

**OFFICER REPORT FOR COMMITTEE**

**DATE: 19/08/2020**

**P/18/0592/OA  
MR HANSLIP**

**WARSASH  
AGENT: PAUL AIREY PLANNING  
ASSOCIATES**

DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT  
DETACHED HOUSES AND CREATION OF PADDOCK (OUTLINE APPLICATION  
WITH ALL RESERVED MATTERS)

EGMONT NURSERIES, BROOK AVENUE

***Report By***

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**1.0 *Introduction***

- 1.1 This application was previously considered by this Planning Committee at its meeting in December 2018. A report to that committee meeting prepared by Officers recommended that planning permission be granted. At the meeting Members resolved to grant permission subject to the applicant first entering into a Section 106 legal agreement to secure financial contributions towards the Solent Recreational Mitigation Strategy (SRMS) and off-site affordable housing provision.
- 1.2 Following the resolution to grant planning permission, and before a decision notice was issued, Natural England provided new advice to Councils in light of a decision made by the European Court of Justice (known as the 'Dutch case'). The 'Dutch Case' has implications for the approach which must be taken when assessing the impact of new development upon European Protected Sites. A number of European Protected sites which would be covered by the ruling, are located in and around The Solent.
- 1.3 The case reinforced the precautionary principle which must be adopted when assessing the impact of development upon protected sites. Furthermore, the case also clarified the requirement that where mitigation is needed, it should be identified at the time of carrying out an Appropriate Assessment and appropriately secured before permission is granted. This is in order for the competent authority to conclude with certainty that any mitigation proposed and secured would sufficiently mitigate any adverse effects arising from the development in question.

- 1.4 The primary concerns raised by Natural England in respect of development in this Borough, relate to the impacts of increased nitrates entering the European Sites through waste and run-off water and the impact of exhaust emissions from increased vehicles, upon European Sites. Based on the existing condition of The Solent water bodies and taking into account the implications of the more recent Dutch case ruling, Natural England's advice to this Council has been that any new development which would result in an increase in 'overnight' stays, should achieve nitrate neutrality in order to not have any adverse effect.
- 1.5 Work was undertaken by Ricardo on behalf of this Council in respect of the impact of exhaust emissions upon European Sites. This work was completed in December last year and the full report has been published on the Council's website. The report concluded that "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination).
- 1.6 The applicant has submitted amended proposals in response to Natural England's advice with a view to addressing the impact of nitrates on water quality in European Protected Sites. The amended proposals are described in more detail later in this report.
- 1.7 The nature of the amendments to the proposals are considered significant enough that Officers consider the application should be brought before the Planning Committee once again for a further resolution as to whether planning permission should be granted. Officers have made this recommendation notwithstanding the delegated authority granted by Members at the Council meeting held on 5<sup>th</sup> December 2019 to the Head of Development Management to determine this planning application along with eleven others.
- 1.8 Members will note from the 'Five Year Housing Land Supply Position' reported to the Planning Committee meeting on 24<sup>th</sup> June 2020 this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5 year period).

## **2.0 Site Description**

- 2.1 The application site is located outside of the defined urban settlement boundaries, is around 1.9 hectares in size and located on the northern side of Brook Avenue, Warsash. The site is partially covered by derelict buildings, glasshouses and hard standing and was used up until the 1990s as a commercial nursery. A horse paddock forms a considerable portion of the site

in its north-western corner. Adjacent to the northern site boundary is Holly Hill Woodland Park.

- 2.2 Residential properties fronting Brook Avenue lie close by as does the small housing development at Yorkdale (to the immediate west of the application site) and Cawtes Reach (a short distance to the east).

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

- 3.1 Outline planning permission is sought for eight detached dwellings. All matters are reserved meaning the application seeks simply to establish the principle and quantum of development on the site. Notwithstanding this, an illustrative site layout plan has been provided showing the possible arrangement of eight dwellings on the site.

- 3.2 The amendments to the proposal which have been submitted since the previous committee resolution show an area of natural greenspace comprising a wetland area and detention basins around the western and southern boundaries of the site. Along the northern boundary of the site an ecological buffer is proposed. Rain falling on the roofs of the new dwellings and permeable surfaces on the site would be attenuated and the flow controlled. That water, along with surface water from gardens and the SANG, would be directed to a bioretention swale and then to a final wetland cell. The report on the wetland creation submitted by the applicant states that the system would improve water quality including removing nitrogen from the water.

### **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

CS14 – Development Outside Settlements

CS15 – Sustainable Development and Climate Change

CS16 – Natural Resources and Renewable Energy

CS17 – High Quality Design

CS18 – Affordable Housing

#### **Adopted Development Sites and Policies**

DSP1 – Sustainable Development

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

DSP6 – New Residential Development Outside of the Defined Urban Settlement Boundaries  
DSP13 – Nature Conservation  
DSP15 – Recreational Disturbance on the Solent Special Protection Areas  
DSP40 – Housing Allocations

**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:

<b>P/17/0651/OA</b>	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
<b>WITHDRAWN</b>	
<b>P/16/0243/OA</b>	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
<b>REFUSE</b>	28 JUNE 2016
<b>P/15/0540/OA</b>	INSTALLATION OF 2820 PHOTOVOLTAIC PANELS AND USE OF EXISTING OFFICE BUILDING FOR INSTALLATION OF INVERTER & CONTROL EQUIPMENT (OUTLINE APPLICATION)
<b>APPROVE</b>	19 NOVEMBER 2015
<b>P/15/0529/OA</b>	CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION)
<b>WITHDRAWN</b>	3 NOVEMBER 2015
<b>P/06/0982/CU</b>	CHANGE OF USE OF BUILDING TO OFFICE (NON AGRICULTURAL)
<b>APPROVE</b>	19 OCTOBER 2006
<b>P/02/0417/OA</b>	ERECTION OF TWO DWELLINGS (OUTLINE APPLICATION)

**REFUSE**

27 MAY 2002

APPEAL DISMISSED 6 DECEMBER 2002

**6.0 Representations**

6.1 Prior to the application being considered by the Planning Committee in December 2018 a total of sixty residents had responded to the application (five in support, one giving no comment either in support or objection and fifty-four objections).

