

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 14/06/2023**

**P/22/1477/OA  
ASPIRE LPP**

**FAREHAM WEST  
AGENT: ASPIRE LPP**

DEMOLITION OF THE EXISTING DWELLINGS AND THE ERECTION OF A 60-BED CARE HOME (CLASS C2) FOR THE ELDERLY (OUTLINE APPLICATION (ACCESS, APPEARANCE, LAYOUT & SCALE TO BE CONSIDERED WITH LANDSCAPING RESERVED)

64 & 66 THE AVENUE, FAREHAM

### ***Report By***

Susannah Emery – direct dial 01329 824526

#### ***1.0 Introduction***

- 1.1 The application is reported to the Planning Committee due to the number of third party letters of objection received.

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

- 2.1 The application site is located within the urban area to the north of The Avenue (A27) positioned midway between the junctions with Catisfield Road and Bishopsfield Road.
- 2.2 The site is currently occupied by two detached dwellings with substantial rear gardens and frontages.
- 2.3 The site abuts residential dwellings to either side on The Avenue and Heath Lawns to the rear.
- 2.4 The site is well screened from the road frontage and existing development is set back from the road. There are a number of trees on the site protected by a Tree Preservation Order (TPO) including a prominent Corsican Pine on the site frontage.
- 2.5 The site slopes gently upwards from the road to the rear of the site rising by approximately 2m over the 90m length.

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

- 3.1 Outline Planning permission is sought for the demolition of the existing dwellings and the construction of a 60-bed residential care home for the elderly (Use Class C2).

- 3.2 The matters being considered include the means of access to the site, the layout, appearance and scale of the building with only landscaping forming the 'Reserved Matter'. An illustrative landscape proposal has nonetheless been submitted.
- 3.3 The footprint of the proposed care home is a 'T' shape. The main bulk of the building would extend east to west across the site frontage presenting a primary elevation to the Avenue. A centrally positioned rear wing would extend to the north into the rear garden at a reduced height.
- 3.4 The front section of the Care Home would consist of a basement, ground, first and second floor accommodation. The eaves height of the building would be maintained at two storey height to maintain a domestic appearance with second floor accommodation primarily accommodated within the roofspace. The basement would contain a cinema for residents, staff areas and other servicing facilities. The rear wing projecting the length of the rear garden would contain only ground and first floor accommodation.
- 3.5 The finished floor level of the care home would be determined by the existing ground levels towards the front of the site. Due to the natural slope of the site towards the northern boundary, the finished floor level of the ground floor would be set approximately 1.25m below the existing ground level at the rear (north) boundary which abuts properties on Heath Lawns. The finished ground levels adjacent to the building would be reduced to create a level amenity space. A 0.6m retaining wall would be constructed wrapping around the rear of the building and the amenity space which would be set in from the boundaries enabling a landscaped embankment to be retained adjacent to neighbouring properties.
- 3.6 A traditionally led design approach has been taken and the building would be finished with red multi brick and red clay roof and hanging tiles. The front elevation of the building is designed to appear like two large dwellings which would be connected by a centrally positioned recessive link finished with timber style cladding and grey slates to create a visual break in the front elevation.
- 3.7 Two 4.8m wide vehicular access points are proposed to be retained to the site as at present, both of which would enable 'In' and 'Out' vehicle movements. Visibility in excess of 120m along The Avenue for drivers exiting from either point is achievable in both directions.
- 3.8 A total of 17 car parking spaces are proposed for staff and visitors. The car park is designed with two separate areas of parking that are also linked by an area outside of the entrance to the building which would be available for use by larger vehicles/ambulance for drop-off/pick-up ensuring they are able to

enter and leave the site in forward gear. Cycle parking would also be provided for staff.

- 3.9 A low 0.6m high wall is proposed to enclose the site frontage and the indicative landscaping proposal suggests additional landscaping and tree planting would be provided but this would be the subject of a reserved matters application.
- 3.10 A bin store would be provided to the western side of the building. It is indicated that the care home would be served by a private refuse contractor due to the requirements for disposal of medical waste.

#### **4.0 Policies**

- 4.1 The following policies apply to this application:

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

- H1 Housing Provision
- HP1 New Residential Development
- HP8 Older Persons & Specialist Housing Provision
- NE1 Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE2 Biodiversity Net Gain
- NE3 Recreational Disturbance on the Solent Special Protection Area (SPA's)
- NE4 Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent
- NE6 Trees, Woodlands and Hedgerows
- NE9 Green Infrastructure
- TIN1 Sustainable Transport
- TIN2 Highway Safety & Road Network
- TIN4 Infrastructure Delivery
- CC1 Climate Change
- CC2 Managing Flood Risk and Sustainable Drainage Systems
- D1 High Quality Design & Placemaking
- D2 Ensuring Good Environmental Conditions
- D4 Water Quality & Resources

##### **Other Documents:**

National Planning Policy Framework (NPPF) 2021  
Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015  
Non-Residential Car Parking Standards Supplementary Planning Document

