

P/14/0033/FP

PORTCHESTER EAST

CROSS STONE URBAN
REGENERATION

AGENT: SIMON COOPER
ASSOCIATES LIMITED

ERECTION OF 24 RESIDENTIAL DWELLINGS WITH ASSOCIATED WORKS, ACCESS,
PARKING, LANDSCAPING AND OPEN SPACE, FOLLOWING DEMOLITION OF
EXISTING BUILDINGS AND STRUCTURES (REVISED APPLICATION)

LAND AT WINDMILL GROVE PORTCHESTER PO16 9HT

Report By

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Introduction

This application was considered by Members of the Planning Committee at the meeting on 12th October this year.

The item was deferred so that further information could be obtained on how the issue of future coastal erosion would be managed. Further explanation of this issue is included in the below report under the heading "Public Open Space".

When deferring the application Members also requested that the proposed wording in respect of the legal agreement under section 106 of the Town & Country Planning Act 1990 be provided. The wording of the agreement is currently being finalised and details will be provided by way of an update to this report prior to the committee meeting taking place.

Site Description

The application site comprises a parcel of land approximately 0.8 hectares in size located on the southern side of Windmill Grove close to its western end junction with Wicor Mill Lane.

Two large disused industrial buildings dominate the site covering a large majority of its northern section. The buildings on the site have been used for a succession of industrial and warehouse distribution uses throughout their lifetime. The buildings are set back from the roadside of Windmill Grove with a large concrete hardsurfaced frontage. The concrete apron surrounds the two buildings extending within around 32 metres from the site's southern boundary. The southern edge of the concrete apron marks the extent of the urban settlement boundary. Between the concrete hard surface and the wire mesh fence delineating the southern boundary is an area of rough and overgrown grassland falling outside of the defined urban settlement area.

Beyond the southern boundary is an unmade footpath which links the Council owned land to the west (south of Cadour Drive) and the east (Harbour View Open Space), and beyond that the foreshore of Portsmouth Harbour. The harbour is part of a national and international designated site for nature conservation - the Portsmouth Harbour Special Protection Area (SPA), Ramsar and Site of Special Scientific Interest (SSSI).

Description of Proposal

Permission is sought for the demolition of the existing buildings and the construction of twenty-four dwellings (comprising six 2-bed bungalows, one 3-bed bungalow and seventeen 3-bed houses).

The proposed housing comprises a mixture of single storey scale dwellings to the northern part of the site and two storey houses within the site's middle section. An access road would be constructed into the site's northern edge from Windmill Grove providing vehicular and pedestrian access to the houses. Each dwelling would be provided with space to park two vehicles with a mixture of on-plot and off-plot allocated spaces proposed.

The land on which the houses would be constructed is proposed to be raised by approximately 1.2 - 1.6 metres. Sectional drawings have been provided showing the extent of the raising of the land starting in the northern part of the site where the new access road from Windmill Grove would be ramped and falling away again through the rear gardens of the southernmost properties.

The southern end of the site would be left as publicly accessible open space forming an area spanning the width of the site by approximately 25 metres from the rear gardens of the new houses to the existing route of the coastal footpath.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS11 - Development in Portchester, Stubbington and Hill Head

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

Approved SPG/SPD

RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

Development Sites and Policies

DSP2 - Environmental Impact

DSP3 - Impact on living conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

Relevant Planning History

The following planning history is relevant:

P/12/0460/OA CHANGE OF USE FROM INDUSTRIAL B2 USE TO C3 RESIDENTIAL USE, DEMOLITION OF EXISTING WORKSHOPS AND ERECTION OF 3 ONE-BED FLATS, 9 TWO-BED FLATS & 20 THREE-BED HOUSES WITH 51 PARKING SPACES.

WITHDRAWN

12/09/2012

Representations

This application was originally publicised and comments from third parties invited back in January 2014. Another consultation period was undertaken in 2015 following revisions to the proposed scheme. A number of representations were received in response raising various planning issues.

Because of the significant length of time taken in discussing further revisions to the proposal with the landowner it was not until March 2016 that another consultation exercise was carried out. At that point all persons who had previously commented on the application were invited to do so once again as well as letters being sent to all other addresses previously notified of the original proposal. A final re-consultation period was undertaken in September 2016.

In total, nineteen residents have commented on the application during these consultation periods with some residents commenting more than once. Many of the representations contain a mixture of positive and negative comments.

