

OFFICER REPORT FOR COMMITTEE

DATE: 09/10/2024

**P/24/0168/FP
MR DAVID BIRJANDI**

**PARK GATE WARD
AGENT: MR ANDREW BURGESS**

TWO FOUR-BEDROOMED DETACHED DWELLINGS WITH ASSOCIATED
PARKING AND LANDSCAPING

LAND AT HAMILTON ROAD, FAREHAM, SO31 7LX

Report By

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1.0 Introduction

1.1 This application is being brought before the planning committee due to the number of third party representations received.

2.0 Site Description

2.1 The site lies on the northern side of Hamilton Road; a rectangular shaped piece of land situated between Hawthorne Court to the west and Meadow Court to the east. The site shares its northern boundary with Fareham Community Hospital.

2.2 An 11,000v electrical cable and exclusion zone runs north – south along the western side of the site.

2.3 A number of trees are situated adjacent to the eastern and northern boundaries, outside of the application site.

2.4 The site is generally flat with a slight fall north to south and lies within the urban area.

3.0 Description of Proposal

3.1 The application proposes the erection of two four-bedroom dwellings sited one behind each other on the plot. The drive would run along the western boundary, providing an exclusion zone for the electricity cable.

3.2 Three parking spaces are proposed, sited to the front of each dwelling.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

H1: Housing Provision
HP1: New Residential Development
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
NE9: Green Infrastructure
TIN1: Sustainable Transport
TIN2: Highway Safety and Road network
D1: High Quality Design and Placemaking
D2: Ensuring Good Environmental Conditions
D4: Water Quality and Resources
D5: Internal Space Standards

Other Documents:

National Planning Policy Framework (NPPF) 2023
Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 No relevant planning history.

6.0 Representations

6.1 Eleven objections have been received raising the following material planning considerations:

- Loss of privacy to the adjacent flats and to the proposed dwellings;
- Loss of views and light;
- Noise, dust, mud and mess during construction which would have an impact on the elderly residents living next to the site;
- The access is very close to the exit from Meadow Court;
- Construction traffic would impact on access for ambulances and the fire brigade and will reduce on street parking for residents of Meadow Court;
- Impact upon wildlife;
- Out of character;
- Hamilton Road has no street lighting and floods when it rains heavily.

6.2 One comment was received after the consultation period had closed from Hampshire County Council as adjoining landowner which raises the following

points:

- Hampshire County Council request to be consulted on the traffic plan
- Consideration should be given to noise and disruption to the residents of the adjacent nursing home during construction.
- Obscure glazed windows should not be allowed to be changed in the future.

7.0 Consultations

EXTERNAL

Local Highway Authority – Hampshire County Council

7.1 No objection

Ecology – Hampshire County Council

7.2 No objection subject to conditions.

Scottish and Southern Electricity Networks (SSEN)

7.3 Plans identify high voltage cable and to applicant has knowledge of this. Developer advised to take all necessary health and safety precautions when excavating in the area and to contact SSE direct if he has any concerns. The specific location of the cable may need to be traced to ensure not only safe working practices but so as to ensure no building is built over it. Should it need to be lowered or moved a quote can be provided for such works by contacting SSE.

Natural England

7.4 No comments received

INTERNAL

Principal Tree Officer

7.5 No objection

Environmental Health Officer (Contaminated Land)

7.6 It is noted that the site is on land formerly noted to have naturally elevated carbon dioxide levels.

7.7 Having reviewed available information, the recommendation is that this application could be approved subject to conditions requiring submission of detailed designs of foundations showing the measures to mitigate risks from gas ingress prior to commencement of development and compliance with the approved measures.

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 principle of development
- b) Effect on Character and Appearance of the Area
- c) Parking and highway safety
- d) Impact on neighbouring properties;
- e) Ecology
- f) Biodiversity Net Gain
- g) Impact on Habitat Sites

a) The principle of development

8.2 The application site lies within the urban area and therefore the principle of development on the site is acceptable subject to all other material considerations.

b) Effect on Character and Appearance of the Area

8.3 Policy D1 of the Fareham Local Plan 2037 requires development proposals and spaces to be of high-quality design based on the principles of urban design and sustainability.

8.4 The dwellings are designed with three floors totalling 148 square metres and each will be of a contemporary design. The scale of the dwellings are reduced through the appearance of being two storey from the front, with room in the roof space for further accommodation to the rear.

8.5 The asymmetric roof design results in a large roof plane to the southern side of the dwellings which allows for approximately 18 solar panels to be added to each dwelling. Current guidance suggests that a 4 bed dwelling would require approximately 13 panels. The additional solar panels allow for a slight buffer should more be required and also allows for the option to store additional electricity produced.

8.6 The dwellings will be finished in a buff brick and brown coloured cladding to match the materials of the neighbouring property, Meadow Court. The materials assist in breaking up large areas of brick and giving more interest to the elevations, especially on the eastern and western elevations.

8.7 The dwellings will each have a private rear garden area and three parking spaces to the front. The design of the dwellings is considered acceptable.

