

OFFICER REPORT FOR COMMITTEE

DATE: 11th October 2023

P/21/2020/FP

APPLICANT: MRS BARNEY

SARISBURY WARD

AGENT: STUART CLARK

CONSTRUCTION OF A DWELLING HOUSE WITH DETACHED GARAGE, NEW ACCESS AND ASSOCIATED DEVELOPMENT

LAND ADJACENT 77 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.

2.0 *Site Description*

- 2.1 This application relates to a field located on the south-western side of Burridge Road. It is located in between 77 Burridge Road (a mobile home) and 91 Burridge Road. The application site will be referred to as the western field within this report. The application site is designated as a Site of Importance for Nature Conservation (SINC).
- 2.2 To the east of the application site, to the rear of 77 Burridge Road, is a Gypsy, Traveller and Travelling Showpeople pitch (HA45) which has been allocated within the Fareham Local Plan 2037. This piece of land will be referred to as the eastern field within this report.
- 2.3 Burridge Road is a long, straight cul-de-sac with ribbon development of mainly detached dwellings along both sides facing the road and mostly long, rectangular shaped rear gardens. The road slopes down from Botley Road and there are views to the open countryside beyond these dwellings. The western end of Burridge Road (of which the application site forms part) has a much more loose knit and spacious arrangement of development.
- 2.4 The application is located within the defined countryside and is not located close to or adjacent to the existing defined urban settlement.

3.0 Description of Proposal

- 3.1 The proposal is to construct a large detached dwellinghouse with a detached triple garage including a new access. The proposed dwelling would not replace the existing mobile home/ gypsy pitch to the east of the site.
- 3.2 The proposed dwelling would have a height of approximately 9.3 metres, a width of 24.7m and a total depth of 31m. This would include the depth of the two-storey element of the dwelling which would be approximately 15 metres and the rear single storey projections which would be approximately 16 metres in depth. The dwelling would have a hipped roof which would include a single storey side extension on the southern side of the dwelling. The dwelling would be finished in render with brickwork detailing.
- 3.3 The proposed dwelling would comprise of a living room, dining room, ironing room, study, family/kitchen room, pool room, entrance hall and WC and cloakroom on the ground floor.
- 3.4 The first-floor accommodation would comprise of 5 bedrooms including en-suites and dressing rooms and a large landing. The master bedroom would also include a balcony.
- 3.5 There would be a large garage to the rear of the site which would be used as a garage at ground floor and a gym at first floor.
- 3.6 The site would have a large driveway and rear garden with the remaining SINC site located to the rear of the site.

4.0 Policies

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

National Planning Policy Framework (NPPF) 2023

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
HP11:	Gypsies, Travellers and Travelling Showpeople
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

4.2 **Other Documents:**

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

Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 There is no relevant planning history for this site.

5.2 In February 2018 planning permission was refused for the construction of a 4 bedroom detached dwelling to the rear of 77 Burrige Road (Ref P/17/1514/FP). This piece of land is now allocated as a Gypsy and Traveller site (HA45) in the adopted Fareham Local Plan 2037. At the time of the appeal, the site was not allocated as a Gypsy and Traveller site.

5.3 The reasons for refusal were as follows:

The development would be contrary to Policies CS2, CS4, CS6, and CS14 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6, DSP13, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan and, the National Planning Policy Framework 2012 (particularly paragraphs 6, 14, and 55) and is unacceptable in that:

- a) the provision of a dwelling in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside which does not require a countryside location;
- b) the introduction of a dwelling in this location would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature, which would be out of character with the prevailing pattern of development in the area;

- c) the site lies within a Site of Importance for Nature Conservation, for which insufficient evidence has been provided to adequately highlight the level of harm to the biodiversity and protected species on the site. Inappropriate mitigation measures would not address the current designation requirements;
- d) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.

