

OFFICER REPORT FOR COMMITTEE

DATE: 12th April 2023

P/23/0008/FP

APPLICANT: MR LUKER & MR K ROSE

SARISBURY

AGENT: DARRYL HOWELLS

PARTIAL DEMOLITION OF THE EXISTING HOUSE, MAKING GOOD THE SIDE ELEVATION, SEVER LAND AND THE ERECTION OF FOUR 4-BED DETACHED HOUSES WITH SHARED ACCESS

35 BURRIDGE ROAD, BURRIDGE, SO31, 1BY

Report By

Katherine Alger – direct dial 01329 824666

1.0 Introduction

- 1.1 This application is reported to the Planning Committee for determination because of the number of representations which have been received.
- 1.2 Members will be aware that the emerging Fareham Local Plan 2037 is now at a very advanced stage. Upon adoption, the Fareham Local Plan 2037 will replace the Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites and Policies).
- 1.3 The Executive is considering a report on the adoption of the Fareham Local Plan 2037 at its meeting on the 3 April. One of the recommendations within the report is that a recommendation is made to Council to adopt the Fareham Local Plan 2037. If the Executive agrees this recommendation, Council will be convened on 5 April to consider the Executive's recommendation that the Fareham Local Plan 2037 be adopted.
- 1.4 Officers will provide an update at the Planning Committee meeting confirming the status of the Fareham Local Plan 2037 and Local Plan Parts 1 and 2.

2.0 Site Description

- 2.1 This application relates to a detached dwelling located on the southern side of Burridge Road. Burridge Road comprises an existing ribbon of residential development that extends westwards from the western side of Botley Road. Burridge is a small village comprising limited services and facilities formed along Botley Road.
- 2.2 The application is located within the defined countryside and is not located close to or adjacent to the existing defined urban settlement.

- 2.3 Burrige Road is a long, straight cul-de-sac with ribbon development of mainly detached dwellings along both sides facing the road and mostly long, narrow rectangular shaped rear gardens. The road slopes down from Botley Road and there are views to the open countryside beyond these dwellings.

3.0 Description of Proposal

- 3.1 The proposal is for the partial demolition of the existing house, making good of the side elevation, severance of the land and the construction of four detached houses with shared vehicular access.
- 3.2 The access to the site would be located immediately adjacent to the host dwelling at No 35 and would continue southwards providing access to each dwelling. The houses would be constructed of brickwork with Plots 3 and 4 including weatherboard cladding detail on the first floor elevations.
- 3.3 Each dwelling would include a living room/kitchen/diner, a snug, a utility room, wc and cloakroom at ground floor. The first-floor accommodation would comprise of 4 bedrooms including one en-suite and a bathroom. The dwellings would also have a garage and individual gardens.

4.0 Policies

- 4.1 The following policies and guidance apply to this application:

National Planning Policy Framework (NPPF)

4.2 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
- CS16: Natural Resources and Renewable Energy
- CS17: High Quality Design

4.3 Adopted Development Sites and Policies

- DSP1: Sustainable Development
- DSP2: Environmental Impact
- DSP3: Impact on living Conditions
- DSP4: Prejudice to adjacent land
- DSP6: New residential development outside of the defined urban settlement boundaries

- DSP13: Nature Conservation
DSP15: Recreational Disturbance on the Solent Special Protection Areas

4.4 **Emerging Fareham Local Plan 2037**

- DS1: Development in the Countryside
DS3: Landscape
H1: Housing Provision
HP1: New Residential Development
HP2: New Small-Scale Development Outside the Urban Areas
CC2: Managing Flood Risk and Sustainable Drainage Systems
NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2: Biodiversity Net Gain
NE3: Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4: Water Quality Effects on the SPAs, SACs and Ramsar Sites of the Solent
NE6: Trees, Woodland and Hedgerows
NE9: Green Infrastructure
TIN2: Highway Safety and Road Network
D1: High Quality Design and Placemaking
D2: Ensuring Good Environmental Conditions
D3: Co-ordination of Development and Piecemeal Proposals
D4: Water Quality and Resources

4.5 **Other Documents:**

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Planning Obligation Supplementary Planning Document for the Borough of Fareham (excluding Welborne) (April 2016)

Residential Car Parking Standards 2009

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

In March 1997 planning permission was refused for the construction of a detached granny annexe (Ref P/97/0102/FP).

