

OFFICER REPORT FOR COMMITTEE

DATE: 09/11/2022

**P/22/0608/FP
LANDWISE LTD**

**SARISBURY
AGENT: WESSEX PLANNING LTD**

**DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF FOUR
DETACHED 4-BED DWELLINGS**

**SWEETHILL FARM, 260 BOTLEY ROAD, BURRIDGE, SOUTHAMPTON, SO31
1BL**

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 The application is reported to the Planning Committee for determination due to the number of third party letters of objection received.

2.0 Site Description

- 2.1 The application site lies to the east side of Botley Road just to the north of the junction with Caigers Green. The site is surrounded on all sides by residential development.
- 2.2 The site is currently occupied by a large 6-bed detached bungalow with a 2-bed annexe and a detached garage.
- 2.3 The existing vehicular access to the site is positioned to the south of the plot and extends along the southern boundary.
- 2.4 The eastern site boundary abuts the residential cul-de-sac of Caigers Green. There is a narrow strip of grass that lies between the boundary fence on the eastern boundary and the highway serving Caigers Green.

3.0 Description of Proposal

- 3.1 Planning permission is sought for the demolition of the existing dwelling and the erection of four detached two storey 4-bed dwellings.
- 3.2 The dwellings would be arranged with two fronting Botley Road and two positioned to the rear of the plot. The dwellings would share a single vehicular access from Botley Road centrally positioned on the site frontage.

- 3.3 The dwellings would be traditionally designed with brick and timber clad elevations.
- 3.4 Each of the dwellings would have a detached double car port (Plots 1 & 2) or a single car port/garage (Plot 3 & 4) and a minimum of three car parking spaces.
- 3.5 A bin collection point is shown adjacent to Botley Road. Secure cycle parking would be provided on plot.
- 3.6 The houses would comply with the Nationally Described Minimum Space Standards.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2:	Housing Provision
CS4:	Green Infrastructure, Biodiversity and Geological Conservation
CS5:	Transport Strategy and Infrastructure
CS6:	The Development Strategy
CS14:	Development Outside Settlements
CS15:	Sustainable Development and Climate Change
CS17:	High Quality Design
CS20:	Infrastructure and Development Contributions

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

Fareham Local Plan 2037 (Emerging)

The Fareham Borough Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of modifications to the Plan. The proposed modifications will be the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the

Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

DS1:	Development in the Countryside
H1:	Housing Provision
HP1:	New Residential Development
HP2:	New Small Scale Residential Development Outside the Urban Areas
HP4:	Five-Year Housing Land Supply
NE1:	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2:	Biodiversity Net Gain
NE3:	Recreational Disturbance on the Solent Special Protection Area (SPA's)
NE4:	Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent
NE6:	Trees, Woodland & Hedgerows
NE9:	Green Infrastructure
TIN1:	Sustainable Transport
TIN2:	Highway Safety & Road Network
TIN4:	Infrastructure Delivery
CC1:	Climate Change
D1:	High Quality Design & Placemaking
D2:	Ensuring Good Environmental Conditions
D4:	Water Quality & Resources
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 The following planning history is relevant:

P/06/0967/FP	Demolition of Existing Dwelling & Outbuildings and Erection of Five Dwellings, Access & Landscaping Refused 15 September 2006
Q/1867/21	Pre-application enquiry - Proposed erection of four two-bedroom flats, one four-bedroom detached house with detached carport garage and one five-bedroom detached dwelling

6.0 Representations

6.1 Seven representations have been received (from different addresses) raising the following concerns:

Principle of Development

- Previous reasons for refusal not adequately addressed
- Is there a limit on how much in-fill development will be permitted in the local area?

Character/appearance

- Two dwellings would be in keeping with the character of the area
- Out of character with development at Caigers Green which is characterised by large houses in spacious gardens with good separation between neighbours
- Overdevelopment
- The submitted grain plan shows the plots are significantly smaller than in the surrounding area
- The appearance of the dwellings differs to those on Caigers Green
- Plots sizes have not been altered since pre-app despite a view being given that the plot sizes were too small and the proposal represented overdevelopment of the site

Highways

- Detrimental to highway/pedestrian safety by virtue of increased number of movements on drive, visibility and proximity to Caigers Green junction
- Insufficient car parking
- Potential reversing on to Botley Road
- Traffic calming measures required on Botley Road
- Access from Caigers Green should be considered

Impact to Neighbours

- Noise and pollution from vehicles at rear of the site
- Overlooking of rear garden
- Overshadowing and overbearing impact on adjacent garden which is at a lower level

Other Matters

- Further information required in terms of sustainability of development

- Bin collection point is not of sufficient size to accommodate all the bins
- Potential ground contamination
- Further investigation required of well and ground water conditions
- Well should be retained as a feature of the development
- Surface drainage proposals including a soakaway will not be adequate and will result in surface water flooding
- Likely loss of trees
- Impact on services along Botley Road
- Further details of nitrate/phosphate mitigation required
- Repairs required to boundary fence
- Development just for profit

One letter of support has also been received

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 The proposed site plan shows the access to be suitably wide enough (5.0 metres) to accommodate the passing of two vehicles if they were to meet at the access or on the access road. Visibility splays are shown to be commensurate with the design speed of the adjacent Botley Road and can be seen to be within either land controlled by the applicant or land with highway rights over.
- 7.2 Confirmation on the location of the bin storage areas and collection points has been confirmed. Residents of plots 3 and 4 would be required to carry waste more than 30 metres to the collection point which is not in keeping with the standards set within Manual for Streets (MfS).
- 7.3 The Highway Authority would raise no objection to the proposed development.

