

OFFICER REPORT FOR COMMITTEE

DATE: 17th February 2021

**P/20/0931/FP
DAVID NEWELL**

**PARK GATE
AGENT: N/A**

PROPOSED DEMOLITION OF EXISTING DWELLING AND ERECTION OF TWO DWELLING HOUSES AND CARPORTS

EDENHOLME, DUNCAN ROAD, PARK GATE SO31 1BD

Report By

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1.0 Introduction

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

2.0 Site Description

- 2.1 The site is located on the east side of Duncan Road and currently contains 1 single storey dwelling.
- 2.2 The site is in a residential area with dwellings to the north east, east, south and west. The east side of Duncan Road is characterised by detached dwellings with on-site parking on the land to the front of the houses. There are commercial premises to the north west of the site on the opposite side of the road and the character of the road changes to one of residential and commercial properties from this point north towards Swanwick Station.
- 2.3 Duncan Road slopes from the south west down towards Swanwick Railway Station. Within the site the levels increase from the road frontage to the rear (east) of the site.
- 2.4 The dwelling within the site is in a poor state of repair and the garden has recently been cleared of vegetation.

3.0 Description of Proposal

- 3.1 The application proposes to demolish the existing house and replace it with 2 detached houses. Plot 1 in the north of the site contains a detached double car port to the front and Plot 2 in the south of the site contains an attached, single car port on the north elevation.

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 and Whiteley

CS17 High Quality Design

Adopted Development Sites and Policies

DSP1 Sustainable Development

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 Relevant Planning History

5.1 There are no applications of relevance to this site.

6.0 Representations

6.1

6 representations were received, of which 1 raises no objection

The remaining 5 representations raise the following concerns:

- Loss of privacy to properties at the rear
- Concerns regarding the height of the properties proposed
- Impact of plot 1 on first floor side window in neighbouring property to the north (Windrun Lodge)
- Boundary treatments must be high enough to provide privacy to neighbouring properties
- Overshadowing of neighbouring properties
- Loss of trees
- Increased surface water run off

7.0 Consultations

EXTERNAL

7.1 Natural England

7.2 Natural England considers that without appropriate mitigation the application would have significant adverse effect on the integrity of: Solent and Southampton Water SPA and Ramsar, Portsmouth Harbour SPA and Ramsar, and Chichester and Langstone Harbours SPA and Ramsar, Solent

Maritime SAC. Solent and Dorset Coast. Solent and Isle of Wight Lagoons and the New Forest SPA and Ramsar.

- 7.3 In order to mitigate these adverse effects and make the development acceptable, mitigation should be secured to address recreational disturbance and ensure nitrogen neutrality.
- 7.4 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 sites with regard to recreational disturbance.
- 7.5 Provided the Council 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.

INTERNAL Ecology

- 7.6 No objection subject to a condition requiring the submission of a biodiversity enhancement strategy.

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) Design and Effect on the Character of the Area
- c) Impact on Neighbouring Properties;
- d) Highways and Car Parking;
- e) Impact on European Protected Sites;
- f) Other Issues

- a) Principle of Development

- 8.2 Policies CS2 (Housing Provision), CS6 and CS9 (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 site is located within the defined settlement boundary such that

the principle of re-development of the land is acceptable subject to satisfying the requirements of the policies listed in section 4 of this report.

b) Design and Effect on the Character of the Area

- 8.3 The east side of Duncan Road is characterised by a combination of detached and semi-detached dwellings with car parking within the front of the plot. The section of Duncan Road in which the site is located is characterised solely by detached dwellings. The dwellings adhere to a fairly regular building line.
- 8.4 The dwellings would be staggered so that they would be positioned between April Rise to the south of the site and the dwelling to the north (Windun Lodge). The dwellings are a similar height to April Rise directly south of the site, although the dwelling in the north of the plot will be located at a slightly lower level due to the slight change in levels between the north and south parts of the site. The proposed detached car port located to the front of the dwelling in plot 1 would be positioned forwards of the building line created by the neighbouring properties, however this is considered to be acceptable given the position of the existing dwelling which is also located beyond the neighbouring properties.
- 8.5 In terms of design, both dwellings are detached, two storey dwellings with pitched roofs. Both dwellings have gable ends, porch canopies and ground floor bay windows on the front elevation. The dwelling in plot 1 in the north of the site has a detached, double car port (open on all sides) to the front and the dwelling in plot 2 in the south of the site has a single, car port attached to the north elevation.
- 8.6 Both dwellings accord with the National Minimum Technical Space Standards and would have gardens of an appropriate size (the rear garden serving the dwelling in plot 1 would be approximately 15m in depth with the rear garden in plot 2 measuring approximately 18m in depth.)
- 8.7 The car parking spaces would be separated from primary windows serving habitable rooms by areas of soft landscaping as recommended by the Residential Design Guidance SPD. There is sufficient space within the proposed layout for electrical charging points to be incorporated. Details of electrical charging points can be secured by condition.
- 8.8 The position and traditional design of the dwellings and car port responds to the established character of Duncan Road as such they are considered to accord with policy CS17.

c) Impact on Neighbouring Properties;

- 8.9 The neighbouring property to the north of the site (Windun Lodge) has a primary window serving a bedroom at first floor level in the south elevation. The dwelling in plot 1 (the north side of the plot) would be located to the south of Windun Lodge however it has been positioned so that the rear elevation

would not be directly in front of the window. The dwelling would therefore be visible, but only from an oblique angle. The proposed dwelling would not therefore have a significant adverse effect on the outlook from or amount of light available to this window. No objections have been submitted from the owner of this property and a letter of 'no objection' has been received from the prospective purchaser.

