

OFFICER REPORT FOR COMMITTEE

DATE: 10/08/2022

**P/21/0992/FP
B&L SOUTH LTD**

**WARSASH
AGENT: B&L SOUTH LTD**

DEMOLITION OF EXISTING DWELLING AND ERECTION OF THREE DETACHED DWELLINGS

107 NEWTOWN ROAD, WARSASH, SO31 9GY

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.

2.0 Site Description

2.1 The application site lies within the urban area to the east of Newtown Road to the south of the junction with Pitchponds Road. The site forms part of the residential curtilage of No.107 Newtown Road which is a detached chalet bungalow fronting the road.

2.2 The site abuts a number of residential properties on Newtown Road, Wynsdale Chase to the north and Lower Spinney to the east. The dwellings within the local area vary in style and appearance, particularly on Newtown Road where there are a mixture of single storey, chalet and two storey dwellings. The terrace of properties on Wynsdale Chase (Nos 4-6) which abuts the northern boundary of the application site are two storey and were constructed circa 2005. The two dwellings on Lower Spinney (Nos 16 & 18) which abut the eastern boundary are also two storey dwellings

2.3 The rear garden of the existing dwelling is well established with a good degree of coverage of small trees and shrubs. There are a number of trees on the site and around the boundaries which are not covered by a tree preservation order.

2.4 The site slopes down significantly from Newtown Road to the eastern boundary. The levels range from 11.4m (AOD) at the western boundary to 2.78m (AOD) at the eastern boundary. This represents a change in levels between the two boundaries of 8-9 metres.

3.0 Description of Proposal

- 3.1 Planning permission is sought for the demolition of the existing dwelling and the erection of three detached 4-bed chalet style dwellings.
- 3.2 One dwelling (Plot 1) would be positioned on the frontage of Newtown Road sitting slightly further back from the road than the existing dwelling. A detached double car port and parking space would be provided on the frontage.
- 3.3 A single vehicular access drive would serve all three properties and would extend past the southern elevation of Plot 1. This drive would then open up into a car parking area on the frontages of the two dwellings proposed at the rear of the site (Plots 2 & 3) providing a double car port and an additional parking space for each property. The dwellings on Plots 2 & 3 would sit adjacent one another with the front elevation facing back towards Newtown Road and the rear elevation facing the eastern boundary.
- 3.4 The dwellings are proposed to be finished in white render with a brick plinth and soldier course detailing above the windows and a tiled roof.
- 3.5 A bin collection point would be provided adjacent to the site access.
- 3.6 The proposal would comply with the Nationally Described Minimum Space Standards.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS9 - Development in the Western Wards & Whiteley

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1 - Sustainable Development

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 None relevant

6.0 Representations

6.1 Twelve representations have been received (from or on behalf of the occupants of twelve different addresses) raising the following concerns;

Principle of Development

- The site is not identified within the local plan
- Should not be considered a windfall site
- Warsash has already been allocated a high proportion of new housing

Impact to Character of Area

- Poor design
- Inadequate plot sizes
- Overdevelopment and out of keeping with character of the area
- A smaller development of single storey dwellings would be better suited

Impact to Neighbouring Properties

- Impact to quality of life
- Overlooking/loss of privacy
- Loss of light and outlook
- The dwellings would be exposed due to slope of the land and the height of the dwellings would be seemingly increased by elevated position
- White render would emphasise the dwellings more
- Proximity to boundaries
- Increased requirements for heating/electricity increasing carbon footprint
- Increased noise
- Raised terraces would look directly over fences
- Loss of views of trees and vegetation
- Infringement of human rights

Highways

- Lack of parking
- Contractors access and parking must be considered
- Additional traffic on Newtown Road

Ecology & Trees

- Loss of trees and vegetation
- Trees on eastern boundary should be retained or replaced
- Impact on wildlife including deer, badgers, foxes, reptiles and owls which are regularly seen on site
- Potential for increased pollutants within surface water run-off to enter Hook Lake
- Nitrates mitigation does not address the issue locally

Other Matters

- The proposal may exacerbate surface water flooding
- FRA does not satisfactorily consider potential impacts of development in relation to flood risk of off-site receptors
- Location and future responsibility for drain along the eastern boundary is not clear
- Potential ground contamination issues from previous use of land within the area for boatbuilding
- The declaration of ownership (cert A) submitted with the application is incorrect as the applicant was not sole owner of the entire site 21 days prior to submission of the planning application

