

OFFICER REPORT FOR COMMITTEE

DATE: 10/08/2022

P/21/1458/FP

MR K SMITH

TITCHFIELD

AGENT: MATTHEW HOLMES

CONSTRUCTION OF THREE DETACHED HOMES WITH ASSOICATED GARAGE AND CAR PORTS, ACCESS AND LANDSCAPING FOLLOWING THE DEMOLITION OF THE EXISTING SWIMMING POOL STRUCTURE

KINGFISHERS, FISHERS HILL, FAREHAM, PO15 5QT

Report By

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1.0 Introduction

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

2.0 Site Description

2.1 The application site relates to an area of residential land located on the western side of Fishers Hill to the south of the property Kingfishers. The site is located within designated countryside land and within the Meon Strategic Gap. It is also located within Titchfield Abbey Conservation Area.

2.2 The surrounding area is characterised by large detached properties to the north of the site and smaller properties to the south and east of the site. The Urban Settlement boundary is located immediately to the south of the site.

3.0 Description of Proposal

3.1 The proposal is for the construction of three detached homes with associated garages and car ports, access and landscaping following the demolition of the existing swimming pool structure.

3.2 Plot one would be located at the southern end of the development fronting Fishers Hill. It would be constructed of red brick style. The accommodation would comprise a kitchen/family area, study, WC and living area at ground floor. The first floor would comprise three bedrooms and one bathroom.

3.3 Plot two would be located to the north of Plot one adjacent to the access road, with the side elevation fronting Fishers Hill. It would have a similar red brick design to Plot one and would also comprise of a kitchen/family area, study, WC and living

area at ground floor and the first floor would comprise three bedrooms and one bathroom.

- 3.4 Plots one and two include a car port to the rear of the site to provide car parking for both plots.
- 3.5 Plot three would be located at the western (rear) corner of the site. The plot is larger than the other two plots and would include a detached garage and allocated parking. The living accommodation would comprise of a living room, kitchen, dining/family room, utility, bathroom and a fourth bedroom at ground floor. There are three en-suite bedrooms and a study/mezzanine at first floor. The property would be finished in red brick and wooden cladding.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2: Housing Provision
CS4: Green Infrastructure, Biodiversity and Geological Conservation
CS5: Transport Strategy and Infrastructure
CS6: The Development Strategy
CS7: Development in Fareham
CS17: High Quality Design
CS22: Development in Strategic Gaps

Adopted Development Sites and Policies

DSP1: Sustainable Development
DSP2: Environmental Impact
DSP3: Impact on Living Conditions
DSP5: Protecting and Enhancing the Historic Environment
DSP6: New Residential Development Outside of the Defined Urban Settlement
DSP13: Nature Conservation
DSP15: Recreational Disturbance on the Solent Special Protection Areas

Emerging Fareham Local Plan 2037

H1: Housing Provision
HP1: New Residential Development
HP2: Small Scale Development Outside the Urban Areas
HP4: Five-Year Housing Land Supply
HE1: Historic Environment and Heritage Assets
HE2: Conservation Areas
HE3: Listed Buildings and structures and/or their settings

- NE3: Recreational Disturbance on the Solent Special Protection Areas (SPAs)
- NE4: Water Quality Effects on the Special Protection Areas (SPAs) Special Areas of Conservation (SACs) and Ramsar Sites of the Solent
- TIN1: Sustainable Transport
- 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

5.0 *Relevant Planning History*

5.1 There is no relevant planning history for this site.

6.0 *Representations*

6.1 A total of 10 representations have been received from local residents including Catisfield Village Association and The Fareham Society. They raise objection on the following grounds:

- Not in-keeping with character of Titchfield Abbey or Catisfield Conservation Area
- Impact on nearby heritage asset
- Existing access road should be re-instated
- Concerns with landslip
- Impact on biodiversity
- Impact on strategic gap
- Impact on countryside
- Impact on Protected Habitat Sites
- Insufficient ecological surveys
- Overdevelopment
- Loss of vegetation/impact on trees
- Set a precedent
- Overlooking and loss of privacy
- Highways safety
- Inappropriate design
- Noise and disturbance during construction
- Inappropriate screening
- Contrary to development plan policies
- Backland development
- No soil investigations submitted

- No details on wastewater
- Impact on river hydrology

7.0 Consultations

INTERNAL

7.1 Tree Officer

No objection subject to conditions.

