

## **OFFICER REPORT FOR COMMITTEE**

**DATE: 9<sup>th</sup> October 2024**

**P/24/0422/FP  
MCCARTHY & STONE**

**WALLINGTON & DOWNEND WARD  
AGENT: THE PLANNING BUREAU**

DEMOLITION OF EXISTING OFFICE BUILDING & CONSTRUCTION OF ASSISTED LIVING/EXTRA CARE ACCOMMODATION WITH UP TO 54 APARTMENTS & COMMUNAL FACILITIES (USE CLASS C2), ASSOCIATED LANDSCAPING, CAR PARKING, HIGHWAY WORKS & ERECTION OF SUBSTATION

100 WICKHAM ROAD, FAREHAM, PO16 7HT

### ***Report By***

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### ***1.0 Introduction***

1.1 This major planning application is being brought before the Planning Committee for determination due to the number of third-party representations received.

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

- 2.1 The application site lies within the urban settlement boundary and extends over an area of approximately 0.59 hectares. A detached office building stands on the site that was previously occupied by Persimmon Homes and a driving test exam centre. The building was vacated in 2022.
- 2.2 The existing building sits towards the south-west corner of the site with areas of hardstanding surrounding it providing car parking and vehicular/pedestrian routes. There is also a small detached single storey storage building located adjacent to the southern boundary.
- 2.3 The site abuts residential development to the north and north-east and to the west on the opposite side of Furzehall Avenue which is predominantly two storey scale. Fareham cemetery lies to the east of the site and there is a large two storey Hampshire County Council (HCC) office building located to the south.
- 2.4 There is vegetation screening around much of the perimeter with a mixture of mature trees and shrubs.

- 2.5 The site has an approximate 4m fall in ground levels from southeast to northwest so the existing building has an elevated position when viewed from Furzehall Avenue. The neighbouring properties to the north of the site along the Furzehall Avenue frontage are at a lower level than the existing building and have sloping or terraced garden rising up to the boundary.
- 2.6 The site lies partly within a ground water source protection zone and falls within Flood Risk Zone 1

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

- 3.1 Planning permission is sought for demolition of the existing building and the construction of a residential complex consisting of 54 self-contained apartments (34 x 1 bed & 19 x 2-bed) to be provided as assisted living/extra care accommodation for the elderly.
- 3.2 The building would be 'L' shaped with two main wings. One wing would provide a frontage facing west towards Furzehall Avenue and the other to the south, initially towards Wickham Road but also in the direction of the adjacent HCC building.
- 3.3 The proposed building would primarily be read as being three storeys in height, reducing down to two storeys at the northern and eastern extremity of each wing. The elevations would be finished in red brick with vertical stretcher stack bonded detail used between floors to provide an identifiable transition. For the upper floor grey brick would be used to lessen the perceived mass of the building and assist it to blend into the roofscape. Projecting features or bays are used to articulate the building, breaking up expansive elevations to add visual interest. The roof would be finished in darker tiles to contrast with the walls.
- 3.4 The existing vehicular access to the site from Wickham Road, which lies adjacent to the junction with Furzehall Avenue, would be maintained with only minor amendments required to the kerbs and radii. It is proposed that a new pedestrian crossing would be provided across Wickham Road to connect the site with existing pedestrian footways. The internal access road would lead along the extent of the south facing wing around the building to the car park situated within the north eastern part of the site.
- 3.5 Within the building communal facilities would be provided for residents including a bistro with associated kitchen, wellness suite, and a guest suite for visitors/staff. The ground floor would have a main reception with an office for staff along with storage rooms for refuse and mobility scooters/cycles.

- 3.6 A central communal courtyard of amenity space would be provided to the north of the building split over two levels with external seating. A large terrace would provide a level surface for outdoor dining with direct access from the residents bistro lounge. A growing garden with a potting shed and raised planters would be provided alongside the terrace. An external flight of steps or grassed slope would link the two levels but for residents with mobility issues the internal lifts could also be used to move around the site. The amenity space would be shielded by the building to provide residents with a sheltered and private space and would extend out to the northern boundary with residential properties.
- 3.7 All parts of the proposed building including communal areas and individual flats have been designed to be accessible, to accord with Part M, Category 2 of the building regulations.

#### **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) 2023
- 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 The following planning history is relevant:

<b>P/14/1252/FP</b>	DEMOLITION OF EXISTING OFFICE, ERECTION OF OFFICE WITH 7 NO. FLATS ABOVE WITH ASSOCIATED ACCESS, PARKING AND LANDSCAPING AND THE ERECTION OF 6 NO. DWELLINGS FRONTING FURZEHALL AVENUE
<b>Permission</b>	19 November 2015

## **6.0 Representations**

6.1 Eighteen representations have been received (including one from The Fareham Society) raising the following material planning considerations:

- Overdevelopment
- Excessive scale and height
- Design not in keeping with the residential scale and character of the area
- Existing building should be retained and converted
- The building should be limited to the same size/footprint as the existing building
- Increased traffic generation
- Insufficient car parking
- Increased parking on roadside which causes issues locally
- Residents will be reliant on a private car due to walking distances
- Local bus service is unreliable
- Residents will not be able to safely cross the road to the bus stop
- Concerns in relation to drainage of car park
- Increased noise and light pollution
- Noise barrier required adjacent to car park to prevent noise and light disturbance
- Loss of light
- Overlooking
- Balconies are unnecessary feature
- The hedge on northern boundary does not offer sufficient privacy and it is not clear how this will be addressed
- Disturbance during construction

## **7.0 Consultations**

EXTERNAL

**Local Highway Authority - Hampshire County Council**

- 7.1 The site is located on Furzehall Avenue, an unclassified road with a 30mph speed limit, footways and street lighting. Double yellow line parking restrictions (no waiting at any time) are present near the site.
- 7.2 An uncontrolled crossing point with tactile paving is to be installed at the modified site access and at the footpath connection to the south of the site access. The tactile paving at the site access is incorrectly arranged but as the developer must enter into a Section 278 Agreement to undertake the access works on the public highway; the Highway Authority considers that this issue can be addressed at detailed design stage.
- 7.3 The Highway Authority considers that the proposed residential units are likely to generate significantly fewer traffic movements than the existing office building, particularly during network peak hours.
- 7.4 The Highway Authority raises no objection to the proposal subject to conditions.