- 8.10 The dwelling in plot 2 is set back from the rear of Windun Lodge by approximately 4.5m and would therefore not have any impact on the amenities of the garden to the rear of Windun Lodge. Views of Windun Lodge's rear garden from first floor windows in the rear elevation of the dwelling in plot 1 would be oblique and would therefore not result in a loss of privacy.
- 8.11 The dwelling in plot 2 (the south side of the plot) would be located to the north of the neighbouring property to the south of the site (April Rise.) Unlike the neighbouring dwelling to the north, there are no primary windows in the side (north) elevation facing the proposed dwelling. The proposed dwelling would project beyond the rear of April Rise by approximately 4m and would therefore be visible from within the conservatory at the rear of April Rise and from within April Rise's rear garden, however there is a large evergreen boundary hedge of approximately 4m in height which would effectively screen all but the upper section of the proposed house from view. If the hedge were to be removed at some point in the future, the size and position of the dwelling to the north would not have such a significant adverse effect on the existing outlook from or amount of available sunlight to April Rise as to justify refusing the application. Views of April Rise's rear garden from first floor windows in the rear elevation of the dwelling in plot 2 would be oblique and would therefore not result in a loss of privacy. No objections have been received from the owner of April Rise.
- 8.12 Letters have been received from the owners of properties in Lower Duncan Road, to the rear (east) of the site raising concerns primarily regarding the impact of the proposal on their outlook, privacy and on the amount of light received by their rear gardens. The properties in Lower Duncan Road are located at a lower level than the site and several of the representations specifically referred to the height of the dwellings proposed. Amended plans were subsequently submitted which reduced the height of the roofs so that they are only 0.5m above the height of April Rise immediately south of the site. (To lower the ridge height any further would result in a decreased roof pitch which would be at odds with the overall traditional design of the proposed dwellings.)
- 8.13 The proposed dwellings would be visible from the houses in Lower Duncan Road however the separation distances between the proposed dwellings and the dwellings in Lower Duncan Road are generous with a gap of 31m between the dwelling in plot 1 and 17 Lower Duncan Road and over 35m between the proposed dwelling in plot 2 and 15 Lower Duncan Road. The separation

distances are above the 22m required by the Fareham Residential Design Guidance and the increase above the 22m is considered to compensate for the difference in levels which would mean that development at an elevated level would appear more prominent when viewed from the lower level.

- 8.14 It is acknowledged that the proposed dwellings would appear more prominent than the existing dwelling when viewed from Lower Duncan Road because they are larger, however the separation distances will prevent them from appearing overbearing or from resulting in a loss of privacy or available sunlight. The proposed dwellings are overall considered to accord with the requirements of Policy DSP3 and are therefore acceptable.

d) Highways and Car Parking;

- 8.15 Access to both dwellings would be via a shared driveway. Each dwelling would have 3 on plot car parking spaces in line with the adopted Residential Car and Cycle Parking SPD. Turning space is incorporated within the site to enable vehicles to enter and exit the site in a forwards gear. The proposed development would not have an adverse impact on the safety of the highway and therefore accords with policy CS5.

e) Impact on European 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 'European Protected Sites' (EPS).
- 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 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.

- 8.20 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.
- 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 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.
- 8.22 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.
- 8.23 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) which confirms that the development will generate 2.1 kg/TN/year. 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.
- 8.24 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 0.75kg or nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30th September 2020m, the purchase of the credits will result in a corresponding parcel of agricultural land (0.032 hectares) 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. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.

- 8.25 The Council has concluded within an Appropriate Assessment 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 no increase in the amount 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.

f) Other Issues

- 8.26 Concerns were raised regarding the loss of trees from the site. Several trees were removed from the site prior to the submission of the planning application. The trees were not protected therefore their removal did not require planning permission. Concerns have also been raised regarding the impact that the increased development would have on surface water drainage. While the application proposes to increase the number of dwellings within the site from 1 to 2, there will be large undeveloped areas to the rear of the properties in the form of rear gardens which will enable surface water to be adequately dealt with within the site.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun before 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 hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
-Location plan, site plan and streetscene Drawing no. CAP.J108/01 Rev A
-Proposed plans and elevations Drawing no. CAP.J108/01 Rev A
REASON: To avoid any doubt over what has been permitted.
3. No development shall take place until the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and

HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites

4. No development shall take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land 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 safeguard the character and appearance of the area and to assess the impact on nearby residential properties. 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.

5. No development shall take place 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 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 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.

6. No development shall proceed beyond damp proof course level until a detailed Biodiversity Enhancement and Management Plan (BEMP) demonstrating that the development will result in no net loss in biodiversity at the site, has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved BEMP shall be implemented and completed in accordance with the approved details prior to occupation of the dwellings and shall be retained in accordance with the approved details thereafter. Any trees or plants proposed as part of the approved BEMP 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 demonstrate no net loss in biodiversity at the site.

7. No development hereby permitted shall proceed beyond damp proof course level until details 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.

8. 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

9. No development shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided at the following level:

a) One Electric Vehicle (EV) charging point per allocated parking space.

The development shall be carried out in accordance with the approved details.

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.

10. 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

11. 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.

12. None of the dwellings hereby permitted shall be first occupied until the bicycle 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 for storing bicycles at all times.

REASON: To encourage cycling as an alternative mode of transport.

13. The landscaping scheme, submitted under Condition 8, shall be implemented and completed prior to occupation of the dwellings 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.

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14. 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.

INFORMATIVES

The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

10.0 Notes for Information

11.0 Background Papers

P/20/0931/FP