7.2 Conservation Planner

No objection

EXTERNAL

Highways Hampshire County Council

7.3 No objection, subject to condition

Natural England

7.4 No objection subject to appropriate mitigation being secured.

7.6 Ecology

No objection subject to condition.

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) The approach to decision making
- b) Residential development in the countryside
- c) Accessibility of the site
- d) Impact on Landscape and visual impact, and Conservation Areas
- e) Strategic Gap
- f) Impact on Residential Amenity
- g) Highways Impact
- h) Impact on Habitat Sites
- i) Ecology and Protected species
- j) Trees
- k) Other Matters
- l) The Planning Balance

a) The approach to decision making

8.2 An update report on the Council's five year housing land supply position was presented to the Planning Committee on 6th July 2022. The 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 5.01 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 National Planning Policy Framework 2021 (NPPF).

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

8.6 Paragraph 74 of the NPPF states that the Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five year's 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 to be the presumption in favour of sustainable development for decision-taking, including where relevant policies are 'out-of-date'. It states:

For decision-taking this means:

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 7 below), granting planning permission unless:

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

8.8 Footnote 7 of paragraph 11 reads:

'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas of risk of flooding or coastal change.

8.9 Footnote 8 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); of where the Housing Delivery Test indicated that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years'.

8.10 This planning application proposes new housing outside the defined urban settlement boundaries. Whilst the Council can demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that the Council has achieved 62% of its housing target. This means the delivery of housing in the last three years (2018-2021) was substantially below (less than 75%) the housing requirement over the previous three years. Footnote 8 of the NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are considered to be 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 the NPPF 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. Therefore, a judgement will need to be reached as to whether policies in the Framework would have provided a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

- 8.12 The second limb of NPPF paragraph 11(d), namely 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') 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 Paragraph 182 of the NPPF 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.*"
- 8.14 The wording of this paragraph clarifies that the presumption in favour of sustainable development set out in paragraph 11 does not apply unless an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitat sites subject to mitigation.
- 8.15 The following sections of this report assess the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this the Planning Balance is undertaken to weigh up the material considerations in this case.

b) Residential Development in the Countryside

- 8.16 Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.
- 8.17 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:
- 'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure'.*
- 8.18 Policy DSP6 of the Local Plan Part 2 Development Sites and Policies states that there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non-residential

building or it comprises of one or two dwellings which infill a continuous built-up frontage.

- 8.20 The site is located outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, CS14 and CS22 of the adopted Core Strategy, and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Accessibility of the site

- 8.21 The site is located immediately to the north of the urban settlement boundary. The residential properties to the east and south of the site are all located within the urban settlement boundary. The proposed development would therefore be seen as a continuation of the urban settlement of Catisfield.
- 8.22 The site lies only a short walk to Highlands Road, which is a main distributor road serving Fareham, and is regularly served by buses, which also run continuously along The Avenue (A27) to the south of the site. The buses provided good connectivity to Highlands Road parade of shops, whilst buses along The Avenue connect directly to Fareham Town Centre. Further, Titchfield Village is located to the southwest of the site and is accessible at less than 1km walk away from the site. It is therefore considered that the site is accessible and located with options for direct access to local services and facilities.

d) Impact on Landscape and Visual Impact, and Conservation Areas

- 8.23 The proposed development would be located within the existing garden land of Kingfishers and would not encroach beyond this boundary. There are a number of mature trees which would reduce the visual impact of the proposal from the wider character of the area which includes Titchfield Abbey Conservation Area and the Meon Valley.
- 8.24 With the Council's Landscape Character Assessment (2017), the site is located within the Upper Meon Valley (LCA6.2a), which is identified as having a high sensitivity, as one of the most distinctive and important landscape resources within the Borough. The Assessment continues to highlight that the potential for development to be accommodated within this area is consequently very low.
- 8.25 Whilst there are limited views of the site from Mill Lane (to the west of the site) that runs along the lower part of the valley side, glimpsed views of the site can be seen from the western side of the valley along Cartwright Drive, and from within Abbey Meadows Country Park. However, there are intervening features between these views and the site, including existing boundary planting and a large protected Oak tree outside the site's boundary, which would be unaffected

by the proposal. Glimpsed views of Plot three would be achieved, although this property, which would be finished in natural materials, would also be seen the context of the neighbouring residential properties to the north and south of the site. The development would also not project further into the countryside than the existing properties to the south along Catisfield Lane or Harvester Drive. The limited views of the site from the wider countryside together with the existing pattern of development where views are achievable ensure that the low level of development on this site would not significantly impact on the landscape character or appearance of this part of the countryside.

