

## **OFFICER REPORT FOR COMMITTEE**

**Date: 10/10/2018**

**P/18/0235/FP**

**SARISBURY**

FOREMAN HOMES LTD

RESIDENTIAL DEVELOPMENT OF 6NO. DWELLINGS, ASSOCIATED LANDSCAPING, AMENITY AREAS AND A MEANS OF ACCESS FROM ROOKERY AVENUE.

LAND TO SOUTH OF ROOKERY AVENUE/ADJACENT TO 112 BOTLEY RD SWANWICK SOUTHAMPTON

### ***Report By***

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### ***Introduction***

Members' attention is drawn to the report at the beginning of this Committee agenda titled "Consideration of planning applications on this Agenda."

This planning application was first considered at the Planning Committee meeting on the 23<sup>rd</sup> May 2018. Following consideration of all relevant planning matters, Members resolved to grant planning permission for the proposal subject to the prior completion of a planning obligation and the imposition of relevant conditions.

The following report is an updated version of the report presented to the Planning Committee on the 23<sup>rd</sup> May, 2018. The main updates made to the report can be summarised as followed:

- One further representation, which was reported to the Planning Committee as an Update to the 23<sup>rd</sup> May meeting, has been incorporated into the Representations section.
- The section of the report titled "Implication of Fareham's Current 5 Year Housing Land Supply Position (5YHLS)" has been updated to reflect the requirements of the revised National Planning Policy Framework (NPPF) and the implications of the recent judgment of the Court of Justice of the European Union (CJEU).
- Confirmation that an Appropriate Assessment has been undertaken, and that any adverse impacts from the development can be mitigated, has been inserted into the Ecology Section of this report.
- The section of the report titled "The planning balance" has been updated to reflect the requirements of the revised NPPF and the implications of the recent judgment of the Court of Justice of the European Union (CJEU).
- The Officer recommendation has been revised to reflect that a legal agreement under Section 106 of the Town & Country Planning Act 1990 has been drafted and completed.
- The Officer recommendation has been revised to set out why Condition 3 is a 'pre-commencement' planning condition.

### ***Site Description***

The application site comprises a residential plot on which sits a detached bungalow (112 Botley Road) to the south of Rookery Avenue, Whiteley. The site is entirely within the countryside and outside of the urban settlement boundary.

The site measures approximately 0.56 hectares and slopes gently southwards towards the M27 motorway. Access to the site is provided through improving a section of highway which runs off the south side of Rookery Avenue.

The land to the west of the application site is covered with a group tree preservation order (TPO). To the east are two residential properties, 114 Botley Road and Windruff, accessed from that same road. The properties were once part of a wider commercial nursery use of the site. To the south of those properties lies the M27 motorway.

To the north of Rookery Avenue lie the residential streets of Caspian Close, Shetland Rise and the more recent Castillian Way.

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

Planning permission is sought for the construction of six detached dwellings on the site.

Vehicular access to the site would be provided via the existing road spur off the south side of Rookery Avenue which is part of the adopted highway network. This spur is proposed to be improved in terms of the effective width of the carriageway and the surface.

Pedestrian access would be provided via a new separate footpath running northwards across Rookery Avenue to link with the existing footpath along the north side of the road.

### ***Policies***

The following policies apply to this application:

#### **Approved Fareham Borough Core Strategy**

CS2 - Housing Provision

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS16 - Natural Resources and Renewable Energy

CS17 - High Quality Design

CS18 - Provision of Affordable Housing

CS20 - Infrastructure and Development Contributions

### **Approved SPG/SPD**

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

### **Design Guidance Supplementary Planning Document (Dec 2015)**

EXD - Fareham Borough Design Guidance Supplementary Planning Document

### **Development Sites and Policies**

DSP1 - Sustainable Development

DSP3 - Impact on living conditions

DSP13 - Nature Conservation

DSP15 - Recreational Disturbance on the Solent Special Protection Areas

DSP40 - Housing Allocations

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

P/16/1088/OA – Residential Development Of Up To 22 Units (15 Dwellings Per Hectare), Associated Landscaping, Amenity Areas And A Means Of Access From Rookery Avenue – REFUSE 23/02/17; APPEAL DISMISSED 29/12/2017

### ***Representations***

Seventeen letters of objection have been received raising the following concerns:

- Traffic congestion, parking and highway safety concerns
- The land is not designated for development
- Lack of infrastructure to support development (including schools, etc.)
- A previous application and appeal have already been dismissed
- Loss of trees and countryside
- Impact on wildlife
- No need/site is too small for luxury properties
- No need for more housing
- Noise from motorway
- Site is a natural buffer between housing and motorway
- Potential for development on adjacent land in the future

### ***Consultations***

EXTERNAL

Hampshire County Council (Archaeology) - No objection

Hampshire County Council (Ecology) - No objection

## INTERNAL

Contaminated Land - No objection

Environmental Health - No objection

Highways - No objection

Trees - No objection

### ***Planning Considerations***

- a) Planning history of the site and recent appeal decision
- b) Implication of Fareham's current 5-year housing land supply position
- c) Residential development in the countryside
- d) Policy DSP40
- e) Other matters
- f) Planning balance

#### A) PLANNING HISTORY OF THE SITE AND RECENT APPEAL DECISION

On 23rd February 2017 this Council refused to grant planning permission for a proposed development on this site and a nearby parcel of land to the north east submitted by Foreman Homes (our reference P/16/1088/OA). The proposed scheme comprised residential development at a density of up to 15 dwellings per hectare - quantified as 22 dwellings - associated landscaping, amenity areas and means of access from Rookery Avenue.

The reasons for refusal were as follows:

*"The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP15 & DSP50 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:*

*(a) the proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need and would adversely affect its landscape character, appearance and function;*

*(b) the site is not capable of accommodating 22 dwellings without resulting in an unacceptable, cramped layout which would be harmful to the appearance and character of the area and the living conditions of future residents;*

*(c) the applicant has failed to demonstrate that the proposed means of access into the site can be implemented to the satisfaction of the highway authority without harming trees located on adjacent land;*

(d) *the applicant has failed to demonstrate that the development would not harm protected species and their associated habitats, adjacent designated sites and sites of nature conservation value or result in the fragmentation of the biodiversity network;*

(e) *in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;*

(f) *had it not been for the overriding reasons for refusal the Council would have sought the means to secure a financial contribution towards amending the existing traffic regulation order (TRO) on Rookery Avenue in order to ensure the safe means of access into the site;*

(g) *had it not been for the overriding reasons for refusal the Council would have sought to secure the transfer of the land edged in blue on the submitted location plan to the Council's ownership in order to safeguard the land required for the remaining section of Rookery Avenue linking the Whiteley Area Distributor Road to Botley Road;*

(h) *had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing at a level in accordance with the requirements of the local plan.*

*Note for information:*

*Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address points e - h of the above by the applicant entering into legal agreement with Fareham Borough Council."*

An appeal was lodged by Foreman Homes which was determined in a notice issued by the Planning Inspectorate on 29th December 2017 (PINS reference APP/A1720/W/17/3182716).

On the issue of character and appearance, the Inspector was concerned about the loss of trees from the eastern parcel of land and the harm to the area's character and appearance. However, in general he was of the view that "whilst this site lies outside a settlement boundary, it is comparatively modest in scale compared with the housing area of fairly recent construction to the north of Rookery Avenue. The site provides some relief to the built development in the area, however, that said I do not consider it has the character or appearance of being open countryside in the widely accepted sense, being a comparatively narrow wedge between a built up area and the M27....". He summarised by saying that "I am therefore not persuaded that this development would harm the landscape character, appearance or functioning of the countryside".

The appeal was dismissed with the Inspector concluding that "there would be harm to the character and appearance of the area, the integrity of the SPA [Solent Protection Area] and the wellbeing of protected species".

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

Members' attention is drawn to the report titled "Five year housing land supply position" elsewhere on this agenda. That report sets out this Council's local housing need along with this Council's housing land supply position. The report concludes that this Council has 4.95 years of housing supply against the new 5YHLS requirement. Based on the previous resolution of Members, that housing supply of 4.95 years currently includes the dwellings proposed by this planning application.

Members' attention is also drawn to the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position', which is provided elsewhere in this agenda.

In the absence of a five year supply of deliverable housing sites, officers consider that policy DSP40 is the principal development plan policy that guides whether schemes will be considered acceptable.

## C) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE

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

Policy CS14 of the Core Strategy states that:

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

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

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

## POLICY DSP40

Local Policy DSP40 states that:

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

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

Each of these five bullet points are considered further below.

