

OFFICER REPORT FOR COMMITTEE

DATE: 13th December 2023

P/23/0460/FP

HILL HEAD

APPLICANT: PUNCH PARTNERSHIP
(PML) LIMITED

AGENT: JENNA LAI

CONSTRUCTION OF TWO THREE-BED DWELLINGS (USE C3) ON LAND ADJACENT TO THE PUBLIC HOUSE UTILISING A NEW VEHICULAR ACCESS AND ASSOCIATED PARKING AND LANDSCAPING, INCLUDING RECONGIFURATION OF BEER GARDEN AND CAR PARK

THE CROFTON, 48 CROFTON LANE, FAREHAM, PO14 3QF

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 part of the car park and beer garden at The Crofton Public House which is located on the eastern side of Crofton Lane. The site is accessed via a large car park from Crofton Lane and Moody Road to the south of the site. The public house is set back from the highway by a car park and a beer garden including outdoor seating area. The surrounding area is predominantly residential in character with a variety of detached dwellings. There is also a parade of shops to the north of the site.

3.0 Description of Proposal

- 3.1 The proposal is to construct two three bedroom detached dwellings within the existing beer garden located to the northern part of the application site. The dwellings would be accessed to the north of the existing Public House access, with the creation of a separate, shared access directly onto Crofton Lane. A shingle driveway would be constructed which would provide two car parking spaces for each dwelling. There would also be an area of landscaping in front of the driveway adjacent to the access.
- 3.2 Both dwellings would have a kitchen/dining area, living room and WC at ground floor. The first floor would include three bedrooms including one ensuite and a separate family bathroom. Plot One would have a total floor

area of 88 square metres and Plot Two would have a total floor area of 98 square metres.

- 3.3 The dwellings would both be slightly different in appearance with different roof pitches adding to the variety already within the street. Plot One would include pitched roof features and would be finished in brickwork. Plot Two would include a bay window feature and would be predominantly finished in brickwork with a white rendered plinth. 3.4 Both dwellings would have a garden depth of at least 11 metres.
- 3.5 The existing beer garden would be reconfigured and would be re-located to the south of the site. Additional landscaping would be planted between the two plots and beer garden together with acoustic fencing to the southern boundary. The existing outdoor seating would be situated adjacent to the existing realigned car park and outside the front of the pub.
- 3.6 The car park would also be reconfigured to allow for the beer garden reconfiguration and the number of car parking spaces would reduce from 37 to 26. There would be no changes to the existing access from Crofton Lane and Moody Road. Two disabled car parking spaces would also be provided.

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
R4:	Community and Leisure Facilities
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
TIN2:	Highway Safety and Road Network
D1:	High Quality Design and Placemaking
D2:	Ensuring Good Environmental Conditions
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 The relevant planning history is detailed below:

- | | |
|----------------------|--|
| P/11/10/46/FP | Single Storey rear extension.
Approved 14/12/12 |
| P/08/0633/FP | Provision of covered pergola on existing raised decking to form covered smoking area.
Approved 4/7/2008 |
| P/07/1151/FP | Retention of raised timber decking area and balustrade.
Approved 3/10/2007 |
| P/99/0912/FP | Retention of children's play equipment in garden.
Approved 22/9/1999 |

6.0 *Representations*

6.1 Seventy two representations, including one from Hill Head Residents Association, have been received objecting on the following grounds:

Design/Impact on character of surrounding area

- Inappropriate design
- Inappropriate materials
- Out of keeping
- Cramped and contrived
- Loss of green space
- New dwellings does not reflect the scale of other plots in the street
- Does not respect building line

Impact on neighbours

- Overbearing
- Overlooking
- Noise and disturbance

Heritage

- No amendments to heritage statement

- Impact on the character and appearance of the neighbouring Grade II Listed building
- Discrepancies with consideration of application within Heritage Statement