In January 2019 planning permission was refused for a subterranean 5-bedroom dwelling to the rear of 35 Burr ridge Road, accessed from Green Lane

(Ref P/18/1331/FP). A subsequent planning appeal was dismissed in December 2019.

6.0 Representations

6.1 Twenty eight representations have been received which raise the following issues:

- a) No need for more housing
- b) Too many houses being constructed in surrounding area
- c) Loss of privacy and overlooking
- d) Impact on local services
- e) Highway safety
- f) Set precedent for future backland development
- g) Insufficient parking
- h) Impact on water supply
- i) Access will not be granted from Green Lane
- j) Increased risk of flooding
- k) Impact on drainage
- l) No nitrate mitigation provided
- m) Previous applications for back land development within Burr ridge Road have been refused
- n) Noise and disruption during construction
- o) Impact on rural character
- p) Not in-keeping with countryside location
- q) Environmental impact
- r) Increase in traffic
- s) More appropriate locations for housing
- t) Impact on biodiversity
- u) Similar to application at 21 Burr ridge Road

Four comments in support have been received on the following grounds:

- a) Requirement for more housing
- b) Development in Whiteley not part of Fareham housing requirements
- c) Public footpath near to application site
- d) Close to local services
- e) Footpaths being improved
- f) Other similar countryside development recently approved and complies with Policy HP2

7.0 Consultations

EXTERNAL

Natural England

7.1 Further information required to determine impacts on designated sites

Hampshire County Council – Highways

7.2 Holding Objection-subject to the submission of further information

Hampshire County Council – Lead Local Flood Authority

7.3 No comments received.

INTERNAL

Ecology

7.4 Objection- A Preliminary Ecological Appraisal is required to enable the Local Planning Authority to determine the application on the basis of full knowledge about the ecological impacts of the proposal and to ensure that any impacts can and will be mitigated. Additionally, measures to ensure that no net loss in biodiversity, but an overall net gain on the site through the creation of new habitats will be required in line with the NPPF and emerging Local Plan Policy. Therefore, further information is required.

Trees

7.5 Insufficient arboricultural supporting information to make a fully informed decision.

Street scene

7.6 The Bin presentation area is noted and is acceptable as long as its large enough to accommodate 2 bins per property on collection day.

8.0 Planning Considerations

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

- a) The approach to decision making
- b) Residential development in the countryside
- c) Impact on character and appearance of area
- d) Impact on residential amenity
- e) Highways
- f) Ecology
- g) Trees
- h) Impact on Habitat Sites
- i) Other matters
- j) The Planning Balance

a) The approach to decision making

8.2 An update report on the Council's five year housing land supply position was presented to the planning committee in January 2023. 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 has 5.49 years of housing supply against its five year housing land supply (5YHLS) requirement.

8.3 The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

8.4 In determining planning applications there is a presumption in favour of the policies of the Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework (NPPF).

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

8.6 Paragraph 74 of the NPPF states that local planning authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a local planning authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

a. For decision-taking this means:

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

c. 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.”*

8.8 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.”

8.9 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.”

8.10 This planning application proposes new housing outside the defined urban settlement boundary. 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.

8.11 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.

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

b) Residential Development in the Countryside

- 8.13 The application site is located within the designated countryside where the principle of development is often not considered to be acceptable. Policies CS14 (Development Outside Settlements) and DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan set out the considerations as to whether or not new residential development in the countryside is acceptable.
- 8.14 Policy CS14 states that *"Built development on land outside of 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. The conversion of existing buildings will be favoured. Replacement buildings must reduce the impact of development and be grouped with existing buildings where possible"*.
- 8.15 Policy DSP6 states that there will be a presumption against new residential development outside of the defined urban settlement boundaries. New residential development will be permitted in instances where one or more of the following apply:
- i. It has been demonstrated that there is an essential need for rural worker to live permanently or near his/her place of work*
 - i. It involves a conversion of an existing non-residential building*
 - ii. It comprises one or two new dwellings which infill an existing a continuous built-up residential frontage*
- 8.16 The proposal would provide 4 residential dwellings and would not be used for agriculture, forestry, horticulture and required infrastructure. The dwellings would not be a conversion of an existing building and would not be a replacement.
- 8.17 With regards to part i) of DSP6 it has not been demonstrated that this development would be used as an essential need for a rural worker to live. Therefore, part i) has not been met.

