

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 19/01/2022**

**P/20/0507/RM  
MR CHRISTOPHER COLLINS**

**SARISBURY WARD  
AGENT: TETRA TECH**

ERECTION OF ONE CHALET BUNGALOW (RESERVED MATTERS  
APPLICATION FOR APPEARANCE, LANDSCAPING AND SCALE PURSUANT TO  
P/17/0257/OA)

LAND TO THE REAR OF 274 BOTLEY ROAD, BURRIDGE

### ***Report By***

Peter Kneen – direct dial 01329 824363

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

1.1 The application is presented to the planning committee due to the number of third-party objections received (14 representations from 6 addresses)

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

2.1 The application site is located beyond the defined urban area and is defined as countryside for the purposes of planning determinations. However, the site benefits from outline planning permission, granted on appeal in 2018. It is triangular in shape, bound on two sides by garden areas of dwellings fronting Botley Road and by a metalled, but overgrown public footpath (No. 21) along its southern boundary. The site itself is largely overgrown and a tree preservation order (TPO) protected oak tree grows at its eastern end.

2.2 Included within the red-edged area of the submitted plans is the stretch of footpath (No. 21) from the proposed property to Botley Road. A row of TPO protected poplar trees runs adjacent to the southern edge of the footpath close to the development site.

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

3.1 The application seeks the approval of the remaining reserved matters in respect of the development, comprising the appearance and scale of the proposed property, and details regarding the landscaping.

3.2 This application does not relate to the layout of the site or access arrangements, as these were allowed on appeal. Details relating to services/ construction of the access are subject to a separate application reported elsewhere on this agenda.

#### ***4.0 Policies***

4.1 The following policies apply to this application:

**Adopted Fareham Borough Core Strategy**

CS4: Green Infrastructure, Biodiversity and Geological Conservation  
CS17: High Quality Design

**Adopted Development Sites and Policies**

DSP3: Impact on Living Conditions  
DSP13: Nature Conservation  
DSP15: Recreational Disturbance on the Solent Special Protection Areas

**Fareham Local Plan 2037**

NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network  
NE2: Biodiversity Net Gain  
NE3: Recreational Disturbance on the Solent Special Protection Areas (SPAs)  
NE4: Water Quality Effects on the Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of The Solent  
D1: High Quality Design and Placemaking  
D2: Ensuring Good Environmental Conditions  
D4: Water Quality and Resources  
D5: Internal Space Standards

**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:

<b>P/17/0257/OA</b>	Erection of One Chalet Bungalow together with associated car parking and landscaping
<b>REFUSED</b>	20 July 2017
<b>APPEAL</b>	
<b>ALLOWED</b>	5 October 2018
<b>P/17/0257/DP/A</b>	Discharge of Conditions to Application P/17/0257/OA (Chalet Bungalow). Conditions 5 (Construction Method Plan) and 6 (Arboricultural Impact Assessment)

**Reported  
elsewhere on this  
agenda**

**6.0 Representations**

6.1 Fourteen representations of objection from six households have been received. The main issues raised can be summarised as follows:

- Overlooking and loss of privacy;
- Overdevelopment of the site;
- Increased vehicular movement along footpath;
- Detriment to pedestrian safety;
- Laying of services and impact on TPO trees along access road/footpath

**7.0 Consultations**

EXTERNAL

**HCC Countryside Services**

7.1 No objection, subject to consultation on Construction Management Plan (dealt with under P/17/0257/DP/A)

**Natural England**

7.2 Initial comments on the submitted Appropriate Assessment raised an objection regarding the impact on the New Forest SPA from increased recreational disturbance. Further comments on a second consultation regarding an updated Appropriate Assessment are awaited.

INTERNAL

**Principal Tree Officer**

7.3 Consultation responses received relate to the proposed laying of services and the formation of the access along the footpath. These matters are not for consideration under this application and have been applied to the discharge of condition application P/17/0257/DP/A reported elsewhere on this agenda.

**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) Design and Appearance of proposed chalet bungalow
- b) Impact on living conditions of neighbouring occupiers

- c) Car Parking provision
- d) Landscaping
- e) Habitat Impact and Mitigation; and,
- f) Other Matters

**a) Design and Appearance of proposed Chalet Bungalow**

- 8.2 The outline planning permission, granted on appeal, established the principle of the development, the layout of the site and the access arrangements to Botley Road. All other matters were reserved and are subject to consideration as part of this planning application.
- 8.3 The site of the property is unaltered from that permitted under the outline planning permission and would result in the construction of a three bedroomed chalet bungalow with two bedrooms and bathrooms set within the roofspace, and a further bedroom and living accommodation at ground floor level.
- 8.4 Policy CS17 (High Quality Design) seeks to ensure that the design of developments respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form, spaciousness and use of materials. The property would be constructed with red brick and timber clad elevations under a clay tiled roof. The property would not appear out of keeping in the context of the mixed properties along Botley Road.
- 8.5 The design and appearance of the property would sit comfortably within the site at a scale comparable to that shown in the illustrative site plans permitted on appeal. The site would provide a good level of private amenity space, with a 26 metre long rear garden (with almost 10.5 metres between the house and TPO oak tree), and space around the building to ensure it does not appear cramped or contrived.
- 8.6 It is therefore considered that the proposal would represent a development of high quality which accords with the policy considerations of Policy CS17.

