

OFFICER REPORT FOR COMMITTEE

DATE: 15/03/2023

P/22/0167/FP

WARSASH

APPLICANT: MR S WOODHAMS

AGENT: MR D LINDSAY

THREE DETACHED DWELLINGS

47 FLEET END ROAD, WARSASH, SOUTHAMPTON, SO31 9JH

Report By

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1.0 Introduction

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

2.0 Site Description

- 2.1 This application relates to a plot of land located to the rear of No 47 Fleet End Road. The site is accessed via an access drive to the northeast of the site leading between No 43 and 47 Fleet End Road. Surrounding the site is a group of mature trees beyond that is the residential properties along Green Lane.
- 2.2 The site forms part of a longstanding housing allocation (Allocation: H7 - Land at Fleet End Road) and as such lies within the designated Urban Settlement Boundary of the Western Wards. The allocation is not being carried over into the emerging Fareham Local Plan.

3.0 Description of Proposal

- 3.1 The proposal is for the construction of three large detached dwellings. Changes have been made to the layout of the dwellings and they are orientated with the fronts facing north-west and the rears facing south-east.
- 3.2 Plot one would comprise of a kitchen/family room, lounge, study, dining, WC and utility at ground floor. The first-floor accommodation would comprise of 5 bedroom, 2 en-suites and a bathroom.
- 3.3 Plot two would comprise of a gym, cinema room, and store at basement level. The ground floor accommodation would comprise of a kitchen/family room, lounge, dining room, study and WC. The first-floor accommodation would comprise of 5 bedrooms, 2-ensuites and a bathroom.

- 3.3 Plot Three would comprise of a kitchen, family room, lounge, dining room, utility room and WC at ground floor. The first-floor accommodation would comprise of 5 bedrooms, two en-suites and a bathroom.
- 3.4 Each dwelling would have three car parking spaces located within the front driveway.
- 3.5 The proposal would also include improvements to the existing access track. The first 12 metres would be widened to 4.5 metres with the running surface of the remaining access widened to 4.1 metres.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2:	Housing Provision
CS4:	Green Infrastructure, Biodiversity and Geological Conservation
CS5:	Transport Strategy and Infrastructure
CS17:	High Quality Design
CS18:	Provision of Affordable Housing
CS21:	Existing Open Space

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
DSP40:	Housing Allocation
H7:	Land at Fleet End Road, Warsash

Emerging Fareham Local Plan 2037

- 4.2 The Fareham 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 requested a number of main modifications to the Plan. The proposed modifications were the subject of public consultation from 31st October until 12th December 2022. The Council's Local Development Scheme suggests that the new plan will be adopted in Winter 2022/3. On adoption the Local Plan will have full weight and at its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance:

H1:	Housing Provision
HP1:	New Residential Housing Development
HP5:	Provision of Affordable Housing
NE1:	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2:	Biodiversity Net Gain
NE3:	Recreational Disturbance on the Solent Special Protection Areas (SPAs)
NE4:	Water Quality Effects on the Special Protection Areas (SPAs) Special Areas of Conservation (SACs) and Ramsar Sites of the Solent
TIN1:	Sustainable Transport
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D3:	Coordination of Development and Piecemeal Proposals
D5:	Internal Space Standards

Other Documents:

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

5.0 Relevant Planning History

5.1 The following planning history is relevant:

5.2 In April 2014 planning permission was refused and subsequently dismissed on appeal for the erection of two detached dwellings with garaging and parking and access from Green Lane (Ref P/14/0341/FP). The reasons for refusal were as follows:

The proposed development would be contrary to Policies CS5 & CS17 of the adopted Fareham Borough Core Strategy and Policy DSP15 of the emerging Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

- i) by virtue of its restricted width, condition, lack of passing bays and absence of lighting, Green Lane is unsuitable in its present form to accommodate the additional vehicle movements associated with the two proposed houses. The proposed development would therefore be harmful to the safety and convenience of users of Green Lane;*
- ii) the development would result in additional dwellings and therefore additional recreational pressure upon the nationally and internationally designated nature conservation sites including the Portsmouth Harbour Site of Special Scientific Interest(SSSI), the Portsmouth Harbour*

Special Protection Area (SPA) and RAMSAR site. In the absence of an appropriate assessment to ascertain that there will not be an adverse effect on the integrity of these designated sites or mitigation measures it is considered that the proposed development would result in significant harm to the nature conservation interests of these important sites.