#### **5.0 Relevant Planning History**

- 5.1 None relevant

## **6.0 Representations**

6.1 Eight representations have been received (including one from the Fareham Society) raising the following concerns;

- The scale of the building is out of character with the area
- The depth of development extending beyond the built-up frontage
- Three storey development is not appropriate
- Loss of light and outlook
- Minimum separation distance requirements are only just met
- Residents should be consulted on proposed boundary treatments and landscaping to ensure adequate privacy
- Increased noise levels from use of building and external areas
- External lighting may be intrusive
- Impact on trees, loss of Weeping Willow and future pressure to fell/prune retained trees
- Swift bricks should be included within the fabric of the building
- Insufficient car parking
- Visitors may attempt to park on The Avenue
- Disruption, noise & dust during construction
- Increased vehicle movements leading to late night disturbance/light pollution
- Loss of property value
- The construction of the basement will require removal of significant material from site and increased noise
- Neighbours would like to be informed of the proposed programme of construction activity
- Access to/from neighbouring properties should not be blocked during build
- Obstruction of the highway on this busy road causes traffic chaos

## **7.0 Consultations**

EXTERNAL

### **Natural England**

- 7.1 *Recreational Impacts to Solent Special Protection Areas and to the New Forest Designated Sites* – We note that contributions to mitigate recreational disturbance have been ruled out during the Appropriate Assessment (AA) to account for the nature of the development as a care home for both Solent SPA's and New Forest Designated Sites. It is for you as competent authority to be satisfied that the justification for the discount outlined within the AA is enough to remove all reasonable scientific doubt that an adverse impact on integrity on Solent SPAs and the New Forest is removed.
- 7.2 *Deterioration of the water environment* – We note that the nutrient budget for this application has been calculated in line with the updated Nutrient Neutrality

Methodology. Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England raises no concerns with regard to the nutrient budget.

- 7.3 We note that an alternative occupancy figure for the proposed development has been used in the calculation due to the nature of the development as a residential care home. Natural England's view is that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. Natural England's advice is to take a precautionary approach that recognises any uncertainty.
- 7.4 This appropriate assessment relies on the purchase of nitrogen credits from the Colman's Lane mitigation site on the Isle of Wight. We note that this mitigation scheme has calculated its total credit provision based on the use of bespoke rainfall data, which differ from those within Natural England's published nutrient methodology.
- 7.5 It is our view that competent authorities may choose to adopt bespoke calculations for detailed planning applications, if sound evidence is available. These are matters for each competent authority. We would advise that it is for your authority to determine whether the bespoke rainfall datasets are suitably precautionary and robust.

### **Hampshire County Council – Highways**

- 7.6 Site access plan no. 2022/6392/001 Rev P5 shows both existing access points to be amended or widened to allow the two way in and out movements of a vehicle. On the same drawing swept path analysis supports the fact two cars have the ability to access and egress the site simultaneously if they were to meet at the access points.
- 7.7 Visibility is shown on drawing no. 2022/6392/003 Rev P2 at both accesses and measured at 2.4 metres by 120 metres commensurate with the 40mph speed limit on the A27. These have been drawn to the nearside wheel track. In this instance the Highway Authority consider the visibility splays to be acceptable.
- 7.8 In terms of trips generated by the site, the development will produce trips well over and above the existing use. Nine two way trips will be generated in the AM peak and 5 two way trips generated in the PM peak, with 76 two way daily trips. The Highway Authority agree that the trip generation figures presented are acceptable.
- 7.9 The applicant has conducted a parking accumulation survey based on the typical weekday and weekend movements generated by the care home and

the parking spaces provided appear to be adequate in meeting the needs of both staff and visitors of the site.

### **Hampshire County Council – Lead Local Flood Authority**

- 7.10 We consider that the information provided is sufficient to address our comments and as such we have no objection to this application subject to water company approval of the surface water sewer connection.

### **Southern Water**

- 7.11 Our investigations indicate that Southern Water can facilitate foul sewerage and surface water run off disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer.

INTERNAL

### **Environmental Health**

- 7.12 Request that in line with the Noise report conclusions, conditions are added to any permission granted, to limit the hours of deliveries and also to provide alternative ventilation to those accommodations with an outlook onto the main road.

### **Ecology**

- 7.13 The measures detailed within the submitted Ecological Appraisal by Ecology Solutions (September 2022) are acceptable and will ensure the safeguarding of protected and notable species, provided that the measures in Section 5. 'Ecological Evaluation' of the report are secured via a Planning Condition. The only amendment required however is that the number and type of the proposed bat and bird features should be specified in the ecology report to ensure they can be secured via a Planning Condition. Due to the urban location of the application site, only bat and bird features integrated into the fabric of the new building will be acceptable.

### **Principal Tree Officer**

- 7.14 Of concern initially were the implications of the proposal on the three retained TPO trees. The proposed layout does seek to improve the rooting environment of the Corsican Pine (T3) tree on the site frontage by removing a significant proportion of the existing driveway. However, this is a large mature tree and this species could make the four proposed parking spaces beneath the tree within the root protection area (RPA) virtually unusable.

- 7.15 The close proximity of the building to the west and south of the Scots pine trees within the rear garden (T4 & T5) would leave them within an enclosed area, which they will dominate to the detriment of the use of that space and to some degree negatively impact on habitable rooms that face out onto that area. The elevation will effectively screen the two trees from public view and therefore denude them of their public amenity benefit.
- 7.16 Initial concerns have been allayed following discussions between Officers clarifying the intended use of the parking spaces beneath the Corsican Pine as visitor parking spaces and in light of the wider planning context, therefore no objection is raised to the proposal on arboricultural grounds.

