

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 25/01/2023**

**P/22/0630/FP  
MR & MRS BELL**

**SARISBURY  
AGENT: A2 ARCHITECTURE &  
DEVELOPMENT**

**CONSTRUCTION OF DETACHED 3-BED BUNGALOW WITH ATTACHED  
CARPORT**

**LAND TO THE REAR OF 248-250 BOTLEY ROAD, BURRIDGE, 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 outside of the urban settlement boundary to the east side of Botley Road just to the south of the junction with Caigers Green. The application site currently forms part of the residential curtilage of No.248 Botley Road although it actually extends to the rear of No.250 Botley Road.
- 2.2 The site is accessible via a driveway which extends to the north of No.250 Botley Road alongside the public footpath which links Burrridge with Whiteley.
- 2.3 The site has previously been levelled and enclosed by brick walls with fence panel inserts.
- 2.4 Planning permission has been granted on land to the east of the application site at No.246 Botley Road for the construction of seven detached dwellings (P/18/1413/OA & P/21/0561/RM).

#### ***3.0 Description of Proposal***

- 3.1 Planning permission is sought for the erection of a detached 3-bed chalet bungalow.
- 3.2 The dwelling would have a side attached car port to the northern side and two additional car parking spaces on its western side.
- 3.3 A rear garden area measuring 11.5m in depth and 20m in width would extend to the east of the dwelling.

- 3.4 The proposal 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 Plan**

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

##### **Fareham Local Plan 2037 (Emerging)**

The Fareham 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 requested a number of modifications to the Plan. The proposed modifications were the subject of public consultation from 31<sup>st</sup> October until 12<sup>th</sup> December 2022. 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/22/0204/FP	Construction of detached garage outbuilding with room above, associated storage, landscaping, access, increase to rear site levels and construction of boundary wall Permission 14 April 2022
P/21/1596/FP	Detached garage outbuilding with room above, associated storage, landscaping and access Refused 19 November 2021 Appeal dismissed 21 April 2022
P/21/1404/FP	Change of use from paddock to residential garden land and continuation of the boundary wall approved under P/21/0875/FP Permission 17 September 2021
P/21/0875/FP	Front boundary wall/fence, vehicular and pedestrian access with lighting Permission 22 June 2021
P/98/0601/FP	Erection of Bungalow

Refused 27 July 1998

## **6.0 Representations**

6.1 Six representations (including one from the Burridge and Swanwick Residents Association) have been received raising the following concerns;

- The applicants were always intending to follow up the application for a garage with one for a dwelling
- Overdevelopment
- Cramped form of development on small plot
- Not in keeping with the area including development under construction to rear
- Contrary to policy CS17 as would not respond positively or be respectful to the surrounding area
- Design Guide SPD suggests dwellings in backland locations may often need to be single storey
- The dwelling would be higher than the permitted garage
- A planning condition was imposed on the permitted garage restricting first floor windows to prevent overlooking
- The permitted garage was subject to a planning condition stating it should not be used as an independent unit of accommodation and the reason given was that the site was not capable of accommodating this
- Overlooking and loss of privacy
- Loss of light and overshadowing
- Light pollution
- Smells from bins
- Use of access would result in noise & disturbance to neighbouring property
- Insufficient access for emergency services
- Insufficient space for turning
- Inadequate visibility along Botley Road
- Increased number of vehicle movements on access
- Insufficient amenity space
- The motive to develop the land is purely commercial greed
- Right of way to electricity substation not considered and proposal would restrict access
- Land is subject to a restrictive covenant
- Impact on drainage system

## **7.0 Consultations**

EXTERNAL

**Hampshire County Council Highways**

- 7.1 Having reviewed the documentation submitted in support of the planning application it is not considered that the development would have a detrimental impact on highway safety or operation.

### **Natural England**

- 7.2 Your appropriate assessment dated 31 October 2022, concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions.

