

OFFICER REPORT FOR COMMITTEE

DATE: 13/11/2019

**P/19/0707/OA
MR BALBIR SINGH PUNIA**

**LOCKS HEATH
AGENT: BPS DESIGN
CONSULTANTS LTD**

**OUTLINE PLANNING APPLICATION FOR ERECTION OF NINE DWELLINGS
(WITH ALL MATTERS RESERVED)**

33 LODGE ROAD, LOCKS HEATH

Report By

Susannah Emery – direct dial 01329 824526

1.0 Introduction

- 1.1 The application is reported to the Planning Committee due to the number of third party letters received both against the development and in support.

2.0 Site Description

- 2.1 This application relates to a site within the urban area to the west side of Lodge Road. The site abuts properties on Lodge Road and St Josephs Close to the south. To the north there is a caravan site which is currently being redeveloped and to the west lies the Crispin Close/St Josephs Close public open space.
- 2.2 The site forms the larger part of an allocated housing site (H10) as indicated on the proposals maps of the local plan.
- 2.3 The site is currently very overgrown with bramble scrub and areas of grassland. There are two TPO trees on the southern boundary of the site.

3.0 Description of Proposal

- 3.1 Outline planning permission is sought for the erection of nine dwellings on the site with all other matters reserved (means of access, appearance, layout, scale and landscaping).
- 3.2 An indicative site layout has been submitted demonstrating how the site could potentially be laid out with access being taken from Lodge Road.

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 & Climate Change
CS17: High Quality Design
CS20: Infrastructure & 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

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

6.0 Representations

6.1 Five representations have been received raising the following concerns;

- The density of development is excessive in close proximity to a dangerous corner
- The access to the site should be as far from the bend in Lodge Road as possible
- Access from St Josephs Close should be considered
- It would be good to see the existing bungalow demolished or renovated as it has been vandalised and attracts anti-social behaviour
- Development should be restricted to the Lodge Road frontage and not extend to the rear of the site
- The access drive to the rear properties would not be adequate in width
- Insufficient car parking provision would result in on-street parking problems

Five letters of support have also been received

7.0 Consultations

EXTERNAL

Hampshire County Council Archaeologist

- 7.1 The site is located upon a deposit of terrace gravels that were laid down by the former River Solent in the distant past. These gravels have been assigned to River Terrace No. 6 of the Solent terrace sequence, which has in turn been equated to Marine Isotope Stage (MIS) 13b. MIS 13b is located at the end of a series of warm interglacial periods that form the Cromerian Sequence and has been dated to around 478,000BP. This MI Stage includes the current earliest known dates for a hominin presence along the south coast of England at Boxgrove in West Sussex. The River Terrace No.6 gravels therefore have the potential to contain highly significant archaeological data. Any faunal remains recovered from such deposits could be carbon dated in order to refine the established dating sequence within the River Terrace No. 6 gravels and MIS13b, while any evidence of hominid activity would provide a very rare opportunity to study the earliest human activity within southern Britain. Therefore, any anthropomorphic or environmental data found would be potentially of national or international importance. However, this potential importance must be balanced against the likelihood of such finds actually being made within a relatively small site. Data such as faunal remains are rare, and evidence of hominid activity is rarer. The chances of such finds being made within the Site are considered to be low at this stage.

The balance between the possibility of recovering highly important data within the Site, set against the low level of likelihood that such data might actually be found here, means that any mitigation strategy needs to address the potential for the presence of such significant data as its primary aim. If no 'slack water' deposits can be identified (i.e. areas around the margins of the former River Solent where human activity is likely to have taken place), then further investigations of the site would be unnecessary.

Therefore, I would advise that an archaeological evaluation be carried out across the site in order to determine the presence of any 'slack water' deposits. Such an evaluation should be made the subject of condition attached to any permission that might be issued. This evaluation could be carried out in a staged approach in order to limit the scope and costs of the work until the presence of any 'slack water' deposits can be established.

INTERNAL

Ecology

- 7.2 The Phase I Ecological Survey report by Ecosupport (July 2019) confirms that the site has potential for reptiles and therefore recommends a reptile survey. The results of this survey work have not been submitted. Therefore, I request that this information is submitted, prior to any decision being made.

The submitted report should also be amended to confirm how the loss of all the habitats on site, whilst of relatively low ecological value, will not only be compensated but the proposals will result in a net gain in biodiversity. It should be noted that erection of bat and bird boxes will simply not be sufficient for a development of this scale and the creation of high-quality habitats incorporated into the soft landscaping works should be considered to ensure the proposals are in line with the NPPF. The applicant's ecologist may consider using the 2019 Biodiversity Metric 2.0 to confirm that the development will achieve a net gain in Biodiversity.