- 8.18 The proposal does not involve the conversion of an existing non-residential building therefore the proposal fails to comply with part ii).
- 8.19 Having regard to the location of the dwellings further forward of the building line, it is not considered the proposal would infill an existing continuous built-up residential frontage. Therefore, the proposal does not comply with part iii).
- 8.20 Having regard to the relevant policies of the emerging Fareham Local Plan, policies HP1 and HP2 are relevant.
- 8.21 Policy HP1 (New Residential Development) states that residential development in locations outside of the Urban Area Boundary will be permitted where one of the following applies:
- a) It involves a conversion of an existing non-residential building where:
 - 1) The building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding; and
 - 2) Evidence has been provided to demonstrate that no other suitable alternative uses can be found and conversion would lead to an enhancement to the building's immediate setting.
 - b) It is for a replacement dwelling which is of an appropriate character to the location.
- 8.22 The proposal does not involve the conversion of an existing non-residential building and it is not for a replacement dwelling. Therefore, the proposal fails to accord with Policy HP1.
- 8.23 Policy HP2 (New Small-scale Development Outside the Urban Areas) states that new small-scale housing development outside of the Urban Areas boundary, as shown on the Policies map, will be permitted where:
- 1) The site is within or adjacent to the 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 train station as well as safe walking and cycling routes that connect to a local district of 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 to countryside and beyond
- 5) It comprises development:
 - a) Or no 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

- 8.24 This policy specifically relates to 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 sustainable located housing settlements within the Borough.
- 8.25 With regards to part of the criteria (1) the site is located within Burr ridge Road which is characterised by frontage properties. Burr ridge Road is not within a defined settlement (i.e. a town, village, hamlet) however, does comprise of a number of dwellings. Therefore, it is considered that the development is adjacent to existing housing and therefore complies with part (1).
- 8.26 In relation to part (2) the site would be located approximately 400 metres from the nearest urban settlement boundary of Whiteley. Burr ridge Road is a ribbon of road frontage residential development stretching into the open countryside, with many properties comprising long rear gardens with the open countryside beyond. The proposal would not be sustainably located adjacent to, or well related to the existing urban area. Its backland character would also be fundamentally contrary to the road frontage development and would therefore not be well integrated within the neighbouring settlement. The proposal therefore fails to comply with criteria (2).
- 8.27 With regards to part (3), Burr ridge contains very limited services and facilities, meaning that most residents will be required to access local services and facilities, such as doctors, shops, cafes, schools and employment by private motor vehicles.
- 8.28 The applicant has provided details within their supporting statement of 2 local bus services located within 235m from the application site. However, the supporting text

of the emerging Local Plan states that *“sites are considered to be particularly sustainable if there is a safe pedestrian or cycling access to a bus stop that provides a service equivalent to 2 buses per hour between 7:30am and 6:30pm, or a train station within one mile (20 minute walk or 1.6km), and a local convenience store(s) selling day to day needs within 800m (10 minute walk).*

- 8.29 The closest railway station (Swanwick) is located 2.25 kilometres away and an estimated 30 minute walk along a busy heavily trafficked road. Furthermore, there is no local convenience store within a 10 minute walk from the application site. Therefore, it is considered that the site would not be located in an accessible area with access to local services and facilities and the proposal fails to comply with part (3).
- 8.30 With regards to part (4)(a) the development would be a backland development and would not respect the building line of the existing properties along Burrigge Road.
- 8.31 With regards to criteria (4)(b and c), the plot sizes and scale ratio would be significantly smaller than the other properties along Burrigge Road and therefore would not be proportionate to the surrounding properties.
- 8.32 In considering part (4)(d) it is accepted that there would be sufficient space between the dwellings.
- 8.33 In (4)(e) it is accepted that the application site would not be visible from the wider countryside. However, it is considered that an urbanising backland development would impact the landscape of the open countryside character and would therefore be contrary to part (4)(e).
- 8.34 The proposal would be for 4 units so would comply with part (5)(a).
- 8.35 The design and external appearance of each dwelling is relatively uniform and would not be demonstrably different. Therefore, the proposal would fail to comply with part (5)(b).
- 8.36 The development significantly extends beyond the settlement frontage and encroaches further into the countryside. Therefore, it fails to comply with part (5)(c).
- 8.37 It is therefore concluded that the proposal fails to comply with parts 2, 3, 4(a), 4(b), 4(c), 4(e), 5(b) and 5(c) of Policy HP2 and is therefore contrary to Policy HP2.

c) Impact on Character & Appearance of the Area

- 8.38 The Fareham Landscape Assessment (which is part of the evidence base for the emerging Fareham Local Plan 2037) identifies that the site lies within the

Burrige/Swanwick/Whiteley character area (LCA13) and is characterised as 'Low Density Fringe/Ribbon Development'. As a whole the area is considered to be of relatively low sensitivity to development as built development is the dominant characteristic of this area. However, it does state that any new development would need to respond to existing settlement patterns and retain mature/trees woodland and areas of public open space.