- 8.26 The material palette has regard to the existing red brick with slate or tile roof covering which is characteristic of Catisfield. The design of Plots 1 and 2 have been amended to include further detailing which enhances the appearance of the dwellings and would preserve the character and appearance of the Titchfield Abbey and Catisfield Conservation Areas and would preserve the setting of the nearby listed buildings. The Council's Conservation Planner has considered the detailing of the proposals in the context of the Catisfield Conservation Area (to the east of the site) and the wider Titchfield Abbey Conservation Area. The proposal is considered to preserve the character of the conservation areas. The public benefit of the provision of additional dwellings, given the current presumption in favour of sustainable development, would in any event outweigh any harm created by the carefully designed scheme in this location.
- 8.27 Therefore, the development would not have a significant impact on the landscape and visual impact of the surrounding area. The proposed level of landscaping and the considered design approach which would have regard to the character and appearance of the Conservation Area's is considered to be acceptable. The scale and siting of the proposed buildings would not see built form extend into the open undeveloped countryside. Development would be contained within the existing residential garden land of Kingfishers. The scheme is therefore considered to be a high quality proposal, which would accord with the provisions of Policies DSP5 and CS17 of the development plan.

e) Strategic Gap

- 8.28 Policy CS22 (Development in Strategic Gaps) states that: *'Land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements'*.
- 8.29 As stated above, the site is located within the existing residential garden land of Kingfishers. There are a number of mature trees located around the site, some of which will be retained as part of the development, particularly a number

of mature trees beyond the western boundary. Therefore, the site is relatively well screened when viewed from the wider Meon Strategic Gap. Due to the amount of existing built form to the north, south and east of the site it is considered that that the development would not result in a significant affect on the integrity of the strategic gap, or the physical and visual separation settlements. The proposal is considered to accord with the requirements of Policy CS22.

f) Impact on Residential Amenity

- 8.30 Concerns have been raised regarding the impact of overlooking and loss of privacy on the neighbouring occupiers to the south at Mardale. This property has first floor habitable room windows facing onto the application site. Plot one is the nearest property to Mardale. There is a first floor window facing onto Mardale however, this is a secondary window and a condition will be imposed to ensure that this is obscure glazed and non-opening. Furthermore, due to the change in gradient of the site and introduction of landscaping, it is not considered that the proposal would result in a significant adverse effect on the amenities of Mardale.
- 8.31 Plot Three would be located to the north of 38 Catisfield Lane. However, 38 Catisfield Lane has a separation distance of approximately 22m between the rear elevation and the boundary with Kingfishers. Therefore, having regard to this large separation distance and as there would be no windows on the southern elevation of Plot three, it is considered that the proposal would not result in an unacceptable adverse impact on the living conditions of 38 Catisfield Lane.
- 8.32 There is a large separation distance between the application site and the properties opposite in Samuel Mortimer Close. Therefore, it is not considered that the proposal would result in an unacceptable adverse impact on the living conditions of these properties.
- 8.33 There would be a large separation distance and mature trees separating the application site from the host dwelling at Kingfishers. Therefore, the proposal would not result in a significant adverse effect on the host dwelling.
- 8.34 The development proposal is therefore considered to accord with the requirements of the Design Guidance and would not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers or future residents, in accordance with Policy DSP3.

g) Highways Impacts

- 8.35 Hampshire County Council as Highway Authority has reviewed the application in terms of the creation of the access onto Fishers Hill and raise no objection to the proposal.
- 8.36 Each dwelling provides adequate parking to comply with the Residential Car Parking Standards SPD. A condition will be imposed to ensure that Electric Vehicle charging points and secure cycle provision is created prior to the occupation of the development.

h) Impact on Habitat Sites

- 8.37 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 the designated sites, sites of nature conservation value, protected and propriety species populations and associated habitats are protected and where appropriate enhanced.
- 8.38 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10% 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.
- 8.39 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 'Habitat Sites' (HS).
- 8.40 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 Habitat 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 HS. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.41 To fulfil the requirements under the Habitats Regulations, an AA has been carried out in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of the protects sites

subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.

