

OFFICER REPORT FOR COMMITTEE

DATE: 11/09/2024

**P/23/1226/FP
TIDEBANK LTD – KEVIN JONES**

**AVENUE WARD
AGENT: C&L MANAGEMENT**

DEMOLITION OF EXISTING OUTBUILDINGS AND CONSTRUCTION OF THREE DWELLINGS AND A DETACHED GARAGE

CONIFER RISE, THE AVENUE, FAREHAM, PO13 3QR

Report By

Katherine Alger - direct dial 01329 824666

1.0 Introduction

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

2.0 Site Description

2.1 The application site relates to the grounds of a large, detached property located on the northern side of The Avenue. The site comprises of detached residential dwelling, a number of outbuildings and paddocks.

2.2 The site is accessed via an driveway from the A27 (The Avenue) and the site is bounded by mature trees and hedgerows. The site is positioned on a hill and it slopes westwards towards the Meon Valley. To the east of the site lies a ribbon of residential development along Mount Drive, with a copse of trees to the northern boundary.

2.4 The site is located outside of the designated urban settlement boundary of Fareham. However, the edge of the urban area lies to the immediate east of the site in Mount Drive. The site also lies within a designated Strategic Gap (The Meon Gap) and an Area of Special Landscape Quality. It is also located within Titchfield Conservation Area.

3.0 Proposal

3.1 This application is for the construction of three detached dwellings following the demolition of the existing dilapidated agricultural building. The dwellings would be staggered within the plot and would have a similar design to the recently permitted two dwellings on the application site.

3.2 The elevation plans have been amended so that each individual dwelling is demonstrably different. This has involved changes to the roof pitches and fenestration.

- 3.3 Each dwelling would have a driveway with three allocated car parking spaces and boundary hedging and landscaping. To the west of the dwellings would be an area of grassland which is to be retained. Beyond the grassland is a stable block and paddocks.
- 3.4 The dwellings would have a contemporary pitched roof design with three storeys including balconies at first and second floor. The plots gradually reduce in height as the levels across the site fall away to the north.
- 3.5 Plot three would comprise of a garage, bedroom including ensuite, utility and cinema room at ground floor. The first floor would comprise of living space, kitchen and a balcony. The second floor would comprise a master bedroom including ensuite, bathroom and two further bedrooms.
- 3.6 Plot four would have a kitchen/living space, internal garage and utility room at ground floor. It would have two bedrooms, a bathroom and living space opening out onto a balcony at first floor. The second floor would have a master bedroom, walk-in wardrobe and en-suite.
- 3.7 Plot five would have a kitchen/living room, integral garage, utility and WC at ground floor. The first floor would comprise a lounge opening onto a balcony, two bedrooms and a bathroom. The second floor would comprise a master bedroom, bathroom and walk-in wardrobe.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- DS1: Development in the Countryside
DS2: Development in Strategic Gaps
DS3: Landscape
H1: Housing Provision
HP1: New Residential Development
HP2: New Small-Scale Residential Development Outside Urban Areas
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)
NE6: Trees, Woodland and Hedgerows
TIN2: Highway Safety and Road Network
D1: High Quality Design and Place Making

D2: Ensuring Good Environmental Conditions
D4: Water quality and resources
D5: Internal Space Standards
HE1: Historic Environment and Heritage Assets
HE2: Conservation Areas

Other Documents

National Planning Policy Framework (NPPF) 2023

Residential Car and Cycle Parking Standards Supplementary Planning Document (November 2009)

Design Guidance Supplementary Planning Document excluding Welborne (December 2015)

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/22/1518/FP	Demolition of existing dwelling and construction of two detached dwellings including landscaping and parking
APPROVED	30 March 2023

P/17/1500/FP	Single and two storey side extensions, raise ridge and eaves height, dormer windows, canopy porch, external flue to serve log burner and alterations to fenestration
REFUSED	23 April 2018
ALLOWED ON APPEAL	16 October 2018

6.0 *Representations*

6.1 Six letters of representation from six addresses have been received (including a letter from The Fareham Society), objecting on the following grounds;

- Loss of light into gardens in Mount Drive
- Overlooking
- Loss of privacy
- Noise pollution
- Not affordable housing
- Impact on Titchfield Abbey Conservation Area
- Not in keeping
- Impact on wildlife
- Set a precedent for future development on site
- Impact on valley landscape
- Impact on strategic gap
- Set a precedent for future development