- POLICY DSP40 (i)

The proposal for six dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

- POLICY DSP40 (ii)

The second test of Policy DSP40 is that "The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement".

The site is located on the south side of Rookery Avenue. The urban area comprising dwellings within Caspian Close and Shetland Rise lies to the north. Whilst landscaping strips and the highway lie between the urban area and the site Officers consider that the site could reasonably be described as being adjacent to the existing urban settlement boundary.

The provision of a footpath leading from the site northwards across the planting strips to connect with the existing footpath on the north side of Rookery Avenue would assist in connecting the site with the neighbouring settlement. The site is considered to be sustainably located a relatively short distance from Swanwick Railway Station and the services and facilities at Park Gate local centre.

- POLICY DSP40 (iii)

The third test of Policy DSP40 is that: "The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps".

The site is well screened from views from Rookery Avenue by boundary vegetation and mature planting. The proposed layout means that much of this boundary vegetation could remain as part of the northern boundary of the rear gardens of Plots 1 & 2, notwithstanding the removal of some planting to provide the footpath connection with Rookery Avenue. Similarly, sufficient space is shown on the proposed site plan to retain planting along the western and eastern site boundaries. Brief glimpses of the site are possible from the adjacent M27 however the site is not readily visible meaning the proposed development would not appear prominent within the landscape.

As set out in the opening paragraph A) to this section of the report, the Inspector's comments in assessing the previous planning appeal are an important material consideration. In his view the site did not have the character or appearance of open countryside and was a comparatively narrow wedge between the built up area to the north of Rookery Avenue and the M27. He was not persuaded that the appeal scheme, which was of a greater density of housing, would harm the landscape character, appearance or functioning of the countryside. The harm to the area's character and appearance described by the Inspector related to the loss of trees on the eastern parcel of land which does not form part of the current application site.

In general terms the visual impact of the current proposal would be little different to that of the previous appeal scheme. The development comprises two-storey detached houses set in reasonable proportioned plots and arranged in a way to ensure that boundary vegetation could mostly remain intact. In this regard the development is similar to the existing residential development north of the site and any adverse visual impact on the surrounding area would be minimised. Officers consider the proposed design and layout of the housing accords with the expectations of high quality design as set out in Policy CS17 of the adopted Core Strategy.

Officers consider the proposal satisfies point iii) of Policy DSP40.

- POLICY DSP40 (iv)

The fourth test of Policy DSP40 is that: "It can be demonstrated that the proposal is deliverable in the short term".

The applicant, Foreman Homes, is a regional housebuilder. The construction of six houses is considered deliverable in the short term and the applicant has confirmed they would be happy to accept an implementation period of 18 months. The test set out at point iv) of the policy is therefore met.

- POLICY DSP40 (v)

The fifth and final test of Policy DSP40 is that: "The proposal would not have any unacceptable environmental, amenity or traffic implications".

Officers do not consider there to be any unacceptable implications in this regard and the proposal meets the policy test at DSP40(v).

## ECOLOGY

In dismissing the previous appeal the Planning Inspector found that it had not been demonstrated that populations of protected species would be safeguarded or that the biodiversity of the area would be conserved. He also raised a technical matter concerning the wording of the submitted legal agreement which meant the planning obligation being offered in mitigation of the impact of the development on the Solent Special Protection Area (SPA) was not complete.

The applicant has provided further up to date ecology reports in support of this application. The Council's ecologist has commented to say that there are no concerns over these new proposals from an ecology perspective subject to the recommendations of the various ecology reports being fully implemented.

The issue of the SPA mitigation can be satisfactorily addressed through the applicant making a financial contribution to be secured through an agreement under Section 106 of the Town & Country Planning Act 1990. The financial contribution in this instance would be £4,625 based on the level of contribution set out in the adopted Solent Recreation Mitigation Strategy (SRMS). Such a contribution would provide the required mitigation of the in combination effects of residential development as expected through adopted local plan policy DSP15.

To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment in relation to the likely significant effects on the coastal Special Protection Areas (SPAs) and have concluded that the application's compliance with the Solent Recreation Mitigation Strategy means that there will be no adverse effect on the integrity of the designated sites.

