

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 02/03/2022**

**REFERENCE: P/20/1525/FP**

**APPLICANT: MR & MRS & MS L & F  
WILLIAMS & BROOK**

**WARD: HILL HEAD**

**AGENT: ROBERT TUTTON TOWN  
PLANNING**

SIDE EXTENSION TO EXISTING ANNEX AND USE OF THE EXTENDED BUILDING AS A ONE-BEDROOMED DWELLING.

89 HILL HEAD ROAD, HILL HEAD PO14 3JP

### ***Report By***

Rachael Hebden – direct dial 01329 824424

#### **1.0 Introduction**

1.1 The application is reported to planning committee as over five third party letters of representation have been received.

#### **2.0 Site Description**

2.1 The site is located on the south side of Hill Head Road and backs onto the seafront. The site plus the adjacent land edged in blue contains a dwelling (number 89 Hill Head Road), a detached garage and an annex which is the subject of this application.

2.2 The annex is a detached brick building with a shallow, pitched roof. The annex currently contains 1 bedroom, a study, bathroom and a kitchen/dining/living room.

2.3 The site is immediately adjacent to the settlement policy boundary of Hill Head with dwellings to the north, east and north west. The area is characterised by residential dwellings of which the majority are detached with front gardens incorporating on-site car parking.

2.4 The land within the northern section of the site (where the annex and garage are located), is level, however it decreases in gradient towards the south with the house (in the land edged blue) at a lower gradient and a further decrease in levels down to the beach. The existing area of decking to the rear of the annex provides a level area of amenity space.

2.5 The site currently contains space to park 9 cars. (There are 3 tandem spaces to the south of no. 89, 3 spaces within 2 garages and 3 spaces to the north of no. 89.)

### **3.0 Description of Proposal**

- 3.1 The application proposes a single storey side extension to the existing annex to provide an additional bedroom and en-suite facility. The existing bedroom would be combined with the study to create one room which is labelled as a study but could be used as an additional bedroom.
- 3.2 Vehicular access would be via the existing vehicular access to no. 89. Independent parking and outdoor amenity space (including an extended area of decking) is proposed to enable the annex to be used as an independent dwelling rather than an annex in connection with the host property.
- 3.3 The application demonstrates that there will be 10 car parking spaces within the site. Eight car parking spaces would be allocated to no. 89 (3 within the 2 existing garages, 3 to the south of the dwelling and 2 to the north.) The proposed bungalow would have 2 car parking spaces which would also be positioned to the north of no. 89

### **4.0 Policies**

- 4.1 The following policies and guidance 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

CS11 Development in Portchester, Stubbington and Hill Head and Titchfield

CS17 High Quality Design

CS20 Infrastructure and Development Contributions

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

DSP1 Sustainable Development

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

#### **Revised Publication Local Plan 2037**

DS1 Development in the Countryside

H1 Housing Provision

HP3 New Small-Scale Development Outside the Urban Areas

NE1 Protection of Nature Conservation, Biodiversity and the Local Ecological Network

NE2 Biodiversity Net Gain  
NE3 Recreational Disturbance on the Solent Special Protection Areas (SPAs)  
NE4 Water Quality Effects on the SPAs, SACs and Ramsar Sites of the Solent  
TIN2 Highway Safety and Road Network  
D1 High Quality Design and Placemaking  
D2 Ensuring Good Environmental Conditions  
D5 Internal Space Standards

**Other Documents:**

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015  
Residential Car Parking Standards 2009  
Planning Obligation SPD for the Borough of Fareham (excluding Welborne)(April 2016)

**5.0 *Relevant Planning History***

5.1 P/15/1085/DP/A Retention of raised decking and alterations to fenestration to existing detached outbuilding. Details Pursuant to P/15/1085/FP: Condition 1 (Treatment of Decking) Approved 16.2.16

P/15/1085/FP Retention of raised decking and alterations to fenestration to existing detached outbuilding. Approved 28.1.16

P/15/0093/CU Change of use of garden room to a self-contained holiday let  
Withdrawn 29.7.15

P/11/0624/FP Erection of single storey extension to detached garden room and realignment of existing stairway as it approaches that garden room Approved 21.12.11

P/07/0285/FP Erection of garden room following demolition of existing structure  
Approved 24.4.07

**6.0 *Representations***

6.1 Representations from 26 households were received, of which 8 (including the Hill Head Resident's Association) object to the application and 18 offer support.

