

OFFICER REPORT FOR COMMITTEE

DATE: 14/12/2022

P/19/0437/FP

MR N PATEL

FAREHAM EAST

AGENT: MR TONY ALLEN

FOUR APARTMENTS TO BE CREATED AT SECOND AND THIRD FLOOR LEVELS
(RESUBMISSION OF LAPSED PERMISSION P/15/0316/FP)

FAREHAM POINT, WICKHAM ROAD, FAREHAM, PO16 7FN

Report By

Katherine Alger- Direct Dial: 01329 824666

1.0 Introduction

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

2.0 Site Description

- 2.1 The application site relates Fareham Point which is an existing apartment block located on the eastern side of Wickham Road to the south of the roundabout with Wickham Road, Wallington Way and Southampton Road. The site is located within Fareham High Street Conservation Area and is located 40m to the north of The Old Manor House which is a Grade II* Listed Building. The surrounding area is varied in character with residential properties and offices located to the south and west of the site and Sainsbury's supermarket located to the north.

3.0 Description of Proposal

- 3.1 The proposal is for four apartments which would be located at second and third floor level.
- 3.2 The apartments would comprise of a living area, kitchen, bathroom and two bedrooms.
- 3.3 The external alterations would involve removing the current pitched roof either side of the central tower element and replacing with a flat roof. This would not result in the increase in ridge height of the building.

4.0 Policies

- 4.1 The following policies and guidance apply to this application:

National Planning Policy Framework (NPPF)

Planning Practice Guidance (PPG)

Adopted Fareham Borough Core Strategy

CS2:	Housing Provision
CS4:	Green Infrastructure, Biodiversity and Geological Conservation
CS5:	Transport Strategy and Infrastructure
CS6:	The Development Strategy
CS7:	Development in Fareham
CS17:	High Quality Design

Adopted Development Sites and Policies

DSP1:	Sustainable Development
DSP2:	Environmental Impact
DSP3:	Impact on Living Conditions
DSP5:	Protecting and Enhancing the Historic Environment
DSP13:	Nature Conservation
DSP15:	Recreational Disturbance on the Solent Special Protection Areas

Emerging Fareham Local Plan 2037

- 4.2 The Fareham Borough Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of main modifications to the Plan. Subject to full Council approval, the proposed main modifications will be the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme suggests that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and at this stage is a material consideration for the determination of planning applications.

H1:	Housing Provision
HP1:	New Residential Housing Development
NE3:	Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4:	Water Quality Effects on the Special Protection Areas (SPAs) Special Areas of Conservation (SACs) and Ramsar Sites of the Solent
TIN1:	Sustainable Transport
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D5:	Internal Space Standards
HE1:	Historic Environment and Heritage Assets
HE2:	Conservation Areas
HE3:	Listed Buildings and structures and/or their settings

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 In February 2014 prior approval was granted for the change of use of offices to form eighteen 2-bedroom apartments (Ref P/14/0080/PC).
- 5.2 In June 2014 planning permission was granted for external alterations to the existing building including Juliette balconies and a car parking provision for 25 spaces together with refuse storage and cycle parking (Ref P/14/0466/FP).
- 5.3 In June 2015 planning permission was granted for a proposed new floor on part of the second floor and a new floor on part of the third floor to create four apartments (Ref P/15/0316/FP).
- 5.4 This application is the resubmission of the last application. It is important to note that this application has lapsed unimplemented and was approved at a time before the current occupiers were in residence. Following a review with the Council's Land Charges Officer, all residents were made aware of the planning permission (which was extant at the time) when they purchased their apartments.

6.0 Representations

- 6.1 A total of eight representations have been received (Seven of these comments are from residents within Fareham Point. They raise objection on the following grounds:
 - a) Highways safety
 - b) Parking
 - c) Disruption during construction
 - d) Concerns regarding stability of building
 - e) Loss of privacy
 - f) Loss of property value
 - g) Health and safety during construction