Parking/access

- Loss of parking
- Highway safety
- Discrepancies with parking survey data
- Unsuitable alternative parking
- Driveway encroaches onto FBC land
- Parking spaces unusable once trees have fully grown
- No opportunities to expand parking spaces
- No safe space around parked cars for unloading
- Only pedestrian access is via shared driveway creating highways safety issues
- Bicycle storage is below minimum requirement
- No visitor parking
- No space to wash cars or carry out maintenance
- Swept path analysis diagrams inaccurate and does not represent average car size
- Inappropriate access
- Loss of on-street car parking
- Side roads inappropriate for off-site parking
- No disabled car parking spaces

Ecology/Biodiversity (BNG)

- Unclear how trees can be managed for 30 years
- Initial planning, design and access statement did not include BNG details
- Inaccuracies on application form regarding whether there are trees/hedges
- Large trees felled before application was submitted
- Ecological data did not take into consideration the trees which were felled and their current condition
- Biodiversity Metric Calculation illegible and unclear how ecologist has made conclusions
- Inaccuracies with ecological report
- Impact on badgers
- Existing habitats not taken into consideration when calculating metric calculation

Other

- Inaccuracies with plans and documents

- Impact on the business of The Crofton Pub
- Dimensions not included on the plans
- No details on beer garden reconfiguration
- Loss of pub as a community asset
- Restrictive covenant on site
- No details on drainage
- Impact on right to light
- Ownership of boundary hedging
- Unclear whether canopy in beer garden will be retained
- Inappropriate shared access
- Inaccurate levels
- Flooding
- Footpath to dwellings inaccessible for disabled access

7.0 Consultations

EXTERNAL

Highway Authority – Hampshire County Council

7.1 No objection subject to conditions

Natural England

7.2 No objection subject to appropriate mitigation being secured.

Ecology – Hampshire County Council

7.3 No objection subject to conditions

INTERNAL

Tree Officer – Fareham Borough Council

7.4 No objection subject to conditions

Environmental Health (Contaminated Land) – Fareham Borough Council

7.5 No objection

Conservation Planner – Fareham Borough Council

7.6 No objection

Environmental Health (Noise & Pollution) – Fareham Borough Council

7.7 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 setting of Grade II Listed Building
- d) Impact on residential amenity
- e) Highways
- f) Trees
- g) Ecology
- h) Biodiversity Net Gain
- i) Impact on Habitat Sites
- j) Other issues raised in objections
- k) Conclusion

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 (NPPF) and the 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 The application relates to a public house which is considered to be a community facility. Policy R4 relates to community and leisure facilities. It states that development proposals that would result in the loss of community or publicly owned or managed facilities will be permitted where:
- i. The facility is no longer needed and no alternative community use of the facility is practical or viable; or
 - ii. Any proposed replacement or improved facility will be appropriate to meet the communities needs or better in terms of quality, function and accessibility.
- 8.5 The proposed development would only result in the loss of part of the outdoor beer garden and would not result in the loss of the pub. The beer garden would be re-located within the site and there is adequate space within the front of the site for the beer garden to be re-located. The relationship between the garden and the car parking arrangement would also be improved, reducing the potential conflict between users of the garden and the car park. There is no provision within this policy for the loss of outdoor space within a public house. Therefore, given the public house would not be lost as part of

the proposal, and a suitable beer garden retained, which whilst reduced in size is considered sufficient for the requirements of the facility. Officers therefore consider that the development would be acceptable and would accord with Policy R4 of the Fareham Local Plan 2037.

- 8.6 Concerns have also been raised that the development would result in the loss of green space. The application site is not a designated area of public open space as defined in the Development Plan, and as such is not subject to the same policy considerations as required by Policy NE10 (Protection and Provision of Open Space).
- 8.7 Therefore, the principle of development is acceptable in accordance with Policies H1, HP1 and R4 of the Fareham Local Plan 2037.

