council and Fareham Borough Council dated 25 June 2021, the purchase of the credits will result in a corresponding parcel of agricultural land at Coleman's Lane on the Isle of Wight being removed from intensive agricultural use with a woodland planting scheme being implemented on this land, therefore providing a corresponding reduction in nitrogen entering the Solent marine environment.
- 8.30 The Council has carried out an appropriate assessment and concluded 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. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

d) Policy DSP40 (Housing Allocations)

- 8.31 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 for residential development within the countryside will be considered acceptable.
- 8.32 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.

Each of these five points are considered further below.

Policy DSP40(i)

- 8.33 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.

Policy DSP40(ii)

- 8.34 It is acknowledged that the site is located beyond the settlement policy boundary and the proposal is therefore contrary to policies which aim to secure the majority of new housing within the urban area. However, the urban boundary lies on the opposite side of Newtown Road so the site is well related to the urban boundary.
- 8.35 The development site is considered to be within a sustainable location located approximately 600m from Warsash village which provides various local amenities including retail services, public houses, and a post office. The catchment schools are Hook with Warsash Primary and Brookfield Secondary which are accessible on foot. Healthcare services are located approximately 2 miles from the application site at the Locks Heath Centre.
- 8.36 The site is located within reasonable walking distance of bus services which pass through Warsash village with Route X5 running between Southampton, Woolston, Bursledon, Sarisbury Green, Warsash and Locks Heath to Titchfield, Fareham, Stubbington, Lee on the Solent and the Gosport Ferry every 30 minutes during the week and hourly on weekends.
- 8.37 The application site is considered to be well related to the existing urban settlement boundary and the design of the dwelling would enable it to integrate with the existing settlement. The site is sustainability located with good access to local services. It is therefore considered that point (ii) of Policy DSP40 is satisfied.

Policy DSP40(iii)

- 8.38 Policy CS17 of the adopted Fareham Borough Core Strategy sets out a similar, but separate policy test that, amongst other things, *“development will be designed to: respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of external materials”*. Core Strategy Policy CS14 meanwhile seeks to protect the landscape character, appearance and function of the countryside.
- 8.39 The site is within an area of countryside but is not designated as Strategic Gap. The Fareham Landscape Assessment 2017 (which is part of the evidence base for the emerging Fareham Local Plan 2037) identifies that the site lies within the Lower Hamble Valley Character Area (02.2c). Development opportunities within this area are stated as being constrained. The heavily wooded nature of the valley sides are considered to be significant in terms of providing a backdrop to views from the River which contributes to the distinctness and quality of the wider landscape setting. It is stated that any major loss of tree coverage or extension of urban form would be damaging. The landscape assessment concludes that there may be some potential for small scale development to be integrated without compromising the areas overall character or integrity.
- 8.40 The proposal would not result in the loss of tree coverage and the proposed dwelling would be assimilated into the wooded landscape preserving the identified landscape character. It is not considered that the proposed dwelling would be prominent in views from the River Hamble or adjacent public footpath. When viewed from Newtown Road it is considered that the proposed dwelling would be consistent in terms of its size, character and plot size with neighbouring properties. The siting of the proposed dwelling would accord with the general building line along the west side of Newtown Road and considerable gaps would be retained between the existing dwelling and the neighbouring property to the south; 12m and 19m respectively. The existing dwelling/guest house would retain a plot which would still be comparably large in relation to those within the surrounding area.
- 8.41 The submitted streetscene demonstrates that the proposed dwelling would be of similar height to the neighbouring property to the south (No.88a Newtown Road) and would be below the main ridgeline of the existing building. The use of the site’s falling topography to design a three-storey dwelling, whilst appearing as a two storey dwelling from the front elevation of the site along Newtown Road ensures that the proposed dwelling is in keeping in terms of scale and form.
- 8.42 It is considered that the proposed dwelling is sensitively designed to reflect the character of the neighbouring settlement and that the proposal responds positively to the existing built form within the vicinity of the site. The proposal

is considered to satisfy point (iii) of Policy DSP40 and comply with policy CS17.