- 8.39 Comparisons can be made to an appeal decision at 21 Burrige Road which was dismissed in November 2021 (Ref APP/A1720/W/20/3264952). This site is located approximately 90 metres to the east of the application site and proposed the construction of 4 detached backland dwellings. The Inspector described the character of the area by stating "*...the site reflects some key characteristics of the Council's Landscape Character Assessment. Consequently, it has more in common with the essential rural character of the area and the countryside setting to this part of Burrige, rather than as part of the built-up frontage development in this part of the settlement along Burrige Road*". The Inspector went on to state that "*...by edging further away from Burrige Road in the manner proposed, further into the countryside, the development would be an unwelcome encroachment and introduce substantial built form where there is currently none. The development of this site in the manner proposed would therefore fail to integrate with the ribbon frontage development in this part of the settlement and unduly erode, and degrade the largely open, development rural setting of this part of Burrige*".
- 8.40 Therefore, it is concluded that this development would result in overly urbanising pocket of development resulting in the intrinsic loss of openness and of the integrity of this part of the countryside. Furthermore, the layout is not considered to be an acceptable addition to the established ribbon development along Burrige Road.

d) Impact on Residential Amenity

- 8.41 Policy DSP3 of the adopted Local Plan Part 2: Development Sites & Policies and draft Policy D2 of the emerging Fareham Local Plan 2037 concern the impact of development on living and environmental conditions. The policies state that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.42 The Fareham Borough Design Guidance Supplementary Planning Document (Design SPD) states that first floor windows should be at least 11 metres from the boundaries they look towards and no less than 22 metres from facing windows in neighbouring houses.
- 8.43 Plot 1 has a separation distance of approximately 8 metres between the boundary with the adjoining occupier at 45 Burrige Road. However, there are no windows on

the side elevation which would face onto the boundary. Therefore, it is considered that the proposal would not result in any overlooking to the occupiers of No 45 Burrige Road.

- 8.44 Due to the orientation of the proposed dwellings, it is not considered that they would face onto the windows of the neighbouring occupiers. Furthermore, there would be a separation distance in excess of 22 metres from facing windows.
- 8.45 It is therefore considered that the proposal would not result in an unacceptable adverse impact upon the living or environmental conditions on the site or neighbouring development, by way of loss of sunlight, daylight outlook and/or privacy. The proposal therefore complies with Policies DSP3 and D2.

e) Highways Impact

- 8.46 Hampshire County Council as the Highway Authority has commented on this application.
- 8.47 The proposed access to the development will remain via the existing dropped kerb arrangement adjacent to Burrige Road which is an adopted unclassified road subject to a 30mph speed limit.
- 8.48 It has been set out in the submitted planning statement that the access will be altered to accommodate the requirements of the development. The Highway Authority requested some clarification on this point. If the access is to be widened via the dropping of raised kerbs, then the application will require a highway licence to carry out those works on the highway.
- 8.49 The Highway Authority has requested that the width of the access road is clarified and confirmation that two cars will be able to pass one another on the access road if they were to meet. The proposed site plan shows there to be laybys outside of Plots 2, 3 and 4 that allows two vehicles to pass one another, and a turning head is proposed outside Plot 1 so vehicles will be able to turn on-site and egress back onto the highway in a forward gear.
- 8.50 The proposed Site Plan shows bin storage at the point of access, as kerb side collection takes place along Burrige Road. The bin store located at the access needs to be unobtrusive and be clear of the tracking of vehicles accessing and egressing the development. Manual for Streets provides guidance in that residents should not be required to carry waste more than 30 metres to the storage point. As part of these proposals, residents would be required to carry waste further than 30 metres to the storage/collection point. If refuse vehicles are to access the site as an alternative, it will need to demonstrate that they can manoeuvre within the site and egress back onto the highway in a forward gear.