## **8.0 Planning Considerations**

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

- a) Principle of Development
- b) Unmet need for housing for the elderly
- c) Design & effect on the character of the area
- d) Effect on neighbouring properties
- e) Highways and car parking
- f) Ecology and trees
- g) Impact on habitat sites

### **a) Principle of Development**

- 8.2 Policy HP1 of the adopted Fareham Local Plan 2037 states that residential development within the Urban Area boundary, as shown on the Policies map, will be supported in principle.
- 8.3 Policy HP8 of the Fareham Local Plan 2037 concerns the provision of older persons and specialist housing provision and states;

*Development will be permitted for new, or extensions and additions to existing, older persons' and specialist housing in the Urban Area boundary where:*

- a) Sufficient parking and services are available to fulfil the needs of residents, visitors and any care and servicing intended to be provided on site; and*
- b) Accommodation is provided in sustainable locations having regard to accessibility, local services, community integration and safety, and to the need for staff and services to access the accommodation; and*
- c) An appropriate provision of amenity space is provided having regard to the needs of the potential users.*

- 8.4 The proposed provision of a care home in this location would be in accordance with policy HP1 of the Fareham Local Plan 2037. The proposal is considered acceptable in principle subject to satisfying the requirements of the remaining relevant local plan policies, including HP8, which are discussed in more detail later within this report.

**b) Unmet need for housing for the elderly**

- 8.5 A specific assessment of the level of need for housing for older people is set out in the evidence studies for the Fareham Local Plan 2037 in the Specialist Housing Background Paper September 2020. This report represents the most up to date assessment of the demand and the need for specialist accommodation for older people in Fareham. It separates the different types of specialist accommodation such as sheltered housing, extra care housing, residential care and nursing care provision. The application is for a Care Home but is likely to have dual registration as a Care and Nursing Home to enable people to remain in accommodation if their needs change from general care needs to more specific nursing needs. (For planning purposes Care Homes and Nursing Homes both fall within the same C2 use class.)
- 8.6 The report concludes that at present there is a shortfall in residential and nursing care accommodation being provided and there is likely to be considerable unmet demand for this type of housing in the future. This unmet need weighs heavily in favour of granting planning permission as a means of boosting the Council's housing supply in this particular specialist area.
- 8.7 The applicants have commissioned their own planning need assessment (Carterwood ,July 2022) which demonstrates a need for 386 en-suite bed spaces within the market catchment area (5 mile radius of the site) using a base date of 2025.

**c) Design and Effect on the Character of the Area**

- 8.8 Policy D1 (High Quality Design and Place Making) of the Fareham Local Plan 2037 states that development proposals and spaces will be of high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality places.
- 8.9 The design and scale of buildings along The Avenue varies within the vicinity of the application site as does the use of materials, with a wide palette that includes brick, hanging tiles, render and timber. Due to the presence of mature landscaping on the road frontage and the set back of buildings from the road, existing development has reduced visibility within the streetscene.
- 8.10 It is acknowledged that the proposed care home is significantly larger in scale and footprint than some of the surrounding dwellings, however it would not be



the only large building within the area. A three storey flat roofed block of flats (Willow Court) stands directly opposite the site, whilst three storey new build flats are seen to the east of the site at Chalford Grange and to west on the south side of the Avenue (York House). Approximately 50m to the east of the application site on the same side of the road there is an existing residential care home (Whiteoaks, No.56-58 The Avenue) which has evolved through the amalgamation and extension of two residential dwellings. The height and scale of the proposed care home would not result in the building appearing out of keeping within the urban environment in which it would stand. The site is positioned within close proximity to, and on a main vehicular route leading into and out of, Fareham town centre, and also within an area where other large buildings are visible intermixed with more modest residential properties.

- 8.11 The application site lies amid a row of only five dwellings which have very large long rear gardens, however a denser form of development is evident at Heath Lawns extending immediately to the north of the application site and at Veryan to the east. Development which extends behind the built up frontage of the Avenue is evident at Chalford Grange to the west of the application site. The dwellings on Chalford Grange were constructed within the rear gardens of the dwellings fronting The Avenue and the final dwelling at the eastern end of Chalford Grange lies within the original rear garden of No.70 The Avenue, only two doors to the east of the application site.
- 8.12 The approach taken to the design of the Care Home aims to maintain the general character of the area, whilst recognising and delivering the physical requirements of a care home. The proposed building follows the existing building line along The Avenue. The front elevation is designed to appear like two large detached dwelling with a central link between the buildings, set back from the principal frontage elevations, such that they would read as separate units when seen from oblique angles from the road. Such an arrangement would also be strengthened by the retention of mature trees in the front gardens and landscaping.
- 8.13 It is considered that the elevations and footprint of the building are well articulated avoiding long unbroken spans that would be visually bland. Due to the proximity of adjacent dwellings, the distance from the road and the central position of the rear 'wing' it is considered that this element of the building would not be visible to any meaningful degree other than by occupants of surrounding properties. As such, the visual appearance of the proposal would not be of an imposing and out of character scale and mass. The retention of the prominent pine tree on the site frontage together with the provision of additional landscaping along the frontage, and the retention of two accesses would contribute towards the integration of the scheme within the character of The Avenue.