- 5.3 In January 2014 planning permission was refused for the erection of two detached dwellings with garage/parking with access via Green Lane (Ref P/13/1064/FP). The reasons for refusal were as follows:

The proposed development would be contrary to Policies CS5, CS17 & CS18 of the adopted Fareham Borough Core Strategy and Saved Policy C18 of the Fareham Borough Local Plan Review and is unacceptable in that:

- i) the application is made on a site which is demonstrably part of a potentially larger developable site and fails to provide a financial contribution towards the off-site provision of affordable housing;*
- ii) in the absence of adequate improvements to Green Lane, which is unsuitable in its present form to take the type and amount of traffic which the proposed development would generate, and to the access between Green Lane and Fleet End Road, which is currently substandard and inadequate to safely accommodate this additional traffic, the proposal would be harmful to the safety and convenience of highway users;*
- iii) insufficient information has been provided to demonstrate that any protected species that may be present on the site will not be harmed or that adequate mitigation will be provided if necessary;*
- iv) the development would result in additional dwellings and therefore additional recreational pressure upon the nationally and internationally designated nature conservation sites included the Portsmouth Harbour Site of Special Scientific Interest (SSSI), the Portsmouth Harbour Special Protection Area (SPA) and RAMSAR site. In the absence of an appropriate assessment to ascertain that there will not be an adverse effect on the integrity of these designated sites or mitigation measures it is considered that the proposed development would result in significant harm to the nature conservation interests of these important sites.*

- 5.4 In April 2013 planning permission was refused for the erection of three dwellings with associated access, parking and landscaping following the demolition of 45 Fleet End Road and associated outbuildings (Ref P/13/0065/FP). The reasons for refusal were as follows:

The proposed development is contrary to Policies DG4 and C18 of the Fareham Borough Local Plan Review; Policies CS5, CS15, CS17, CS18, CS20, CS21, of the Adopted Fareham Borough Core Strategy and the Council's Residential car parking standards SPD November 2009 in that:

- (i) *the proposal will make use of an existing sub-standard access, which does not have an adequate splay at the junction with Fleet End Road, and is also of insufficient width to allow vehicles to safely travel along it failing to provide any passing place, detrimental to highway safety and convenience of users of the highway;*
- (ii) *the proposal will make use of the access between Nos. 43 and 47 Fleet End Road, which would give rise to both vehicular and pedestrian movements that would be detrimental to the amenities of the occupiers of these properties*
- (iii) *the creation of these additional dwellings would lead to greater pressure on highway infrastructure in the locality and in the absence of a contribution towards the upgrading of existing and/or provision of additional facilities, deficiencies would be exacerbated to the disadvantage of existing and new residents alike;*
- (iv) *the creation of these additional residential units would lead to greater pressure on existing open space, sport pitches and other related facilities which have been identified as deficient within the Council's approved open space supplementary planning guidance. In the absence of a commuted payment towards the upgrading of existing and/or provision of additional open space and facilities existing deficiencies would be exacerbated to the disadvantage of existing and new residents alike;*
- (v) *the application is made on a site which is demonstrably part of a potentially larger developable site and fails to provide for means to provide for affordable housing in the form of a financial contribution which would be necessitated by this development, and the development fails to provide the measures that are required in the form of a financial contribution;*

5.5 This application was subsequently dismissed on appeal in November 2013. Further consideration of these refusals is set out in Section 8 (Planning Considerations) below.

6.0 Representations

6.1 Six representations from residents have been received objecting on the following grounds:

- a) Highways safety
- b) Inappropriate access
- c) Access to neighbouring garages
- d) Site not required for housing
- e) Impact on wildlife
- f) Similar to previous refused applications
- g) No refuse/recycling provision
- h) Insufficient parking
- i) Not included as housing allocation in emerging local plan
- j) Removal of neighbouring vegetation
- k) Lack of neighbour notification

- l) Impact on protected trees
- m) Lack of pedestrian access to proposed new dwellings

7.0 Consultations

EXTERNAL

Highways

- 7.1 No objection subject to conditions

7.2 Natural England

No objection subject to appropriate mitigation being secured.