- 5.4 The application was appealed (Ref APP/A1720/W/18/3209865) and dismissed by the Planning Inspectorate on the 18th November 2019. The main reasons for dismissal of the appeal were: the backland nature of the development proposal and its impact on the character and appearance of the area and the impact on protected Habitat Sites and the SINC.
- 5.5 Officers believe that careful consideration should be given to the Planning Appeal Inspector's comments regarding development on the SINC site in the determination of this application. These are summarised below.
- 5.6 When the previous application was determined the SINC site related to the current planning application site (western field) and the land behind the appeal site as well as the land to the rear of No 77 Burr ridge Road which is now allocated as HA45. However, the field to the west (the current application site) was not in the applicant's ownership.
- 5.7 Within the appeal decision, the Planning Inspector commented on the findings of two reports by both parties which were submitted as part of the appeal regarding the SINC designation. Whilst the findings of the reports were slightly different, both parties were in general acceptance that the diversity of species and structure of the western field (the application site) was significantly greater than the appeal site.
- 5.8 The appellant suggested providing a Biodiversity Management and Enhancement Strategy (BMES) as part of a condition under the planning permission. This would have included the management of the small piece of land to the rear of the appeal site. However, the Inspector concluded that the management strategy detailed within the BMES would neither compensate for the loss of the semi-improved grassland nor provide a net gain in biodiversity.

5.9 The Inspector concludes by stating *“Notwithstanding the arguments in relation to the Council’s ability to control how the land is managed, and the offer of mitigation in the form of a BMES, there would be irreversible loss of semi-mature grassland and therefore harm to the SINC designation”*.

6.0 Representations

6.1 Five letters of support from residents within Burrige Road have been received on the following grounds:

- a) Remove the need for HA45 pitch
- b) Infill development
- c) Would not result in any overlooking or loss of privacy
- d) In-keeping with the character of the area
- e) Remove mobile home from adjacent pitch

One letter of objection from the Burrige and Swanwick Resident’s Association has been received raising concerns on the following grounds:

- a) Will affect the number of Gypsy pitches needed in the Borough
- b) Impact on SINC habitat
- c) Size and height of the garage is excessive

7.0 Consultations

EXTERNAL

Hampshire County Council – Highways

7.1 No Objection

Hampshire County Council – Ecology

7.2 Objection- The fundamental concern in this application is the failure to differentiate between the requirement to mitigate and compensate for the partial loss of the locally designated site (i.e. Meadow South of Burrige Road Site of Importance for Nature Conservation).

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) Implication of Fareham's housing land supply and delivery position (5YHLS)
- b) Residential development in the countryside

- c) Impact on residential amenity
- d) Highways
- e) Ecology
- f) Impact on protected Habitat Sites
- g) The planning balance
- h) Other matters

a) Implications of Fareham's Housing Land Supply and Delivery Position (5YHLS)

8.2 A report on the Council's five-year housing land supply position was reported to the Planning Committee on the 25th January 2023. The report set out this Council's local housing need along with the Council's current housing land supply position and 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 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.*
 - c) *It has been demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work*
 - d) *It accords with Policies HP2, HP3, HP4 and HP6*
- 8.14 The proposal does not involve the conversion of an existing non-residential building, is not for a replacement dwelling nor is it for a rural worker to live in and therefore the application does not meet the criteria of HP1 (a) (b) or (c). The proposed development is assessed against the criteria of HP1(d) below.

8.15 Policies HP3, HP4 and HP6 are not relevant in the determination of this application therefore only Policy HP2 will be considered in this instance.

8.16 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 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 to countryside and beyond*
- 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*

8.17 The application site is located within Burridge Road which is characterised by frontage properties. Burridge Road is not within a defined settlement however, it does comprise of a number of dwellings, and forms a ribbon of residential properties fronting the street. Therefore, it is considered that the development is adjacent to existing housing and therefore complies with part (1). As the development complies with HP2(1), there is not a requirement to assess the proposal against HP2(2).

8.18 Burridge contains very limited services and facilities meaning that most residents will be required to access local services and facilities such as doctors, shops, schools and employment by private motor vehicles. 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.