Policy DSP40(iv)

- 8.43 There are no issues which would be likely to significantly delay the commencement of development. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

Policy DSP40(v)

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

Impact on Protected Species

- 8.45 The application is supported by an ecological impact assessment which includes a Phase 1 habitats assessment and consideration of the potential impact and effects of development on protected species, habitats and designated sites. The development site itself comprises entirely of hardstanding and astro turf and therefore there are no concerns in relation to loss of habitat. The survey work concluded that roosting bats are likely absent from the grill/BBQ hut which is to be removed and it is not considered that the proposal would have any direct impact on any other protected species.
- 8.46 Mitigation, compensation and enhancement measures would include a sensitive lighting strategy, sensitive timings and working methods during construction, the installation of bat boxes and an invertebrate tower and native species planting.

Trees

- 8.47 The submitted tree survey identifies a total of twenty-nine trees on or near the application site which are covered by an area Tree Preservation Order. Of those trees surveyed none would be removed to facilitate development, although there would be some activity within the root protection area of five trees. Based on the submitted arboricultural impact method statement it is considered that works within the RPA can be controlled to minimise the potential for any harm to protected trees, the risk of which is considered to be low. It is also identified that the removal of existing hardsurfacing to be replaced with soft landscaping could have some benefit to adjacent trees by providing potential rooting areas that were previously restricted.
- 8.48 It has been brought to Officer's attention that a large mature tree has been felled from the application site in the last few years and concerns have been

raised that this was carried out to enable the development now proposed. From a review of aerial photography, it appears that a tree previously stood within close proximity to the current position of the grill/BBQ hut.

- 8.49 Having discussed this matter with the applicant, Officers have been advised that this tree was felled in 2017 prior to the submission of the retrospective planning application in the same year. The reason given for the felling of the tree was that it had become uprooted in a heavy storm and was considered to be dangerous, requiring immediate removal. The applicant has agreed to a planning condition to secure the planting of a replacement native tree in a position to be agreed.

Amenity

- 8.49 It is not considered that the proposal would have an unacceptable adverse impact on the living conditions of neighbouring residential properties in terms of loss of light, outlook or privacy due to the levels of separation involved.
- 8.50 It is not considered that the additional vehicle movements along Newtown Road would be significant or have any adverse impact on residential amenity.

Traffic

- 8.51 The existing gated vehicular access on to Newtown Road was granted planning permission retrospectively in 2018. Due to the limitations on visibility when emerging from this access, caused by the positioning of the 1.8m close boarded fence along the boundary of the property with Newtown Road, the planning permission was granted subject to the following planning condition;

The vehicular access on to Newtown Road hereby permitted shall not be used at any time except for on an occasional basis by large delivery/carriage vehicles that are unable to negotiate the rear, main access to the property. When not required for providing such occasional access for large delivery/carriage vehicles the gates shall remain closed and locked at all times.

REASON: In the interests of highway safety.

- 8.52 The highway authority (HCC) have reviewed the submitted transport statement which includes details of traffic generation and the results of a traffic survey undertaken on Newtown Road. Accident records for Newtown Road have also been obtained from Hampshire Constabulary for the period June 2014-May 2019 which have not highlighted any particular highway safety concerns.
- 8.53 The access currently has visibility splays of 2.4m x 20 metres to the south and 2.4m x 8 m to the north. These splays do not meet the standard for the

vehicle speeds measured on Newtown Road hence the requirement for the above planning condition to prevent frequent use. It is now proposed to re-align the frontage fence line on either side of the access to achieve visibility splays of 2.4m x 39m to the south and 2.4m x 33m to the north to accord with guidance contained in Manual for Streets.

- 8.54 Concerns have been raised by a local resident that the proximity of the access to a telegraph pole to the south of the access and a tree to the north would restrict visibility. The highway authority (HCC) has advised that in regard to the telegraph pole, whilst this falls within the visibility splay, street furniture such as lamp posts and telegraph poles are not considered to be severe obstructions to visibility due to their relatively small diameter compared to the size of an oncoming vehicle. With respect to the tree, this only slightly encroaches on the splay, however as this is in the secondary direction, the actual line of site would be to the other side of the carriageway and it is therefore not considered that this would not be intrusive in practice.
- 8.55 The proposal would comply with the Council Car & Cycle Parking Residential Car & Cycle Parking SPD in terms of car parking provision. It is considered that the existing dwelling/guesthouse would retain ample space to meet car parking requirements.
- 8.56 Overall Officers are of the view that the proposed development fully accords with the requirements of Policy DSP40 of the Adopted Local Plan and would make a modest contribution to overcoming the current shortfall in housing supply in the Borough.

e) The Planning Balance

- 8.57 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.'

