

OFFICER REPORT FOR COMMITTEE

DATE: 25/01/2023

P/22/1084/FP
MR BALBIR SINGH PUNIA

LOCKS HEATH
AGENT: BPS DESIGN
CONSULTANTS LTD

CONSTRUCTION OF TWO DETACHED TWO STOREY DWELLINGS WITH
ACCESS FROM LODGE ROAD (PLOTS 3 & 4)

33 LODGE ROAD, LOCKS HEATH, SO31 6QY

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 This 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 This application relates to a site within the urban area to the west side of Lodge Road just to the north of the junction with Malcolm Close. The site abuts Hamilton Caravan Park to the north and an area of public open space to the west.
- 2.2 The site forms part of a larger housing allocation site (H10) as indicated within the current Fareham Borough Local Plan.
- 2.3 Planning permission has previously been granted for the demolition of an existing bungalow that occupied the larger housing allocation site and the erection of two dwellings fronting Lodge Road (referred to as Plots 1 & 2). These two dwellings have now been constructed and occupied.

3.0 Description of Proposal

- 3.1 Planning permission is sought for the erection of two detached 4-bed dwellings with access from Lodge Road.
- 3.2 The dwellings would sit alongside the two dwellings already constructed on the Lodge Road frontage.
- 3.3 Each of the properties would be provided with three on-site car parking spaces.
- 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

CS9 - Development in the Western Wards & Whiteley

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 – Housing Allocations

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 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

H1: Housing Provision

HP1: New Residential Housing Development

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/22/0960/VC	Variation of Condition 2 & 10 of P/21/1685/FP (Erection of a 3 Bed Dwelling – Plot 2) to enable retention of second floor accommodation and rooflight windows to rear elevation Permission 17 November 2022
P/22/0650/FP	Construction of Two Pairs of Semi-Detached 2-Bed Dwellings with Access from Lodge Road Refused 23 June 2022
P/21/1685/FP	Erection of Detached 3-Bed Two Storey Dwelling Permission 8 February 2022 (Plot 2)
P/20/0792/FP	Demolition of Existing Dwelling and Erection of Replacement Dwelling (amended scheme of P/20/0238/FP)(Plot 1) Permission 22 September 2020
P/20/0238/FP	Demolition of Existing Dwelling and Erection of Replacement Dwelling (Plot 1) Permission 11 June 2020

P/19/0707/OA Outline Planning Application for Erection of Nine Dwellings
Refused 18 November 2019

P/00/0704/FP Erection of Six Detached Dwellings with Garages
Refused 15 November 2002

6.0 Representations

6.1 Eight representations have been received raising the following concerns;

- Design of dwellings is out of keeping with surrounding area
- Excessive height of dwellings
- Accommodation on second floor should not be permitted and roof should be hipped to prevent this
- Loss of privacy
- Increased traffic
- Insufficient space for parking
- Additional roadside parking will be hazardous
- Speed of traffic on Lodge Road
- The site has been under development for too long to the detriment of local residents
- The developer does not maintain the roadway in clean condition

Six letters of support have also been received.

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

7.1 Access to the dwellings is proposed via Lodge Road which is an adopted unclassified road subject to a 30mph speed limit. Both dwellings will have just the one single dropped kerb access arrangement, and each would serve up to three vehicles required to park on the frontage of each dwelling. It is anticipated this meets the required standards, but it is requested the Case Officer informs HCC if this is not the case. Vehicles would be required to egress back onto the highway in a reverse gear with the proposed arrangement. However, upon review of the latest accident data, the neighbouring area and existing access arrangements. The Highway Authority consider the proposals to be acceptable.

Archaeological Officer (Hampshire County Council)

- 7.2 The site lies within an area with only limited archaeological finds and sites recorded within the historic environment record and can be considered to have low archaeological potential. Whilst the possibility that archaeological remains being present cannot be ruled out, the low archaeological potential does not justify the imposition of archaeological conditions. On this basis, I do not wish to raise any archaeological issues.

Ecology

- 7.3 It is recommended that the hedge and tree planting as shown on the proposed block plan is secured via a planning condition, in addition to a minimum of two integrated bat roosting features such as bat tube or bat brick (bat boxes will not be accepted) and two integrated bird features (e.g. Vivara Pro WoodStone House Sparrow Nest Box, Ibstock Eco-habitat for Swifts or equivalent).

Natural England

- 7.4 Comments awaited.