Natural England

- 7.4 Comments awaited.

INTERNAL

Ecology

- 7.5 A mitigation license is required from Natural England where works will have impacts on European protected species (EPS) that would otherwise be illegal, permission can be granted unless:

- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
- is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.

- 7.6 The proposed development would affect bats and their roosts. If avoidance measures are not taken, then the proposed demolition work has the potential to kill / injure individual bats. The application is supported by a Bat Mitigation Strategy by Ecosupport (October 2021). The survey work identified that the existing building has high potential for bats and the subsequent dusk and dawn surveys in August and September 2021 identified six day roosts belonging to common pipistrelle bats. The Bat Mitigation strategy includes an assessment of the impacts to bats and the measures to ensure that any impacts to bats are avoided or compensated for.
- 7.7 An EPS licence can only be granted if the development proposal is able to meet three tests:
1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';(Regulation 53(2)(e))
 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).
- 7.8 It is for you as the case officer to assess the proposals against the first two tests. In order to assess the development against the third test, sufficient details must be available to show how killing / injury of bats will be avoided and how the loss of the roosts will be compensated. In this case, a strategy is provided that includes methods to be followed during the development to ensure bats are not killed or injured, together with new roosting opportunities to be provided on the new houses in the form of bat bricks. I would support all these measures and, on the basis of the information currently available, and if you are satisfied that the first two tests can be met, I am confident that the development is not unlikely to be licensed.
- 7.9 The proposals will result in the loss of some trees and a large area of amenity grassland. Whilst these habitats are of low ecological value, there will be an overall net loss in biodiversity and therefore the proposals will be contrary to the NPPF. It should be noted that provision of bird boxes will not be sufficient to compensate for loss of habitat on site, let alone result in a net gain in biodiversity. Therefore, I request further information is submitted to demonstrate how the loss of biodiversity on site will be compensated as the

submitted Proposed Site Layout has made no provisions for habitat creation on site.

Tree Officer

- 7.10 Provided the recommendations of tree report (Arbelite Tree Care, April 2022) are implemented and the construction methods, as detailed within the arboricultural method statement, are followed when working near retained trees, then the impact is considered to be minimal and acceptable.

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) Site History
- b) Implication of Fareham's current 5-year housing supply position (5YHLS)
- c) Residential development in the countryside
- d) Policy DSP 40
- e) Impact on Habitat Sites
- f) The Planning Balance

a) Site History

- 8.2 Planning permission was refused in 2006 for the demolition of the existing dwelling and outbuilding and the erection of five dwellings (reference P/06/0967/FP). The site layout featured two dwellings on the site frontage (Plots 1 & 2) with independent driveways directly on to Botley Road. Plot 3 would have been positioned to the rear of Plots 1 & 2 at a 90 degree angle with a rear garden extending to the north and Plots 4 & 5 would have been at the rear of the site. Plot 3-5 would have utilised the existing access extending along the southern boundary. Planning permission was refused for the following reasons;

“The proposed development would be contrary to policies DG3(B), DG5(B, C and D) and T6 of the Fareham Borough Local Plan Review and is unacceptable in that:

i) The layout, including size of gardens and space about the proposed five dwellings, would be in marked contrast to the more spacious character of adjoining development such that the character of the surroundings would be unacceptably harmed, and,

ii) The dwelling proposed on Plot 3 would overlook and cause an unacceptable loss of privacy to the grounds of the adjoining development to the north of the application site, and,

iii) The form of layout would create an unacceptable number of new vehicular accesses onto the heavily trafficated B3051 Botley Road in close proximity to each other, which in the absence of adequate turning facilities within the site is likely to create highway danger arising from vehicles reversing into or off the highway. Furthermore at the south western corner of the site there would be inadequate pedestrian/vehicular intervisibility”.

- 8.3 A pre-application enquiry was submitted by the applicant in December 2021. The pre-application enquiry was for the erection of four two-bedroom flats contained within an apartment block on the Botley Road frontage and two detached dwellings at the rear of the site.

The response from Officers raised concerns that the proposal had not been sensitively designed to reflect the character of the neighbouring settlement due to the height, scale and massing of the apartment block and the limited plot sizes provided for both the apartments and the dwellings. It was therefore advised that in Officer's opinion the proposal would fail to satisfy DSP40(iii) of the adopted Local Plan.

The applicant was advised that a single dwelling on the frontage and one at the rear, ideally with access from Caigers Green, would be viewed more favourably. No view was given as to whether a proposal for four dwellings in the arrangement now proposed would likely be supported or not.