7.3 Ecology

No objection subject to conditions

INTERNAL

7.4 Tree Officer

No objection subject to conditions

7.5 Fareham Housing

No objection

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:

- a) Principle of development
- b) Design/impact on character of surrounding area
- c) Impact on residential amenity
- d) Highways
- e) Trees
- f) Ecology
- g) Impact on Habitat Sites
- h) 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 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.
- 8.4 Draft Policy H1 of the emerging Fareham Local Plan 2037 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.
- 8.5 The application site is located within an existing housing allocation site within the Local Plan (H7 (Land at Fleet End Road)) for the provision of 10 dwellings. The allocation of this site has not been carried forward as a housing allocation within the emerging Fareham Local Plan 2037. This 0.79ha housing allocation site consists of a number of land parcels including part of rear garden of The Jolly Farmer public house, the property and garden of 45 Fleet End Road, part of the front garden of 32 Green Lane and a strip of land to the rear of 47 Fleet End Road. The site is located to the east of Fleet End Road and Green Lane and to the South of Shorewood Close.
- 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 emerging Fareham Local Plan 2037.

b) Design/impact on character of surrounding area

- 8.7 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 emerging 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.
- 8.8 The Fareham Borough Council Design Guidance: Supplementary Planning Document (Excluding Welborne) (hereinafter referred to in this report as the Design SPD) highlights the importance of new dwellings having regard to the scale and character of the surrounding area. The application site is located to the rear of Fleet End Road which is varied in character with a variety of detached, terraced and semi-detached dwellings. There are also examples of similar backland developments including No 45 Fleet End Road which neighbours the site. The site adjoins properties along Green Lane which are also large, detached

dwellings. Therefore, it is considered that the scale and layout of the site would have regard to the character of the surrounding area.

- 8.9 In terms of the design of the dwellings, these are considered to be of a suitable appearance and would be constructed of appropriate materials which would have regard to the existing character.
- 8.10 The gardens of each property would have a depth of between 15-21 metres which would exceed the guidance specified in the Design SPD. There are a number of mature trees on the site which would be located a suitable distance from the proposed properties and would therefore not result in unacceptable overshadowing.
- 8.11 The proposal would include landscaping at the front and around the side of the site.
- 8.12 The proposal is therefore acceptable in design terms and would have regard to the key characteristics of the surrounding area in accordance with policy CS17 of the adopted Core Strategy and Policy D1 of the emerging plan.

c) Impact on Residential Amenity

- 8.13 Policy DSP3 of the adopted Local Plan Part 2: Development Sites & Policies and draft Policy D2 of the emerging Fareham Local Plan 2037 concern the impact of development on living and environmental conditions. The policies state 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.
- 8.14 The Design SPD states that first floor windows should be at least 11 metres from the boundaries they look towards and no less than 22 metres from facing windows in neighbouring houses.
- 8.15 Plot Two would be located the closest to the boundary with the properties to the north-west in Fleet End Road and it would have a separation distance of approximately 11m between the first-floor windows and the rear boundaries the properties along Fleet End Road. These properties have gardens of at least 14 metres and there is a group of garages located to the rear of the site. Therefore, it is considered that there would be a sufficient separation distance between the application site and the properties along Fleet End Road.
- 8.16 There would be a separation distance of at least 15 metres between the access track and the neighbouring property at No 45 Fleet End Road. Having regard to this large separation distance it is not considered that the proposal would result

in an unacceptable adverse impact on the living condition of occupiers of No 45 Fleet End Road.