6.2 The representations received in support of the application raised the following comments:

- Site is currently an eyesore
- Proposed development is in keeping with and sympathetic to surrounding area

6.3 The letters received objecting to the application did so on the following grounds:

In relation to the principle of development:

- Countryside location
- Harmful visual impact of housing to character of countryside/area
- Dereliction of site should not be reason to grant permission
- Contrary to policy
- Site is greenfield not brownfield
- Comparisons to Cawtes Reach and Yorkdale are misleading
- Proposal is higher density than nearby development
- A less dense scheme may be preferable
- Site not in the draft local plan
- Pressure on local infrastructure
- Cumulative impact of other development nearby
- Eight houses will not address housing shortfall
- This will set a precedent elsewhere
- A solar farm has already been permitted on the site
- This is identical to a previously refused application – nothing has changed

In relation to highway matters:

- Additional traffic along Brook Avenue posing highway safety hazard
- Additional traffic will cause increased noise and disturbance
- Access to site unsafe
- Brook Avenue is private road

- Developer cannot be made to contribute towards traffic calming or improvements on a private road
- No footpath or lighting along road
- The traffic generated by the nursery business was comparatively light

In relation to ecological matters:

- Harm to wildlife
- Harmful to adjacent Holly Hill Woodland
- Ecology buffer not adequate
- A new access into Holly Hill Woodland should be provided

6.4 Further consultation was carried out starting in May 2020 following the submission of the amended proposals described earlier in this report. During that consultation period a further fifty-two representations were received (seven in support and forty-five in objection).

6.5 The objections received raised the following additional issues :

In relation to procedural matters:

- The red edge of the application site does not include all of the land needed going back to the public highway
- Brook Avenue is privately owned and not within the sole control of the applicant – the site is therefore not deliverable (contrary to DSP40ii)
- Layout has changed substantially contrary to previous committee resolution

In relation to ecology:

- Natural England's nitrate neutrality methodology is flawed and unlawful
- Wetland is compensation not mitigation
- Marsh gas (methane), odour and mosquitoes from wetland
- Conflict between management of wetland and management of buffer zone as habitat
- Ecology reports are out of date
- The development is contrary to the Habitats Directives
- The status of protected sites should be returned to favourable not just maintained as unfavourable
- Nitrate budget is inaccurate
- None of the land identified as lowland grazing
- None of the land identified as lowland grazing land has been used as such
- Land in north eastern corner of site not grazed

- Grazing ceased three years ago
- Occupancy of houses questioned. If a higher occupancy rate is applied then more mitigation is required. Approach is inconsistent with other planning decisions elsewhere in the Borough.
- Water consumption assumption used in nutrient budget inaccurate
- Mature trees in Holly Hill Woodland will be deprived of water which currently drains from site. SUDs should not be allowed close to an ancient woodland.
- Noise and light pollution impacting Holly Hill woodland

In relation to other matters:

- Impact on dark night skies
- The site is in an area of countryside with areas of special landscape character
- Removal of front hedgerow
- Surface water drainage problems for properties in Yorkdale
- Loss of light to neighbouring property
- Application is contrary to Policy DSP40 in that it is not located adjacent to the existing urban area and is harmful to character and appearance of the area
- Other nearby sites in Brook Avenue have been ruled out through the local plan process

## **7.0 Consultations**

### EXTERNAL

#### **Natural England**

- 7.1 With regard to deterioration of the water environment, it is noted that the approach to address the positive nitrogen budget for this development is via a wetland mitigation scheme.
- 7.2 Provided the council, as the competent authority, is assured and satisfied with the site areas are correct and that the existing land uses are appropriately precautionary, then Natural England raise no further concerns with regard to the nutrient budget.
- 7.3 Provided the measures set out in the wetland mitigation report are secured with any planning permission, Natural England accepts the conclusion of the report that the design can achieve nitrogen neutrality in this way.

- 7.4 To ensure it is effective mitigation, any scheme for neutralising nitrogen must be certain at the time of appropriate assessment so that no reasonable scientific doubt remains as to the effects of the development on the international sites. Natural England recommends that a long term monitoring and maintenance strategy is submitted to satisfy the competent authority that the system will operate effectively for the lifetime of the development. The details should be agreed and outlined in the Appropriate Assessment and this should be appropriately secured with any planning permission.
- 7.5 It is noted that details of operation and maintenance has been included in the wetland report, which is welcomed. However, the strategy should also consider appropriate funding, responsibilities and mechanisms to ensure compliance for the lifetime of the development. The long term management and monitoring of this system should include a protocol for reporting and, in addition to routine maintenance, trigger levels for the implementation of remedial measures as necessary.
- 7.6 An appropriate organisation will need to be responsible as agreed with the local planning authority (the competent authority) and secured through appropriate mechanisms such as legal agreements. There are a number of organisations that may be appropriate to undertake the long term management. For example, the local planning authority, drainage authority, water company or other non-government organisations such as Hampshire and Isle of Wight Wildlife Trust or the Land Trust.
- 7.7 It is noted that, in this case, the proposal is for a management company to be responsible for undertaking the management and maintenance of the scheme. The competent authority will need to be satisfied that financial arrangements are in place that will guarantee the provision of sufficient funds to ensure the full delivery of the agreed management plans for the lifetime of the development. If a resident service charge is to be applied then your authority will need to be satisfied that the charge is legally robust and ring fenced for the purpose of delivering the agreed management plans. Further information is needed on the legal clauses covering the collection and enforcement of the residents service charge, the value of the charge and how it has been calculated, along with details of how any shortfall in payments from households will be reclaimed.
- 7.8 In addition to a service charge, the scheme will require the payment of an agreed commuted sum to your authority to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans. Natural England would expect the financial arrangements put in place by your authority to be sufficiently robust as to allow your authority to agree to