## **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) The Approach to Decision Making
- c) Residential Development in the Countryside
- d) Impact on Character & Appearance of the Area
- e) Highways
- f) Impact on Living Conditions of Neighbouring Properties
- g) Impact on Habitat Sites
- h) The Planning Balance

### **a) Site History**

- 8.2 Planning permission was refused in July 1998 for the erection of a detached bungalow to the rear of No.248-250 Botley Road on land to the east of the current application site outside of the residential curtilage of the existing frontage dwellings. The reason for refusal states that the proposal was unacceptable in that there was no overriding need for the proposed additional dwelling in an area of countryside and the erection of the dwelling would result in the encroachment into an area of countryside detrimental to the character and appearance of the area. There have been significant changes to national and local plan policy since that time and also the surrounding environment with substantial residential development being carried out within close proximity of the application site at Whiteley and Caigers Green.
- 8.3 A large parcel of land extending immediately to the east of the application site to the rear of Nos 246-250 Botley Road is currently under development (P/18/1413/OA & P/21/0561/RM) for seven large detached two storey dwellings with access provided to the south of No.246 Botley Road. The approved

development will surround the current application site with residential development.

- 8.4 On 17 September 2021 the applicant secured planning permission (P/21/1404/FP) for a change of use of the larger part of the current application site that extends to the rear of No.250 Botley Road from paddock to form part of the residential curtilage of No.248 Botley Road. This land has subsequently been incorporated into the residential curtilage of No.248 by the construction or continuation of boundary walls.
- 8.5 A planning application (P/21/1596/FP) for the construction of a garage outbuilding with a room above was received on 24 September 2021. The garage was shown positioned to the rear of No.250 Botley Road within the north-east corner of the site close to the wall which extends parallel with the public footpath to the north of the application site. This planning application was refused in November 2021 for the following reasons;

*“The proposed development is contrary to Policy DSP3 (Impact on Living Conditions) of the Fareham Borough Local Plan Part 2: Development Sites and Policies 2015, and Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy 2011 and unacceptable in that:*

- i) Its scale and prominent location close to the site boundaries would fail to have regard to the spaciousness of the site, the open character of the surrounding area and adjoining neighbour amenities.*
- ii) The western roof windows will create an unacceptable perception of overlooking to the neighbour to a structure immediately on the boundary.”*

- 8.6 A subsequent appeal was dismissed (P/21/1596/FP) on 21 April 2022. The Planning Inspector commented that:

*“The scale, height and massing of the proposed building is excessive and would have a significant impact on the spaciousness and openness of this part of the appeal site and adjacent public footpath. That impact would be accentuated by the fact that the long gabled element to the proposed building would be sited hard up against the northern boundary of the appeal site with adjacent public footpath. This element of the proposal would be highly visible and prominent to users of the public footpath as would, to a lesser extent, the hipped element, which extends south from the gabled element.”*

8.7 Prior to the determination of the planning appeal the applicant submitted a second revised application (P/22/0204/FP) for the construction of a detached garage with a room above in February 2022. The proposed garage structure was relocated further away from the northern and eastern boundaries by 2 metres to reduce its prominence when viewed from the adjacent footpath. The ridge height was reduced from 6.8m and the roof design was altered to reduce bulk. The planning application was reported to the Planning Committee on 13 April 2022 and Members resolved to grant planning permission. The permitted garage would measure 6.1 metres in height to the ridge, 3.2 metres to the eaves, 13.7 metres in width and 10.6 metres in depth.

8.8 Two planning conditions were imposed on the planning permission for the garage to remove permitted development rights for the installation of further first floor windows and to ensure that the use of the garage remained incidental to the use of No.248 Botley Road. The conditions are set out below along with the reasons for imposing those planning conditions;

*“Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent Order revoking and re-enacting that Order) at no time shall any further windows, other than those expressly allowed through this planning permission, be inserted at first floor level into the east or west elevations of the development hereby permitted unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application.*

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

*The outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the main dwellinghouse at 248 Botley Road and shall at no time be let out, sold or occupied as an independent unit of accommodation nor for any business or commercial purpose.*

*REASON: The site is incapable of accommodating a separate unit of accommodation and in the interest of the amenity of neighbouring properties.”*

8.9 The above planning conditions were imposed to retain control over the permitted outbuilding and should not be taken to be a predetermination of the current application for the construction of a dwelling. The material planning considerations need to be carefully considered in the context of the proposed development.

