

P/17/0920/FP

RADIAN GROUP

PORTCHESTER EAST

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RESIDENTIAL DEVELOPMENT OF 49 DWELLINGS, AND PROVISION OF OPEN SPACE AND HABITAT LAND, ACCESS OFF MORAUNT DRIVE.

(MANAGEMENT STATEMENT AND REVISED MANAGEMENT PLAN)

LAND TO THE WEST OF SEAFIELD ROAD & MORAUNT DRIVE; SOUTH OF TATTERSHALL CRESCENT PORTCHESTER FAREHAM HAMPSHIRE

Report By

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Introduction

The Council's position on 5-year housing land supply was challenged by way of planning appeal at a site in Cranleigh Road Portchester (Ref: APP/A1720/W/16/3156344) in April last year with the appeal decision issued in August.

In deciding that planning appeal the Inspector concluded that the Council's housing requirements should be based upon Objectively Assessed Housing Need, not the housing requirements set out in Local Plan Parts 1 and 2. On this basis the Inspector concluded that the Council's housing land supply position was little more than 2 years.

The most significant implication of the Council's current position on 5YHLS is that the approach that the Council must take in determining applications for residential development will have to be altered until the Council can robustly demonstrate that it has a 5YHLS. The approach which will need to be undertaken was set out in detail in the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position' presented to the Planning Committee on the 15th November 2017. An update of the Council's 5-year housing land supply position is to be presented to the Planning Committee on the same agenda as this current application.

This report sets out all the relevant planning policies and considerations and applies the planning balance (often referred to as the 'tilted balance') as required by National Planning Policy Framework and established planning case law.

SITE DESCRIPTION

The site is situated to the west of Seafield Road and Moraunt Drive and south of Tattershall Crescent Portchester and lies outside of but adjoining the urban settlement boundary of Portchester as defined within the Local Plan Part 2.

The site consists of two areas of land dissected by the public footpath, Wicor Path (Fareham Footpath 111a) which runs east-west through the site and forms part of a key route from Portchester Castle to Cams Hall Mill.

The site measures approximately 3.62 hectares. Residential dwellings in Seafield Road, Moraunt Drive, Albion Close, Audret Close and Cadour Drive are located to the east of the site. Residential dwellings are located to the north in Tattershall Crescent and to the north west in Sissinghurst Road. Three properties are adjacent to the western boundary of the site as well as woodland and paddocks. The shoreline of The Solent is situated to the south. To the south of the site lies the coastline to Portsmouth Harbour (which is designated as SSSI/Ramsar/SPA).

Part of the area to the south of Wicor Path lies within Flood Zones 2 and 3. The majority of the land lies within Flood Zone 1.

Previously, much of the site had been covered by self-seeded trees and bushes, with part of the site adjoining the southern end of Seafield Road used as allotments.

There is an active badger sett on the site.

DESCRIPTION OF PROPOSAL

Full planning permission is sought for the residential development of 49 dwellings and provision of open space and habitat land. The dwellings would be confined to the northern part of the site above Wicor Path. An area of public open space, biodiversity and habitat land would be provided on the southern part of the site.

The means of access would be from Moraunt Drive.

The 2 storey dwellings would comprise 14 no 4-bedroom, 27 no 3 bedroom, and 8 no 2 bedroom. 45% of the units (22) would be affordable housing.

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
- CS14 - Development Outside Settlements
- CS15 - Sustainable Development and Climate Change
- CS17 - High Quality Design
- CS18 - Provision of Affordable Housing
- CS20 - Infrastructure and Development Contributions
- CS21 - Protection and Provision of Open Space

Development Sites and Policies

- DSP1 - Sustainable Development
- DSP2 - Environmental Impact
- DSP3 - Impact on living conditions
- DSP6 - New residential development outside of the defined urban settlement boundaries
- DSP13 - Nature Conservation
- DSP 14 - Supporting Sites for Brent Geese and Waders
- DSP15 - Recreational Disturbance on the Solent Special Protection Areas
- DSP40 - Housing Allocations

Fareham Borough Design Guidance Supplementary Planning Document (Excluding Welborne) 2015

Planning Obligation SPD for the Borough of Fareham (excluding Welborne) (April 2016)

Residential Car and Cycle Parking Standards SPD 2009

RELEVANT PLANNING HISTORY

P/95/1143/OA Residential development and access, relocation of allotments and public open space Refused 15 February 1996.

REPRESENTATIONS

Two hundred and sixty representations have been received. Two hundred and twenty nine of these raise objection, thirty one support. Of these, thirty persons have commented more than once (some of these several times) Twenty of the representations (which include eight letters of objection and twelve letters of support) have provided incomplete or no postal address.

Too many houses being built in Fareham
Greenfield site and should be protected from development
Designated countryside and open space in Local Plan
No need for additional open space
Loss of allotments - should be retained/returned to this for local community
Harmful impact on character of the area - rambling trail will disappear
Affordable housing not geared towards couples or single people
Housing requirement should be met by Welborne
Rights of Way over the site
Inadequate pedestrian linkages
Design of dwellings bland and unsympathetic
Two storey properties inappropriate in an area of largely bungalows
No objection - but would request brick wall on boundary
Concerned about a possible alleyway at the end of garden
Overlooking
Invasion of privacy
Should be a 3.5m high restriction on planting to prevent loss of light adj to Sissinghurst Road
Loss of light to adjacent bungalows
Noise disturbance from vehicles for elderly residents
Increase in noise, air and light pollution
Loss of green space having a detrimental impact on the mental health of children
Why no solar panels, wind turbine
Highway safety concerns so close to Wicor School
Narrow roads unsuitable for additional traffic
Parking problems, restricting emergency vehicle access
Scheme appears overly dense with insufficient car parking
Single point of access unsuitable, should include access to Tattershall Crescent
Environmental Vandalism
Impact on active Badgers Sett
Fencing erected harmful to local wildlife
Impact on Slow Worms on the site
Protected species on the site
Impact on SSSI/Ancient Woodland
Impact on ancient hedgerow
Require larger buffer between footpath and houses
Loss of trees on the site
Works undertaken have had a detrimental impact on the ecology of the site
Wildlife do not need landscaped area
Concern over submitted ecological information
Safety/hazard of ponds
Mitigation unworkable
Concern over management of the open space
Strain on local services - schools, medical and dental surgeries

Drainage capacity concerns
Impact on natural flood plain

Support:

Support provision of affordable housing in the area
Would provide new housing and open space for the people of Portchester
Housing much needed in the Borough
Support provision of small first homes being built
Good access to local amenities and facilities
Ready access to the recreational open spaces along the harbour
Half the site to be created as designated open space
Should have a great mix of houses
Trees and planting incorporated into scheme
Land not recreation land - waste land should be built on
Wildlife will not disappear - will return after development
Would support a new boundary wall to replace inadequate wire fence
Should have conditions regarding working hours and no burning on site

The representations which provided incomplete or no postal addresses raised the following points:

Object

Increased traffic and parking concern
Noise pollution
Lack of infrastructure, schools, doctors
Ecological impact

Support

Need affordable homes for young people
Need multi age community
Area is rather unpleasant, overgrown wasteland with no unique flora and fauna, rats nuisance
Land is not recreational; The land is an eyesore, private land and provides no open space benefit
Wildlife will not disappear

CONSULTATIONS

EXTERNAL

Hampshire County Council (Archaeology) - The response largely endorses the archaeology submitted information and recommends archaeological conditions to cover an initial archaeological survey, known as an evaluation, and the mitigation of archaeological remains encountered by that survey. Advises that the first stage of the evaluation should be a geophysical survey as well as trial trenching.

Hampshire County Council (Lead Flood Authority) - Following the receipt of updated information, the LFA are satisfied that the general principles for the surface water drainage proposals are acceptable subject to planning condition.

Transport Planner - It is considered that the surrounding road network is adequate to serve this scale of development. The Transport Planner initially provided observations about

various aspects of the layout of the proposal including on-street parking, remoteness of some of the parking provisions, distribution of visitor parking spaces, turning spaces and clarification of turning space for refuse vehicles.

Revised plans have altered the layout. The Transport Planner is satisfied that these have overcome his original concerns and raises no highway objection subject to conditions that nothing over a height of 0.6m is to be placed in 2m by 25m visibility splays at private accesses and that the roads etc. will need to be constructed to adoptable standards.

Hampshire County Council - Education - The development comprising of 49 dwellings of 2 beds or more would be expected to yield 15 primary age pupils based on a yield of 0.3 pupils per dwelling. The development area lies within the catchment area of Wicor Primary School. This school is full as are others in the area. This development coupled with others in the area will lead to a demand in excess of half a form of entry (105 places) and as such a contribution from this development is required to provide additional educational infrastructure at Wicor Primary School. The wording on the S106 should state about investment in infrastructure at the schools so flexibility will exist in being able to respond to the most appropriate accommodation need.

For clarity, the following is listed:

Additional education infrastructure could consist of the following accommodation depending on what is identified in detailed discussions with the school.

- Classrooms
- Additional toilets
- Specialist teaching space could be required such as music/drama
- Small group rooms for teaching
- Plant and server rooms
- Circulation space
- Additional external provision for had play, access paths etc.
- Additional landscaping
- Additional car parking

In addition a contribution should be made to enable HCC to work with Wicor Primary School on a school travel plan.

Natural England - No objection subject to appropriate mitigation being secured. This application is within 5.6km of the Portsmouth Harbour Special Protection Area (SPA) and will lead to a net increase in residential accommodation. Natural England is aware that Fareham Borough Council has adopted a planning policy to mitigate against adverse effects from recreational disturbance on the Solent SPA sites, as agreed by the Solent Recreation Mitigation Partnership (SRMP). Natural England advise that an appropriate planning condition or obligation is attached to any planning permission to secure this measure.

Natural England supports the aspiration for an area of public open space and a wildlife mitigation area to the south of the development. Provided that the local authority is satisfied with the proposals for the long term management of the site, Natural England has no concerns with the application.

Natural England advise that appropriate 'step-in' rights for Fareham BC to take over the management of the wildlife area should it be required are secured with any planning permission, and there is continued involvement by specialist ecologists. Natural England recommends that this application is supported by a Biodiversity Mitigation and Enhancement Plan (BMEP), or equivalent, that has been agreed by a Hampshire County Council (HCC) Ecologist. They also advise that an appropriate planning condition or

obligation is attached to any planning permission to secure the full implementation of the plan.

Southern Water Services - No objection subject to condition and informative.

Hampshire County Council - Countryside Access Development Officer - Originally raised an objection over the lack of a green buffer on the northern side of the Wicor path route. This has subsequently been amended.

The introduction of housing will significantly increase footfall along and across the right of way. Request that the path is tarmacked which would need to be via a S278 agreement with HCC Highways. Also raised that the development will increase recreational pressure upon the Wicor SINC and requested a contribution towards this site in connection with a tree survey and initial safety works, an annual tree works contribution and contribution towards increased maintenance. In the event these requests are not met, they object to the proposal due to an adverse impact on the right of the way and the HCC Countryside Site.

If the proposal is granted permission, they would expect the right of way to be kept open throughout the construction period. If there is likely to be an effect on the right of way in terms of dust, noise or other obstruction during the period of the works, they suggest that a Health and Safety Risk Assessment be carried out, and if there is deemed to be a risk to users of the right of way, the applicant should contact the County Council directly to discuss the Temporary Closure of the route for the duration of the works.

Further comments have been received to confirm that the Countryside Access Development Officer is satisfied with the layout of the path/plan and that a gravel surface could work. With regard to their request for a tree works contribution, they have clarified that the concern is not only to do with overhang, but with the height of the trees. Should they fall, they would currently land in green space where they would cause minimal damage. Once development has gone into this site, there is the potential to cause damage to static structures, gardens or parked cars. As such, the trees will have to be assessed and subsequently managed differently, at a cost to The County Council. Should permission be granted for this application, they request informatives are provided.

INTERNAL

Trees - No objection provided that the recommendations in the submitted reports are followed and that construction methods, as detailed within the arboricultural method statement, are followed when working near retained trees. The Tree officer also agrees with the findings of the further information submitted by the applicant in response to third party representations regarding the impact of the development on a potential ancient hedge and trees on the western boundary.

Refuse and waste - If the refuse vehicle is to go round the road loop, the Transport Planner must agree sweep plans, and bins will be emptied from outside each property. Otherwise, bin collection points will be required, and must be shown on the plan. Bin collection points will be required for plots 4 - 10. Any shared bin stores for flats must be easily accessible. The Transport Planner has agreed the sweep paths.

The Head of Housing is satisfied with the submitted details in respect of affordable housing and raises no objection.