take over the legal responsibility of delivering the management plans should the management company fail (eg through the company folding, failing to collect the service charge, the funds are not applied appropriately in accordance with the management plan, or for any other reason). The S106 will also need to provide clauses that provide appropriate 'step-in' rights for Fareham BC, or another authority, to take over the management should it be required.

#### **Hampshire County Council – Flood and Water Management team**

- 7.9 No objection subject to conditions requiring detailed surface water drainage scheme and long-term maintenance arrangements for surface water drainage system.

INTERNAL

#### **Hampshire County Council - Ecology**

- 7.10 No objection subject to conditions and provision of 15m planted buffer.

#### **Trees**

- 7.11 No objection.

#### **Highways**

- 7.12 No objection subject to conditions.

#### **Contaminated Land**

- 7.13 No objection subject to condition.

### **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:

- a) Site planning history and previous reasons for refusal;
- b) Implication of Fareham's current 5-year land supply housing supply position (5YHLS);
- c) Residential development in the countryside;
- d) The impact on European Protected Sites;
- e) Policy DSP40;
- f) Other matters;
- g) The planning balance.

### **A) SITE PLANNING HISTORY AND PREVIOUS REASONS FOR REFUSAL**

8.2 In 2002 the Council refused an outline application which proposed two detached houses along the frontage of the site on the north side of Brook Avenue (reference P/02/0417/OA). An appeal was subsequently lodged and dismissed, the main issue being the effect on the character and appearance of the countryside. The Inspector did not consider the proposal to be 'infill' development and so it did not enjoy the support of local plan policies in place at the time. The Inspector felt the proposal instead would harm the present semi-rural character of the area.

8.3 More recently, and as set out in the Relevant Planning History section to this report above, there have been three applications in 2015, 2016 & 2017 for outline permission proposing eight dwellings on the nursery site as a whole.

8.4 The 2016 submission (reference P/16/0243/OA) was determined and refused in June that year for reasons as follows:

*The development would be contrary to Policies CS2, CS6, CS14, CS17 and CS18 of the adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13 and DSP15 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. Furthermore development of this site by the erection of eight detached dwellings would be harmful to the character of this countryside location;*

*(b) 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;*

*(c) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to contribute to the off-site provision of affordable housing in the Borough;*

*(d) insufficient information has been submitted to demonstrate that Dormice, a protected species, and their habitat would be protected and enhanced during the development.*

8.5 Members will note that this decision was made at a time when the Council was able to demonstrate a five year housing land supply.

- 8.6 In December 2018 this current application was considered by the Planning Committee. A report to the committee prepared by Officers recommended that planning permission be granted. At the committee meeting Members resolved to grant permission subject to the applicant first entering into a Section 106 legal agreement to secure financial contributions towards the Solent Recreational Mitigation Strategy (SRMS) and off-site affordable housing provision.

## **B) IMPLICATIONS OF FAREHAM'S CURRENT 5 YEAR HOUSING LAND SUPPLY (5YHLS)**

- 8.7 A report titled "Five year housing supply position" was reported for Members' information on the agenda for the Planning Committee meeting held on 24<sup>th</sup> June 2020. That report set out this Council's local housing need along with this Council's current housing land supply position. The report concludes that this Council currently has a housing land supply of 4.03 years (a shortfall of 522 dwellings within the 5 year period).
- 8.8 The starting point for the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004:
- "If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"*
- 8.9 In determining planning applications there is a presumption in favour of policies of the extant Development Plan, unless material considerations indicated otherwise. Material considerations include the planning policies set out in the NPPF.
- 8.10 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.
- 8.11 Paragraph 74 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.
- 8.12 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states:

*“For decision-taking this means: Approving development proposals that accord with an up-to-date development plan without delay; or where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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; 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.”*

8.13 The Council is currently unable to demonstrate a five year housing land supply therefore the development plan cannot be considered up-to-date. The key judgement for Members therefore is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies taken as a whole.

8.14 Members will be mindful of Paragraph 177 of the NPPF which states that:

*“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats sites (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site”.*

8.15 The Local Planning Authority has carried out an appropriate assessment that concludes that the proposed development would not adversely affect the integrity of the habitats site, therefore the presumption in favour of sustainable development applies and the 'tilted balance' of paragraph 11 is engaged.

8.16 The following sections of this report assess the application proposals against the Council's adopted Local Plan 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) RESIDENTIAL DEVELOPMENT IN THE COUNTRYSIDE**

8.17 The development of eight houses is proposed on the site of a derelict commercial nursery. Such a use would not be considered to constitute 'previously developed land' under the definition of such given in the Glossary

to the National Planning Policy Framework (NPPF) which excludes land that is or has been occupied by agricultural buildings.

8.18 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. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

8.19 The application site lies within an area which is outside of the defined urban settlement boundary.

8.20 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."*

8.21 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)."

8.22 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.