7.0 Consultations

INTERNAL

7.1 Conservation Planner

Objection. The proposal would fail to preserve setting of nearby heritage assets

EXTERNAL

Hampshire County Council Highways

7.2 No objection, subject to condition

Natural England

7.3 No Objection subject to appropriate mitigation being secured.

8.0 *Planning Considerations*

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

- a) Principle of development
- b) Design/Impact on heritage assets
- c) Impact on residential amenity
- d) Highways/Parking
- e) Impact on Habitat Sites
- f) Other issues raised in objections

a) Principle of development

- 8.2 Having regard to the policy provision of the Development Plan, the site is located within the designated Urban Settlement Boundary, where there is a presumption in favour of appropriate development, subject to compliance with the provisions of the National Planning Policy Framework and the policies of the Development Plan.
- 8.3 Planning permission was approved for the same proposal in 2015 (Ref P/15/0316/FP. Whilst this permission has now lapsed there have been no changes in legislation or on-site conditions.
- 8.4 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.
- 8.5 Draft Policy H1 sets out the housing requirement for the Borough between 2021 and 2037, and draft policy HP1 states that new residential development within the Urban Area boundary will be supported in principle.
- 8.6 Therefore, the principle of development is considered to be acceptable in accordance with Policy CS2 of the adopted Core Strategy and draft Policies H1 and HP1 of the Fareham Local Plan 2037 (emerging).

b) Design/Impact on heritage assets

- 8.1 Section 66 of the Listed Buildings and Conservation Areas Act 1990 (as amended) places duty on the Local Planning Authority (LPA) to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest in which it possesses.
- 8.2 Section 72 of the same Act places a duty on the LPA to pay special attention to the desirability of preserving or enhancing its character of appearance. To satisfy this test the proposal must preserve the character and appearance of the conservation area, leaving it unharmed.
- 8.3 Policy CS17 of the Core Strategy states that all development will be designed to respond positively to and be respectful of the key characteristics of the area, including heritage assets, landscape, scale, form and spaciousness and use of external materials. Draft Policy D1 of the submitted Fareham Local Plan 2037 similarly requires development proposals and spaces to be of high-quality design based on the principles of urban design and sustainability.
- 8.4 Policy DSP5 (Protecting and Enhancing the Historic Environment) states that designated and non-designated heritage assets are an irreplaceable resource that will be conserved in a manner appropriate to their significance to be enjoyed for their contribution to the quality of life of this and future generations. The wider social, cultural, economic and environmental benefits of their conservation will also be taken into account in decision making. Development affecting a conservation area will be permitted where it preserves or enhances its character, setting and appearance, and
- a) Takes account of the relevant Conservation Area Character Appraisal and Management Strategy;
 - b) Does not involve the loss of important features of an individual building that contribute to the character and appearance of the conservation area/ or its setting;
 - c) Its form, bulk, scale, height, massing, alignment, proportion, material, building form and use are appropriate, including having regard to surrounding buildings, spaces and views; and
 - d) It does not involve the demolition or partial demolition of a building or structure that positively contributes to the area, without clear and convincing justification.
- 8.5 Policy HE1 (Historic Environment and Heritage Assets) of the Emerging Local Plan states that all development should seek to conserve and enhance the historic environment and heritage assets, in line with local and national policy.

The Council will take appropriate steps to conserve and enhance the Borough's historic environment and heritage assets.

- 8.6 Policy HE2 (Conservation Areas) of the Emerging Local Plan states that development affecting a Conservation Area should preserve or enhance the special architectural, historic character of appearance of the Conservation Areas.
- 8.7 Policy HE3 (Listed Buildings and Structures and/or their Settings states that where a development would affect a listed building/structure and/or its setting proposals should preserve or enhance any features of special architectural or historic interest they possess, proposal must demonstrate sufficient understanding of and respond to the historic environment.
- 8.8 Fareham Point is located 40 metres to the north of The Old Manor House which is a Grade II* Listed Building. The original curtilage of The Old Manor House has been subject to separation over the years and is now in different ownership, resulting in the site falling outside of the curtilage of the listed building.
- 8.9 The value attributed to the identified aesthetic merit of the listed building and the contribution this makes to the historic and architectural character and appearance of the surrounding area, is evident from within the conservation area particularly in the view from the junction of Wickham Road and Wallington Hill which defines the northern extent of Fareham High Street and further supports the status attributed to the wealth found in the built form that contributes to the architectural and historic character and appearance of the wider conservation area. Mature trees have also provided a backdrop to the heritage assets.
- 8.10 The existing building at Fareham Point is located at the far northern end of the Conservation Area. It is modern in appearance compared to the other buildings within the Conservation Area.
- 8.11 The Council's Conservation Planner has raised concerns regarding the impact of the proposed additions, in particular the flat roof form and its impact on the setting of the adjacent Grade II* listed building and character and appearance of the Conservation Area.
- 8.12 In the previous application (P/15/0316/FP), the case officer acknowledged the concerns raised by the Conservation Planner however, concluded that that *"whilst the site is within the conservation area, it is at the edge and does not associate closely with the historic core. The site is not within any of the key viewpoints referred to in the Character Appraisal."*