If planning permission is granted, officers are satisfied that the proposal would be acceptable from an ecological perspective subject to planning conditions and a Section 106 planning obligation in accordance with Core Strategy Policy CS20, and Policies DSP13, DSP15, DSP40 (v), of the Local Plan Part 2.

## AMENITY

Officers have assessed the likely impact on the living conditions of occupants of adjacent properties. Subject to restrictions relating to the obscure glazing and opening of upper floor windows in certain elevations, there would be no adverse impact on the privacy of neighbours. One window which would not be obscure glazed is a first floor bedroom window (Bedroom 5 in Plot 2) that would face eastwards into the neighbouring property 114 Botley Road. The window would stand approximately 5.5 metres from the common boundary, notwithstanding Officers consider there would be no material harm to the privacy of the occupiers of

114 Botley Road. The window would be approximately 23 metres from the front of the neighbouring house at 114 Botley Road and would overlook the frontage of the dwelling including the front driveway but not the rear private garden which lies the other side of the plot to the east.

There would be no materially harmful loss of light to or outlook from the properties located to the east (114 Botley Road and Windruff). Given the arrangement of windows and rooms within the southern and eastern elevations of the existing bungalow at 112 Botley Road Officers consider there to be no adverse impact on the amenities of the occupants.

The arrangement of and separation distances between the proposed six dwellings does not raise any concerns in relation to mutual privacy or the provision of adequate sunlight or outlook. Each of the dwellings would be provided with an ample sized rear garden.

The applicant has provided a noise assessment to accompany their application which includes proposals for acoustic fencing around certain boundaries of the site. The noise levels indicated as being likely within private garden areas of houses on the site are within the acceptable range recommended by the Council's Environmental Health team. Internal noise levels meanwhile could be controlled by a suitable planning condition if planning permission were to be granted to require adequate glazing specification to all windows and whole house ventilation systems to all properties.

No objection is raised to the proposal on the basis of motorway noise adversely affecting the living conditions of future occupants of the proposed houses. Similarly, there is no evidence to suggest that removal of trees and vegetation on the site would have a material impact on noise experienced by other properties in the surrounding area.

## HIGHWAYS

Officers are mindful of the fact that many of the objections received to this application make reference to the perceived inadequacy of the Botley Road/Rookery Avenue junction. Notwithstanding, Officers are satisfied that the proposed access arrangement and the volume of traffic generated by the development would not be harmful to the safety or operation of the highway.

The improvements proposed relate principally to the road spur off the south side of Rookery Avenue which Officers are satisfied would be effective and without leading to harm to adjacent protected trees. In order to provide the required visibility splays for drivers exiting onto Rookery Avenue an amendment to the existing traffic regulation order (TRO) would be required to have double yellow lines extended along a section of Rookery Avenue to prevent cars from parking either side of the junction with the spur road within those splays. However, the number of vehicle movements generated by the development would have a negligible impact on the operation of Rookery Avenue and the junction with Botley Road.

Officers further note the mention of on-street parking along the south side of Rookery Avenue by those who have commented on the application. Rookery Avenue appears to be heavily parked during the day with residents identifying the issue as being caused by commuters travelling to and from the nearby Swanwick railway station. Notwithstanding, the proposed development of six new dwellings is unlikely to lead to a significant increase in on-street parking along Rookery Avenue. The proposal provides space for three car parking spaces on each plot complying with the Council's adopted Residential Car & Cycle Parking Standards SPD. In addition the proposed site plan shows two visitor car parking spaces further reducing any reliance on the availability of on-street parking in the vicinity.

#### E) OTHER MATTERS

Planning Practice Guidance issued by central government advises that contributions towards affordable housing provision should not be sought for developments of 10-units or less and which have a maximum combined gross floorspace of no more than 1,000 sq metres.

In this instance the proposal is for a development of six dwellings once more but with a total gross internal floor area of 978 sq metres. Since the scheme falls below both the number of units and the floorspace threshold set out in the PPG, notwithstanding the guidance contained at Policy CS18 of the adopted Fareham Borough Core Strategy, it is not considered necessary for the applicant to make a contribution towards affordable housing provision in this instance.

The site was considered as part of the Council's 'call for sites' during the preparation of the Draft Fareham Local Plan 2036. The Strategic Housing Land Availability Assessment (SHLAA) which forms part of the evidence base for the draft local plan identifies the site as "developable" however it is not one of the sites proposed to be allocated for residential development within the plan.