- 8.58 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 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.”

- 8.59 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.
- 8.60 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.
- 8.61 The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.
- 8.62 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 January 2022 and the Government steer in respect of housing delivery.
- 8.63 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 site is located adjacent to the existing urban settlement boundary such that the proposed dwelling can be well integrated with existing development. Whilst the proposal would have an urbanising impact locally the retention of the ample tree coverage around the site would serve to minimise any adverse visual impact on the countryside. The form of development would also be in keeping with the more spacious character of the area.
- 8.64 Officers are satisfied that there are no outstanding amenity and environmental issues which cannot otherwise be addressed through planning conditions. There would not be any unacceptable impact on highway safety and the increase of vehicles on the local road network would not be significant.
- 8.65 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply,

Officers acknowledge that the proposal could deliver a single dwelling, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in the light of this Council's current 5YHLS.

- 8.66 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.
- 8.67 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 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.
- 8.68 Having carefully considered all material planning matters, Officers consider planning permission should be granted.

Recommendation

GRANT PLANNING PERMISSION subject to the following conditions;

1. The development shall begin within 18 months from the date of this decision notice.
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:
 - i) Location Plan – drwg No. L01 Rev C
 - ii) Topographic Survey – drwg No. 8145/01
 - iii) Site Layout – drwg No. 01 Rev Ix

- iv) Site Sections – drwg No. 1881-02 Rev C
- v) Proposed Floor & Roof Plans – drwg No. 03 Rev A
- vi) Proposed Elevations – drwg No. 04 Rev A
- vii) Proposed Materials – drwg No. 05
- viii) Ecological Assessment (Peach Ecology, 10 December 2020)
- ix) Ecological Impact Assessment (Ecosa, December 2020)
- x) Nutrient Neutrality Assessment (Ecosa, May 2021)
- xi) Arboricultural Impact Assessment & Method Statement (EcoUrban Ltd, 17 November 2020)

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 materials 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. No development hereby permitted shall proceed beyond damp proof course level until details of the finished treatment and drainage of all areas to be hard surfaced have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development; To ensure that the access is constructed to a satisfactory standard and to prevent excessive water runoff on to the highway and adjacent land.

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 start on site until the vehicular access on to Newtown Road, including the footway and/or verge crossing shall be constructed and lines of sight of provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

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

7. The dwelling hereby approved, shall not be first occupied until the approved parking and turning areas for both the existing and proposed dwellings 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.

8. At no time shall any gates be installed at the vehicular access on to Newtown Road unless otherwise agreed in writing with the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

9. No development shall proceed beyond damp proof course (dpc) level until details of how one electric vehicle charging points will be provided to serve the proposed dwelling. The development shall be carried out in accordance with the approved details.

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.

10. The dwelling hereby approved shall not be occupied until details of the position and species of a native replacement tree of at least 10-12cm girth, shall be submitted to and approved by the Local Planning Authority in writing. The approved replacement tree shall be planted within the first available planting season (October to March) following the approval of the replacement tree(s), which shall be retained thereafter.

REASON: In the interests of maintaining the amenity value of the area.

11. Development shall be carried out in accordance with the measures detailed in Sections 5.4.3 to 5.7.2 of the submitted Ecological Impact Assessment report (ECOSA, December 2020).

REASON: to ensure the protection of bats and birds and ensure an enhancement in the biodiversity of the site.

12. No external lighting shall be installed unless a scheme of lighting designed to minimise impacts on wildlife and habitats has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

REASON: In order to minimise impacts of lighting on the ecological interests of the site.

13. The development shall be carried out in accordance with the Arboricultural Impact Assessment & Method Statement (EcoUrban, 17 Nov 2020) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

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

15. 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 Newtown Road and Pitchponds 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; to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period and to ensure adequate protection of trees 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.

