

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 13 July 2022**

**P/18/0520/FP  
FERN PROPERTY LTD**

**PARK GATE  
AGENT: FERN PROPERTY LTD**

ERECTION OF TWO STOREY REAR EXTENSION TO CONTAIN 18 APART-HOTEL ROOMS & TWO STOREY FREESTANDING ANNEXE BUILDING TO CONTAIN 4 DUPLEX APARTMENTS & EXTENSION TO CAR PARK

COLDEAST MANSION, COLDEAST DRIVE, SARISBURY GREEN, S031 7PT

### ***Report By***

Susannah Emery – direct dial 01329 824526

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

- 1.1 This application is being presented to the Planning Committee due to the number of third party representations received.
- 1.2 This planning application was originally submitted in August 2018 by the former owner of the Mansion, Coldeast Mansion Ltd, but determination was delayed as a result of the need to achieve nitrate neutrality. Coldeast Mansion Ltd subsequently went into administration in October 2019. The Mansion was purchased by Fern Property Ltd and re-opened in Autumn 2021 following a considerable £2 million refurbishment programme.
- 1.3 The refurbishment programme included extensive works to the roof of the Mansion and to rainwater goods to make the building watertight and tackling a widespread issue with dry rot. The brickwork of the building has been specially cleaned and rotten windows have been replaced. A commercial kitchen has been fitted at a cost of £250k with a restaurant open to guests and the general public offering breakfast, lunch, dinner and afternoon tea. The orangery at the rear of the property has been refurbished for function use and there is a separate bar and business suite for guests. There are currently 33 hotel-based apartments, most offering self catering facilities. The owners have retained period features where possible including high ceilings, original floors, fireplaces and have restored panelling within the public areas of the Mansion. The tarmac surface previously installed to the front of the Mansion has been replaced with an attractive permeable resin surface to improve the setting of the building. Fire safety concerns have been addressed with Building Control to meet modern standards.

#### **2.0 *Site Description & History***

- 2.1 Coldeast Mansion lies to the west of Coldeast Drive and is accessed via a long private driveway. Coldeast Drive is blocked to through traffic shortly after

the entrance drive to Coldeast Mansion although pedestrian access can be gained to Montefiore Drive beyond. The site lies within the Countryside and is locally designated as a Historic Park and Garden. The Mansion is a locally listed building

- 2.2 Coldeast Mansion is a Victorian Mansion which originally formed part of the Coldeast farm estate. In 1924 Hampshire County Council obtained the Mansion and the estate to use as a hospital for people with learning difficulties. The hospital closed in 1996 and the land surrounding the mansion was sold off for development. The Mansion was left in a poor state of repair and the grounds were overgrown.
- 2.3 In order to protect the historic value of the Mansion an appropriate and viable long term use was required. The restoration of Coldeast Mansion was secured as part of the planning permission (P/12/0299/FP) granted for residential development on land at Coldeast Hospital in 2013. The planning permission granted included consent for the use of the mansion as a hotel with function rooms and facilities.
- 2.4 There was initially some difficulty in attracting a buyer for the Mansion House from the Homes and Communities Agency (HCA) due to the anticipated costs involved with the refurbishment works. However the Mansion was purchased by Coldeast Mansion Ltd and the refurbishment to restore the building to contain 37 apart-hotel suites and a wedding and function venue was completed in 2017.
- 2.5 The main part of the mansion house is set over three floors although there are elements which are either two storey or single storey.
- 2.6 The car parking extends to the north of the access drive leading to the mansion and additional informal car parking currently takes places within the courtyard area which extends to the north east of the Mansion. There is an area of vegetation and trees to the east of the courtyard which extends along the northern boundary and the trees are subject to a blanket TPO which extends across the entire site.
- 2.7 The nearest residential properties are sited to the north-east on Columbus Drive and this also marks the edge of the urban area. There is a 1.8 metre fence on the boundary with No.118 which extends along the boundary with the area of informal open space to the north and the garden wall enclosing the Mansion grounds extends to the rear of No.116.

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

- 3.1 Planning permission is sought for the erection of a two storey extension to the rear of the mansion to contain eighteen apart-hotel rooms. The accommodation in each room would consist of a double bedroom, bathroom

and living room area. The proposed two storey extension would adjoin the single storey orangery function room which projects out to the rear of the building.

