

OFFICER REPORT FOR COMMITTEE

DATE: 13 October 2021

P/21/0767/FP

FAREHAM NORTH-WEST

MS E EMERY

AGENT: MR B KELLY

DETACHED BUNGALOW, ASSOCIATED PARKING AND LANDSCAPING AND
ACCESS ONTO HIGHLANDS ROAD

LAND TO THE REAR OF 1-5 HILL DRIVE, FAREHAM, PO15 6JA

Report By

Katherine Alger – direct dial 01329 824666

1.0 *Introduction*

1.1 This application is reported to the Planning Committee for a decision due to the number of third-party letters that have been received.

2.0 *Site Description*

2.1 This application relates to an area of land to the rear of 1-5 Hill Drive. The site is on the south east side of Highlands Road and is set down below Highlands Road. The site itself is covered in mature vegetation and some mature trees to the periphery. The surrounding area is predominantly characterised by residential dwellings of varying styles and types.

3.0 *Description of Proposal*

3.1 The proposal seeks full planning permission for the construction of a detached bungalow, associated parking and landscaping. As the site is situated below Highlands Road, engineering works need to be undertaken on site to enable vehicles to enter and leave the site directly from Highlands 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

CS17: High Quality Design

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 Relevant Planning History

5.1 The following planning history is relevant:

5.2 In April 2019 planning permission was refused for the construction of a detached bungalow, associated parking and landscaping with access onto Highlands Road (Ref P/19/0062/FP). The reasons for refusal were as follows:

The development would be contrary to Policy CS17 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP3, DSP13, and DSP15 of the Adopted Local Plan Part 2: Development Site and Policies Plan and the Adopted Design Guidance SPD and is unacceptable in that:

- a) the provision of the access driveway ground levels and associated boundary wall would represent an unacceptable overbearing and oppressive impact on the use of the adjoining gardens along Hill Drive harmful to the outlook from these gardens and to the detriment of the living condition of the occupants;*
- b) the proposed dwelling would provide an inadequate area of private outdoor living space, below the minimum standard sought within the Borough for a family sized dwelling. The area of space provided would be largely overshadowed by surrounding buildings and vegetation resulting in a limited level of sunlight entering the garden;*
- c) insufficient evidence has been provided to adequately address the potential impact of the development on protected species which may be present on the site;*
- d) 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.*

5.3 In November 2019 a similar planning permission was submitted for a detached bungalow, associated parking and landscaping with access onto Highlands Road (Ref P/19/1247/FP), which sought to address the above-mentioned reasons for refusal. This proposal including changes to the design and layout of the driveway in order to address the concerns relating to the overbearing impact on the adjoining gardens. Furthermore, it provided increased private outdoor living space which met the requirements of the Fareham Borough Design Guidance and provided additional ecological surveys to assess the impact upon any protected species on the site. However, whilst the amended scheme addressed the overarching reasons for refusal the proposal failed to address the issues relating to impact on protected sites and failed to provide satisfactory nitrate mitigation. In February 2021 the application was refused for the following reasons:

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

- (i) 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 Protected Sites around The Solent; and,*
- (ii) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of the Protected Sites around The Solent which, in combination with other development, would arise due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation.*

6.0 Representations

6.1 Seven representations have been received objecting on the following grounds:

- a) Loss of privacy
- b) Highway safety
- c) Drainage
- d) Subsidence
- e) Unsustainable development
- f) Increase in traffic
- g) Disruption from construction vehicles
- h) Impact on air quality

- i) Impact on wildlife
- j) Incorrect plans
- k) Covenant on site to prevent development
- l) Inappropriate location
- m) overbearing

7.0 Consultations

EXTERNAL

Highways

- 7.1 No objection subject to conditions

Natural England

- 7.2 No Objection subject to appropriate mitigation being secured.

Ecology

- 7.3 No Objection subject to conditions

8.0 Planning Considerations

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

- a) Principle of development
- b) Design
- c) Impact on residential amenity
- d) Highways
- e) Ecology
- f) Impact on Protected Sites
- g) Other issues raised in objections

a) Principle of development

- 8.2 The application site is located within the urban area; the principle of residential development here is considered to be acceptable and in accordance with Policies CS2 and CS6 of the adopted Core Strategy.

b) Design

- 8.3 Policy CS17 of the Core Strategy states that all development will be designed to respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form and spaciousness and use of external materials.