The letters of support make the following observations:

- The proposed dwelling is sensitively designed with a shallow pitched roof to minimise the impact on the public realm.
- The dwelling would meet the minimum space standards.
- The dwelling would share the existing vehicular access with no. 89
- The dwelling would have on-site car parking

The Hill Head Residents Association raise the following concerns:

- Approval of a structure that was originally approved without planning permission would appear to sanction further action by others.
- Is the annex intended to be linked to the host property?
- The existing wooden gates provide vehicular access that prevents use of the adjacent car parking bay.
- The existing timber gates should be inward opening.
- Any additional vehicular access points would be dangerous.

Following the receipt of amended plans the Hill Head Residents Association made the following comments:

The dropped kerb should be re-instated to enable the adjacent car parking space to be used.

The remaining objections raise the following additional issues:

- The proposed bedroom is out of proportion with the remainder of the rooms in the annex.
- The extension would be overdevelopment of the site
- Lack of independent vehicular access
- Inappropriate location
- Has the building been constructed in accordance with Building Regulations?
- Impact on badger sett

## **7.0 Consultations**

EXTERNAL

### 7.1 Natural England

No objection subject to securing appropriate mitigation

INTERNAL

### 7.2 Ecology

No objection subject to conditions and the provision of mitigation to ensure no impact on the integrity of the European Protected Sites (EPS.)

## **8.0 Planning Considerations**

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

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

- b) Residential development in the countryside
- c) Policy DSP40 (Housing Allocations)
- d) Habitats Regulations Assessment
- e) The Planning Balance

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

- 8.2 A Report entitled 'Five year housing land supply position' was reported for Members' information to the January 2022 Planning Committee. That Report set out this Council's local housing need along with this Council's current housing land supply position. The Report concluded that this Council has 4.31 years of housing supply against its five year housing land supply (5YHLS) requirement.
- 8.3 The starting point for the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004:
- "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*
- 8.4 In determining planning applications there is a presumption in favour of policies of the extant Development Plan unless material considerations indicated otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.5 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.
- 8.6 Paragraph 75 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

*"For decision-taking this means:*

- 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, granting 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; or*
  - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.”*

8.8 Footnote 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 176) and/or designated as Sites of Special Scientific Interest; and designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”*

8.9 Footnote 8 to paragraph 11 reads (in part):

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

8.10 This planning application proposes new housing outside the defined urban settlement boundaries. The Council cannot demonstrate a five-year housing land supply. Footnote 8 of the NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.11 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are no specific policies in the NPPF which protect areas or assets of particular importance which provide a clear reason for refusing the proposed development. The key judgement therefore is that set out in the

second limb of the paragraph, namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole (the so called 'tilted balance').

8.12 Members will be mindful of paragraph 182 of the NPPF which states that:

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

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

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

#### **b) Residential development in the countryside**

8.15 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies 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.

8.16 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.'*

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

- 8.18 Policy HP3 (New Small-Scale Development Outside the Urban Areas) in the Revised Publication Local Plan also allows for small scale residential development outside of the defined urban area. Policy HP3 is a new policy in the Local Plan however and objections have been received as a result of the publicity undertaken therefore it is considered that only limited weight can be applied to this policy in accordance with para 48 of the NPPF.
- 8.19 Notwithstanding the limited weight that can attributed to this policy Officers have assessed the proposed development against the criteria in the policy and consider the development to be in accordance with Policy HP3.
- 8.20 The site is outside of the defined urban settlement boundary therefore the proposal is 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. The proposed development is in accordance with Policy HP3 of the Revised Publication Local Plan, however as explained limited weight can currently be attributed to this policy.

### **c) Policy DSP40 (Housing Allocations)**

- 8.21 Local 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.*

- 8.22 Each of these five bullet points are considered further below.