7.0 Consultee Responses

EXTERNAL

Local Highway Authority (Hampshire County Council)

7.1 No objection subject to conditions

Ecology (Hampshire County Council)

7.2 No Objection subject to conditions

INTERNAL

Principal Tree Officer

7.3 No objection subject to condition

Environmental Health (Noise and Pollution)

7.4 No objection

Conservation Planner

7.5 Looking at the revised and amended plans, the previous comments have been taken on board and now, on balance, the proposals would not have a further negative effect on the overall character of the Conservation Area. The impact of the development would be relative enhancement as the poorly designed and maintained outbuildings would be replaced with a better designed scheme that fits in much better with the landscape context, defining the eastern boundary of the Titchfield Abbey Conservation Area. Consequently, as long as the palette of materials is of sufficient quality and that the proposed landscaping scheme using traditional and native species is fully implemented there are objections to the current proposals in Historic Environment policy terms.

7.6 As the development would be designed to define the boundary between the western fringes of Fareham and the Meon Valley any further encroachment to the west of the current site would have a negative effect on the open nature of the area and would not be supported in Historic Environment Policy terms.

8.0 Planning Considerations

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

- a) Principle of Development
- b) Residential development within the Strategic Gap;
- c) Landscape & Visual Impact

- d) Impact on the Titchfield Abbey Conservation Area
- e) Impact on Residential Amenity
- f) Highways and Parking
- g) Trees
- h) Ecology and Protected Species
- i) Biodiversity Net Gain
- j) Impact on protected Habitat Sites
- k) Other Matters

a) Principle of the development

8.2 Policy HP1 of the Fareham Local Plan 2037 states that residential development within the Urban Area boundary will be supported in principle and residential development outside of the Urban Area boundary will be permitted where one of the following applies:

- a) *It involves a conversion of an existing non-residential building where:*
 - 1) *the building is structurally sound and capable of conversion without the need for significant extension, alteration or rebuilding; and*
 - 2) *evidence has been provided to demonstrate that no other suitable alternative uses can be found, and conversion would lead to an enhancement to the building's immediate setting.*
- b) *It is for a replacement dwelling which is of an appropriate character to the location.*
- c) *It has been demonstrated that there is an essential need for a rural worker to live permanently at or near their place of work.*
- d) *It accords with Policies HP2, HP3, HP4, and HP6.*

8.3 The application proposal does not involve the conversion of an existing non-residential building; is not for a replacement dwelling nor is it for a rural worker to live in. Therefore, the application does not meet the criteria of Policy HP1 (a) (b) or (c). The proposed development is assessed against the criteria of HP1 (d) below.

8.4 Policies HP3, HP4 and HP6 are not relevant in the determination of this application therefore only Policy HP2 will be considered in this instance.

8.5 Policy HP2 (New Small-scale Development Outside the Urban Areas) however states that new small-scale housing development outside of the Urban Areas boundary, as shown on the Policies map, will be permitted where:

- 1) *The site is within or adjacent to the existing areas of housing; or*
- 2) *The site is well related to the settlement boundary; and*

- 3) *The site is within reasonable walking distance to a good bus service route or train station as well as safe walking and cycling routes that connect to a local district of town centre; and*
- 4) *It comprises development that does not adversely affect the predominant development form of the area, taking particular account of:*
 - a) *Building line and scale of adjacent dwellings;*
 - b) *Plot size and proportion*
 - c) *Site coverage/ratio*
 - d) *Space between dwellings*
 - e) *Landscape and views to countryside and beyond*
- 5) *It comprises development:*
 - a) *Or no more than 4 units; and*
 - b) *Where the design and external appearance of each dwelling is demonstrably different, unless a terrace or semi-detached form is appropriate; and*
 - c) *That does not extend the settlement frontage*

8.6 The application site is located immediately to the west of existing areas of housing within Mount Drive. These properties are also located within the Urban Settlement Boundary and therefore, the proposed development complies with parts (1) and (2).

8.7 The application site is accessed from the A27 where there is a regular bus service operating from the bus stop approximately 50 metres from the application site. The nearby village of Titchfield is a 20 minute walk away from the application site. Therefore, it is considered that the development complies with part (3).