#### **D) THE IMPACT ON EUROPEAN PROTECTED SITES**

8.23 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 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.

8.24 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.

- 8.25 In light of their importance, areas within the Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'European Protected Sites' (EPS).
- 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 EPS 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 EPS. This is done following a process known as an Appropriate Assessment. The competent authority, in this case the Council, is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations.
- 8.27 Officers have undertaken an Appropriate Assessment and formally consulted Natural England. The main impacts of the development on EPS which were assessed are:
- Disturbance to Solent Special Protection Areas (SPAs) through increased recreational use by visitors to the sites;
  - Impact upon EPS from increased vehicle emissions; and
  - Impact upon water quality at the EPS resulting increased nitrates carried in water from the proposed development.

Each of these impacts on the EPS were assessed in turn.

Disturbance to Solent Special Protection Areas (SPAs) through increased recreational use by visitors to the sites

- 8.28 Disturbance to habitats through increased recreational use by visitors to the sites can be mitigated by securing appropriate financial contributions towards the Solent Recreation Mitigation Strategy which provides a strategic solution by pooling contributions to fund and implement a variety of mitigation measures such as the provision of wardens. The appropriate assessment concludes that the proposed development and mitigation in the form of a contribution towards the SRMS would not have an adverse effect alone or in combination with other plans on the integrity of the EPS in terms of recreational disturbance.

Impact upon European Sites from increased vehicle emissions

- 8.29 Natural England has developed distance based criteria to identify potential effects from car exhaust emissions. This identifies that protected sites lying in excess of 200m of the edge of a road would not need to be considered any further. Notwithstanding Natural England's distance based criteria, Fareham Borough Council commissioned an air quality report by the specialist Energy and Environment Consultancy, Ricardo.
- 8.30 The air quality report assesses the impact of road traffic emissions associated with proposed short term development within Fareham Borough in combination with anticipated development from neighbouring local authorities in the Partnership for South Hampshire sub-region.
- 8.31 The air quality report concluded that: "Development in Fareham can take place over the period up to 2023 as set out in this report, with no threat due to emissions to air to the ability of any European site to achieve their conservation objectives or maintain their integrity (either alone or in combination)." The findings of the report enables the appropriate assessment to conclude that the proposed development would not have a likely significant effect alone or in combination with other plans on the integrity of the EPS in terms of air quality.

Impact upon water quality at the European Protected Sites resulting from increased nitrates carried in water from the proposed development

- 8.32 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 EPS.
- 8.33 Natural England's advice is that achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has provided a methodology (v5 June 2020) 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.

Nutrient budget

- 8.34 The applicant has submitted a nutrient budget for the development and accompanying information on the use of the land over a period of time. The

following paragraphs set out the key inputs and assumptions used in the nutrient budget which were discussed with the applicant beforehand and which have also been the focus of comments from local residents. These relate to i) the existing use of the land, ii) the assumed occupancy rate used in the budget and iii) the assumed water consumption figure used.

i) Existing land use

- 8.35 The information submitted by the applicant concerning the existing use of the land is precautionary in its treatment of the former horticultural site. Due to the number of years since the site was last in operation as a commercial nursery the applicant has treated the areas of the site where glasshouses stood and horticultural uses took place as having a much lower, baseline average nitrate loss value equivalent to natural greenspace. This equates to approximately 0.87 ha of the site (44% of the overall 1.97 ha site area). Officers consider this to be a reasonable and suitably precautionary approach.
- 8.36 The northern part of the site is identified as being used as paddock and given a lowland grazing value by the applicant in the nutrient budget. This part of the site is capable of being broadly divided into two parts (the north-western paddock and the north-eastern field). Local residents have claimed that the north-eastern field has not been used as a paddock. The north-western paddock meanwhile has not been grazed for the past three years. Finally, two further areas of the site are classified in the nutrient budget as having an urban value.
- 8.37 Officers have examined the evidence provided by the applicant as to the current and recent use of the various areas of the site. The comments made and further evidence provided by local residents and third parties has also been taken into account. Natural England recommend that evidence of existing land uses are provided for the last ten years and professional judgement used as to what the land would revert to in the absence of a planning application. With that in mind the evidence available would suggest that the north-western paddock (0.747 ha) can be afforded a lowland grazing value for the purposes of the nutrient budget. Applying maximum precaution when assessing the remainder of the site (1.223 ha), Officers are currently of the view that a baseline figure equivalent to natural greenspace should be used. Making adjustments to the nutrient budget accordingly shows that the development would result in mitigation being required to address a surplus of 10.5 kg/N/yr.

ii) Assumed occupancy rate



- 8.38 Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach.
- 8.39 Concern has been raised by third parties over the use of the average occupancy rate of 2.4 for this development of eight houses. Some have expressed the view that a higher occupancy rate ought to be applied since the houses are likely to be larger than average dwellings (although it should be noted that the application is in outline form and scale and layout of the development are reserved matters). Third parties have noted that the Council used bespoke calculations when determining a recent planning application for a sheltered housing development elsewhere in the Borough.
- 8.40 It is acknowledged that some houses will have more than the average number of occupants. It is also of course the case that some will have less. The figure of 2.4 is an average based on a well evidenced source (the ONS) and which has been shown to be consistent over the past ten years. As stated above the Natural England methodology allows bespoke occupancy rates however to date the Council has only done so to lower, not raise, the occupancy rate and where clear evidence has been provided to demonstrate that the proposed accommodation has an absolute maximum rate of occupancy. In the case of sheltered housing which is owned and managed by the Council for example it has previously been considered appropriate to apply a reduced occupancy rate accordingly.
- 8.41 In all instances it is the case that the Natural England methodology is already sufficiently precautionary because it assumes that every occupant of every new dwelling (along with the occupants of any existing dwellings made available by house moves) is a new resident of the Borough of Fareham. There is also a precautionary buffer of 20% applied to the total nitrogen load that would result from the development as part of the overall nutrient budget exercise.
- 8.42 Taking the above matters into account, Officers do not consider there to be any specific justification for applying anything other than the recommended average occupancy rate of 2.4 persons per dwelling when considering the nutrient budget for the development.