Members will appreciate that advice offered at the pre-application stage is not a formal determination and any views offered at that time do not prejudice the determination of any planning application subsequently received. The application presented is substantially different to the scheme submitted for pre-application advice.

b) Implication of Fareham's current 5-year housing supply position (5YHLS)

- 8.4 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 set out this Council's local housing need along with the Council's current housing land supply position. The report concluded that the Council had 5.01 years of housing supply against its five year housing land supply (5YHLS) requirement.
- 8.5 Following the publication of that position the Council's housing supply was

considered during several recent appeals held during August and October into proposed residential development at Land east of Cartwright Drive, Land east of North Wallington and Land east of Newgate Lane. At those appeals it was put to the Council that the evidence available suggested that several housing sites identified in the Council's supply as having outline planning permission would deliver fewer dwellings now reserved matters submission had been made. For example, the reserved matters application for Land adjacent to 125 Greenaway Lane (ref. P/21/1780/RM) proposed 80 dwellings rather than the 100 dwellings for which outline planning permission was given (a nett reduction of 20 homes from the Council's housing supply). In evidence it was also identified that, for a small number of other sites, the number of dwellings being delivered would be less than previously stated. At the appeals the Council accepted that the evidence on this matter was clear and that the resultant reduction in the five year housing land supply meant that the position stood at 4.88 years. At the time of writing this report, officers remain of the view that 4.88 years is correct and that the council does not have a five year supply of housing.

- 8.6 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".

- 8.7 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).
- 8.8 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.
- 8.9 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.

- 8.10 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."*

- 8.11 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."

- 8.12 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."

- 8.13 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. Even if it was the case that the Council could demonstrate a five year housing land supply, the Housing Delivery Test results published on 14th January 2022 confirmed that 62% of the Council's housing requirement had been delivered. This means the delivery of housing in the last three years (2018 to 2021) was substantially below (less than 75% of) the housing requirement over the previous three years. Again, 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.

- 8.14 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.
- 8.15 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.

c) Residential development in the countryside

- 8.16 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.
- 8.17 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.”

- 8.18 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non-residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage.
- 8.19 Policy DSP6 is permissive of frontage in-fill within the countryside 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.*
- 8.20 Officers are of the view that in isolation the two proposed dwellings on the Botley Road frontage would be considered to constitute frontage in-fill in accordance with Policy DSP6. The two dwellings proposed at the rear of the plot on Plots 3 & 4 would occupy a backland position and are therefore not strictly compliant with Policy DSP6(c) however they would sit comfortably with the building line extending along the western side of Caigers Green and would not be positioned within an isolated location to the rear of a built-up frontage. Arguably, if access was provided from Caigers Green the dwellings may be considered frontage in-fill within Caigers Green itself.
- 8.21 The progress of the emerging Local Plan is considered to be sufficiently advanced for it to carry some weight in the consideration of planning applications.
- 8.22 Policy HP2 of the Emerging Fareham Local Plan 2037 relates to new small scale housing development outside of the urban area boundary. This policy is being introduced as it is recognised that small housing development sites can make a significant contribution to the supply of new dwellings within the Borough, helping the Council to meet its housing need requirement. Small sites help to support small and medium sized house builders and those seeking self-

build plots. Most small sites have historically been delivered within existing urban settlements, often as a result of developing large single house plots or as amalgamations of smaller plots. However small site delivery has been declining over recent years as opportunities within existing urban settlements reduce. The supporting text to the policy sets out that in order to maintain a suitable supply of small sites, the Council considers that, with careful design, there is scope to appropriately deliver small sites within or adjacent to existing sustainably located housing settlements within the Borough. Policy HP2 states;

“New small-scale housing development outside the Urban Area boundary, as shown on the Policies map, will be permitted where:

- 1) The site is within or adjacent to existing areas of housing; or*
- 2) The site is well related to the settlement boundary; and*
- 3) The site is within reasonable walking distance to a good bus service route or a train station as well as safe walking and cycling routes that connect to a local, district or town centre; and*
- 4) It comprises development that does not adversely affect the predominant development form of the area, taking particular account of:*
 - a. building line and scale of adjacent dwellings;*
 - b. plot size and proportion,*
 - c. site coverage/ratio,*
 - d. space between dwellings,*
 - e. landscape and views through to countryside beyond; and*
- 5) It comprises development:*
 - a. Of not more than 4 units; and*
 - b. Where the design and external appearance of each dwelling is demonstrably different, unless a terrace or semi-detached form is appropriate; and*
 - c. That does not extend the settlement frontage.”*

- 8.23 The application site is not only located adjacent to an existing area of housing but it would be surrounded and enclosed by existing residential development. The site lies approximately 80 metres north of a site being developed for seven dwellings at 246 Botley Road and there are clearly locational similarities between the two sites. In an appeal relating to housing development on that site determined in 2019 the Planning Inspector noted that:

“...The site would be well related to the adjoining settlement boundary of Whiteley and would be well integrated to this and surrounding built

areas by footways in such a way that future occupiers of the development would not be wholly dependent on the private vehicle to access services and facilities.” (reference P/18/0347/OA; APP/A1720/W/19/3221884, paragraph 26).