8.8 In terms of part (4) the proposed development would be comparable to the recently permitted two storey dwellings within the application site. They would have the same design and plot size and there would be adequate space between the dwellings. The proposed development would also have comparable plot sizes to the dwellings behind in Mount Drive. Therefore, the proposed development complies with part 4 criteria (a-d).

8.9 The impact on landscape and countryside views will be addressed in sections (c), (d) and (e).

8.10 In terms of part 5, the proposed development would comprise of three units and would be of a suitable design forming part of a group of 5 similarly designed dwellings. The design for each property has been amended so each dwelling is demonstrably different whilst still having regard to the overall architectural form of the previously permitted dwellings. The proposed dwellings would replace an existing dilapidated outbuilding on previously developed land and

would therefore not encroach further into the countryside or extend the settlement frontage. The proposal therefore considered by Officers to comply with part (5).

- 8.11 Officers considered that the development is fully compliant with the Policy HP2 of the adopted Fareham Local Plan 2037 in this respect and is therefore considered to be acceptable in principle, subject to compliance with the other relevant policies of the adopted Development Plan.

b) Residential development within the Strategic Gap

- 8.12 The proposals map of the Fareham Local Plan 2037 identifies that the site lies within a designated Strategic Gap.

- 8.13 Policy DS2 of the Local Plan states:

'In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements, Strategic Gaps are identified as shown on the Policies map between the following areas:

- 1) Fareham / Stubbington and the Western Wards (Meon Gap)*
- 2) Fareham / Bridgemary and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)*

Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters'

- 8.14 The Technical Review of Areas of Special Landscape Quality and Strategic Gaps (2020) which is part of the evidence base for the Fareham Local Plan 2037 states that the River Meon creates a distinctive linear feature which provides a break between the housing market area of Southampton and Portsmouth. The Review recognises the pressure for development is moderate within the Meon Gap, however, there may be pressure for development along the settlement edges of West Fareham.
- 8.15 The Fareham Landscape Assessment 2017, which also forms part of the evidence base for the Fareham Local Plan, states any future development should avoid any significant encroachment into the area beyond the existing urban edges of Fareham, Titchfield Park and Titchfield, especially where this may erode the physical or perceived gap between settlements or intrude upon the unspoilt, rural character and high quality of the landscape settings of these urban areas and important heritage assets.
- 8.16 The proposed development would be located on previously developed land following the removal of a dilapidated agricultural building. The three dwellings

and the access track would align with the recently approved dwellings and would not encroach beyond the existing building line. Therefore, it is considered that the proposed development would not intrude upon the unspoilt, rural character of the landscape and would not significantly affect the integrity of the Meon Gap. Officers consider therefore that the proposal would therefore comply with Policy DS2 of the Fareham Local Plan 2037.

c) Landscape and Visual Impact

- 8.17 The application site is located within an Area of Special Landscape Quality which is detailed within Policy DS3 (Landscape). This policy states that development proposals shall only be permitted in these areas where the landscape will be protected and enhanced. The policy goes onto state that development in the countryside shall recognise the intrinsic character and beauty of the countryside paying particular regard to the intrinsic character, quality and important feature, visual setting, including to/from key views and local character and setting of buildings and settlements, including their historic significance.
- 8.18 The Fareham Landscape Assessment 2017 (which is part of the evidence base for the Fareham Local Plan 2037) identifies that the site lies within the Upper Meon Valley character area which comprises the upper part of the Meon Valley and occupies a corridor of and contained between the urban edges of Fareham to the east, Titchfield Park to the west and Titchfield to the south. While the assessment recognises the area lacks the 'wilder' qualities of the lower Meon Valley floodplain, the overall effect is an essential rural (or semi-rural), pastoral landscapes.
- 8.19 The area is identified as an area of high overall sensitivity, particularly in respect of the character and quality of the landscape resource, the abundance of valued landscape, ecological and heritage features across a large proportion of the area.
- 8.20 However, the Assessment goes onto state that the only development opportunity may be to accommodate development within small pockets of undeveloped land within existing residential areas as long as it is of a similar character and scale of other dwellings within the locality and can be sensitively integrated within the landscape to avoid adverse impacts.
- 8.21 Due to the location of the application site located along the eastern slopes of the Meon Valley the site is visible from the opposite side of the valley and therefore any development would have a visual impact on the Area of Special Landscape Quality. However, in this instance, the removal of the existing poor quality agricultural building and its replacement with the three dwellings would not result in a significant visual impact upon the Area of Special Landscape

Quality. The dwellings have been designed so that they are sensitively integrated into the landscape and would not project beyond the existing building line. Furthermore, the dwellings would be located adjacent to Mount Drive which is an existing residential area.