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

- 7.5 The site is within Flood Zone 1 and is at very low risk of flooding from surface water. Infiltration has been found to be unviable at this location. The proposal is to attenuate flows and restrict the discharge into an existing surface water sewer connection. Calculations have been provided showing no flooding for the design storm. Exceedance flow routes have been considered, along with water quality and SuDS. No objection is raised.

#### **Ecology – Hampshire County Council**

- 7.6 The Council's Ecologist is satisfied that the revised Ecological Assessment confirms that all outstanding survey work has been carried out. A day roost of a common pipistrelle has been confirmed within the office building which is to be demolished. The mitigation and compensation (in the form of applying for a Natural England Licence, toolbox talk, sensitive timing of the works, supervision, provision of bat boxes and integrated bat tubes, etc.) are considered to be acceptable.
- 7.7 It has also been confirmed that the site supports a low population of slow-worms and reptiles encountered will be captured and relocated to within the retained hedgerow Root Protection Zones. The receptor site along the eastern part of the site is satisfactory. The method statement in relation to other protected species is considered to be appropriate.
- 7.8 The BNG calculations have also been revised and the habitat creation/enhancement and appointed conditions are acceptable and +10% net gain in biodiversity has been confirmed. Any inconsistencies between the

proposed landscaping scheme and the post development BNG assessment will need to be addressed before a biodiversity gain plan can be approved.

- 7.9 An ecologically sensitive lighting scheme should be secured by planning condition.

**Natural England**

- 7.10 Comments awaited

**Portsmouth Water**

- 7.11 No objection subject to conditions

INTERNAL

**Environmental Health (Contaminated Land)**

- 7.12 No objection subject to condition

**Environmental Health (Noise and Pollution)**

- 7.13 No objection

**Principal Tree Officer**

- 7.14 No objection subject to planning condition securing works in accordance with arboricultural method statement.

**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) Site History
- b) Implications of housing delivery in Fareham
- c) Principle of development when assessed against the policies of the adopted local plan
- d) Unmet need for older persons and specialist housing
- e) Impact on character and appearance of the area
- f) Impact on living conditions of neighbouring properties
- g) Highway matters
- h) Ecology
- i) Impact on habitat sites
- j) The planning balance

- a) Site History

8.2 Planning permission (P/14/1252/P) was previously granted in 2015 for the demolition of the office building and the construction of a replacement office building positioned within the eastern part of the site with associated car parking. The building was two storey height with seven flats proposed at first floor level. In addition four detached dwellings and a pair of semi-detached dwellings were permitted fronting Furzehall Avenue. Whilst clearly the previous consent is a material planning consideration each proposal should be determined based on its own individual merits.

b) Implications of housing delivery in Fareham

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

*'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'.*

8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan (Fareham Local Plan 2037) unless material considerations indicate otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework 2023.

8.5 The National Planning Policy Framework (the NPPF) highlights at paragraph 60 that the Government is seeking to significantly boost the supply of housing.

8.6 Paragraph 76 the NPPF states that: 'Local Planning Authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' works of housing for decision making purposes if the following criteria are met:

*'a) Their adopted plan is less than five years old; and,  
b) That adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded'.*

8.7 These criteria are met and therefore the Council is not presently required to demonstrate a five-year supply of housing sites. However, the Council is also subject to further consideration from Government through the Housing Delivery Test. The Housing Delivery Test (HDT) is an annual measurement of housing delivery published by Government. The HDT measures the number of new homes built over the previous three years against the Council's housing requirement.

8.8 The latest HDT results published by the Government relate to housing delivery between 2019 and 2022. The results were first published on 19 December 2023 and subsequently amended by the Department for Levelling Up, Housing and Communities as it was then known in April 2024. The results published in April 2024 confirm a HDT result of 55% for the Borough (568 dwellings delivered against a requirement of 1,028 dwellings).

8.9 In accordance with paragraph 79 of the NPPF:

*“Where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer”.*

8.10 For decision-taking, the application of the presumption in favour of sustainable development means:

*‘...*

*c) approving development proposals that accord with an up-to-date development plan without delay; or*

*d) where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date<sup>8</sup>, granting permission unless:*

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>7</sup>; or*
- ii. 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’.*

8.11 Footnote 7 to paragraph 11 reads as follows:

*‘The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of*



*archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change’.*

8.12 Footnote 8 to paragraph 11 reads:

*‘This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.’*

8.13 NPPF paragraph 11(c) indicates that where the proposed development accords with the Council’s local plan it should be approved.

8.14 If the development does not accord with the local plan, the development must be considered against NPPF paragraph 11(d). As above, the first limb of paragraph 11(d) indicates that there are specific policies in the NPPF which protect areas of assets of particular importance referred to within footnote 7, namely habitat sites and heritage assets. Therefore, a judgement will need to be reached as to whether policies in the Framework provide a clear reason for refusing the development. Where this is found to be the case, the development should be refused.