- 8.17 In considering the impact on the properties along Green Lane which is located to the south of the application site, there would be a separation distance of approximately 17m between the rear boundary of the site and the first-floor windows at No 32 Green Lane which is the nearest property to the site. Therefore, it is considered that the proposal would not result in any significant adverse impact on the amenities of the properties along Green Lane

d) Highways/Parking

- 8.18 In considering the highway safety aspect of the proposal, Hampshire County Council (HCC) as Highway Authority has compared the proposed scheme to the previously refused application at 45 Fleet End Road which was dismissed on appeal (Ref P/13/0065/FP) and the 2014 scheme which accessed the site from Green Lane (P/14/0341/FP).
- 8.19 The 2013 application (P/13/0065/FP) proposed the construction of three dwellings adjacent to 45 Fleet End Road. The site was located on the northern side of the access track opposite the application site. This application similarly proposed access from the gravel track of the application site to Fleet End Road. The application was dismissed on appeal, where the Inspector concluded that the development of three dwellings with access from Fleet End Road would seriously harm the safety and convenience of users of Fleet End Road and the track/greenway, because of the adverse combination of the significant length of the single width track; the likely increase in traffic generation and poor visibility at the junction.
- 8.20 The 2014 scheme (Ref P/14/0341/FP) saw the proposed use of Green Lane which is an existing unadopted public highway which is approximately 200 metres in length and serves up to 20 existing dwellings. It was agreed that Green Lane is 4.1 metres wide for the majority of its length. The Green Lane access proposal would have meant that the likelihood of vehicles passing each other on the access road was far more likely due to the number of dwellings the lane serves. This would have led to a greater difficulty of two cars passing along the majority of the access Lane.
- 8.21 Hampshire Highways has considered the suitability of the access track which was raised as a concern by the Inspector in the 2013 appeal. Hampshire Highways note that the first 12 metres of the access road will now be widened to 4.5 metres in width to allow the passing of two vehicles if they were to meet on the access road. The remainder of the track will be provided with a running surface of 4.1 metres in width.

- 8.22 According to Manual for Streets (MfS Figure 7.1) on a straight section of road a width of 4.5 metres can be considered acceptable to allow the passing of two vehicles (4.1 metres being the absolute minimum). The proposal involves three additional dwellings using the access which would not generate a significant number of additional trips and traffic speeds are likely to be very low. The likelihood of two cars meeting on the access road would be low but can be accommodated by the proposals.
- 8.23 With regards to visibility onto Fleet End Road, Hampshire Highways has stated that the access is an existing track which is known to be used by the existing dwelling No 47 Fleet End Road and by 45a Fleet End Road which is located to the south of the application site. They also note that there are accesses of similar style and nature along Fleet End Road. The proposed site layout plan shows visibility for the existing access is 2 metres by 43 metres north and south on Fleet End Road. According to Hampshire County Council's Technical Guidance Document (TG3) this is considered acceptable (this document was adopted after the 2013 appeal decision). Hampshire Highways do acknowledge that visibility from the access drive can be hindered by parked vehicles, but as the proposed access already serves dwellings, they do not consider this to represent an unacceptable highway safety concern.
- 8.24 The Highway Authority has reviewed the most up to date Personal Injury Accident (PIA) data along the full length of Fleet End Road. Hampshire Highways use this data to identify trends in accidents that may reveal existing highway safety issues. There are no trends or clusters in recorded accidents along the full length of the road that would indicate there is an existing safety or operational issue within the vicinity of the proposed site that may be exacerbated by the development proposals. It is noted that cars park on-street within the vicinity of the access road. This is not uncommon for the area and following review of the PIA data there is no indication of an unacceptable safety issue in that regard.
- 8.25 Pedestrian safety was also considered an issue in the 2013 appeal decision. However, Hampshire Highways considers that it is unlikely that a development of this scale would produce a significant number of pedestrian trips to be considered a severe safety issue.
- 8.26 Hampshire Highways has stated that there is adequate space for vehicles to turn on site and therefore access and egress the site in forward gear.
- 8.27 The Highway Authority is satisfied that the potential traffic generation from the development proposal is unlikely to generate a significant number of trips in the AM and PM peak period that would be considered to have a severe detrimental impact on the operation and safety of the local highway network.