- 8.24 It is not considered that the proposal would adversely affect the predominant development form of the area taking into account the proposed layout, the scale of the dwellings and the plot sizes. Whilst the design of the four dwellings is a mirror image of one another at the front and the rear it is not considered that this would be in an inappropriate approach to design in the context of the surrounding area. Caigers Green comprises a number of common house types and there are other small scale developments within Burrige where dwellings are not all individually designed. The proposal would not extend the settlement frontage and the proposed dwellings on Plots 1 & 2 would sit within a continuously built-up frontage.
- 8.25 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to adopted Policies CS2, CS6, and CS14 of the adopted Core Strategy. Although it is considered that the two frontage properties could be considered to constitute frontage in-fill, the inclusion of backland development within the proposal would not strictly comply with Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan. It is however considered that the proposal would be largely compliant with Policy HP2 of the emerging Fareham Borough Local Plan 2037, with the exception of the dwellings not being individually designed, and that some weight should be attributed to this policy.

d) Policy DSP 40 (Housing Allocations)

- 8.26 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.
- 8.27 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.*

Each of these five bullet points are considered further below.

POLICY DSP40 (i)

- 8.28 The proposal is for demolition of the existing dwelling and the erection of four dwellings resulting in a net gain of three dwellings. The proposal is considered to be relative in scale to the demonstrated 5-year housing land supply shortfall and would therefore accord with part (i) of Policy DSP40.

POLICY DSP40 (ii)

- 8.29 It is acknowledged that the site is located beyond the settlement boundary and the proposal is therefore contrary to policies which aim to prioritise new housing within the urban area. The nearest settlement boundary of Whiteley lies approx. 100m to the east. The application site is surrounded by existing residential development within BurrIDGE which has a distinctly sub-urban character and it is considered the proposed development would integrate well with this existing development.
- 8.30 As already set out above, the Planning Inspector determining the appeal at 246 Botley Road, a short distance to the south, considered the proposal to be sustainably located in that future occupiers would not be wholly dependent on the use of a car to access services and facilities. Given the proximity of that site Officers consider the same conclusions should be reached with regards the current application.
- 8.31 It is considered that the application site is sustainably located and that the proposed development can be well integrated with existing development. Nonetheless as the site is not immediately adjacent to the urban settlement boundary there is some conflict with Policy DSP40(ii).

POLICY DSP40 (iii)

- 8.32 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”.

- 8.33 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 published draft Fareham Local Plan 2037) identifies that the site lies within the BurrIDGE/Swanwick/Whiteley character area (LCA13) and is characterised as ‘Urban: Low Density Fringe/Ribbon Development’. As a whole this area is considered to be of relatively low sensitivity to development as it is essentially an ‘urban settlement’ rather than an area of countryside although it is considered important to prevent the coalescence of Swanwick and BurrIDGE with Whiteley. The Assessment concludes there to be no landscape designations affecting this area and it is therefore considered of low value as a landscape resource. It is further noted that built development is the dominant characteristic of this area and further infill development would not be out of place in this suburban environment but that any new development would need to respond to the existing settlement pattern and retain mature trees/woodland and areas of public open space.
- 8.34 The adjacent development of Caigers Green was built in circa 2005 and consisted of twenty-five traditionally designed executive style homes set on well-proportioned plots. The dwellings vary in design with numerous standard house types visible and a single palette of materials including red brick, plain clay tiles, tile hanging, and flint stone detailing. Whilst the development of Caigers Green extends to the rear of the application site two pairs of dwellings were also built on the Botley Road frontage to the south of the access road and to the north of the application site. The dwellings on the opposite side of Botley road are older and more varied in design and occupy narrower plots.
- 8.35 The proposed dwellings are large detached traditionally designed two storey properties which in Officers opinion would be fitting with the overall character of the area. Whilst the footprints of the proposed dwellings would be smaller than those on Caigers Green and the density of development proposed would be higher than on Caigers Green, the development is considered to be sympathetically laid out within the context of the wider area. The frontages of the dwellings fronting Botley Road would be spacious with ample space for landscaping as is typical along Botley Road. The dwellings would not appear cramped on the plots and there would be an appropriate level of separation between the buildings. The proposal would increase the density of development on the application site but it would not represent development of a greenfield site and would not extend development into an un-built up area. The proposal would make more efficient use of the residential curtilage of an existing dwelling which would be surrounded by existing development. Overall

it is considered that the development proposal is sensitively designed to minimise any wider adverse impacts on the countryside in this location. The proposed development therefore accords with Part (iii) of Policy DSP40.

POLICY DSP40 (iv)

- 8.36 In terms of delivery, the development is relatively small in scale and therefore deliverable within a short period of time. A reduced implementation period for the commencement of development of 18 months would be imposed by planning condition. The proposal would therefore be in accordance with part iv of policy DSP40.