- 8.14 The size of the site provides for ample amenity space wrapping around the building providing pleasant external views and useable external space for residents. It is therefore considered the proposal would comply with the requirements of Policy HP8 (c) of the Local Plan in terms of the provision of amenity space.
- 8.15 The proposed care home building needs to be large in order to meet the operational requirements of a commercial care home, however it is considered it has been well designed to provide both an accessible and pleasant living environment that meets the specific needs of the future occupiers and a high quality building that would be well integrated with the context of the surrounding area as required by Policy D1 of the adopted Fareham Local Plan 2037.

**d) Effect on Neighbouring Properties**

- 8.16 Policy D2 (Ensuring Good Environmental Conditions) of the Fareham Local Plan 2037 states that;

*Development must ensure good environmental conditions for all new and existing users of buildings and external space. Development proposals, including changes of use, will be permitted where they:*

- a) Do not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook and ventilation and providing adequate daylight, sunlight and privacy; and*
- b) Do not, individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupants, adjoining land, or the wider environment*

- 8.17 With regards to the concerns raised in respect of overlooking and loss of privacy, the Councils adopted Design SPD states that new first floor windows should be at least 11m from boundaries they look towards and no less than 22m from facing windows in neighbouring houses to protect privacy. In the case of more spacious areas a greater distance is likely to be required.
- 8.18 Following pre-application discussions the design of the building was amended to reduce the number of openings and balconies proposed within the east and west facing elevations facing towards the neighbouring residential properties (Nos. 62 & 68 The Avenue). Second floor accommodation was also removed from the wing extending north into the garden.
- 8.19 The proposed first floor windows within the east and west elevations would be positioned in excess of 11m from the garden boundaries which they face towards. On the east elevation these windows would vary between 14.5m-16.7m from the boundary and there is also significant vegetation screening on

this boundary which limits views. A first floor balcony is proposed to the north-east corner of the building. This would be sited over 11m from the boundaries of the site and would also be enclosed with an obscure glazed screen (1.7m in height) which would protect the privacy of neighbouring properties but also provide protection from the weather to residents.

- 8.20 On the west elevation the first floor windows would be 14.4m-16m from the boundary. Additional vegetation screening would be sought as well as an increase to the height of the existing fencing which currently allows views over into the adjacent garden to 1.8m in height. Details of boundary treatment would be subject of a planning condition.
- 8.21 The nearest properties to the rear are No.36 Heath Lawns which backs on to No.66 The Avenue and No.38 Heath Lawns which is positioned to the rear of No.64 The Avenue. The dwelling at No.38 Heath Lawns is positioned at a 90 degree angle with its south flank wall presented to the application site and primary outlook to the east and west. The proposed Care Home would be set below existing ground level towards the rear of the site. The floor level would be approximately 1.25m below the ground level at the boundary with properties on Heath Lawns as can be seen on the submitted section. This serves to reduce the height and subsequent bulk of the building when viewed from Heath Lawns. A raised embankment would be retained extending along the northern boundary and wrapping around to the eastern and western boundaries. A level area of amenity space would be provided immediately to the rear of the Care Home with a 0.6m retaining wall built to retain the raised embankment. It is proposed to landscape along the embankment to offer additional vegetation screening although this would be subject to a reserved matters application.
- 8.22 The nearest first floor bedroom window within the north elevation of the care home would be 14.5m from the northern boundary and would be a minimum of 23m from the facing windows within the rear of No.36 Heath Lawns. The orientation of No.36 Heath Lawns is such that it faces slightly to the south-west so there would also not be a direct facing relationship. The remainder of the first floor windows on the northern elevation of the care home would be a minimum of 13.3m from the boundary of Nos 36 and 38 Heath Lawns and therefore it is not considered that the proposal would have an unacceptable impact in terms of loss of privacy. Whilst concerns have been raised in respect of the potential for noise and light disturbance it is not considered that these matters would have an unacceptable impact on the living conditions within neighbouring properties. A planning condition would be imposed to secure the submission of further details of any external lighting.
- 8.23 The occupants of the property on the opposite side of The Avenue have raised concerns in respect of loss of privacy. There would be in excess of 55m between the front elevation of the proposed care home and the front

elevation of No.53 The Avenue and there would be intervening vegetation which would offer screening of the Care Home. In light of the level of separation it is not considered that the proposal would have an adverse impact on the living conditions of the properties opposite in terms of loss of privacy. Given the highly trafficked nature of the Avenue it is not considered that the additional vehicle movements generated by the Care Home would have an adverse impact on the living conditions of neighbouring properties. The proposal is considered to comply with Policy D2 of the adopted Fareham Local Plan 2037.