Tree Officer

- 7.3 There are no arboricultural objections to residential development of this site in principle. However, of concern would be the southernmost unit on the indicative layout, which relates poorly to the TPO maple and willow tree, which will dominate the rear and front aspect respectively. The constraint posed by both these trees should be properly assessed.

8.0 *Planning Considerations*

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

- a) Principle of Development;
- b) Highways;
- c) Impact on Trees and On-site Protected Species;
- d) Impact of Development on European Protected Sites

a) Principle of Development

- 8.2 The site is within the urban area where residential infilling, redevelopment and development on neglected and underused land will be permitted, providing it does not adversely affect the character of the surrounding area or amenity of existing residents.
- 8.3 The site is also 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 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 site should be safeguarded from any other form of permanent development that would prejudice its future use as a housing site. The site is identified within the local plan as having an indicative capacity for 10 dwellings. The extent of the allocated site includes the residential curtilage of the existing bungalow at 33 Lodge Road which is excluded from the current application site boundary. It is understood that the redevelopment of the existing bungalow would come forwards as a separate application.

- 8.4 A previous application (P/00/0704/FP) to erect six dwellings on the site following demolition of the existing dwelling was refused in 2000 with the only reason for refusal relating to failure to complete a legal agreement to secure a contribution towards public open space. It is understood that this was as a result of land ownership issues.
- 8.5 The site layout submitted with the application is for indicative purposes only and whilst Officers have concerns over certain aspects of this layout this would be for further consideration at the reserved matters stage. This application is an outline application with all matters reserved. In principle the proposal to erect nine dwellings on the site is acceptable subject to consideration of all material planning considerations.

b) Highways

- 8.6 At this stage the indicative layout submitted with the application is not being considered and therefore concerns relating to the access arrangements to the properties at the rear of the site are not relevant. The detailed site layout would be considered at the reserved matters stage and the proposal would also need to demonstrate compliance with the Council's Residential Car and Cycle Parking SPD to ensure adequate on-site car parking provision. There are however no concerns in relation to the additional traffic movements that the proposal would bring to the local road network. It is considered that access from Lodge Road would be preferable to access being taken from the end of the cul-de-sac of St Josephs Close.

c) Impact on Trees and On-site Protected Species

- 8.6 The Council's Principal Tree Officer has advised that any subsequent reserved matters application would need to be supported by an Arboricultural Impact Assessment and Method Statement to ensure that the proposal would not have an adverse impact on the protected trees on the southern boundary and that the proximity of the dwellings to the retained trees would result in a satisfactory living environment. The site plan submitted is indicative only.

- 8.7 Officers have requested submission of the Phase II reptile survey stated as being required within the Phase 1 ecological assessment. This has been identified as being required by the applicant's ecologist as a result of the suitability of the habitat found on site to support reptiles. It has been advised by the applicant that this will not be forthcoming and that if planning permission is not granted on this occasion then he will not develop the site. It is currently not possible to undertake the Phase II Survey as the optimum season would be May-September. Nonetheless the applicant has requested that the application is determined as it stands and there has been no commitment to undertake the survey next year.
- 8.8 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. The National Planning Policy Framework, Circular 06/2005 (Biodiversity and Geological Conservation) and the Natural England Standing Advice on Protected Species, require that planning decisions are based on full, up to date ecological information and it is essential that all necessary survey, assessment and mitigation information is available to the LPA prior to determination, particularly in the case of protected species, which are a material planning consideration.
- 8.9 On the basis that the applicant is unwilling to undertake a Phase II reptile survey the Local Planning Authority has no alternative but to refuse the planning application on the grounds that there is insufficient information available to determine that the development would not have an adverse impact on protected species or that sufficient mitigation can be provided, contrary to policy DSP13 of the Local Plan.

d) Impact of Development on European Protected Sites

- 8.10 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.
- 8.11 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 'European Protected Sites'(EPS). The Council has a legal duty to consider whether any impacts from new developments are likely to have a significant effect upon EPS.

Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality.

- 8.12 Natural England has recently 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 EPS. It is considered that the total nitrogen output from the site would increase above the existing use of the site and no mitigation measures have been put forward. The proposed development would therefore not be nutrient neutral and it is considered that there would be a likely significant impact on the EPS resulting from increased waste water.
- 8.13 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of EPS also has the potential to cause a likely significant effect in isolation or when considered in combination with other projects. No assessment of the impact of the proposal on air quality has been submitted and therefore it is uncertain whether there would be a likely significant effect upon European Protected sites resulting from increased road traffic emissions.
- 8.14 Policy DSP15 (Recreational Disturbance on the Solent Protection Areas) of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Project (SRMP). Had the proposal been found acceptable in all other regards the applicant would have been invited to make a financial contribution through the SRMP. In the absence however 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 is considered to be contrary to Policy DSP15.
- 8.15 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 European 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 European sites. However

since the application is being recommended for refusal by Officers for other reasons, there is no requirement to carry out an Appropriate Assessment as would otherwise be required.