- 8.8 A planting scheme is proposed which will include the use of native hedgerows and species.
- 8.9 A shared bin collection point has been designed into the site layout to the front of the southern most plot.
- 8.10 The proposed dwellings are considered high quality design and comply with Policy D1 of the Fareham Local Plan 2037.

c) Parking and Highway Safety

- 8.11 Fareham's Residential Car and Cycle Parking Standards SPD states that a four bedroom property should provide a minimum of 3 car parking spaces. Three spaces are proposed for each dwelling. The proposal therefore complies with the Residential Car & Cycle Parking Standards SPD.
- 8.12 The Local Highways Authority at Hampshire County Council raise no objection to the proposal.

d) Impact on neighbouring properties

- 8.13 Policy D2 of the Fareham Local Plan 2037 states that proposals should not result in an unacceptable adverse impact upon neighbouring properties by way of a loss of light, outlook and/ or privacy.
- 8.14 Fareham's Design Guidance SPD (hereafter referred to as the Design SPD) states that first floor windows should be a minimum of 22 metres away from facing windows when serving a habitable room. First floor windows facing a flank elevation should achieve a minimum of 12.5 metres separation distance.
- 8.15 Rear gardens should be a minimum of 11 metres deep.
- 8.16 The dwellings have been designed so that there are no windows that serve habitable rooms at first or second floor level facing onto the neighbouring buildings to the east or west of the site. The only windows at first and second floor level on the side elevations of the properties serve bathrooms or the stairwell. The windows on the western elevations are shown on the plans as being obscure glazed with 100mm restricted opening and those on the eastern elevation are to be obscure glazed and fixed shut.
- 8.17 The proposal is therefore considered to not result in an unacceptable adverse loss of privacy for either the neighbouring properties or the occupants of the proposed dwellings.
- 8.18 The dwellings are a minimum of 12.5 metres away from any neighbouring windows and so it is considered that the outlook from the neighbouring

properties would not be unacceptably adversely impacted.

- 8.19 The proposed dwellings are in excess of 22 metres away from each other and so the separation distance between windows specified within the Design SPD is met.
- 8.20 Both the proposed properties have 11 metre deep gardens and so comply with the Design SPD.
- 8.21 For the reasons given above, Officers consider that the proposals comply with Policy D2 of the Fareham Local Plan 2037 and the Design SPD.

e) Ecology

- 8.22 An Ecology report has been submitted with the application which recommended environmental DNA (eDNA) surveys of two ponds located close by. The surveys determine whether they are used as breeding ponds for Great Crested Newts.
- 8.23 The eDNA survey results indicate an absence of Great Crested Newts.
- 8.24 A further walkover of the site was carried out once the site had been left unmanaged which concluded that no new evidence of notable protected species were recorded and no further surveys required.
- 8.25 The Council's Ecologist has been consulted and has raised no objections subject to the measures of the Ecology Report being conditioned and a condition requiring the installation of at least one integrated bird feature and one integrated bat feature on at least one of the dwellings.

f) Biodiversity Net Gain

- 8.26 If granted the proposed development of the site would be subject to the mandatory requirement to deliver 10% Biodiversity Net Gain (BNG) which came into effect on 12 February 2024.
- 8.27 A Biodiversity Net Gain Assessment was submitted with the application along with the biodiversity net gain (BNG) metric calculation. The submitted information concludes that would result in a net biodiversity loss of 86.26%.
- 8.28 Due to the small size of the site, the creation of medium and high distinctiveness habitats on site is difficult to achieve. As such, offsite habitat creation is likely to be more beneficial to improving biodiversity within the locality of the site. Off-site biodiversity units will need to be purchased in order to meet the shortfall of 0.2961 biodiversity units.

8.29 Any planning permission granted would be subject to the statutory biodiversity gain plan condition which requires submission of a biodiversity gain plan prior to the commencement of development, including a habitat management and monitoring plan to demonstrate how this gain would be maintained over a 30 year period.

g) Impact on Habitat Sites

8.30 Policies NE3 and NE4 of the Fareham Local Plan 2037 confirm 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.

8.31 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.

8.32 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).

8.33 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.

8.34 When considering the proposed development Officers consider there to be three main likely significant effects on HS – water quality, air quality and recreational disturbance.

8.35 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. 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 dwelling) will have a likely significant effect upon the HS.