Two letters of support have also been received

7.0 Consultations

EXTERNAL

Highways (Hampshire County Council)

- 7.1 The access should be a minimum of 4.5m wide for at least the first 6.0m into the site to allow passing of vehicles at the site entrance.
- 7.2 Under Building Regulations 2000 Part II, paragraph B5: Access and facilities for the fire and rescue service, Section 11: Vehicle Access is the pertinent section which requires a fire appliance to get within 45 metres of all points within the dwelling but should not be required to reverse further than 20 metres; for distances greater than this appropriate turning facilities are required. The applicant could prevent an objection by the provision of an appropriate turning facility to accommodate fire appliances or confirm that alternative method of firefighting would be employed.
- 7.3 In terms of parking layout, this is generally acceptable with adequately sized spaces and aisle widths for turning. However, it is requested that space adjacent to a structure (i.e. internal and external to car ports) are afforded an additional 0.3m step out strip in order to open doors and enter / exit vehicles easily when located adjacent to vertical surfaces or landscaped areas

Environment Agency

- 7.4 The proposed development will only meet the National Planning Policy Framework's requirements in relation to flood risk if a planning condition is imposed to ensure that development takes place in accordance with the submitted FRA (Odyssey, May 2022) and on the basis that no development shall take place in Flood Zones 2/3.

Natural England

- 7.5 An updated Habitats Regulation Assessment (HRA) dated 21 June 2022 has been produced by your authority, in support of this planning application. Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations Assessment process.
- 7.6 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.
- 7.7 The development is in close proximity to the Solent Maritime SAC and Solent and Southampton Water SPA and Ramsar site. Without best practice working methods and mitigation there is risk during the construction phase of the development that pollution from machinery, equipment or materials may enter into the water. Natural England recommends that a Construction Environment Management Plan (CEMP) is produced prior to start of the works and submitted and approved in writing by your authority.
- 7.8 Wherever possible, percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax – measured at the sensitive receptor) should be avoided during the bird overwintering period (i.e. October to March inclusive).

Lead Local Flood Authority (HCC)

- 7.9 As this application relates to a site which is a residential application less than 0.5 hectare in size and less than 10 dwellings, we would consider this as a minor application and outside of our remit. However, please direct the applicant to our website for further information on recommended surface water drainage techniques.

INTERNAL

Environmental Health (Contaminated Land)

- 7.10 The recommendation of this section is that this application could be approved without any conditions relating to land contamination.

Ecology

- 7.11 The ecological assessment (Peach Ecology, August 2021) confirms that the existing building on site was subject to two bat surveys in September 2020 and May 2021 and no roosting bats were recorded.

- 7.12 The reptile survey of the site confirmed the presence of a low population of reptiles. The reptile mitigation strategy includes the translocation of the reptiles to an offsite receptor site at Botley Road in Burrridge, which forms part of another planning application. This area will be enhanced for reptiles, with its ownership/management passed on to Fareham Borough Council. Considering the low population of reptiles on site, the receptor site is considered to be appropriate and I raise no concerns.

Trees

- 7.13 If adequate precautions to protect the retained trees are specified and implemented in accordance with the arboricultural method statement included in the tree report produced by Sapling Arboriculture (ref J1296 – September 2020) the development proposals will have no significant adverse impact on the contribution of the trees to the public amenity or the character of the wider setting.

8.0 *Planning Considerations*

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

- a) Principle of Development
- b) Impact on Character & Appearance of the Area
- c) Impact on Amenity of Neighbouring Properties
- d) Flood Risk
- e) Highways
- f) Trees & Ecology
- g) Impact on European Protected Sites
- h) Other Matters

a) Principle of Development

8.2 Policies CS2 (Housing Provision) and CS6 (The Development Strategy) of the adopted Fareham Borough Core Strategy place priority on reusing previously developed land within the defined urban settlement boundaries to provide housing. The National Planning Policy Framework (NPPF) excludes private residential gardens from being defined as previously developed land but sets out there should be a strong presumption in favour of sustainable development. It is recognised that garden sites can assist in meeting housing needs provided that the proposed development is acceptable in all other respects. The site is located within the defined settlement boundary such that the principle of re-development of the land is acceptable subject to all other material considerations.

b) Impact on Character & Appearance of the Area

8.3 The existing dwelling benefits from a generous plot in comparison to neighbouring properties. The rear garden currently measures 65 metres in length. The plot is noticeably larger than neighbouring properties on Newtown Road and significantly larger than plot sizes for neighbouring properties on Wynsdale Chase and Lower Spinney which abut the northern and eastern boundary.