## **b) The Approach to Decision Making**

8.10 A report titled "Five year housing land supply position" is reported to the Planning Committee elsewhere on this agenda. That report sets out this Council's local housing need along with the Council's current housing land supply position. The report concludes that the Council has 5.49 years of housing supply against its five year housing land supply (5YHLS) requirement.

8.11 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".*

8.12 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).

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

8.14 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.

8.15 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.”*

8.16 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.”*

8.17 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."*

8.18 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 to 2021) was substantially below (less than 75%) the housing requirement over the previous three years. 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.

- 8.19 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.
- 8.20 The following sections of the report assess the application proposal 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**

- 8.21 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.

- 8.22 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.'*

- 8.23 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. Officers confirm that none of the exceptions would apply.

8.24 The progress of the emerging Local Plan is sufficiently advanced for it to carry weight in the consideration of planning applications.

8.25 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.”*

- 8.26 The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan. It is however considered that the proposal would be compliant with Policy HP2 of the emerging Fareham Borough Local Plan 2037 to which considerable weight should be attributed. The following section of the report assesses the proposal against Policy HP2 in greater depth.

**d) Impact on Character & Appearance of the Area**

- 8.27 Policy HP2 of the Emerging Local Plan seeks to deliver small scale residential development within the countryside whilst protecting the characteristics of established settlements. Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy sets out some similar considerations for all development and states that;

*“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”.*

- 8.28 In assessing the proposal against the specific criteria set out within Policy HP2 it is evident that the site is not only located adjacent to an existing area of housing, but it would be entirely surrounded and enclosed by existing and permitted residential development currently being constructed.
- 8.29 The Fareham Landscape Assessment 2017 (which is part of the evidence base for the published emerging 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.
- 8.30 The application site is considered to be sustainably located. In the appeal relating to the housing development on the adjacent land to rear of No.246 Botley Road 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).*

- 8.31 Given the proximity of that site to the application site, Officers consider the same conclusions should be reached with regards the current application.
- 8.32 With regard to the impact of the proposal on the character and the appearance of the area and subsequent compliance with Policy CS17 and HP2(4), Officers initially had concerns in respect of the proposed extent of the footprint and the design of the proposed dwelling. Amendments have been sought to reduce the height and bulk of the dwelling resulting in a reduction of 25% of the overall floor space. The height of the dwelling has been reduced from 6.5m (with gable features measuring 7.7m) to 6.1 metres. The dwelling has also been redesigned to minimise first floor front and rear gabled projections with two small pitched roof dormers introduced on the rear elevation instead, the extent of first floor glazing has been reduced, the roof of the car port has been lowered and a barn hip has been incorporated into the roof design of the dwelling. The garden depth has been increased to a minimum of 11m and adequate parking and turning space has been provided to the front of the dwelling. The aim of the amendments was to ensure that the proposed dwelling was not excessive in scale for the size of the plot and to reduce the prominence of the dwelling.
- 8.33 It is not considered that the amended proposal would undermine the building line along the Botley Road frontage as a comprehensive parcel of backland development has already been accepted to the east of the site. The footprint of the proposed dwelling is considered to be reasonable in size in relation to neighbouring properties. The plot size is smaller than others within the surrounding area, particularly the frontage properties on Botley Road, nonetheless it is considered it would be adequate for the size of the dwelling and that the subdivision of the plot would not have an unacceptable impact on the character and appearance of the area. The size of the plot would not be overly apparent from the public realm and it is not considered that the dwelling would appear cramped on the plot when viewed from the upper windows of surrounding properties.
- 8.34 A large detached garage building has already been permitted to be constructed on the site which to some extent would erode the sense of spaciousness between adjacent dwellings and given the similarities in the height and proportions of the proposed dwelling is not considered that in this instance that the construction of a dwelling as opposed to a garage would significantly alter