b) Design/impact on character of surrounding area

- 8.8 Policy D1: High Quality Design and Place Making of the adopted Fareham Local Plan 2037 seeks to ensure 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.
- 8.9 The Policy continues to highlight ten key characteristics of high quality design, comprising context, identity, built form, movement, nature, public spaces, uses, homes and buildings, resources and lifespan. Developments should appropriately respond to the positive elements of local character, ecology, history, culture and heritage.
- 8.10 The Fareham Borough 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.
- 8.11 Crofton Lane is varied in character with a variety of different styles of dwellings. The proposed development would sit comfortably within the plot and would include two different property styles and finished appearance, including two different roof forms and material finishes. This complements the variety seen elsewhere along Crofton Lane. Concerns have been raised that the proposed dwellings do not respect the building line, would be out of character and would be cramped and contrived. However, given the varied nature of the existing dwellings along Crofton Lane and as there is no distinct building line within this part of Crofton Lane, it is considered that the proposed development would be an appropriate addition to the streetscene. Furthermore, the plots are considered to be adequately sized and would reflect the spaciousness and character of the area.

- 8.12 The gardens of each property would have a depth of at least 11 metres which would meet the advice specified in the Design SPD. There are a number of trees located within the rear gardens of the site however, these are not large trees and would be located a suitable distance from the proposed properties. Therefore, they would not result in overshadowing.
- 8.13 Details of the boundary treatments have been provided. The development would have a 1.2m brickwork wall with wrought iron railing and brick piers at the front entrance to the site. There would also be a 0.9m picket fence located to the south of the site with 1.8m high close boarded fencing to the rear of the site separating the proposed development from The Crofton and separating Plot 1 and 2. These boundary treatments are considered to be acceptable and would have an appropriate visual appearance within the streetscene.
- 8.14 The proposal would include landscaping at the front and southern side of the site which is considered to be acceptable. A condition has been imposed to secure details of the proposed landscaping. An area of hard standing would also be created to provide car parking for the proposed dwellings, which is considered to be appropriate and would not dominate the front garden.
- 8.15 Officers therefore consider that the proposal is 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) Impact on setting of Grade II Listed Building

- 8.16 Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) places a duty on the Local Planning Authority to have special regard to the desirability of preserving a Listed Building or its setting or any features of special architectural or historic interest which it possesses.
- 8.17 Strategic Policy HE1 relates to the Historic Environment and Heritage Assets. It states that all development should seek to conserve and enhance the historic environment and heritage assets, in line with local and national policy. The Council will take appropriate positive steps to conserve and enhance the Borough's historic environment and heritage assets.
- 8.18 Policy HE3 (Listed Buildings and Structure and/or their Settings) states that where a development would affect a listed building/structure and/or its setting proposals should preserve or enhance any features of special architectural or historic interest they possess proposals must demonstrate sufficient understanding of and respond to the historic environment.

- 8.19 The application site is not located within a Conservation Area and there are no heritage assets on the site itself. The site is immediately adjacent to the Grade II listed Crofton Farmhouse which is believed to originally date to the 18th Century. The principal western elevation faces the street and the listed building is visible when travelling north and south along Crofton Lane. There are a few other buildings of architectural or historic interest in the vicinity of the application site and the Crofton Farmhouse does make a positive contribution to the streetscape. Crofton Farmhouse is associated with a 17th Century granary which is immediately adjacent to the building to the south-east and is considered to be of local interest.
- 8.20 Following amendments to the development, the Council's Conservation Planner is satisfied that the development would have regard to the setting of the Crofton Farmhouse and the granary. Having undertaken the test required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) and having assessed the proposal against Policies HE1 and HE2 of the Fareham Local Plan 2037, Officers are satisfied and the development would preserve the setting of the adjacent listed building and any features of special architectural or historic interest which it possesses

d) Impact on Residential Amenity

- 8.21 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 environmental conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.22 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.
- 8.23 Following amendments to the design, Plot 1 would have a separation distance of 12 metres and Plot 2 would have a separation distance of 13.5 metres from the rear elevations to the rear boundary with the bungalows to the rear on Walnut Drive. There would also be a separation distance of 22 metres between the first floor rear facing bedroom window of Plot 1 and the neighbouring property to the rear at 15 Walnut Drive. The rear bathroom window would only have a separation distance of 20 metres; however, this window will be obscure glazed. The rear windows on Plot 2 would have a separation distance of 22 metres. Therefore, the proposal complies with the requirements specified within the Design SPD.
- 8.24 In terms of the impact on the neighbouring property to the north 50 Crofton Lane (Crofton Farmhouse), there would be a separation distance of

