

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 12/07/2023**

**P/22/1254/FP**

**APPLICANT: MR D NEWELL**

**LOCKS HEATH**

**AGENT: WESSEX PLANNING LTD**

**DEMOLITION OF EXISTING DWELLING AND CONSTRUCTION OF 6 DWELLINGS**

**24 RALEY ROAD, LOCKS HEATH, SOUTHAMPTON, SO31 6PD**

### ***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 received.

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

2.1 This application relates to a detached, two storey residential property located on the eastern side of Raley Road. The property sits within a substantial plot, with an established hedgerow along the frontage with Raley Road. Other than the dwelling, the remainder of the site comprises the garden area of the dwelling with an existing five-bar timber gated access point approximately half way along the site's frontage with Raley Road. To the rear of the site is a group of mature trees some of which are protected.

2.2 The area is entirely residential along Raley Road with a mixed character of properties along its length. To the rear of the site is a larger area of undeveloped land. The site previously formed part of a wider allocation site (H6: East of Raley Road) with the Core Strategy and Local Plan Part 2 (2015). The allocation was for 50 dwellings and includes a site area of 2.12ha. However, the site has not been brought forward as an allocated housing site within the newly adopted Fareham Local Plan 2037.

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

3.1 The proposal is for the demolition of the existing dwelling and for the construction of 6 dwellings with garages/car ports and parking. Access to the proposed dwellings would be via three separate accesses shared between each pair of properties. Allocated car parking would be provided within the shared access drive. Three car parking spaces would be provided for Plots 1-4 and 2 car parking spaces would be provided for Plots 5-6.

- 3.2 Plot 1 is a four bedroomed detached house with a traditional pitched roof of two storey design. The ground floor will comprise of a study, living area, kitchen and dining area. The first floor would comprise of four bedrooms served by one main bathroom and one en-suite. The property would be finished in render with brick detailing. A green roof car port would be located upon the plot frontage.
- 3.3 Plots 2 and 3 would be similar in design. They are four bedroomed houses with a single green roof car port located adjacent to the dwelling with an additional 2 car parking spaces within the front driveway. The ground floor would comprise of a kitchen, dining area, utility, larder, WC, sitting room and study. The first floor would comprise of four bedrooms served by one main bathroom and one en-suite. The dwellings would be finished in brickwork and render.
- 3.4 Plot 4 would be a pitched roof design similar to Plot 1 with the same layout as Plot 1. It would be finished in facing brickwork and would have a single green roofed car port located upon the frontage.
- 3.5 Plots 5 and 6 are detached dwellings accessed from a shared drive. They are linked by a shared single car port located between the two dwellings. These dwellings would have three bedrooms with a main bathroom and en-suite at first floor, with a kitchen, dining area, sitting room and WC at ground floor. Plot 5 would be predominantly finished in brick and Plot 6 would be finished in render with brickwork detailing. The roof design of Plot 6 has been amended to a hipped roof.
- 3.6 Each dwelling would have a garden depth of at least 11 metres. There would also be an ecological buffer zone of between approximately 4.3m-16.04m in depth located to the north and east of the application site beyond the rear gardens.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

##### **Adopted Fareham Local Plan 2037**

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
NE6:	Trees, Woodland, and Hedgerows
TIN1:	Sustainable Transport
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
D3:	Coordination of Development and Piecemeal Proposals
D4:	Water Quality and Resources
D5:	Internal Space Standards

**Other Documents:**

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

**5.0 *Relevant Planning History***

5.1 There is no relevant planning history for this site.

**6.0 *Representations***

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

- a) Highways safety
- b) Increased congestion
- c) Impact on wildlife/biodiversity
- d) Should provide cycle and pedestrian route
- e) Lack of consultation
- f) Loss of greenspace
- g) Set precedent for future development
- h) Pollution
- i) Will provide access to further 90 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 **Environmental Health (Contaminated Land)**

No objection

### 7.6 **Planning Strategy**

No objection

### 7.7 **Environmental Health (Noise and Pollution)**

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 and effect on character of surrounding area
- c) Effect on residential amenity
- d) Highways
- e) Trees
- f) Ecology
- g) Biodiversity Net Gain
- h) Affordable Housing
- i) Piecemeal Development
- j) Habitat Sites
- k) 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 relevant policies of the Development Plan.

8.3 Policy H1 of the Fareham Local Plan 2037 sets out the housing requirement for the Borough between 2021 and 2037, and Policy HP1 states that new residential development within the Urban Area boundary will be supported in principle.