8.4 Policy CS17 (High Quality Design) of the adopted Fareham Borough Core Strategy states that all development should respond positively to and be respectful of the key characteristics of the area, including landscape, scale, form, spaciousness and use of external materials. The Council's adopted Design SPD sets out guidance for the development of dwellings within rear gardens. It states that proposals for new houses in rear gardens should ensure both the new plot and the remaining plot are similar in size to nearby properties. The new dwellings should be in proportion to the plot so as not to appear cramped or out of character. Gardens lengths of at least 11m length should be sought but in order to preserve the character of an area, larger gardens will be required in more spacious areas.

8.5 It is not considered that the sub-division of the plot would result in the overdevelopment of the plot. The frontage (Plot 1) property would have a footprint comparable with the neighbouring properties on Newtown Road and this is replicated for Plots 2 & 3. The rear garden to Plot 1 (including the rear terrace) would measure approximately 12.5m in length. The two dwellings to the rear of the site (Plots 2 & 3) would have more generous plot sizes with garden lengths in excess of 20m. In comparison the neighbouring properties on Wynsdale Chase and Lower Spinney have rear gardens which measure at most 13m. The dwellings on Plots 2 & 3 would be set a minimum of 2m off the north and south boundaries with 3m separation between the two to maintain a sense of spaciousness.

8.6 Officers consider the design of the dwellings to be acceptable and do not consider that the proposal would have any adverse impact on the visual appearance of the streetscene. The dwelling on Plot 1 would be staggered back further from the road than the existing dwelling but the building line varies along this stretch of Newtown Road and the position of the detached car port on the frontage would ensure this would not appear anomalous. The site section plan submitted with the application demonstrates that the height of the dwelling on Plot 1 would be comparable to the neighbouring bungalows on Newtown Road. It is not considered that the two dwellings to the rear of the site would be prominent in views from Newtown Road or Lower Spinney. The occasional glimpse of the properties on Wynsdale Chase is afforded between the dwellings on Newtown Road and Lower Spinney but these are not visually intrusive or out of context with the suburban setting. Given that the application site is surrounded by development it is not considered that the proposal would introduce a form of backland development which would be out of keeping with the character of the area. In Officers opinion the proposal would not have any adverse impact on the character and appearance of the area.

8.7 Members should be aware that outline planning permission was refused in September 2018 for the erection of a detached bungalow to the rear of No.113 Newtown Road which lies immediately to the south of the application site. The application was refused as it was considered that it would result in a cramped form of development which would not respond positively to the character of the area. The application was subject to an appeal and the Inspector did not uphold this reason for refusal concluding that the proposal would not have an adverse impact on the character and appearance of the area. A subsequent outline planning application (P/19/0768/OA) was permitted in December 2020 and whilst the proposed development at No.113 Newtown Road has not been undertaken to date it would in Officer's opinion result in a more cramped form of development than is proposed on the application site.

c) Impact on Living Conditions of Neighbouring Properties

8.8 Policy DSP3 of the adopted Local Plan Part 2: Development Sites & Policies concerns the impact of development on living conditions. It states that development proposals should ensure that there will be no unacceptable adverse impact upon living conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.

8.9 It is not considered that the dwelling on Plot 1 would have any adverse impact on the living conditions of the occupants of the properties to either side. The dwelling would project further to the rear than the neighbouring properties however it would not project significantly beyond No.105 to the north which has an enclosed terrace on the rear which limits outlook at the rear of the dwelling to the south. Due to the orientation of the proposed dwelling to the north of

No.109 Newtown Road and the level of separation it is not considered that there would be any adverse impact on this property in terms of loss of light or outlook.