8.22 Therefore, it is concluded that the proposed development would not cause adverse harm to the Area of Special Landscape Quality and the proposed development recognises the intrinsic character and beauty of the countryside and therefore complies with Policy DS3 of the Fareham Local Plan 2037.

d) Impact on the Titchfield Abbey Conservation Area

8.23 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that, with regard to any buildings or other land within a conservation area, in the exercise of relevant functions under the Planning Acts, '*special attention shall be paid to the desirability of preserving or enhance the character or appearance of that area*'.

8.24 Policy HE1 (Historic Environment and Heritage Assets) 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.

8.25 Policy HE2 (Conservation Areas) states that development affecting a Conservation Area should preserve or enhance the special architectural, historic character of appearance of the Conservation Area by ensuring the design of all development within the Conservation Area or within its setting is of high quality which responds appropriately to the special architectural, historic character of appearance of the area and surrounding buildings in terms of scale, height, layout, design, detailing and materials.

8.26 The site is located just inside the eastern boundary of the Titchfield Abbey Conservation Area. The Conservation Area consists of the Abbey site itself along with a large area of open space that significantly contributes to its setting. The landscape, topography and tranquillity of the valley is important to the character and appearance of the Conservation Area and provides a setting and a historic context for the scheduled monuments and listed buildings within its boundary. The boundary includes the valley sides that rise to the east and west and their natural slope contributes to its rural character and the setting of the historic buildings. The essential character of the landscape is of undeveloped open countryside with groups and belts of trees on the valley sides and on the valley floor. The tranquil character of the rural landscape is experienced and appreciated throughout the network of public footpath.

- 8.27 The open character of the landscape allows important long-distance views from high ground across the valley, from the valley floor up the slopes and along the valley floor, including south to Titchfield village. The top of the valley sides appear undeveloped in longer views. The area was designated as a Conservation Area in 1994 due to its importance to the local area in terms and its historic value and contribution to local distinctiveness.
- 8.28 The Conservation Planner has visited the site as well as the other side of the Meon Valley and has reviewed the submitted plans. He has advised that the current outbuildings date to the latter part of the 20th century and have no architectural or historic interest. They are also currently in a very poor condition and currently detract from the overall character of the Conservation Area.
- 8.29 The site is visible from the public realm from sites such as Abbey Meadows and the area around Titchfield Abbey Barn so the visual impact of the redevelopment of this site needs to be carefully assessed. In this instance, the harm caused by the proposed development inside the Conservation Area boundary must be weighed carefully against any potential enhancement that is achieved by the removal of a collection of poorly designed and poorly maintained outbuildings that currently detract from the character of the Conservation Area.
- 8.30 The Conservation Planner is of the view that the proposed development would not have a further negative effect on the overall character of the Conservation Area. The impact of the development would be a relative enhancement as the poorly designed and maintained outbuildings would be replaced with a better designed scheme that fits in much better with the landscape context, defining the eastern boundary of the Titchfield Abbey Conservation Area. Consequently, providing the palette of materials is of sufficient quality and that the proposed landscaping scheme is fully implemented the Conservation Planner raises no objection to the proposed development.
- 8.31 The proposed development is therefore in accordance with Section 72 and Policies HE1 and HE2 of the Fareham Local Plan 2037.

e) Impact on Residential Amenity

- 8.32 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 (living) conditions on the site or neighbouring development, by way of the loss of sunlight, daylight, outlook and/or privacy.
- 8.33 The Fareham Borough Design Guidance Supplementary Planning Document (hereafter referred to as the Design SPD) requires first floor windows to be at

least 11 metres from the boundaries they look towards and no less than 22 metres from facing windows in neighbouring houses.