- 8.4 Part of the application site was previously located within a housing allocation site within the previous Local Plan (H6: East of Raley Road, Locks Heath) for the provision of 50 dwellings. The allocation of this site has not been carried forward as a housing allocation within the adopted Fareham Local Plan 2037. The former 2.12 ha housing allocation site is situated in Locks Heath to the north of Warsash Road, east of Raley Road and to the west of Locks Road. It states that low density housing will be expected to front on to Raley Road and provide a continuation of the existing frontage. There is a row of trees subject to a tree preservation order (TPO) to the rear of 24 Raley Road and a TPO group of trees to the east of the site.
- 8.5 The Planning Strategy Team has advised that the site (H6) was assessed in the Strategic Housing and Employment Land Availability Assessment (SHELAA) and is considered to be suitable for residential development as it is located within the urban area boundary, has good accessibility to facilities and services and no known constraints were identified in terms of Ecology, Historic Environment or Environmental concerns. It was only due to the lack of evidence that the site was available for development at the time the SHELAA was published, that it was subsequently dismissed.
- 8.6 Despite the site's removal as a housing allocation in the adopted Fareham Local Plan 2037, the site remains in the urban area and is therefore supportable. The submitted plans also retain an access road in the middle of the proposed development which would provide access to the rear area of land for future development should it become available. It has been demonstrated that this application would not be prejudicial to any future development to the rear of the site.
- 8.7 Therefore, the principle of development is considered to be acceptable by Officers, in accordance with Policies H1 and HP1 of the Fareham Local Plan 2037.

**b) Design and effect on character of surrounding area**

- 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. Policy D1 (High Quality Design and Placemaking) sets out that; *'Development proposals and spaces will be of a high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality spaces'*. It continues to confirm that development proposals will be permitted where compliance with the key characteristics of high-quality design have been

demonstrated. This includes ensuring proposals respond to the local context, including, local character, ecology, history, culture and heritage.

- 8.9 The application site fronts onto Raley Road which is varied in character with a variety of detached and semi-detached dwellings. The proposed development incorporates a mixture of property styles and finished appearance, utilising different roof forms and property widths to complement that variety seen elsewhere along Raley Road. It is considered that the scale and layout of the site would have regard to the character of the surrounding area.
- 8.10 Further, the design of the dwellings would incorporate a mix of appropriate materials which would have regard to the existing character.
- 8.11 The gardens of each property would have a depth of at least 11 metres which would meet 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.
- 8.12 The proposal would include landscaping at the front and around the side of the site which is considered to be acceptable.
- 8.13 Each dwelling would include a car port. Plots 2, 3, 5 and 6 would have their car port located to the side of the dwelling. Plots 1 and 4 would have their car ports located within the frontage. The applicant has submitted some amendments plans which has amended the car port for Plot 4 from a double to a single car port with car parking either side. The car port for Plot 1 is a double car port which is located on the north-western corner of the site and would be largely screened by the landscaping and existing vegetation. Following amendments to the car port at Plot 4, it is considered that the car ports would be appropriate additions to the development and would have regard to the character of the street scene.
- 8.14 The proposal is therefore acceptable in design terms and would have regard to the key characteristics of the surrounding area in accordance with Policy D1 of the Fareham Local Plan 2037.

**c) Effect on Residential Amenity**

- 8.15 Policy D2 of the Fareham Local Plan 2037 concerns the impact of development on living and environmental conditions. The policy states that development proposals should ensure that there will be no unacceptable adverse impact upon the environmental conditions of future occupiers and users or on

adjacent/nearby occupants and users through ensuring appropriate outlook and ventilation and providing adequate daylight, sunlight, and privacy.