- 3.2 In addition a detached annexe is proposed which would lie to the north-east of the front of the Mansion. The annexe would contain four duplex 1-bed self-contained apartments with kitchen facilities. The annexe would be one and a half storey design with the first floor accommodated within the roofspace and dormer windows to the front and rear elevations.
- 3.3 The annexe would stand in the courtyard which is currently used for informal additional car parking and bin storage. As a result of the loss of this car parking it is proposed to make alterations to the main car park to increase the number of car parking spaces provided to 80 spaces. Bin storage would be relocated adjacent to the annexe building.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Borough Core Strategy**

CS4	Green Infrastructure, Biodiversity and Geological Conservation
CS5	Transport Strategy and Infrastructure
CS6	The Development Strategy
CS10	Coldeast Hospital Strategic Development Allocation
CS14	Development Outside Settlements
CS15	Sustainable Development & Climate Change
CS17	High Quality Design

##### **Adopted Development Sites and Policies**

DSP2	Environmental Impact
DSP3	Impact on Living Conditions
DSP5	Protecting and Enhancing the Historic Environment
DSP8	New Leisure and Recreation Development Outside of the Defined Urban Settlement Boundary
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  
Fareham Borough Council Non-Residential Car Parking Standards SPD 2015

#### **5.0 Relevant Planning History**

- 5.1 The following planning history is relevant:

**P/12/0299/FP**

Full Consent for Erection of 168 Dwellings; Change of Use, Extension & Restoration of Mansion House for Use as a Hotel with Function Rooms & Facilities, Ancillary Accommodation and Associated Works; Restoration & Re-Use of Existing Brook Lane Gate Lodge for Residential Purposes; Use of Land & Woodland for Open Space/Recreation

Outline Consents for Sheltered Accommodation and Community Facilities including Sports Pitches, Community Building Pavillion, Allotments, Cemetery, Public Swimming Pool, Public Car Park and Access from Barnes Lane

**APPROVE**

30 April 2013

## **6.0 Representations**

6.1 Twelve representations have been received from different addresses (including one from the Fareham Society) raising the following concerns;

- Adverse impact on character, appearance and heritage of the existing building
- Design not in keeping, particularly the red brick
- Overbearing
- Additional accommodation would increase noise levels
- Late night noise and disturbance
- The site is not managed
- Guests freely use the grounds
- Increased traffic through estate
- On-street parking
- Loss of privacy
- Loss of light
- Loss of views
- Harm to wildlife and natural environment
- Removal of vegetation adjacent to car park has exposed neighbouring residents fence line
- Temporary gravel car park surface should be replaced to reduce noise
- The application is made purely for financial gain
- Noise and disruption during construction
- Previous damage caused to property not put right and perimeter fence not maintained
- The proposal would breach Human Rights Act

- Functions extend past 11pm deadline and the gardens are used in to the early hours

## **7.0 Consultations**

### EXTERNAL

#### **Natural England**

- 7.1 We note that the nutrient budget for this application has been calculated in line with the updated Nutrient Neutrality Methodology. Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.
- 7.2 We note that an alternative occupancy figure for the proposed development has been used in the calculation. It is Natural England's view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises any uncertainty.
- 7.3 In relation to recreational impacts on the Solent SPA's and the New Forest SAC, SPA and Ramsar we note that a reduced contribution has been proposed for the accommodation to account for the reduced occupancy rates of the hotel in relation to a dwelling and the high proportion of business guests. It is for you as competent authority to be satisfied that the justification for the discount is outlined within the Appropriate Assessment (AA) and is enough to remove all reasonable scientific doubt that an adverse impact on integrity on the Habitat sites is removed.
- 7.4 Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.

### INTERNAL

#### **Conservation**

- 7.5 Would support the amended plans, subject to conditions to secure the submission of details of the proposed design of the brick piers and railings to the front of the annexe, the addition of an attachment (i.e.. brick arch and

gate) between the extension and the adjacent garden wall and conditions securing the submission of samples of all external materials including hard surfacing, garden walls and details of the brick bond to be used.