#### F) THE PLANNING BALANCE

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

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

The site is outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture and required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of Local Plan Part 2: Development Sites and Policies Plan. The proposal would result in the loss of best and most versatile agricultural land, contrary to policy CS16 of the Core Strategy.

Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS.

In weighing up the material considerations and conflicts between policies and the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall (fulfilling the first test of Policy DSP40). The site is located in a sustainable location adjacent to the existing urban area with which it is considered to be well integrated (meeting the second test of Policy DSP40). With regards to the third test of Policy DSP40, it has been found that the proposal is sensitively designed to reflect the character of the neighbouring settlement and minimises adverse impacts on the countryside. This conclusion has been reached taking into account the Planning Inspector's views expressed in dealing with the previous appeal on this site where he found that the development would not harm the landscape character, appearance and functioning of the countryside. The proposal has also been found to be deliverable in the short term (meeting the fourth test of that policy) and would have no unacceptable environmental, amenity or highway implications (the fifth test).

In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal would make a modest contribution towards addressing this Council's 5-year housing land supply shortage in the Borough. A small amount of housing such as this would not provide a significant or material boost to meeting the Borough's housing needs. Nonetheless, provision of the six units is a material consideration weighing in favour of the development. Officers are also mindful that a Planning Inspector has previously found there to be no harm to the character and appearance of the countryside from development on this site and there are no other adverse impacts arising from the proposed housing.

There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the council's lack of a 5YHLS, development plan policy DSP40 is engaged and officers have considered the scheme against the criteria therein. The scheme is considered to satisfy the five criteria and in the circumstances, officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

As set out in the report titled 'How proposals for residential development should be considered in the context of this Council's 5 year housing land supply position', Officers consider that the implications of the CJEU judgment (*People Over Wind, Peter Sweetman v Coillte Teoranta*) and paragraph 177 of the NPPF mean that the application of the presumption in favour of sustainable development set out in paragraph 11 of the same Framework is not a relevant consideration.

In the event that this approach is subsequently found to be incorrect as a consequence of a Court decision or a clarification in government policy, Officers have considered the application in the alternative and assessed the proposals having regard to the 'tilted balance' test set out at paragraph 11 of the NPPF.

In undertaking a detailed assessment of the proposals throughout this report and now applying the 'tilted balance' to those assessments, Officers consider that:

- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy; and
- (ii) any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

Therefore, even if paragraph 11 of the NPPF were a relevant consideration, Officers find that having applied the 'tilted balance', they would have similarly concluded that planning permission should be granted for the proposals.

Having carefully considered all material planning matters, including all new planning considerations arising since the proposal was considered by the Planning Committee on the 23<sup>rd</sup> May, Officers continue to recommend that planning permission be granted subject to the following matters.

### ***Recommendation***

Subject to:

- the completed legal agreement secured under Section 106 of the Town and Country Planning Act 1990 which secures:
  - a) A financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
  - b) A financial contribution towards a traffic regulation order (TRO) to secure adequate visibility at the site access with Rookery Avenue.

### **PERMISSION**

- 1) The development hereby permitted shall be begun before the expiration of a period of eighteen months from the date of this decision.

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

- 2) The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - a) Drawing no. 16.070.01C - Location Plan
  - b) Drawing no. 16.070.02Q\_ Site Plan
  - c) Drawing no. 16.070.03A - Plots 1, 4 & 5 - Plans and Elevations

- d) Drawing no. 16.070.04A - Plot 2 - Plans and Elevations
- e) Drawing no. 16.070.05A - Plot 3 - Plans and Elevations
- f) Drawing no. 16.070.06A - Plot 6 - Plans and Elevations
- g) Drawing no. 16.070.09C - Street Scenes
- h) Bat Activity Surveys - Revised February 2018
- i) Dormouse Mitigation Strategy
- j) Reptile Mitigation Strategy
- k) Bat Survey - Baseline Trapping Survey
- l) Initial Ecological Appraisal
- m) Arboricultural Impact Assessment
- n) Drawing no. J937.06 - Tree Protection Plan
- o) Phase I and II Geo-Environmental Assessment
- p) Site Investigation to Identify Road Construction and Geotechnical Composition
- q) Noise Assessment
- r) Transport Statement - February 2018
- s) Drawing no. 04430-HYD-XX-XX-DR-TP-2002 Revision P1 - Pedestrian General Arrangement and Visibility Splays
- t) Drawing no. 04430-HYD-XX-XX-DR-TP-2001 Revision P1 - Pedestrian General Arrangement and Visibility Splays

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

- 3) No development shall commence on site until a Construction Management Plan (CMP) setting out how provision is to be made on site for the parking and turning of operatives vehicles, wheel cleaning, the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development, has been submitted to and approved in writing by the Local Planning Authority (LPA). The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA.