Environmental Health (Pollution) - No objection

Environmental Health (Contamination) - In agreement with findings of report Geoenvironmental site assessment, 28721 R01 (00), NOVEMBER 2016 but recommended that a further round of gas monitoring be undertaken. Following on from this, a supplementary report was provided and the officer is satisfied that the land is suitable for its intended use.

Ecology - The Ecology Officer initially commented on the submitted information and recommended that the outstanding information (bat assessment and dormouse assessment) be submitted prior to further consideration of the application.

Habitats

The majority of the site supports habitats which are not of intrinsic ecological interest but which are nevertheless valuable resources for protected species. Therefore their retention and compensation is (or will be) addressed within the relevant protected species mitigation strategies. The site also supports habitats which in addition to supporting protected or scarce species, are of intrinsic interest in themselves. These habitats include the saltmarsh and saline habitats within the south of the site. These areas are outside of the development footprint however the proposal seeks to deliver ecological enhancements within the site by increasing the diversity of the salt marsh habitats through the creation of wetland scrapes.

Section 40 of the Natural Environment and Rural Communities Act (2006) states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'. Natural England recommends that LPAs maximise the opportunities for enhancements associated with all developments.

Reptiles

Reptile surveys have confirmed the presence of slow-worm and common lizard on site. Reptiles have been recorded throughout the site and the proposed development has the potential to kill/injure reptiles in the absence of mitigation. The application is supported by a mitigation strategy which involves the exclusion of reptiles from the development footprint and their relocation to the southern area of the site. The Applicant's ecologist proposes to enhance the southern area to increase its capacity for reptiles by creating a grassland and scrub mosaic and providing three additional hibernacula.

Badgers

Initial surveys at the site identified two inactive sett entrances. The entrances have been monitored by remote cameras and frequent visits have been undertaken in order to check for signs of recent activity. The lack of signs of activity and debris filled holes have led the applicant's ecologist to conclude that the sett entrances are inactive. Given the presence of two inactive entrances and suitable habitats for sett making and foraging, the Ecologist recommended that pre-construction checks are carried out by a suitably experienced ecologist to ensure there is no new evidence of badger activity prior to construction starting, and that the results of this check are submitted to the LPA for approval prior to construction.

Recommended condition for a suitably qualified ecologist to re-check the site no more than three months prior to commencement to ensure that there is no evidence of new badger activity. If such evidence is found, further survey work may be required and no work shall commence without written approval from the LPA.

With regard to third party information on badgers, the Ecology officer reiterated that she is

satisfied that acceptable provisions in protecting badgers have been made. In addition, the applicant's ecologist were requested by HCC Ecologist to undertake an updated badger survey. Following the receipt of an Updated Badger Survey and Hedgerow Assessment letter dated 30th January 2018 (EcoSupport); this confirms the presence a main badger sett on the site (outside of the proposed works footprint) and that the sett will be retained and protected as part of the proposed works.

The Ecologist is satisfied with the further information and recommendations to ensure protection of this sett which include undertaking a pre-commencement badger check, sensitive scrub clearance, supervision of the works in the area by an ecologist, covering of pipes and excavations and no use of site fencing along the southern boundary of the site. A planning condition is recommended.

Dormice

The submission of the outstanding Protected Species Surveys confirmed the likely absence of dormice during the surveys carried out between May - October 2017.

Bats

The updated Ecological Assessment by Ecosupport detailed the results of the bat activity surveys. In summary, it was concluded that activity was dominated by common pipistrelle with other species including soprano pipistrelle, noctule, serotine, Leisler's and brown long-eared bats. The highest level of bat activity was recorded along the eastern boundary and southern extent of the site.

Following on from the receipt of the further surveys, the Ecology Officer is satisfied that all the outstanding protected species surveys have been carried out to appropriate methodologies and standards and supports the results and conclusions.

With regard to submitted information from third parties in respect of bat survey records: the Ecology officer raised questions over the submitted third party information saying that all the species identified with the exception of lesser horseshoe bats have been confirmed on site.

She also raised questions over the accuracy of the horseshoe record that third parties had submitted due to the fact that no evidence of the bat sound files being analysed by a professional ecologist was produced. Instead, the "Auto-ID" function of the bat detector was used which is not considered to be reliable and its use in professional reports is not supported.

Enhancement Measures

The Ecology officer originally raised concern in respect of the deliverability of some of the enhancement measures such as wetland scrapes within a publicly accessible area. A revised Landscape Masterplan (Rev E, Fabrik) was submitted. This indicates that two of the scrapes are located within the Ecology Conservation Area which is located to the south of the Public Open Space (POS) separated by a hedgerow and post and rail fences with wire mesh along the base to reduce human disturbance and accidental harm of wildlife.

With regard to the Mitigation Reptile surveys, these confirmed the presence of slow-worm and common lizard on site. The updated Assessment report provides sufficient details demonstrating where and how much habitat can be improved/enhanced within the proposed receptor. Therefore, the Ecology officer raises no concerns in relation to reptiles.

The updated Ecological Assessment takes into account the mobile nature of badgers and confirms that prior to the commencement of the works, an updated badger survey will be

carried out to ensure no new setts have been created. Provided that the agreed avoidance, mitigation, enhancement and management proposals are implemented, the Ecology officer has no concerns.

The Ecology officer was requested to provide further comment in response to a Reptile Report submitted by third parties who raised concern over the carrying capacity of the receptor site and accuracy of the applicant's submitted surveys. The reptile survey (submitted by third parties) was carefully reviewed by the Ecology officer. However, due to the lack of access to some areas of the application site by the surveyor(s) and deviation from good practice guidelines (e.g. including juveniles in the population estimate, number of visits, etc.) the findings were not comparable.

The Ecology officer is satisfied that the reports submitted with the application clearly demonstrate how the carrying capacity of the site will be increased (e.g. scrub reduction, seeding of better quality grassland/wildflower meadow habitat, installation of hibernacula, creation of wet grassland/scrapes, limiting public/dog access, etc.).

It is noted that a higher population of reptiles on site (i.e. moderate population) would not change the principles of the proposed mitigation, with an on-site receptor site and enhancement measures to increase the carrying capacity of the receptor site, still being the most appropriate measure to protect and conserve onsite biodiversity.