8.19 In the earlier planning appeal decision in respect of adjacent land the Inspector considered the proximity of the site to the new urban extension which was under

construction on the northern edge of Whiteley. The Inspector considered that whilst some public transport links are less frequent, it will be possible in the near future to access primary schools and local centres once the urban extension is completed. The Inspector stated *“I do not share the Council’s view that the proposal would create an isolated home in the countryside. The site is directly adjacent to the built-up area of Burr ridge and accessibility to services and facilities would not be significantly different to that of existing suburban estate housing within Whiteley itself. Future occupiers of the development would not have to rely upon the private car, but any car journeys undertaken would be short”*.

- 8.20 However, a number of Planning Inspectors in more recent appeal decisions within close proximity to the application site have concluded that those sites are not well related to the settlement boundary. This includes the appeal at 21 Burr ridge Road (approximately 420 metres east of this application site) which was dismissed on the 26th November 2021 (Ref APP/A1720/W/20/3264952). The Inspector stated that *“Whiteley is the nearest urban area, but its defined settlement boundary is about 300m away and it is visually, physically and functionally separate from Burr ridge ... Burr ridge has limited services and facilities and there is no evidence of any significant employment. These uses existing elsewhere, including the nearest at Whiteley. However, they are at least 2km away, as is the train station at Swanwick which is beyond the distance (and time) people are generally prepared to walk and accessible by walking via Botley Road for only the most able-bodied future occupiers of the proposed houses”*.
- 8.21 The Inspector acknowledged that there had been previous appeal decisions for a site elsewhere in Burr ridge Road where the previous Inspector had taken the development at North Whiteley into consideration. However, the Inspector in the appeal at 21 Burr ridge Road commented that *“ I have no specific evidence before me to show that the anticipated services and facilities of employment uses would be significantly closer to the appeal site than they are at present, or that there would be a satisfactory means of access to these for future occupiers of the proposed houses using Whiteley Lane by means other than the private car. Moreover, it has not been suggested that this future development would bring the defined urban settlement boundary of Whiteley closer to the appeal site”*.
- 8.22 The Inspector concluded by stating *“Taking all these factors into account, I find that the proposal would not be sustainably located adjacent to or, therefore, be well-related specially or visually to the neighbouring settlement boundary. Nor has it been demonstrated that it would be well-integrated with services, facilities or employment uses in a neighbouring settlement.*

- 8.23 Additionally, the Inspector in appeal decision in June 2022 at Eversdown Farm Quarantine Kennels, 285 Botley Road (Ref APP/A1720/W/21/3273119) located approximately 470m to the northeast of the application site stated that *“Development around Botley Road has a linear form, with limited connections into the built-up area that lies within the settlement boundary. Thus, the practical relationship of the immediately surrounding development to this wider, more extensive community is poor. The consequence is that walking distances to most existing services and facilities is lengthy...Even if places were available to residents of the appeal site, the current walking route to North Whiteley and the new Primary school is somewhat convoluted, requiring use of a range of footpaths with a rural character and urban estate roads that run somewhat awkwardly relative to the desire line. The walk from the site is possible, but I found it relatively unattractive for these reasons. Consequently, it is unlikely to be used on a regular basis by most people.....It appears that the North Whiteley development will secure bus services between the new facilities and the appeal site. This would significantly improve the accessibility to services and facilities. However, delivery is outside the control of the appellant and this local planning authority, and the timing is uncertain”*. The Inspector concluded that *“the site is poorly located in respect of accessibility to services and facilities. It does not adjoin an urban settlement boundary, nor is it well related to it”*.
- 8.24 Having regard to the views of the recent appeal decisions, Officers on balance have concluded that the site would not be located within reasonable walking distance to a good bus service route or train station or safe walking and cycling routes that connect to a local, district or town centre and the proposal therefore fails to comply with part (3).
- 8.25 With regards to part (4) the building line of the proposed dwelling would align with the neighbouring residential dwellings. Furthermore, the site benefits from a reasonable plot size similar to the neighbouring dwellings and the proposed dwelling would be adequately proportioned within the plot. There would be modest space between the proposed dwelling and neighbouring dwellings. Whilst the dwelling would be large in scale, the dwelling is located along the frontage and is not considered to result in an unacceptable impact upon the landscape and views to the countryside and beyond. Therefore, the proposal would comply with part (4).
- 8.26 Officers therefore consider that the development fails to comply with HP2(3) and is therefore contrary to both Policies HP1 and HP2.