- 8.4 The Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) highlights the importance of new dwellings having regard to the scale and character of the surrounding area. Hill Drive, which lies directly to the northeast of the site is a cul-de-sac of bungalows; the addition of a bungalow to the rear of this cul-de-sac is considered by Officers to be acceptable.
- 8.5 Highlands Road is varied in character with a variety of bungalows and two-storey properties along its length. As the site is set below the level of Highlands Road, the proposed bungalow would not be prominent in the street. Officers consider that the proposal would not harm the character or appearance of the area.
- 8.6 In terms of design, the proposed bungalow is of an appropriate scale and would be constructed of appropriate materials which would have regard to the existing character.
- 8.7 The dwelling would achieve a garden depth of at least 11metres which would comply with the guidance specified in the Design Guidance SPD. There are a number of mature trees on the site which would be located a suitable distance away from the proposed bungalow and its rear garden. The trees would not result in unacceptable overshadowing of the bungalow and garden.
- 8.8 The proposal would include a large amount of landscaping in the front garden as well as a number of existing mature trees which are located around the site.
- 8.9 It is therefore considered that the design of the proposal would be acceptable and would have regard to the key characteristics of the surrounding area, in accordance with Policy CS17.

c) Impact on Residential Amenity

- 8.10 The bungalow itself would be located directly behind the properties of 3 and 4 Hill Drive and the rear garden would be located behind numbers 5 and 7 Hill Drive. The bungalow would be set away from the northern boundary by approximately 1.2 metres. There would be a separation distance of approximately 23 metres between the application site and the rear of numbers 3 and 4 Hill Drive. This level of separation would significantly exceed the minimum distances the Council seeks through its Design Guidance SPD to preserve the outlook of adjoining properties.
- 8.11 A large area of landscaping including new trees and high hedging would be located within the front garden. This would offer sufficient screening between the proposal and properties 1 and 2 Hill Drive. Due to the large separation distance it is not considered that the proposal would result in any significant adverse impact on these properties.

- 8.12 There would be windows located on the northern side of the bungalow, serving secondary bedroom three and living rooms, and the main window for bedroom two. There would be a high hedge separating the proposal from the properties to the north. Officers are satisfied that the privacy of adjoining properties would be preserved.
- 8.13 The development has been assessed against the Nationally Described Space Standards. The Nationally Described Space Standards set out acceptable minimum standards for property sizes based on the number of bedrooms and intended number of occupants and contains minimum standards for single and double bedroom sizes. The proposal is fully compliant with the Space Standards.
- 8.14 The development proposal is considered to accord with the requirements of the Design Guidance SPD and would not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers or future residents, in accordance with Policy DSP3.

d) Highways/Parking

- 8.15 The Highway Authority is satisfied that there is no direct or indirect impact upon the operation or safety of the local highway network and raises no objection to the proposal subject to three conditions. These conditions include the requirement for a S278 agreement with the Highway Authority, access construction provision, parking provision and a Construction Method Statement.

e) Ecology

- 8.16 The Ecologist has considered the Preliminary Ecological Appraisal which stated that the majority of habitats on site have been cleared, resulting in only areas of ruderal vegetation and a number of trees present. Two of the trees on the site have been confirmed to have low potential for bats and therefore a soft-felling method has been recommended. Whilst badger hair was recorded at an entrance hole, the camera trap surveys only recorded evidence of foxes. Therefore, a pre-works excavation of holes (if badgers have been confirmed to be absent) can only be carried out outside the breeding season which extends from March to May. A planning condition will be imposed to ensure that an updated survey for the presence of badgers is submitted prior to commencement of any on site works.
- 8.17 The Phase II Reptile Survey confirms the likely absence of reptiles on site.
- 8.18 The works carried out on site to date have resulted in the removal of large areas of scrub and the proposals will result in the loss of a number of trees. However, it is noted that a 1.6m and 2.1m high hedge is proposed along the north-eastern boundary, with a small number of existing trees being retained. Furthermore, a small number of new trees are proposed along with north-

eastern boundary. It is therefore recommended that the area of native tree planting on site is increased to ensure no net loss in biodiversity. These will be required and secured by a planning condition.

f) Impact on Protected Sites

- 8.19 The site lies within 5.6km of The Solent and Southampton Water SPA and Ramsar Site, Solent and Dorset Coast SPA, Portsmouth Harbour SPA and Ramsar Site and the Solent Maritime SAC, for which it is important to ensure that new residential developments, in combination with other developments, do not have a significant effect on the integrity of these sites as a result of increased recreational disturbance and increased nitrogen loading from water sources and air pollution.
- 8.20 The applicant has paid the necessary habitat mitigation contribution to address the likely significant effect of the development from increased recreational disturbance on the Protected Sites.
- 8.21 In addition, the provision of additional dwellings within the Borough will have a detrimental impact on air and water quality on the Protected Sites around The Solent. Natural England has also advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites have the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.22 In respect of water quality, a calculation of the nitrogen loading from the development demonstrates that the scheme will generate 0.7 TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, 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 permission can be granted.
- 8.23 The nitrogen budget assumes an occupancy rate for the new development of 2.4 people. Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However, competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach. In this case, there is no evidence to justify adopting a bespoke occupancy rate, and no representations suggest that an alternative rate should be used, and therefore a rate of 2.4 persons is appropriate.