The applicant's report also discusses whether the hedgerow along the western boundary of the site is an Important Hedge under The Hedgerows Regulations 1997 and concludes that they do not qualify as an Important Hedgerow. The Ecology officer has commented that this hedge will be retained as part of the works and therefore the Hedgerow Regulations are not considered to be relevant which correlates to the removal of a hedge and the LPA's duty. Natural England and the Forestry Commission only make reference to Ancient Woodlands and Veteran Trees in their standing advice. Therefore, the term "Ancient Hedgerow" and provision of a 15m buffer between the development and the hedge is not supported in Natural England's standing advice.

PLANNING CONSIDERATIONS

Implication of Fareham's current 5-year land supply housing supply position (5YHLS)

Residential development in the countryside

Policy DSP 40:

i) Scale in relation to 5YHLS

ii) Sustainability and integration

iii) Impact on countryside/character

iv) Deliverability

v) Environmental, amenity, (including design, layout, impact on neighbour properties), traffic implications

Affordable housing

Other Matters

The Planning balance

IMPLICATION OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY POSITION (5YHLS)

As set out in the Introduction to this report, the Cranleigh Road Planning Appeal Inspector concluded that the Council's housing requirements should be based upon Objectively Assessed Housing Need (OAHN), not the housing requirements set out in Local Plan Parts 1 and 2. Officers accept this position. Officers have undertaken a review of current resolutions to grant planning permissions, planning permissions and the residual allocations

from the adopted local plan in order to provide robust evidence to inform the current 5YHLS position. A separate report is on the same agenda as this planning application and advises that Fareham Borough Council currently has 4.39 years of housing supply.

The starting point for the determination of this planning application is section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

In determining planning applications there is a presumption in favour of the policies of the extant Development Plan, unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF, and this contains specific guidance in paragraphs 47, 49 and 14 for Councils unable to demonstrate a 5YHLS.

Paragraph 47 of the NPPF seeks to boost significantly the supply of housing, and provides the requirement for Councils to meet their OAHN, and to identify and annually review a 5YHLS including an appropriate buffer. Where a Local Planning Authority cannot do so, paragraph 49 of the NPPF clearly states that:

"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites."

Paragraph 14 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". For decision-taking (unless material considerations indicate otherwise) this means:

Approving development proposals that accord with the development plan without delay; and

Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies* in this Framework indicate development should be restricted. (*for example, policies relating to sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion).

On the basis that SPA mitigation can be secured and there would be no adverse impact under the Birds and Habitats Directive, Officers can confirm that subject to appropriate mitigation, none of the 'specific policies' listed in the preceding paragraph apply to this site. Taking account of the current housing supply shortage, paragraph 14 of the NPPF is engaged and it is for the decision taker to attribute the appropriate weight to the material considerations of the case.

The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

The following sections of the report assesses the application proposals against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policies CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies within an area which is outside of the defined urban settlement boundary.

Policy CS14 of the Core Strategy states that:

'Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure.'

Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states - there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map).

The site is clearly outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

POLICY DSP40

Local Policy DSP40 states that:

"Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:

- i. The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;
- ii. The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;
- iii. The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps
- iv. It can be demonstrated that the proposal is deliverable in the short term; and
- v. The proposal would not have any unacceptable environmental, amenity or traffic implications.

Each of these five bullet points are considered further below.

POLICY DSP40 (i)

Members will note from the 5 Year Housing Land Supply Position that the present shortfall of dwellings needed to achieve a 5YHLS is in the region of 291. The proposal for 49 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

POLICY DSP40 (ii)

The planning application site is adjacent to the defined settlement boundary of Portchester and approximately 1.2 km (0.75 miles) south-west of Portchester shopping precinct. There is a Post Office and a convenience store located on White Hart Lane, which is within a short walk from the site via Wicor Mill Lane. The Wicor Mill public house is also situated on White Hart Lane.

The nearest schools to the site are Wicor Primary School to the north (0.6 km/ 0.37 miles); Portchester Community School to the north east (0.9 km/ 0.56 miles); and Castle Primary School to the east (1.3 km/ 0.8 miles).

The nearest bus stops to the site are located within walking distance on White Hart Lane, providing the No.3 First bus service between Fareham and Portsmouth Harbour via Portchester and Cosham.

Existing dwellings are located north and east of the site; officers consider that the proposals can be well integrated with the neighbouring settlements in accordance with point ii).

POLICY DSP40 (iii)

The site is within an area of countryside but is not designated as strategic gap.

The Fareham Landscape Assessment (2017) identifies that the site falls within the Cams-Wicor Coastal Plain - 12.1B Open Coastal Plain: Fringe character. It sets out the defining characteristics comprising of an area of flat, open farmland immediately to the east of the Cams estate and bordered to the north and east by residential development along the urban edge of Downend and Portchester and to the south by the playing fields of the Wicor recreation ground. It states that "The landscape consequently has a predominantly open, exposed and rather featureless character which is influenced by development around its edges and other intrusive features such as electricity pylons" and that "it is a relatively undistinguished piece of landscape with very few distinctive or notable features and is of lower intrinsic quality than other parts of the coastal plain".

It is recognised there would be a change in character and outlook particularly when viewed from the adjoining residential dwellings that share a boundary with the site, from the Wicor Path and land and coast to the south. However, when taking account of the lay-out of the residential element and provision of enhanced public open space and ecological mitigation on the southern side, it is considered that the development as proposed has been designed to minimise any adverse impact on the countryside.

The location of the site on the urban edge of Portchester merits a strong and prominent planting scheme to the street edge to help soften the development into its surrounding landscape. The siting of buildings have been sufficiently set back to give enough space for this approach to be implemented. The density and mix of planting is considered acceptable which will ensure that the landscaping of the site is appropriate in its context.

For the reasons set out in the design and layout section of this report below, officers are satisfied that the proposal has been appropriately designed and laid out to integrate with the character of the neighbouring settlement and would incorporate a significant area of public

open space as well as ecological mitigation.

The proposal would therefore satisfy point iii) of Policy DSP40 and comply with policies CS17 and DSP1.

POLICY DSP40 (iv)

In terms of delivery, the agent has confirmed the following on behalf of Radian and Hampshire Homes:

The land is currently under option to Radian Group to purchase the site from the landowners, subject to achieving planning permission. Radian Group, along with Hampshire Homes, will develop the land and build the homes. Radian will also manage the proposed affordable homes. It is anticipated that development will commence within 12 months of planning permission being granted, subject to successfully discharging all relevant pre-commencement conditions. The timescale for completion is anticipated to be 18 months to 2 years with the following completion timetable: Year 1 - 15 units; Year 2 - 34 units. Officers therefore consider that the proposal is deliverable in the short term in accordance with point iv of policy DSP40.