c) Impact on Residential Amenity

- 8.27 Policy D2 of the Fareham Local Plan 2037 relates to the impact of development on living and environmental conditions. The policy states 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.

- 8.28 Having regard to the relationships between the application site and the neighbouring dwellings at 77 and 91 Burrigge Road, it is considered that the proposed dwelling would not result in an unacceptable adverse impact in terms of loss of sunlight, daylight or outlook to the neighbouring properties.
- 8.29 The first-floor side windows facing onto No 91 would serve bathrooms therefore these will be obscure glazed. Should permission be granted, a suitably worded condition could be imposed to ensure that these windows are obscure glazed and non-opening to a height of 1.7m above internal finished floor level.
- 8.30 There would be a separation distance of approximately 80 metres between the proposed dwelling and the property to the rear at Woodpeckers End, 93 Burrigge Road. Therefore, it is considered that the proposal would not result in an unacceptable adverse impact upon the living conditions of the property to the rear.
- 8.31 Due to the large scale of the proposed dwelling, it will exceed the requirements specified within the Nationally Described Space Standards and would exceed the minimum garden depth specified within the Fareham Borough Council Design Guidance SPD.
- 8.32 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. Officers therefore consider that the proposal complies with Policy D2 of the Fareham Local Plan 2037.

d) Highways Impact

- 8.33 Hampshire County Council Highways has reviewed the application and are satisfied with the proposed access. They are also satisfied that the potential traffic generation produced by a single dwelling would have no severe detrimental impact on the operation and safety of the local highway network.
- 8.34 In terms of parking, there is ample space provided for car parking within the driveway and proposed garage.

e) Ecology/Biodiversity Net Gain

- 8.35 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network states that the 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;*
- b) *Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced;*
- c) *Proposals do not prejudice the Ecological Network or result in its fragmentation.*

8.36 Policy NE2: Biodiversity Net Gain of the Fareham Local Plan 2037 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 biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years.”

8.37 The application site lies within Meadows South of Burrige Road Site of Importance for Nature Conservation. This initially comprised of two fields (a western and eastern field) located on the south western side of Burrige Road. The western field is the current planning application site and the eastern field is allocated in the Fareham Local Plan 2037 for three Gypsy and Traveller Pitches.

8.38 Following a survey in 2020 by the Hampshire Biodiversity Information Centre (HBIC), part of the SINC boundary was amended to remove the eastern field (HA45). The application site (western field) remained designated as a SINC. The reasoning for this was the western field is botanically more diverse and meets the SINC criteria whereas the eastern field was not as diverse. The remaining field is designated for semi-improved marsh that qualified as Purple-Moor Grass and Rush-Pasture Priority Habitat, which is of principal importance for conservation.

8.39 The applicant has submitted a number of Ecological Reports with this application. They have proposed to mitigate the loss of part of the SINC site by providing a financial contribution to an off-site mitigation scheme which would also include Biodiversity Net Gain (BNG). They also propose to plant additional hedging habitat within the application site.

8.40 The requirements of Policy NE2 stipulates that 10% BNG must be achieved onsite in the first instance. This can include new habitat or restoring/enhancing habitats and they could form part of a broader package of measures designed to improve or mitigate the wider impacts of development or help to deliver environmental gains. The mitigation hierarchy sets out that impacts on biodiversity must first be avoided, then mitigation and only as a last resort compensated. BNG does not replace existing protections for designated sites.