- 8.10 Officers were initially concerned by the proximity of the dwelling on Plot 2 to the rear of No.6 Wynsdale Chase. The Council's adopted Design SPD clarifies that a distance of at least 12.5 metres should be retained between the windows in the rear of a neighbouring property and the two storey flank wall of a proposed extension, which is therefore also applied to new dwellings, to minimise any loss of light or outlook. Whilst the separation between the two properties would have exceeded 15m and the proposed dwelling is not full two storey height, due to the slope of the land and the positioning of the proposed dwelling spanning the entire width of the rear boundary of the neighbouring property, it was considered that the proposed dwelling would have been overbearing and detrimental to the light and outlook available to the occupants of this property.
- 8.11 Officers requested that the design of the dwellings be amended to improve this relationship and to work with the slope of the land rather than having the dwellings sitting proud of the existing ground level at the rear with an elevated floor level and raised rear terrace and subsequent two storey eaves height. The aim of seeking these amendments was to reduce the bulk of the dwellings as viewed from the neighbouring properties. It was requested that the proposed rear terraces be removed from all three properties as these would have resulted in overlooking issues over adjacent boundary fencing, particularly to the north over the rear gardens of No.105 Newtown Road and No.6 Wynsdale Chase but also towards the properties on Lower Spinney.
- 8.12 Subsequently the position of the dwelling on Plot 2 has been amended to move the dwelling further to the west so that it would not span the entire width of the garden of No.6 Wynsdale Chase. The ground floor level of all three dwellings has been split so that there would be steps leading down into the rear section to take account of the ground level falling away. The overall height of the dwellings on Plots 2 & 3 has been reduced. For Plot 2 the height has been reduced from a maximum of 8.6m above ground level to a maximum of 7.4m above ground level. The eaves height is maintained at single storey height at both the front and rear. It is considered that the bulk of the northern flank wall of the dwelling on Plot 2 has been significantly reduced and the design of the rear elevation has been improved maintaining the chalet style appearance to all elevations. Views from the rear of the dwelling on Plot 2 towards the properties on Wynsdale Chase would be oblique and this is a relationship generally considered to be acceptable. It is not considered that the proposal would exacerbate the potential to look into the gardens of neighbouring properties from the gardens of the proposed dwellings as it is not proposed to significantly build up existing ground levels.
- 8.13 Officer acknowledge the concerns raised in relation to loss of privacy and the intrusive nature of the development proposed on the occupants of Nos 16 and

18 Lower Spinney. Due to the slope of the land the lower ground floor level of the proposed dwellings at the rear would be approx. 3m above ground level at the eastern boundary of the site and the dwellings would therefore also appear taller being situated further up the slope. However given the level of separation which would be in excess of 20m from the rear elevation of the proposed dwellings to the garden boundary with in excess of 35m between facing windows it is not considered that the proposal would have an unacceptable impact in terms of loss of privacy, light or outlook. Views towards the neighbouring properties from within the proposed dwellings would be long distance. The loss of vegetation from the rear garden of the existing dwelling would certainly alter the existing outlook currently enjoyed by the occupants of the properties on Lower Spinney however due to the level of separation it is not considered that the dwellings would have an unacceptable impact. Loss of view is not a material planning consideration. The proposals retain trees and vegetation within a 1m wide wildlife corridor on the eastern boundary and it is also proposed that additional tree planting would be carried out, details of which would be secured by planning condition. The submitted ecology report states a minimum of fifteen new trees should be planted.

- 8.14 It is not considered that the additional noise generated by the future occupants of the proposed dwellings would have a detrimental impact on the living conditions within adjacent properties.

d) Flood Risk

- 8.15 Paragraph 159 of the NPPF states;

'Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.'

- 8.16 Paragraph 161 of the NPPF sets out a sequential, risk-based approach to the location of development – taking into account the current and future impacts of climate changes – so as to avoid, where possible, flood risk to people and property.

- 8.17 The government's Planning Practice Guidance (PPG) sets out how the sequential, risk-based approach to the location of development should work in practice. This application of the sequential approach is known as the sequential test. It states that this general approach is designed to ensure that areas at little or no risk of flooding from any source are developed in preference to areas at higher risk. The aim should be to keep development out of medium and high flood risk areas (Flood Zones 2 and 3) and other areas affected by other sources of flooding where possible.