- 8.42 The first likely significant effect on HS relates to deterioration in the water environment through increased nutrients (particularly nitrates) entering The Solent. Natural England has highlighted that there is existing evidence of high levels of nutrients 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 HS.
- 8.43 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise Local Planning Authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.44 A nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (March 2022) which confirms that the development will generate 2.39kg TN/year. In the absence of sufficient evidence to support bespoke occupancy rate, the Council accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for purposes of the nitrogen budget is considered to be urban as there is an existing building on the site. Due to the uncertainty of the effect of nitrates from the development on the HS, adopting a precautionary approach, and having regard to the NE advice, Officers will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.45 The applicant has purchased 2.39 kgTN/yr of nitrate mitigation 'credits' from Whitewool Farm. This has been secured through the operation of a legal agreement between Whitewool Farm, South Downs National Park Authority and Fareham Borough Council dated 3rd November 2021. The purchase of credits will result in a corresponding parcel of agricultural land Whitewool Farm 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 the Building Regulations Optional Requirement of 110 litres of water per person per day is complied with, in order to accord with the nitrates loading calculation and the Appropriate Assessment.

- 8.46 In addition to water quality impacts, air quality impacts are also a factor that needs consideration. The Council's Air Quality Habitats Regulations Assessment for the emerging Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the emerging Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.
- 8.47 The second likely significant effects on HS, relates to disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.48 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 applicant has made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects on the Solent SPAs.
- 8.49 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).
- 8.50 The Council has produced an Interim Mitigation Solution to address this newly identified likely significant effect of development in Fareham within the ZOI. The Interim Mitigation Solution was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this contribution, which has been secured by an agreement pursuant to Section 111 of the Local Government Act 1972.
- 8.51 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS

either alone or in combination with other plans or projects. The difference between the nitrates credits secured and the output will result in a small annual net reduction of nitrogen entering The Solent.

8.52 Natural England was consulted on the Council's Appropriate Assessment in June 2022 and raised no objection in respect of recreational disturbance on The Solent SPAs, New Forest SPA, SAC and Ramsar Site or on water of air quality implications. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan.

i) Ecology

8.53 The application site, although adjacent to the urban area, is part of a habitat complex that stretches into the countryside. The Meon Valley Meadows and Woodland Site of Interest for Nature Conservation (SINC) is approximately 210m away and the site could shelter species that use the SINC. Due to the fact that this application will mean the loss of 0.25ha of improved grassland a Defra Metric Version 3.0 was submitted to demonstrate in a measurable way that the proposals would not result in a net loss in biodiversity. The calculation concluded that there was a net loss of biodiversity however, the applicant has suggested offsite habitat creation to offset this loss.

8.54 The Council's Ecologist has reviewed the updated ecology report which states that an offsite area will be enhanced through the installation of hibernacula, better management and patch seeding. The management of this parcel of land for 20 years would need to be secured via a S106 agreement. Based on the information provided, the Ecologist is satisfied that the impacts as a result of the proposals, will be offset and therefore raises no concerns with the development. A Condition will also be imposed ensuring that the development is carried out in accordance with the submitted Preliminary Ecological Appraisal Report.

j) Trees

8.55 There are a number of trees on the site covered by individual tree preservation orders, and due to the location of the site within the Titchfield Abbey Conservation Area, all trees over a certain size are protected. No significant trees will be removed from the site to accommodate the development. Further, those trees worthy of individual protection are proposed to be retained, and protected during the course of the development. Additional landscaping around the properties will enhance the setting of the site and allow integration with the adjacent urban area in Catisfield.

8.56 The scheme has been considered by the Council's Principal Tree Officer, who required amendments to ensure the development would be sited a sufficient distance from the protected trees to ensure no future pressure for their removal. The Council's Tree Officer subsequently raised no objection to the proposal.

k) Other Matters

8.57 **Construction Disturbance-** Any development is likely to result in a minor level of disturbance and disruption to the local area during the course of the construction period. The application would be subject to a condition requiring the submission of a Construction Management Plan in order to ensure that any impact is minimised. Further, the disturbance would only be for a limited period time, during the construction period.

8.58 **No soil investigations submitted-** This is not a local validation requirement and therefore is not required in order to determine the application.

l) The Planning Balance

8.59 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determining 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'.