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) Principle of Development
- b) Impact on Character & Appearance of the Area
- c) Impact on Living Conditions of Neighbouring Properties
- d) Highways
- e) Ecology
- f) Impact on Protected Sites

a) Principle of Development

- 8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy and Policies H1 and DS1 of the emerging Fareham Local Plan 2037 place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.
- 8.3 The site also forms part of an allocated housing site and therefore Policy DSP 40 (Housing Allocations) of the Fareham Borough Local Plan Part 2: Development Sites and Policies applies. This policy states that the larger site is allocated for residential development (Housing Site H10) and should be

developed in line with the principles set out within the development site brief. The housing allocation site is identified within the local plan as having an indicative capacity for ten dwellings. The Housing Allocation is carried forward into the emerging Fareham Local Plan 2037.

- 8.4 A planning application for the erection of nine dwellings on the wider housing allocation site was refused in November 2019 for the following reasons;

“The development would be contrary to Policies CS4 and CS6 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP13 and DSP15 of the Adopted Local Plan Part 2: Development Site and Policies Plan and is unacceptable in that:

- i) insufficient evidence has been submitted to demonstrate that the proposed development would not have an adverse impact upon protected species;*
- ii) 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 European designated Solent Special Protection Areas;*
- iii) on the basis of the information available the Local Planning Authority is not satisfied that the proposal would not have likely significant effects upon designated European Protected Sites, in combination with other developments, due to the adverse effects of increased waste water and emissions from traffic.”*

- 8.5 It is considered that the above reasons for refusal could have been addressed however the applicant has subsequently decided to undertake development of the site in a more piecemeal manner. Whilst this approach is not considered the most conducive to delivering a comprehensive scheme, the Local Planning Authority cannot require the applicant to submit a single application for the entire site and must determine what is before it if the applicant instead chooses to submit applications for piecemeal development of the site. Officers are however mindful that any development permitted should not prejudice the development of the remainder of the housing allocation site. The current application would result in the continuous development of the Lodge Road frontage so that access to the rear of the site would need to be taken from St Joseph’s Close. It is understood that the applicant has discussed this matter with the Highway Authority and that access to the rear of the site from St Joseph’s Close would be feasible in highway terms.

- 8.6 The principle of developing the site is considered acceptable and is to be encouraged to assist in meeting housing provision, subject to an assessment of the impacts arising.

b) Impact on Character & Appearance of the Area

- 8.7 Policy CS17(High Quality Design) of the Fareham Borough Council Core Strategy states that development should respond positively to and be respectful of the key characteristics of the area including landscape, scale, form, spaciousness and use of external materials.
- 8.8 A recent planning application for the construction of two pairs of semi-detached 2-bed dwellings on this site was refused in June 2022. It was considered that the proposal for four dwellings would have represented overdevelopment of the site and would have introduced an intensive form of development which is not evident or characteristic with the surrounding area. The proposed height of the dwellings would have exceeded the properties built on Plots 1 & 2. The plot sizes of the proposed dwellings were also noticeably smaller than those within the surrounding area and approximately half the width of the first dwelling built on Plot 1. Due to the limited width of the plots and the need to provide each property with two car parking spaces the entire frontage of the four properties would have been given over to hardsurfacing and car parking with no space left for landscaping to soften the appearance of the dwellings or improve the quality of the scheme. The proposal was found contrary to Policy CS17 of the Core Strategy and refused for the following reason;

“By virtue of the number of dwellings proposed, their height and limited plot width and the dominance of the frontages with hard surfacing and vehicle parking, the proposal would give rise to an unsympathetic and cramped form of development which would fail to respond positively to and be respectful of the key characteristics of the area including its landscape, scale, form and spaciousness to the detriment of the character and appearance of the area”.

- 8.9 The two dwellings now proposed would sit alongside the two dwellings already constructed presenting a continuously built-up frontage to Lodge Road. The design of the dwellings would be consistent with the first two dwellings. The plot sizes would also be comparable to Plot 1 which is wider than Plot 2, providing ample space for parking and landscaping on the site frontage and also amenity space to the rear. The dwellings would not appear cramped on the plots and the height of the dwellings are considered appropriate within the streetscene. It is considered that the revised proposal

overcomes the previous reason for refusal and would not have an unacceptable impact on the character or appearance of the area.

c) Impact on Living Conditions of Neighbouring Properties

8.10 Policy DSP3 of the adopted Local Plan Part 2: Development Sites & Policies concerns the impact of development on living conditions. It 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.

8.11 The previous application for the construction of four dwellings on this site was also refused for the following reason;

“By virtue of the proposed height and proximity of the proposed development to the northern boundary, the proposal would have an unacceptable and overbearing impact on the adjacent residential park homes to the north in terms of loss of light and outlook to the detriment of the living conditions of their occupants.”