Mitigation can be provided offsite where it is demonstrated that it cannot be adequately accommodated onsite.

- 8.41 The applicant has produced a Small Sites Metric Calculation which concludes that there would be an overall net loss of 0.29 habitat units and therefore an off setting of 73% BNG would be required to address the requirements of Policy NE2.
- 8.42 The Council's Ecologist has reviewed the submitted Ecological reports. They have stated that the fundamental problem with this application is the applicant's failure to differentiate between the requirement to mitigate and compensate for the partial loss of a locally designated site (i.e. Meadow South of Burrige Road Site of Importance for Nature Conservation) and the need to demonstrate a net gain in biodiversity as a result of the proposals.
- 8.43 In order to assess the proposed mitigation to create habitats within the site, the Council's Ecologist has reviewed the biodiversity metric calculation. This calculation shows the losses and gains by assessing a habitat's distinctiveness, condition and extent. These factors are translated into a score which is presented in biodiversity units. Special multipliers are also used to account for risks in delivering habitat creation or enhancement. To achieve biodiversity net gain, a development must have a sufficiently higher biodiversity unit score after the development than before the development.
- 8.44 As the application site is SINC habitat it already had a high biodiversity value. The applicant has proposed to use plant hedging around the application site to compensate for the loss of the SINC site. The Council's Ecologist has explained that planting of hedging is not an appropriate form of mitigation as this does not compensate for the large net loss of habitat units. Given the importance of the onsite SINC habitat, hedge creation is inappropriate and will result in the further reduction of the SINC habitat and therefore this linear habitat creation (hedging) is not supported.
- 8.45 The Council's Ecologist has also reviewed the applicant's proposal of using an off-site mitigation scheme. At present, no assessment of these locations and confirmation of their suitability has been provided. The Council's Ecologist has suggested that a comprehensive mitigation and management strategy, fully detailing how the partial loss of the SINC will be addressed would need to be provided. The applicant has failed to provide sufficient justification for the loss of the SINC and have not provided appropriate onsite mitigation measures for enhancing the existing habitat.
- 8.46 Significant weight should also be given to the conclusions of the Inspector in the previous appeal decision (Ref: APP/A1720/W/18/3209865) who stated that

'despite the proposed Biodiversity Management and Enhancement Plan, the development would still result in irreversible loss of semi-mature grassland and therefore harm to the SINC designation'.

- 8.47 It should also be highlighted that since the previous appeal decision the SINC site has been reduced to only include the current application site following the survey in 2020. The construction of a dwelling within this site would half the size of the remaining SINC site and result in a further loss of the Purple Moor Grass and Rush Pasture Priority Habitat.
- 8.48 Therefore, the proposed development would result in the partial loss of the SINC site, failing to protect and enhance the local site for nature conservation. Furthermore, no information has been submitted to justify why onsite mitigation for biodiversity net gain cannot be provided in accordance with the mitigation hierarchy.
- 8.49 Officers therefore consider that the development is contrary to Policies NE1 and NE2 of the Fareham Local Plan 2037.

f) Impact on Habitat Sites

- 8.50 Policies NE1, NE3 and NE4 of the Fareham Local Plan 2037 relate to 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.
- 8.51 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).
- 8.52 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.

- 8.53 The first likely significant effect on HS relates to deterioration in the water environment through increased nutrients (particularly nitrates) entering The Solent. Natural England has highlighted that there is existing evidence of high levels of 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.
- 8.54 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise Local Planning Authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.55 A nitrogen budget has been calculated with Natural England's 'Nutrient Neutrality Generic Methodology' (February 2022) and The Solent Nutrient Budget Calculator (March 2022) which confirms the development will generate 3.33kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, the Council accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for purposes of the nitrogen budget is considered to be a meadow as there is an existing building on the site. Due to the uncertainty of the effect of nitrates from the development on the HS, adopting a precautionary approach, and having regard to the NE advice, the Council will need to be certain that the output will effectively be mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.56 The applicant has entered into a contract to reserve 3.33kgTN/year of nitrate mitigation 'credits' from a nitrate mitigation scheme at Warnford Park. This has been secured through the operation of a legal agreement between the landowners at Warnford Park, the South Downs National Park Authority and Fareham Borough Council dated 1st April 2021. The purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.57 The purchase of the nitrate mitigation credits has the effect of ensuring a piece of land at Warnford Park is retained and managed in a way which ensures a