POLICY DSP40 (v)

The final test of Policy DSP40: "The proposal would not have any unacceptable environmental, amenity or traffic implications" is discussed below:

ECOLOGY

Representations from third parties are summarised in the representations section of this report. The Ecology officer comments are set out under the consultation section. This section of the report will therefore discuss further issues raised by third parties.

Representations have raised concern over the standard and technical elements of the submitted ecology reports. In determining this application, the Council needs to be satisfied that it has fully considered the ecological implications and that appropriate mitigation can be secured.

Policy DSP13 states that "Development may be permitted where it can be demonstrated that:

- i. Designated sites and sites of nature conservation value are protected and where appropriate enhanced;
- ii. Protected and priority species populations and their associated habitats, breeding areas, foraging areas are protected and, where appropriate, enhanced;
- iii. Where appropriate opportunities to provide a net gain in biodiversity have been explored and biodiversity enhancements incorporated; and
- iv. The proposal would not prejudice or result in the fragmentation of the biodiversity network.

Significant concern has been raised relating to clearance work that has been undertaken on the site. The clearance of vegetation is not a breach of planning control. It is common practice to take into account seasonal constraints in relation to ecology and for instance undertake vegetation clearance works in winter to reduce the risk of affecting nesting birds.

With regard to Brent Geese and Waders, Policy DSP14 states " Development on uncertain sites for Brent Geese and/or Waders may be permitted where studies have been completed

that clearly demonstrate that the site is not of importance".

A review of Hampshire Biodiversity Information Centre records shows that the Seafield Road site was surveyed in Dec 2013, Jan, Feb & March 2014 and no waders/Brent geese were recorded. It is therefore considered that the survey information, combined with the overgrown nature of the habitats on site which are not considered suitable for Brent Geese and Waders as well as the fact that Natural England and the Ecology officer have not raised concern, means that the proposal is acceptable in accordance with Policy DSP14. In addition, Natural England are in the process of publishing new guidelines which reflect the additional surveys carried out in areas previously known as "uncertain" to downgrade or upgrade these areas accordingly. Review of the data confirms that the application site has been downgraded to an unsuitable site. It is also relevant that a number of measures such as creation of water scrapes, areas of open grassland and limited public accessibility are proposed which are likely to increase the suitability of the site for Brent Geese and Waders.

These measures were developed and agreed in consultation with Natural England and HCC Ecology Officer.

With regard to the impact on designated sites and protected species, the Council's Ecologist has extensively reviewed the ecological reports, surveys and the information submitted by third parties during the process of this application. The Ecologist is satisfied that the proposal and mitigation is acceptable. Natural England has also provided comments and are satisfied that measures can be built into the proposal to seek to avoid all potential impacts on the European Sites including contributions towards the Solent Recreation Mitigation Partnership.

With regard to concern over the delivery and management of the open space, officers are satisfied that this can be appropriately covered by planning condition and a Section 106 legal agreement.

Concerns have been raised with regard to the impact on trees, an ancient hedgerow and that a larger buffer is required between it and the development with reports submitted via third parties in January this year. The applicant responded to these reports: Barrells letter dated 31 January 2018 states:-

"The classification of 'ancient hedge line' as referred to in the Wilkinson/Rook report is not defined, however some organisations refer to 'ancient hedgerows' as applying to hedgerows that can be shown to have been growing in the same location since the Inclosure Acts (before 1845). This should not be mistaken for the widely recognised 'ancient woodland' classification for woodlands that have existed constantly since 1600 or before."

In addition Eco-Support provided an update letter (30 January 2018) which concludes under 'Evaluation' that:-

"It is considered that the western boundary hedgerow is a relatively modern planted field boundary hedge. Its exact age is difficult to determine, but it appears to pre-date the adjacent planted woodland, so could be at least 50 years old."

"The lack of other ancient woodland herbs on the site strongly suggests that the hedge is relatively young in age and certainly not part of a former area of ancient woodland."

With regard to an Elder Tree referred to in the submitted report, it is agreed that the tree should be afforded a 15 m radial exclusion zone which is achievable as the tree is beyond the extent of the proposed built development.

The above has been considered by the Council's Ecologist and Tree Officer (comments

within consultee section of report above) who have raised no objection subject to the imposition of planning conditions.

In the event that planning permission is granted, officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy policy CS4, CS20, and policies DSP13, DSP14 and DSP15 of Local Plan Part 2.

AMENITY IMPLICATIONS INCLUDING DESIGN AND LAYOUT

The layout, at 34.45 dwellings per hectare, would be served from a single vehicular access point off Moraunt Drive. The dwellings around the edge of the site adjacent to existing residential properties have been designed to back onto these properties and are laid out around a perimeter block to make use of views towards the South and encourage natural surveillance.

A range of 2 - 4 bedroomed dwellings would be provided at no greater than 2 storeys in height. The proposed external finishes focus on the use of red brick and painted bricks under tiled roofs. The detailing includes arched brick headers, brick plinths and lean to porches. Boundary treatments comprise a mixture of 1.8 brick walls and 1.8 fencing; these are considered acceptable and in keeping with the layout and character of the area.

Officers are satisfied that the design and layout of the dwellings and proposed boundary treatment are acceptable both in the context of the site itself and neighbouring development.

In terms of impact on neighbouring properties with regard to loss of amenity (overlooking, loss of privacy, light) the proposed dwellings that back onto neighbouring properties all meet the guidance as set out within this Council adopted Design SPD with regard to garden sizes, distance between facing windows. Therefore officers are satisfied that there would be no unacceptable adverse impact upon the living conditions of neighbouring property occupiers in accordance with Policy DSP3.

The development includes a large area of public open space to the south which includes ecological mitigation and enhancement areas. This space provides opportunities for information recreation with the ecological mitigation area divided to ensure no disturbance to wildlife. Blocks of existing vegetation are to be retained and enhanced with native shrub planting.

TRAFFIC IMPLICATIONS

The proposed development would be accessed from Moraunt Drive. The Transport Officer has confirmed that this access subject to conditions would be acceptable and cater for the additional traffic that would be generated by the proposed development. Furthermore he is satisfied that the layout of the development is acceptable.

Overall therefore, the highway implications would be in accordance with Policy CS5 subject to conditions as requested by the transport officer.

Taking account of the above, Officers are satisfied that the proposal would not have any unacceptable amenity or traffic implications and would therefore comply with criterion v of Policy DSP40.