8.12 By reducing the number of dwellings proposed on the site it has been possible to move two storey development right away from the boundary of the adjacent caravan park to improve the relationship with the adjacent Park Home pitches only some of which are currently occupied. The dwelling proposed on Plot 4 adjacent to the northern boundary would have a single storey element to the north side and the two storey flank wall would be set 4m from the boundary with the caravan park. The proposed dwellings would afford only oblique views from rear facing windows over the adjacent caravan park. It is considered that the previous reason for refusal has been addressed and the proposal would not have an unacceptable adverse impact on the living conditions within the park homes in terms of loss of light, outlook or privacy.

8.13 The properties on the opposite side of Lodge Road are located in excess of 25 metres from the front facing windows of the proposed dwellings and this is a relationship that is considered to be acceptable and would not result in an unacceptable loss of light, outlook or privacy.

d) Highways

8.14 The proposal makes adequate parking provision on site for three vehicles per dwelling in accordance with the Council's adopted Residential Car & Cycle Parking SPD. The provision of secure cycle parking would be secured by planning condition. The Highway Authority have raised no objection to the proposal in terms of its impact on highway safety.

e) Ecology

- 8.15 The application is supported by a preliminary ecological appraisal. The site currently comprises bare earth and was cleared of vegetation in excess of two years ago. It therefore has negligible ecological value and does not support protected species. Mitigation and enhancement measures are set out within the ecological appraisal and would be secured by planning condition including the provision of bat and bird roosting features within the fabric of the buildings. The Council's Ecologist has raised no objection to the proposal subject to an additional condition to secure proposed hedgerow planting indicated on the site plan to enhance the biodiversity of the site.

f) Impact on Protected Sites

- 8.16 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.
- 8.17 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.
- 8.18 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).
- 8.19 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.

- 8.20 The Council has completed 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.
- 8.21 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 applicant has agreed to make the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS) prior to any planning permission being granted.
- 8.22 In addition 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 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). The Councils Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has agreed to make the appropriate financial contribution before any planning permission is granted.
- 8.23 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, 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.
- 8.24 A nitrogen budget has been calculated in accordance with Natural England's *Nutrient Neutrality Generic Methodology* (Feb 2022) ('the NE Advice') and updated calculator (April 2022) which confirms that the development will generate 2.96 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 has been taken to be shrub land as the land has been vacant and vegetation

was untended and overgrown for many years prior to clearance of the site. 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.

- 8.25 The applicant has purchased 2.96 kg 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.
- 8.26 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 their comments are awaited. 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.

Summary

- 8.27 In summary it is not considered that the proposal would have any unacceptable detrimental impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, highway safety, or ecology. It is not considered that the proposal would have an adverse effect on the integrity of the Habitat Sites as appropriate mitigation has been secured. The proposal accords with the relevant local plan policies and is recommended for approval.

9.0 Recommendation

- 9.1 DELEGATE authority to the Head of Development Management to
- a) make any necessary modification, deletion or addition to the proposed conditions; and
 - b) in consultation with the Solicitor to the Council, consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, or any other subsequent minor changes arising.

9.2 GRANT PLANNING PERMISSION, subject to;

- i) receipt of the appropriate contributions to address the likely significant effect of the development on Habitat Sites (Solent & New Forest) in terms of recreational disturbance in accordance with the SRMS and the Councils Interim Mitigation Solution
- ii) the following conditions;

1. The development shall begin before within 3 years 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:

- a) Streetscene & Proposed Floor Plans & Elevations Plot 3 – PL 10 Rev C
- b) Proposed Floor Plans & Elevations Plot 4 – drwg No PL 12 Rev B
- c) Location Plan & Proposed Block Plan – drwg No. PL11 Rev A
- d) Preliminary Ecological Assessment (ESL Ltd, September 2021)
- e) Addendum to PEA (ESL Ltd, April 2022)

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

3. No development shall take place above damp proof course/slab level until details of all external materials and hard surfacing materials to be used in the construction of the dwelling hereby permitted, 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. None of the development hereby approved shall be occupied until the approved boundary treatment scheme (drwg No. PL/11 Rev A) has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

5. The approved landscaping scheme (drwg No. PL/11 Rev A) 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; In the interests of biodiversity.

6. The first floor windows proposed to be inserted into the south elevation of the approved dwellings shall be:

a) Obscure-glazed; and

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

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

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

7. Development shall proceed in accordance with the mitigation measures detailed in Section 6.0 of the Ecological Assessment (ESL Ltd, September 2021).

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

8. A minimum of two integrated bat roosting features such as bat tube or bat brick (bat boxes will not be accepted) and two integrated bird features (e.g. Vivara Pro WoodStone House Sparrow Nest Box, Ibstock Eco-habitat for Swifts or equivalent) shall be incorporated into the design of the new dwellings, with photographic evidence submitted. Thereafter, these features shall be retained in perpetuity.

REASON: to ensure the enhancement of the site for Protected Species.