- 8.24 The existing use of the land has been classified as urban (0.06ha) as it is used as a residential dwelling.
- 8.25 The nitrogen budget shows a surplus of 2.8kg/TN/year that would enter The Solent via the wastewater treatment works. The applicant has entered into a contract and purchased 3.00kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). 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. A condition would be imposed to ensure the Building Regulations Optional requirement of a maximum of 110 litres of water per person per day is complied with, in order to accord with the nitrates loading calculation and the Appropriate Assessment.
- 8.26 The Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will be adequate for the proposed development and ensure no adverse effect on the integrity of the Protected Sites 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.
- 8.27 Natural England has been consulted on the Council's Appropriate Assessment and agrees with its findings.
- 8.28 It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15.

g) Other issues raised in objections

- 8.29 **Drainage and subsidence-** The impact of subsidence is not a material planning consideration and will be assessed by Building Control during the construction of the development. Details of surface and foul water drainage would be subject to a planning condition.
- 8.30 **Construction disturbance-** Any development is likely to result in a minor level of disturbance and disruption to the local area during the course of the construction period. The application would be subject to a condition requiring the submission of a Construction Management Plan in order to ensure that any impact is minimised. The disturbance would only be for a limited time period, during the construction period.
- 8.31 **Air quality-** It is not considered that the addition of one dwelling would have a detrimental impact on the air quality of the surrounding area. Wider

implications for air quality, and its impact on the Protected Sites have been considered above.

8.32 Covenant on site to prevent development- This is not a material planning consideration and is dealt with by legislation separate to planning.

Summary

8.33 A planning application for this development was refused under delegated powers earlier this year. The refusal related solely to the absence of mitigation upon the Protected Sites within The Solent. Mitigation for any impacts upon these Protected sites has now been identified and secured. Officers consider that their earlier concerns have now been fully addressed.

8.34 Notwithstanding the objections received, Officers consider the proposal fully accords with the Council's adopted planning policies and Supplementary Planning Documents and that subject to the imposition of appropriate planning conditions, planning permission should be granted.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin before the expiry of three years from the date of this decision.

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 that time.

2. The development shall be carried out in accordance with the following approved documents:

- a) Location Plan 18-041 001 P2
- b) Existing Block Plan 18-041 002 Rev P2
- c) Existing Site Sections 1-2 18-041 004 Rev P2
- d) Existing Site Sections 3-5 18-041 005 Rev P2
- e) Proposed Site Sections 1-2 18-041 015 Rev P7
- f) Proposed Site Section 3-5 18-041 016 Rev P7
- g) Proposed Visibility Splay Plan 18-041 017 Rev P6
- h) Proposed Block Plan 18-041 012 Rev P8
- i) Proposed Floor Plans and Roof Plan 18-041 013 Rev P5
- j) Proposed Elevations 18-041 014 Rev P5
- k) Planning Statement
- l) Preliminary Ecological Appraisal (PEA)

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

3. No development hereby permitted shall proceed beyond damp proof course 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.
4. No development shall start on site until the access, including the footway and/or verge crossing has been constructed and lines of sight of 2.4 metres by 43.0 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.
REASON: To provide satisfactory access and in the interests of highway safety.
5. Before use of the development is commenced provision for parking shall have been made within the site in accordance with the approved plans and shall be retained thereafter.
REASON: To ensure adequate on-site car parking provision for the approved development.
7. 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 Highlands Road 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 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.

8. Prior to commencement, a detailed scheme of biodiversity enhancements to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

REASON: to enhance biodiversity in accordance with NPPF and the Natural Environment and Rural Communities Act 2006.

9. Prior to the commencement of any site works, an updated survey for the presence of badgers on the site with associated mitigation/compensation measures for badgers or foxes, shall be submitted to and approved in writing by the local planning authority.

REASON: To protect badgers in line with the Badgers Act 1991 and/or protect foxes under the Animal Welfare Act 2006.

10. Development shall proceed in accordance with the measures detailed in Sections 6.3.2, 6.3.7 & 6.4.2 of the Preliminary Ecological Appraisal by Ecosupport (November 2019).

