

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 20 January 2021**

**P/18/1240/FP**

**MR DEREK LINDSAY**

**PARK GATE**

**AGENT: SOLENT PLANS LTD**

**ERECTION OF TWO DETACHED 3-BED DWELLINGS**

**356 BROOK LANE - LAND TO REAR, SARISBURY GREEN, SOUTHAMPTON,  
SO31 7DP**

### ***Report By***

Susannah Emery – direct dial 01329 824526

#### ***1.0 Introduction***

- 1.1 The application is reported to planning committee as over five third party letters of representations have been received.

#### ***2.0 Site Description***

- 2.1 The application relates to a site within the urban area which extends to the rear of No.356 Brook Lane which stands on the eastern side of Brook Lane. The existing dwelling is a detached bungalow occupying a generous plot which is well maintained. The site abuts properties on Hollybrook Gardens to the south and east. The site to the north has been developed recently by the erection of two detached two storey dwellings (P/16/0439/FP) to the rear of No.358 Brook Lane.

#### ***3.0 Description of Proposal***

- 3.1 Planning permission is sought for the erection of two detached 3-bed dwellings to the rear of the existing dwelling. The dwellings would be accessed via a driveway extending along the southern side of the existing dwelling. The two dwellings would be traditionally designed and would be a handed version of each other. The properties would each have two car parking spaces and a garage.

#### ***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

### **Other Documents:**

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

Residential Car Parking Standards 2009

## **5.0 Representations**

5.1 Eight representations have been received raising the following concerns;

- Overdevelopment of garden land
- Overlooking
- Bungalows would not result in the same loss of privacy
- Lack of privacy to front of adjacent dwelling
- Light disturbance from use of access
- Increased noise from use of access and rear gardens
- Access should be sited to opposite side of site
- Boundary fence should be raised in height
- Potential for damage to boundary fence along access
- Detrimental to enjoyment of garden
- Loss of mature trees and shrubs
- Security concerns as a result of unrestricted access being formed to rear of site
- Loss of light and overshadowing
- The proposal should provide a net gain in biodiversity (including Swift bricks)
- Surface water run-off on to adjacent gardens
- The use of renewable energy (ie solar panels) should be considered
- Formation of another access on to Brook Lane
- Construction hours should be controlled
- Any damage should be 'made good' by the developer
- There should be no impact to adjoining property services
- Local schools are over-subscribed

## 6.0 Consultations

### INTERNAL

- 6.1 **Transport Planner** – No highway objection subject to planning conditions to secure provision of access and parking as shown, bin and cycle storage.

### EXTERNAL

- 6.2 **Natural England** - We consider that without appropriate mitigation this proposal would have a significant effect on: Solent and Southampton Water SPA, Solent & Southampton Water Ramsar, Solent Maritime SAC, Solent and Dorset Coast SPA, Portsmouth Harbour SPA, Portsmouth Harbour Ramsar, New Forest SPA, Ramsar and SAC, Solent and Isle of Wight Lagoons SAC and Chichester and Langstone Harbours SPA and Ramsar.
- 6.3 This application is within 5.6km of Solent and Southampton Water SPA & Ramsar and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has adopted planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Provided that the applicant complies with the policy and the Bird Aware Definitive Strategy, Natural England is satisfied that the applicant has mitigated against the potential adverse effects of the development on the integrity of the European site(s), and would have no objection to this aspect of the application.
- 6.4 The application is supported by a nitrogen budget which sets out the underlying calculations resulting in a positive nitrogen contribution of TN 1.41 Kg/year (inclusive of 20% buffer). Natural England is aware that Fareham Borough Council is developing an interim strategy to address nutrient impacts from developments currently in the planning system and we are working with the Council to develop this approach. It is noted that the positive N budget for this development will be mitigated by offsetting against land taken out of high intensity agricultural land at Little Duxmore Farm on the Isle of Wight (plots 0032a & b). As you are aware, appropriate assessments cannot have lacunae and must contain complete, precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effects of the works proposed on the protected site concerned. Complete information is required to ensure that the proposal will not affect the integrity of the international sites. Provided you as competent authority can be satisfied that, based on a sufficient level of evidence, the development will achieve nutrient neutrality by first occupation and that the appropriate level of mitigation can be

fully secured in perpetuity, Natural England would advise that the Appropriate Assessment can conclude there will be no adverse effect on the integrity of the Solent European Sites in relation to water quality impacts.