approximately 6 metres between Plot 1 and the side elevation of The Granary which is an outbuilding associated with Crofton Farmhouse to the side. The Granary is occupied as a home office. There are two windows on the southern elevation which would face the application site; however, these are not the sole windows serving The Granary as there are also two windows on the northern elevation and a window on the western and door on the eastern elevation. Therefore, given the separation distance and presence of other windows providing adequate natural light, it is considered that the proposed development would not result in an unacceptable impact in terms of overbearing/overshadowing on the users of The Granary.

- 8.25 There would be a 12 metre separation distance between Plot 1 and the conservatory of 50 Crofton Lane. Given the separation distance and the large amount of glazing on the conservatory, it is considered that the proposed development would not result in an unacceptable adverse impact upon the occupiers of 50 Crofton Lane in terms of loss of light/outlook.
- 8.26 Concerns have been raised regarding loss of privacy. There would be two side (north elevation) windows on the ground floor of Plot 1. However, these would face onto boundary fencing and would therefore not result in an unacceptable adverse impact in terms of loss of privacy to the occupiers of the adjoining neighbours.
- 8.27 The existing boundary treatment between the application site and No 50 would be retained as well as the existing large hedge. Furthermore, the existing hedge would be extended to create adequate screening between the proposed development and 50 Crofton Lane.
- 8.28 Therefore, it is concluded the proposed development would not result in an unacceptable adverse impact upon living conditions of the neighbouring properties by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.29 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 and double bedroom sizes. The proposal is fully compliance with the Space Standards and therefore complies with Policy D5 of the Fareham Local Plan 2037.
- 8.30 In considering the impact of the future residents of the proposed dwellings in relation to the close proximity of the pub, there is a separation distance of approximately 4 metres between the side elevation of Plot 2 and the re-located beer garden. This is a similar separation distance between the

existing beer garden and the rear garden of 50 The Crofton. Plot 2 does not have any side windows which would face onto the beer garden. Furthermore, a 1.8m acoustic close boarded timber fence would be installed along the southern boundary of the rear garden to Plot 2, and a landscape buffer is proposed to be planted along northern side of the existing pub garden adjacent to the boundary with Plot 2. The landscape buffer would both soften the appearance of the proposed building and fence from the beer garden and create a robust barrier preventing anti-social activity within the immediate vicinity of the private amenity space for Plot 2. Therefore, it is considered that the occupiers of Plot 2 would not be significantly impacted by noise and disturbance.

- 8.31 The Council's Environmental Health Officers have reviewed the application and have raised no objection to the proposed development.
- 8.32 Officers therefore considered that the proposal would not result in an unacceptable adverse impact on the living conditions on the site or neighbouring developments. Furthermore, the development proposal is considered to accord with the requirements of the Design SPD and would be in accordance with Policies D2 and D5 of the Fareham Local Plan 2037.

e) Highways/Parking

Proposed Dwellings

- 8.33 In considering the highway safety aspect of the proposal, Hampshire County Council (HCC) as Highway Authority has reviewed the application. A swept path drawing has been submitted in support of the planning application which shows a large car being tracked on-site. The vehicle is shown to be able to manoeuvre on-site in order to egress back onto the highway in a forward gear. The turning movements shown on the plan can be done unhindered with very few turns and are considered acceptable.
- 8.34 With regards to the proposed location of the dropped kerb, the Highway Authority raise no objection in principle to this subject to obtaining a highway license in order to construct the access.
- 8.35 The applicant has submitted a Personal Injury Accident (PIA) Data assessment from the latest 5-year period. A total of five accidents occurred within the vicinity of the site, three being serious and two being recorded as slight in nature. The Highway Authority is satisfied that the identified accidents are unlikely to be exacerbated by the development. As such, the Highway Authority can confirm that the proposed development will not have an adverse effect on highway safety in close proximity to the site and on the wider highway network.