### **Ecology**

- 7.6 It is understood that the proposed annexe building in the north-east and the proposed car parking spaces would be located on areas of hardstanding or managed grassland which are of negligible ecological value. The proposed rear extension in the north-west would also be located on areas of grassland with negligible potential for protected species such as reptiles and amphibians due to its management regime.
- 7.7 The Mansion is a confirmed maternity roost of common pipistrelle and a small day roost of Natterer's and brown long-eared bats. Roosting locations are understood to be within the roof voids, tower areas and hanging tiles on the west and south facing sides. Whilst it is acknowledged that the existing mansion will not be directly affected, the new extension is two stories high, with the north-western side of the mansion also being of a similar height. The submitted ecology report clarifies that the single storey structure in the west, where the proposed extension adjoins the existing building, is of negligible potential for bats. It is further clarified that in the opinion of the applicant's ecologist, the erection of the new extension in the north-west which is in parts the same height as the existing building will not interfere with any flightpaths into/out of a roost, if present. Therefore, I raise no further concerns.

### **Trees**

- 7.8 I have considered the impact on trees and conclude there are no arboricultural grounds for refusal.

### **Highways**

- 7.9 No highway objection is raised to this application.

### **Environmental Health**

- 7.10 The re-design and removal of the patio area to the rear of the extension addresses the concerns regarding noise from patrons in this location. I am satisfied that the impact of external light can be controlled by condition.

## **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) Impact on the Character & Appearance of the Area
  - c) Impact on the Locally Listed Building
  - d) Impact on Living Conditions of Neighbouring Properties
  - e) Highways
  - f) Impact on Habitat Sites

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

- 8.2 Policy CS10 (Coldeast Hospital Strategic Development Allocation) states that planning permission would not be granted for residential development at Coldeast outside the urban area in isolation of the repair/restoration of all the locally listed buildings on the site which included the mansion house. The restoration of the Mansion and conversion to a hotel and function room venue was secured in accordance with this Policy.
- 8.3 Policy DSP8 of the Local Plan Part 2: Development Sites and Policies allows for new leisure and recreation development outside of the defined urban settlement boundaries. Coldeast Mansion is not a new facility and the proposal is for expansion so the policy is only partially relevant. However in particular it states that proposals for leisure and recreation development outside of the defined urban settlement boundary will be permitted where they do not have an adverse impact on the strategic and/or local road network, proposals should avoid the loss of significant trees, should not have an unacceptable impact on the amenity of residents and should not result in unacceptable environmental or ecological impacts or detrimental impact on the character or landscape of the surrounding area. The proposal is considered acceptable in principle subject to an assessment of the impacts.

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

- 8.4 Although the site is within the countryside the Mansion lies immediately adjacent to the urban boundary and abuts a modern residential housing development to the north-east which it predates. The site is designated locally as a Historic Park and Garden. This indicates that the grounds of the Mansion are of special historic interest but these are not nationally important sites.
- 8.5 Policy DSP5 of the Fareham Borough Local Plan Part 2 states that non-designated heritage assets such as locally listed buildings and historic parks and gardens will be protected from development that would unacceptably harm their architectural and historic interest.
- 8.6 The Mansion has extensive grounds and the proposed extensions are set close to the existing building. The siting of the extensions would not impinge on the ornamental walled garden or any identified features of significance. The proposed rear extension and detached annexe would not be visible from Coldeast Drive due to the distance, position in relation to the existing building and intervening tree screening. Whilst the proposed annexe building would be to the front of the Mansion, due to its discreet siting, it would not be prominent in views of the Mansion on the approach along the drive. It is not considered that the proposal would constitute overdevelopment of the site or that the proposal would be harmful to the character of the Historic Park and Garden.