8.60 As set out earlier in the report, paragraph 11(d) of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

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

8.61 An Appropriate Assessment has been undertaken and concluded that the proposal would not adversely affect the integrity of protected Habitat Sites. There is therefore no clear reason to refuse the application on these grounds. Whilst the Council can demonstrate a 5YHLS, having regard to the results of

the Housing Delivery Test as mentioned above, the application should be determined in accordance with paragraph 11(d)(ii) applying the presumption in favour of sustainable development.

- 8.62 This approach detailed within the preceding paragraph has become known as the 'titled balance' in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.63 The site is located outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies.
- 8.64 However, the development would not harm the landscape character and appearance and function of the countryside and would not adversely affect the integrity of the Strategic Gap.
- 8.65 In weighing up the material considerations and the conflict between policies, it is concluded that the proposal is considered to be sustainably located with good access to local services and facilities. The layout of the development is considered to be acceptable and as the development is on previously developed land within close proximity to the urban area it is considered to be well integrated and characteristic of the surrounding area, preserving and preserving the character and appearance of the Conservation Area.
- 8.66 There are no outstanding amenity and environmental issues which cannot be otherwise addressed through planning conditions. There would also not be an unacceptable impact on highway safety.
- 8.67 In balancing the objectives of adopted policy which seeks to restrict development within the countryside along with the shortage of housing supply, it is acknowledged that the proposal could deliver the 3 dwellings in the short term. Whilst only a modest contribution, the proposed scheme would still make a contribution towards boosting the Borough's housing supply, and is a material consideration in favour of the proposal.
- 8.68 A detailed assessment of proposals through this report against the NPPF and applying the 'titled balance' to those assessments, it is considered 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 significant and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.

8.69 Therefore, the tilted balance points towards granting approval in any event.

8.70 Having carefully considered all material planning matters and assessing the proposal against the development plan and the tilted balance, it is considered that the proposal is acceptable.

Conclusion

8.71 Notwithstanding the representations received, it is therefore considered that the proposal would be acceptable and would be in accordance with the Fareham Borough Core Strategy and the Fareham Local Plan Part 2: Development Sites and Policies.

9.0 Recommendation

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

- The provision and management of the offsite area of land to ensure that the development will not result in a net loss of biodiversity

And then,

9.2 GRANT PLANNING PERMISSION, subject to conditions;

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

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

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

- a) Location and Block Plan 6036-WLA-SM-XX-DR-A-0002
- b) Site Plan 6036-WLA-SM-XX-DR-A-0003 Rev G
- c) Plot 1 Elevations 6036-WLA-H1-XX-DR-A-2212 Rev B

- d) Plot 2 Elevations 6036-WLA-H2-XX-DR-A-2112 Rev B
 - e) Plot 3 Elevations Sheet 1 of 2 6036-WLA-H3-XX-DR-A-2312
 - f) Plot 3 Elevations Sheet 2 of 2 6036-WLA-H3-XX-DR-A-2313
 - g) Plot 1 Floorplans 6036-WLA-H1-XX-DR-A-2211 Rev B
 - h) Plot 2 Floorplans 6036-WLA-H2-XX-DR-A-2111 Rev B
 - i) Plot 3 Floorplans 6036-WLA-H3-XX-DR-A-2311 Rev A
 - j) Garage Plans and Elevations 6036-WLA-ZZ-XX-DR-A-0111 Rev A
 - k) Carport Proposals 6036-WLA-CP-XX-DR-A-0115 Rev A
 - l) Design Statement- July 2021
 - m) Planning Statement- July 2021
 - n) Historic Environment Desk-Based Assessment 18 Aug 21
 - o) Preliminary Ecological Assessment 4th November 2021
 - p) Biodiversity Metric 3.0
 - q) BS5837 Survey Kingfisher
 - r) Kingfisher BS 5837 2012 Arboricultural Report V2
- REASON: To avoid any doubt over what has been permitted.

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

4. 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 Fishers Hill and Catisfield Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

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

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

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

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

REASON: In the interests of highway safety.

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

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

7. None of the development hereby approved shall be occupied until details of the proposed bin storage areas [including bin collection points if necessary] have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin storage or collection at all times.

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

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

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.

9. No development shall commence until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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. 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.

10. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

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

11. The landscaping scheme, submitted under Condition 10 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are

removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

12. The first-floor window proposed to be inserted into the southern elevation of Plot One of the approved development shall be:

- a) Obscure-glazed; and
- b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

13. The development hereby permitted shall proceed in accordance with the measures detailed in Section 6.0 'MITIGATION & RECOMMENDATIONS' of the submitted Preliminary Ecological Appraisal Report by Ecosupport (November 2021). There shall be no deviation from the approved details unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure the safeguard of protected species and a net gain in biodiversity.