8.15 The second limb of paragraph 11(d), namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF taken as a whole (the so called ‘tilted balance’), will only apply if it is first judged that there are no clear reasons for refusing the development having applied the test at Limb 1.

8.16 The following sections of the report assess the application proposal 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.

c) Principle of development when assessed against the policies of the adopted Local Plan

8.17 Policy H1 (Housing Provision) of the Fareham Local Plan 2037 sets out the number of houses to be provided within the Borough during the plan period (between 2021 and 2037). 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.

- 8.18 Policy HP8 of the Fareham Local Plan 2037 specifically 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.*

- 8.19 The proposed provision of older persons specialist housing in this location would be in accordance with Policies H1 and 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.

d) Unmet need for older persons and specialist housing

- 8.20 The National Planning Practice Guidance (PPG) entitled 'Housing for Older & Disabled Persons) emphasises the need to provide housing for older people as being 'critical' as people are living longer lives and the proportion of older people in the population is increasing. The PPG defines the different types of specialist housing designed to meet the diverse needs of older people.

- 8.21 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 report sets out a forecast of the need for 483 units of extra care accommodation by 2037. The current supply in Fareham is 86 units which is provided at Friary Meadows, Titchfield.

- 8.22 The Elderly Accommodation Counsel (EAC) report 'More Choice, Greater Voice' suggests that a greater proportion of specialist housing will be provided as extra-care units in the future, with a general move away from sheltered

housing. Extra care accommodation can delay the move into residential care, enabling older people to live independently for longer. The provision of extra care accommodation may therefore offset some of the requirement for traditional residential care home style facilities.

- 8.23 It is considered that the proposal closely fits with the definition of Extra Care provided within the PPG. The Assisted Living / Extra Care model that McCarthy and Stone offers enables elderly residents to maintain their independence within purpose built accommodation whilst benefitting from a range of communal and care facilities. McCarthy and Stone provides its own on-site care, support and management services through 'Your McCarthy Stone' which is a registered care provider with the Care Quality Commission (CQC). Flexible 24-hour care and support can be provided by qualified staff and the house manager based on resident's individual needs. Care needs are assessed prior to entry and residents select the most appropriate level of care for their needs and this can be modified in response to the changing needs of the residents. Apartments may be occupied by people aged 70 or over and are provided for outright sale (on a leasehold basis) although the applicant advises that the average age of homeowners upon purchase is 83. In the case of a couple, the lease shall be satisfied where one of the occupants is over the age of 70 years and the other is over the age of 65 years.
- 8.24 The applicant has presented a draft S106 legal agreement to the Council which would secure the use of the proposed accommodation for C2 (Secure Residential Institutions) purposes. It also contains obligations in respect of the minimum 'qualifying' age of occupants (as above) and requires residents to subscribe to a minimum care package, to include at least 1 hour a week of personal care to be provided by the management company or domiciliary care agency. The terms of the legal agreement demonstrate a commitment by the applicant to deliver the specialist housing proposed, although if granted the use of the building could not change from Use Class C2 to unrestricted dwellinghouses (Use Class C3) without the benefit of planning permission in any event. Officers consider that the Borough's unmet need for older persons housing weighs heavily in favour of granting planning permission as a means of boosting the Council's housing supply in this particular specialist area.
- e) Design & Impact on character and appearance of the area
- 8.25 Officers (including the Council's Urban Designer) have worked with the applicant both prior to submission of the application and subsequently to alleviate and address concerns particularly in relation to the scale and bulk of the building. The scheme that was presented at pre-application stage was amended prior to submission, reducing the number of units from 57 to 54. The main amendments included the introduction of parapet roofs in place of

gabled roofs to the ends of each wing; amendments to the roof line to lower a section centrally along one wing to provide a visual break and elevational treatment adjustments aimed at emphasizing the horizontal and adding visual interest.

- 8.26 The building is described as being three storey but there are four floors of accommodation including the lower ground floor. Due to the varying ground levels on site the lower ground floor does not occupy the whole footprint of the building and similarly the second floor accommodation does not extend out to the most easterly or northerly extremities of the wings. It is only within the central core of the building, at the conjunction point between the two wings, where both the lower ground floor and second floor plans overlap to provide four floors of accommodation. Due to the changing ground levels on site this is not read within the main elevation facing south towards Wickham Road and from street level it would also not be overly apparent from the Furzehall Avenue frontage. It would only be when stood to the rear of the building within the communal grounds that all four storeys would be truly appreciated and from neighbouring properties partial views would be obtained.
- 8.27 The building is designed to work with existing ground levels and where the site naturally reduces in the north-west corner, the wing fronting Furzehall Avenue gradually steps down to two storey scale as it approaches the adjacent two storey dwelling (No.4 Furzehall Avenue). The use of a parapet roof over the final section assists with this transition and increases the sense of space about the building. The same approach for the roof design is used at the end of the other wing, although this element of the building would have a greater degree of separation from the nearest residential property (No.26 Furzehall Avenue).
- 8.28 As stated above, Policy HP8(c) requires an appropriate provision of amenity space having regard to the needs of the potential users. McCarthy & Stone is well experienced in providing for the recreational needs of the elderly residents within its developments. In their experience they suggest that the most important amenity space for elderly residents is the internal resident's lounge and communal laundry. In developments where there are large garden areas, their experience is that residents tend to use the area immediately outside their own patio door (where available) if they live on the ground floor or outside the residents lounge. Officers consider the proposal provides ample communal external amenity space for residents split over two levels with a circulatory loop. The amenity space also serves to provide a landscaped and visually spacious setting for the substantial building. In addition the ground floor apartments would have private patios and a number of the apartments would have private balconies.