- 8.13 In considering the impact of the proposed extension, it is acknowledged that it is of a more contemporary design compared to the existing hipped roof. However, they would not be any higher than the existing ridge height and the design is considered to be appropriate given the contemporary design of the remainder of the building.
- 8.14 The case officer in the previous application acknowledged that the proposed extension may appear more prominent from certain vantage points, however, the extension would be in proportion to the host property. Furthermore, the extension would be constructed of high quality materials as well as being surrounded by mature trees, some of which are protected by a Tree Preservation Order (TPO).
- 8.15 Having regard to the conclusions of the 2015 permission, it is considered that the design of the proposal would be acceptable and would preserve the setting of the nearby listed building and would preserve the character and appearance of the High Street Conservation Area. Officers therefore consider that the development proposal complies with Policies CS17, DSP5 of the Local Plan and draft Policies D1, HE1, HE2 and HE3 of the Fareham Local Plan 2037 (emerging).

c) Impact on Residential Amenity

- 8.16 Policy DSP3 of the adopted Local Plan Part 2: Development Sites & Policies and draft Policy D2 of the Fareham Local Plan 2037 (emerging) concern the impact of development on living conditions. The policies state that development proposals should ensure that there will be no unacceptable adverse impact upon living/environmental conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.17 The extension would be located above the existing apartments within the building. The additional storey is considered to be in proportion to the existing building and would not be larger than the existing footprint of the structure. Therefore, it is considered that the proposal would not result in an unacceptable adverse impact upon the living conditions of the occupiers of Fareham Point.
- 8.18 There would be a significant separation distance between the application site and the properties to the west on Wickham Road. It is therefore considered that the proposal would not result in an unacceptable adverse impact upon the living conditions of occupiers of the properties along Wickham Road.
- 8.19 Concerns have been raised that the construction of the additional flats would result in noise and disturbance to the existing occupants, particularly the occupants on the existing top floor. Matters regarding the construction and

noise attenuation would be a matter dealt with by building control, and subject to meeting building standards, it is not considered the additional flats would result in an unacceptable impact in terms of noise and disturbance.

- 8.20 The development proposal is therefore considered to accord with the requirements of the Design Guidance and would not result in an unacceptable adverse impact on the living conditions of neighbouring occupiers or future residents, in accordance with Policies DSP3 and D2.

d) Highways/Parking

- 8.21 Hampshire County Council as Highway Authority has commented on the application. They have stated that there is no material change since the time when the lapsed permission was considered. The main difference between the current application and the lapsed permission is the building is now occupied by residents, who in turn will be utilising the car park. As such, a Construction Management Plan would be required in order to mitigate any impact on the users of the car park and the local road network. This will be imposed by way of a planning condition.
- 8.22 The Highway Authority is satisfied that there is no direct or indirect impact upon the safety of the local highway network.
- 8.23 In terms of parking, the site currently has 26 unallocated car parking spaces serving the 18 existing flats. The parking requirement for unallocated parking spaces for a 2 bedroom dwelling is 1.25 spaces therefore, the proposal exceeds the parking requirements specified in the Residential Car Parking Standards. Furthermore, the application site is located within a sustainable location within close proximity to the town centre where there are local shops and services. The site is also located within close proximity to public transport links.
- 8.24 Concerns have been raised regarding the construction compound would impact car parking spaces, particularly as the offices users within Wates House using the car park as an overflow. Wates House has recently been granted permission to convert to residential flats, the works for which are currently underway. The building is therefore no longer in use as office accommodation. Car parking provision for that site was considered acceptable for the flatted scheme when permission for the site was granted, and there is subsequently a likely significant reduction in the need to use Fareham Point as overflow car parking. Therefore, there is unlikely to result in a conflict between occupiers of Fareham Point, Wates House and the construction compound required during the construction period.