- 8.28 In terms of parking, the Residential Car Parking Standard SPD requires at least 3 car parking spaces for a 4-bedroom dwelling. The submitted plans indicate 3 car parking spaces for each dwelling which meets the requirements of the Residential Car Parking Standards.
- 8.29 Concerns have been raised locally regarding the lack of additional visitor parking, but this is not a requirement of this Council for a development of this scale.
- 8.30 Concerns have also been raised regarding damage to the neighbour's hedge during the widening of the access track. This is not a material planning consideration and would be a civil matter between the applicant and owner of the hedge.
- 8.31 All the previous concerns raised by the Planning Inspector have been carefully considered by the Highway Authority. In the opinion of Hampshire Highways, the proposal would not result in any unacceptable highway safety concerns. Therefore, on balance Officer's consider 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) Trees

- 8.32 Following initial concerns regarding the impact of the protected trees on site, the layout of the site has been re-arranged to include the trees within the rear gardens rather than in the frontage of the development.
- 8.33 The Council's Principal Tree Officer has considered the impact on the trees and the effect of tree loss, pruning and other site operations on the local tree cover, public amenity and the local character and has concluded that the impact on the trees is minimal and acceptable.

f) Ecology

- 8.34 The Council's Ecologist has reviewed the Preliminary Ecological Report and raises no objection subject to conditions ensuring that the development to be constructed in accordance with the ecology report, biodiversity net gain documents and the site layout plan.

g) Affordable Housing

- 8.35 Policy CS18 (Provision of Affordable Housing) states that where an application relates to a small site that forms part of a larger development the whole site

capacity will be taken into account when determining the affordable housing requirement. This is echoed in the emerging Local Plan Policy HP5 (Provision of Affordable Housing) which states that in accordance with the NPPF the provision of affordable housing should be made on site, unless through a viability assessment the off-site provision and financial contribution can be robustly justified, and the agreed approach contributes to mixed and balanced communities.

- 8.36 Emerging Policy D3 (Coordination of Developments and Piecemeal Proposals) of the emerging local plan states that *“Where proposals come forward that are part of a wider development site, supporting information will be expected to demonstrate that the proposal will not prejudice the appropriate development of the adjoining site(s) in accordance with Local Plan policies, and that the proposal maximises place-making opportunities. Development proposals that prevent or limit the potential for appropriately developing an adjoining site, or which do not maximise connectivity, permeability and efficiency opportunities or address mitigation and infrastructure needs relating to the wider development, will not be permitted”*. The policy goes on to state that *“Applications which seek to evade infrastructure provision (including affordable housing) by not fully maximising the use of the site or by putting forward piecemeal development will not be supported*.
- 8.37 A Viability Assessment Report has been submitted by the applicant. This report has taken a number of factors into consideration including: land value, build costs, contingencies, CIL/Section 106 costs, fees, marketing costs, legal fees, cost of finance, the developer's profit and development value. The conclusions of the report state that the development without affordable housing contributions is just viable. The requirement to make contributions towards affordable housing would mean that the scheme was no longer viable.
- 8.38 An appraisal on the submitted Viability Assessment Report has been carried out by an independent consultant on behalf of the Borough Council to verify the figures and calculate whether the scheme would be viable. The conclusions of the independent consultant concurred with that of the applicant and concluded that the scheme would only just be viable.
- 8.39 The Viability Assessments have also been reviewed by the Council's Housing Development Officer who concurs with the findings of the report and agrees that the development would not be viable with an affordable housing contribution.
- 8.40 The conclusions from the viability assessment undertaken have demonstrated that the development cannot deliver affordable housing contributions and remain viable.

h) Impact on Habitat Sites

- 8.41 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 NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037 (emerging) 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.
- 8.42 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance. 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).
- 8.43 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 Naturel England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.44 To fulfil the requirements under the Habitats Regulations, an AA has been carried out 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 sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.
- 8.45 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.