8.29 During the course of the application only minor additional amendments have been made to the proposal involving a reduction in height to the roofline of the elevation fronting Furzehall Avenue around the central core area. However further clarification and comfort has been sought and provided to enable assessment of the visual impact including additional site sections showing existing and proposed ground levels and a number of CGI visualisations and viewpoints from neighbouring properties.

8.30 Despite initial reservations in respect of the height and scale of the building Officers are now content that the proposal would not have an unacceptable impact on the character and appearance of the area. Policy D1 requires development to be of high quality design, responding positively to the context of the surrounding area. The visualisations show a high quality, well detailed building set within a landscaped setting to further soften its visual appearance. It is Officers' opinion that the proposed building would not appear out place on this gateway site at the entrance to the housing estate, located in an area where there are other large commercial building evident along the Wickham Road.

f) Impact on living conditions of neighbouring properties

8.31 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*

8.32 With regards to overlooking and loss of privacy, the Council's adopted Design Guidance SPD (hereafter referred to as the 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.

- 8.33 The proposal exceeds all minimum separation requirements set out within the Design SPD. The site plan demonstrates a separation distance in excess of 10m between the flank wall of the Furzehall Avenue wing to the side elevation of No.4 Furzehall Avenue. There are no habitable room windows within the side elevation of this property and a planning condition would be imposed to ensure that the first floor windows in the proposed building (units 16 & 17) would be obscure glazed and fixed shut to a minimum of 1.7m above internal finished floor level to prevent overlooking. The rear facing balcony to Unit 17 would also require a privacy screen, although there is a high hedge on the northern boundary measuring approximately 5m in height that would be retained. Details will be sought on the enhancement of this hedge to ensure mutual privacy.
- 8.34 There would be in excess of 31m and 29m metres respectively from the rear elevations of No.6 and No.8 Furzehall Avenue (thereby exceeding the minimum 22m) to the nearest part of the proposed building. Whilst the design incorporates a number of balconies these would be located between 14m-32m from the party boundary.
- 8.35 The neighbouring dwelling positioned to the eastern side of the northern boundary (26 Furzehall Avenue) would have partially obstructed views towards the site from its rear elevation but the proposed building would not be positioned directly in front of windows. The neighbouring dwelling would also have oblique views towards the building from front facing windows but with a separation distance of approximately 22m at the closest points. The landscape plans show a new 1.8m fence to be installed along the eastern part of the northern boundary as the existing hedgerow does not provide sufficient privacy at this point. This fence would also provide a noise and light barrier adjacent to the car park and in addition some tree screening is proposed.
- 8.36 The relationship with the dwellings at 1 & 7 Swallow Wood on the opposite side of Furzehall Avenue is considered to be acceptable. A number of balconies were removed from the west facing elevation fronting the road following a public consultation exercise to reduce the perception of neighbours being overlooked.
- 8.37 Whilst the proposal clearly meets the guidelines for separation set out within the Design SPD it is acknowledged that the proposal is for a substantial building which could indicate a greater degree of separation as being appropriate to ensure acceptable levels of light are retained. With this in mind the application is supported by a daylight and sunlight report completed by a specialist consultant which assesses the effect of the proposed development on daylight and sunlight to the neighbouring dwellings and gardens.

- 8.38 The results of the VSC (Vertical Sky Component), a daylight test, have shown that 65 (98%) of 66 neighbouring windows assessed will meet or exceed BRE targets. One window at ground floor level within the side elevation of No.4 Furzehall Avenue would retain 0.74 times its former value, clearly very close to the 0.8 target which it is suggested within the report should be considered acceptable when applying a degree of flexibility. However Officers have also established that this window serves a bathroom and therefore this is not considered to be a habitable room that would typically warrant protection. The further NSL (No-Skyline), also a daylight test, has shown that all but one neighbouring room assessed will meet or exceed BRE targets for daylight distribution. The only room not meeting the standard is a hallway and therefore again not a habitable room. The results of the Annual Probable Sunlight Hours (APSH), sunlight test, have shown that all neighbouring main living rooms (or where layouts are unknown, rooms that may be main living rooms) will meet or exceed BRE targets for both annual and winter sunlight. The assessment of sunlight amenity (overshadowing) to the neighbouring gardens has shown that all gardens analysed will not change as a result of the proposal. This is therefore fully compliant with the BRE guidelines.
- 8.39 Whilst undoubtedly there would be some change to current outlook from adjacent properties, it is considered that the impact of the proposal would not be unacceptably adverse in terms of potential loss of light, outlook or privacy. The proposal is considered to comply with Policy D2 of the Fareham Local Plan 2037.
- 8.40 With regards to the concerns that have been raised by local residents in respect of noise, dust, and construction traffic during the construction phase, a construction management plan will be secured by planning condition which should include appropriate mitigation measures and hours of work would also be controlled.
- g) Highway matters  
*Site Location*
- 8.41 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.
- 8.42 The site is considered to be reasonably sustainably located. It has good highway connections lying within the built up area on the edge of Fareham town centre. In terms of encouraging more sustainable modes of transport the potential mobility limitations of elderly residents should be acknowledged and the provision of facilities on site will for some residents minimise the need to access services locally. Nonetheless the nearest retail stores at Broadcut are

located approximately 0.8km to the south. Fareham town centre lies approximately 1.3km from the site and provides ample services and facilities for future residents. There is a bus service along Wickham Road (No.69) that links Fareham, Wickham, Bishops Waltham and Winchester. The bus service operates hourly Monday to Saturday with no Sunday service.