- 8.16 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.
- 8.17 There would be a separation distance of approximately 28 metres between the front wall of the proposed houses and the properties on the opposite side of Raley Road. Therefore, the proposal would not result in an unacceptable adverse impact on the living conditions of these properties. Therefore, the proposal complies with the requirements specified within the Design Guidance
- 8.18 In terms of the impact on the neighbouring properties to the north at 38 Raley Road and south at 20 Raley Road, there would be a suitable separation distance between these properties. Furthermore, the roof design of Plot 6 has been amended to reduce the overall bulk and mitigate any adverse impact to No 20. In terms of the impact on privacy there would be no side windows facing onto Nos 20 or 38. The proposed development would not result in any material loss of privacy.
- 8.19 In terms of the impact on the proposed future occupiers, the development has been assessed against the Nationally Described Space Standards. The Nationally Described Space Standards set out acceptable minimum standards for property sizes based on the number of bedrooms and intended number of occupants and contains minimum standards for single-bedrooms and double-bedroom sizes. The proposal is fully compliance with the Space Standards and therefore accords with the requirements from Policy D5.
- 8.20 It is noted that there is a large amount of tree coverage surrounding the application site. However, due to the large separation distance and the buffer zone in between, it is considered that the rear gardens would not be impacted by excessive shading caused by the surrounding trees.
- 8.21 Officers consider that the proposal would not result in an unacceptable adverse impact on the living and environmental conditions to neighbouring occupiers or future occupants at the site. Furthermore, the development proposal is considered to accord with the requirements of the Design Guidance SPD and would be in accordance with Policies D2 and D5.

**d) Highways/Parking**

- 8.22 In considering the highway safety aspect of the proposal, Hampshire County Council (HCC) as Highway Authority has reviewed the updated access layout,

visibility at all junctions based on 85<sup>th</sup> percentile speed survey data gathered within the vicinity of the proposed access and updated swept path analysis for the turning movements on site.

- 8.23 The visibility shown on the submitted plans accords with Hampshire County Council's Technical Guidance document (TG3) and meets the visibility requirements. All visibility measurements are therefore considered to be acceptable.
- 8.24 Vehicle crossovers neighbouring the main access junction labelled for future development are located more than 10 metres from the edge of the junction and are considered to be in a suitable location.
- 8.25 Tracking drawings have been submitted and show how large family cars are able to turn effectively on site, especially on plots 3, 4 and 5 which were previously raised as a concern by HCC Highways. Layouts to these plots have been adjusted and allow for turning on site to enable vehicles to egress onto the highway in a forward gear.
- 8.26 Following receipt of the additional information the principal design of the bellmouth access is considered to be acceptable. The applicant will be required to enter into a S278 agreement to construct the access.
- 8.27 The Residential Car Parking Standards Supplementary Planning Document requires 3 car parking spaces for a 4 bedroom dwelling and 2 car parking spaces for a 3 bedroom dwelling. The 4 bedroom properties (Plots 1-4) show 3 car parking spaces and the 3 bedroom properties (Plots 5 and 6) show 2 car parking spaces. The proposal therefore complies with the Residential Car Parking Standards.
- 8.28 Refuse collection will be kerb side as per the existing situation for the dwellings facing Raley Road, the drag distance for refuse operative and residents is acceptable.
- 8.29 Concerns have been raised that the proposed development would result in an increase in pollution. It is not considered that the addition of 6 dwellings would result in a significant increase in pollution, and as per the Building Regulations requirements, all properties will be required to install Electric Vehicle charging points. All properties have private, off-street allocated car parking and would therefore be able to comply with this requirement.
- 8.30 One comment has stated that the development should provide a pedestrian and cycle link as there is a gap in the Locks Heath cycle networked between the shared use paths around Priory Park and Locks Heath Infant and Junior



Schools on Warsash Road. There is no requirement for a development of this scale to provide this infrastructure.

- 8.31 In the opinion of Hampshire Highways, the proposal would not result in any unacceptable highway safety concerns. Therefore, the proposal accords with Policy TIN2 of the Fareham Local Plan 2037.

**e) Trees**

- 8.32 Policy NE6 (Trees, Woodland and Hedgerows) highlights that developments will be permitted where it retained protected and non-protected trees. Following initial concerns raised by the Tree Officer regarding the impact of the protected trees on site, the layout of the site has been re-arranged.
- 8.33 A Tree Protection Plan has also been submitted which addresses the previous concerns raised regarding the root protection area of the frontage Oak tree to ensure that the construction of the vehicular driveways do not harm the oak tree or its roots.
- 8.34 The Council's Principal Tree Officer has considered the impact on the trees and has concluded that the development proposals are acceptable in arboricultural terms and will have no significant adverse impact on the contribution of the protected trees to the public amenity or the character of the wider setting.

**f) Ecology**

- 8.35 Strategic Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network states that development will be permitted where:
- a) *Designated international, national sites and local sites of nature conservation value are protected and enhanced, reflecting their status in the hierarchy of nature conservation designations; and*
  - b) *Protected and priority habitats and species, including breeding and foraging areas are protected and enhanced; and*
  - c) *Proposals do not prejudice the Ecological Network or result in its fragmentation.*
- 8.36 The Council's Ecologist has reviewed the Preliminary Ecological Report and revised site plan and raises no objection to the development subject to conditions ensuring that the development to be constructed in accordance with the ecology report and the ecological buffers are retained. The Ecologist has also requested details of a scheme of lighting and a detailed biodiversity enhancement plan.