- 8.46 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 advise Local Planning Authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.
- 8.47 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 2.39kg TN/year. In the absence of sufficient evidence to support a 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.
- 8.48 The applicant has purchased 2.39kgTN/year of nitrate mitigation 'credits' from Whitewool Farm. This has been secured through the operation of a legal agreement between Whitewool Farm, South Downs National Park Authority and Fareham Borough Council dated 3rd November 2021. The creation of a managed wetland at Whitewool Farm is removing nitrates from the River Meon and therefore providing a corresponding reduction in nitrogen entering the Solent marine environment. The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development, meaning that the scheme can demonstrate nutrient neutrality.
- 8.49 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.
- 8.50 The second likely significant effect on the HS, relates to disturbance on The Solent coastline and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to these sites.

- 8.51 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.
- 8.52 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's 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).
- 8.53 The Council has produced an Interim Mitigation Solution to address this newly identified likely significant effect of development in Fareham within the ZOI. The Interim Mitigation Solution was approved by the Council's Executive on 7th December 2021. The Interim Mitigation Solution was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this contribution, which has been secured by an agreement pursuant to Section 111 of the Local Government Act 1972.
- 8.54 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.
- 8.55 Natural England were consulted on the Council's Appropriate Assessment in August 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 NE1, NE2, NE3 and NE4 of the emerging Fareham Local Plan 2037.

i) Other issues raised in objections

8.56 **Covenant on site to prevent development-** This is not a material planning consideration and would be a civil matter between the private parties.

8.57 **Access on neighbour's land-** This is not a material planning consideration. However, any access onto the neighbouring properties will need to be agreed by the landowner.

8.58 **Lack of notification-** Concerns have been raised due to the lack of notification on this planning application. The Local Planning Authority is satisfied that the consultation process was carried out in accordance with the legislation within the Town and Country Planning (Development Management Procedure) (England) Order 2015. This included written notification to all adjoining neighbours as required in the legislation.

Summary

8.59 The principle of the development is acceptable at the site and the houses proposed are of high quality and respect the character of the area.

8.60 The suitability of the access and the visibility available from it has been a previous concern to this Council and the Highways Authority. As part of the consideration of this application, Officers have provided details of the previous schemes at this site to the Highways Authority, along with the decision of the Planning Inspector in 2013.

8.61 The Highways Authority consider that the improvements made to the access along with other changes to the Highways Authority's standards since 2013, mean that the scheme as proposed is acceptable. In light of the previous planning appeal decision, Officers consider this issue to be finely balanced, but acknowledge the clear position of the Highway Authority who have been provided with all relevant previous plans and decisions.

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

9.0 Recommendation

9.1 **GRANT PLANNING PERMISSION**, Subject to the following conditions:

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

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) Site Plan showing Biodiversity SD-2113-101 Rev C
 - b) Biodiversity Net Gain Plan-Baseline Habitats- Figure 1
 - c) Biodiversity Net Gain Plan-Proposed Habitats- Figure 2
 - d) Plans & Elevations for Plot 1 SD-2113-02 Rev A
 - e) Plans & Elevations for Plot 2 SD-2113-03 Rev A
 - f) Plans & Elevations for Plot 3 SD-2113-04 Rev A

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. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

5. The Development shall proceed in accordance with the measures detailed in 'Ecological Survey Report- 17th January 2022' and biodiversity net gain documents.

REASON: To ensure no net loss of biodiversity in line with the NPPF.

6. No development shall commence until the measures of tree and hedgerow protection submitted and approved as part of the planning permission have

been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

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.

7. No development hereby permitted shall commence until details of the means of surface and foul water drainage from the site have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

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

8. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) 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.

9. No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided at the following level:

At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision;

At least one Electric Vehicle (EV) 'rapid charge' point in shared/unallocated parking areas per 10 dwellings with no allocated parking provision.

The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

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.

10. None of the development hereby approved shall be occupied until details of the proposed cycle and bin storage areas including bin collection points have been submitted to and approved by the Local Planning Authority and the approved

areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin and cycle storage or collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

11. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

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

12. The landscaping scheme, submitted under Condition 11, 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.

13. 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

14. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, SDNPA and Andrew Sellick of Gawthorpe Estate dated 1 April 2021 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

15. 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 Fleet End Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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

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

16. 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.

THEN

9.2 DELEGATE authority to the Head of Development Management to:

Make any necessary modification, deletion or addition to the proposed conditions.