- 8.51 The Residential Car Parking Standards requires at least 3 car parking spaces for a 4-bedroom dwelling. The submitted site plans demonstrates that there is sufficient space for 3 car parking spaces. Therefore, the proposal complies with the residential car parking standards.
- 8.52 Cycle storage for individual plots have not been shown on the plans. The Highway Authority has requested that information on the proposed cycle parking provision for the development are detailed.

f) Ecology

- 8.53 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network states that development will be permitted where:
- a) Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*
 - b) Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*
 - c) Proposals do not prejudice the Ecological Network or result in its fragmentation.*
- 8.54 The Council's Ecologist has reviewed the application and has carried out a desk-based assessment. Due to the location of the new access road and works to the drainage ditch and the boundary vegetation, she is concerned that these areas have potential for reptiles, amphibians (including Great Crested newts (GCN)) and water voles. There are records of GCN and grass snake present adjacent to the site and therefore there is a reasonable likelihood that protected species will be present on the site and affected by the proposals. Furthermore, there are a large number of SINC's (Sites of Importance for Nature Conservation) and wooded parcels nearby and therefore dormice may well be present on site.
- 8.55 The Ecologist also raises concerns that the site layout has no regard for the woodland located immediately alongside the north-western boundary.
- 8.56 A Preliminary Ecological Appraisal has been requested. However, the applicant has not provided this.
- 8.57 In addition to the provision of an Ecological Appraisal, Policy NE2: Biodiversity Net Gain of the emerging Local Plan states that the development of one or more dwellings or a new commercial/leisure building should provide at least 10% net gain for biodiversity for the lifetime of the development. No details have been provided regarding a 10% BNG and therefore the proposal is contrary to Policy NE2.

g) Trees

- 8.58 The Council's Principal Tree Officer has commented on the application stating that the principle of the proposed development of four 4-bedroom detached houses with shared vehicular access appears viable. However, no tree constraint information has been provided and no information on how the scheme can be implemented without adversely affecting the trees. The development is therefore considered to be contrary to Policy NE6 of the emerging Fareham Local Plan 2037.

h) Impact on Habitat Sites

- 8.59 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 and draft Policies NE1, NE2, NE3 and NE4 of the emerging Fareham Local Plan 2037 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.
- 8.60 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance. 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 referred to as protected Habitat Sites (HS).
- 8.61 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 Habitat Sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Habitat Sites. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process. Although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.62 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 Habitat Sites.

- 8.63 The development would result in increased nitrogen loading from water sources and air pollution. The Council has recently published an Air Quality Habitat Regulations Assessment which assesses the air quality impact up until 2037, however, no information has been provided by the applicant to address the adverse effects on water quality. The applicant has failed to provide Nitrate Mitigation on this proposal therefore, it is considered that the proposal should be refused on the grounds of the likely adverse impact of the development on the integrity of the Habitat Sites.
- 8.64 In addition to water quality impacts, air quality impacts are also a factor that needs consideration. The Council's Air Quality Habitats Regulations Assessment for the emerging Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the emerging Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.
- 8.65 The second likely significant effect on the HS, relates to disturbance on The Solent coastline SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.66 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.
- 8.67 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar Site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in a marked increase in the use of sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites, on short visits/day trips from home, originated from within 13.8km radius of the sites referred to as the 'Zone of Influence; (ZOI).
- 8.68 Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMP and the New Forest SPA. However, the absence of such a contribution or the means to secure one, or the submission of evidence to demonstrate that the 'in combination' effects of the development can be avoided or mitigated in another way, the proposal continues to be contrary to Policy DSP15 and the Interim Mitigation Strategy.
- 8.69 In this particular case, no Appropriate Assessment has been carried out by the Local Planning Authority under the 'habitat regulations'. Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted

by a 'Competent Authority' (in this case the Local Planning Authority) if it can be shown that the proposed development will either not have a likely significant effect on designated Habitat Sites or, if it is likely to have a significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated Habitat Sites. However, since the application is being recommended for refusal, there is no requirement to carry out an Appropriate Assessment and therefore an Appropriate Assessment has not been carried out in this instance.