- 8.37 Concerns have been raised that the development would result in the loss of green space. However, this application only relates to land within the existing garden of 24 Raley Road and is not located within an area of designated open green space. Whilst the loss of a break in the built form along Raley Road would be created by the development, the use of such sites for housing makes a valuable contribution towards providing much needed additional housing.

**g) Biodiversity Net Gain**

- 8.38 Policy NE2: Biodiversity Net Gain states that development of one or more dwellings or a new commercial/leisure building should provide at least 10% net gain for biodiversity for a minimum of at least 30 years.
- 8.39 The Metric assessment has been provided and the Council's Ecologist considers the submitted Metric represents an accurate result for the site having regard to the existing and proposed ground conditions. The site is able to achieve a 45.98% gain which exceeds the +10% net requirement specified in Policy NE2. An appropriately worded condition would be imposed to ensure that the 30-year management plan is provided prior to the commencement of works. Subject to this condition, the development would be compliant with Policy NE2 of the adopted Fareham Local Plan 2037.

**h) Affordable Housing**

- 8.40 Policy HP5 (Provision of Affordable Housing) 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.
- 8.41 Policy D3 (Coordination of Developments and Piecemeal Proposals) of the 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*".

- 8.42 Despite the site falling below the threshold for the provision of affordable housing required by Policy HP5, (10 or more dwellings), given the provisions of Policy D3, and because the scheme includes a means of achieving a wider development on the land to the rear, it would trigger the need for affordable housing to be considered in this case. 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 would no longer be viable.
- 8.43 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 is only just viable without affordable housing.
- 8.44 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.
- 8.45 The conclusions from the viability assessment undertaken have demonstrated that the development cannot deliver affordable housing contributions and remain viable.

**i) Piecemeal Development**

- 8.46 Policy DS3: Coordination of Development and Piecemeal Proposals 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 on the adjoining site(s) in accordance with the 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."*

*Where piecemeal development could delay or prevent the comprehensive development of a larger site, a legal agreement will be sought, to ensure that any permitted development does not prejudice the development of adjacent land.*

*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”.*

- 8.47 The proposed planning application has been carefully designed to enable further expansion of the site which includes an access in between Plot 2 and 3 leading to a large area of land to the east of the site. Within the Officer’s recommendation, it is proposed that access to the east is secured through a planning condition.
- 8.48 Subject to the access being secured to the adjacent land, the development proposal is considered to accord with Policy D3 of the Fareham Local Plan 2037.

**j) Impact on Habitat Sites**

- 8.49 Policies NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037 confirm 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.
- 8.50 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).
- 8.51 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 Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

- 8.52 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.
- 8.53 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.
- 8.54 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.
- 8.55 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 3.98kg 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.
- 8.56 The applicant has purchased 3.98kg worth of nitrate mitigation 'credits' from Warnford Park. This has been secured through the operation of a legal agreement between Warnford Park South Downs National Park Authority and Fareham Borough Council dated 1<sup>st</sup> April 2021. The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development in perpetuity, meaning that the scheme can demonstrate nutrient neutrality.

- 8.57 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 Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the 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.
- 8.58 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.
- 8.59 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.
- 8.60 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).
- 8.61 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.
- 8.62 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 nitrate credits secured and the output from the site will ensure nutrient neutrality is achieved in accordance with Natural England's guidance.

- 8.63 Natural England were consulted on the Council's Appropriate Assessment in February 2023 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 Fareham Local Plan 2037.

**k) Other issues raised in objections**

- 8.64 **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 and putting up a site notice as required in the legislation. The applicant also carried out their own public consultation and included the responses as part of the submitted application.
- 8.65 **Set Precedent for future development-** Each application is determined on its own planning merits.