- 8.16 It has not been demonstrated that European Protected Sites would not be adversely affected by the development and the proposal therefore fails to protect those sites. As a result, the proposal is contrary to Policies CS4 and CS6 of the Core Strategy and Policies DSP13 & DSP15 of the Local Plan Part 2: Development Sites & Policies.

9.0 Recommendation

- 9.1 REFUSE OUTLINE PLANNING PERMISSION; 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:

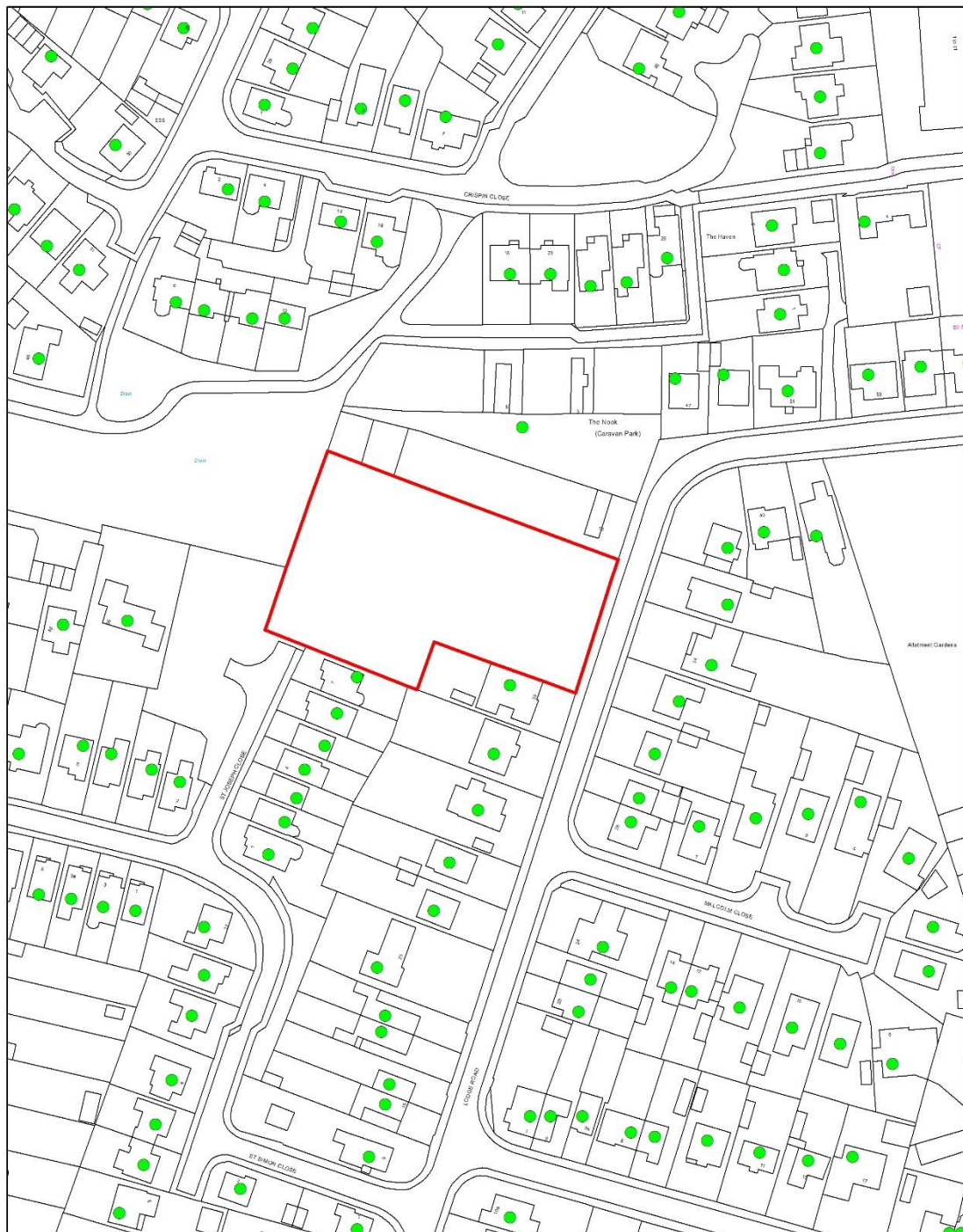
- i) insufficient evidence has been submitted to demonstrate that the proposed development would not have an adverse impact upon protected species;
- ii) in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that 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.

11.0 Background Papers

P/19/0707/OA

FAREHAM

BOROUGH COUNCIL



33 Lodge Road

Scale 1:1,250



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