#### *Vehicle Access*

- 8.43 It is proposed to utilise the existing vehicular access to the site, with modifications to the access geometry and the addition of a footway connection around the northernmost junction radii. Two separate footpaths would connect the site to Furzehall Avenue. The vehicular access would allow simultaneous entry and exit of cars and would provide adequate visibility. The Highway Authority considers that the access would be of a suitable standard for the proposed development.

#### *Trip Generation*

- 8.44 The supporting Transport Statement provides analysis of TRICS data to compare the number of vehicle movements associated with the previous authorised use of the site as an office and the proposed use of the site. It is reported that the office/driver exam centre uses would have generated 23 vehicle movements in the AM peak and 23 vehicle movements in the PM peak with a total of 144 movements over a 12 hour period. In comparison the proposed use would generate 6 movements in the AM peak and 4 vehicle movements in the PM peak with a total of 106 movements over a 12 hour period. The proposed development would be expected to result in a substantial reduction of traffic on the local highway network that the previous use. Whilst obviously the building is currently vacant the authorised use could recommence at any time likely resulting in a worse scenario in terms of traffic movements.

#### *Car Parking*

- 8.45 Policy HP8 (a) of the Fareham Local Plan 2037 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.
- 8.46 It is considered that many of the residents may not need or wish to have the burden of car ownership. For nursing/rest homes/residential and care homes, the Council's Non-residential Car Parking Supplementary Planning Document (SPD) requires that 0.3 parking spaces are provided per non-residential member of staff and that 0.25 additional spaces are provided per resident bedroom. It has been indicated that there would be nineteen members of staff working a variety of different shift patterns so that not all would be present on site at any one time. The staff parking requirements is however based on the total number of staff to account for staff changeovers. Based on the total



number of staff and the total number of bedrooms, the parking requirement for the proposal is calculated as being 25 parking space on-site. The proposal incorporates 29 car parking spaces (including two disabled) and therefore complies with the Council's adopted standards. Parking on the roadside in the local area is difficult to find due to the presence of double yellow lines and therefore it is not considered that the proposal would exacerbate overflow on-street car parking.

- 8.47 Cycle parking would be provided for residents within the communal mobility store with visitor cycle parking provided externally for staff and visitors.
- 8.48 A refuse bin store for residents would be provided internally within the building with a direct external door to aid collection. A refuse bin store plan has been provided to demonstrate that the required level of bins can be accommodated allowing adequate space to manoeuvre the bins in and out of the store. Tracking has also been provided to demonstrate that the refuse lorry can enter the site and turn to leave in a forward gear. The commercial waste would be collected by a private refuse service and a separate bin store is provided for those bins adjacent to the kitchen.
- 8.49 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...”*

- 8.50 Based on the access arrangements and the indicative level of vehicle movements generated by the proposal it is considered that the proposal would not have an unacceptable impact on highway safety. The site is considered to lie within a sustainable location and the proposed level of car parking would satisfy the anticipated peak demand. The Highway Authority raises no objection to the proposal which is considered compliant with TIN2 (Highway Safety and Road Network) and Policy HP8(a)(b) of the Fareham Local Plan 2037.

h) Ecology & Trees  
*Habitats & Protected Species*

- 8.51 The application is supported by an ecological assessment to identify the habitats present and assess the likely absence or presence of protected species. The preliminary habitat assessment identified 10 habitat types within the site including modified grassland, bramble/mixed scrub, trees, hedgerows and a species-rich native hedgerow (western part of northern boundary).

- 8.52 The reptile survey confirmed the presence of a low population of slow-worm within the site. It is proposed to form a reptile receptor area along the eastern boundary of the site. The retained habitats within this area will be protected during construction by the tree protection fencing and a hibernacula would be constructed in this location prior to the commencement of sensitive habitat removal works. The existing modified grassland and mixed scrub within the developable area would be removed in two phases under the supervision of a suitably qualified ecologist. Any reptiles encountered during habitat removal works would be allowed to move independently to a location of retained habitat outside the works area, although if necessary reptiles would be moved by the ecologist to the hibernacula within the receptor area. It is proposed that a second hibernacula would be constructed along the northern boundary of the site during the landscaping phase and habitat suitable to slow worms would also be provided to enhance the biodiversity value of the site.
- 8.53 The preliminary bat survey identified both the main office building and the storage building as having moderate potential to support bat roost features. Only one tree was considered to offer roosting potential. In addition the site was identified as providing habitat features of potential value to commuting and foraging bats. A dusk emergence survey confirmed the presence of a common pipistrelle day roost and hibernation (unconfirmed) roost within the office building and the likely absence of roosting bats within the storage building. A bat activity survey confirmed the presence of a number of species of bats commuting and/or foraging throughout the site or immediately adjacent. A planning condition will be imposed to secure an ecologically sensitive lighting scheme to minimise disturbance.
- 8.54 The site was considered to have potential to support badgers, Great Crested newts and hazel dormice although no evidence of these species was observed on site. There was evidence of birds in the form of an active bird nest within the site.
- 8.55 The ecological assessment contains method statements in relation to how the development shall be implemented to avoid harm to protected species during the construction. The Council's Ecologist raises no objection to the application subject to securing works in accordance with the method statements. Enhancements features such as four bat tubes, the hibernacula and native planting will also be secured as set out within the ecological assessment.