### **POLICY DSP40 (i)**

- 8.23 Members will note from the 5 Year Housing Land Supply Position that this Council currently only has 4.31 years of housing supply against its five-year requirement. The proposed net increase of 1 dwelling is therefore in accordance with bullet point i) of Policy DSP40 is satisfied.

**POLICY DSP40(ii)**

- 8.24 The planning application site is located immediately adjacent to the settlement policy boundary. Due to this relationship with the urban area, the site is considered to be adjacent to, and well related to the existing urban settlement boundary, and can be well integrated with the neighbouring settlement of Hill Head. Part (ii) of Policy DSP40 is therefore satisfied.

**POLICY DSP 40 (iii)**

- 8.25 The site is located within the countryside but is not part of a strategic gap. The site plus the associated land edged blue currently comprises no. 89 Hill Head Road together with a residential annex within the garden.

- 8.26 The proposed extension to the annex is modestly proportioned with a shallow pitched roof to match the roof of the annex. The modest size of the extension combined with the shallow pitch of the roof has been designed to minimise the impact on the character of the area therefore part (iii) of Policy DSP40 is satisfied.

**POLICY DSP40 (iv)**

- 8.27 In terms of delivery, the extension is modestly proportioned and therefore deliverable within a short period of time. The proposal would therefore be in accordance with part iv of policy DSP40.

**POLICY DSP40 (v)**

- 8.28 The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below:

Environmental Considerations

- 8.29 A Preliminary Ecological Appraisal (PEA) has been submitted. The Ecology Officer and Natural England are satisfied with the proposal in terms of impact on protected species subject to the imposition of planning conditions and appropriate mitigation.
- 8.30 Representations received have raised concerns regarding the impact on badgers, however the PEA contains a section relating to ways in which the extension and decking can be constructed without disturbance to badgers and these measures can be secured by planning condition. A construction ecological management plan has also been submitted which incorporates measures that will minimise any disturbance to badgers.

- 8.31 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment to consider the likely significant effects on the Protected Sites around The Solent. As explained in the Habitats Regulation Assessment section of this report below the Assessment Officers have concluded that the proposals would not have an adverse effect on the integrity of the Protected Sites as a result of recreational disturbance either in isolation, or in combination with other plans or projects. The proposal is therefore considered to accord with the Habitat Regulations and criteria (v) – environmental issues, of Policy DSP40 of the adopted Local Plan.

#### Amenity Considerations

- 8.32 The site is located on the southern side of Hill Head Road which runs parallel to the coast. As a result, there are no dwellings to the south. There are some beach huts to the south west, however they are located on the beach which is significantly lower than the site therefore the extension would not be visible to them or have any impact on their amenities.
- 8.33 Representations have raised concerns regarding the safety of building at this site given its location above the beach. The application is supported by a Construction Environmental Management Plan (CEMP) which contains measures designed to protect neighbouring properties and sensitive habitats during the construction process. The measures contained within the CEMP can be secured by condition.
- 8.34 The land to the immediate west of the site is undeveloped with the closest neighbouring properties being the host property to the east (no. 89) and the properties on the opposite side of Hill Head Road: no. 2 (Solent Cliffs Nursing Home) and no. 4. The annex is located approximately 33m from no. 2 and 38m from no. 4 therefore the proposed extension would have no impact on their amenities.

#### Traffic Implications

- 8.35 The proposed conversion of the annex to a separate independent dwelling could result in a slight increase in traffic, however the impact on the highway would be negligible. The site plan demonstrates that the site can incorporate adequate on-site car parking which would prevent the need for parking on the adjacent road. The proposed extension and conversion of the annex to an independent dwelling would therefore have no adverse impact on the safety of the adjacent highway and would satisfy part v of policy DSP 40.
- 8.36 Concerns were raised regarding a separate vehicular access to the building together with the use of on street parking, however the site plan demonstrates that the existing vehicular access to no.89 would be used and car parking would be provided within the site.