14. The development hereby permitted shall not proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided 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: 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.

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.

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

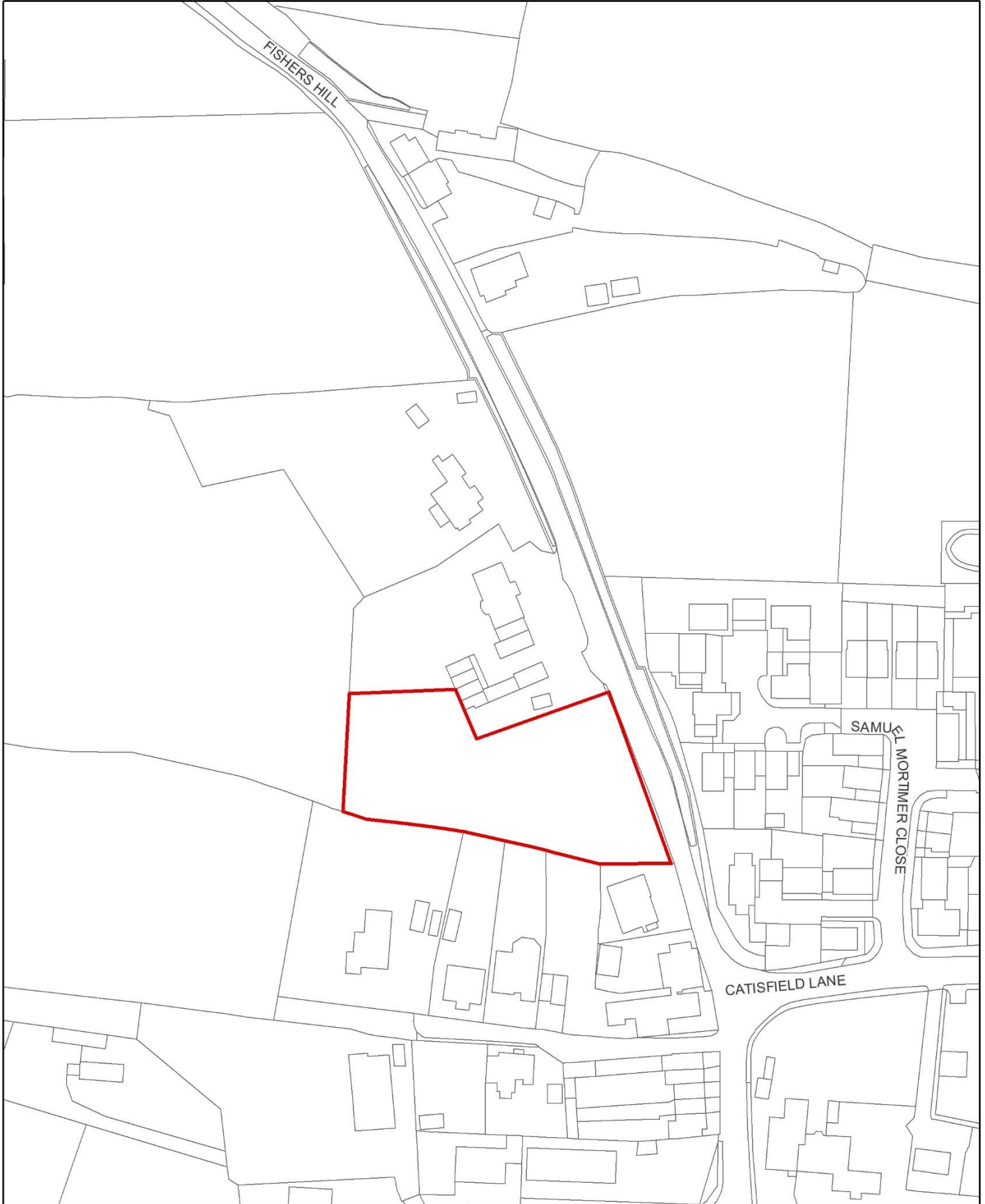
REASON: In the interests of preserving water quality and resources.

10.0 *Background Papers*

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Kingfishers, Fishers Hill
Fareham
Scale 1:1,250



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