- 8.36 The Residential Car Parking Standards Supplementary Planning Document requires two car parking spaces for a 3-bedroom dwelling. Both dwellings would have two allocated car parking spaces located within the front driveway.
- 8.37 Concerns have been raised regarding the size of the car parking spaces and whether there is enough space for car washing and maintenance. Furthermore, concerns have also been raised regarding the size of the trees and the close proximity of trees to the car parking spaces. The proposed parking spaces are considered to be of an appropriate size and would meet the requirements of the Residential Car Parking Standards SPD. Details of the size and species of the trees as well as the maintenance will be secured via a planning condition. The trees can be maintained to prevent any encroachment.
- 8.38 Concerns have been raised regarding the lack of visitor car parking for the proposed dwellings. However, there is no requirement with the SPD for the applicant to provide additional visitor car parking for a development of this size.
- 8.39 Concerns have also been raised regarding the sizes of the bin and cycle storage and their location. The applicant has provided details of the bin and cycle storage details and they are considered to be acceptable and appropriately located within the rear gardens. A refuse collection point is positioned adjacent to the entrance on the front driveway and this is also considered to be acceptable as it is the same location for all the other properties along Crofton Lane.

Loss of Parking to The Crofton Public House

- 8.40 The land proposed for the development would result in the removal of 11 car parking spaces associated with the Public House car park and reduce the total number of spaces from 37 to 26.
- 8.41 The Non-Residential Car Parking Supplementary Planning Document (SPD) requires public houses to provide 1 car parking space per 5 square metres of dining/bar/dance floor area. The dining/bar area of the Crofton Public House is 311.15 square metres which requires 62 car parking spaces and therefore already falls short of the requirement specified within the SPD.
- 8.42 The applicant has provided a parking survey which has demonstrated that the busiest trading periods were Friday evening peak and Sunday lunch time. The results demonstrated that on Friday evening peak (between 20:30-21:00) there were 32 cars and Sunday lunchtime (14:00) there were 29 cars.

Therefore, the site currently operates within the existing car parking capacity. The parking surveys were also undertaken on roads surrounding the application site and illustrated that on-street parking demand peaked at just 13% on each day of the survey with more than 120 car parking spaces within a short walk of the site. Therefore, whilst the current car parking provision operates within capacity at peak times, there is slight increase in on-street parking demand during the peak periods.

- 8.43 The reduction of 11 spaces will result in overspill of on street parking on the local highway network within the vicinity of the site however, this is only during peak hours. The submitted Transport Statement states that where parking surveys are undertaken it is generally accepted that highway safety issues are only like to arise where on-street parking demand exceeds 85% occupancy.
- 8.44 The applicant has also carried out a sensitivity test which can be utilised in order to consider the worst-case impact upon on street parking. Taking the difference between the existing level of on-site parking provision and that proposed where there is a reduction of 11 parking spaces, the worst-case impact upon on-street parking would be 11 additional cars parking on-street in the vicinity of the site. Adding 11 cars to the peak level of on-street parking demand recorded over the three-day survey, peak on-street parking demand would increase to 29 vehicles, out of a total of 120 available on-street car parking spaces, therefore occupancy of on-street parking would increase to 24%.
- 8.45 The sensitivity test therefore shows that, in the worst-case scenario, there would be 112 safe and legal parking spaces available on-street, within a short walk of the site during the busiest period of the day.
- 8.46 The Highway Authority do not consider on-street parking as an entirely acceptable alternative, however, after consulting the PIA data submitted and regular on-site observations, the Highway Authority have taken the view that there is no existing safety concern relates to the presence of existing on-street parking and it is unlikely that this may be exacerbated by the slight increased possibility of further on-street parking. Therefore, the proposals that will result in the removal of 11 on-site car parking spaces is considered to be acceptable and would not have a severe detriment to the safety and operation of the local highway network.
- 8.47 Concerns have been raised from local residents regarding the discrepancies with the parking survey data. However, the Highway Authority is satisfied with the data provided.