iii) Assumed water consumption

- 8.43 The nitrogen budget has been based on an assumption that water usage within the new dwellings would be at a level of 110 litres per person per day. This figure is recommended by Natural England in the published methodology and is also a feature of the Council's emerging local plan policies to address water efficiency. Officers consider this to be a reasonable assumption and note that, like the assumption for occupancy rates, the uncertainty of adopting this figure is addressed in the overall 20% precautionary buffer applied in the methodology.

*Nitrate mitigation through wetland creation*

- 8.44 To assess the impact of nitrogen on the EPS the appropriate assessment calculates the nitrogen budget and considers all of the ways in which nitrogen from the development could enter The Solent. There are three ways in which water from development can enter the EPS: directly via hydrological pathways, via foul water drainage and from run-off during flood events.
- 8.45 The proposed development would not require any deep excavations such as might be required for major infrastructure, therefore there are no hydrological surface water pathways identified that could result in groundwater pollution.
- 8.46 Foul water drainage from the site will be discharged to the existing public foul sewer and treated at the sewage treatment plant. Without mitigation the proposed development would result in an increased level of nitrates entering The Solent.
- 8.47 To counter the potential for increased levels of nitrates to enter The Solent, the applicant has proposed on site wetland provision. The proposed wetland would remove nitrates from surface water and roof water drainage through a combination of physical, chemical and biological processes via interactions between the water, substrate and micro-organisms such as algae. The applicant has demonstrated to Natural England's satisfaction that the proposed wetland would result in an overall decrease in the amount of nitrates entering The Solent from this site. The adjusted nutrient budget has shown that 10.5 kg/N/yr would be generated by the development. The wetland would in turn provide a reduction of 11.51 kg/N/yr meaning there would be an overall reduction in nitrates being discharged from the site.
- 8.48 Nitrate pollution in the event of a flood has been addressed by ensuring that the proposed sustainable urban drainage system, swale and wetland have been designed to cater for future flood events (with an allowance for increased levels of rainfall due to climate change.) The proposed development would therefore not result in increased levels of nitrates entering The Solent in the event of a flood.

- 8.49 Natural England agree with the principle of using a reedbed wetland to remove nitrogen from water and therefore decrease the level of nitrates entering The Solent. Natural England have advised that additional details need to be secured regarding the long term monitoring and management of the wetlands in order to conclude that there would be no adverse effect on the European Protected Sites. The details which will be secured within the Section 106 are sufficient to conclude there is no adverse impact on the integrity of the European protected sites within The Solent and to endorse the LPA's Appropriate Assessment.
- 8.50 Officers have secured an appropriate level of detail (in line with Natural England's advice) to ensure that the reedbed wetland can be effectively monitored and managed in the long term. The details of the long term monitoring and management have informed the Appropriate Assessment which concludes that the proposed development together with the proposed mitigation measures (the Bird Aware contribution, wetland creation and appropriate planning conditions) would not have an adverse impact on the integrity of the identified sites and that this is demonstrated beyond reasonable scientific doubt.
- 8.51 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 policies CS4, CS20, and policies DSP13, DSP15, DSP40 (v), of Local Plan Part 2.

## **E) POLICY DSP40**

- 8.52 Policy DSP40: Housing Allocations, of Local Plan Part 2, 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.”*

8.53 Each of these five bullet points are worked through in turn below:

**POLICY DSP40 (i)**

8.54 The present shortfall of dwellings needed to achieve a 5YHLS is circa 500 dwellings. The proposal for 8 dwellings is relative in scale to the 5YHLS shortfall and therefore bullet point i) of Policy DSP40 is satisfied.

**POLICY DSP40 (ii)**

8.55 The site is considered to be sustainably located within a reasonable distance of local schools, services and facilities at nearby local centres (Warsash and Locks Heath). This part of the northern arm of Brook Avenue is located outside of the urban area, the existing urban settlement boundary being approximately 140 metres east of the site. The proposal is not therefore adjacent to the urban settlement boundary.

**POLICY DSP40 (iii)**

8.56 This application is presented in outline form only meaning that permission is not sought at this stage for the precise layout of the site. Notwithstanding, the illustrative site layout provided with the application shows a possible development at a density of 5.5 dwellings per hectare (dph). This is similar in comparison to the adjacent housing development at Yorkdale (approx. 4.5 - 5 dph) and nearby Cawtes Reach (approx. 4 dph).

8.57 The proposal is also similar to these two nearby developments in that it would be located behind the ribbon development of older houses which front Brook Avenue. Beyond those observations however any further comparison is not possible due to the fact that the scale, appearance and layout of the development are all matters which the applicant has asked to be reserved so that they can be considered at a later date should the principle of development be held to be acceptable.