- 8.34 A number of concerns have been raised from the residents within Mount Drive to the immediate east of the site regarding the impact on their properties in terms of overlooking/loss of privacy and loss of light.
- 8.35 Plot 3 would have a separation distance of 15 metres between the rear elevation and the rear boundary with the property known as Highfield on Mount Drive. Highfield has a garden depth of approximately 22 metres. Therefore, the proposed development meets the requirements specified within the Design SPD.
- 8.36 Plot 4 would have a rear garden depth of approximately 27 metres and Plot 5 would have a rear garden depth of approximately 30 metres. Therefore, they would also both meet and far exceed the requirements of the Design SPD.
- 8.37 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 compliant with the Space Standards and therefore accords with the requirements from Policy D5 (Space Standards) of the Fareham Local Plan 2037.
- 8.38 It is noted that there is a large amount of tree coverage to the rear of the proposed dwellings. However, there is sufficient separation distances between the trees and the dwellings/rear gardens. Therefore, it is considered that the proposed rear gardens would not have excessive shading.
- 8.39 Officers consider that the proposed development would not result in an unacceptable adverse impact on the living and environmental conditions to the neighbouring occupiers or future occupants at the site. Furthermore, the development proposal is considered to accord with the requirements of the Design SPD and Policies D2 and D5 of the Fareham Local Plan 2037.

f) Highways and Parking

- 8.40 Policy TIN2 of the Fareham Local Plan states:

‘Development will be permitted where:

- a) There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe; and*

b) The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of development on the network are mitigated through a sequential approach consisting of measures that would avoid/reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes'

8.41 Access to the site would be from Southampton Road/The Avenue (A27). The plans have been amended to show the vehicular access to the site to be widened to facilitate the simultaneous entry and egress of cars. This access also enables a refuse vehicle to safely access/egress the site. The internal access road has also been designed to include a turning head of suitable geometry to allow a large refuse vehicle to turn around within the site.

8.42 Hampshire County Council as the Highway Authority has been consulted on the application and raise no objection to the development subject to a condition ensuring the vehicular access is widened/modified prior to occupation.

8.43 In terms of parking the Fareham Borough Parking Standards Supplementary Planning Document requires two car parking spaces for a 3 bedroom dwelling and three car parking spaces for a 4+ bedroom dwelling. The submitted site plan demonstrates that at least three car parking spaces will be provided within the front driveway for each property.

8.44 It is therefore concluded that the development complies with Policy TIN2 of the Fareham Local Plan 2037 and the adopted Parking Standards.

g) Impact on Trees

8.45 There are a number of mature trees within the application site. The Council's Principal Tree Officer has considered the impact on trees and the effect of tree loss, pruning and other site operations on local tree cover, public amenity and the local character. They raise no objection to the proposed development subject to the submission of a detailed tree protection method statement.

h) Ecology and Protected Species

8.46 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*'.

8.47 The application is supported by an Ecological Impact Assessment which confirms that there may be reptiles on site. However, as there is only a limited area of potentially suitable reptile habitat to be impacted upon by the proposed development, a full survey was not considered necessary and, instead a passive dispersal clearance methodology will be used if reptiles are found on the site.

8.48 The Council's Ecologist has reviewed the Ecological Impact Assessment and raises no objection subject to a pre-commencement condition requiring a plan of the reptile receptor site in the event reptiles are discovered during the works.

8.49 In terms of the impact on bats, the Ecological Impact Assessment concluded that Buildings 1-3 and 5-7 were considered to be negligible potential for roosting bats and therefore no further survey work was required. As the trees are to be retained on the site no further survey works were required. However, 2 large Multi Chamber Woodstone bat boxes will be erected onto mature trees within the site to provide additional roosting opportunities for bats.

8.50 It is therefore concluded that the development complies with Policy NE1 of the Fareham Local Plan 2037 and no protected species would be impacted by the proposed development.

i) Biodiversity Net Gain

8.51 In line with paragraph 175 of the NPPF the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 of the Local Plan 2037 concerns biodiversity net gain and states;

'The development of one or more dwelling or a new commercial/leisure building should provide at least 10% net gains for biodiversity from the existing baseline value of the site and should be maintained for a minimum of 30 years'

8.52 BNG has been calculated for the proposed development by the applicant's Ecologist using the biodiversity metric. In accordance with guidance provided by Natural England, in order to demonstrate a 10% BNG the metric should show separate gains for both habitat units and linear hedgerows. The submitted metric BNG plan indicates planting is proposed on site to contribute towards the BNG.

8.53 The Council's Ecologist has reviewed the BNG provision and is satisfied with the provision subject to a condition being imposed requiring details of how the BNG provision will be managed, monitored and funded for 30 years.