- 8.36 A nitrogen budget has been calculated in accordance with Natural England's 'National Generic Nutrient Neutrality Methodology' (Feb 2022) ('the NE Advice') and revised calculator (24th May 2024) which confirms that the development will generate 1.15kg TN/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.
- 8.37 Having regard to the previous use of the land, the existing use of the land for the purposes of the nitrogen budget is considered residential/urban land. 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 neutral before it can grant planning permission.
- 8.38 The Council has entered into legal agreements with four nitrate mitigation providers. The applicant has agreed to purchase 1.15kg TN/year of nitrate mitigation 'credits' from one of these approved schemes. The purchase of credits will result in the use of a parcel of land at the providers site being taken out of agricultural use or creating a wetland habitat therefore reducing the amount of nitrogen entering The Solent marine environment.
- 8.39 The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development, meaning the scheme can demonstrate nutrient neutrality. Should planning permission be granted, a planning condition would be imposed requiring the applicant to provide evidence of notice of purchase of the allocated credits to the Local Planning Authority prior to the commencement of development.
- 8.40 The second aspect is impact on air quality, where the designated sites can be adversely affected through airborne pollution from development sites generated either during construction or operation / occupation. The Council's Air Quality Habitat Regulations Assessment (HRA) for Short-Term Development in Fareham Borough by Ricardo Energy and Environment (2020) has undertaken an assessment which avoids the need for relying on the assumption of a 200-metre zone of influence by including dispersion modelling of emissions from all roads with modelled traffic flows within the Fareham study area, whether or not they are located within 200m of a designated site. The Study concluded no likely significant effect alone or in combination with other plans and projects for all qualifying features of the protected HS.

- 8.41 The third of the likely significant effect on HS concerns disturbance on The Solent coastline through increased recreational use by visitors to the sites. The applicant has made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP).
- 8.42 In addition, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in an 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 Council's 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 made the appropriate financial contribution.
- 8.43 The Council has carried out an Appropriate Assessment and concluded that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the Habitat Sites either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment but no response was received during the 21-day statutory period. It is considered that the proposal will accord with Policies NE3 and NE4 of the Fareham Local Plan 2037.

Summary

- 8.44 It is considered that the proposal will not result in an unacceptable adverse impact upon neighbouring properties or the character and appearance of the area and complies with Local Plan policy.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin within three years from the date of this permission.
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 hereby permitted shall be constructed in accordance with the following documents:

- a) Drawing No: 100 Rev A – Location and Block Plans as Existing and Proposed
 - b) Drawing No: 110 Rev A – Site Survey as Existing
 - c) Drawing No: 111 Rev A – Site Plan as Proposed
 - d) Drawing No: 115 Rev A – Building Proximity
 - e) Drawing No: 120 Rev A – Plans as Proposed
 - f) Drawing No: 130 Rev B – Elevations as Proposed
 - g) Preliminary Ecological Appraisal by The Ecology Co-op dated 16th January 2024
 - h) Great Crested Newt Environmental DNA Survey by LHB Ecology dated 21st May 2024
 - i) Ecological Walkover by LHB Ecology dated 2nd July 2024
 - j) Biodiversity Net Gain Assessment by LHB Ecology dated 21st May 2024
- REASON: To avoid any doubt over what has been permitted.

3. No development shall take place until details of the proposed external finished ground levels and internal finished floor levels of each dwelling in relation to the existing and finished ground levels on the site have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

4. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details (including samples where requested by the Local Planning Authority) of all proposed external facing and hardsurfacing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

5. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next

available planting season, with others of the same species, size and number as originally approved.

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

6. The development hereby permitted shall be carried out in full accordance with the recommendations and enhancements set out in the approved Ecological report by The Ecology Co-op dated 16th January 2024, the Great Crested Newt Environmental DNA Survey by LHB Ecology dated 21st May 2024 and the Ecological Walkover by LHB Ecology dated 2nd July 2024. The enhancement measures shall include the inclusion of an integrated bat feature such as a bat tube or bat brick and an integrated bird feature such as a swift brick in at least one of the approved dwellings. None of the development hereby approved shall be first occupied until the approved ecological enhancements have been fully implemented. These enhancement measures shall be subsequently retained.

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

7. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

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

REASON: To ensure that the character and appearance of the development and the locality are not harmed and to encourage cycling as an alternative mode of transport.

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

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

- b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Hamilton Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles;
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development; and,
- g) No burning on-site.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

10. No development shall proceed beyond damp proof course (dpc) level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.
- REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality.

11. The landscaping scheme, submitted under Condition 10, 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.

12. No development shall take place until evidence has been submitted to the Council and approved in writing that nitrate mitigation of at least 1.15kg TN/yr has been secured in respect of the development. Where the nitrate mitigation is secured by the purchase of nitrate mitigation 'credits', this must be purchased from a Council-approved nitrate mitigation scheme with a pre-existing Section 33/Section 106 agreement already in place.

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

13. No development shall take place until detailed drawings of the foundation design of the dwellings clearly showing the measures to mitigate the risks from gas ingress and instructions for installation have been submitted to and approved in writing by the Local Planning Authority. The drawing shall be accompanied by written confirmation from an independent competent person that the proposed measures shall not compromise existing gas protection and will protect the proposed development. It shall also include the nomination of an independent competent person (to be agreed with the Local Planning Authority) to oversee the implementation of the design.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place

14. None of the development hereby approved shall proceed beyond damp proof course level until the agreed foundation design submitted under condition 13 is fully implemented and the installation of gas protection measures have been inspected and verified in writing as satisfactory by the agreed independent competent person. This verification shall be submitted to and approved by the local planning authority in writing.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

15. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or

recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

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

16. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

THEN

DELEGATE authority to the Head of Planning to:

- a) Make any necessary modification, deletion or addition to the proposed conditions.

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.

Land at Hamilton Road Fareham