- 8.37 Representations submitted have also requested that the existing dropped kerb to the north of the annex is re-instated to prevent separate access to the annex and to enable the space to be used for on-street car parking. Given that planning permission was not required for the addition of the dropped kerb it would be unreasonable to require it to be removed or for a standard kerb to be reinstated.
- 8.38 It is considered that the proposed development would satisfy all of the component parts of policy DSP40.

#### **d) Habitats Regulations Assessment**

- 8.39 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent Geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.40 In light of their importance, areas within The Solent have been specifically designated under UK law. The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the Protected Sites around The Solent (Solent and Southampton Water Special Protection Area and Ramsar site, Portsmouth Harbour Special Protection Area and Ramsar site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbour Special Protection Area and Ramsar site, the Solent Maritime Special Areas of Conservation and the Solent and Isle of Wight Special Area of Conservation). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.41 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment to consider the likely significant effects on the Protected Sites (PS) around The Solent.
- 8.42 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on the designated Protected Sites, or if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Protected Sites. This is confirmed following a process known as an Appropriate Assessment. The Competent Authority is

responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority in this case is the Local Planning Authority.

- 8.43 The impact of increased recreational disturbance on the PS as a result of new residential developments has long been established, and the Solent Recreational Mitigation Strategy, sets out how developers can mitigate the impact of their development on the likely significant effect on the Protected Sites.
- 8.44 Natural England has also highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the Protected Sites.
- 8.45 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also have the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.46 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the Protected Sites. The key considerations for the Assessment of the likely significant effects are set out below.
- 8.47 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent and Southampton Water SPA and is therefore considered to contribute towards an impact of the Protected Sites as a result of increased recreational disturbance in combination with other development around The Solent area. The applicant has paid the appropriate financial contribution in accordance with the adopted Solent Recreational Mitigation Strategy. The Appropriate Assessment concludes that on this basis the proposals would not have an adverse effect on the integrity of the Protected Sites as a result of recreational disturbance either in isolation, or in combination with other plans or projects.
- 8.48 Natural England have also advised that the development's location within a 13.8km radius of the New Forest designated sites also requires mitigation. In order to mitigate the impact of increased recreational disturbance in combination with other development on the New Forest designated sites the

applicant has also provided the appropriate financial contribution towards the Council's interim Mitigation Solution on New Forest Recreational Disturbance. The Appropriate Assessment therefore concludes that the proposals would not have an adverse effect on the integrity of the PS as a result of recreational disturbance either alone or in combination with other plans or projects.

- 8.49 Secondly, in respect of the impact of the development on water quality, a nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (June 2020). In line with Natural England's methodology, the nitrogen budget assumes an occupation figure of 2.4 which is considered to be appropriate given the size of the dwelling together with the absence of any evidence to justify the use of an alternative figure. The nitrogen budget confirms that the development will generate 0.7kg 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.
- 8.50 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 0.75kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.51 In addition to the above mitigation, and in order to ensure compliance with the Natural England methodology, a further condition would be required to ensure the development meets the Building Regulations optional requirement of a water consumption limit of 110 litres per person per day. With these mitigation measures secured, the Council has carried out an appropriate assessment and concluded that the proposed mitigation and conditions will ensure no adverse effect on the integrity of the Protected Sites either alone or in combination with other plans or projects. The difference between the credits and the output will result in no increase in the amount of nitrogen entering The Solent. Natural England has been consulted on the Council's Appropriate Assessment and although their comments are outstanding, they have endorsed the principle of using nitrate credits to off-set nitrate production from new development.

- 8.52 The proposal is therefore considered to accord with the Habitat Regulations and complies with policies and criteria (v) – environmental issues, of Policy DSP40.
- 8.53 Natural England has been consulted on the Council's Appropriate Assessment and have endorsed the Appropriate Assessment subject to appropriate mitigation being secured.
- 8.54 The proposal is considered to accord with the Habitat Regulations and complies with policies CS4, DSP13, DSP15 of the adopted Local Plan.