Positive comments have included:

- The derelict buildings are an eyesore and redevelopment is welcomed
- Revised scheme is far better than that proposed previously
- Good quality open space, landscaping, cycle and bin storage provision
- Will help the Council deliver its housing need

Negative comments have included:

- Concern over surface water drainage and excess run-off after heavy rainfall
- Concern over erosion of coastal footpath and need to protect the land with a sea wall
- Rather than raise the level of the land the developer should contribute to sea defences
- Houses on the raised land would appear out of character
- Concern over residents of new houses using open space as private land
- Impact of open space on Portsmouth Harbour nature conservation designations
- Assurances sought over on-site parking space being sufficient
- Site is not large enough for the size of the proposal
- Land is contaminated and not suitable for residential development or as open space
- Traffic congestion
- Consideration needs to be given to the active blast area from the MOD at Bedenham
- Additional pressure on local schools and doctors' surgeries
- Overlooking and loss of privacy

Consultations

The following summarises the consultation advice received in relation to the most recent revised proposals in March 2016 unless otherwise stated:

INTERNAL

Highways:

- Where a shared surface is to be provided this should be a 6m wide single surface incorporating a utility corridor.

Refuse & Recycling:

- The waste arrangements are acceptable from a collection point of view, although some of the plots appear to have a long way to pull their bins from their rear gardens. This will encourage bins to be left out all the time, leading to complaints of reduced visual amenity. An alternative solution of purpose-built bin stores constructed in the front gardens could be considered.

Ecology:

- Further information requested in respect to protected species (bats and reptiles) have now been satisfactorily provided.
- A contribution towards the Solent Recreational Mitigation Strategy (SRMS) is required and will address concerns over the 'in combination' contribution to increases in Solent-wide recreational pressure from development.
- Concerns over potential impacts that may be more specific to this development that are not captured by the SMRS mechanism. The anticipated reduction in pressure on use of the coastal footpath may not be quite so marked.
- Biodiversity enhancements in the form of a bat loft / bat access tiles, sensitive lighting and planting to enhance foraging.

Trees:

- No objection.

Contaminated Land:

- No objection subject to a condition that takes account of the need for a desk study investigation, intrusive site investigation and strategy of remedial measures along with implementation and validation of those measures / unexpected contamination.

Open Spaces Manager:

- No objection.

Environmental Health:

- March 2015 comments: No adverse comments in respect of this application providing the applicants carry out the recommendations specified by the noise consultants, 24 Acoustics, in their report dated 8th January 2014, relating to acoustic fencing, double glazing and acoustic trickle vents to the properties affected by noise from Portchester Engineering and the Pumping Station.

EXTERNAL

Natural England:

- No objection with conditions [no percussive piling or works with heavy machinery to be undertaken during the bird overwintering period - Oct to March inclusive]

Eastern Solent Coastal Partnership (ESCP):

- The flood mitigation proposed for the site includes raising site levels above the predicted extreme flood level for the year 2115 and demonstrates that access to the site will be

possible during an extreme flood event.

- At present there is no formal sea wall at this location and the coastal boundary is formed by a low ad-hoc natural bank with rubble on the foreshore. We understand that the ownership of the parcel of land across which a footpath runs on the seaward side of the boundary fence to this site is unclear and does not form part of the application site. There is a risk, however, that with future coastal erosion that the coast will roll back to the development boundary and could become a liability for the property owners. It is recommended that consideration is given as to how this might be managed in future to ensure that owners of the land are aware of their responsibilities.

- The River Hamble to Portchester Coastal Flood and Erosion Risk Management Strategy covers this section of Fareham Borough's coastline and recommends how to take forward potential schemes in the Fareham area. This has identified a need for a flood and coastal erosion risk management scheme for the local area to this site including Cadour Drive, Harbour View and Alton Grove in Portchester.

- This site could offer an opportunity to reduce future flood risk to both the proposed development and existing community by contributing to a community wide scheme to reduce flood and erosion risks. The wider scheme for this area is likely to include the construction of a sea wall revetment option with raised embankments or landscaping providing defence height. Any contributions could be financial or a possible commitment to work 'in-kind' by constructing part of the defence across the development site.

Environment Agency (EA):

- No objections to the proposed amendments; previous responses remain valid.
- Suggested conditions [finished floor levels/road levels; land contamination; no infiltration of surface water drainage into the ground; no piling or foundation designs using penetrative methods].