- 8.58 It is evident from reading the letters of representation that many residents consider the glasshouses and structures on the site to be an eyesore, although there is disagreement as to whether that in any way justifies the proposed redevelopment. It is also clear that the buildings on the site have fallen into disrepair and their derelict appearance detracts from the pleasant semi-rural character of Brook Avenue, albeit glasshouses are a type of agricultural structure commonly found in the countryside and in particular Warsash. The demolition of the buildings on the site could therefore be seen as a positive aspect of the proposed development which assists in minimising the adverse impact of the housing on the site.
- 8.59 Whilst the layout of the site is a reserved matter, the illustrative site plan submitted with the application shows how eight dwellings could be arranged. This plan shows the nearest dwelling set a considerable distance back from the street frontage and a paddock area retained. The dwellings would be located behind the line of frontage development along Brook Avenue. This would act to reduce the visual impact of the development when viewed from the road however large two storey houses, as indicated in the applicant's Planning Statement, would still be visible from the road over and around the frontage bungalows. Similarly, whilst the means of access is a reserved matter, the frontage hedgerow could remain largely intact if the existing vehicular entrance to the site is to be used.
- 8.60 In summary, the development would have an urbanising effect which would be harmful to the character and appearance of the countryside. This would be contrary to the aims of Core Strategy Policy CS17, which seeks to ensure development responds positively to and is respectful of key characteristics of an area such as its landscape, although it is acknowledged that there would be some benefit from removal of the glasshouses in visual terms. In addition, and as mentioned earlier in this report, there is conflict with Core Strategy Policy CS14 which aims to strictly control development outside the defined settlement boundaries and protect the countryside from development which would adversely affect its landscape character, appearance and function.
- 8.61 However, in relation to the policy test in question (whether the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside), it is considered the submitted illustrative site plan shows how the site could be laid out to sensitively reflect the nearby developments at Yorkdale and Cawtes Reach and how the dwellings could be sited so as to retain an element of open green space and open frontage serving to minimise the adverse impact on the countryside. The removal of unsightly derelict buildings on the site would furthermore reduce the degree of visual harm. For those reasons it is considered that the proposal accords with Policy DSP40(iii).

#### **POLICY DSP40 (iv)**

- 8.62 The applicant has confirmed that they would anticipate moving forward with the proposed scheme as soon as possible. They have agreed to the imposition of a reduced implementation period requiring submission of a reserved matters application within twelve months of outline permission being granted and the commencement of development on site within twelve months of the last of those reserved matters being approved.
- 8.63 Some residents have commented on the application to note that Brook Avenue is privately owned and that is a barrier to the delivery of the development. However, nothing has been provided to indicate that a private right of access along Brook Avenue would not still enable suitable vehicular, cycle and pedestrian access to the site.
- 8.64 The proposal is considered to be deliverable in the short term and compliant with Policy DSP40(iv).

#### **POLICY DSP40 (v)**

- 8.65 The proposal is considered to satisfy the final test of Policy DSP40, namely that "The proposal would not have any unacceptable environmental, amenity or traffic implications", as discussed below.

#### **ENVIRONMENTAL**

- 8.66 In acknowledgement of the age of some of the ecological information provided the applicant has supplied an updated ecological walkover survey report. No significant changes were recorded during the site walkover.
- 8.67 Hampshire County Council ecologist has raised no objection to the proposed development subject to conditions and the provision of a suitable ecology buffer between the housing development and the adjacent woodland to the north being shown in any subsequent reserved matters submission. As referred to above, the management of the wetland would be secured through a Section 106 legal agreement and this would include the areas of greenspace and ecology buffer on the site also.
- 8.68 The local flood authority Hampshire County Council have raised no objection to the proposals subject to a planning condition requiring details of a surface water drainage scheme for the site based on the principles within the submitted flood risk assessment and drainage strategy.

## **HIGHWAYS**

- 8.69 The means of access to the site is a reserved matter however it is unrealistic for vehicular access to the site to be provided by any other route than Brook Avenue. Several of the comments received, both from those residents objecting and those supportive of the proposal in principle, have raised the issue of the private road's suitability to cope with additional vehicle movements along it.
- 8.70 The advice received from the Council's Highways Officer is that, notwithstanding the condition of the road surface, lack of street lighting and pedestrian footway, the number of vehicle movements created by the development would not be adverse taking into account the site's previous use as a commercial nursery. No detailed information has been provided by the applicant concerning the type and extent of traffic generated by the use of the site as a nursery up until the 1990s. In reality the now derelict site is unlikely to have generated any large number of vehicle movements for some twenty or more years. However, even after taking this into account, it is not considered that the amount of development proposed would have a materially harmful effect on the safety or convenience of highway users.

## **AMENITY**

- 8.71 Officers are fully satisfied that a site layout can be achieved without adversely impacting upon the residential amenity of occupiers of neighbouring properties.
- 8.72 The proposal's impact on the visual amenity of the countryside is assessed earlier in this report.

## **F) OTHER MATTERS**

### **AFFORDABLE HOUSING**

- 8.73 Policy CS18 of the adopted Fareham Borough Core Strategy, requires residential developments on sites that can accommodate between 5 and 9 dwellings to provide 30% affordable units or the equivalent financial contribution towards off-site provision.
- 8.74 Paragraph 63 of the NPPF states affordable housing provision should not be sought for residential developments that are not major developments. In this instance, due to the size of the application site, this proposal constitutes major development for the purposes of the NPPF. There is therefore no restriction

on the Council's ability to follow its adopted local plan position of seeking affordable housing provision on this site.

- 8.75 Officers consider that the development should provide an equivalent financial contribution towards off-site provision in order to accord with Policy CS18. Such a contribution could be secured through a planning obligation in a Section 106 agreement entered into by the applicant.

### **EFFECT UPON LOCAL INFRASTRUCTURE**

- 8.76 The strength of local concern relating to the impact of the development on schools, doctors, dentists and other services in the area is acknowledged. The Education Authority have not requested a contribution towards school provision due to the number of units falling below that which would require an education contribution.
- 8.77 In respect of the impact upon doctors/ medical services, the difficulty in obtaining appointments is an issue that is raised regularly in respect of new housing proposals. It is ultimately for the health providers to decide how they deliver health services. Therefore, a refusal on these grounds would be unsustainable.