REASON: To ensure the protection of bats, nesting birds and badgers in line with the Wildlife and Countryside Act 1981 (as amended).

11. 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.

12. 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.
13. The landscaping scheme, submitted under Condition 12, 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.
14. The dwelling shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.
REASON: In the interests of preserving water quality and resources
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. No development hereby permitted shall commence until details of the means of surface water and foul water drainage from the site 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 unless otherwise agreed with the local planning authority in writing.

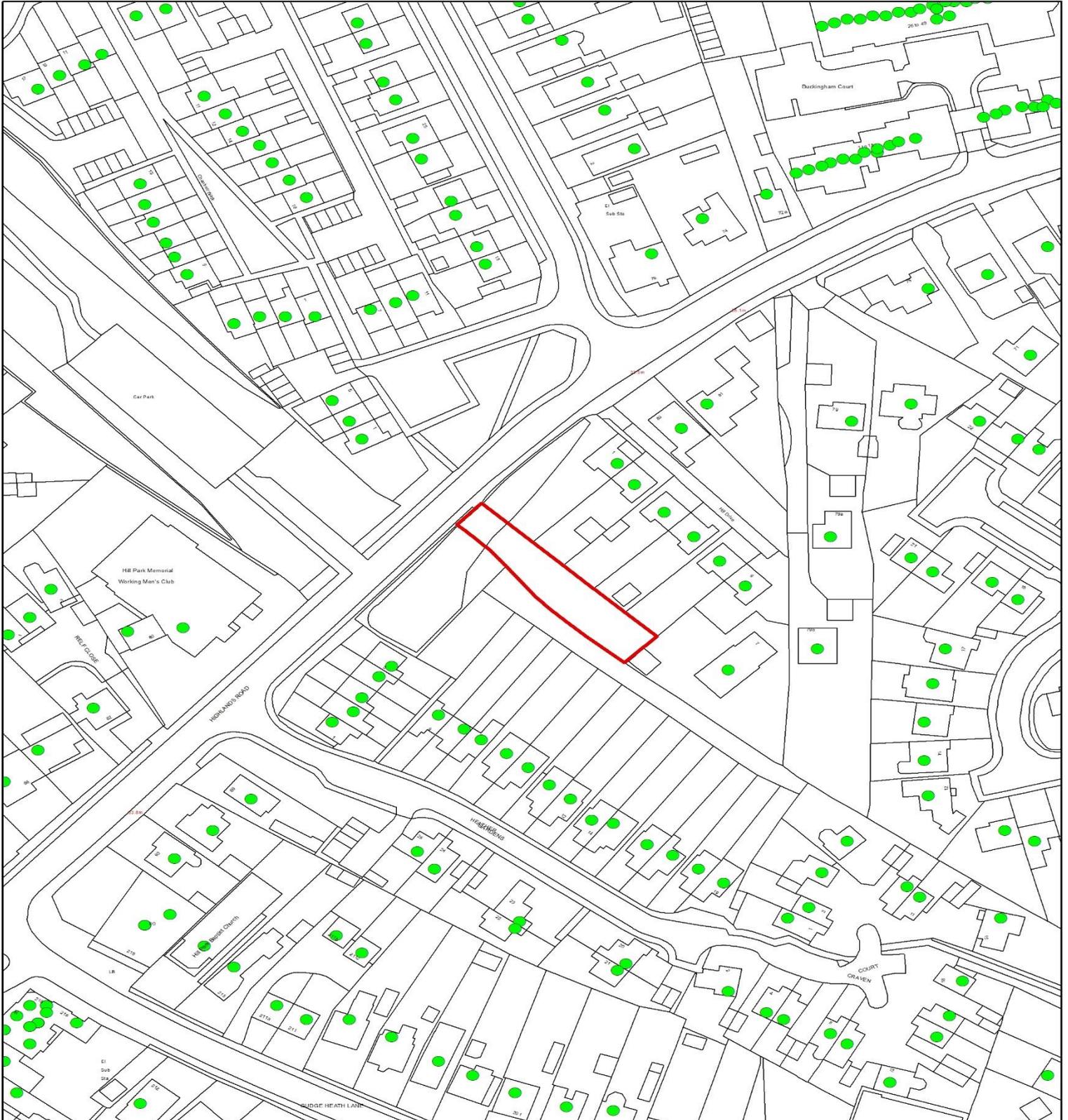
REASON: To ensure satisfactory disposal of surface and foul water. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

10.0 *Background Papers*

P/21/0767/FP

FAREHAM

BOROUGH COUNCIL



Land to the rear of
1-5 Hill Drive
Scale: 1:1,250



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