*Biodiversity Net Gain*

- 8.56 If granted, the proposed development of the site would be subject to the mandatory requirement to deliver 10% Biodiversity Net Gain (BNG) which came into effect on 12 February 2024. The biodiversity net gain (BNG) metric calculation submitted with the application indicates that the proposal would

result in an on-site net gain of 25% habitat units and a gain of 31% hedgerow units post development. At this stage the calculation is only indicative, and any planning permission granted would be subject to the biodiversity gain condition which requires submission of a biodiversity net gain plan prior to the commencement of development, including a habitat management and monitoring plan to demonstrate how this gain would be maintained over a 30 year period. The indicative assessment is however a positive indication that a 10% BNG can be delivered on site.

### *Trees*

8.57 The most significant mature trees on site are located along the eastern boundary and these consist primarily of Sycamore and Oak. In addition there are a number of Lime and Birch tree located within the South-West corner, all of which would be retained. A number of small ornamental trees would be felled along the Furzehall Avenue frontage and within the central area of the site to facilitate development but these are considered to be of low quality/value. The construction of the access would require the removal of some shrubs and small sapling trees along the southern boundary. The landscaping proposals incorporate appropriate replacement tree planting to mitigate for this loss. The proposed car parking area primarily coincides with the existing area of parking thus avoiding adverse impact to the adjacent trees. The hedgerow along the northern boundary would be retained. The arboricultural impact assessment suggests that services and utility installation can be sited remote from retained trees but that if necessary specialist measures can be deployed for their installation to minimise harm. It is considered that the proposal would not have a significant adverse impact on the contribution of the trees to public amenity or the character of the wider setting.

#### i) Impact on habitat sites

8.58 Strategic Policy NE1 of the Fareham Local Plan 2037 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policies NE3 and NE4 specifically relate to recreational disturbance and water quality effects on Habitat Sites respectively.

8.59 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.

8.60 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).

- 8.61 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'Competent Authority' if it can be shown that the proposed development will either not have a likely significant effect on designated sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment (AA). The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is the Local Planning Authority.
- 8.62 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the HS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.

*Water Quality (nitrates)*

- 8.63 The first likely significant effect on HS relates to deterioration in the water environment through increased nitrogen. Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS.
- 8.64 Achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England have provided a methodology for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets. 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's 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.

- 8.65 A nitrogen budget has been calculated in accordance with the latest Natural England advice and the updated calculator (February 2024) which confirms that the development would generate 21.47kg TN/year. The calculation does not use the standard national occupancy rate of 2.4 persons per dwelling. This is because the type of accommodation proposed is to be age restricted units, for either a single older person or a couple, within a residential institution (Use Class C2) and not dwellinghouses (Use Class C3). The NE guidance states that local authorities may adopt a bespoke occupancy figure where the nature or scale of development suggests that use of the average occupancy rate is not appropriate, with explanation as to how this has been derived. Officers have accepted the applicant's use of a bespoke occupancy figure. The applicant has presented evidence of the national occupancy rate for assisted living/extra care accommodation which in 2019 was 1.06 persons per unit, with the southern region having a lower occupancy rate of 1 person per unit. The applicant has adopted an occupancy rate of 1.2 persons per unit in the budget calculation which therefore incorporates a degree of precaution compared with the evidence and in addition the calculator adds a 20% buffer to the total budget requirement. The existing use of the land for the purposes of the nitrogen budget is considered to be commercial/industrial urban land.
- 8.66 Due to the uncertainty of the effect of nitrates from the development on the Habitat Sites, adopting a precautionary approach, and having regard to the NE advice, the Council will need to be certain that the additional output will effectively be mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.67 The applicant is currently in the process of securing 21.47kg TN/yr of nitrate mitigation credits from Whitewool Farm and a draft of the allocation agreement has been presented to the Council. Through the operation of a legal agreement between William & James Butler, Whitewool Farms Ltd and Fareham Borough Council dated 3 November 2021, the purchase of the credits will result in agricultural land being taken out of production and later used to create an area of wetland. The mitigation scheme will result in a reduction in nitrogen entering the Solent marine environment.
- 8.68 The purchase of the nitrate mitigation credits will have the effect of ensuring that land previously in agricultural use is retained and managed in a way which ensures a reduction in nitrates entering that land for the lifetime of the development for which planning permission is being sought. This will ensure that the scheme can demonstrate nutrient neutrality. A planning condition would be imposed to secure submission of confirmation of the purchase of credits prior to the commencement of development.

- 8.69 A planning condition would also secure details of the water efficiency measures to be installed to ensure that water consumption would not exceed 110L per person/per day to reflect the assumptions of the nitrate budget.

*Air Quality*

- 8.70 The second aspect is impact on air quality, where the designated sites can be adversely affected through airborne pollution from development sites generated either during construction or operation / occupation. The Council's Air Quality Habitat Regulations Assessment (HRA) for Short-Term Development in Fareham Borough by Ricardo Energy and Environment (2020) has undertaken an assessment which avoids the need for relying on the assumption of a 200-metre zone of influence by including dispersion modelling of emissions from all roads with modelled traffic flows within the Fareham study area, whether or not they are located within 200m of a designated site. The Study concluded no likely significant effect alone or in combination with other plans and projects for all qualifying features of the protected HS.