### **G) THE PLANNING BALANCE**

- 8.78 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".*

- 8.79 This application has previously been the subject of a favourable Committee resolution to grant planning permission. The revised application proposes additional measures to address the matter of nutrient neutrality but is otherwise the same.
- 8.80 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.



- 8.81 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; 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 (DSP40(i)), can be delivered in the short-term (DSP40(iv)) and would not have any unacceptable environmental, traffic or amenity implications (DPS40(v)). Whilst there would be harm to the character and appearance of the countryside the unsightly derelict buildings currently on the site would be demolished. Furthermore, it has been shown that the site could accommodate eight houses set back from the Brook Avenue frontage and an area of green space to sensitively reflect nearby existing development and reduce the visual impact thereby satisfying DSP40(iii). Officers have however found there to be some conflict with the second test at Policy DSP40(ii) since the site is acknowledged to be in a sustainable location but is not adjacent to the existing urban area.
- 8.82 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 could deliver 8 dwellings, as well as an off-site contribution towards affordable housing provision, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would be modest but is still a material consideration in the light of this Council's current 5YHLS.
- 8.83 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 four of 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.
- 8.84 As an Appropriate Assessment has been undertaken and concluded that the development would not have an adverse effect on the integrity of the sites, Paragraph 177 of the NPPF states that the presumption in favour of sustainable development imposed by paragraph 11 of the same Framework is applied.
- 8.85 Officers have therefore assessed the proposals against the 'tilted balance' test set out at paragraph 11 of the NPPF.

8.86 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;

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.

8.87 Having carefully considered all material planning matters, and after applying the 'tilted balance', Officers recommend that planning permission should be granted subject to the prior completion of a planning obligation pursuant to Section 106 of the Town and Country Planning Act 1990 and the imposition of appropriate planning conditions.

## **9.0 Recommendation**

9.1 Delegate to the Head of Development Management in consultation with the Solicitor to the Council for the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:

a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;

b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;

c) The creation and retention of wetlands on the site prior to occupation of any dwelling;

d) The creation of a management company to monitor and manage the communal areas of the development including the wetlands for the lifetime of the development.

e) Mechanism for securing appropriate funding of the management company for the lifetime of the development

- f) Mechanism for ensuring collection and enforcement of the residents' service charge to fund the monitoring and management of the communal areas of the development including the wetlands for the lifetime of the development
- g) Suitable monitoring arrangements for the wetlands for the lifetime of the development, to include:
- Monitoring of wetlands to be undertaken by a qualified drainage specialist
  - Monthly monitoring of the reedbeds for the first 2 years then every 6 months thereafter Inspection of wetlands within a week in the event of unforeseen circumstances and remedial measures where required within a fixed period of such measures being approved by the appropriate body/ies
  - Protocol for reporting results of the monitoring including payment of the costs of FBC and NE involved in reviewing the monitoring reports
  - Trigger levels for the implementation of remedial measures, such measures to be implemented by a qualified contractor and inspected by the qualified drainage specialist.
- h) Obligations on owners of individual houses to report misconnections or other issues with the wetlands
- i) Payment of a commuted sum to be made available to the management company (or other third party) to cover any shortfall in payments from householders and so ensure the continued delivery of the management plans.
- j) Details for the long-term maintenance arrangements for the surface water drainage system including, but not limited to,
- Maintenance schedules for each drainage feature type and ownership; and
  - Details of protection measures;

And

Delegate to the Head of Development Management to make any necessary modification or addition to the proposed heads of terms and/ or conditions;

And then;

**GRANT PLANNING PERMISSION**, subject to the following Conditions:

1. Application for approval of details of the appearance, layout and scale of the buildings, the means of access and the landscaping of the site (all referred to as the 'reserved matters') shall be made to the Local Planning Authority before the expiration of twelve months from the date of this permission. The development hereby permitted shall be commenced in pursuance of this permission before the expiration of twelve months from the date of approval of the last of the reserved matters to be approved.

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) Location plan;
  - b) 0064 Egmont Nursery Walkover Survey Report July 2020 v2 (received 30th July 2020)
  - c) Albury SI- phase 2 report 10341A REV 1 SI REPORT Brook Avenue, Warsash
  - d) Flood Risk Assessment & Outline Surface & Foul Water Drainage Strategy - May 2018 - prepared by Odyssey

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

3. 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;
- c) Arrangements for the routing of lorries and details for construction traffic access to the 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 local roads to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
- i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- j) Provision for storage, collection, and disposal of rubbish from the development during construction period;
- k) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- l) Temporary lighting;
- m) Protection of pedestrian routes during construction;
- n) No burning on-site;
- o) Scheme of work detailing the extent and type of piling proposed;
- p) 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; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. 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 an ecological mitigation, compensation and enhancement plan has been submitted to and approved by the local planning authority in writing. The plan shall include the measures detailed within the submitted ecological walkover survey (Peach Ecology, July 2020). The plan shall also set out how an ecological buffer no less than 15 metres from the site's northern boundary and the nearest residential curtilages will be laid out on the site. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To provide ecological protection, compensation and enhancement.

5. No development shall commence until an Arboricultural Impact Assessment and Method Statement for tree and hedgerow protection has been submitted to and approved by the Local Planning Authority in writing and the approved scheme has been implemented. The tree and 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.