**e) Highways and Car Parking**

- 8.24 Policy TIN2 (Highway Safety and Road Network) of the Fareham Local Plan 2037 states;

*Development will be permitted where;*

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

- 8.25 Policy HP8 (a) of the adopted Local Plan requires development for older persons housing to provide sufficient parking and seeks to ensure that services are available to fulfil the needs of residents and visitors. Policy HP8(b) sets out a requirement for older persons specialist housing provision to be provided in sustainable locations having regard to accessibility, local services, community integration and safety, and to the need for staff and services to access the accommodation.
- 8.26 The proposed site layout includes a total of 17 car parking bays for staff/visitors, including 2 disabled bays. The Council's non-residential car parking SPD requires care homes to provide 0.3 spaces per non-residential member of staff and 0.25 spaces per resident bedroom. The operational requirements include the provision of a larger parking space for an ambulance.
- 8.27 The submitted transport statement calculates parking requirements against the Local Planning Authority standards. However, this has been calculated against the total number of staff due to work on a single day shift in a regular week. Parking should be calculated based on the total number of staff for the care home which results in 21 spaces being required which indicates there will be a shortfall in 4 spaces against Fareham Borough Council standards.
- 8.28 The applicant has accordingly conducted a parking accumulation survey based on the typical weekday and weekend movements generated by a care home analysing TRICs data. The parking accumulation profile suggests that during a typical weekday, peak demand would be between 12:00 and 14:00

hours, with a maximum of 10 vehicles parked on the site. During a typical weekend period, the car park would accumulate up to 14 vehicles on site.

- 8.29 The site is considered to be sustainably located within the settlement boundary and is considered to offer easy access to community facilities and amenities although residents will also be provided with on-site facilities. There is a bus stop on the Avenue close to the application site which will provide access to local buses (X4, X5 and 28A bus routes) for staff/visitors and Fareham Train station is also within walking distance 950m to the east of the site which is served by additional bus routes.
- 8.30 The Highway Authority does not consider that the under provision of parking will onwards become a significant issue to the operation and safety of the local highway network. The site is in an accessible location and the proposed level of car parking would satisfy the anticipated peak demand. The provision of 17 spaces is therefore considered to be appropriate and not anticipated to have a significant adverse impact on the safety of the highway. The proposal is considered to comply with TIN2 (Highway Safety and Road Network) and Policy HP8(a)(b) of the Fareham Local Plan 2037.

#### **f) Ecology & Trees**

- 8.31 An ecological appraisal is submitted in support of the application which establishes the general ecological value of the site. The habitat types present that would be lost to some extent include amenity grassland, hedgerow, scrub and scattered trees. The initial Phase 1 habitat surveys identified that the two dwellinghouses had moderate/low potential to support roosting bats although no evidence of bats was recorded internally. Both buildings were subject to Phase II emergence and re-entry surveys, whereby no roosting bats were recorded. As such, it is not considered that any buildings within the site support roosting bats and no mitigation is required for their removal. A sensitive lighting scheme would be required for any proposed external lighting and this would be subject to planning condition.
- 8.32 The retention of the boundary hedgerow and scattered trees would continue to provide foraging and nesting opportunities for birds. The recommended creation of any areas of species-rich flowering lawns, new native hedgerows and new native tree planting would provide new opportunities for a range of birds, while the erection of bird boxes would also provide new nesting opportunities and would be secured by planning condition. Safeguards for nesting birds during vegetation clearance have also been recommended. Whilst an indicative landscape proposal has been presented this would be the subject of a reserved matters application.

- 8.33 There was no evidence of badgers or reptiles on site although the ecological appraisal includes for a precautionary approach to vegetation clearance.
- 8.34 In line with paragraph 175 of the National Planning Policy Framework, the Council expects development proposals to achieve demonstrable net gains in biodiversity. Policy NE2 of the adopted Fareham Local Plan 2037 concerns biodiversity net gain (BNG) and states;

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

- 8.35 The application is supported by a BNG assessment which has been calculated for the proposed development by the applicant’s ecologist using the biodiversity metric. The baseline habitat score of the site at present is relatively low and the results of the BNG calculation indicate an increase in habitat units of 19.5% and an increase in hedgerow units of 24.6%, which exceeds the minimum requirement for 10% BNG. Proposed habitats include amenity grassland and planting, mixed scrub, and native hedgerows. It is suggested that a number of additional enhancements including bat and bird boxes have not been accounted for within the net gain calculation. Since this is an outline application, with the landscaping of the site forming a reserved matter, the inputs of the BNG calculation are based to an extent on assumptions. The calculation is nonetheless considered to be acceptable by Officers having regard to the existing and proposed habitats on-site. The nature of the use of the site as a commercial enterprise would enable those habitats within the grounds of the care home to be managed and maintained in the longer term. The submission of a final biodiversity net gain plan with the Reserved Matters application would be secured by planning condition confirming that the minimum 10% net gain would be achieved and providing further detail of how the habitat would be managed and maintained for a minimum of 30 years to accord with Policy NE2.
- 8.36 Policy NE6 of the adopted Fareham Local Plan 2037 concerns trees, woodland and hedgerows. It states that development will be permitted which retains both protected and non-protected trees, hedgerows and woodland, particularly those which have high amenity value and also provides for replacement and additional trees and hedgerows. There are currently four trees on the application site which are the subject of a Tree Preservation Order (TPO). The proposed development would result in the removal of one of these trees, a Norway Spruce which is positioned on the site frontage within the south-east corner of the site. The tree was found to be exhibiting signs of decline and it is estimated that it has limited lifespan remaining. The Weeping Willow on the site frontage which is not protected would be felled,

not to facilitate development but because it is considered to be hazardous. A number of less significant trees within the footprint of the building would also be felled but these are of limited public amenity value. The most valuable trees protected by TPO would be retained and protected during the construction works, the dominant Corsican pine centrally positioned on the site frontage and two Scots Pine located within the rear garden to the east of the proposed Care Home. A number of replacement trees are shown on the indicative landscape proposal.