reduction in nitrates entering the land of 3.33kg TN/year for the lifetime of the development for which planning permission is being sought. This will ensure that the scheme can demonstrate nutrient neutrality.

- 8.58 Had permission been recommended for approval, a condition would have been imposed to ensure that the development had not commenced on site until confirmation of the purchased of credits from Warnford Park has been received by the Council. A further planning condition would have been imposed to secure details of the water efficiency measures to be installed within the dwellings to ensure that water consumption would not exceed 110L per person/per day to reflect the assumptions of the nitrate budget.
- 8.59 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 adopted Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the 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.
- 8.60 The other likely significant effect on the HS, relates to disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.61 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.
- 8.62 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).
- 8.63 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 NE3.

8.64 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.

8.65 It is therefore concluded that the development will have an adverse impact on the integrity of these protected Habitat Sites due to the adverse effects arising through recreational disturbance on the Habitat Sites and would therefore be contrary to Policies NE3 of the Fareham Local Plan 2037.

g) The Planning Balance

8.66 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".

8.67 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 habitat 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 habitat site".

8.68 In this instance Officers have identified likely significant effects on habitat sites and in particular the lack of mitigation against the impact on the protect sites around The Solent and the New Forest 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.

8.69 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.

8.70 However, due to the significant concerns relating to the loss of the SINC site, with no details supplied to enhance or mitigate the remaining SINC habitat, it is considered that the development would be contrary to Policies NE1 and NE2. Additionally, the site would not be within reasonable walking distance to a good bus service route or train station or provide safe walking and cycling routes that connect to a local, district or town centre therefore failing to meet criteria (3) of HP2. Furthermore, with the absence of a contribution towards to The Solent and New Forest SPAs the development would have an adverse effect on the protected Habitat Sites. Therefore, the harm identified would significantly and demonstrably outweigh the benefits for granting planning permission.

h) Conclusion

8.71 To conclude, it is considered the location of a dwelling within this location would result in the partial loss of the Meadows South of Burrige Road Site of Importance for Nature Conservation. Without sufficient enhancement or mitigation measures to off-set the loss of the SINC site and provision of 10% Biodiversity Net Gain, it is considered that the development would fail to protect or enhance the local site of nature conservation and fail to reflect the status in the hierarchy of nature conservation designations. Finally, without securing financial payments or other mitigation in respect of the impacts of disturbance upon the New Forest and Solent SPAs, it is concluded that the proposal would have an adverse impact on the protected habitat sites.

9.0 Recommendation

REFUSE PLANNING PERMISSION

The development would be contrary to Policies, HP1, HP2, NE1, NE2 and NE3 of the Fareham Local Plan 2037 and is unacceptable in that:

- i) The provision of a dwelling within this location would not be within reasonable walking distance to a good bus service route or train station or provide safe walking and cycling routes that connect to a local, district or town centre.
- ii) The proposed development would result in the partial loss of a Site of Importance of Nature Conservation and the development would therefore fail to protect or enhance the local site of nature conservation and fail to reflect the status in the hierarchy of nature conservation designations.
- iii) Insufficient information has been provided to demonstrate that the proposal could provide onsite provision of 10% net gain in biodiversity.

- iv) The site lies within 5.6km of The Solent 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.

- v) The site lies within 13.8km of the New Forest Special Protection Area. 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.

FAREHAM

BOROUGH COUNCIL



Land adjacent 77 Burrige Road

Scale 1:1,250

© Crown copyright and database rights 2023 OS AC0000814042. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.