*Recreational Disturbance*

- 8.71 The last of the likely significant effects on HS concerns disturbance on The Solent coastline through increased recreational use by visitors to the sites. The development is within 5.6km of The Solent SPAs and is therefore considered to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area.
- 8.72 Policy NE3 of the Fareham Local Plan 2037 explains that planning permission for proposals resulting in a net increase in residential units may be permitted where the 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution to the Solent Recreation Mitigation Strategy (SRMS).
- 8.73 The proposed Care Home will provide accommodation for people who are less likely to have access to a car and therefore make regular trips to the coastline. A number of applications for Care Homes have been permitted recently in the Borough where no contribution has been sought subject to a planning condition imposed to prevent residents having a private vehicle at their disposal.
- 8.74 The applicant has undertaken research on car ownership in the elderly. It is obviously within their interests to ensure that sufficient on-site car parking is provided for their developments to meet demand. The research suggests that 53.8% of the general population aged 70-74 will own a car. However, as the average age of entry for an extra care development is 83.2 years, it can be

expected that only 40.4% will own a vehicle at the time of entry. That percentage would be expected to fall during the years post entry due to advancing age. On this basis, Officers have accepted that a reduced contribution figure equivalent to 50% would be appropriate. This is considered to be a suitably precautionary figure as it is considered that less than half (50%) of the units would be likely to retain access to a car. Even where residents have a car, usage is likely to be limited more to essential trips. The relevant contribution would be secured in a legal agreement to be received prior to occupation.

8.75 In summary, the Council has carried out an AA and concluded that the proposed mitigation and conditions will be adequate for the proposed development and ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies NE1, NE3 and NE4 of the Fareham Local Plan 2037.

8.76 Natural England has been consulted on the Council's Appropriate Assessment and their formal comments are expected shortly. Members will be updated at the Committee Meeting.

j) The planning balance

8.77 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'*

8.78 As set out earlier in this report Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development. Paragraph 11(c) states for decision making this means approving development proposals that accord with an up-to-date development plan without delay.

8.79 The application seeks planning permission for the development of additional housing within the urban area which is currently under utilised and benefits from the support of Policies H1 and HP1 of the Fareham Local Plan 2037.

8.80 The proposed development would provide specialist accommodation for older people, giving older people housing choice to help maintain their independence, remain within an inclusive community and reduce pressure on health care facilities. In meeting the needs of the elderly this enables the release of larger under occupied homes to the housing market. The proposal

therefore offers a number of social benefits and it is considered that the Borough's unmet need for housing for the elderly weighs heavily in favour of granting planning permission as a means of boosting the Council's housing supply in this particular specialist area.

- 8.81 In addition the proposal offers a number of economic benefits including the aforementioned release of under occupied housing stock to the market but also jobs during construction, increased local spending, and savings for the health and social care systems.
- 8.82 It is not considered that the proposal would have a detrimental impact on the character or appearance of the area and the proposal is considered to comply with Policy D1 in terms of representing high quality design. The proposal also secures good environmental conditions for future and existing residents to accord with Policy D2.
- 8.83 Subject to appropriate mitigation, it is considered that the proposal would not have any adverse impact on ecology, trees, habitat sites or highway safety.
- 8.84 The proposal is considered to accord with the Policies of the Fareham Local Plan 2037 and Supplementary Planning Documents and Officers recommend that planning permission is granted.

## **9.0 Recommendation**

9.1 Subject to

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

### **AND**

- 9.2 The applicant/owner first entering into a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 on terms agreed by the Solicitor to the Council in respect of the following:
- i) The dwellinghouses shall only be used for C2 purposes in perpetuity;
- ii) The dwellinghouses shall only be occupied by 'qualifying persons' (age restriction);
- ii) A domiciliary care agency shall be available to provide personal care to qualifying persons on a 24 hour basis as required and the minimum care package shall be procured and delivered to all 'qualifying persons';
- iii) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP).



## THEN

### 9.3 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall be begun within 3 years from the date of this decision notice.

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) Site Location plan – drwg No 100 Rev A
- ii) Topographical Survey
- iii) Lower Ground Floor Plan including Site Plan – drwg No. 200 Rev D
- iv) Ground Floor Plan including Site Plan – drwg No. 201 Rev E
- v) Refuse Store Floor Plan – drwg No. 803 Rev B
- vi) First Floor Plan including Site Plan – drwg No. 202 Rev E
- vii) Second Floor Plan including Site Plan – drwg No. 203 Rev F
- viii) Roof Plan including Site Plan – drwg No. 204 Rev C
- ix) Site Sections 1 – drwg No 300 Rev C
- x) Site Sections 2 – drwg No 301 Rev C
- xi) Site Sections 3 – drwg No 302 Rev C
- xii) Elevations – drwg No 400 Rev H
- xiii) Elevations – drwg No 401 Rev G
- xiv) Elevations – drwg No 402 Rev G
- xv) Elevations – drwg No 403 Rev H
- xvi) Streetscene – drwg No. 404 Rev F
- xvii) Landscape General Arrangement – drwg No 003 Rev P09
- xviii) Landscape Levels – drwg No 004 Rev P02
- xix) Hard Landscaping – drwg No. 006 Rev P01
- xx) Soft Landscaping – drwg No.007 Rev P02
- xxi) Hard Landscape Image Sheet – drwg No. 009
- xxii) Soft Landscape Image Sheet – drwg No. 008
- xxiii) Transport Statement (Paul Basham, March 2024)
- xxiv) Drainage & Flood Risk Statement (Scott White & Hookins, Feb 2024)
- xxv) Noise Assessment (24 Acoustics, Nov 2023)
- xxvi) Ground Condition Assessment (Frontier Estates Ltd, Jan 2023)
- xxvii) Tree Survey & Impact Assessment (Keen Consultants, Feb 2024)
- xxviii) Tree Constraints Plan – drwg No 2085-KC-XX-YTREE-TCP01 Rev0
- xxix) Tree Protection Plan – drwg No 2217-KC-XX-YTREE-TPP01 Rev0
- xxx) Preliminary Ecological Appraisal (First Ecology, March 2024)

xxxi) Ecological Assessment (Somerset Wildlife Trust Consultancy, August 2024)

xxxii) Nitrate Assessment Report (March 2024)

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

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

REASON: To secure the satisfactory appearance of the development.