POLICY DSP40 (v)

- 8.37 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:

On-site Ecology

- 8.38 The application is supported by a phase 1 ecological survey to assess the habitats present on site and the likely presence of protected species. It was identified that the site currently provides suitable habitat for commuting and foraging bats, nesting birds, hedgehogs and badgers. Due to intensive management, it was not considered the improved grassland has potential to support reptiles. The report includes recommendations and avoidance measures to be implemented during the development of the site. The buildings on site were classified as having potential to support roosting bats and therefore further Phase II surveys have also been carried out.
- 8.39 Due to the presence of bat roosts any works to the existing building that will result in damage or disturbance to the roosts (i.e. the demolition of the building) would constitute an offence under the Conservation of Habitats & Species Regulations (2019). A mitigation license is required from Natural England where works will have impacts on European protected species (EPS) that would otherwise be illegal, permission can be granted unless:
- the development is likely to result in a breach of the EU Directive underpinning the Habitats Regulations, and
 - is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.
- 8.40 The submitted Bat Mitigation strategy includes an assessment of the impacts to bats and the measures to ensure that any impacts to bats are avoided or compensated for. If the development is undertaken in accordance with the

recommendations set out within this report then it is not considered that the development would result in a breach of the EU directive.

- 8.41 An EPS licence can only be granted by NE if the development proposal is able to meet three tests:
1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment';(Regulation 53(2)(e))
 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and
 3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).
- 8.42 The County ecologist has concluded that, on the basis of the information currently available, provided the first two derogation tests can be met, the development is not unlikely to be licensed by Natural England. Officers consider that the socio-economic benefit of improving and increasing the Borough's housing stock meets the first of these tests. The current homeowner advises that the existing building is in a poor state of repair and requires significant works to the roof to prevent leakage and has a widespread issue with rising damp. It would require significant financial input to restore it which is not considered to be financially viable given its age and outdated appearance. Furthermore the works required to repair the roof would be likely to disturb the existing roosts in any event so this would not be a satisfactory alternative. The existing dwelling has a large plot and this represents an inefficient use of the site. It is considered there would be 'no satisfactory alternative' but to demolish the existing dwelling as part of the proposal to redevelop the site thereby meeting the second of the derogation tests. Taking into account the mitigation measures set out in the Bat Mitigation Strategy, the proposed development would not be detrimental to the maintenance of the population of the species thereby satisfying the third of the above tests.
- 8.43 The Councils ecologist initially raised concerns that the proposal would result in the loss of some trees and a large area of amenity grassland resulting in a net loss of biodiversity. Para 174 of the NPPF states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes and minimising impacts on and providing net gains for biodiversity. Policy DSP13 (Nature Conservation) of the local plan states that development may be permitted where it can be demonstrated that protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced.

- 8.44 A Biodiversity Enhancement and Mitigation Plan (BEMP) has subsequently been submitted which includes for the installation of four bat boxes and a bat brick and swift brick within each dwelling. In order to compensate for the loss of garden habitat on site a new native hedgerow would be planted measuring approx. 150m in length and extending around the boundaries of the site. The areas of grassland at the entrance to the site between Botley road and the car ports and alongside the proposed access would be sown with wildflower mix to create a wildflower area. Further enhancements include hedgehog houses and highways and a log pile for insects. It has been confirmed that the BEMP addresses the concerns of the Council's ecologist and the implementation of the proposed enhancement measures would be secured by planning condition.

Trees

- 8.45 The trees on site are not protected by a tree preservation order (TPO) and are not deemed to be of a quality that warrants that level of protection. Nonetheless it is proposed to retain the Oak tree on the site frontage which has value within the street scene and is a constraint on development. The proposed hardsurfacing within the RPA of this tree would be undertaken in a sensitive manner adopting a no-dig approach to the construction of the drive and the car port to Plot 1 would be constructed using pile and beam foundations.
- 8.46 The proposal would result in the removal of a number of smaller trees along the northern boundary which are not considered to make a significant contribution to visual amenity.
- 8.47 The Council's Tree Officer has raised no objections to the proposed development subject to a planning condition requiring the works to be undertaken in accordance with the submitted arboricultural method statement.

Amenity

- 8.48 Officers have assessed the impact the proposal would have on the living conditions of neighbouring properties. The dwelling on Plot 1 would face the Botley Road frontage close to the northern boundary. It would sit in excess of 9m from the flank wall of the adjacent neighbouring property to the north (No.262 Botley Road). There are a number of secondary or non-habitable room windows within this elevation. It is not considered that the proposal would have any unacceptable adverse impact on the living conditions of the occupants of this property in terms of loss of light, outlook or privacy.