AFFORDABLE HOUSING

The applicant is proposing to deliver 45% affordable homes which is greater than the 40% requirement set out in Policy CS18 of the adopted Core Strategy.

The provision of affordable housing can be secured via a Section 106 legal agreement, although it should be noted that the number proposed is larger than policy requires, therefore 2 of the shared ownership properties would not be secured by the legal agreement.

The proposal complies with the requirement of Policy CS18 of the Core Strategy.

OTHER MATTERS

The strength of local concern relating to the impact of the development on schools, doctors and other services in the area is acknowledged. The Education Authority have requested a contribution towards school provision which can be covered by a Section 106 legal agreement.

In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would be unsustainable.

The potential impact on the public Right of Way has been considered by officers in consultation with the Countryside Development Access Officer. The proposed layout would reinstate the 'legal line' of the Wicor Footpath and comprise of appropriate surfacing which can be covered by planning condition. This is likely to comprise of gravel which would be more in keeping with the rural character of the area than tarmac.

It is also noted that the 'legal' line (which has been covered by scrub and undergrowth) of the path differs from the 'trodden path'. It is also understood that currently the legal line of the footpath is not available through the site due to the historic overgrowth of trees and vegetation and the Senior Countryside Access Ranger advises that fencing partially obstructs the legal line of the path. Officers are satisfied that neither the legal line or trodden path would be prejudiced if the development were to go ahead.

The application site is not adjacent to a SINC (as referenced in the Countryside Access Development Officer's comment). The request for a contribution towards management of the trees on HCC land is noted. Officers do not consider that this request would be reasonable or meet the test of being necessary or directly related to the development.

With regard to concern over the long term management of the southern part of the site, it is noted that Natural England during the application process initially requested a costed management plan. However, they were re consulted following receipt of the maintenance and management plan and did not raise an objection. Effective management of the southern part of the site can be secured via planning condition.

In respect of the concern raised over the ponds being a safety hazard, this falls outside of the remit of planning control.

A third party requests that a limit on the height of planting should be imposed on the boundaries of properties in Sissinghurst Road, officers can advise that this would not meet the relevant tests set out in the NPPF regarding the imposition of planning conditions.

Concern has been raised with regard to the loss of open space. The site is allocated as open space - Orchard Grove/Commodore Park in the adopted Local Plan.

It is noted that background papers relating to Open Space provision have informed the draft Local Plan 2036; although at this stage the Draft plan carries limited weight in the determination of this application. The NPPF definition of Open Space is "open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity".

It is relevant that this site is currently in private ownership and has become overgrown. Whilst part of the site would be developed for housing, the proposal incorporates accessible public open space which can be secured via planning conditions and a Section 106 agreement. This would add value as a recreational resource for the public to access. Officers are therefore satisfied that the proposal is acceptable in respect of policy CS21.

Members will also be aware that the Draft Local Plan which addresses the Borough's development requirements up until 2036, was subject to consultation between 25th October 2017 and 8th December 2017. In due course this plan will replace Local Plan Part 1 (Core Strategy) and Local Plan Part 2 (Development Sites & Policies).

The site of this planning application is proposed to be allocated for housing within the draft local plan. A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

THE PLANNING BALANCE

Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise".

Paragraph 14 of the NPPF clarifies the presumption in favour of sustainable development in that where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies indicate development should be restricted (for example, policies relating to sites protected under the Birds and Habitats Directive and/or Sites of Special Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion).

The approach detailed within the preceding paragraph, has become known as the "tilted balance" in that it tilts the planning balance in favour of sustainable development and against the Development Plan.

The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan.

Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations

which is engaged as this Council cannot demonstrate a 5YHLS against objectively assessed housing need.

In weighing up the material considerations and conflicts between policies; the development of a greenfield site weighted against Policy DSP40, officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and can be delivered in the short term. The site is well related to and can be integrated with the urban settlement boundary.

It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto the site and introduce a degree of change in the character of the site. Officers consider that the proposal has been designed to minimise any adverse impact on the Countryside.

In respect of environmental and amenity issues, and subject to appropriate planning conditions and mitigation, officers are satisfied that amenity and ecology issues have been appropriately addressed in the submitted application.

Affordable housing as 40% of the units, along with the delivery of onsite open space, can be secured through a planning obligation.

In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, the proposal would deliver 49 dwellings including affordable housing to contribute to the 5-year housing land supply shortage in the Borough. This would provide a significant and material boost/contribution to meeting housing needs within the Borough.

There is a conflict with development plan policy CS14 which ordinarily would result in this proposal to being considered unacceptable. In light of the Council's lack of a five year housing land supply, development plan policy DSP40 is engaged and officers have considered the scheme against the criterion therein. Officers consider that more weight should be afforded to this policy than CS14 such that, on balance when considered against the development plan as a whole, the scheme should be approved.

Furthermore, when taking account of the five year housing land supply and paragraph 14 of the NPPF, officers have not found any adverse impacts from the scheme to significantly and demonstrably outweigh the benefits meaning that the Government policy position is that permission should be granted.

Officers therefore recommend that the planning application should be permitted subject to the imposition of appropriate planning conditions and the prior completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990.

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:

- Financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas. This contribution will be as per the updated Solent Recreation Mitigation Strategy approved by the Council's Executive on 5 March 2018 which comes into effect from the 1st April 2018.

- The provision of public open space and ecological enhancement area.
- Education contribution.
- The delivery of 40% of the permitted dwellings as affordable housing.

PERMISSION:

1. The development hereby permitted shall be begun before the 3 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 carried out strictly in accordance with the following drawings/documents:

Site Location Plan CB_93_074_000

Planning Layout CB-93-074-001 Rev D

Land Use Plan CB_93_074_002 Rev D

Housing Mix Plan CB_93_074_003 Rev D

Affordable Housing Plan CB_93-074_Rev D

Building Heights Plan CB_93_074-005 Rev D

Parking Plan CB_93_074_006 Rev D

Bin and Cycle Storage Plan CB_93_074_007 Rev D

External Finishes Plan Drawing Number CB-93-074-008 Rev D

External Enclosures Plan CB_93_074_009 Rev D

Street Scenes CB_93_074_SS_01 Rev B

Street Scenes CB_93_074_SS_02 Rev A

Street Scenes CB_93_074_SS_03 Rev A

House Type Portfolio CB_93_074

D2480-L-201-PL02

D2480-L-202-PL02

D2480-L-300-PL02

D2480-L-301-PL02

D2480-L-302-PL02

Landscape masterplan Rev E

Fabrik Landscape Maintenance and Management Plan, December 2017

Radian Management Statement, December 2017

Ecology Assessment July 2017, updated November 2017 and January 2018.

