

OFFICER REPORT FOR COMMITTEE

DATE: 18/03/2020

**P/19/0840/FP
FAREHAM BOROUGH COUNCIL**

**PORTCHESTER EAST WARD
AGENT: MH ARCHITECTS LTD**

DEVELOPMENT COMPRISING 16NO. AGE RESTRICTED (OVER 55 YEARS OLD) SUPPORTED HOUSING APARTMENTS, ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING

MERJEN ENGINEERING, STATION ROAD, PORTCHESTER, FAREHAM

Report By

Peter Kneen – direct dial: 01239 824363

1.0 *Introduction*

- 1.1 The application, submitted on behalf of Fareham Housing, for Fareham Borough Council requires consideration by the Planning Committee as a Council Planning Application. The application has also received 13 third party letters of objection from the local community.
- 1.2 Members will note from the 'Five Year Housing Land Supply Position' report considered at the April 2019 Planning Committee that at the time, this Council had a housing land supply of 4.66 years. During the latter part of 2019 several appeal decisions were received in which Planning Inspector's considered the Council's 5YHLS position, including the appeal by Miller Homes on land at Winnham Farm (appeal reference: APP/A1720/W/19/3230015). In that appeal decision the Inspector was of a view that the Council's claimed supply figure of 4.66 years was too optimistic, and that the appellant's figure of 2.4 years better represented the situation at the time. The site is a Housing Allocation (Housing Site H20) within the Adopted Local Plan for older persons accommodation, and therefore the principle of the residential development of the site has already been established.
- 1.3 Members will also note that an earlier planning application (Reference: P/16/0142/FP) for a similar scheme was considered by the Planning Committee in August 2016, where a resolution to grant planning permission was given, subject to the completion of a Section 106 Legal Agreement. Before the Agreement was completed, the part of the site that was outside the ownership of the Borough Council was also purchased by the Council.
- 1.4 To meet the Council's duty as the Competent Authority under the Conservation of Habitats and Species Regulations 2017 ("the Habitat

Regulations”), a Habitat Regulations Assessment is required to consider the likely significant effects of the development on the protected sites around the Solent. An Appropriate Assessment has been undertaken as part of the consideration of this application, and the development has provided both necessary mitigation and appropriate evidence to demonstrate that the development proposal will not result in adverse effects on the integrity of European protected sites around the Solent. Further details of this have been set out later in the Report.

2.0 Site Description

- 2.1 The application site lies on the western side of Station Road on its corner with West Street. The site comprises two distinct differing land uses; the land on the immediate corner is open land managed and owned by the Borough Council. The north eastern corner of the site comprises the remains of the former two and three storey commercial building formerly occupied by Merjen Engineering as a general industrial use (use class B2). The building on the site was demolished in the Summer 2019 following the purchase of this part of the site by the Council.
- 2.2 The former Merjen Engineering building was sited on the boundary with the neighbouring property to the north, known as ‘Conifers’. The site comprised a small forecourt fronting Station Road. The area of open space is largely laid to grass, with areas of trees and shrubs covering parts of the site.
- 2.3 The site lies within the urban area of Portchester. Portchester District shopping centre lies to the south on the opposite side of the A27, accessed via an underpass. Portchester Railway Station is sited just to the north of the site further along Station Road.
- 2.4 The immediate area comprises a mixture of property types and sizes, bungalows to the northwest in The Leaway, a two-storey house to the north in Station Road, commercial shop units to the south and two and a half storey development in Garden Court to the east beyond Station Road. Part of the frontage of the site lies within Flood Zone 2.

3.0 Description of Proposal

- 3.1 The development proposes the construction of a single block, constructed in two storey and two and a half storey elements, to provide 16 apartments, comprising a mix of 12, one-bedroom apartments and 4, two-bedroom apartments. Access would be created via Station Road, and the site would benefit from 17 car parking spaces (including two disabled spaces), together with secure on-site storage for mobility scooters and bicycles, separate bin storage and landscaped grounds to the western part of the site.