- 8.49 The dwelling proposed on Plot 2 would sit to the south of the plot on the Botley Road frontage. There would be no close neighbouring properties aside from Plot 1 to the north.
- 8.50 The proposed dwelling on Plot 3, to the rear of the site, would be positioned to the rear of No.7 Caigers Green and would be set approximately 3.5m off the party boundary. There would be a separation distance in excess of 15m from the rear conservatory of No.7 Caigers Green to the flank wall of the proposed dwelling and approx. 19m from the nearest rear facing first floor window. The Councils adopted Design SPD sets out that a distance of at least 12.5m should be retained between the windows in the rear of neighbouring houses and the wall of a proposed extension (or similarly a dwelling) to minimise the loss of light and outlook. The proposed dwelling on Plot 3 would not span the whole width of the plot of No.7 Caigers Green and would not actually extend significantly behind the dwelling. In light of the position of the proposed dwelling and the level of separation Officers do not consider that the proposed dwelling would have an unacceptable adverse impact in terms of loss of light to the neighbouring property or adjacent garden area. Any views from the first floor rear facing windows of Plot 3 in the direction of No.7 Caigers Green would be oblique and therefore this is a relationship considered acceptable in built up residential areas such as this. The first floor window proposed within the north elevation of Plot 3 would be subject to a planning condition requiring it to be obscure glazed and fixed shut to 1.7m above internal finished floor level to prevent overlooking.
- 8.51 Plot 4 would sit alongside Plot 3 and would share a boundary with the neighbouring property to the south (No.1 Caigers Green). The dwelling on Plot 4 would be orientated with rear windows facing east so again any views over the rear garden of the neighbouring property to the south would be oblique and it is not considered that the proposal would have an unacceptable adverse impact on the living conditions of the occupants of this property in terms of loss of privacy. There is only one secondary bedroom window at first floor level within the north side elevation of the neighbouring property and given the level of separation (approx. 10m) it is not considered that the proposal would have an unacceptable adverse impact in terms of loss of light or outlook.
- 8.52 The proposed dwellings exceed the minimum space standards set out in the Government's Nationally Described Space Standards. Each dwelling would have an ample sized private garden to meet the needs of future occupiers.

Highway & Traffic Implications

- 8.53 During the course of the application the proposal was amended to alter the proposed access arrangements. Originally it was intended that Plot 1 would be served by its own independent access from Botley Road with the other plots utilising the existing point of access. The proposed shared access has subsequently been repositioned centrally on the plot to ensure that adequate visibility can be achieved. The access would be 5m in width adjacent to Botley Road to enable two vehicles to pass within the site entrance and prevent vehicles from waiting on Botley Road. The Highway Authority has raised no objection to the proposal on highway safety grounds.
- 8.54 The proposal makes adequate provision for on-site car parking in accordance with the Council's adopted non-residential car parking standards. Each property would be provided with a minimum of three car parking spaces.
- 8.55 Secure cycle parking would be provided either within garages or within detached outbuildings within the rear gardens and secured by planning condition.
- 8.56 A bin collection point would be provided adjacent to Botley Road with bin storage provided on plot. It is recognised that the residents of Plots 3 & 4 would be required to move the bins a distance greater than 30m to the collection point which exceeds the maximum recommended distance set out within Manual for Streets. This is technical guidance, and it is not considered that the distance for future residents would be excessive or that bins would be likely left at the roadside.

Surface Water Run-off & Drainage

- 8.57 Concerns have been raised that the proposal would exacerbate surface water run-off from the site. A planning condition would be imposed to secure details of the drainage to be installed to all hard surfaced areas to ensure that this matter is fully addressed. The use of permeable surfacing and the retention of boundary vegetation would assist in reducing any run-off.
- 8.58 The current home owner advised that there was a redundant well within the rear garden of the existing dwelling when they moved into the property. This was a remnant from the historic use of the surrounding land as farmland. Whilst it was dry at the time, they retained the well below ground and installed a small ornamental feature above ground level. The well is currently used to collect rainwater from the roof of the dwelling which is then used for watering the garden. The well would be removed as part of the re-development of the site.
- 8.59 The proposal will be required to comply with the Building Regulations in terms of the disposal of rain run-off from the roofs of the dwellings.

- 8.60 In summary it is not considered that the proposal would have any unacceptable environmental, amenity or traffic implications and the proposal fully accords with the requirements of criteria (v) of Policy DSP40.

e) Impact on Habitat Sites

- 8.61 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.
- 8.62 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.
- 8.63 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).
- 8.64 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.
- 8.65 Officers have undertaken an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.

Recreational Disturbance

- 8.66 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).
- 8.67 Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's 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 western side of the Borough of Fareham falls within this 13.km radius, measured on the basis of 'how the crow flies'.
- 8.68 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any 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 financial contribution which has been secured by an agreement under Section 111 of the Local Government Act 1972.

Water Quality (nitrates)

- 8.69 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 HS.
- 8.70 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development will generate 2.39 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be residential urban land as it forms part of the residential curtilage of the existing dwelling. Due to the uncertainty of the effect of the nitrogen from the development on the HS, 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.

- 8.71 The applicant has secured 2.39 kg TN/yr of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm and provided the Council with the completed allocation agreement to confirm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering the Solent marine environment.
- 8.72 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. It is considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan. Natural England has been consulted on the Council's Appropriate Assessment and an update will be provided for Members with their consultation response in advance of the committee meeting.

f) The Planning Balance

- 8.73 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.'