- 8.70 It is therefore concluded that the development will have an adverse impact on the integrity of these protected Habitat Sites due to the absence of secured mitigation and the adverse effects arising through increased wastewater output and recreational disturbance on the Habitat Sites.
- 8.71 The development therefore fails to accord with the Habitat Regulations and does not comply with Policies CS4, DSP13 and DSP15 of the adopted Local Plans and policies NE1, NE3 and NE4 of the emerging Local Plan.

i) Other matters raised in representations

- 8.72 **Flooding-** The application site is located within Flood Zone 1 therefore, it is not considered that there would be an increased risk of flooding during the construction of the development. The Lead Local Flood Authority were consulted on this application particularly in relation to the drainage on the site. However, no comments were received.
- 8.73 **Impact on Water Supply-** This is not a material planning consideration. However, should the application have been found acceptable then this aspect would have been dealt with by Southern Water as the water provider. Further Southern Water has a statutory duty to ensure adequate supply of water to serve new developments.
- 8.74 **Access from Green Lane-** The application only proposes access from Burridge Road.
- 8.75 **Noise and Disruption during construction-** Any development is likely to generate some level of noise and disturbance during construction. Had the application been found acceptable, conditions would have been imposed requesting a Construction Management Plan and restricting the hours of construction.
- 8.76 **Other applications have been approved in countryside locations-** Whilst it is acknowledged that other planning applications for residential development have been permitted within the countryside, each planning application must be considered on its individual merits. Officers have assessed the current proposal

against the policies of the adopted and emerging Local Plan and have set out their assessment within this report.

j) The Planning Balance

8.77 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of a planning application:

“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”.

8.78 As set out above, the effect of paragraph 177 of the NPPF is that:

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

8.79 In this instance Officers have identified likely significant effects on habitats site and in particular, the lack of mitigation against the impact of increasing levels of nitrogen on the protected sites around The Solent as a result of increased numbers of residential properties. Officers have not undertaken an Appropriate Assessment. Accordingly, the presumption in favour of sustainable development set out in paragraph 11 of the NPPF does not apply.

8.80 In weighing up the material considerations, it is concluded that the development could be achievable in the short term and would make a very small contribution towards the delivery of housing in the Borough.

8.81 The site is located outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The form of the scheme is not of the type supported under Policy HP1. The proposed development would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan and Policies H1, HP1 and HP2 of the emerging Fareham Local Plan 2037.

8.82 The proposal would be poorly related to the existing urban area which is located some distance to the east, and out of character with the current pattern and scale of residential development in Burrige Road.

- 8.83 If it had not been for these overriding objections, updated survey work would have been sought to ensure that protected species on or immediately around the site would not be adversely harmed by the proposals and that the development would achieve a biodiversity net gain of 10%. Insufficient information has been provided to demonstrate that the development would not have a adverse impact on trees and ecological interests.
- 8.84 Finally, without evidence of how nitrate mitigation will be secured and in the absence of contributions to mitigate the recreational impacts upon The New Forest and Solent Special Protection Areas, it is concluded that the proposal would have an adverse impact on the protected habitat sites.

9.0 Recommendation

9.1 REFUSE PLANNING PERMISSION

The development would be contrary to Policies CS2, CS6, CS14 and CS17 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP2, DSP3, DSP6, DSP13 and DSP15 of the Adopted Local Plan Part 2: Development Sites and Policies Plan and Policies DS1, DS3, H1, HP1, HP2, NE1, NE2, NE3, NE4, NE6, D1 and D2 of the emerging Fareham Local Plan 2037 and is unacceptable in that:

- i) The provision of dwellings in this location would be contrary to adopted and emerging Local Plan policies which seeks to prevent residential development in the countryside. Furthermore, the development would not be sustainably located adjacent to or well-integrated with the neighbouring settlement area.
- ii) The introduction of dwellings in this location would fail to respond positively to and be respectful of the key characterises of the area, particularly its predominantly undeveloped, backland location, which would be out of character with the prevailing pattern of development in the area.
- iii) Insufficient information has been provided to adequately demonstrate that no harm would be caused to features of ecological importance on the surrounding site and protected species.
- iv) Insufficient information has been provided to adequately demonstrate that no harm would be caused to existing trees on and adjacent to the site.
- v) No information has been provided to demonstrate that the proposal would provide at least 10% net gain for biodiversity for the lifetime of the development and would therefore be contrary to Policy NE2.

- vi) The proposal would have likely adverse effects on the integrity of protected Habitat Sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation.

- vii) The site lies within 5.6km of The Solent Waters Special Protection Areas. The proposal fails to provide appropriate mitigation against the impact of increased recreational disturbance created from the provision of additional residential accommodation within this area.