- 3.2 Whilst part of the site is located within Flood Zone 2, no part of the proposed building will be affected by this designation.
- 3.3 The application has been supported with detailed ecological reports, transport assessment, statement of community involvement, flood risk assessment, and tree survey and a nitrogen neutrality statement, together with a detailed planning statement.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

- CS2: Housing Provision;
- CS4: Green Infrastructure, Biodiversity and Geological Conservation;
- CS5: Transport Strategy and Infrastructure;
- CS6: The Development Strategy;
- CS11: Development in Portchester, Stubbington & Hill Head and Titchfield;
- CS15: Sustainable Development and Climate Change;
- CS17: High Quality Design.

Adopted Development Sites and Policies

- DSP1: Sustainable Development;
- DSP2: Environmental Impact;
- DSP3: Impact on Living Conditions;
- DSP13: Nature Conservation;
- DSP15: Recreational Disturbance on the Solent Special Protection Areas;
- DSP42: New Housing for Older People
- Housing Site H20: Corner of Station Road and A27, Portchester

Other Documents:

- Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
- Residential Car Parking Standards 2009

5.0 Relevant Planning History

- 5.1 The following planning history is relevant:

- | | |
|---------------------|---|
| P/04/1681/OA | Demolition of 11 The Leaway and Erection of Eighteen 1 and 2 Bed Flats, Car Parking, Access Road and Associated Works |
| REFUSE | 13/01/2005 |

P/04/1562/OA	Redevelopment of Site by the Erection of Sixteen 2 Bedroomed Flats
REFUSE	13/01/2005
P/16/0142/FP	Seventeen Aged-Persons Apartments in a 2.0/2.5 Storey Building including Affordable Housing
RESOLUTION TO GRANT	Committee Resolution – August 2016

6.0 Representations

6.1 Thirteen third party letters (from 10 addresses) have been received regarding the application proposal. Of those letters, four supported the proposals, and nine objected to the scheme. The letters of support highlighted the sustainability of the location, and that the scheme would provide much needed additional elderly residents accommodation. Further support was given for the re-use of a disused site, referring to the demolished building on the Merjen Engineering part of the site.

6.2 The letters of objection raise the following concerns:

- Insufficient car parking provision;
- Overdevelopment of the site;
- Highway safety and access concerns due to proximity to roundabout;
- Loss of the green space.

6.3 In addition to the third party letters received regarding this application, a separate petition was submitted to the Council containing 275 signatories requesting that the copper beech tree on the site be protected by a Tree Preservation Order.

7.0 Consultations EXTERNAL

Hampshire County Council – Highway Authority

7.1 No objection, subject to appropriate conditions.

Hampshire County Archaeologist

7.2 No objection.

Environment Agency

7.3 No objection, subject to conditions.

Natural England

7.4 No objection, subject to compliance with Nitrogen Neutrality Statement.

INTERNAL

Ecology

7.5 No objection, subject to appropriate conditions.

Refuse and Recycling

7.6 No objection

Environmental Health (Noise and Pollution)

7.7 No objection.

Environmental Health (Contaminated Land)

7.8 No objection.

Tree Officer

7.9 No objection. Detailed tree protection method statement required.

Urban Design

7.10 No objection.

8.0 *Planning Considerations*

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

- a) Principle of Development;
- b) Design and Character of the Area;
- c) Highways and Car Parking;
- d) Impact on Living Conditions of Neighbouring Properties;
- e) Ecology and the Environment.

a) Principle of Development

8.2 The application site forms part of the adopted Housing Allocation within the Adopted Part 2 Local Plan (Development Sites and Policies) 2015. Therefore, the principle of residential development on the site has been considered and established through the last Local Plan review, and was subsequently allocated as Housing Site H20, under Policy DSP42 (New Housing for Older Persons).