- 8.48 It should also be noted that The Crofton is located 100 metres from the nearest bus stop to the north of the site access. Furthermore, it is located within a largely residential environment where many patrons would be able to walk to use it. It is also only a 15-minute walk from Stubbington Local Centre. Therefore, the pub is in a sustainable location and easily accessible by public transport.
- 8.49 Officers consider that the proposal would not result in an unacceptable impact on highway safety and the proposed dwellings would comply with the Residential Car Parking Standards. The proposal is therefore considered to accord with Policy TIN2 of the Fareham Local Plan 2037.

f) Trees

- 8.50 The Tree Officer has considered the impact on the existing trees on the site and raises no objection to the development.
- 8.51 A number of residents have raised concerns regarding the removal of trees from the site prior to the submission of the planning application. These trees were not protected and therefore there was no requirement to notify the Council prior to their removal.
- 8.52 A condition has been imposed to secure details of tree planting and landscaping.

g) Ecology

- 8.53 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.*
- 8.54 Concerns have been raised from local residents regarding the presence of badgers on the site. The applicant has carried out a Badger Survey Report by Kingdom Ecology. The Council's Ecologist has reviewed this report and agrees with the conclusions of an active outlier badger sett. Therefore, a Natural England development license or class license will be required to close the sett legally prior to the development starting. The detailed strategy including timing of the works outside the closed season and provision of one-way gates, monitoring for 21-days, permanent closure etc is standard

mitigation and therefore acceptable. As this is an outlier sett, provision of a compensatory sett is not required. Therefore, subject to a condition being imposed requiring that the works are carried out in accordance with Section 3 of the 'Recommendations' of the report Officers are content that no harm will occur to protected species using the site.

8.55 Therefore, the proposal is considered to be in accordance with Policy NE1 of the Fareham Local Plan 2037.

h) Biodiversity Net Gain

8.56 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 the lifetime of the development.

8.57 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 10% gain by planting 7 trees within the frontage of the development which is in accordance with the requirement specified in Policy NE2.

8.58 A Biodiversity Net Gain Management Plan has been submitted with the application which details how the on-site BNG will be managed, maintained, monitored and funded in accordance with the approved details. The Council's Ecologist has reviewed this and is satisfied with the management plan proposals.

8.59 Officers therefore consider that the development would be compliant with Policy NE2 of the Fareham Local Plan 2037.

i) Impact on Habitat Sites

8.60 Policies NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037 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.

8.61 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).

- 8.62 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.
- 8.63 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.
- 8.64 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.
- 8.65 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.
- 8.66 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 2.1kg 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 a mixture of residential urban land and commercial/industrial urban land. 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.

- 8.67 The applicant has purchased 2.04kg TN/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. 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.
- 8.68 It should be noted that due to an error in the nutrient budget calculation, there is a shortfall in the amount of credits purchased. The calculation initially proposed that the development would generate 2.04kg TN/year. However, due to an error with the incorrect rainfall being inputted this total increased to 2.1kg TN/year. The applicant has agreed to amend the legal agreement to make up the minor 0.06kg TN/year shortfall.
- 8.69 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.
- 8.70 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.
- 8.71 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). 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.
- 8.72 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).

- 8.73 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.
- 8.74 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.
- 8.75 Natural England were consulted on the Council's Appropriate Assessment in October 2023 and raised no objection in respect of recreational disturbance on The Solent SPAs or on water or air quality implications subject to the rainfall calculation being amended. It is therefore considered that the development accords with the Habitat Regulations and NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037.

j) Other issues raised in objections:

- 8.76 **Inaccuracies with plans and documents-** It is considered that the plans and documents submitted are accurate and accurately represent the proposed development.
- 8.77 **Impact on the business of The Crofton Pub-** The Crofton Pub is supportive of the application and has not raised concerns that the development would impact the business of the pub.
- 8.78 **Dimensions not included on plans-** There is no requirement for the applicant to provide dimensions on the plans. However, the plans need to be scale. The submitted plans are to a correct scale.