Southern Water:

- No objection.

Ministry of Defence (MoD):

- No objection.

Hampshire Constabulary:

- Comments made on lack of natural surveillance to rear of plots 10 - 19, footpath access from Wicor Mill Lane and need for appropriate level of lighting.

Planning Considerations - Key Issues

a) Principle of development

This site comprises previously developed land within the defined urban settlement boundary, with the exception of the rough grassland at its southern end. Support for the redevelopment and reuse of brownfield sites within the urban area for housing development is given through Policies CS2 & CS6 of the adopted Fareham Borough Core Strategy. The majority of the proposed development, including all of the proposed dwellings, falls within that part of the site which lies within the urban area and enjoys the support of those local plan policies.

The rear gardens of plots 10 - 19 would however encroach marginally outside of that boundary with the proposed public open space beyond it. Policy DSP6 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies sets out circumstances in which the use of land outside of the defined urban settlement boundary as residential garden would be permitted, namely where;

- i) It is in keeping with the character, scale and appearance of the surrounding area; and
- ii) It will not detract from the existing landscape;
- iii) It respects views into and out of the site.

Officers consider the proposal meets these three tests. The removal of the two large industrial buildings would enhance the appearance of the surrounding area and the spread of these rear gardens beyond the urban boundary would be a limited incursion into the open space in the southern part of the site. The majority of this rough grassland would remain open and undeveloped and the overall appearance of the landscape would not be harmed. Permitted development rights to construct outbuildings in these rear gardens could be removed by condition. This would enable the local planning authority to retain control over any such structures and prevent development which it feels would be harmful to the character and appearance of the area in the future. Views into the site would be enhanced and views from the site towards the harbour improved.

There are no in principle objections to the redevelopment of this site for housing purposes as proposed. Many of the responses received to the public consultation have expressed a wish to see the existing unsightly buildings demolished. There have also been numerous incidences of vandalism and anti-social behaviour at the site in recent years often requiring the involvement of the emergency services and the Council's Environmental Health team. The redevelopment of the site is therefore generally welcomed by most parties.

b) Design, scale and layout

The proposed twenty-four dwellings would be laid out in a J-shape configuration making good use of the available space on the site to provide the private garden space, parking and landscaped frontages. The overall density of the proposed development would be approximately 38 dwellings per hectare (dph) not including the area of public open space at the southern end of the site. This is considered to be an efficient use of the land available and a density of development in keeping with that of the surrounding area of Windmill Grove, Kilwich Way, Cadour Drive and other nearby streets which is typically found to be between 31 - 35 dph.

The layout has been carefully considered to ensure properties have good quality private landscaped frontages and allocated or on-plot parking spaces conveniently located. Bin storage and collection points have been revised to take account of the comments provided by Officers.

Rear garden areas to plots in the northern half of the site are considered acceptable. Some plots have gardens less than 11 metres in length; however where this is proposed this is compensated by the fact that the plots are wide and therefore provide sufficient private amenity space is provided for future residents.

Rear gardens to plots 10 - 19 in the southern half of the site back on to the proposed area of public open space. These gardens are all 8 metres long which is below the 11 metre garden length normally sought through this Council's adopted Design Guidance SPD.

Notwithstanding, these gardens lie adjacent to an area of open space and would benefit from views across the nearby harbour with a southerly aspect. Officers consider that this arrangement strikes an acceptable balance between providing useable private garden space and limiting the extent of the development further southwards outside of the defined urban boundary.

The application proposes to raise the site by between 1.2 - 1.6 metres on which the dwellings would be constructed. The implications of the raised site levels for mitigating flood risk are discussed later in this report. Officers do not consider that raising the level of the site would have a harmful visual impact on the surrounding area. The applicant's revised proposal includes housing with single storey height roof eaves in the northern section of the site (plots 1 - 4 & 22 - 24) where it would be most visible from Windmill Grove.

Towards the middle of the site the height of housing increases to two storey scale. This arrangement would ensure that the northern part of the site, which is arguably most sensitive to an increase in a rise in site level, would not appear at odds with the scale of development along Windmill Grove. The two storey houses would not be excessively tall so as to appear out of keeping with the general pattern of housing development in the surrounding area.

c) Parking provision

The proposal provides two allocated parking spaces per dwelling either on plot or, in the majority of other cases, conveniently located nearby. This is sufficient space to meet the required standards set out in the Council's adopted Residential Car & Cycle Parking Standards SPD.