**e) The Planning Balance**

- 8.55 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.
- 8.56 Officers have weighed up the material considerations and conflict between policies and the development of a site weighed against Policy DSP40. It has been concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and would be well related to the existing urban settlement boundary such that it can be integrated with the adjacent settlement. The proposal would be located immediately adjacent to existing residential development and the extension has been sensitively designed to reflect the character of housing in the local area and would minimise any adverse impact on the wider countryside.
- 8.57 The proposed extension would increase the size of the structure within the site, however it would have a limited urbanising impact given the existing presence of the annex within the garden. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.58 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Following completion of the Appropriate Assessment, it is considered that the likely significant effect on the Protected Sites around The Solent would be appropriately mitigated.
- 8.59 In balancing the objectives of adopted policies which seek to restrict development within the countryside alongside the shortage of a 5YHLS, Officers acknowledge that the proposal could deliver a net increase of 1

dwelling in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would make a material contribution in light of the Council's current 5YHLS.

8.60 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.

8.61 In undertaking a detailed assessment of the proposals throughout this report and applying the '*tilted balance*' to those assessments, Officers consider that:

- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposal, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy and the impact of nitrogen loading on The Solent can be adequately mitigated; and,
- (ii) Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.

8.66 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions.

## **9.0 Recommendation**

9.1 **GRANT PLANNING PERMISSION:** subject to the following Conditions:

1. The development hereby permitted shall start within 3 years 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 hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - Location plan Drawing no. 001 Rev R
  - Site plan and proposed gate Drawing 003 Rev O
  - Proposed sections and details Drawing no. 004 Rev B
  - Proposed plans and elevations Drawing no. 002 Rev M
  - Ecological Survey Dated 5<sup>th</sup> December 2019
  - Ecological Construction Management Plan Dated September 2021
  - Arboricultural Impact Assessment & Mitigation Statement Dated 11<sup>th</sup> October 2018REASON: To avoid any doubt over what has been permitted.
  
3. No development shall take place until the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.  
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.
  
4. No development shall proceed beyond damp proof course level until details of a bat roost (eg an access tile or tube) and a bird nesting feature have been submitted to and approved in writing by the Local Planning Authority. The approved features shall be implemented and completed in accordance with the approved details prior to occupation of the extension and shall be retained in accordance with the approved details thereafter.  
REASON: To aid biodiversity at the site.
  
5. No development hereby permitted shall proceed beyond damp proof course level until details and samples of all proposed external facing and hardsurfacing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.  
REASON: To secure the satisfactory appearance of the development.
  
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. The approved landscaping scheme shall be implemented and completed within the first planting season following the completion of the development 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.

7. No development shall proceed beyond damp proof course (dpc) level until details of how 1 electric vehicle charging point will be provided have been submitted to and approved by the Local Planning Authority. 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.

8. The existing vehicular gates on the northern boundary shall be replaced with the approved pedestrian gates on Drawing no. 003 Rev O prior to occupation of the extension hereby approved and shall be retained in that condition thereafter.

REASON: To prevent the loss of on street car parking.

9. The extension hereby permitted shall not be occupied until details of water efficiency measures to be installed in the dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

10. The extension hereby approved, shall not be occupied until the approved parking for that property has been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking 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.

11. The development shall be carried out in accordance with the approved Ecological Construction Management Plan (ECMP) dated September 2021 and areas identified in the approved ECMP 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.

REASON: In the interests of highway safety and to ensure that sensitive adjacent habitats are not subjected to unacceptable disturbance or pollution during the construction period.

12. The development shall be carried out strictly in accordance with the measures contained in section 7.1 'Badgers' of the ecological survey report by Ecosupport (December 2019.)

REASON: To minimise disturbance to badgers during the construction period.

13. Notwithstanding the provisions of Classes A, B, C, D, E and F of Schedule 2, Part 1 and Class A of Part 2 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, no additions or alterations to the roof, porches, out buildings or additional hard surfaced areas shall be constructed within the curtilage of the dwelling house hereby approved unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality, to ensure the retention of adequate garden area and to prevent the addition of inappropriate vehicular accesses or additional areas for car parking.

14. The development shall be carried out strictly in accordance with the measures contained in the Arboricultural Impact Assessment & Mitigation Statement Dated 11<sup>th</sup> October 2018.

REASON: To ensure no damage to existing trees and in the interest of the amenities of the area.