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

- the application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

- 8.75 The approach detailed within the second bullet of 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.
- 8.76 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.
- 8.77 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. In weighing up the material considerations and conflict between policies; the development of land within the countryside weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, the proposal is considered to be in a sustainable location and would integrate well with existing development, the proposed development is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside, it can be delivered in the short term and would not have any unacceptable environmental, traffic or amenity implications. Officers have however found there to be some conflict with the second test at Policy DSP40(ii) since the site is acknowledged to be in a sustainable location but is not adjacent to the existing urban area.
- 8.78 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 nett gain of three dwellings, 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.
- 8.79 Whilst some exceptions for residential development in the countryside are set out within Policy DSP6 the proposal has not been found compliant with this policy as it incorporates backland development. It is considered that the proposal would largely comply with Policy HP2 of the emerging Fareham Local Plan, with the exception of the dwellings not being individually designed, and that some weight should be attributed to this policy.
- 8.80 Furthermore 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 four of the five criteria. Officers consider that the level of harm arising would not be significant and in light of the contribution to housing supply have formed

the view that more weight should be given to this policy such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

- 8.81 As an Appropriate Assessment has been undertaken and concluded that the development would not have an adverse effect on the integrity of the sites, Paragraph 182 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied. Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.
- 8.82 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.
- 8.83 Having carefully considered all material planning matters, and after applying the 'tilted balance', Officers recommend that planning permission should be granted subject to the imposition of appropriate conditions.

9.0 Recommendation

- 9.1 DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising as a result of Natural England's comments regarding the Appropriate Assessment; And then;
- 9.2 **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. LW.21.41.LP
- ii) Proposed Site Plan – drwg No. LW.21.41.01D
- iii) Plots 1 & 2 Proposed Elevations – drwg No. LW.21.41.03E
- iv) Plots 1 & 2 Proposed Elevations – drwg No. LW.21.41.03A
- v) Plots 3 & 4 Proposed Elevations – drwg No. LW.21.41.04C
- vi) Plots 3 & 4 Proposed Elevations – drwg No. LW.21.41.06A
- vii) Proposed Floor Plans Plots 1 & 2 – drwg No. LW.21.41.02B
- viii) Proposed Floor Plans Plots 3 & 4 – drwg No. LW.21.41.05A
- ix) Car Port/Garage Elevations & Plans – drwg No. LW.21.41.CD Rev A
- x) Bat Mitigation Strategy, Ecosupport (5 October 2021)
- xi) Preliminary Ecological Assessment (5 October 2021)
- xii) Biodiversity Enhancement & Mitigation Plan (10 June 2022)
- xiii) Arboricultural Impact Assessment & Tree Survey Schedule (Arb Elite Tree Care, 16 April 2022)

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

3. No development hereby permitted shall proceed beyond damp proof course level until details (including samples where requested by the Local Planning Authority) 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 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 first floor windows proposed to be inserted into the north & south (side) elevations of the dwellings hereby approved shall be obscure-glazed and of a non-opening design and construction to a height of 1.7 metres above internal finished floor level.

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

6. The dwellings 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.

7. No development shall commence until details of the internal finished floor levels of the proposed dwellings in relation to the existing and finished ground levels on the site and the adjacent land 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 safeguard the character and appearance of the area and to assess the impact on nearby residential properties. 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.

8. The dwellings hereby permitted shall not be occupied until the access, including the footway and/or verge crossing have been constructed and lines of sight of 2.4 metres by 43 metres 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 600mm 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.

9. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas 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.

10. The car ports hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so they are available for their designated purpose.

REASON: To ensure adequate car parking provision; in accordance with Policy CS17 of the Fareham Borough Core Strategy.

11. None of the dwellings hereby permitted shall be first occupied until the bicycle storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

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

12. None of the development hereby approved shall be occupied until the bin collection point adjacent to Botley Road as shown on the approved plan (drwg No.01 rev D) has been made available. This area shall be subsequently retained for bin collection at all times.

REASON: To ensure that dwellings can be adequately serviced.

13. No development shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided for each 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.

14. Development shall proceed in accordance with the measures set out in the Bat Mitigation Strategy by Ecosupport (October 2021) unless varied by a European Protected Species (EPS) license issued by Natural England. Thereafter, the replacement bat roost features shall be permanently maintained and retained in accordance with the approved details.

REASON: to ensure the favourable conservation status of bats.

15. Development shall proceed in accordance with the measures detailed in Section 7.0 'Recommendations' of the Preliminary Ecological Appraisal report (Ecosupport, 5 October 2021) and Section 4.0 'Mitigation & Enhancements' of the Biodiversity Enhancement & Mitigation Plan (Ecosupport, 10 June 2022).

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

16. No development shall proceed beyond damp proof course level until a scheme of external lighting designed to minimise impacts on wildlife and habitats has been submitted to and approved in writing by the local planning authority. Prior to the first occupation of the development hereby permitted the approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

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

17. The development shall be carried out in accordance with the Arboricultural Impact Assessment (Arb Elite Tree Care, 16 April 2022) 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.