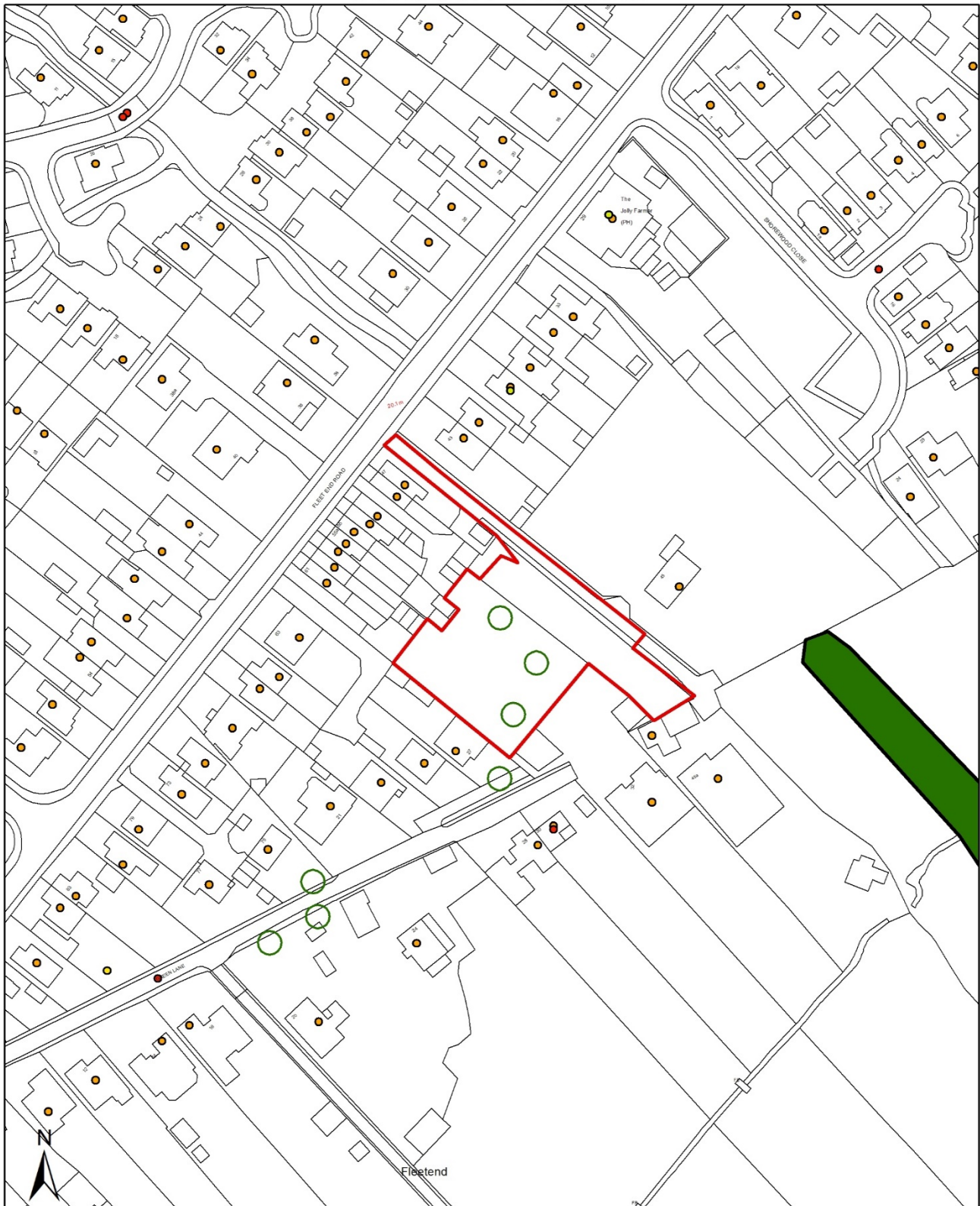
10.0 *Background Papers*

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/22/0268/FP

FAREHAM

BOROUGH COUNCIL



47 Fleet End Road

Scale 1:1,250

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