**b) Impact on the Living Conditions of Neighbouring Occupiers**

- 8.7 Since the original submission of the application, amended plans were sought to address the concerns of several neighbouring properties regarding potential overlooking and loss of privacy.
- 8.8 The two rooflight windows on the northern elevation will look towards the rear garden of 276 Botley Road. These two windows serve an en-suite bathroom and a dressing room. The windows will have restricted openings to only allow them to be opened for ventilation purposes and would be conditioned to be

obscure glazed. These measures would ensure no unacceptable adverse impact on the privacy of the occupiers of 276 Botley Road.

- 8.9 The first floor windows on the east elevation comprise a gabled window feature serving the master bedroom and two dormer windows, one on the stairwell and the other serving bedroom two. These three windows are orientated with a direct line of sight down the proposed garden of the property, so no unacceptable overlooking would arise.
- 8.10 On the southern elevation are two rooflight windows serving the master bedroom and a feature glazed gable within bedroom 2. The three windows would have sill heights set above 1.7m from internal finished floor level. The two rooflight windows in the master bedroom would also be located 14 metres away from the rear boundary of 30 Caigers Green, exceeding the minimum 11 metres to the boundary sought in the Council's adopted Design Guidance.
- 8.11 Whilst the glazed gable feature would be only 10 metres from the northern boundary with 30 Caigers Green, the window is high level and would not represent an opportunity for overlooking. The windows in the southern elevation are therefore considered to be acceptable and would not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers.
- 8.12 Finally, there are three windows proposed on the west (front) elevation, comprising a large gable feature window and two rooflights. The glazed gable feature window serves the main bathroom and whilst only 9 metres to the boundary with 274 Botley Road, would be 22 metres to the rear elevation of this neighbouring property. In any event, as a bathroom window it is not a habitable room and would comprise an obscure glazed window. The window would also be set at a high level. One of the rooflight windows serves the landing and is set at a high level and the final window serves bedroom 2 and its sill height would also be set at least 1.7 metres above finished internal floor level. This rooflight window is also over 11 metres to the rear boundary of 274 Botley Road and almost 24 metres to the rear elevation of the neighbouring property.
- 8.13 It is therefore considered that the proposed development would both accord with Policy DSP3 and the advice with the Council's adopted Design Guidance and would not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers.

### **c) Car Parking Provision**

- 8.14 The development proposal comprises a three bedroomed chalet bungalow. In accordance with the Council's adopted Residential Car Parking Standards, three bedroomed houses should make provision for two off-street car parking spaces. The proposed driveway makes provision for two off-street spaces, whilst also being large enough to accommodate a visitor. It is considered that the proposed car parking arrangement is acceptable.

**d) Landscaping**

- 8.15 A detailed landscaping plan has been submitted with the planning application setting out the hedgerow planting for the boundary of the rear garden, comprising a mixed hedge of native plants including; dogwood, hazel, hawthorn, honeysuckle, blackthorn, elder and guelder-rose. Other areas of shrubs are proposed to the periphery of the driveway, which include common species found in many UK gardens, including pittosporum, English lavender, hebe, foxglove and hydrangea.
- 8.16 The proposed landscaping arrangements are considered acceptable, will increase biodiversity on the site and ensure the property assimilates into the local area.

**e) Habitat Impact and Mitigation**

- 8.17 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent 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 specifically designated under UK law. The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the Protected Sites around The Solent (Solent and Southampton Water Special Protection Area and Ramsar site, Portsmouth Harbour Special Protection Area and Ramsar site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbour Special Protection Area and Ramsar site, the Solent Maritime Special Areas of Conservation and the Solent and Isle of Wight Special Area of Conservation). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive sites and mitigation impacts on air quality. Policy DSP13 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.

- 8.19 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment to consider the likely significant effects on the Protected Sites around The Solent.
- 8.20 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 the designated Protected 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 Protected 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 in this case is the Local Planning Authority.
- 8.21 The impact of increased recreational disturbance as a result of new residential developments has long been established, and the Solent Recreational Mitigation Strategy, sets out how developers can mitigate the impact of their development on the likely significant effect on the Protected Sites.
- 8.22 Natural England has also 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 Protected Sites.
- 8.23 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also have the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment undertaken as part of the Local Plan Review 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 2037.
- 8.24 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the Protected Sites. The key considerations for the Assessment of the likely significant effects are set out below.
- 8.25 Firstly, in respect of Recreational Disturbance of the Solent, the development is within 5.6km of the Solent and Southampton Water SPA and is therefore considered to contribute towards an impact of the Protected Sites as a result of increased recreational disturbance in combination with other development

around The Solent area. The applicant has paid the appropriate financial contribution in accordance with the adopted Solent Recreational Mitigation Strategy, which has been secured via a Section 111 agreement. The Appropriate Assessment concludes since the payment has been made to the Solent Recreation Mitigation Strategy, the proposals would not have an adverse effect on the integrity of the Protected Sites around The Solent as a result of recreational disturbance either in isolation, or in combination with other plans or projects.