the perceptions of space between dwellings. The permitted garage would measure 6.1 metres in height to the ridge, 3.2 metres to the eaves, 13.7 metres in width and 10.6 metres in depth. In comparison the proposed dwelling would also measure 6.1m to the ridge, have lower roof eaves at 2.4m high, be marginally wider at 14m in width (with an additional 3.5m for the car port to the north of the dwelling), and 12.1m in depth. Whilst the dwelling is slightly larger than the permitted garage it is considered that the building's increased distance from the northern boundary alongside the public footpath would compensate for this and the dwelling would be no more visually intrusive.

- 8.35 The proposal would have no visual impact on the wider landscape setting of the site as it forms part of the residential curtilage of an existing dwelling which is surrounded by other residential development. There are no views through to countryside beyond from Botley Road at present that would be lost.
- 8.36 In summary whilst it is acknowledged that the plot size for the proposed dwelling is not as large as others within the local area, Officers do not consider that the proposal for a single dwelling would adversely affect the predominant development form of the area, particularly when taking into account the so called "fall back" position which is that a large detached garage could be erected on the site having planning permission already been granted. It is considered that the proposal complies with Policy CS17 of the adopted Fareham Borough Core Strategy and Policy HP2 of the Emerging Fareham Local Plan 2037.

#### **e) Highways**

- 8.37 In respect of the land to the east of the application site currently under development, an earlier scheme (P/18/0347/OA) for 8 dwellings was refused in September 2018. The refused application included the use of the access to the north of No.250 Botley Road (which would now provide the vehicular access to the application site) for egress only from the development site. No highway objection was raised by Hampshire County Council in terms of detrimental impact to highway safety. The Planning Inspector also found the access/egress arrangements for the eight dwellings to be acceptable and raised no concerns in respect of highway safety. Nonetheless the subsequent application permitted for seven dwellings abandoned the use of the access adjacent to No.250 Botley Road for egress and provided a two-way traffic access adjacent to No.246 Botley Road.
- 8.38 The use of the access by a single dwelling is considered to be acceptable, furthermore it is not considered that the proposal would significantly increase the number of vehicle movements on the access in comparison to the permitted garage. The Highway Authority has been consulted and have raised no

objection to the proposal in terms of the use of the access and the highway safety implications.

- 8.39 The proposal makes adequate provision for on-site car parking for a minimum of two vehicles in accordance with the Council's adopted residential car parking standards. There is also sufficient space to enable a vehicle to enter Botley Road in a forward gear.

**f) Impact on Living Conditions of Neighbouring Properties**

- 8.40 Concerns have been raised in respect of overlooking and loss of privacy. The first floor rooflight windows proposed within the front and side (south) elevations of the dwelling would be subject to a planning condition requiring them to have a minimum sill height of 1.7m above internal finished floor level to prevent overlooking. The circular first floor bathroom window on the front elevation would be conditioned to be obscure glazed and fixed shut. The rear facing first floor windows would be a minimum of 11m from the rear boundary and therefore it is not considered that the proposal would result in an unacceptable loss of privacy to the occupants of the dwelling which will be constructed to the east.
- 8.41 The proposed dwelling would be located in excess of 25m from the rear elevation of the dwelling at No.250 Botley Road. Whilst there would be no first floor windows overlooking the rear of No.250 Botley Road this level of separation also significantly exceeds the minimum level of separation of 12.5m required to minimise loss of light and outlook. The flank wall of the dwelling (excluding car port) would also be over 20m from the rear of No.2 Caigers Green to the north and there would be no first floor windows within this elevation.
- 8.42 It is not considered that the number of vehicle movements on the access would be significantly more than could have been expected if the permitted garage were constructed. As explained above the access was previously proposed to form part of the application site for the seven dwellings being constructed to the east. It was not considered by Officers that its use as the sole egress from the site would have had a detrimental impact on the living conditions of the occupants of No.250 Botley Road. Similarly, no such concerns were raised by the Planning Inspector determining the appeal. It is therefore not considered that this would now be the case with a single dwelling.
- 8.43 A refuse collection point is indicated on the site plan, but this is not adjacent to the highway and the refuse bins would need to be brought to the roadside for collection. The homeowner may choose to store the bins in the location