Aboricultural Assessment by Barrell Tree Consultancy; dated 02 August 2017

Tree Protection Plan by Barrell Tree Consultancy; 17195-BT1

Barrell's letter 31 January 2018.

Affordable Housing Statement by BJC; dated August 2017

Archaeology DBA by Allen Archaeology Ltd; AAL2017105 - dated July 2017

Design and Access Statement by Cooper Baillie; dated July 2017

Flood Risk Assessment by RCP; dated July 2017

Further drainage information by RCP letters, 26.9.17 and 14.11.17

Geo-environmental site assessment by RSK; 28721 R01 (00) - dated November 2016 and supplementary gas assessment December 2017.

Planning Statement by BJC; dated August 2017

Transport Statement by PBA; dated July 2017 and Refuse Vehicle Swept Path Analysis (RAD/E4520/004 C

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

3. Prior to the commencement of development samples of the materials to be used for the

external finishes (bricks and roof tiles) and details of the colour of the painted elevations shall be submitted to and approved in writing by the local planning authority. Thereafter development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

4. No development shall proceed beyond damp proof course level take place until the applicant has secured the implementation of a programme of archaeological assessment in accordance with a Written Scheme of Investigation (WSI) that has been submitted to and approved by the local planning authority in order to recognise, characterise and record any archaeological features and deposits that may exist here. The assessment should take the form of a geophysical survey of the site, followed by the excavation of trial trenches that target any potential features identified by them. Further trenches should be located within any blank areas that have been established by the geophysical survey.

Based on the results of the trial trenching, no development shall take place, until the applicant has secured and implemented an archaeological mitigation strategy in accordance with details that have been submitted to and approved in writing by the local planning authority.

REASON: To assess the extent, nature and date of any archaeological deposits that might be present and the impact of the development upon these heritage assets.

5. Details of the proposed surfacing treatment, to definitive Footpath 111a running east to west through the site shall be submitted to and approved by the Local Planning Authority in writing. The approved details shall be fully implemented before the dwellings hereby approved are first occupied.

REASON: In the interest of pedestrian safety.

6. The first floor window proposed to be inserted into the east elevation of Plot 7 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 and shall thereafter be retained in that condition at all times.

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

7. Notwithstanding the provisions of the Schedule of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any subsequent Order revoking and re-enacting that Order) at no time shall any further windows, other than those expressly allowed through this planning permission, be inserted at first floor level into the east elevation of plots 7 and 42 and the west elevation of plot 31 hereby permitted unless otherwise agreed in writing by the local planning authority following the submission of a planning application.

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

8. The dwellings hereby approved shall not be occupied until the boundary treatment has been carried out in accordance with the approved details. The boundary treatment shall thereafter be retained at all times unless otherwise agreed in writing with the local planning authority.

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.

9. No development shall proceed beyond damp proof course level until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved by the local planning authority in writing. The development shall be carried out in

accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties.

10. No development shall commence on site until details of foul sewerage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the local planning authority. Where possible a Sustainable Urban Drainage System (SUDS) shall be used and full details of predicted flows, responsibilities and future management provided. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.

REASON: In order to ensure adequate drainage is provided to serve the permitted development.

11. The presence of any unsuspected contamination that becomes evident during the development of the site shall be brought to the attention of the LPA. This shall be investigated to assess the risks to human health and the wider environment and a remediation scheme implemented following written approval by the local planning authority. The approved scheme for remediation works shall be fully implemented before the permitted development is first occupied or brought into use.

On completion of the remediation works and prior to the occupation of any properties on the development, the developers and/or their approved agent shall confirm in writing that the works have been completed in full and in accordance with the approved scheme.

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

12. Other than initial site preparation, no development shall commence until details of the width, alignment, gradient and type of construction proposed for any roads, footways and/or access(es), including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways to an adoptable standard, have been submitted to and approved by the local planning authority in writing. The development shall be subsequently carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard.

13. No dwelling hereby permitted shall be first occupied until it has a direct connection, less the final carriageway and footway surfacing, to an existing highway. The final carriageway and footway surfacing shall be commenced within three months and completed within six months from the commencement of the penultimate building or dwelling for which permission is hereby granted. The roads and footways shall be laid out and made up in accordance with the approved specification, programme and details.

REASON: To ensure that the roads and footways are constructed in a satisfactory manner.

14. None of the development hereby permitted shall be occupied or used until the areas shown on the approved plan for the parking and turning of cars and/or the loading, unloading and manoeuvring of vehicles have been fully laid out and made available for use. These areas shall thereafter be retained and kept available for these purposes at all times.

REASON: In the interests of highway safety.

15. None of the development hereby permitted shall be occupied, or by such time as shall be agreed in writing with the local planning authority, until the visitor parking spaces marked on the approved plan, and sufficient to serve that part of the overall development completed at that time, have been provided on site and these spaces shall be subsequently retained at all times.

REASON: The car parking provision on site has been assessed in the light of the provision of visitor parking spaces so that the lack of these spaces may give rise to on street parking problems in the future.

16. Nothing over a height of 0.6m shall be placed within the 2m x 25m visibility splays of private accesses of the development hereby approved.

REASON: In the interests of highway safety.

17. The development shall be carried out in accordance with the recommendations of the Barrell Tree Report ref 17195-AA-PB 2 August 2017 and Barrell Tree Consultancy letter of 31 January 2018.

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.

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 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.

19. No development shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the local planning authority (LPA). The development shall be carried out in accordance with the CMP and areas identified in the 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.

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.

20. Development shall proceed in accordance with the avoidance, mitigation, enhancement and management measures set out in Sections 6 - 9 of the updated Ecological Assessment by Ecosupport (November 2017) and the measures set out in the 'Updating Badger Survey and Hedgerow Assessment (EcoSupport 30 January 2018) unless otherwise approved by the Local Planning Authority in writing. The measures shall thereafter be implemented in full, in accordance with the approved details and approved Landscape Masterplan (Rev E, Fabrik).

REASON: to protect badgers and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981 (as amended), Natural Environment and Rural Communities Act 2006 and Policy CS4 Green Infrastructure, Biodiversity and Geological Conservation of the Fareham Local Plan.