- viii) The site lies within 13.8km of the New Forest Special Protection Area, Special Area of Conservation and Ramsar site. The proposal fails to provide appropriate mitigation against the impact of increased recreational disturbance created from the provision of additional residential accommodation.

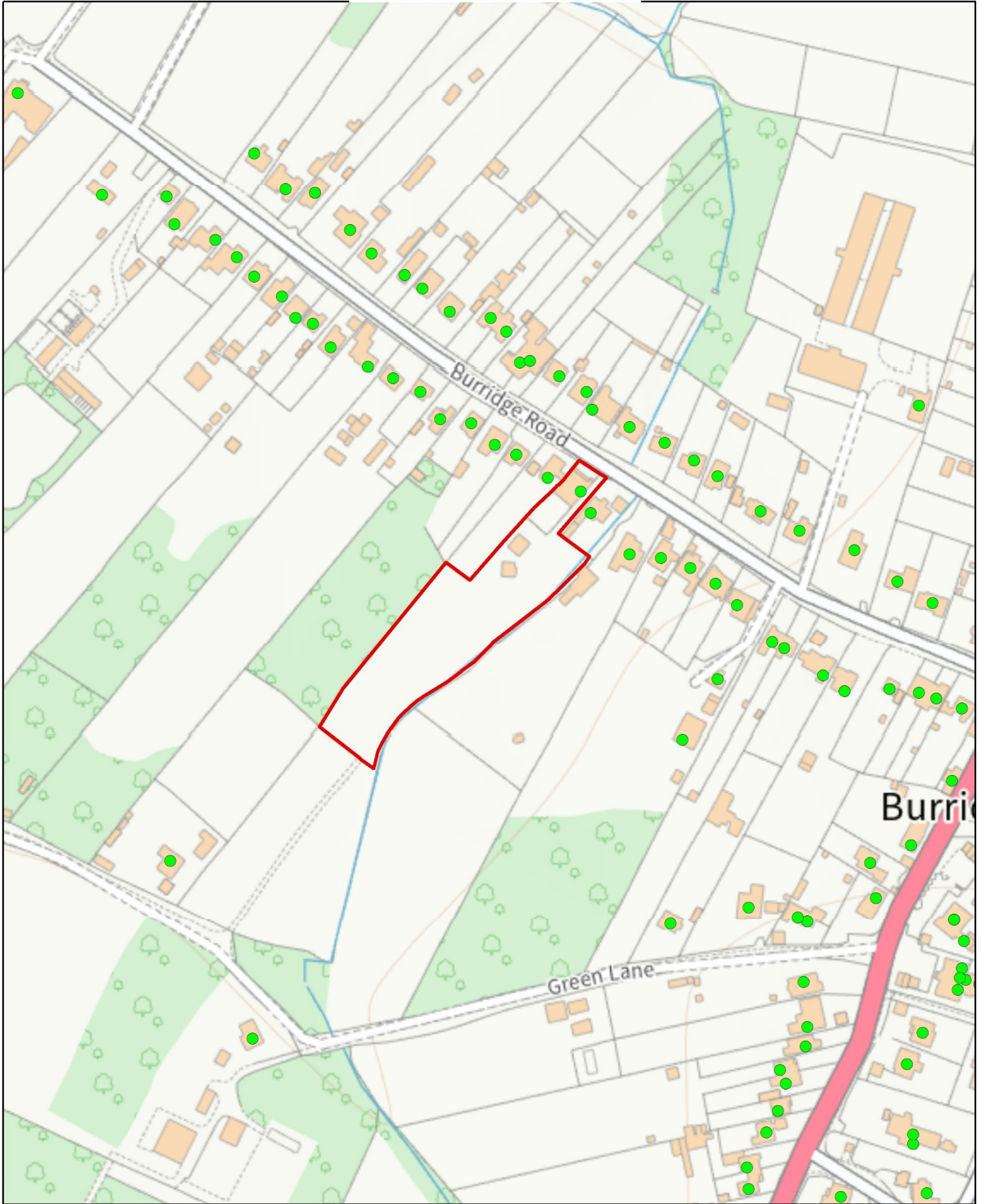
Then;

9.2 DELEGATE authority to the Head of Development Management to:

- (a) make any necessary modifications, deletions or additions to the proposed reasons for refusal.

FAREHAM

BOROUGH COUNCIL



35 Burridge Road
Burridge
Scale 1:2,500



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