In addition to these allocated spaces two visitor parking bays are proposed at the end of the J-shaped cul-de-sac. However, following discussions with Officers, the applicant has proposed using a 'shared surface' throughout the development with a width of 6 metres for use by vehicles, cycles and pedestrians. This allows for sections of the street to be used for on-street parking by several additional vehicles without any obstruction to the movement of traffic through the development. The designated visitor parking bays and on-street spaces should be sufficient to cater for the demand generated by visitors to the new houses.

d) Public open space

The land at the southern most part of the site is to be turned to an area of public open space. It is not intended for this area to be adopted by Fareham Borough Council and will instead be retained in private ownership. Details of the body responsible for the ongoing management of the public open space and its maintenance will be the subject of a section 106 legal agreement between the applicant and the Council. The section 106 agreement will also require access by members of the public to be maintained in perpetuity. It is suggested in the Officer recommendation below that, were Members minded to grant planning permission, details of how the public open space would be landscaped could be secured through the imposition of a condition requiring a landscaping scheme covering not only this area but the rest of the site also. Similarly, the suggested condition relating to site investigations and remedial measures to address suspected land contamination would apply to this area of public open space.

The public open space would abut the site's southern boundary close to, but not immediately adjacent, the harbour foreshore. The issue of coastal erosion has been identified through the consultation response received from the Eastern Solent Coastal

Partnership (ESCP), the combined coastal management service for Fareham, Gosport, Havant and Portsmouth councils. Their comments explain that, "At present there is no formal sea wall at this location and the coastal boundary is formed by a low ad-hoc natural bank with rubble on the foreshore. We understand that the ownership of the parcel of land across which a footpath runs on the seaward side of the boundary fence to this site is unclear and does not form part of the application site. There is a risk, however, that with future coastal erosion that the coast will roll back to the development boundary and could become a liability for the property owners. It is recommended that consideration is given as to how this might be managed in future to ensure that owners of the land are aware of their responsibilities".

At the Planning Committee meeting on 12th October this year Members expressed some concern that the proposal did not include any measures to tackle the erosion risk highlighted above. Officers have discussed in further detail the extent of the erosion risk in this particular area with colleagues from the ESCP. The available data indicates that average erosion rates in the harbour are around 100mm per year. Data more specific to the area around the application site suggests that over the past ten years the erosion that has occurred has varied from nothing in some parts to 2.5 metres of erosion in others.

The shore to the immediate south of the southern red edge of the application site has visibly eroded during the near three year period in which this planning application has been considered to date. Whilst it is not possible to estimate with any certainty the erosion rate in the future and how quickly the coastline will recede so that it abuts the application site and begins to erode the proposed public open space, the distance between the shoreline and the nearest proposed houses is considered significant enough to mean that there is no immediate risk to those properties. The distance from the southern boundary of the application site to the rear boundaries of Plots 10 - 19 is shown on the submitted site layout plan to be between 24 - 26 metres, the houses themselves being between 32 - 34 metres into the site.

Notwithstanding, the applicant has agreed to a financial contribution of £25,000 towards coastal management measures to be secured through the section 106 agreement. In addition the section 106 agreement would also require details of how the footpath through the public open space would periodically be re-routed further inland to maintain the link through the site by members of the public from east to west. The precise wording of this legal agreement will be provided to Members by way of an update to this report prior to the committee meeting taking place.

e) Flood risk

Policy CS15 of the adopted Fareham Borough Core Strategy seeks to avoid unacceptable levels of flood risk in new development. Expert advice has been sought on the proposed development from the Environment Agency and the ESCP on the issue of flood risk.

The Environment Agency have commented several times on this application following various revisions. Most recently Officers from the agency have confirmed that the advice previously given on flood risk still stands and their position has not changed. In 2012 the agency's commented on the earlier application (ref P/12/0460/OA) by saying that:

"Although the site is currently located in Flood Zone 2, when the effects of climate change and sea level rise are considered the whole of the site will move into Flood Zone 3 by the year 2055. Without any form of mitigation the development would therefore be at a high

probability of flooding over its lifetime (100 years).