- 8.37 Much of the root protection area (RPA) of the Corsican Pine is currently occupied by the existing tarmac and gravel driveways, and by the garage to No. 66 The Avenue. The proportion of its RPA to be occupied by new hard surfacing under the proposals would be less than at present. The proposed parking bays on the tree's eastern side and the access roadway on its north side would be constructed using a cellular confinement system for the new sub-base to avoid harm to the rooting system. The Council's Principal Tree Officer initially raised concerns regarding the proximity of these parking spaces to the Corsican Pine tree due to the potential pressure to prune the tree in future as a result of falling debris. It has however been clarified that residents would not own vehicles and these car parking spaces can be allocated as visitor spaces so that they would only be in short term use, the tree officer was satisfied this would be an acceptable approach.
- 8.38 In addition the relationship of the Care home to the retained Scots Pine trees within the rear garden has been further discussed and it was agreed that it would be unlikely that the proximity of the building to these trees would lead to pressure to prune given the intended use of the building. The area of the amenity space that may be affected by shading from these trees would not provide the primary sitting out area for residents and would be shaded by the building in any event. It would not appear that there would be any immediate need to fell the trees and they would make a valuable contribution to the setting of the building for residents.

#### **g) Impact on Habitat Sites**

- 8.39 Policy NE1 sets out the strategic approach to the protection of nature conservation, biodiversity and the local ecological network. The policy confirms the requirement to ensure that designated international, national and local sites of conservation value and protected and priority habitats and species, including breeding and foraging areas are protected and enhanced.
- 8.40 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national

and international importance.

- 8.41 In light of their importance, areas within The Solent have been specially designated under UK law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Habitat Sites' (HS).
- 8.42 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated protected sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.43 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the HS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.44 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and within the 13.8km radius of the New Forest Habitat Sites referred to as the 'Zone of Influence' (ZOI).
- 8.45 The proposed Care Home will provide accommodation for people who require a level of care that means it will be 'highly unlikely' that they will own a car and would not own a dog. Given the proposed tenure and the anticipated capabilities of residents the proposed care home is not likely to contribute towards an impact on the integrity of the Solent/New Forest SPAs as a result of increased recreational disturbance in combination with other development. A planning condition is proposed to prevent residents from keeping a vehicle at the Care Home. The Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects.
- 8.46 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.
- 8.47 A nitrogen budget has been calculated in accordance with Natural England's *Nutrient Neutrality Generic Methodology* (Feb 2022) ('the NE Advice') and



updated calculator (April 2022) which confirms that the development will generate 18.56 kgTN/yr. Officers have accepted the use of a bespoke occupancy figure of 1 person per single room as the care home rooms are designed for single occupancy. The existing use of the land for the purposes of the nitrogen budget is considered to be residential urban land as it forms part of the curtilage of the existing dwellings. Due to the uncertainty of the effect of the nitrogen from the development on the HS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.

- 8.48 The applicant has secured 18.6Kg/TNyr of nitrate mitigation 'credits' from Heaton Farms Ltd. Through the operation of a legal agreement between Fareham Borough Council, Isle of Wight Council and Heaton Farms Ltd dated 25 June 2021, the purchase of the credits will result in a parcel of agricultural land at Coleman's Lane in Porchfield, Isle of Wight being taken out of production therefore providing a corresponding reduction in nitrogen entering The Solent marine environment on an annual basis, to mitigate the impact of the development.
- 8.49 The Council has concluded within an Appropriate Assessment that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and have not raised any specific concerns or objections to its findings. In response to their comments, Officers are satisfied that the figures used within the nitrate budget calculation are appropriate and suitably precautionary. It is considered that the development accords with the Habitat Regulations and complies with Policies NE1, NE2, NE3 and NE4 of the Fareham Local Plan 2037.

### **Summary**

- 8.50 The proposed Care Home has been sensitively designed to provide a high quality living environment for future occupiers while responding positively to the character of the area. The proposed development is considered to comply with the requirements of the relevant local planning policies and the Council's adopted guidance. Notwithstanding the representations received, Officers consider the proposal to be acceptable.

## **9.0 Recommendation**

- 9.1 GRANT OUTLINE PLANNING PERMISSION, subject to the following Conditions:

1. Application for approval of the landscaping of the site (hereinafter called "the reserved matters") shall be made to the Local Planning Authority before the

expiration of three years from the date of this permission. The development hereby permitted shall be commenced in pursuance of this permission either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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:

- i) Location plan – drwg No. 0100 P3
- ii) Topographical Survey – drwg No. Geo21-084
- iii) Block Plan – drwg No.0102 P6
- iv) Site Plan – drwg No. 0101 P10
- v) Existing Site Plan – drwg No. 0110 P3
- vi) General Arrangement Ground Floor Plan – drwg No. 0201 P9
- vii) General Arrangement First Floor Plan – drwg No. 0211 P9
- viii) General Arrangement Second Floor Plan – drwg No. 0221 P10
- ix) General Arrangement Basement – drwg No. 0231 P3
- x) General Arrangement Roof Plan – drwg No. 2701 P6
- xi) General Arrangement Elevation Sheet 1/3 – drwg No. 0301 P7
- xii) General Arrangement Elevation Sheet 2/3 – drwg No. 0302 P5
- xiii) General Arrangement Elevation Sheet 3/3 – drwg No. 0303 P5
- xiv) Proposed Streetscene – drwg No.0304 P7
- xv) Proposed Site Sections – drwg No.0305 P6
- xvi) Transport Statement (RGP, September 2022)
- xvii) Travel Plan (RGP, November 2022)
- xviii) Drainage Strategy 4.0 (Patrick Parsons, October 2022)
- xix) Strategic Drainage Layout – drwg No. TAF-PPC-00-XX-DR-C-0200 Rev P5
- xx) Flood Risk Assessment (Patrick Parsons, October 2022)
- xxi) Environmental Noise Report (Sharps Redmore, October 2022)
- xxii) Ecological Appraisal (Ecology Solutions, September 2022).
- xxiii) AIA (David Archer Associates, September 2022)

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the development hereby approved shall only be used as a Care Home for purposes within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to

that class in any statutory instrument revoking and re-enacting that order with or without modification, and for no other use.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission and to ensure sufficient car parking is provided.

4. No development hereby permitted shall proceed beyond damp proof course level until details and samples of all proposed external facing and hardsurfacing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To secure the satisfactory appearance of the development.

5. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries (including for a 1.8m high screen along the western site boundary adjacent to the rear garden of No.68 The Avenue) has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

6. The recommended travel plan measures and actions contained within the Travel Plan (RGP, November 2022) shall be implemented in accordance with the identified timescales of the action plan and shall be adhered to for the five years of the plan unless agreed otherwise in writing with the Local Planning Authority

REASON: To encourage sustainable means of transport.

7. No development shall commence on site until the two access points, including the footway and/or verge crossing, have been constructed and lines of sight of 2.4 metres by 120 metres provided in accordance with the approved plans (Transport Statement, September 2022). The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metre

in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

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

8. The Care Home hereby approved shall not be occupied until the car parking spaces marked on the approved plan (drwg No. 0101 P10) have been provided on site. The four parking spaces numbered 7-10 shall be clearly marked as visitor parking spaces and the two disabled bays shall also be clearly marked as such. These spaces shall be subsequently retained for their respective purposes at all times.

REASON: To ensure sufficient car parking is provided.

9. Residents of the care home shall not be permitted to keep a car at the site.

REASON: To ensure adequate car parking provision; In the interest of avoiding recreational pressure on habitat sites.

10. The Electric Vehicle (EV) charging points shown on the approved site plan (drwg No. 0101 P10) shall be provided prior to first use of the development hereby permitted and shall thereafter be retained in working order.

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

11. The three first floor corridor windows proposed to be inserted into the east and west flank elevations of the approved development (as indicated on the approved plans) shall be:

a) Obscure-glazed; and

b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

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

12. The first floor stairwell/landing window proposed to be inserted into the rear elevation (north) of the approved development shall be:

a) Obscure-glazed; and

b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times.

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

13. The development hereby approved shall not be brought into use until a 1.7 metre high obscure glazed privacy screen, as indicated on the approved

plans, has been installed to the first floor balcony at the north-east corner of the building. The screen shall subsequently be retained at all times.

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

14. The landscaping scheme approved pursuant to condition 1 shall be implemented and completed within the first planting season following the completion of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

15. No external lighting (including floodlighting, security lighting or other means of external illumination) shall be installed on the building or land unless otherwise first approved in writing by the Local Planning Authority.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution; In order to minimise impacts of lighting on the ecological interests of the site.

16. The Care Home hereby approved shall not be occupied until details of all extraction, air-conditioning or refrigeration systems, including all associated external works to be installed, have been submitted to and approved in writing by the Local Planning Authority. This shall include details of mechanical ventilation to be installed to all bedrooms with windows in the south elevation of the building hereby permitted. The details shall include the positions of any external works (including its shielding or screening), its purpose, any noise levels which its use would generate and how this would be measured. The development shall be carried out in accordance with the approved details and maintained in a satisfactory working order.

REASON: To ensure an acceptable living environment for residents; In order to protect neighbours from avoidable disturbance by noise and smells.

17. The Care Home hereby approved shall not be occupied until details of water efficiency measures to be installed have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

18. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and Heaton Farms Limited dated 25 June 2021 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.  
REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.
19. The Care Home hereby approved shall not be first occupied until the bin storage area marked on the approved site plan (drwg No. 0101 P10) has been provided on site. This storage shall be subsequently retained for the purpose of storing bins at all times.  
REASON: To ensure sufficient and appropriate bin storage is provided.
20. The care home shall not be occupied until the bicycle storage for staff and visitors, as shown on the approved site plan (drwg No. 0101 P10), has been made available. This storage shall thereafter be retained and kept available at all times for the purpose of storing bicycles.  
REASON: To encourage cycling as an alternative mode of transport.
21. No deliveries shall be taken at or despatched from the site outside the hours of 07:00-23:00.  
REASON: To protect the occupiers of the nearby residential properties from possible disturbance.
22. The development hereby approved shall be undertaken in accordance with the mitigation measures detailed within Section 5 'Ecological Evaluation' of the submitted Ecological Appraisal (Ecology Solutions, September 2022).  
REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.
23. Prior to the commencement of development a detailed scheme of biodiversity enhancements to be incorporated into the development in accordance with Section 5 'Ecological Evaluation' of the submitted Ecological Appraisal (Ecology Solutions, September 2022) shall be submitted for written approval to the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.  
REASON: to enhance biodiversity.
24. The Reserved Matters application shall be accompanied by an updated biodiversity net gain plan confirming that the minimum 10% net gain would be achieved and providing further detail of how the habitat would be managed and maintained for a minimum of 30 years.  
REASON: to enhance biodiversity.