- 8.3 The site is located within the designated urban area, where the redevelopment of previously developed land for housing purposes is supported by Policies CS2 and CS6 of the adopted Local Plan.
- 8.4 In addition, a similar planning application for 17 apartments on the same footprint, application reference P/16/0142/FP was received favourably by the Planning Committee in August 2016 and was subject to a resolution to grant planning permission, subject to the completion of a legal agreement for contributions to affordable housing and payment of the Solent Recreation Mitigation Project contribution.

b) Design and Character of the Area

- 8.5 Housing site H20 states that any development on the site should be, at most, three storeys in height and should reflect the built form of surrounding development as far as possible. The proposed building has been designed with the highest part at the junction of West Street and Station Road at 2.5 storeys high, stepping down to two storeys with reduced eaves on the northern and western ends of the building.
- 8.6 Amenity space is provided within the site for the residents of the units. This amenity space would be sited towards the western end of the site extending across its entire depth. The Council's Design Guidance normally seeks the provision of 25 sqm of amenity space for each apartment, which for 16 apartments would require 400 sqm. The proposed amenity space would meet this requirement.
- 8.7 The scheme has also been considered by the Council's Urban Designer, who considers the proposals are acceptable, with the mix of traditional materials and architectural language being suitable for this location. The varied heights of the building relate well to the junction prominence. Therefore, Officers consider that in terms of residential development design expectations, the proposal complies with Policy CS17 of the adopted Core Strategy and the Design Guidance in that it is respectful of, and responds positively to, the character of the surrounding area.

c) Highways and Car Parking

- 8.8 The proposed development has been supported by a detailed Transport Assessment. The proposed development would be accessed by a new drive sited in the north eastern corner of the site onto Station Road.
- 8.9 A material consideration in this case is the former, long term use of the site, which comprises an unrestricted B2 (General Industrial) Use. Merjen

Engineering was formed in 1978 and established at Station Road in 1987. The business, which officially closed in 2019, was an engineering sub-contractor, and the site comprised a small forecourt fronting Station Road, for which all deliveries to and from the business were carried out. Lorries would carry out deliveries by parking partially on the road and partially on the pavement. The proposal would generate a much reduced amount of commercial activity on the adjacent highway which is seen as a benefit in highway safety terms.

- 8.10 The proposed scheme has been designed to enable a refuse vehicle to reverse into the site entrance, collect the refuse and leave the site in a forward gear. Further, the internal layout of the site has been designed to accommodate delivery vehicles and a fire engine. The scheme has the support of Hampshire County Council as the Highway Authority.
- 8.11 A number of the third party objectors have raised concerns regarding the suitability of the access, highlighting that a refuse vehicle stopping and reversing onto the site from Station Road into the site would cause a highway safety issue due to the proximity of the roundabout on the A27. However, this issue has been assessed by applicant's Transport Engineers and the Highway Authority as acceptable. Further, the Council's refuse vehicles already operate along Station Road, having to stop to collect waste weekly.
- 8.12 In respect of pedestrian access, this has been designed in a safe manner, including an entrance directly from the highway at the south eastern corner of the site.
- 8.13 Seventeen car parking spaces would be provided. The Council's Residential Car Parking SPD states that a development of this size for unrestricted occupancy would generate a need for 14 spaces, including 2 disabled spaces. The scheme therefore makes an overprovision of car parking spaces for the site. In addition, the Residential Car Parking SPD states that a lower level of parking would be acceptable in areas of high accessibility or for a specific type of residential development that creates a lower demand for parking. In this case, there are highway restrictions in the locality, the site is within a sustainable location and the occupancy restricted to older persons only. Those residents are likely to come from existing Council properties, and it is therefore within the Council's ability to control the occupiers to ensure there is adequate on-site car parking. As such, the provision of seventeen car parking spaces would be more than is required for a site with unallocated car parking provision, which is located in a highly accessible location, close to public transport links and a variety of local services and facilities.