"To mitigate the future increase in risk the FRA [flood risk assessment provided by the applicant] proposes that all residential finished floor levels [FFL's] be set no lower than 4.6m AOD [above Ordnance Datum], this would provide a freeboard of 300mm above the 1 in 200 year, 2115 tide level (4.3mAOD). The proposed FFL's will also be above the 2115, 1 in 1000 year tide level (4.5mAOD) which is considered necessary to demonstrate the availability of safe refuge. Providing internal road access at 4.3mAOD is likely to allow for the movement of people within the site under the design flood conditions".

In line with that advice and the submitted FRA, which was further revised in 2014, finished floor levels to all the proposed dwellings are now proposed at 4.6mAOD as required and the road consistently above 4.3mAOD adjacent the houses. The agency have stated no objection to the proposal subject to a condition requiring those finished floor and internal road levels be achieved along with a number of other conditions relating to avoiding groundwater contamination.

The consultation response from the ESCP agrees with this assessment by stating "The flood mitigation proposed for the site includes raising site levels above the predicted extreme flood level for the year 2115 and demonstrates that access to the site will be possible during an extreme flood event."

The applicant's proposed approach to addressing flood risk at the site is therefore considered to be satisfactory. Notwithstanding, this approach has been objected to by a number of local residents concerned over the implications.

Some residents worry that raising the site level will place surrounding land at greater risk of flooding in the future. However because the risk of flooding in this area is from the sea (tidal) as opposed to rivers (fluvial) there would be no effect. Officers have asked the Environment Agency to comment on this particular concern and they have responded to explain that "raised site levels should not increase the risk of tidal flooding in the nearby area. Land raising in the tidal flood plain is not an issue, we do not normally require compensation in coastal locations as the volume of flood plain displaced by the development will be transferred to the sea".

Several homeowners have queried how surface water run-off from the site might affect their properties. Whilst details of surface water drainage have not been provided by the applicant these would be secured through a planning condition. Doing so would ensure that the proposal complies with Policy DSP2 of the adopted Fareham Borough Local Plan Part 2 which expects development to provide for the satisfactory disposal of surface and waste water.

Many of the objections received have expressed a wish to see the applicant fund the construction of a sea defence wall instead of raising the levels of the site. Doing so could potentially assist in addressing the flood and erosion risk along this area of coast the benefits of which would extend to existing houses in the neighbourhood as well as those on the application site should necessary funding also be secured for a wider scheme. The comments received from the ESCP stress that because of the wider benefit this would be a preferable approach:

"This site could offer an opportunity to reduce flood risk in the future to both the proposed development and existing community by contributing to a community wide scheme to

reduce flood and erosion risks. The wider scheme for this area is likely to include the construction of a sea wall revetment option with raised embankments or landscaping providing defence height. Any contributions could be financial or a possible commitment to work 'in-kind' by constructing part of the defence across the development site."

Despite the fact that the applicant has proposed a satisfactory means of addressing flood risk on the application site, given the strength of feeling about this issue Officers have discussed with colleagues from the ESCP the practical implications of adopting the more strategic approach of building a sea defence wall instead of raising the land levels.

This alternative approach would require the developer to construct a sea defence wall directly southwards of the application site. The cost of constructing such a wall is unknown.

However, this in itself would not provide any real means of flood defence in the long term since flood waters would simply outflank it, although it would provide erosion risk protection.

In addition there would need to be sea defences constructed along the coast to the west and east of this location.

The ESCP have undertaken detailed feasibility work with regards constructing and improving sea defences along the whole of the stretch of coastline from Alton Grove (to the east of the application site) to Cador Drive (to the west where the existing sea wall is in need of ongoing maintenance). This is because to address flood risk in the longer term the entire frontage would need to be protected to avoid outflanking of individual sections of defences given that flood risk is predicted to increase over time as sea levels rise. They estimate the cost of the works identified in the feasibility study would be in the region of £3million and because of the limited risk at present to properties in this area it would not receive grant funding from central government. This would entail contributions from other funding sources of around £2.5 million. Whilst not all of this stretch of coast would need to be defended by a sea wall in order to mitigate the flood risk on the application site a significant portion would still need to be constructed incurring substantial expense. With that in mind, even if the applicant was so minded, there would not be sufficient surplus funds from the site's redevelopment to facilitate the construction of sea defences instead of raising the land on the application site.