- 8.18 The proposed dwellings would be located entirely within Flood Zone 1 and therefore the Sequential Test is considered to be passed for this site. As the end of the rear garden adjacent to the eastern boundary falls within Flood Risk Zone 2/3, a site specific flood risk assessment has been requested and submitted. The PPG states that the level of detail provided within a flood risk assessment should be appropriate to the scale, nature and location of the development and proportionate to the degree of flood risk.
- 8.19 With regards to the risk to the development from tidal flooding the proposed dwellings would be sited a minimum of 15m from the area of the site at medium/high risk of flooding. The minimum floor levels would be set at 6.10m AOD which is 2.81m above the peak flood level associated with a 1 in 1000 year tidal flooding event. Safe access and egress from the site in times of a flood is achievable via Newtown Road.
- 8.20 With regards to surface water flooding the EA surface water flood risk map indicates that the majority of the site is at 'very low' risk of surface water flooding with the exception of a small area at the eastern boundary which is designated as being at 'low' risk of surface water flooding. Low risk means that each year this area has a chance of surface water flooding of between 0.1% and 1%. The FRA indicated that the low risk area is in association with an overland flow path at the topographical low point of the site.
- 8.21 The EA surface water flood risk maps indicate that the valley which lies to the east of Newtown Road and extends from Warsash village to the north of the site to Hook Lake to the south has varying levels of surface water flood risk. However there is no evidence to suggest that the current proposal would significantly exacerbate this flood risk. The proposed dwellings would retain long rear gardens and the retained vegetation within the ecological buffer at the eastern boundary of the site would assist in absorbing surface water run-off. Additional tree planting is to be carried out. There would be no change to the level of rainfall falling on the site as a result of the proposed development. A planning condition will be imposed to secure submission of further details of the surfacing treatment and drainage of all areas to be hard surfaced. It will need to be demonstrated whether it is proposed to discharge surface water to the public sewer or install an on-site SUD's system (which would be preferable in the first instance), either way it would seem that there would be more control of surface water run-off than exists at present. This is considered to be an appropriate approach to manage the flood risk to adjacent land as a result of surface water run-off.
- 8.22 The site was also assessed as being at low risk from groundwater, sewer flooding or flooding from any other artificial sources.

e) Highways

- 8.23 The proposal makes adequate provision on site for car parking in accordance with the Council's Car Parking Standards. Three car parking spaces would be provided for each of the dwellings and a planning condition would be imposed to ensure that the car ports are retained without doors to secure their use for car parking. There is no requirement for additional visitor parking for a development of this scale. The parking layout has been amended to ensure that all the car parking spaces are accessible where adjacent to landscaping strips as requested by HCC.
- 8.24 The access to the site has been improved to ensure that it would be possible for two way traffic to pass in the entrance to avoid a need for vehicles to wait on Newtown Road, although this is not a heavily trafficked road. The proposal incorporates a sprinkler system for Plots 2 and 3, as shown on the proposed plans, as on-site turning has not been provided for a fire appliance. There are no further highway concerns.

f) Trees & Ecology

- 8.25 The site has been subject to a tree survey. The primary arboricultural constraints were considered to be a Silver Birch (T1) which is located off site to the north within the rear garden of No.105 Newtown Road and two Oaks (T8 and T9) which are located off-site to the south. The proposed development is outside of the root protection area (RPA) of these trees and details of tree protection measures have been set out within the Arboricultural Impact Assessment to ensure these trees are adequately protected from harm during construction works. A number of smaller trees considered to be of little merit due to their form, structure, size, species and position are proposed to be felled to facilitate development. These are the trees concentrated within the centre of the site. It is considered that the loss of these trees can be mitigated through appropriate replacement trees and shrub planting throughout the site.
- 8.26 A phase 1 ecological assessment was undertaken at the site leading to further Phase II bat and reptile surveys. During the bat emergence surveys no bats were confirmed roosting in the dwelling on site however soprano and common pipistrelle bats were recorded passing through the site and overhead during the surveys, both species were recorded during the survey in 2020 and only common pipistrelle were recorded during the survey in 2021. Common pipistrelle bats were recorded passing through the garden to the rear and foraging in the garden and it is suggested that the garden is used as part of a wildlife corridor, especially around the trees to the eastern boundary.
- 8.27 A planning condition would be imposed to seek further details of any external lighting scheme and this lighting scheme should include LED downlighters and down pointing bollard lighting to avoid new roosting features, landscaped areas and potential roosts outside the site boundary.