25. The development shall be carried out in accordance with the Arboricultural Implications Assessment (David Archer Associates, September 2022) unless otherwise agreed in writing with the Local Planning Authority. The tree/hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

26. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will be implementing to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning The Avenue to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and

disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

27. No work on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

*Notes to applicant*

A highway license will be required in order to construct the access. More information can be found at the following link:

<https://www.hants.gov.uk/transport/parking/droppedkerbs>

THEN

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

Make any necessary modification, deletion or addition to the proposed conditions.

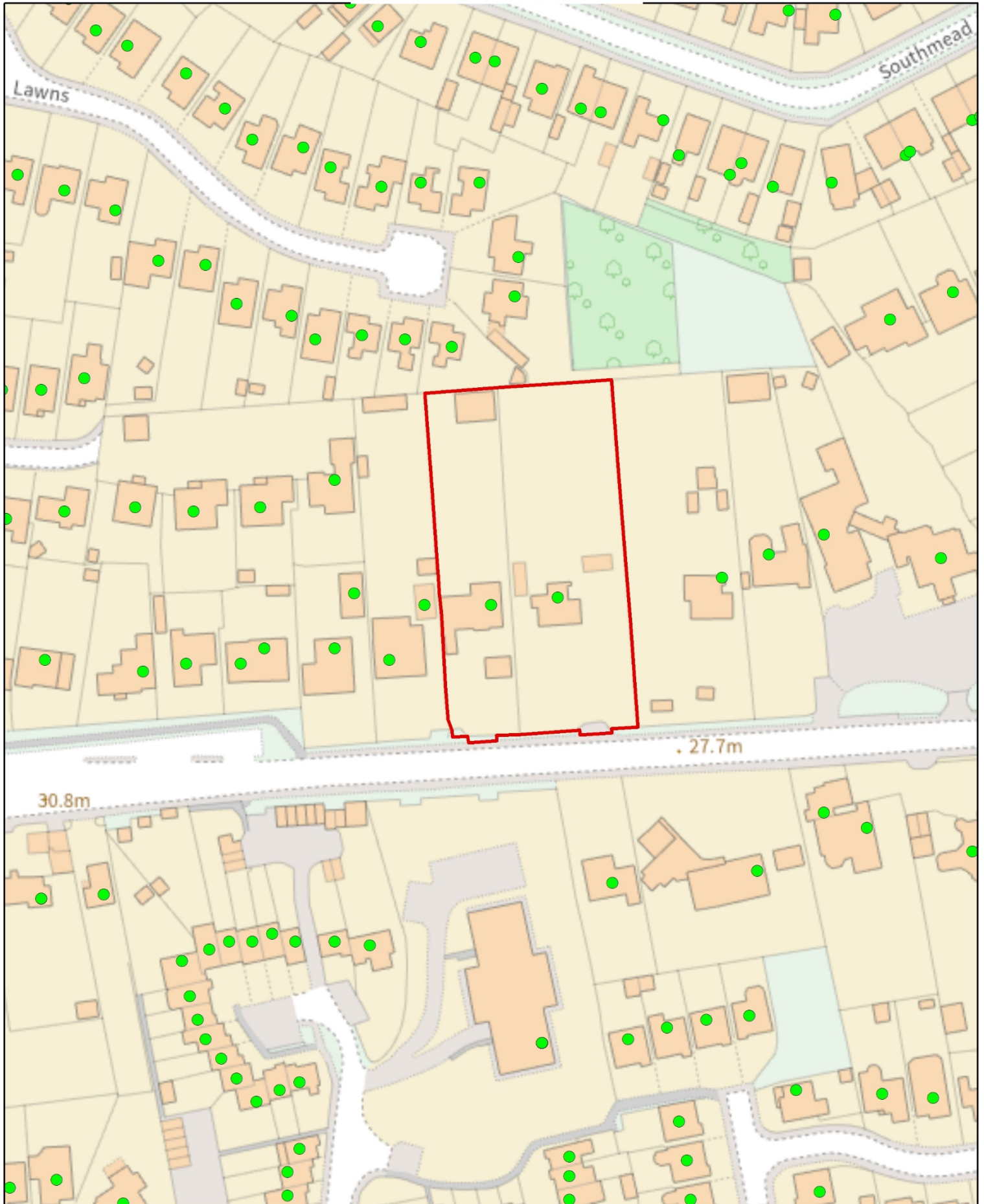
**10.0 Background Papers**

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.



# FAREHAM

BOROUGH COUNCIL



64 & 66 The Avenue  
Fareham  
Scale 1:1,250



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