shown or elsewhere on the plot, but it is not considered that this would have an unacceptable impact on the neighbouring property in terms of smells.

#### **g) Impact on Habitat Sites**

- 8.44 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.
- 8.45 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.
- 8.46 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).
- 8.47 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.
- 8.48 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***

- 8.49 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 (SRMS).

- 8.50 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'.
- 8.51 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)***

- 8.52 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.
- 8.53 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 0.8 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.

8.54 The applicant has secured 0.8 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.

8.55 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. Natural England has been consulted on the Council’s Appropriate Assessment and agrees with its findings. 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.

#### **h) The Planning Balance**

8.56 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.’*

8.57 As set out earlier in this report 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.

8.58 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 sites (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”.*

- 8.59 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, the application should be determined in accordance with paragraph 11(d) applying the presumption in favour of sustainable development.
- 8.60 The site is outside of the defined urban settlement boundary and the proposed development does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would therefore 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.
- 8.61 It is however considered that the proposal would comply with Policy HP2 of the emerging Fareham Local Plan, and that considerable weight can now be attributed to this policy.
- 8.62 In terms of any potential adverse impacts, it is not considered that the development would harm the landscape character and appearance or function of the countryside. The proposed dwelling would integrate with existing surrounding residential development and would be sustainably located. It is not considered that the proposal would have any material adverse impacts on the living conditions of the occupants of neighbouring residential properties or highway safety.
- 8.63 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 a single dwellinghouse in the short term. Whilst this is only a modest contribution, the proposed scheme would still make a contribution towards boosting the Borough's housing supply and this is a material consideration in favour of the proposal.
- 8.64 In undertaking a detailed assessment of the proposals throughout this report, 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.

8.66 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.

## **9.0 Recommendation**

9.1 DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and

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. 101
- ii) Proposed Floor Plans & Elevations – drwg No. 104 Rev C
- iii) Proposed Site Plan – drwg No. 106 Rev B

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

3. No development hereby permitted shall proceed beyond damp proof course level until details of all proposed external facing (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. The first floor roof light windows proposed to be inserted into the front and south (side) elevation of the dwelling hereby approved shall be constructed so

as to have a sill height of not less than 1.7 metres above internal finished floor level. The windows shall thereafter be retained in this condition at all times.

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

5. The first floor circular en-suite window(s) proposed to be inserted into the front elevation of the approved dwelling shall be:

a) Obscure-glazed; and

b) Of a non-opening design and construction;

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 property.

6. Notwithstanding the provisions of Classes A, B, and C of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions, no additions or alterations to the roof shall be carried out unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality; To ensure the retention of adequate garden area; To ensure adequate car parking provision; To protect the privacy of neighbouring properties.

7. The dwelling hereby approved, shall not be first occupied until the approved parking and turning areas have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

8. The car port hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so that is available for its designated purpose.

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

9. The dwelling hereby permitted shall not be first occupied until the bicycle storage, as shown on the approved plan (drwg No.106 Rev B), 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.

10. No development shall proceed beyond damp proof course (dpc) level until details of how and where an electric vehicle charging points will be provided for the dwelling have been submitted to the Local Planning Authority and approved in writing. 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.

11. Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

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

12. 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

13. The landscaping scheme, submitted under Condition 12 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.

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

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

15. No development shall 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 20 October 2022 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Michael & Claire Bell.

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

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

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

17. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

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

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Botley Road to ensure it is 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.