6.5 The HRA outlines the proposals will incur an adverse effect on Solent Maritime SAC in-combination with short-term planned growth within the Fareham borough, with respect to the qualifying feature Perennial vegetation of stony banks, via increased atmospheric nitrogen deposition from road traffic emissions. The impact will affect a wider area across South Hampshire and the HRA outlines that Havant Borough Council and Portsmouth City Council will set up a Nitrogen Action Plan in order to address this. To mitigate the current development's impact, the HRA outlines Fareham Borough Council will implement the Nitrogen Action Plan accordingly. Provided the details of the Nitrogen Action Plan set out a suitable monitoring regime that assesses N-deposition on the protected site over the long-term and mitigation measures are brought forward as necessary to reduce appropriate levels of nitrogen within the affected natural system, then Natural England would concur that the cumulative adverse effect for this development has been adequately addressed.

6.6 In order for your authority to be assured that the proposal meets the requirements of the NE standing advice additional requirements for biodiversity enhancement and net gain as set out in National Planning Policy Framework paragraphs 8, 118, 170, 174 and 175d, Natural England recommends that the application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by the Council's Biodiversity Team.

## **7.0 *Planning Considerations***

7.1 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) Impact on Character & Appearance of the Area
- c) Impact on Amenity of Neighbouring Properties
- d) Highways
- e) Trees & Ecology
- f) Impact on European Protected Sites

### **a) Principle of Development**

7.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously

developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as previously developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects. 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.

**b) Impact on Character & Appearance of the Area**

- 7.3 The character of the surrounding area has been altered by the backland development to the rear of the Brook Lane frontage properties to the north of the application site. Two dwellings have been erected to the rear of No.358 and a small development of four dwellings has been erected to the rear of Nos 360-362. Both these developments are accessed via private access drives between the frontage properties. The existing plot of No.356 remains as the largest within the surrounding area. The site is bounded by properties on Hollybrook Gardens to the east and south which have far more modest plots. In this respect Officers are of the view that the proposal to sub-divide the plot would have no adverse impact on the character of the surrounding area. The remaining plot sizes are considered to be in keeping with the surrounding pattern of development. Two storey dwellings are visible to the rear of the frontage properties on Brook Lane and therefore the erection of two storey dwellings on the application site is considered acceptable.

**c) Impact on Amenity of Neighbouring Properties**

- 7.4 Various concerns have been raised by the occupants of the properties adjacent to the proposed access drive. It is suggested that the proposal would result in noise and disturbance from use of the access and loss of privacy and light disturbance to the frontage of No.354 which is screened by a low-level fence on the party boundary. Planning conditions relating to boundary treatment and hardsurfacing will be imposed and Officers will be looking to ensure the privacy to the front of No.354 is enhanced by the erection of a higher fence alongside this property which would also prevent headlights shining into the adjacent bedroom window. A permeable hard surface will be sought for the driveway as opposed to gravel to reduce noise and also surface water run-off on to adjacent properties. It is not considered that the number of vehicle movements generated on the access drive by two properties would result in a significant level of noise and disturbance to adjacent properties.

- 7.5 The proposed dwellings would have rear gardens measuring a minimum of 11m in depth. The rear facing windows of Plot 1 would face on to the flank wall of No. 28 Hollybrook Gardens and the rear facing windows within Plot 2 would face towards the rear garden of this property. The level of separation would comply with the requirements set out within the Council's adopted Design SPD. The front facing first floor windows to the dwellings would also be 11m from the rear garden boundary of the existing dwelling.
- 7.6 Amended plans have been sought to increase the distance between the rear of No.34 Hollybrook Gardens and the flank wall of Plot 1. This separation distance was initially indicated as being 11m but has been increased to 13m to exceed the minimum level of separation specified within the adopted Design SPD. It is not considered that the relationship of the proposed dwellings with surrounding properties is close enough to result in a detrimental loss of light to those properties or that any increased noise as a result of the use of the garden areas would have a detrimental impact on the living conditions currently enjoyed by the occupants of the surrounding properties.