- 8.25 It is therefore considered that the proposal accords with Policies CS5 and CS17 of the adopted Local Plan and draft Policy TIN2 of the emerging Fareham Local Plan.

e) Impact on Habitat Sites

- 8.26 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 and draft Policies NE3 and NE4 of the Fareham Local Plan 2037 (emerging) confirms the requirement to ensure the designated sites, sites of nature conservation value, protected and propriety species populations and associated habitats are protected and where appropriate enhanced.
- 8.27 Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance. 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 referred to as protected Habitat Sites (HS) (formerly 'European Protected Sites'(EPS)).
- 8.28 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 Habitat 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 Habitat Sites. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process. Although they must consult with Nature England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.29 To fulfil the requirements under the Habitats Regulations, Officers have carried out an AA in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of the protected Habitat Sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.
- 8.30 The first likely significant effect on HS relates to deterioration in the water environment through increased nutrients (particularly nitrates) entering The

Solent. 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 Habitat Sites.

- 8.31 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has 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 advises Local Planning Authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.32 A nitrogen budget has been calculated with Natural England's 'Nutrient Neutrality Generic Methodology' (February 2022) and The Solent Nutrient Budget Calculator (March 2022) which confirms the development will generate 3.18kg TN/year. In the absence of sufficient evidence to support bespoke occupancy rate, the Council 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 purposes of the nitrogen budget is considered to be urban as there is an existing building on the site. Due to the uncertainty of the effect of nitrates from the development on the HS, adopting a precautionary approach, and having regard to the NE advice, Officers will need to be certain that the output will effectively be mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.33 The applicant has purchased 3.18kg of nitrate mitigation 'credits' from Warnford Park as evidenced by the submission of a notice of purchase. Through the operation of a legal agreement between Fareham Borough Council, South Downs National Park and Andrew Sellick of Gawthorpe Estate dated 1st April 2021, the purchase of credits will result in a corresponding parcel of agricultural land at Warnford Park within South Downs National Park being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrates entering The Solent Marine Environment.
- 8.34 In addition to water quality impacts, air quality impacts are also a factor that needs consideration. The Council's Air Quality Habitats Regulations Assessment for the emerging Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the emerging Local Plan there would not be a significant impact as a result of air pollution on the Habitat Sites for the life of the plan, up to 2037.

- 8.35 The second likely significant effect on the HS, relates to disturbance on The Solent coastline SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.
- 8.36 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 applicant has made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects on the Solent SPA.
- 8.37 The sites lies outside the 13.8km Zone of Influence (ZOI) of the New Forest SPA, SAC and Ramsar site, and is therefore not subject to recreational disturbance mitigation for this proposal.
- 8.38 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. The difference between the nitrates credits secured and the output will result in a small annual net reduction of nitrogen entering The Solent.
- 8.39 Natural England were consulted on the Council's Appropriate Assessment in January 2022 and raised no objection in respect of recreational disturbance on The Solent SPAs or on water or air quality implications. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan and NE3 and NE4 of the Emerging Local Plan.

f) Other issues raised in objections

- 8.40 **Construction Disturbance** - Any development is likely to result in a minor level of disturbance and disruption to the local area during the course of the construction period. The application would be subject to a condition requiring the submission of a Construction Management Plan (CMP) in order to ensure that any impact is minimised. Whilst concern has been raised of suitable space to provide this within the existing car park, this matter would need to be considered and addressed in the CMP to be provided. Further, the disturbance would only be for a limited period of time, during the construction period.

- 8.41 **Loss of property value-** This is not a material planning consideration and can therefore not be considered as part of this planning application.
- 8.42 **Health and safety during construction-** This is also not a material planning consideration and cannot be considered in the determination of this planning application.
- 8.43 **Stability of building during construction-** This will be dealt with by building control once building regulations have been obtained for the proposed works.

Conclusion

- 8.44 Notwithstanding the representations received, it is considered that the proposal would be acceptable and would be in accordance with the Fareham Borough Core Strategy, the Fareham Local Plan Part 2: Development Sites and Policies, and the draft policies of the Fareham Local Plan 2037 (emerging).

9.0 Recommendation

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

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

REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.

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

- a) Proposed Block Plan jw644-201
- b) Existing Topo Plan jw644-2C2
- c) Existing Lower Ground and Ground Floor Plan jw644-110
- d) Proposed Lower Ground Floor and Ground Floor plan jw644-113
- e) Existing First and Second Floor Plans jw644-111
- f) Proposed First floor and Second Floor Plans jw644-114
- g) Proposed Third and Roof Plan jw644-115
- h) Existing Elevations jw644-112
- i) Proposed Elevations jw644-116
- j) Design and Access Statement

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

3. The materials to be used in the construction of the development hereby permitted shall match as closely as possible those used on the existing building unless otherwise agreed in writing by the Local Planning Authority.