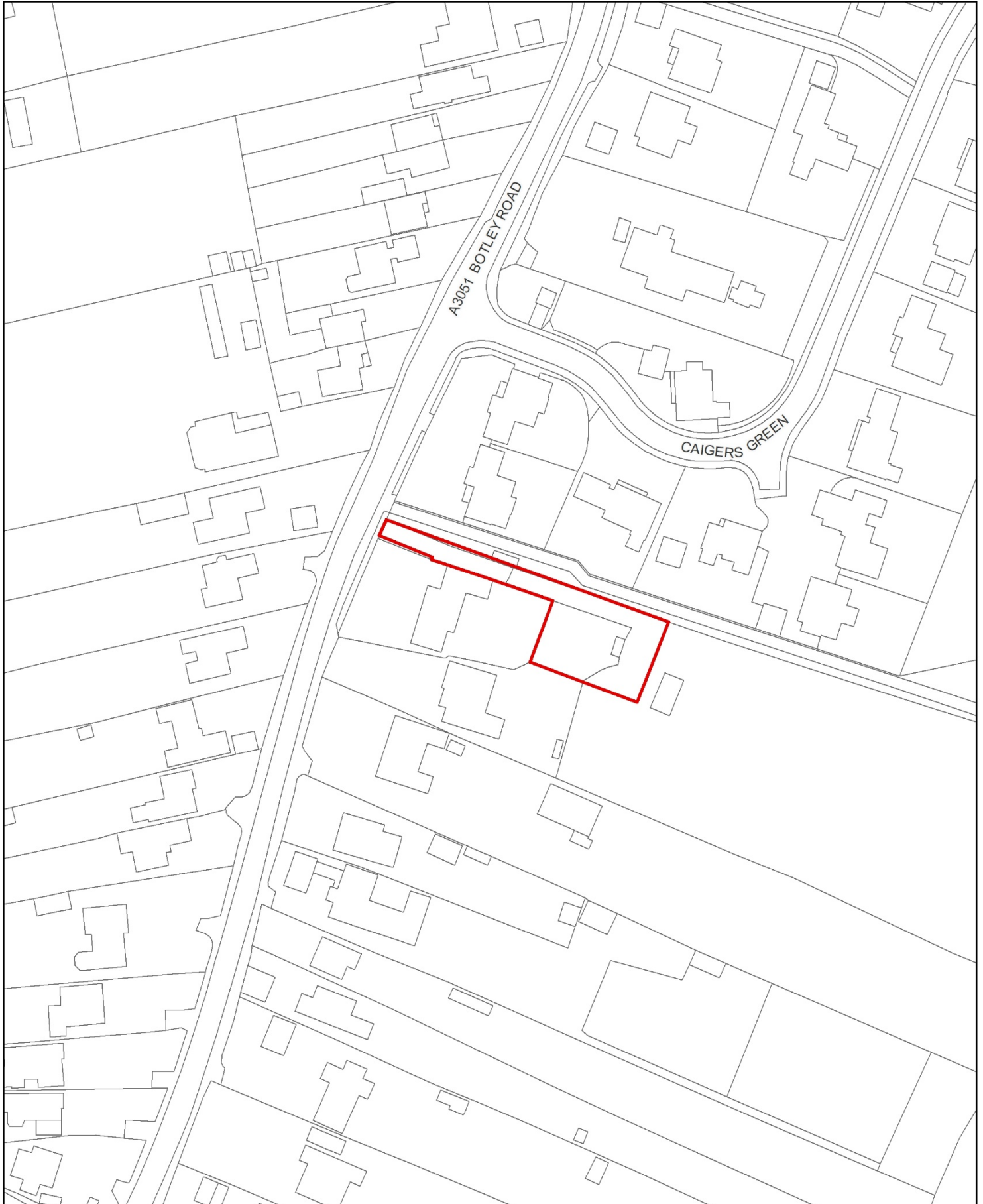
#### **10.0 *Background Papers***

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



Land to Rear of  
248-250 Botley Road  
Scale 1:1,250



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