### **c) Impact on the Locally Listed Building**

- 8.7 The design of both elements of the proposal has been amended significantly since the application was originally submitted in 2018 following negotiations between the original applicant, their architect and Council Officers. The two storey rear extension was initially intended to be a modern flat roofed red brick addition with a high proportion of glazing but Officers have sought a more sympathetically designed addition to be constructed in matching materials.
- 8.8 With regards to the two storey extension, the majority of the first floor accommodation is set below a mansard roof to reduce the height of the extension and give a subservient appearance to the main building. Officers requested that the bulk of the roof be broken down to add interest to the appearance of the extension as viewed from the walled garden and prevent the creation of a large expanse of flat roof.
- 8.9 The proposed detached annexe building is intended to have the appearance of an ancillary structure that would typically stand within the grounds of a historic Mansion of status (i.e. stable block, staff quarters). The footprint of the building has been reduced and repositioned on the site to improve the relationship with the Mansion. The height has been reduced from full two storey to one and a half storey to maintain the appearance of an ancillary structure and reduce impact to neighbouring properties. It would be constructed of materials to match the mansion as closely as possible.
- 8.10 The Council's Conservation Officer was satisfied that subject to planning conditions securing finer details, the proposed extension and annexe would not have a detrimental impact on the appearance or setting of the Mansion. There are some benefits of the proposal in that the detached annexe would screen views of the adjacent modern residential development from the front of the Mansion and would also improve the appearance of the courtyard area adjacent to the Mansion which is currently used for informal parking and bin storage. The rear extension would screen a later extension to the Mansion from the Walled Garden which has noticeably not been constructed to the same standard thus improving the rear elevation.

### **d) Impact on Living Conditions of Neighbouring Properties**

- 8.11 The two storey element of the rear extension has been set in from the boundary with the neighbouring properties to the north-east to increase the separation distance from the rear of these properties and address concerns relating to loss of light, outlook and privacy. The single storey element of the extension would be set 2.5m off the boundary with No.116 Columbus Drive



and the first floor would be 5m from the boundary. There would be in excess of 16m between the rear elevation of No.116 and the two storey element of the extension. The Fareham Borough Council Design Guide SPD states that a distance of at least 12.5m should be retained between the windows in the rear of a neighbouring house and the two storey wall of a proposed extension to minimise any loss of light or outlook.

- 8.12 No.118 Columbus Drive currently has quite a poor relationship to the existing building and directly faces on to a two storey flank wall with a separation distance of approx. 10 metres. The dwelling is orientated such that it would not directly face towards the proposed rear extension. Given the positioning of the proposed rear extension in relation to the neighbouring properties it is not considered that it would result in an unacceptable adverse loss of light, outlook or privacy to the occupants of the neighbouring residential properties. Loss of private views towards the grounds of the Mansion are not a material planning consideration nor is loss of property value.
- 8.13 The detached annexe would be sited in excess of 5m from the boundary fence which borders the informal area of open space to the north which forms part of the Coldeast Estate. The annexe would extend along the boundary with this open space and would have the closest relationship to the two properties which stand either side of this open space (Nos.118 and No.124). It is not considered that the annexe would be overly prominent in views from Coldeast Drive due to intervening vegetation on the open space. The footprint of the annexe has been reduced since the application was originally submitted to improve the appearance of the building and the relationship with No.118 in particular. Given the level of separation and relationship to adjacent dwellings it is not considered that the erection of the annexe would have an unacceptable adverse impact on the amenities of the neighbouring residential properties in terms of loss of light, outlook or privacy.
- 8.14 Environmental Health initially raised concerns regarding the proposal in relation to the noise and light impacts on the neighbouring residential properties (Nos 116 and No.118). There have been complaints received previously in relation to the Mansion concerning noise during functions. Whilst these complaints have not been substantiated there were concerns that an increase in accommodation could lead to larger function attendance and a possible increase in the negative impacts on neighbouring properties. It was also considered that the use of the area of patio to the rear of the two storey rear extension and any associated lighting may give rise to light intrusion and noise. It was suggested that the extension could be re-orientated to act as a noise barrier between the function room and neighbouring properties.
- 8.15 It was reported by local residents that only a low number of functions were held at the Mansion by the previous owner and there are concerns that the proposal would increase this number. The Mansion is authorised to hold an

unlimited number of functions regardless of whether there are additional bedrooms and the current owners wishes to expand this side of the business as is evidenced by recent investment in the function suite. The function suite is subject to a licence which limits the use of music and the supply of refreshments and alcohol. On a Friday and Saturday night music can be played and the sale of alcohol can continue until 1am. The adjacent dwellings were permitted adjacent to the Mansion with planning permission granted for its current use. It is not considered that the provision of additional bedrooms should be resisted to curtail the potential use of the function suite.