REASON: In the interests of highway safety, in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site 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.

- 4) None of the 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 materials have been submitted to and approved by the LPA 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 permitted shall proceed beyond damp proof course level until details of the finished treatment and drainage of all areas to be hard surfaced have been submitted to and approved by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and the hard surfaced areas subsequently retained as constructed.

REASON: To secure the satisfactory appearance of the development

- 6) No development shall proceed beyond damp proof course level until a scheme providing alternative means of mechanical ventilation to all dwellings has been submitted to and approved in writing by the Local Planning Authority in writing. The development shall thereafter be carried out in accordance with the approved details and in accordance with the sound attenuation and noise mitigation measures set out in paragraphs 6.1 - 6.11 of the approved Noise Assessment (Stuart Michael Associates Limited February 2018).

REASON: To prevent avoidable disturbance to residents from noise.

- 7) No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials, provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, and a timetable for the implementation of the scheme has been submitted to and approved by the Local Planning Authority in writing.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality

- 8) The landscaping scheme, submitted under Condition 7 shall be implemented and completed within the agreed timetable 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.

- 9) 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 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.

- 10) None of the development hereby approved shall be occupied until details of the proposed bin storage areas and bin collection points have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin storage or collection at all times.

REASON: To ensure that the character and appearance of the development and the locality are not harmed.

- 11) None of the development hereby permitted shall be occupied until the visitor parking spaces marked on the approved site plan Drawing no. 16.070.02Q have been provided on site and these spaces shall be subsequently retained at all times.

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

- 12) None of the development hereby approved shall be occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

- 13) None of the development hereby permitted shall be occupied until the improvements to the highway and footpath provision as set out in the approved Transport Statement February 2018, drawing no. 04430-HYD-XX-XX-DR-TP-2002 Revision P1 and drawing no. 04430-HYD-XX-XX-DR-TP-2001 Revision P1 have been carried out and completed in accordance with those documents.

REASON: To ensure that the roads and footways are constructed in a satisfactory manner; in the interests of highway safety.

14)None of the development hereby permitted shall be occupied until the visibility splays at the junction of the site and Rookery Avenue as shown on the approved plan drawing no. 04430-HYD-XX-XX-DR-TP-1102 Revision P1 at Appendix E of the approved Transport Statement - February 2018 and the visibility splays at the junction of the highway and the development site as shown on approved plan drawing no. 04430-HYD-XX-XX-DR-TP-1101 Revision P1 at Appendix D of the approved Transport Statement - February 2018 have been provided in accordance with the approved details. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

15)The development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Drawing no. J937.06 - Tree Protection Plan unless otherwise agreed in writing by the local planning authority.

REASON: To ensure the adequate protection of trees during construction.

16)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.

17)The following windows shall be glazed with obscure glass and be of a non-opening design and construction to a height of 1.7 metres above internal finished floor and shall thereafter be retained in that condition at all times:

- a The first floor en-suite bathroom window in the western elevation of the dwelling at Plot 2;
- b The first floor bathroom window in the eastern elevation of the dwelling at Plot 2;
- c The first floor en-suite bathroom window in the eastern elevation of the dwelling at Plot 3;

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

18)The development shall be carried out in accordance with the measures set out in Section 5.0 'Recommendations' of the Initial Ecological Appraisal (Ecosupport, April 2018), Dormouse Mitigation Strategy (Ecosupport, Revised February 2018), Reptile Mitigation Strategy (Ecosupport, Revised February 2018) and Section 5.0 'Mitigation' of the Bat Activity Surveys (Ecosupport, Revised February 2018). Thereafter the replacement ecology features (e.g. dormouse and bat boxes) and

enhancements shall be permanently maintained and retained in accordance with the approved details.