4. 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 the enhancement of the northern hedgerow alongside No. 4 Furzehall Avenue to secure privacy) 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.

5. The development hereby approved shall not be occupied until the vehicular access and uncontrolled pedestrian crossing point modifications have been constructed in accordance with the approved plans unless otherwise agreed in writing with the local planning authority.

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

6. The development hereby approved shall not be occupied until the car parking spaces marked on the approved plan (Site Plan – SO-2948-03-AC-201 Rev E) have been provided on site which shall thereafter be retained.

REASON: To ensure sufficient car parking is provided.

7. The first floor window(s) proposed to be inserted into the north elevation of units 16 & 17 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 property(.
8. The development hereby approved shall not be brought into use until a 1.7 metre high privacy screen has been attached to the northern end of the rear balcony to Unit 17, as indicated on the approved plans. The screening shall subsequently be retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring property and to prevent overlooking.
9. The development shall be carried out in accordance with the recommendations contained within the Noise Assessment (24 Acoustics, 16 Nov 2023) in respect of the acoustic performance of glazing, provision of mechanical ventilation to all habitable rooms and maximum noise limits for plant unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the provision of an acceptable living environment and prevent disturbance to neighbouring residents from noise.
10. The approved landscaping scheme 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.
11. 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.
12. No development hereby permitted shall commence until an intrusive site investigation and an assessment of the risks posed to human health, the

building fabric and the wider environment including water resources has been submitted to and approved in writing by the Local Planning Authority (LPA). The site investigation shall not take place until the requirements of the LPA have been fully established.

Should the submitted site investigation and risk assessment reveal a risk to receptors, a strategy of remedial measures and detailed method statements to address identified risks shall be submitted to and approved in writing by the LPA. It shall also include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the measures.

**Prior to the occupancy of each unit:**

The agreed scheme of remedial measures shall be fully implemented. Remedial measures shall be validated in writing by an independent competent person as agreed with the LPA. The validation is required to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and shall include photographic evidence and as built drawings where required by the LPA. The requirements of the LPA shall be agreed in advance.

Should contamination be encountered during works that has not been investigated or considered in the agreed scheme of remedial measures, investigation, risk assessment and a detailed remedial method statement shall be submitted to and agreed with the LPA. The remediation shall be fully implemented and validated in writing by an independent competent person as agreed with the LPA.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place. To ensure that the development does not contribute to unacceptable levels of water pollution. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

13. No development shall take place until evidence has been submitted to the Council and approved in writing that nitrate mitigation of at least 21.4kg TN/yr has been secured in respect of the development. Where the nitrate mitigation is secured by the purchase of nitrate mitigation 'credits', this must be purchased from a Council-approved nitrate mitigation scheme with a pre-existing Section 33/Section 106 agreement already in place.

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

14. The dwellings 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.

15. The dwellings hereby approved shall not be first occupied until the bin storage area marked on the approved site plan (Site Plan – SO-2948-03-AC-201 Rev E) 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.

16. The dwellings hereby permitted shall not be occupied until the bicycle storage for staff and visitors, as shown on the approved site plan (Site Plan – SO-2948-03-AC-201 Rev E), 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.

17. The development hereby approved shall be undertaken in accordance with the mitigation measures detailed within Section 4 'Method Statement' of the submitted Ecological Assessment (Somerset Wildlife Trust Consultancy, Aug 2024).

REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

18. The development shall be carried out in accordance with the Arboricultural Impact Assessment (Keen Consultants, Feb 2024) and Tree Protection Plan 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.

19. No development hereby permitted shall commence until details of the means of foul water drainage from the site have been submitted to and approved by the local planning authority in writing. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of foul water. The details secured by this condition are considered essential to be agreed prior to the

commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

20. No development shall commence until a detailed surface water drainage strategy for the site has been submitted and approved in writing by the Local Planning Authority.

REASON: In order to ensure satisfactory disposal of surface water and reduce the risk of groundwater pollution. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid adverse impacts of inadequate drainage.

21. Details for the long-term maintenance arrangements for the foul and surface water drainage system shall be submitted to and approved in writing by the local planning authority prior to the first occupation of any of the dwellings. The approved foul and surface water drainage system shall be maintained in accordance with those details thereafter.

REASON: In order to ensure satisfactory disposal of surface water and reduce the risk of ground water contamination.

22. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

a) Details of 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 implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;

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

f) A scheme for the suppression of any dust arising during construction or clearance works;

g) The measures for cleaning Wickham Road and Furzehall Avenue to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;

k) Provision for storage, collection, and disposal of rubbish from the development during construction period;

m) Temporary lighting;

n) Protection of pedestrian routes during construction;

o) No burning on-site;

p) Scheme of work detailing the extent and type of piling proposed ;

r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; To reduce the risk of ground water contamination. 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.

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

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

**THEN**

9.4 **DELEGATE** authority to the Head of Planning to:

(a) Make any necessary modification, deletion or additions to the proposed conditions or heads of terms for the section 106 legal agreement; and

- (b) Make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions.

## **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.



# 100 Wickham Road Fareham