- 8.14 The ground floor of the proposed building would also include secure bicycle storage and electric buggy storage facilities.
- 8.15 The development proposals are therefore considered to comply with Policy CS5 of the Core Strategy and the Council's adopted Residential Car and Cycle Parking Standards SPD.

d) Impact on Living Conditions of Neighbouring Properties

- 8.16 Three bungalows in The Leaway back onto the site. The distance between the proposed first floor windows and the windows in the nearest property, 11 The Leaway is approximately 23 metres at an oblique angle. The proposed building would be sited 20 metres from the northern boundary and 11 metres from the western boundary. The scale of the building on its western end is reduced to two storeys in order to respect the outlook currently enjoyed by the neighbours in The Leaway. Whilst the eaves are marginally higher than those of the earlier scheme, the level of separation and boundary planting will ensure the living conditions of the occupiers of the properties on The Leaway are not unacceptably impacted by the proposal. The first floor side facing window on the western elevation would be located 30 metres away from the rear elevation of 13 The Leaway, at an oblique angle.
- 8.17 The parking and turning area is proposed away from the western boundary by some 9 metres, and from the northern boundary by 3 metres. Officers consider in light of these distances, the neighbouring properties would not be disturbed by vehicles parking and manoeuvring within this space.
- 8.18 In terms of the impact on the living conditions of the neighbouring property to the north of the site, Conifers on Station Road, no windows would be located in the northern elevation at its closest point, adjacent to the site entrance, which is 6 metres away. The first floor windows on the northern elevation orientated towards Conifers are all hall way windows with the exception of a bedroom window at the western end of the building, which lies beyond the rear garden of Conifers, and would be over 20 metres from the northern boundary (as stated above). Two second floor apartment windows would serve habitable rooms (living room and bedroom), but these would be 16 metres away from the mutual boundary, and at an oblique angle.
- 8.19 The proposed bin storage enclosure would be sited adjacent to, but not attached to the northern boundary. A two metre high wall would be retained along this boundary with the neighbouring property Conifers. Therefore, Officers consider that the level of separation, which is considerably improved following the demolition of the former Merjen Engineering building, would not

result in an unacceptable adverse impact on the living conditions of neighbouring occupiers.

- 8.20 Officers are satisfied therefore that the proposal would not materially harm the living conditions of existing local residents in relation to light, outlook and privacy in accordance with Policy DSP3 of the adopted Local Plan.

e) Ecology and the Environment

- 8.21 The application has been subject to detailed consultations with the Council's Ecologist and has been supported by an Ecological Appraisal and a Nitrogen Neutrality Statement. The Council's Ecologist has raised no concerns regarding the proposed development, subject to appropriate conditions.
- 8.22 A number of third party comments received have raised concern regarding the loss of this green space. However, the site has been allocated in the adopted Local Plan since its publication in 2015 as a housing site where the loss of the green space was considered to be acceptable. A petition has also been received regarding the loss of a copper beech tree on the site, which residents would like to be protected. The trees on the site have been assessed by the applicant's Arborist and the Council's Tree Officer. Whilst the copper beech tree is a fine specimen regrettably its loss cannot be avoided without a substantial reduction in the scale of the proposed scheme. Further, it is important to note that the trees on the site were considered under the 2016 planning application, which currently benefits from a resolution to grant planning permission, for which the copper beech tree would also be felled. Officers do not consider that the public amenity value of the tree outweighs the benefits arising from the proposed housing development. Members are asked to confirm the view of Officers that a tree preservation order should not be served. The current scheme does however propose the inclusion of a significant element of new, semi-mature soft landscaping to replace those trees. That landscaping would be subject to a suitably worded condition.
- 8.23 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 percent 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.
- 8.24 Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13 confirms the requirement to ensure that designated sites, sites of nature

conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.

- 8.25 In light of their importance, areas within the Solent have been specially designated under European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC).
- 8.26 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 European 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 European sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority is either the Local Planning Authority or the Planning Inspectorate, depending on who is determining the application.
- 8.27 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 European Protected Sites.
- 8.28 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of EPS also has the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the European Protected Sites up to 2023, subject to appropriate mitigation.
- 8.29 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS based on the information in the submitted Nitrogen Neutrality Statement, following consultation with Natural England. The key considerations for the assessment of the likely significant effects are set out below.
- 8.30 Due to the location of the site within 5.6 km of the Solent, the development is likely to have a significant effect on the following designated sites: Solent and Southampton Waters Special Protection Area and Ramsar Site, Portsmouth Harbour Special Protection Area and Ramsar Site, Solent and Dorset Coast

Special Protection Area, Chichester and Langstone Harbours Special Protection Area and Ramsar Site and the Solent Maritime Special Area of Conservation – collectively known as the European Protected Sites.