- 8.16 Officers have taken the comments from Environmental Health into account and in addition to reducing the proximity of both elements of the proposal to neighbouring properties have sought the removal of the large area of patio to the rear of the two storey extension. This patio would have been in close proximity to the boundary and garden of No.116. and this would have introduced a new focus of activity into this area of the grounds, potentially late into the evening. It is not possible to re-orientate the extension to form a noise barrier as this would have an unacceptable impact on this historic building, its relationship with the walled garden and its setting.
- 8.17 If external lighting is required, then a planning condition is proposed to secure the submission of details of a sensitively designed external lighting scheme (potentially timer controlled) to discourage guests from remaining within the external areas of the site for longer than necessary when returning to their rooms.

#### **e) Highways**

- 8.18 The planning application granted in 2013 permitted a total of 100 car parking spaces to serve the Mansion. The approved plan shows the car park extending to both sides of the access drive. It was later agreed with Officers that the parking provision could be reduced removing the 52 spaces shown extending to the southern side of the access as it was considered this would be surplus to requirement and would create an unnecessarily large area of hardstanding on the approach to the Mansion which would compromise its setting.
- 8.19 The proposal would result in the loss of approximately 7 informal car parking spaces within the courtyard area to the north-east of the building where the detached annexe is proposed to be constructed. The main car park has been extended by the new owners. A temporary gravel surface has been laid at the south-eastern end adjacent to Coldeast Drive following works to remove waste from the site which was buried within a grassed mound. It is proposed to carry out further works to the car park including resurfacing. The proposed car parking layout indicates that the main car park would provide a total of 80 car parking spaces following completion of these works.

- 8.20 The Councils adopted Non-Residential Parking Standards SPD requires that a hotel be provided with 1 car parking space per guest bedroom and 0.3 spaces per non resident member of staff. Based on the total number of guest bedrooms (55) and staff (15) this would equate to a parking requirement of 60 car parking spaces. The proposal therefore satisfies the Councils parking standards.
- 8.21 It is considered that the proposal makes adequate provision for on-site car parking however there is also sufficient space on site to increase car parking if this is required in future. It is not considered that the proposal would be likely to result in significant overspill car parking in the local area or that any on-street car parking that were to take place at the end of Coldeast Drive would have any detrimental impact on highway safety.

#### **f) Impact on Habitat Sites**

- 8.22 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.
- 8.23 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.
- 8.24 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 'Habitat Sites' (HS).
- 8.25 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 (the LPA in this instance) is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations.

- 8.26 When considering the proposed development there are two main likely significant effects on HS; impact on water quality (nitrates) and recreational disturbance.

***Impact on Water Quality (nitrates)***

- 8.27 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. 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 & overnight accommodation) will have a likely significant effect upon the HS.
- 8.28 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.29 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (Feb 2022) ('the NE Advice') and revised calculator (20 April, 2022) which confirms that the development will generate 10.21 kg/TN/year. An average occupancy rate of 1.4 persons has been applied in the calculation for each of the 22 double bedrooms compared to the national average occupancy of a dwelling which is 2.4 persons. The NE advice in respect of occupancy levels is that Local Planning Authorities may choose to adopt bespoke calculations for detailed planning applications if sound evidence is available to support this assumption.
- 8.30 The submitted nitrogen nutrient assessment from the applicant advises that the proposed room occupancy figure is calculated based on an average occupancy of each 2 person double bedroom by two people for 70% of the nights available throughout the year which equates to 1.4 persons. There are however two measures in relation to overall occupancy of the hotel; room occupancy and bedspace occupancy. The submitted assessment does not attempt to take the latter into account which would, in officers' opinion, likely reduce the average occupation of each room further. It would in fact frequently be the case that a double bedroom would only be occupied by 1 person, particularly where the booking relates to business use.