6. No development shall commence until a detailed surface water drainage scheme for the site, based on the principles within the Flood Risk Assessment & Outline Surface & Foul Water Drainage Strategy May 2018, has been submitted and approved by the Local Planning Authority in writing. The submitted details shall include:

- a) A technical summary highlighting any changes to the design from that within the approved Flood Risk Assessment;
- b) Detailed drainage layout drawings at an identified scale indicating catchment areas, referenced drainage features, manhole cover and invert levels and pipe diameters, lengths and gradients;

- c) Detailed hydraulic calculations for all rainfall events, including the listed below. The hydraulic calculations should take into account the connectivity of the entire drainage features including the discharge location. The results should include design and simulation criteria, network design and result tables, manholes schedule tables and summary of critical result by maximum level during the 1 in 1, 1 in 30 and 1 in 100 (plus an allowance for climate change) rainfall events. The drainage features should have the same reference that the submitted drainage layout;
- d) Evidence that Urban Creep has been considered in the application and that a 10% increase in impermeable area has been used in calculations to account for this;
- e) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753;
- f) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The development shall be carried out in accordance with the approved details.

REASON: To ensure the satisfactory disposal of surface water.

7. No development hereby permitted shall commence until a detailed scheme for remedial works to address the risks identified in the approved site investigation report and to ensure the site is suitable for the proposed use has been submitted to and approved by the local planning authority in writing.

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

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

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

8. 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.

9. The landscaping scheme, submitted under Condition 1 shall be implemented and completed 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 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.

10. No dwelling hereby permitted shall be occupied until details of water efficiency measures 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 an average of 110l 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

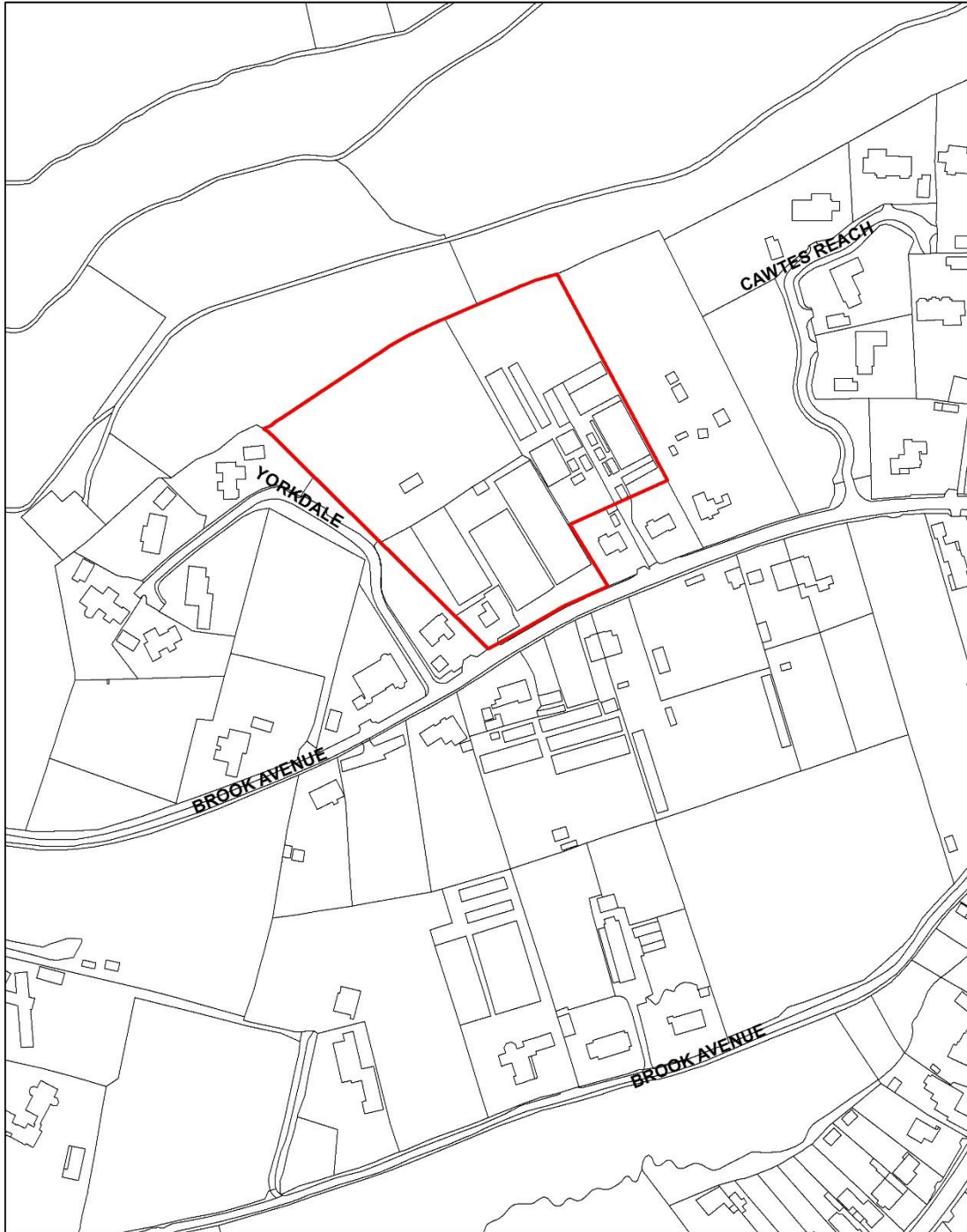
### **10.0 Background Papers**

P/17/0651/OA, P/16/0243/OA, P/15/0540/OA, P/15/0529/OA



# FAREHAM

BOROUGH COUNCIL



Egmont Nurseries  
Brook Avenue  
Warsash  
Scale 1:2,500



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