- 8.31 Firstly, in respect of Recreational Disturbance, the applicant has made the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP). Therefore, the Appropriate Assessment concludes that the proposals would not have a likely significant effect on the EPS from recreational disturbance. Secondly, in respect of Air Quality, as set out above, the Council's Air Quality Habitat Regulations Assessment has screened out the impact on air quality, so it is possible to conclude that the development would not have a significant impact in this respect.
- 8.32 The final key aspect of the Appropriate Assessment is to consider the impact of the development on Water Quality as a result of surface water and foul water drainage. The submitted Nitrogen Neutrality Statement highlights that through the retrofitting of the Council's existing housing stock with modern water efficient measures (showers, low flush toilets, and flow restricted taps), sufficient water could be saved to ensure that the provision of 16 additional apartments would not result in increased wastewater disposal to Peel Common Wastewater Treatment Works and therefore offset the nitrogen loading generated by the proposed development. The Borough Council as competent authority can be certain that this can be achieved since it is in control of all aspects of the off-setting measures, as both the developer of the site and the housing authority responsible for the properties to be retrofitted. Therefore, Officers consider that the provision of the retrofitting of existing FBC housing stock is sufficient to ensure the proposed development would not have an adverse effect on the integrity of the European Protected Sites.
- 8.33 Natural England has been consulted about this approach, and has provided a response to the submission of the Nitrogen Neutrality Statement. No objection has been received regarding this approach. The Council has therefore completed an Appropriate Assessment, where it is considered that the proposed development will not have a likely significant effect, either alone or in combination with other plans and proposals on the European Protected Sites. No formal response has yet been received from Natural England to this Appropriate Assessment, although based on their comments regarding this approach, it is considered by Officers that the application can be recommended for approval.
- 8.34 It is therefore considered that the development accords with the Habitat Regulations and complies with policies CS4, DSP13, and DSP15 of the adopted Local Plan.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to:

- confirmation from Natural England that they raise no objection to the submitted Habitat Regulations Assessment and Appropriate Assessment; and,
- the following Conditions:

1. The development hereby permitted shall be commenced within three years of 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) Existing Site Layout and Site Location (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0001 Rev P1);
 - b) Proposed Block Layout (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0002 Rev P2);
 - c) Proposed Site Layout (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0003 Rev P4);
 - d) Proposed Plans – Ground and First Floor Plans (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0004 Rev P3);
 - e) Proposed Plans – Second Floor and Roof Plans (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0005 Rev P3);
 - f) Proposed Elevations (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0006 Rev P4);
 - g) Proposed Street Scenes (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0007 Rev P1);
 - h) Artists Impression (Drawing: 19-026-MJN-MHA-00-XX-DR-A-0008 Rev P1); and,
 - i) Swept Path Analysis (Drawing: 2016-D1146-SK001 Rev B).

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

3. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:
 - a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

- b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Station Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

4. No development shall commence on site until details of sewage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. None of the dwellings shall be occupied until the drainage works have been completed in accordance with the approved details.

REASON: In order to ensure adequate drainage is provided to serve the permitted development. The detailed secured by this condition are considered essential to be agreed prior to the commencement of the development to ensure the appropriate drainage is provided to accommodate the development proposal.