#### **d) Highways**

- 7.7 The proposed access would be 5m in width for the initial 10m in length which would enable two vehicles to pass in the entrance to the site. This would prevent vehicles waiting on Brook Lane which would be likely to interfere with the free flow of traffic on this road. Adequate visibility can be achieved and there are no concerns regarding highway safety as a result of the provision of an additional access on to Brook Lane.
- 7.8 The proposal makes adequate provision for car parking in accordance with the Council's Residential Car & Cycle Parking SPD. Each 3-bed property would have two car parking spaces which satisfies the requirement. The garage could provide additional parking or secure cycle parking.
- 7.9 A bin collection point is shown adjacent to Brook Lane with adequate space for bin storage available on each individual plot.

#### **e) Ecology**

- 7.10 The site is a mature but well maintained residential garden within a built up suburban environment. There are no significant trees. It is not considered that the proposal would result in a significant negative impact on protected species. Ecological enhancements of the site would be secured by planning condition in accordance with the National Planning Policy Framework.

**f) Impact on European Protected Sites**

- 7.11 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.
- 7.12 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.
- 7.13 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).
- 7.14 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 European 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 European 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.
- 7.15 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are set out below.
- 7.16 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 applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would

not have an adverse effect on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects.

- 7.17 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 EPS.
- 7.18 A nitrogen budget has been calculated in accordance with Natural England's *'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'* (June 2020) ('the NE Advice') which confirms that the development will generate 1.4 kg 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. The existing use of the land for the purposes of the nitrogen budget is considered to be urban. Due to the uncertainty of the effect of the nitrogen from the development on the EPS, 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.
- 7.19 The applicant has purchased 1.5 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT) which has been confirmed by the Trust through the submission of a note of purchase. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment.
- 7.20 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent. Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.



## **Summary**

- 7.21 In summary it is not considered that the proposal would have any 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 EPS as appropriate mitigation has been secured. The proposal accords with the relevant local plan policies and is recommended for approval.

## **8.0 Recommendation**

- 8.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin 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) Site Location Plan (1:1250) & Proposed Site Plan – drwg No.SD-1840-11 Rev G
  - b) Amended Elevations & Floor Plans – drwg No. SD-1840-10 Rev C
  - c) Proposed Garages – drwg No.SD-1840-12 Rev AREASON: 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 (including a fixed permeable finish to the access driveway) to be used in the construction of the dwellings 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. No development above damp proof course (DPC) shall take place until there has been submitted to and approved in writing by the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times unless otherwise agreed in writing with the local planning authority.  
REASON: In the interests of residential amenity; in the interests of the visual amenity of the area.

5. No development shall proceed beyond damp proof course 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

6. The landscaping scheme, submitted under Condition 5 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.

7. Prior to the commencement of development details of biodiversity enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

REASON: To enhance biodiversity in accordance with the Natural Environment and Rural Communities Act 2006 and the National Planning Policy Framework.

8. The first floor windows proposed to be inserted into the side elevations of the dwellings hereby permitted shall be glazed with obscure glass and be of a non opening design and construction to a height of 1.7 metres above internal finished floor 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.

9. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas 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.

10. None of the development hereby approved shall be occupied until the bin collection point has been provided in accordance with the approved plan (drwg No. SD-1840-11 Rev G). This area shall be subsequently retained for bin collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

11. 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 an average 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

12. 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 Brook Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

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.

The development shall be carried out in accordance with the CMP and areas identified in the 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.

13. No work relating to 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 amenities of the occupiers of nearby residential properties; in accordance Policy DSP3 of the Development Sites and Policies Plan.