- 8.79 **Restrictive covenant on site-** This is not a material planning consideration.
- 8.80 **Impact on right to light-** This is not a material planning consideration.
- 8.81 **Ownership of boundary hedging-** The agent has confirmed that the hedge along the northern boundary is within the applicant's ownership.
- 8.82 **Unclear whether the canopy in beer garden will be retained-** The proposed context elevation shows that the canopy will be re-located within the pub beer garden.
- 8.83 **Inappropriate shared side access-** There is a shared side access between Plots 1 and 2. This has ample room for cycle and refuse storage to be accessed and this design solution is considered to be acceptable.
- 8.84 **Inaccurate Levels-** There are varying levels across the whole development plot. A levelling exercise will have to be undertaken in order to create the foundations and the new driveway. As the foundations will not be above the ground level, it is not necessary to provide these measurements in the determination of a planning application. The external levels provided on the submitted plans are considered to accurately reflect the proposed development.
- 8.85 **Flooding-** The application site is located within Flood Zone 1 and therefore there is no increased risk of flooding within this location.
- 8.86 **Footpaths to dwellings do not meet disabled access requirements-** This matter will be dealt with by building control when Building Regulations approval has been obtained. The Building Regulations specify minimum size standards which need to be provided with regarding disabled access. Therefore, the development will need to comply with this as part of the Building Regulation approval process.

k) Conclusion

- 8.87 The principle of the development is acceptable at the site and the proposed houses are of high quality, respect the character of the area and the setting of the nearby heritage assets. Furthermore, the loss of 11 car parking spaces within the Crofton Public House curtilage would not result in an unacceptable impact on highway safety or an unacceptable demand for on-street car parking.
- 8.88 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) Location Plan 22.3400.100 P1
- b) Existing Site Plan 22.3400.001 P1
- c) Proposed Site Plan 22.3400.101 P21
- d) Plot 1 Floor Plans 22.3400.102 P6
- e) Plot 2 Floor Plans 22.3400.103 P5
- f) Existing Elevations 22.3400.003 P1
- g) Plot 1 Elevations 22.3400.104 P7
- h) Plot 2 Elevations 22.3400.105 P5
- i) Existing Context Elevation 22.3400.002 P1
- j) Proposed Context Elevation 22.3400.106 P10

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. 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 extensions, no additions, or alterations to the roof, porches, outbuildings or hard surfaced areas shall be constructed within the curtilage of the/any dwelling house 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.

5. The first-floor window proposed to be inserted into the rear (eastern) bathroom window of Plot 1 of the approved development shall be:
 - a) Obscure-glazed; and
 - b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;and shall thereafter be retained in that condition at all times.

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

6. The Development shall be carried out in accordance with the measures detailed in Section 3 'RECOMMENDATIONS' of the Badger Survey Report by Kingdom Ecology, dated 21st July 2023.

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

7. The development shall be carried out in accordance with the Biodiversity Management Plan 28th September 2023. Thereafter the approved Biodiversity Net Gain measures shall be managed, maintained, monitored and funded in accordance with the approved details.

REASON: To secure at least 10% net gains in biodiversity.

8. 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.

9. 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.

10. No development shall take place beyond 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;

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

11. 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.

12. No development shall start on site until the access, including the footway and/or verge crossing shall be constructed and lines of sight of 2.4 metres by 43 metres and 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 0.6 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.

13. 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 Crofton Lane 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.

14.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.

15.The landscaping scheme, submitted under Condition 14, 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.

16. 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

17. No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 13th October 2023 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Punch Partnerships (PML) Limited

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

18. 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 Planning 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/23/0460/FP

FAREHAM

BOROUGH COUNCIL



The Crofton, 48 Crofton Lane
Fareham

Scale 1:1,250



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