- 8.28 Concerns have been raised in relation to the impact of the proposal on badgers which have been witnessed within the rear garden of No.107 Newtown Road and in surrounding gardens. The Protection of Badgers Act 1992 makes it a serious offence to kill or attempt to kill, injure or take a badger or to damage or interfere with a sett. The ecology assessment advises that there were no signs of badger hairs, footprints, foraging or setts recorded on site at the time of survey, it is concluded that it is unlikely that badgers will be impacted by the proposals. Whilst evidence of badgers within adjacent gardens has been presented there is no suggestion of there being a sett within the locality which would be the primary concern in this instance. It is considered that the provision of the 'wildlife corridor' and associated landscaping within the retained garden areas will ensure that there is sufficient foraging habitat post-construction available for badgers.
- 8.29 A low population of slow worms was recorded on the site, only a single adult male was recorded in the rear garden near the boundary to the north of the site. A reptile mitigation strategy is provided which includes for the translocation of any reptiles found on site to a suitable receptor off-site. In addition a 1m wide wildlife corridor would be retained at the eastern boundary and enhanced with log piles and hibernacula prior to construction to provide suitable habitat for species such as reptiles, badgers and hedgehogs. This corridor would be fenced off from the adjacent garden areas with post and rail fencing and landscaped with native vegetation to supplement existing trees and vegetation.
- 8.30 A detailed landscaping scheme would be secured by planning condition to ensure that the landscaping is diverse and structured to ensure there is no loss in biodiversity. It is stated within the ecological appraisal that at least fifteen new trees will be planted on site in gardens along with native hedgerows and native bulb planting.
- 8.31 Two integrated bat boxes will be built into the dwellings on site and two house sparrow nest boxes and two swift nest boxes would be built into the dwellings or attached firmly to the exterior of each new dwelling under the eaves at a suitable location.

g) The impact upon Habitat Sites

- 8.32 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.
- 8.33 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.

- 8.34 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).
- 8.35 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 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 sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.36 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.37 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. The applicants have made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP).
- 8.38 In addition research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest 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 Council's Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. 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 applicants have made the appropriate financial contribution.
- 8.39 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted

that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the PS.

- 8.40 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 1.59 kgTN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be residential urban land as it forms part of the residential curtilage of the existing dwelling. Due to the uncertainty of the effect of the nitrogen from the development on the HS, 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.
- 8.41 The applicant has purchased 1.59 kgTN/yr of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT) and presented a 'Notice of Purchase'. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment.
- 8.42 The Council has carried out an appropriate assessment and concluded 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.

h) Other Matters

- 8.43 The applicant completed and submitted ownership certificate A with the planning application which indicates that the applicant was the sole owner of the red lined site 21 days before the planning application was submitted. That was his understanding of the situation at that time given that the application site encompasses the entire residential curtilage of No.107 Newtown Road. It subsequently came to light that the very end strip of the rear garden of the existing property was not included within the title deeds for the property and

was registered under a separate title. The applicant has taken the necessary legal steps to confirm ownership of this additional land through the Land Registry. It is advised that the land has always formed a part of the rear garden to No.107 Newtown Road and the former owner of the site has provided a statutory declaration to the Land Registry to assist in settling the dispute. In retrospect, whilst the correct procedure at the time of submission of the planning application would have been to complete Certificate B and serve notice on the land owner of the strip of land (ie the former owner of No.107 Newtown Road) it is not considered that this person(s) has suffered any prejudice as a consequence of the failure to serve notice. It is therefore considered unlikely that any challenge in respect of a planning application subsequently granted would be successful.

Summary

- 8.44 In summary it is not considered that the proposal would have any detrimental impact on the character or appearance of the surrounding area, the living conditions of neighbouring residential properties, highway safety, or ecology. It is not considered that the proposed development would be at risk of flooding nor that it would increase flood risk elsewhere. It is not considered that the proposal would have an adverse effect on the integrity of the HS as appropriate mitigation has been secured. The proposal accords with the relevant local plan policies and is recommended for approval.

9.0 Recommendation

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

1. The development shall begin within 3 years from the date of this decision notice.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development shall be carried out in accordance with the following approved documents:
 - i) Location Plan (1:500) – drwg No. 20.065.001
 - ii) Existing Site Survey – drwg No. 20.065.002 Rev A
 - iii) Proposed Ground Floor Layout – drwg No.20.065.101 Rev B
 - iv) Proposed Roof Layout (1:250) – drwg No.20.065.100 Rev H
 - v) Proposed Site Section – drwg No. 20.065.110 Rev B
 - vi) Plot 1 – drwg No. 20.065.200 Rev D
 - vii) Plot 2 – drwg No. 20.065.200 Rev D
 - viii) Plot 3 – drwg No. 20.065.200 Rev D
 - ix) Double Car Port – drwg No. 20.065.205
 - x) Ecological Assessment (Peach Ecology, 12 August 2021)

- xi) Arboricultural Impact Assessment & Tree Survey (Sapling Arboriculture, September 2020)

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 hereby permitted shall proceed beyond damp proof course level until details of the finished treatment and drainage of all areas to be hard surfaced have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development; To ensure that the access is constructed to a satisfactory standard and to prevent excessive water runoff on to the highway and adjacent land.