REASON: To protect wildlife and enhance biodiversity

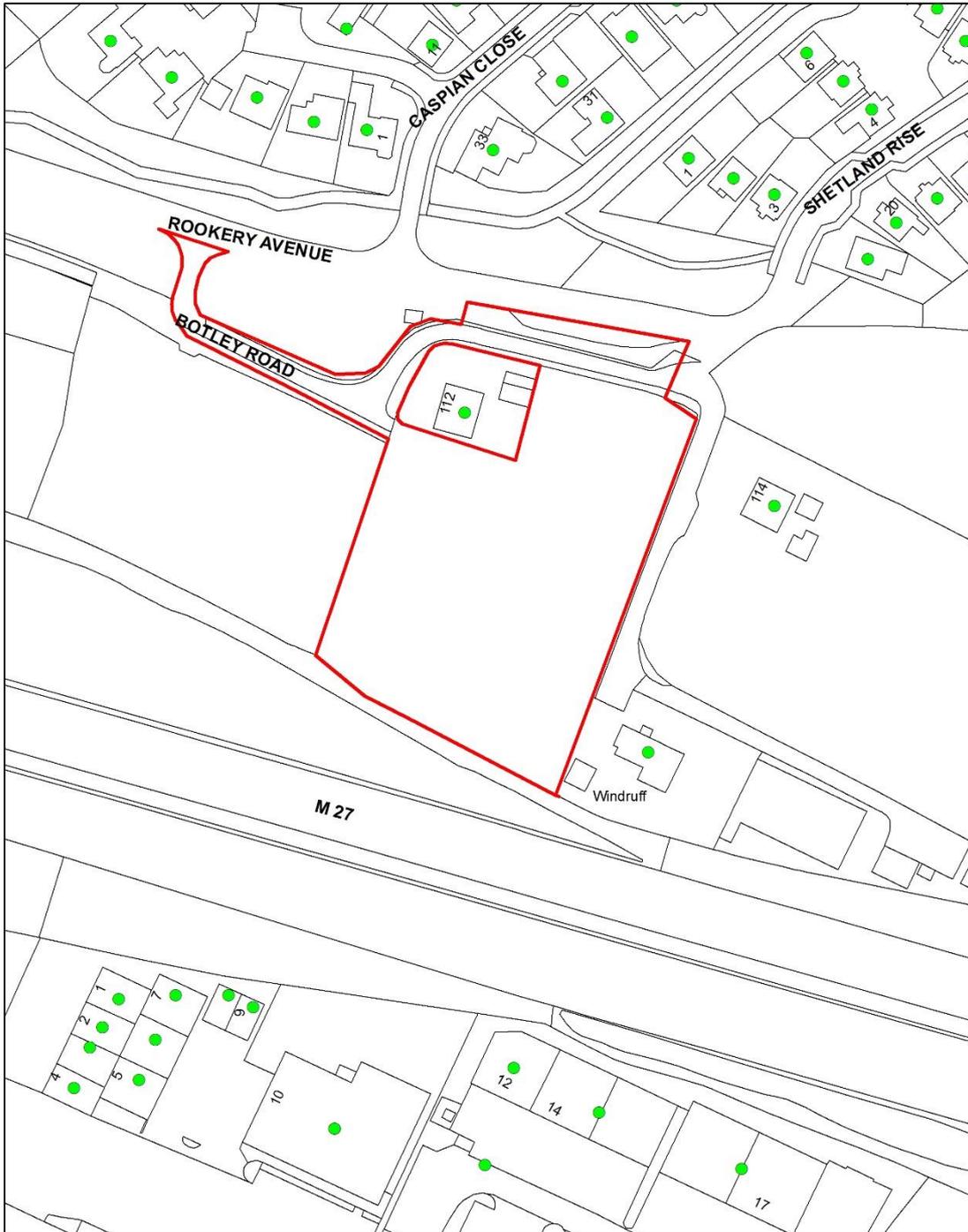
***Notes for  
Information***

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

[http://www.fareham.gov.uk/planning/local\\_plan/ciladopt.aspx](http://www.fareham.gov.uk/planning/local_plan/ciladopt.aspx)

# FAREHAM

BOROUGH COUNCIL



Land to the South of Rookery Ave/adj to 112 Botley Road  
1:1,250



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