18. No development shall proceed beyond damp proof course 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.

19. The landscaping scheme, submitted under Condition 18, 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.

20. None of the residential dwellings 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.

21. No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 14 October 2022 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Landwise Ltd.

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

22. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

a) Details of 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 implement to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) Arrangements for the routing of lorries and details for construction traffic access to the site;

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

e) A scheme for the suppression of any dust arising during construction or clearance works;

f) The measures for cleaning Botley Road to ensure it is kept clear of any mud or other debris falling from construction vehicles, and

g) Location of temporary site buildings, compounds, construction material, and plant/chemical storage areas used during demolition and construction;

h) Provision for storage, collection, and disposal of rubbish from the development during construction period;

- i) details of any temporary lighting required for the construction phase;
- j) No burning on-site;

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; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. 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.

23. 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.

24. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority. Prior to the occupation of the dwelling hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

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

Note to applicant

A highway license is required to be obtained from HCC in order to construct the proposed access. More information can be found at the following link:

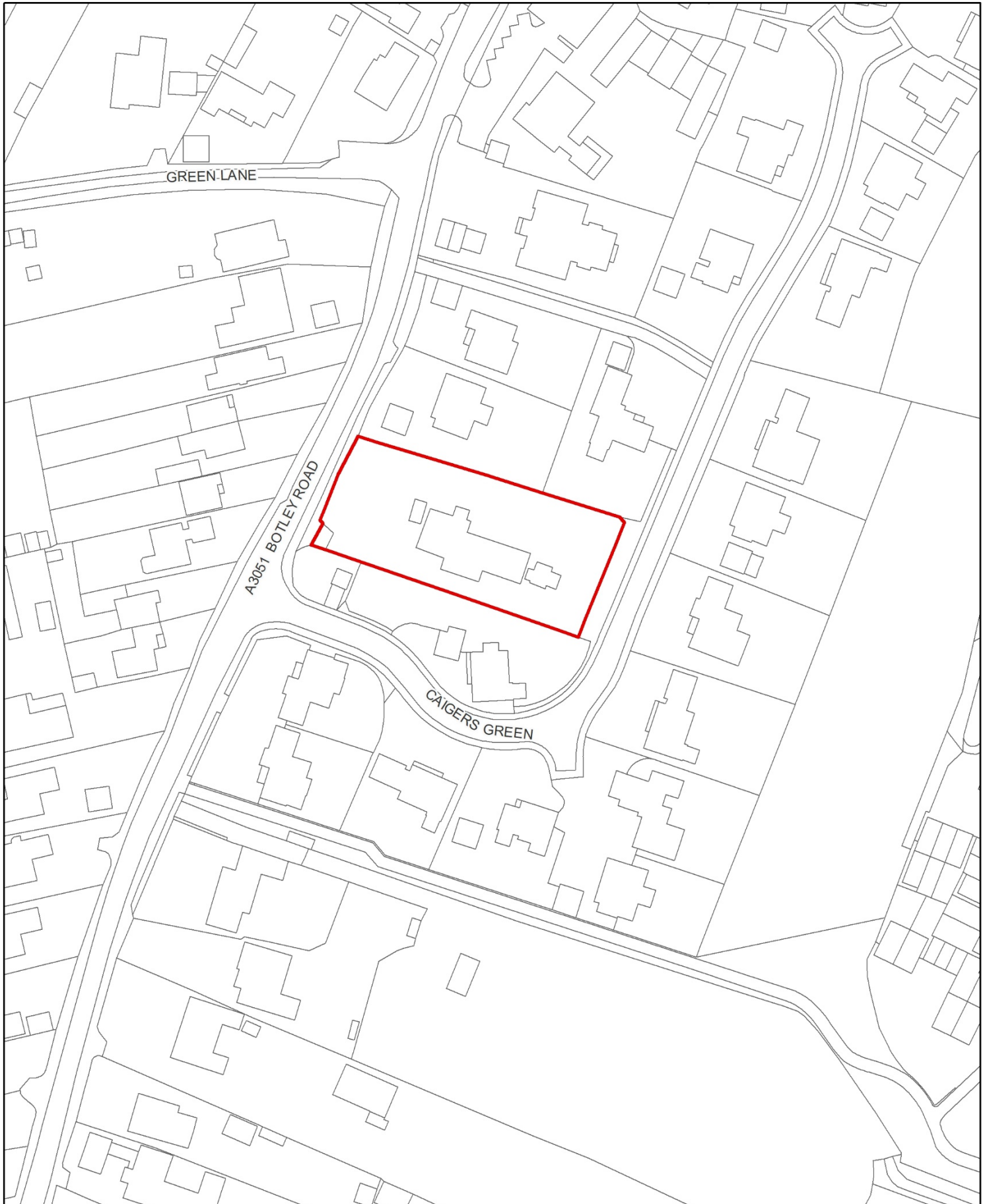
<https://www.hants.gov.uk/transport/parking/droppedkerbs>

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



Sweethill Farm
260 Botley Road, BurrIDGE
Scale 1:1,250



© Crown copyright and database rights 2022 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.