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

j) Impact on Habitat Sites

8.55 Policies 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.

8.56 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within the Solent which are of both national and international importance.

8.57 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).

8.58 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.

8.59 When considering the proposed development Officers consider there to be three main likely significant effects on HS – water quality, air quality and recreational disturbance.

8.60 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. 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 dwelling) will have a likely significant effect upon the HS.

- 8.61 A nitrogen budget has been calculated in accordance with Natural England's 'National Generic Nutrient Neutrality Methodology' (Feb 2022) ('the NE Advice') and revised calculator (26th January 2024) which confirms that the development will generate 2.39kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice.
- 8.62 Having regard to the previous use of the land, the existing use of the land for the purposes of the nitrogen budget is considered residential/urban land. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutral before it can grant planning permission.
- 8.63 The applicant has agreed to purchase 2.39kg 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 will result the use of a parcel of land at Whitewool Farm being taken out of agricultural use and creating a wetland habitat therefore reducing the amount of nitrogen entering The Solent marine environment.
- 8.64 The purchase of credits has the effect of allocating a proportion of this reduction in nitrates to this development, meaning the scheme can demonstrate nutrient neutrality. Should planning permission be granted, a planning condition would be imposed requiring the applicant to provide evidence of notice of purchase of the allocated credits to the Local Planning Authority prior to the commencement of development.
- 8.65 A further condition will be imposed to ensure the Building Regulations Optional Requirement of 110 litres of water per person per day is complied with, in order to accord with the nitrates loading calculation.
- 8.66 The second aspect is impact on air quality, where the designated sites can be adversely affected through airborne pollution from development sites generated either during construction or operation / occupation. The Council's Air Quality Habitat Regulations Assessment (HRA) for Short-Term Development in Fareham Borough by Ricardo Energy and Environment (2020) has undertaken an assessment which avoids the need for relying on the assumption of a 200-metre zone of influence by including dispersion modelling of emissions from all roads with modelled traffic flows within the Fareham study area, whether or not they are located within 200m of a designated site. The Study concluded no likely significant effect alone or in combination with other plans and projects for all qualifying features of the protected HS.

- 8.67 The third of the likely significant effect on HS concerns disturbance on The Solent coastline through increased recreational use by visitors to the sites. The applicant has made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP).
- 8.68 In addition, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in an increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The Council's Interim Mitigation Solution to address this likely significant effect was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has made the appropriate financial contribution.
- 8.69 The Council has carried out an Appropriate Assessment and concluded that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the Habitat Sites either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and the Council are currently awaiting their comments. Subject to no objections being raised, it is considered that the proposal will accord with Policies NE3 and NE4 of the Fareham Local Plan 2037.

k) Other Matters raised in objections

Loss of light

- 8.70 Rights to light are covered under separate legislation from the Town and Country Planning Act, and whilst consideration regarding loss of direct sunlight is a material consideration, rights to light is not something that can be considered as part of this planning application.

Noise

- 8.71 The construction of three dwellings is unlikely to result in a significant amount of noise and disturbance to the surrounding area. A planning condition will be imposed to limit the working hours for the duration of the construction period.

Lack of affordable housing

- 8.72 A development of this scale would not trigger the requirement for the provision of affordable housing.

Set a precedent for future development

- 8.73 Each application is determined on its own merits and any future development potential will not be considered as part of this application.

Summary

- 8.74 The proposed development is acceptable in design terms and would have regard to the character and appearance of Titchfield Abbey conservation Area. It would not significantly harm the integrity of the Meon Valley Strategic Gap and would not cause adverse harm to the Area of Special Landscape Quality and the proposed development recognises the intrinsic character and beauty of the countryside.
- 8.75 Due to the sufficient separation distance between the neighbouring residential occupiers, the proposed development would not have an unacceptable adverse impact on the amenities of the surrounding neighbouring occupiers. Furthermore, it would be acceptable in Ecological terms and would provide at least 10% net gain in biodiversity. It would also not result in a significant impact on highway safety and adequate car parking would be provided for each dwelling.
- 8.76 Notwithstanding the objections received, Officers considered 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 Subject to:

- i) The consideration of any comments received from Natural England in response to consultation on the Council's Appropriate Assessment;

GRANT PLANNING PERMISSION subject to the following conditions:

1. The development shall begin within 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 hereby permitted shall be constructed in accordance with the following documents:
 - a) Location Plan (Phase 2) 1221-110 Rev C
 - b) Existing Site Plan (Phase 2) 1221-111 Rev C
 - c) Proposed Site Plan- Detailed (Phase 2) 1121-114 Rev H

- d) Plot 3- Elevations 1221-333 Rev B
 - e) Plot 4- Elevations 1221-343 Rev A
 - f) Plot 5- Elevations 1221-353 Rev B
 - g) Plot 3- Ground Floor 1221-330 Rev B
 - h) Plot 3-First Floor 1221-331 Rev B
 - i) Plot 3- Second Floor 1221-332 Rev B
 - j) Plot 4- Ground Floor 1221-340 Rev B
 - k) Plot 4- First Floor 1221-341 Rev C
 - l) Plot 4- Second Floor 1221-342 Rev B
 - m) Plot 5- Ground Floor 1221-350 Rev C
 - n) Plot 5- First Floor 1221-351 Rev D
 - o) Plot 5- Second Floor 1225-352 Rev C
 - p) Street Scene 1221-300 Rev H
 - q) Planning Application Supporting Statement Rev 02-26th September 2023
- REASON: To avoid any doubt over what has been permitted.

3. No development in relation to each individual dwelling shall take place until details of the internal finished floor levels of that dwelling in relation to the existing and finished ground levels on the site has been submitted to and approved in writing by the Local Planning Authority. 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.

4. No development hereby permitted shall proceed beyond damp proof course (dpc) 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.

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 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.

6. No development shall proceed beyond damp-proof course (dpc) level until there has been submitted to and approved in writing by the local planning

authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before the dwellings are first occupied or in accordance with a timetable agreed in writing with the local planning authority and shall thereafter be retained at all times.

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.

7. No works shall take place (including demolition, site clearance and ground preparations) until a plan showing the location of a reptile receptor site has been submitted to and approved in writing by the Local Planning Authority in the event that reptiles are discovered during the works.

REASON: To ensure the protection and long-term viability of the reptile population on site, if present.

8. No works shall take place (including demolition, site clearance and ground preparations) until a Biodiversity Gain Plan in compliance with the submitted DEFRA Metric Calculation (December 2023), setting out the measures that will provide net gains for biodiversity of at least 10% has first been submitted to and approved by the local planning authority in writing. The submitted plan shall:

- a. Identify how a gain of at least 10% Biodiversity Net Gain can be achieved through a series of measures. The proposed habitat must be provided on-site in the first instance. If on-site provision cannot be achieved this must be evidenced before off-site measures are proposed. Off-site measures should be in reasonable proximity to the development;
- b. Demonstrate that the proposed habitat is on a 'like for like' basis and avoids the 'trading down' of habitat type i.e, replacing rare habitat with much more common habitat;
- c. Demonstrate that proposals have followed the 'mitigation hierarchy': avoiding habitat loss where possible; minimising the extent of negative impacts that can't be avoided; restoring degraded ecosystems where negative impacts can't be avoided or minimised; and as a last resort compensating for any residual negative impacts;
- d. Demonstrate that proposals maximise the connectivity of the proposed habitat with habitat in the wider area to avoid fragmented or isolated habitat;

- e. Confirm how the proposed measures to secure 10% Biodiversity Net Gain will be managed, maintained, monitored and funded for a minimum of 30-years.

The development shall be carried out in accordance with the approved details and the Biodiversity Net Gain measures shall be provided prior to the first occupation of the development hereby permitted. 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 for biodiversity.

9. No dwelling shall be occupied until the existing vehicular access has been widened/modified in accordance with the approved plans.

REASON: To provide satisfactory access in the interest of highway safety.

10. 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.

11. 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. 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.

12. 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.

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 The Avenue, A27/Southampton 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.

14. No development shall proceed beyond damp proof course (dpc) 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) Tidebank UK 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.

Informative Note:

The applicant is advised that the works on the public highway will require the approval of Hampshire County Council, as Highway Authority. The developer will need to enter into a Section 278 Agreement (Highways Act 1980) to carry out these works. More information is available on the county council's website. www.hants.gov.uk/transport/developers/section-278

THEN

9.2 **DELEGATE** authority to the Head of Development Management to:

- a) 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/23/1266/FP

Conifer Rise, The Avenue Fareham