- 5. The ground floor windows proposed to be inserted into the following elevations of the approved development shall be obscure-glazed and of a non-opening design and construction to a height of 1.7 metres above internal finished floor level as shown on the approved plans;

- i) Plot 1 south and north elevations (hall, living room & kitchen)

- ii) Plot 2 south and north elevations (hall, living room & kitchen)

and shall thereafter be retained in that condition at all times.

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

- 6. The dwellings hereby approved shall not 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. The boundary adjacent to Newtown Road shall be limited to a maximum height of 0.6m. The approved scheme of boundary treatment shall be fully implemented prior to first occupation and 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, in the interests of highway safety and to ensure that the development harmonises well with its surroundings.

7. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

8. The car ports hereby approved shall be constructed in accordance with the approved plan. Thereafter, the car port shall be retained, without doors, at all times so they are available for their designated purpose.

REASON: To ensure adequate car parking provision; in accordance with Policy CS17 of the Fareham Borough Core Strategy.

9. No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before any dwelling is first occupied and shall thereafter be retained and kept available for use at all times.

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

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

- a) One EV charging point installation per residential dwelling with off-street parking.

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

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

11. None of the development hereby approved shall be occupied until the bin collection point (as shown on drwg No.20.065.101 Rev B) has been laid out and made available for use. This area shall subsequently be retained for bin collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed; to ensure the properties can be adequately serviced.

12. Development shall proceed in accordance with the measures detailed in Section 5.0 'Requirements and Recommendations' and Appendices E, F and

G of the submitted Ecological Assessment report by Peach Ecology (May 2021). Thereafter, the 1m wide wildlife buffer shown on the approved site plan (drwg No. 20.065.101 Rev B) shall be separated from the garden curtilage by post and rail fencing and the ecology features such as bat and bird boxes and reptile hibernacula shall be retained for perpetuity.

REASON: to ensure the protection of retained habitats and protected species.

13. No external lighting shall be installed unless a scheme of lighting designed to minimise impacts on wildlife and habitats has been submitted to and approved in writing by the local planning authority. Prior to the first occupation of any dwelling hereby permitted the approved lighting scheme shall be implemented in accordance with the approved details and those elements shall be permanently retained at all times thereafter unless otherwise agreed in writing by the local planning authority.

REASON: In order to minimise impacts of lighting on the ecological interests of the site.

14. The development shall be carried out in accordance with the Arboricultural Impact Assessment & Tree Protection Plan (Sapling Arboriculture Ltd, September 2020) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

15. No development shall proceed beyond damp proof course 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.

16. The landscaping scheme, submitted under Condition 15, 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.

17. Notwithstanding the provisions of Classes A, B, E and F of Schedule 2, Part 1 of the Town and Country Planning (General Permitted Development Order) 2015 (as amended) (or any Order revoking and re-enacting that Order with or without modification), no extensions or additions or alterations to the roofs of the dwellings shall be carried out and no outbuildings or additional areas of hardsurfacing shall be erected/installed unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the outlook and privacy of the adjacent residents; to ensure adequate car parking provision; To ensure the retention of adequate garden area; to manage the risk of flooding.

18. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed 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.

19. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) a list of defined potential impacts on the SPA & SSSI
- b) Details of methods for pollution control to ensure that no pollution (such as debris from dust or surface water run-off) is able to enter the water
- c) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.
- d) Details of how sediment/concrete/other debris that may be accidentally released during the construction will be captured to prevent it from entering the water
- e) Details of biosecurity to ensure that all equipment brought onto site does not bring any contaminants such as invasive species onto the site and into the waters

- f) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- g) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- h) The arrangements for deliveries associated with all construction works, loading/unloading of plant & materials and restoration of any damage to the highway;
- i) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- j) The measures for cleaning Newtown Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and
- k) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- l) Scheme of work detailing the extent and type of piling proposed;
- m) Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms^{-1} at the boundary of the SPA;
- m) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- n) Temporary lighting;
- o) No burning on-site;

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. 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.

20. No percussive piling or works with heavy machinery (i.e. plant resulting in a noise level in excess of 69dbAmax - measured at the sensitive receptor) to be undertaken during the bird overwintering period (i.e. October to March inclusive) unless otherwise agreed in writing with the local planning authority.
REASON: In the interests of nature conservation.