Notwithstanding the work done by Officers and the ESCP in exploring alternative flood risk mitigation, the applicant's proposal remains to raise the level of the site. The Council is therefore obliged to determine this current application as submitted and in that respect the flood risk mitigation offered is considered acceptable and to accord with Policy CS15 of the adopted Core Strategy. It would not be reasonable for the Council to withhold granting planning permission to try and impose a preference for an alternative scheme on the site. Neither would it be possible to require the applicant to make a financial contribution towards a scheme of flood defences given that a suitable solution to mitigate flood risk is already proposed. Paragraph 004 of the government's Planning Practice Guidance section on planning obligations advises that "Planning obligations should not be sought where they are clearly not necessary to make the development acceptable in planning terms".

f) Ecology

The applicant has provided updated ecology surveys specifically in regards to bats and reptiles which are considered satisfactory to demonstrate that there would be no harm to protected species or their habitat in this regard. There would be no damage or destruction of biodiversity interests within the Portsmouth Harbour SSSI

The applicant has agreed to a planning obligation secured through a section 106 agreement requiring a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS) in order to offset the 'in combination' effects of the dwellings creating increased recreational pressure on the Portsmouth Harbour SPA (a European designated site). The location of the development is also likely to create specific pressure, as opposed to 'in combination' effects, on the SPA by virtue of the link provided by the public open space from the new houses to the foreshore. This carries with it the risk that dog-walkers and other recreational visitors to the shore would disturb over-wintering birds that are known to use this area in significant numbers. Notwithstanding, the proposed southern boundary fence as referred to in paragraph d) above would act as a means of preventing direct access on to the foreshore from the public open space whilst the rerouted footpath would direct visitors inland instead of onto the beach. On that basis it is unlikely there would be a significant effect on any European designated site.

g) Affordable housing provision

Following a court of appeal decision in May this year (West Berks DC/Reading DC v SoS CLG), the government reissued advice regarding the so called 'vacant building credit' (Planning Practice Guidance, para 021 on Planning Obligations). The advice is an important material planning consideration to be taken into account. It states that:

"National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."

In this instance the gross floorspace of the proposed housing is 2,099 square metres, this is less than the existing buildings already on the site which have a combined floorspace of 3,457 square metres. Taking into account the above advice from government on the vacant building credit, the development would not be liable for any affordable housing contribution either in the form of on-site units or an off-site financial contribution since there would be no overall increase in floorspace.

Conclusion

The existing buildings on the site are unsightly and are known to be the subject of ongoing complaints of vandalism and anti-social behaviour. The area of the site to be developed lies in the main within the urban area where the principle of redevelopment of so called brownfield land for housing purposes is supported by local and national planning policy. The incursion of the rear gardens of some plots beyond the urban boundary would not harm the character or appearance of the countryside or coastline.

Officers consider the proposed design, layout and arrangements for car parking, bin and cycle storage to be acceptable. There is a satisfactory proposal to mitigate the risk of flooding to the development and the proposal has been assessed in light of the information provided on ecology matters to the satisfaction of Officers.

The proposal is considered acceptable having regard to Policies CS2, CS4, CS5, CS6, CS11, CS15 & CS17 of the adopted Fareham Borough Core Strategy and Policies DSP2, DSP3, DSP13 & DSP15 of the adopted Fareham Borough Local Plan Part 2.

Recommendation

Subject to the applicant / owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- a) A financial contribution towards the Solent Recreational Mitigation Project (SRMP);
- b) A financial contribution of £25,000 towards coastal management measures;
- b) Submission of a Public Open Space Management Plan (precise wording to be provided in an update to this report);

PERMISSION subject to the following conditions:

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

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

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

- a) 18-1946-102 - Site location plan
- b) 16-2037-001 - Planning Layout Rev G
- c) 16-2037-003 - Storey Heights Rev B
- d) 16-2037-004 - External Enclosures Layout Rev D
- e) 16-2037-005 - External Finishes Layout Rev B
- f) 16-2037-007 - Bin & Cycle Strategy Rev B
- g) 16-2037-009 - Enclosure Details Rev C
- h) 16-2037-008 - Hard Surfacing Layout Rev B
- i) 16-2037 - All House Types Rev E
- j) 16-2037-010 - Site Sections Rev B
- k) Noise Impact Assessment - 24 Acoustics January 2014
- l) Arboricultural Impact Assessment and Method Statement - ACD Arboriculture January 2014
- m) Reptile Letter Report - WYG July 2016

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

3. No development shall take place above damp proof course (dpc) level until details of the external materials and hard surfaced external areas to be used in the development have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with those details unless otherwise agreed in writing by the local planning authority.