- 8.31 The applicant has provided occupancy figures for the hotel between October 2021- April 2022. The data indicates that average occupancy of the hotel rooms has ranged monthly between 25-80%. The occupancy figures also indicate that the hotel has attracted a higher proportion of business guests (over 50%) compared to leisure guests. The room occupancy figures give an average of 52.4% room occupation over this seven month period which is comfortably below the 70% average room occupancy suggested within the nitrate budget calculation without taking into account a further reduction to account for single person room occupancy which would be typical for business use. The applicant advises that the higher levels of occupancy for some months are the result of competitive pricing during those months which has not proven to be sustainable financially.
- 8.32 Officers have reviewed further data in relation to average hotel occupancy specifically within the Fareham area to support the use of the 70% room occupation assumption. A market fact file for Fareham and Whiteley Hotels was produced by the Tourism Manager at HCC using survey data obtained from the hotels between May-July 2019. This report highlights that Fareham and Whiteley hotel performance was well below the national average for provincial 3 and 4 star hotels over the 3 years preceding by all performance indicators. This is attributed to the lack of weekend demand and a low rated leisure market for hotel accommodation within the area. Average annual room occupancy was 67.6% in 2016, 69% in 2017 and 71% in 2018. Performance for 2019 was expected to see little change with room occupancy expected to remain the same as 2018 or be slightly down. Obviously the covid-19 pandemic has had a significant impact on the hotel industry throughout 2020-21.
- 8.33 National and regional monthly hotel occupation data is also available from Visit England. The Visit England data for February 2022 identifies that both nationally and for the south-east region room occupancy was at an average of 65%, with most significantly bedspace occupancy being at a lower level of 46%. Having reviewed all the available evidence from the applicant and other sources Officers are satisfied that the nitrate budget calculation which assumes an occupancy rating of 1.4 persons per room (based on a double bedroom being occupied by 2 persons for 70% of the nights available) would be suitably precautionary.
- 8.34 The applicant has completed a deed of allocation to reserve 10.21 kgTN/yr of nitrate mitigation 'credits' from a wetland scheme at Whitewool Farm. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering the Solent marine environment.

### ***Recreational Disturbance***

- 8.35 The second of these likely significant effects on HS concerns disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to the sites.
- 8.36 With regards The Solent SPAs, Policy DSP15 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to The Solent Recreation Mitigation Strategy (SRMS).
- 8.37 The SRMS advises that new hotels and other holiday/tourist accommodation is a residential-related use with the potential to generate additional recreational visits to the SPA(s). The need for mitigation for new hotel accommodation is to be assessed on a case-by-case basis by the local planning authority. Where mitigation is deemed to be necessary for new hotel and other holiday/tourist accommodation, the mitigation may take the form of a developer contribution calculated on the basis of the number of new bedrooms and the monetary contributions (or a proportion thereof).
- 8.38 As an average hotel room occupancy level of 70% of the nights available has been accepted by Officers in relation to the nitrate budget it has also been accepted that a 70% contribution would be appropriate in relation to the SRMS (i.e. the equivalent contribution that would be sought for 16 x 1-bed dwellings). The applicant has agreed to make this contribution. The NE advice suggests that consistency should be applied in the application of occupancy rates. As discussed above this is considered to be a suitably precautionary figure given that the hotel rooms are expected to be occupied for on average 70% of the nights available and that even when occupied the rooms may only be occupied by a single person as opposed to two. Business guests are expected to count for at least 50% of guests and are less likely to make visits to the designated sites compared to guests staying for leisure purposes.
- 8.39 With regards to the New Forest HS, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The western side of the Borough of Fareham falls within this 13.8km radius, measured on the basis of 'how the crow flies'.
- 8.40 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7<sup>th</sup> December 2021. The

Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has agreed to make the appropriate contribution in accordance with the Interim Mitigation Solution, again assuming an average room occupation rate of 70% (i.e. the equivalent contribution as 16 dwellings).

- 8.41 To fulfil the requirements under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the Solent Special Protection Areas (SPAs). The Council's appropriate assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. 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***

- 8.42 In summary it is not considered that the proposal would have a detrimental impact on the character or appearance of the area or the setting or appearance of the locally listed building or historic park and garden. The impact on the living conditions of the occupants of neighbouring residential properties has been carefully considered and amendments have been sought to the proposal to improve the relationship with neighbouring properties to prevent a detrimental loss of light, outlook and privacy. Measures have also been taken to reduce the potential for any increased noise and disturbance to the occupants of neighbouring residential properties from guests staying at the accommodation. There are no concerns in relation to highway matters, ecology or the impact on protected trees. It is not considered that the proposal would have an adverse effect on the integrity of HS as appropriate mitigation has been secured. The proposal accords with the relevant local plan policies and is recommended for permission.