21. 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 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.

22. Development shall cease on site if, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered. Works shall not recommence before an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority.

Prior to the occupation of the dwellings hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

Note to applicant

Please see the following HCC website for further information on recommended surface water drainage techniques.

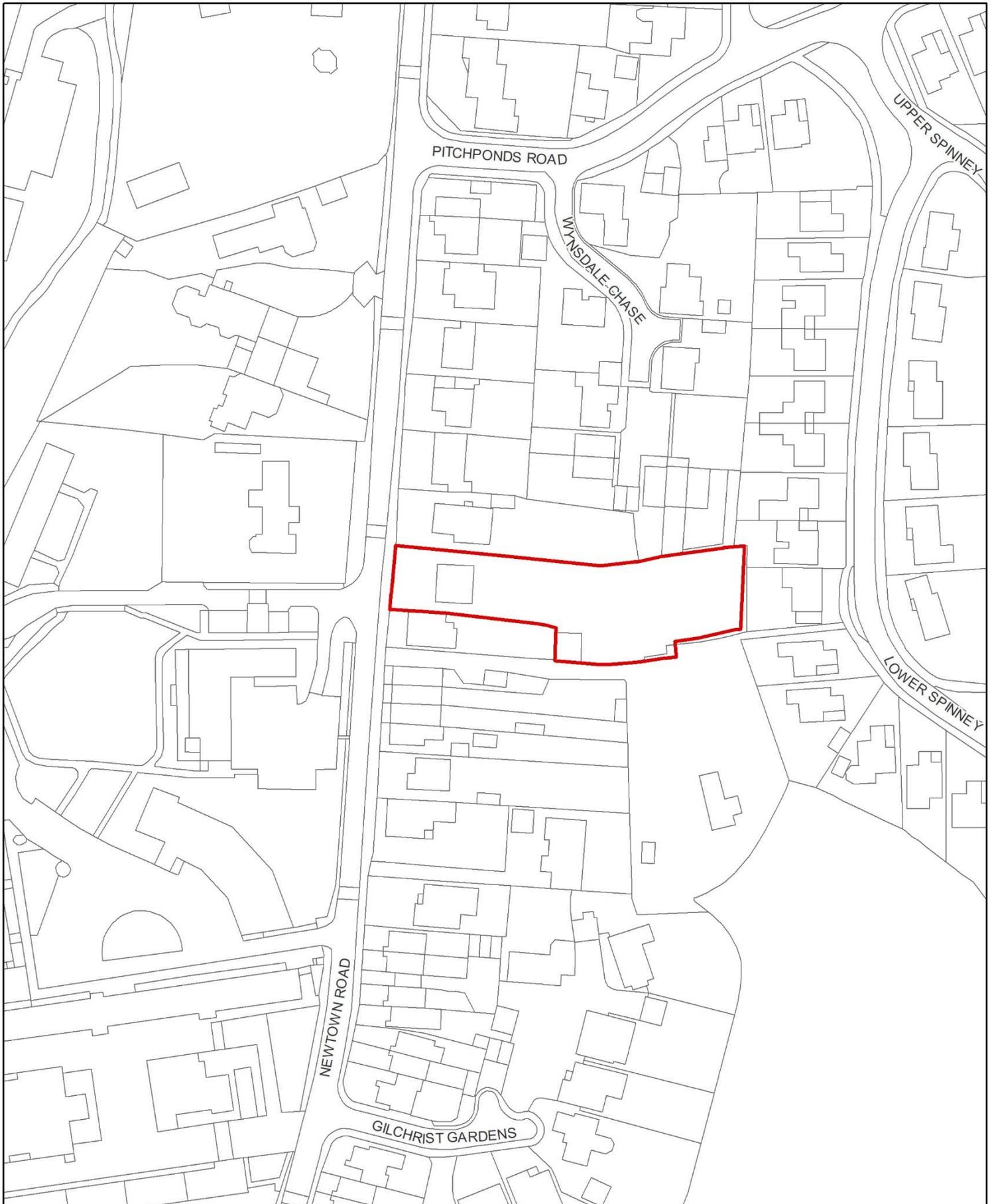
<https://www.hants.gov.uk/landplanningandenvironment/environment/flooding/planning>

9.0 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



107 Newtown Road
Warsash
Scale 1:1,250



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