**Summary**

- 8.66 The principle of the development is acceptable on the site and the houses proposed are of high quality and respect the character of the area. Previous concerns relating to the impact on trees, ecology and highways have been addressed following submission of additional information.
- 8.67 Notwithstanding the objections received, Officers consider 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) Location Plan LW.20.10.LP Rev A
- b) Proposed Grain plan 1:500
- c) Site overview 2022-6492-001 Rev D
- d) Site Plan LW.20.10.SP Rev H
- e) Plot 1 Floor & Roof Plans LW.20.10.01FP Rev C
- f) Plot 2 Floor & Roof Plans LW.20.10.02FP Rev D
- g) Plot 3 Floor & Roof Plans LW.20.10.03FP Rev D
- h) Plot 4 Roof & Roof Plans LW.20.10.03FP Rev C
- i) Plot 5 Floor & Roof Plans LW.20.10.05FP Rev D
- j) Plot 6 Floor Plan & Roof Plans LW.20.10.06FP Rev D
- k) Plot 1 Elevations LW.20.10.01E Rev D
- l) Plot 2 Elevations LW.20.10.02E Rev D
- m) Plot 3 Elevations LW.20.10.03E Rev D
- n) Plot 4 Elevations LW.20.10.04E Rev D
- o) Plot 5 Elevations LW.20.10.05E Rev D
- p) Plot 6 Elevations LW.20.10.06E Rev D
- q) Plot 1 Carport Elevations LW.20.10.CE Rev A
- r) Plot 4 Carport Elevations LW.20.10.CE Rev A
- s) Proposed Street Scene LW.20.10.SP Rev D
- t) Access Car Parking Overview 2022-6492-005 Rev C
- u) Plots 1, 2 and 3 Visibility Splays 2022-6492-002 Rev D
- v) Plots 4 and 5 Visibility Splays 2022-6492-003 Rev D
- w) Access to Future Development Visibility Splays 2022-6492-004 Rev D
- x) Estate Car and Delivery Vehicles Swept Path Analysis 2022-6492-006 Rev A
- y) Fire Tender and Refuse Freighter Vehicle Swept Path Analysis 2022-6492-007 Rev c
- z) Fire Tender and Refuse Freighter 2022-6492-008 Rev C
- aa) Tree Protection Plan- arb elite Tree Care- June 23

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. Notwithstanding the provisions of Classes A, B, C, D, E, F and G 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 additional hard surfaced areas shall be constructed within the front gardens of the dwellinghouses hereby approved unless first agreed in writing with the Local Planning Authority following the submission of a planning application.

REASON: To protect the character and appearance of the locality.

6. The Development shall be carried out in accordance with the measures detailed in Section 6.0 'MITIGATION, RECOMMENDATIONS & COMPENSATION' of the Preliminary Ecological Appraisal (Ecosupport, November 2022), Section '6.0 MITIGATION & COMPENSATION' of the Phase II Bat Surveys & Mitigation Strategy (Ecosupport, November 2022), and Section 5.0 'MITIGATION STRATEGY' of the Reptile Mitigation Strategy (Ecosupport November 2022)

REASON: To ensure the safeguarding of the protected species and retained habitats on site.

7. The Ecological Buffers along the northern and eastern boundaries of approved site plan (Ref LW.20.10.SP Rev H) shall be retained at all times.

REASON: To ensure the safeguarding of the protected species and retained habitats on site.

8. No works shall take place (including demolition, site clearance and ground preparations) until details confirming how the Biodiversity Net Gain (detailed in the BNG note) will be managed, maintained, monitored and funded for a

minimum of 30 years, has been submitted to and approved by the local planning authority in writing.

The development shall be carried out in accordance with the approved details and thereafter the approved Biodiversity Net Gain measures shall be managed, maintained, monitored and funded in accordance with the approved detail.

REASON: To secure at least 10% net gain for biodiversity.

9. 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.

10. 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.

11. 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.

12. No part of the development hereby approved shall be occupied until the bellmouth junction onto Raley Road as shown on the approved plans has been constructed. The land shown on the amended proposed site plan (Ref LW.20.10.SP Rev H) marked with the note 'Access to be extended to facilitate future development' shall be safeguarded and kept available for this purpose unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of the proper planning of the area and in the interests of highway safety.

13. The Electric Vehicle (EV) charging point shall be provided prior to first occupation of the dwelling as shown on the approved plans. The approved EV charging point shall be retained and therefore kept available at all times.

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

14. None of the development hereby approved shall be first occupied until the bicycle and bin storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed and to encourage cycling as an alternative mode of transport.

15. No development shall proceed beyond damp course level until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 45 metres & 32 metres provided in accordance with the approved plans. The lines of sight splays show on the approved plans shall be kept free of any obstruction exceeding 1 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

REASON: to provide satisfactory access and in the interests of highway safety.