## **9.0 Recommendation**

- 9.1 GRANT PLANNING PERMISSION, subject to;

- i) the receipt of a financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.

ii) the receipt of a financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the New Forest SPA/SAC/Ramsar.

iii) the following Conditions:

1. The development hereby permitted shall begin within three years of 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 after that time.

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

- a) Location Plan – drwg No. 2.07
- b) Ground Floor Plan as Proposed – drwg No. 2.01 Rev G
- c) First Floor Plan as Proposed – drwg No. 2.02 Rev E
- d) Roof Plans as Proposed – drwg No. 2.03 Rev D
- e) Elevations Sheet 1 – drwg No. 2.04 Rev D
- f) Elevations Sheet 2 – drwg No. 2.05 Rev F
- g) Revised Car Park Layout – drwg No. 2.003
- h) Design & Access Statement & Heritage Statement
- i) Ecological Appraisal (Aluco Ecology Ltd) January 2019
- j) Arboricultural Method Statement – James Fuller Arboriculture (Jan 2019)

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

3. The duplex apartments shall be used ancillary to the authorised C1 (Hotel) use of the Mansion and shall not be used as separate residential accommodation at any time. All accommodation hereby permitted shall not be occupied by any individual(s) for a continuous period of more than 30 days or for more than 60 days in total in any calendar year. The owners/operators of the application site shall maintain an up to date register of the names of all occupiers of the accommodation, the length of their occupation and of their permanent places of residence and shall make this information available to the Local Planning Authority within 14 days of being requested to do so in writing.

REASON: To maintain the availability of short term accommodation.

4. No development hereby permitted shall proceed beyond damp proof course level until the following details have been submitted to the Local Planning Authority and approved in writing;

- i) Samples of all external materials to be used (including details of brick bond)



ii) Details/samples of all hard surfacing materials to be used (including the replacement of the temporary gravel car park surface with a noise reducing alternative)

iii) Details/samples of all means of enclosure to be erected

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

REASON: To secure the satisfactory appearance of the development.

5. None of the development hereby permitted shall be brought into use until the areas shown on the approved car parking layout (drwg No. 2.003) for the parking and turning of cars have been surfaced as agreed by the Local Planning Authority, marked out and made available for use. These areas shall thereafter be retained and kept available for these purposes at all times.

REASON: In the interests of highway safety.

6. 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. The landscaping scheme shall specifically include details of the reinstatement of the south-eastern end of the gravelled temporary car park which lies outside of the approved car park with either grass or landscaping.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality.

7. The landscaping scheme, submitted under Condition 6 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.

8. The first floor bathroom windows proposed to be inserted into the rear elevation of the annexe building 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. The rooflight windows shown on the rear elevation of the detached annexe building hereby approved shall be constructed so as to have a cill height of not less than 1.7 metres above internal finished floor level. 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.

9. No additional external lighting shall be installed unless a scheme of external lighting designed to minimise impacts on bats and to protect the amenity of neighbouring residential properties (including where appropriate timing controls), has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved scheme unless otherwise agreed in writing with the Local Planning Authority.

REASON: in order to minimise impacts of lighting on the ecological interest of the site and residential amenity.

10. The development hereby permitted shall not proceed beyond damp proof course level until a Biodiversity Enhancement Strategy including details of biodiversity enhancement features to be incorporated (e.g. bat boxes, bird boxes, etc.), along with a plan showing the location of these features, shall be submitted to and approved in writing by the Local Planning Authority.

Development shall subsequently proceed in accordance with the approved details, with all mitigation areas being permanently managed in accordance with the approved details.

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

11. None of the accommodation hereby permitted shall be occupied until details of water efficiency measures to be installed in each unit 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.

12. No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 4 July between (1) William Northcroft Butler and James Nicholas Butler (2) HN Butler Farms Limited and (3) Fern Property Ltd.