9. The dwellings shall not be 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 made for that purpose.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

10. No development shall take place beyond damp proof course (dpc) level until details of how and where one Electric Vehicle (EV) charging point will be provided for each dwelling. The development shall be carried out in

accordance with the approved details with the charging point provided prior to first occupation of the dwelling.

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. Notwithstanding the provisions of Classes 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 additions or alterations to the roof shall be carried out to the dwelling houses hereby approved 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 provision of adequate car parking.

12. The residential units 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.

13. No work 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 living conditions of the occupiers of nearby residential properties.

Further Information

The applicant should be aware that as the proposals include the formation of a new or altered access onto the highway, which will include works within the highway, these works will be required to be undertaken in accordance with standards laid down by, and under a license agreement with, the Highway Authority. Full details of how to apply can be found at:

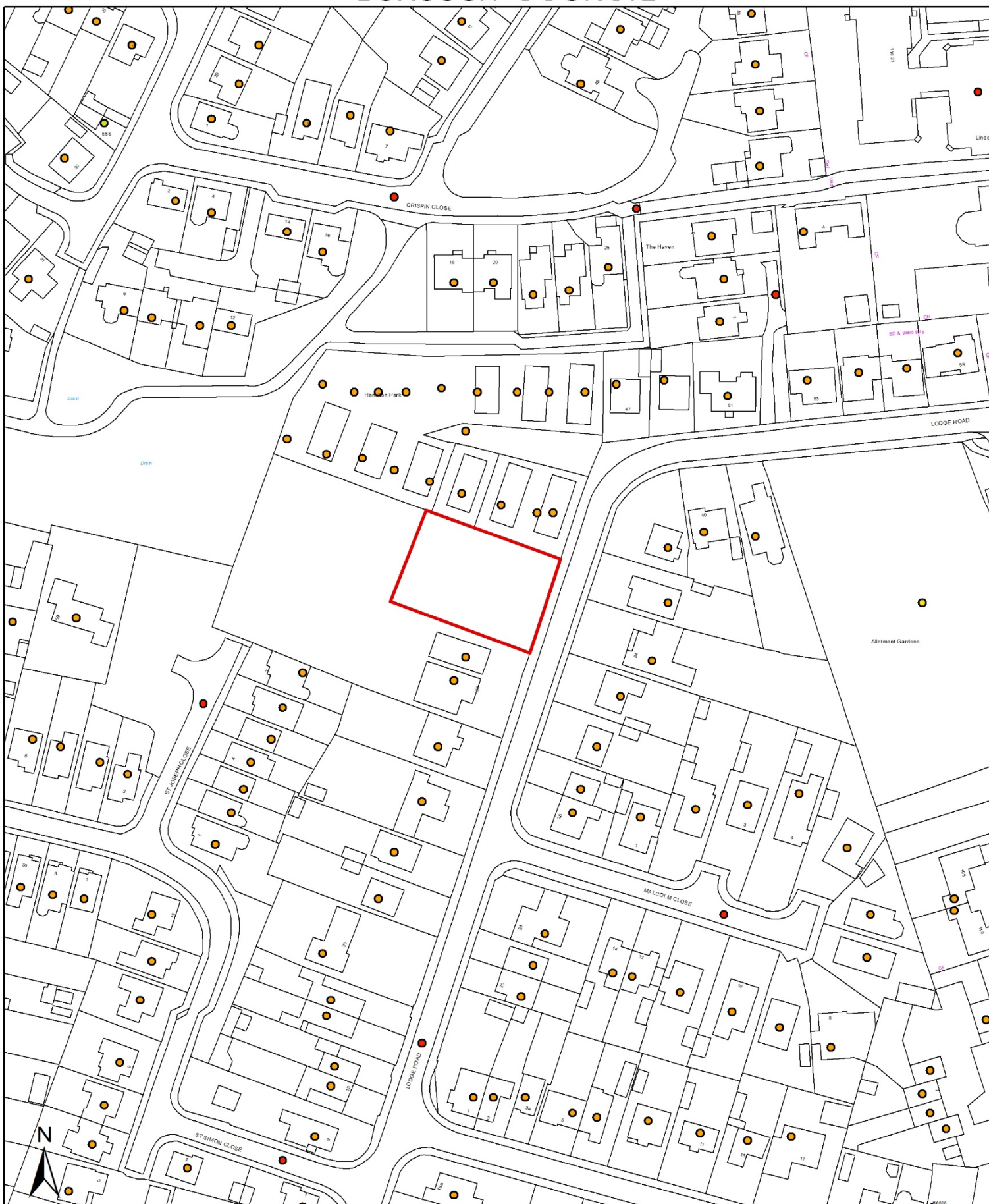
<https://www.hants.gov.uk/transport/licencesandpermits/roadopening>.

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



33 Lodge Road

Scale 1:1,250

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