16. 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 Raley Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles,

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, and

g) No burning on-site.

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.

17. 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.

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

19. 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

20. 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.

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 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.

22. No development shall commence until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land 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 safeguard the character and appearance of the area and to assess the impact on nearby residential properties. 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.

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**

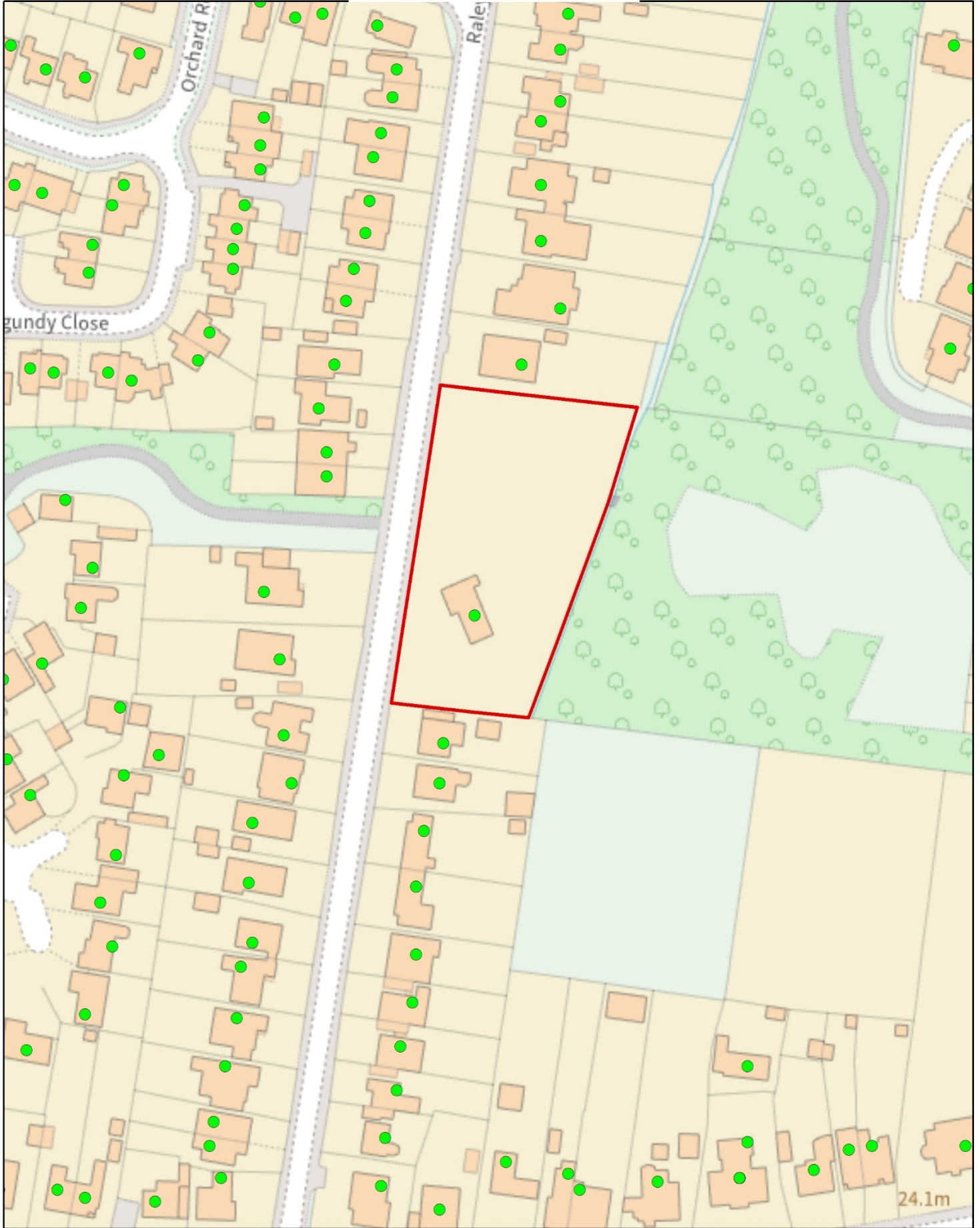
Application documents and all consultation responses and representations received as listed on the Council's website under the application reference

number, together with all relevant national and local policies, guidance and standards and relevant legislation.

P/22/1254/FP

# FAREHAM

BOROUGH COUNCIL



24 Raley Road, Locks Heath

Scale 1:1,250



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