5. 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.
6. Within six months of the commencement of the apartments, a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained together with the species, planting sizes, planting distances, density, numbers and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed, has been submitted to and approved in writing by the Local Planning Authority.
REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality.
7. The approved landscaping scheme shall be implemented within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with all agreed schedules. Unless otherwise first agreed in writing, any trees or plants which, within a period of five years from first planting, are removed, die, or in the opinion of the Local Planning Authority become seriously damaged or defective, shall be replaced within the next available planting season with others of the same species, size and number as originally approved.
REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.
8. The occupation of each of the residential apartments hereby permitted shall be limited to a person of 55 years of age or over, or a widow/widower or partner of such a person, or any resident dependents including those under the age of 55, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To accord with the terms of the planning application and to ensure the satisfactory planning of the area.
9. None of the apartments hereby approved shall be occupied unless the bin store and cycle/buggy storage area have been completed and made available in accordance with the approved plans. The designated areas shall thereafter be kept available and retained at all times for the purpose of bin and cycle/buggy storage.
REASON: In the interests of amenity and in order to facilitate alternatives to the motorcar.

10. The apartments hereby approved shall not be brought into use until the car parking spaces have been provided in accordance with the approved plans. These parking spaces shall thereafter be retained on an unallocated basis and kept available for residents and visitors at all times.
REASON: To ensure adequate parking provision within the site, in the interests of highway safety.
11. No part of the development shall commence until such time as the highway works shown in principle on the submitted drawings have been approved and agreed through a Section 278 Design Check.
REASON: In the interests of highway safety. The detailed secured by this condition are considered essential to be agreed prior to the commencement of the development to ensure the appropriate highway works can be undertaken accommodate the development proposal.
12. The development shall be carried out in accordance with the approved levels unless otherwise agreed in writing by the Local Planning Authority.
REASON: To safeguard the appearance of the area and to protect the amenities of nearby residential properties.
13. No materials obtained from site clearance or from construction works shall be burnt on the site.
REASON: To protect the amenities of nearby residents.
14. No work relating to the construction of any of the development hereby permitted (including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays, or at all on Sundays or recognised bank or public holidays, unless otherwise first agreed in writing by the Local Planning Authority.
REASON: To protect the amenities of the occupiers of nearby residential properties.
15. No dwelling shall be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per day has been complied with. The water efficiency measures for each dwelling shall be retained for each dwelling for the lifetime of the property.
REASON: In the interests of preserving water quality and resources.
16. The development shall be carried out in accordance with the submitted flood risk assessment (Ref: MJEL/16/D1146/FRA3.0, Issue 4, titled 'Merjen Engineering, Station Road, Portchester, Fareham, PO16 8BG Proposed Residential Development Flood Risk Assessment', dated 08/10/2019,

compiled by RGP Design Limited) and the following mitigation measures it details:

- Finished floor levels shall be set no lower than 4.55 metres above Ordnance Datum (AOD); and,
- The proposed flood wall shall be set no lower than 4.55 metres above Ordnance Datum (AOD).

These measures shall be fully implemented prior to the occupation and subsequently in accordance with the scheme's timing/phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.

REASON: To reduce the risk of flooding to the proposed development and future occupants.

17. Prior to the commencement of the development, a Biodiversity Enhancement Strategy to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority. Development shall subsequently proceed in accordance with any such approved details.

REASON: To enhance biodiversity on the site. The detailed secured by this condition are considered essential to be agreed prior to the commencement of the development to ensure the necessary enhancement features are incorporated into the development.

18. No development shall commence until the measures of tree and hedgerow protection submitted and approved within the Arboricultural Implications Assessment, (dated 5 August 2019, prepared by Broad Oak Tree Consultants Limited) have been implemented. The protection measures shall be retained through 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.

Informatives:

- a) The applicant is advised that during the course of the development, if contaminated land is suspected or identified, works should cease until further assessments by the Council's Contaminated Land Officer can be undertaken.