- 8.26 Secondly, in respect of the impact of the development on water quality, 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 1.9kg 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 it can grant planning permission.
- 8.27 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, nor have there been any representations suggesting that an alternative rate should be used, and therefore a rate of 2.4 persons is appropriate.
- 8.28 The previous use of the land has been classified in the nitrogen budget as an area of open space/greenfield, as it comprises an area of undeveloped land.
- 8.29 The nitrogen budget shows a surplus of 1.9kg/TN/yr that would enter The Solent via the wastewater treatment works. The applicant has entered into a contract and purchased 2.0kg 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.

- 8.30 In addition to the above mitigation, and in order to ensure compliance with the Natural England methodology, a condition would be required to ensure the development meets the Building Regulations optional requirement of a water consumption limit of a maximum of 110 litres per person per day. With these mitigation measures secured, the Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will ensure no adverse effect on the integrity of the Protected Sites either alone or in combination with other plans or projects.
- 8.31 Natural England was initially consulted on the Council's Appropriate Assessment in July 2021 and raised no objection in respect of recreational disturbance on the Solent SPAs or on water or air quality implications. However, they raised concerns regarding the identified impact of the development on the New Forest Special Protection Area, New Forest Special Area of Conservation and the New Forest Ramsar site as the site lies within 1.38km of these designations.
- 8.32 The Council has since produced an Interim Mitigation Solution to address this newly identified impact. The Interim Mitigation Solution which was prepared in consultation with Natural England was approved by the Council's Executive on 7<sup>th</sup> December 2021. The Mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has agreed to make this contribution, which will be secured through a Section 111 agreement
- 8.33 The Council has since updated their Appropriate Assessment and re-consulted with Natural England. No response has yet been received from Natural England.
- 8.34 Subject to consideration of any representations received from Natural England, the proposal is considered to accord with the Habitat Regulations and complies with policies CS4, DSP13, DSP15.

**f) Other Matters raised by Third Parties**

- 8.35 The only other matter raised by third parties regarding the proposal relates to the laying of the services and utilities to the proposed dwelling along the public footpath (No. 21) and the impact this would have on the line of protected poplar trees along a portion of its length.
- 8.36 The provision of the services and utilities and the works to upgrade the footpath to make it more suitable for vehicular traffic are not subject to this planning application which only seeks approval for the scale, appearance and

landscaping for the proposed development. The access arrangements were considered under the outline application, which was allowed on appeal, and are now the subject of a Discharge of Condition application (P/17/0257/DP/A) which is reported elsewhere on this agenda.

- 8.37 Notwithstanding the objections received, Officers consider that subject to the imposition of appropriate conditions, the proposal is acceptable and complies with the Council's adopted planning policies and Guidance.

## **9.0 Recommendation**

9.1 GRANT RESERVED MATTERS APPROVAL, subject to

- a) Regard being given to any representations made by Natural England in response to the consultation on the Council's Appropriate Assessment;

And,

b) the following Conditions:

1. The development hereby permitted shall be undertaken in accordance with the following approved documents:
  - a) Block Plan (Drawing: A074416 – 02);
  - b) Proposed Site and Floor Plans (Drawing: A074416 – 03);
  - c) Proposed Elevations (Drawing: A074416 – 04 Rev B);
  - d) 3D Images (Drawing: A074416 – PI-03); and,
  - e) Landscape Proposals (Drawing: A074416 - LA.01 Rev A).REASON: To avoid any doubt over what has been permitted.
2. 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.
3. The first floor windows proposed to be inserted into the North and South Elevations, and the bathroom window to be inserted into the West Elevation of the approved development shall first be:
  - a) glazed with obscured glass; and
  - b) of a non-opening design and construction to a height of not less than 1.7 metres above internal finished floor level;and the windows shall thereafter be retained in this condition at all times.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

4. The dwelling hereby permitted shall not be first occupied until details of secure bicycle storage has been submitted to and approved in writing by the Local Planning Authority. The approved secure bicycle storage shall be provided and made available before the dwelling is first occupied. The approved secure bicycle storage shall thereafter be retained and kept available at all times.

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

5. No development shall take place beyond damp proof course (dpc) level until details of how and where an Electric Vehicle (EV) charging point will be provided at the property has been submitted to and approved in writing by the local planning authority. The approved electric vehicle charging point shall be provided prior to first occupation of the dwelling and shall thereafter be retained and kept available at all times.

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.

6. The landscaping scheme detailed on Drawing: LA.01 Rev A (Landscape Proposals) 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. The dwelling hereby permitted shall not be occupied until details of water efficiency measures to be installed have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

8. 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.

**10.0 Background Papers**

P/20/0507/RM

P/17/0257/DP/A

# FAREHAM

BOROUGH COUNCIL



Land to the rear of  
274 Botley Road, Burridge  
Scale 1:1250



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