15. 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.

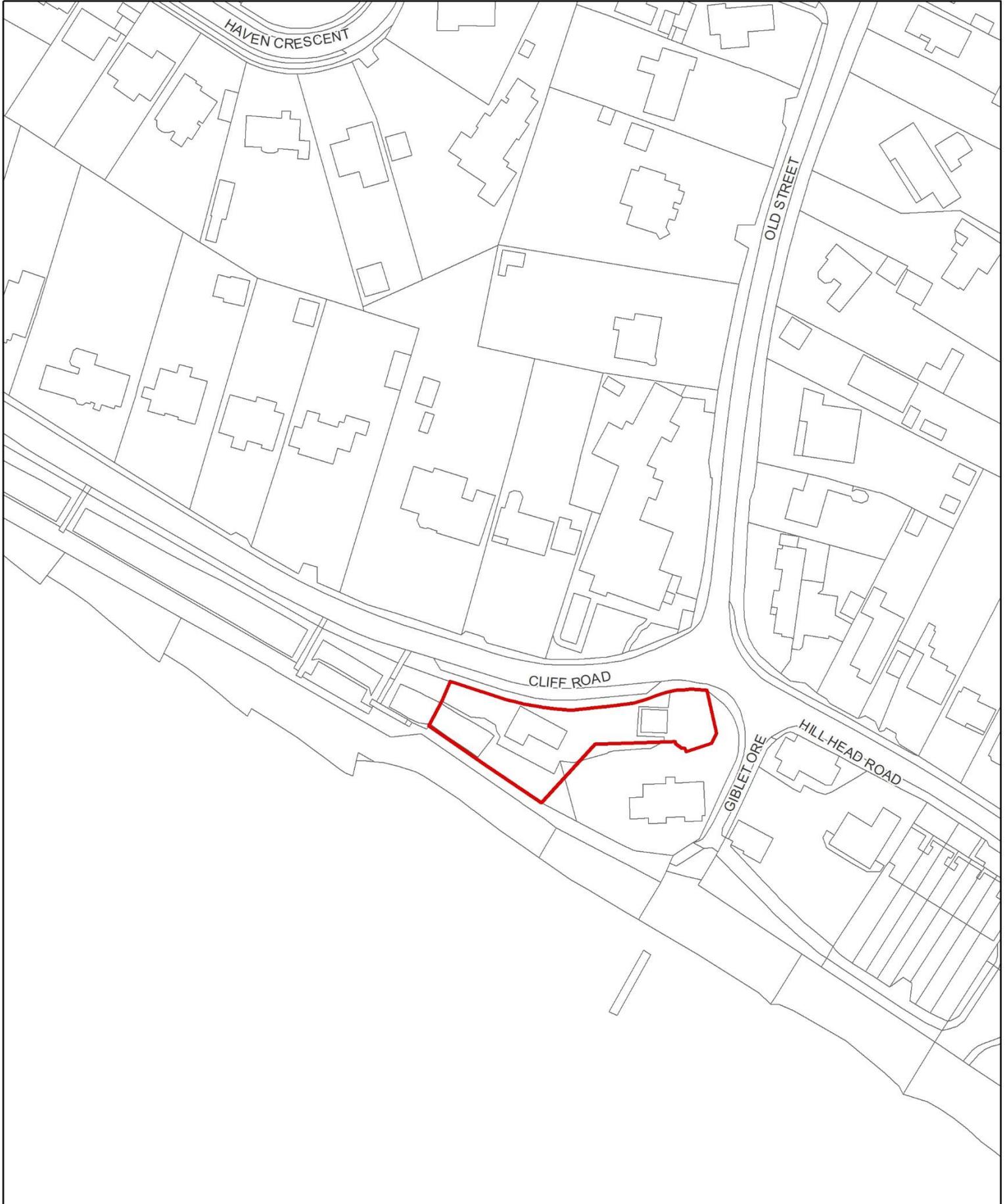
REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

## **10.0 Background Papers**

P/20/1525/FP

# FAREHAM

BOROUGH COUNCIL



89 Hill Head Road  
Hill Head  
Scale 1:1250



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