21. The landscaping shall be carried out in accordance with the approved drawings and Fabrik Landscape Maintenance and Management Plan, December 2017 as well as the maintenance revisions set out in the Council's Ecologist email dated 6 March 2018 and for the avoidance of doubt shall be maintained in accordance with these details in perpetuity.

REASON: In the interests of the visual amenity of the area and nature conservation.

22. No materials obtained from site clearance or from construction works shall be burnt on the site.

REASON: In the interests of the living conditions of the occupiers of nearby residential

properties.

Note for information

The development hereby permitted is subject to The Community Infrastructure Levy (CIL). The payment is due before development commences and the parties liable to pay the charge will receive a Liability Notice shortly to explain the amount due and the process thereafter. Further details about CIL can be found on the Council's website on the following link:

http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx

A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.

Notwithstanding the results of the ecological survey submitted with this application special care must still be taken not to disturb wild animals and plants protected by the Wildlife and Countryside Act 1981 (as amended). This includes birds and bats that nest or roost in trees. Should specimens of any protected species be discovered during building operations you should contact Natural England for further advice - 0300 060 3900 www.naturalengland.org.uk

Bats are protected under the Wildlife & Countryside Act 1981 and subsequent legislation and it is an offence to deliberately or recklessly disturb them or damage their roosts. Notwithstanding the results of the ecological survey submitted with this application, trees & buildings should be inspected before any works commence. Advice is available on the following link:

<https://www.gov.uk/guidance/bats-surveys-and-mitigation-for-development-projects>

If the presence of bats is suspected further advice will need to be sought from Natural England on 0300 060 3900 or from The Bat Conservation Trust (0345 1300 228)

There must be no surface alterations to the right of way, nor any works carried out which affect its surface, without first seeking the permission of Hampshire County Council, as Highway Authority. For the purposes of this proposal that permission would be required from this department of the County Council. To carry out any such works without this permission would constitute an offence under S131 Highways Act 1980, and we would therefore encourage the applicant to contact us as soon as possible to discuss any works of this nature.

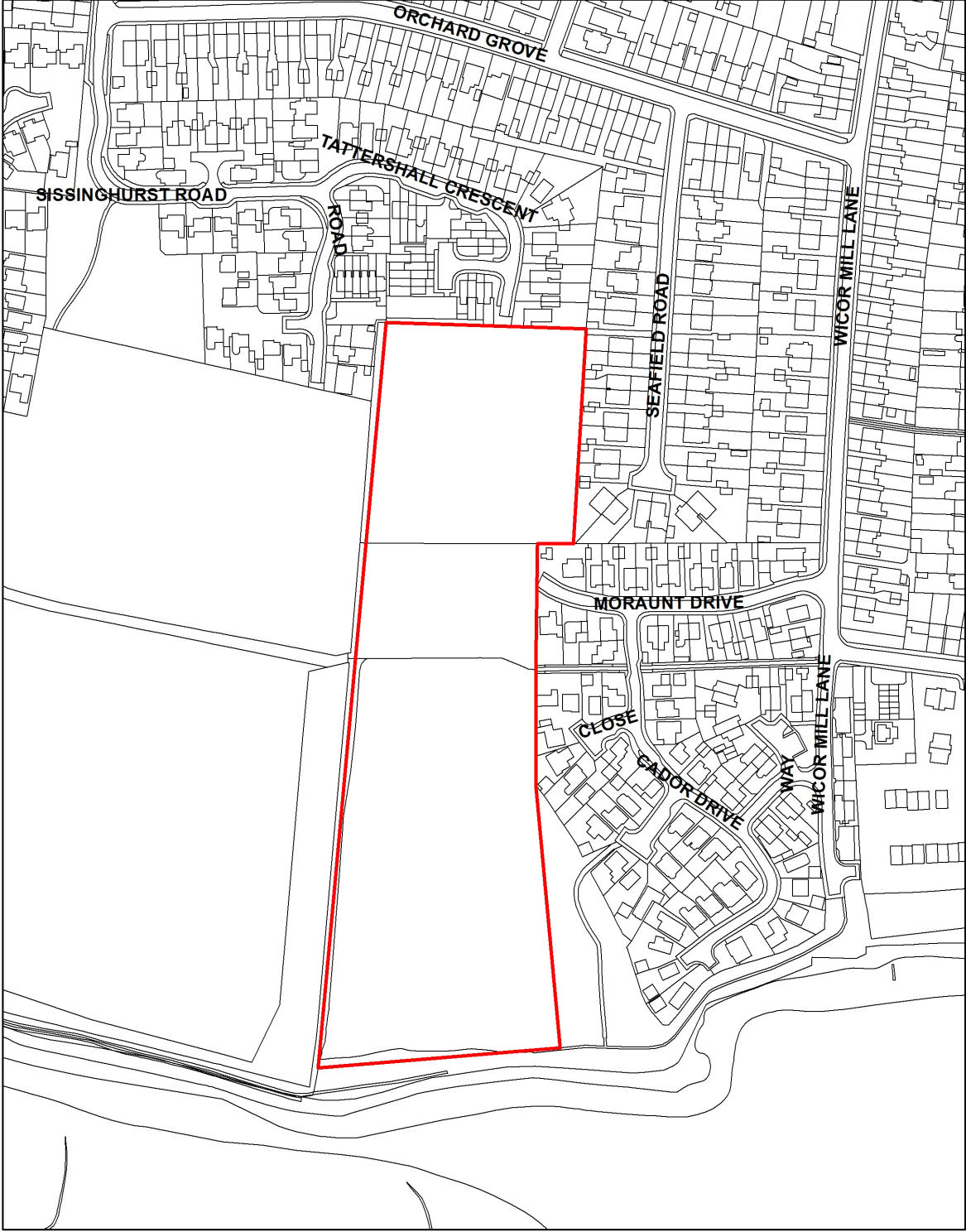
Nothing connected with the development or its future use should have an adverse effect on the right of way, which must remain available for public use at all times.

No builders or contractors vehicles, machinery, equipment, materials, scaffolding or anything associated with the works should be left on or near the footpath so as to obstruct, hinder or provide a hazard to walkers.

Hampshire County Council, as Highway Authority, is not obliged to provide a surface suitable for the passage of vehicles. It only has a duty to maintain a right of way to a standard commensurate with its expected normal public use.

FAREHAM

BOROUGH COUNCIL



Land to West of Seafield Road & Moraunt Drive,
South of Tattershall Crescent
Scale 1:2500



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