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

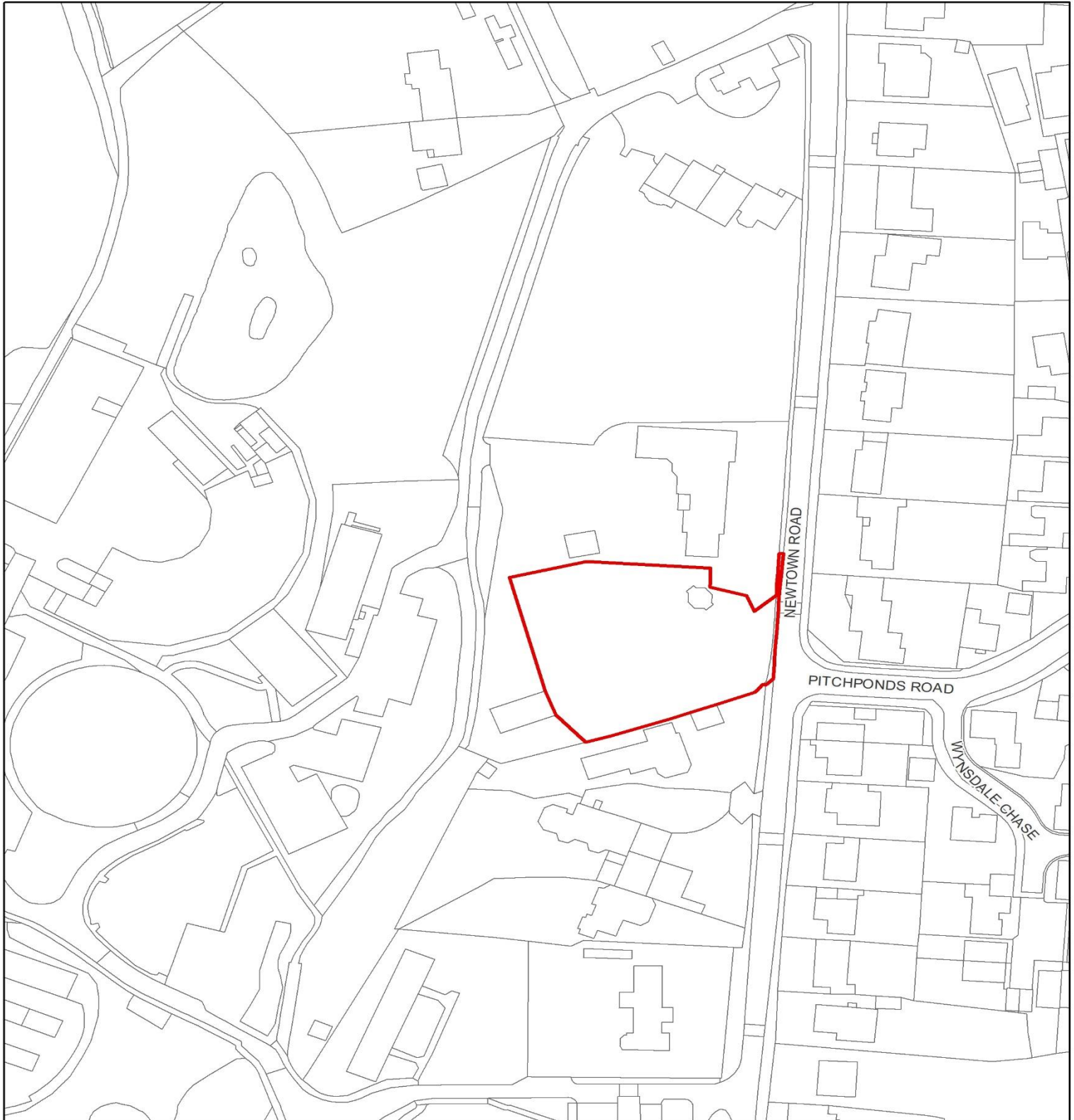
REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

10.0 *Background Papers*

P/20/1594/FP

FAREHAM

BOROUGH COUNCIL



The Badgers,
86 Newtown Road
Scale 1:1250



© Crown copyright and database rights 2021 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.