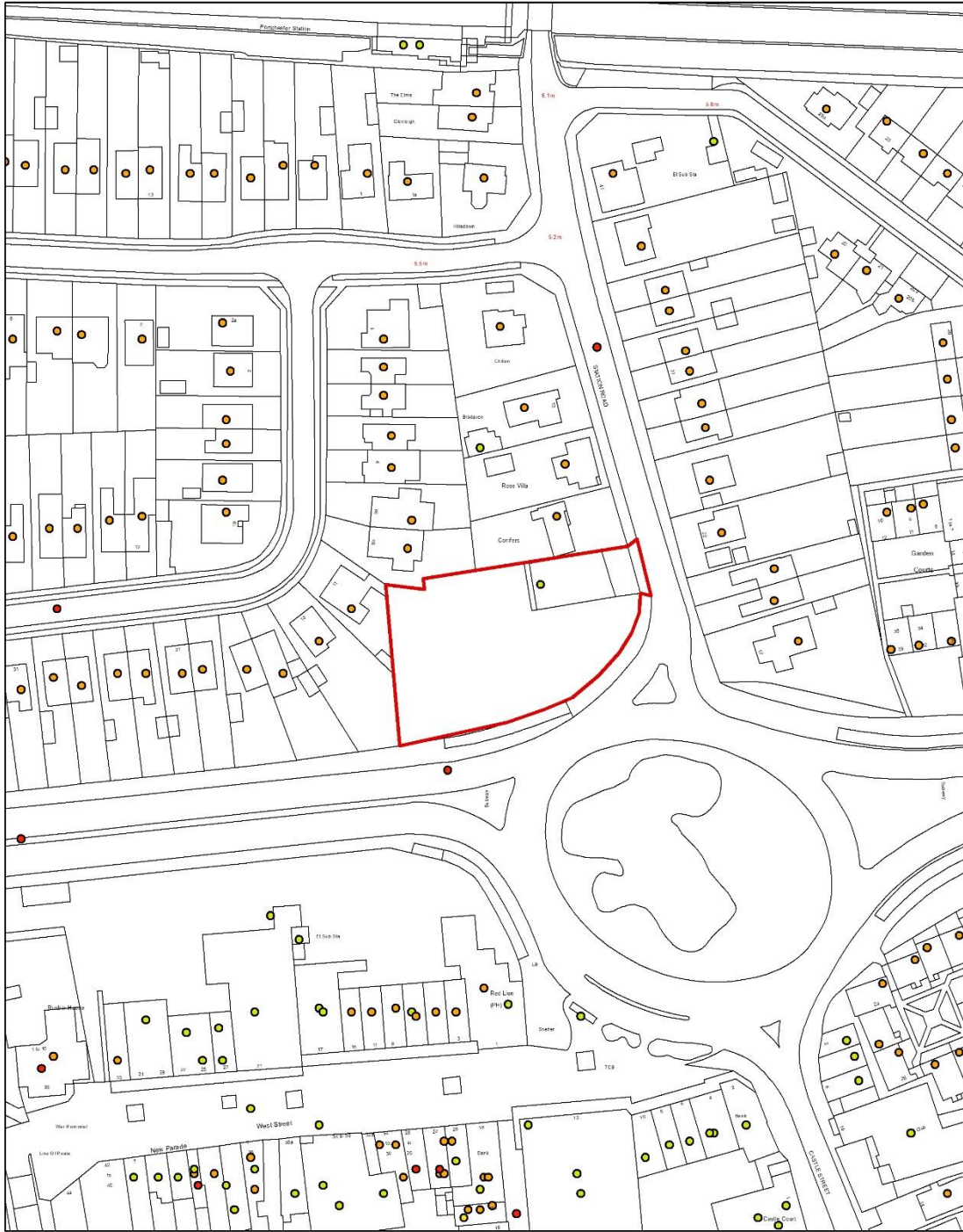
- b) Birds nests, when occupied or being built, receive legal protection under the Wildlife and Countryside Act 1981 (as amended). It is highly advisable to undertake the building works outside the bird nesting season, which is generally seen as extending from March to the end of August, although may extend longer depending on local conditions. If there is absolutely no alternative to doing the work in during this period then a thorough examination of the affected areas must be carried out before clearance starts. If occupied nests are present then work must stop in that area, a suitable (approximately 5 metre) stand-off maintained, and works can only recommence once the nest becomes unoccupied of its own accord.

11.0 Background Papers

[P/19/0840/FP]

FAREHAM

BOROUGH COUNCIL



Merjen Engineering, Station Road
Scale: 1:1,250



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