REASON: To ensure a high quality design and appearance to the development.

4. No development shall take place, with the exception of demolition of the existing buildings, until a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained together with the species, planting sizes, planting distances, density, numbers and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed, has been submitted to and approved by the local planning authority in writing.

REASON: In order to secure the satisfactory appearance of the development.

5. The landscaping scheme, submitted under Condition 4 above, shall be implemented 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. Unless otherwise first agreed in writing, 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.

6. No development shall take place above damp proof course (dpc) level until details of external lighting to be installed have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with those details unless otherwise agreed in writing by the local planning authority.

REASON: In order to secure the satisfactory appearance of the development; to protect the living conditions of residents.

7. No development shall take place, with the exception of demolition of the existing buildings, until details of the internal finished floor levels and external finished ground levels have been submitted to and approved by the local planning authority in writing. The details shall show that the finished floor levels of the residential units will be set no lower than 4.6 metres above Ordnance Datum (AOD) and the levels of the internal access roads set no lower than 4.3 mAOD. The development shall be carried out in accordance with those details.

REASON: To ensure appropriate flood risk mitigation to this development.

8. No development shall take place above damp proof course (dpc) level until the following details have been submitted to and approved by the local planning authority in writing:

- a) Details of the design and appearance, including materials to be used in the construction, of the screened bin stores to Plots 11, 14, 15 & 18;
- b) Details of the design and appearance, including materials to be used in the construction, of the cycle store shed for all plots.

The development shall be carried out in accordance with those details unless otherwise agreed in writing by the local planning authority.

REASON: In order to secure the satisfactory appearance of the development.

9. No development shall take place, with the exception of demolition of the existing buildings, until details have been submitted to and approved by the local planning authority in writing in relation to boundary treatment to be erected along or close to the western site boundary adjacent to nos. 76, 78 88 & 90 Wicor Mill Lane in order to protect the privacy of the occupants of those properties following the rise in site levels. The development shall be carried out in accordance with those details unless otherwise agreed in writing by the local planning authority. The approved boundary treatment shall thereafter be retained at all times unless otherwise agreed in writing by the local planning authority.

REASON: To protect the privacy of the occupants of neighbouring properties.

10. No development shall take place, with the exception of demolition of the existing buildings, until a scheme of sound attenuation measures to be incorporated into the dwellings on Plots 3, 4, 7, 8, 9, 20, 21, 22, 23 & 24 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with those details unless otherwise agreed in writing by the local planning authority.

REASON: To protect the living conditions of occupants of the new dwellings.

11. No development shall take place, with the exception of demolition of the existing buildings, until a surface and waste water drainage plan has been submitted to and approved by the local planning authority in writing. The surface and waste water drainage plan shall not propose any infiltration of surface water into the ground unless it can be demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To ensure adequate provision is made for the satisfactory disposal of surface and waste water; to prevent mobilisation of contaminants which may be present which could cause pollution of groundwater.

12. No development shall take place, with the exception of demolition of the existing buildings, until details of those retaining walls the position of which is shown on the approved site plan 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 in writing by the local planning authority.

REASON: In order to secure the satisfactory appearance of the development; to ensure the adequate provision of private garden space.

13. No development shall take place, with the exception of demolition of the existing buildings, until:

a) A desk top study and site walkover of the whole site (including the area of the proposed public open space), which investigates the former uses of the site and adjacent land and their potential for contamination, with information on the environmental setting including known geology and hydrogeology, has been submitted to and approved in writing by the local planning authority. This report should develop a conceptual model and identify potential contaminant-pathway-receptor linkages.

b) Should the above study reveal a potential for contamination, an intrusive site investigation and assessment of the risks posed to human health, the building fabric and the wider environment including water resources shall be submitted to and approved by the local planning authority.

c) Where the site investigation and risk assessment reveals a risk to receptors, a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use shall be submitted to and approved by the local planning authority in writing. The scheme shall also include the nomination of a competent person to oversee the implementation of the measures.

The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To ensure that any contamination of the site is properly taken into account.

14. No development shall take place, with the exception of demolition of the existing buildings, until a scheme of biodiversity enhancements has been submitted to and approved by the local planning authority in writing. The scheme shall include details of the incorporation of bat loft/access tiles into the development and the specification of sensitive external lighting. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the local planning authority.