## **9.0 Notes for Information**

Before any development is commenced on site the approval of the Highway Authority (Hampshire County Council) must be given for the new vehicular access. This is in addition to this planning permission. Further details on how to apply can be found online via:

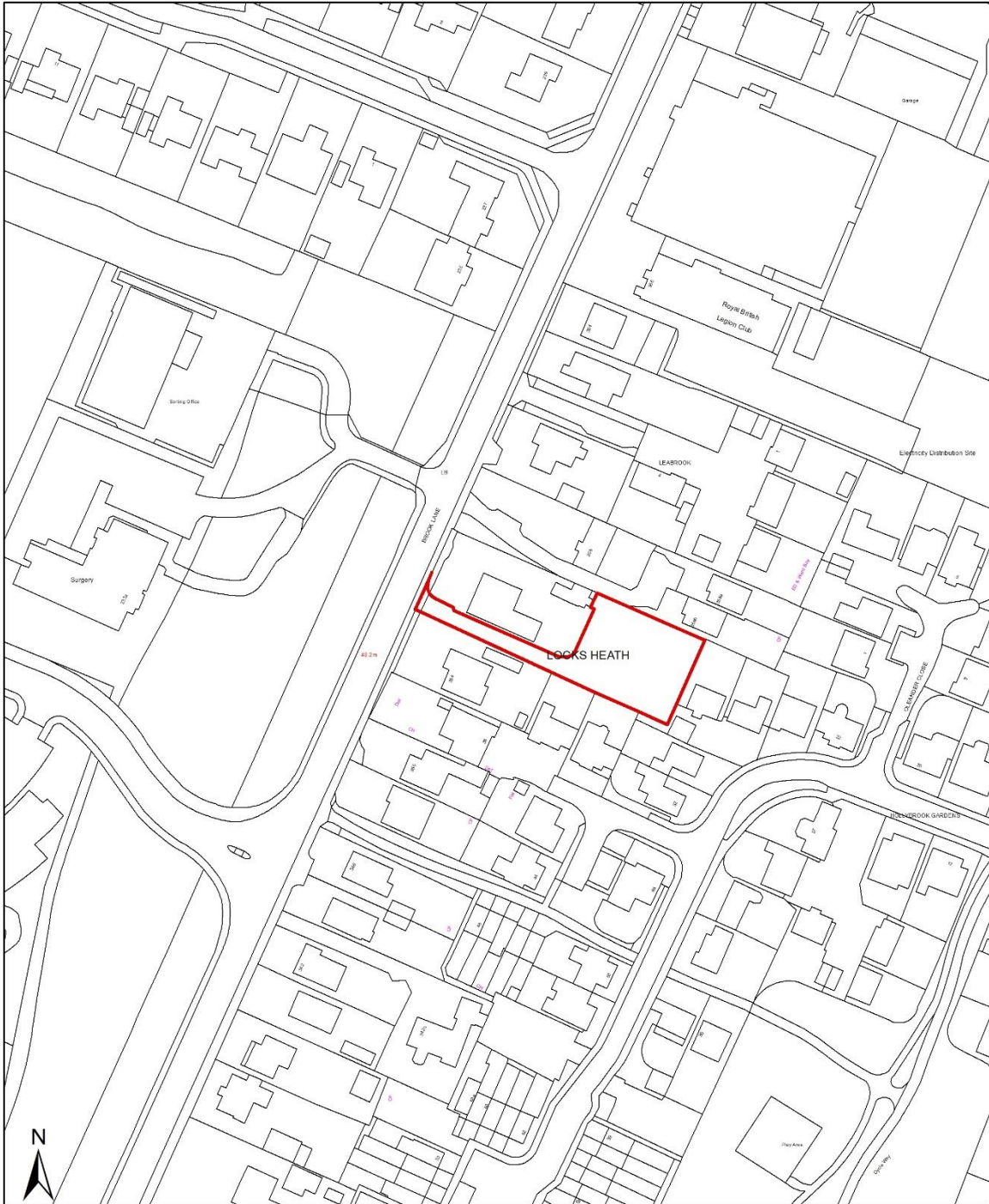
<http://www3.hants.gov.uk/roads/apply-droppedkerb.htm>

Contact can be made either via the website or telephone 0300 555 1388.

## **10.0 Background Papers**

P/18/1240/FP

**FAREHAM**  
BOROUGH COUNCIL



356 Brook Lane  
Scale 1:1,250

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