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

13. 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.

#### *Further Information*

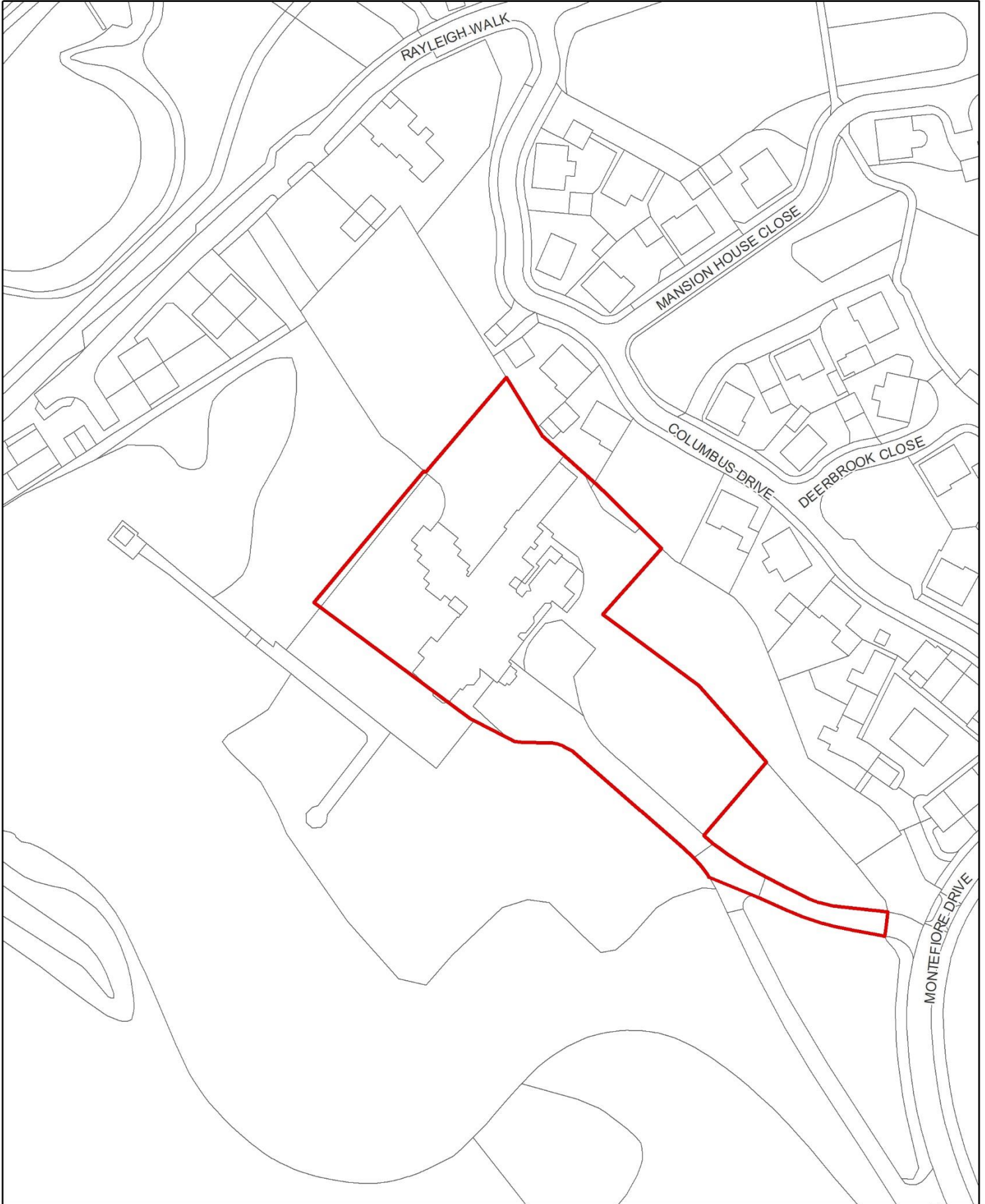
Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional ecologist.

#### **10.0 Background Papers**

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

# FAREHAM

BOROUGH COUNCIL



Coldeast Mansion, Coldeast Drive  
Sarisbury Green, Southampton  
Scale 1:1,250



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