REASON: To secure the satisfactory appearance of the development.

4. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:
 - a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
 - b) the measures the developer will be implementing to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
 - c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
 - d) a scheme for the suppression of any dust arising during construction or clearance works;
 - e) the measures for cleaning Wickham Road and Wallington Hill to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
 - f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

5. 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

6. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

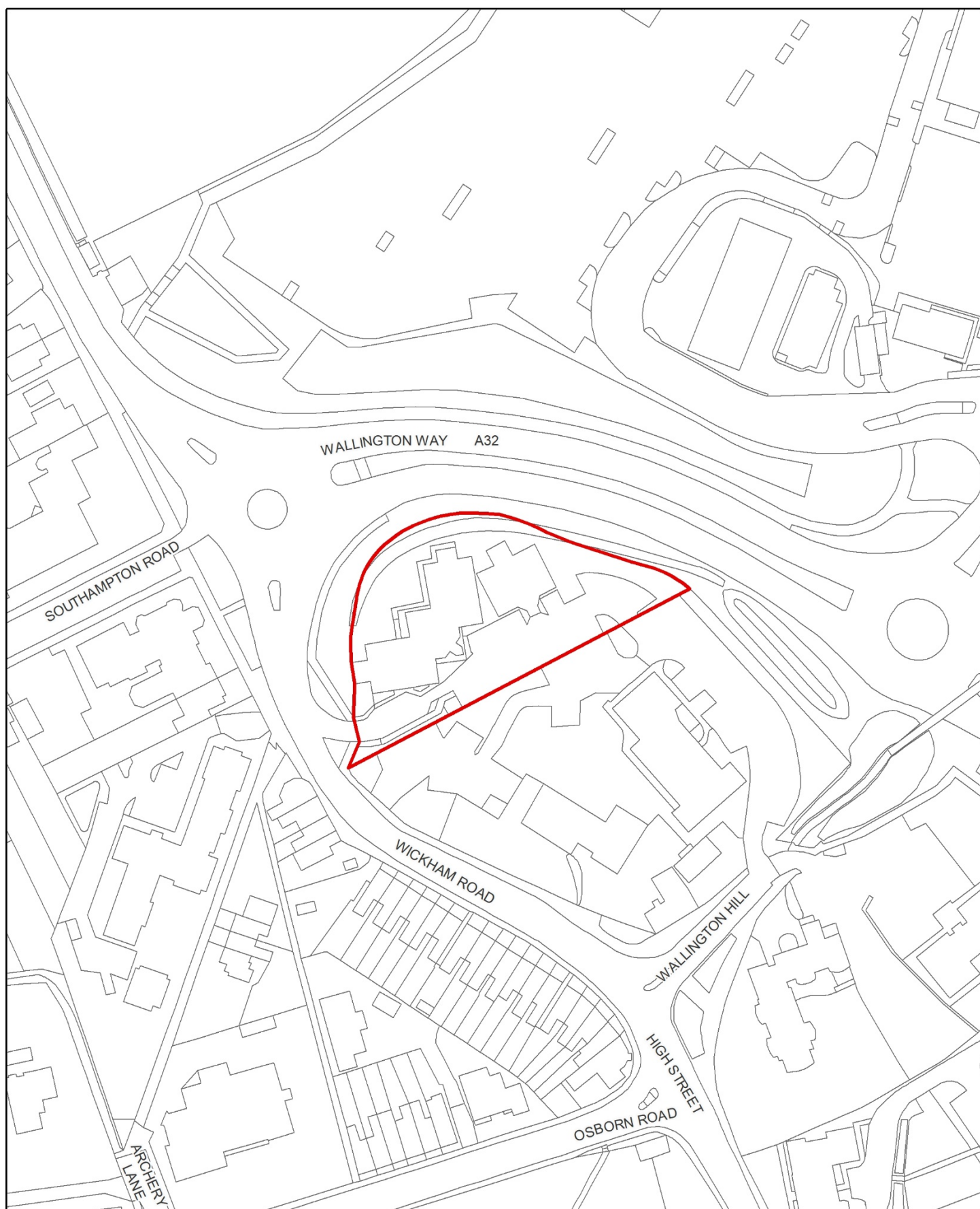
10.0 Background Papers

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.

P/19/0437/FP

FAREHAM

BOROUGH COUNCIL



Fareham Point
Wickham Road, Fareham
Scale 1:1,250



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