REASON: To enhance biodiversity.

15. No development shall take place, with the exception of demolition of the existing buildings, until a Construction Traffic Management Plan has been submitted to and

approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details.

REASON: In the interests of highway safety.

16. No development shall take place, with the exception of demolition of the existing buildings, until a Site Setup Plan has been submitted to and approved in writing by the local planning authority. The Site Setup Plan should include the following:

- a) Details of how provision is to be made for the parking of operatives vehicles;
- b) Details of areas to be used on site for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development;
- c) Details of measures to be taken to prevent spoil and mud from being deposited on the public highway by vehicles leaving the site during the construction works.

The development shall be carried out in accordance with the approved details and the areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site (other than construction of the site access) and shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.

REASON: In the interests of highway safety and to ensure that the living conditions of the occupiers of nearby residential properties are protected during the construction period.

17. Before any of the dwellings hereby permitted are first occupied, confirmation that the remedial works required and approved pursuant to condition 13 above have been carried out in accordance with the agreed remedial strategy shall be provided in a report by an independent competent person which shall be submitted to and approved by the local planning authority in writing.

REASON: To ensure that any contamination of the site has been properly remediated as agreed.

18. Before any of the dwellings hereby permitted are first occupied the parking spaces shown on the approved site plan (16-2037-001 - Planning Layout Rev G) shall, with the exception of those spaces marked with a 'V' on that plan, be provided for use by the occupants of their respective plots as identified on that plan and shall each thereafter be retained for use solely by the occupants of those respective plots at all times unless otherwise agreed in writing by the local planning authority.

REASON: To ensure adequate parking provision.

19. Before any of the dwellings hereby permitted are first occupied the visitor parking spaces marked with a 'V' on the approved site plan (16-2037-001 - Planning Layout Rev G) shall be made available for use and retained thereafter at all times.

REASON: To ensure adequate parking provision.

20. The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the local planning authority. Any unsuspected contamination shall be investigated to assess the risks to human health and the wider environment and a remediation scheme shall be submitted to and approved by the local planning authority in writing. The approved scheme of remedial works shall be fully implemented before any of the dwellings hereby permitted are first occupied. On completion of the remedial works and prior to the occupation of any properties on the development, confirmation that the works have been completed in full and in accordance with the approved scheme shall be submitted to and approved by the local planning authority in writing.

REASON: To ensure that, if found, any unsuspected contamination of the site is taken into

account and properly remediated.

21. The development shall be carried out in accordance with the recommendations and mitigation measures set out within the approved Reptile Letter Report - WYG July 2016 unless otherwise agreed in writing by the local planning authority.

REASON: To provide appropriate mitigation measures for reptiles.

22. No percussive piling or construction works with heavy machinery (i.e. plant resulting in a noise level in excess of 69bdAmax - measured at the sensitive receptors) shall be undertaken during the bird overwintering period (i.e. October to March inclusive).

REASON: To avoid disturbance of overwintering birds.

23. No piling or construction of foundation designs using penetrative methods shall be carried out as part of the development hereby permitted unless otherwise agreed in writing by the local planning authority.

REASON: To prevent mobilisation of contaminants which may be present which could cause pollution of groundwater.

24. No work 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 public holidays, unless otherwise first agreed in writing with the local planning authority.

REASON: To protect the living conditions of neighbours.

25. Notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (or any subsequent Order revoking and re-enacting that Order), no porches extensions to any of the dwellings hereby permitted shall be constructed, no enlargements of or additions to the roofs of the dwellings shall be constructed, and no outbuildings or additional areas of hard standing within the curtilage of the dwelling shall be constructed unless first agreed in writing by the local planning authority following the submission of a planning application.

REASON: To ensure that any contamination of the site is properly taken into account before any further development is carried out; in the interests of the character and appearance of the area; to ensure the retention of adequate sized private gardens to meet the needs of residents.

26. The first floor windows to be inserted into the north side elevations of Plots 3, 21 & 23 and south side elevations of Plots 4, 20 & 22 shall be glazed with obscure glass and be 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 protect the privacy of neighbours.

Notes for Information

The applicant is advised to contact Southern Water concerning making a formal application to connect to the public sewerage system.

Background Papers

P/14/0033/FP

FAREHAM

BOROUGH COUNCIL



LANDAT WINDMILL GROVE
Scale 1:1,250



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