

OFFICER REPORT FOR COMMITTEE

DATE: 16/12/2020

P/18/1261/OA
HOMES ENGLAND

FAREHAM EAST
AGENT: WOOD PLC

DEMOLITION OF THE FAREHAM MAGISTRATES COURT AND REDEVELOPMENT OF THE SITE WHICH COMPRISES OF UP TO 45 APARTMENTS, SITE ACCESS, LANDSCAPING AND OTHER ANCILLARY INFRASTRUCTURE WORKS

FORMER MAGISTRATES COURT, TRINITY STREET, FAREHAM

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

1.1 This application has been included on the agenda as it proposes major development on a site in an important town centre location.

2.0 Site Description

2.1 The application site is located on the east side of Trinity Street and comprises the building and associated car parks of the former Fareham Magistrates Court. The Magistrates Court building was granted planning permission in 1990 (planning reference FBC.1394/13), was built in 1994 but eventually closed in September 2016 following a national review of the court estate by the government and the decision to move magistrate court functions to Portsmouth.

2.2 The site is approximately 0.22 hectares in size. To its east lies Fareham Registration Office and dwellings fronting Osborn Road South whilst to its south lie the rear yards of businesses and residential properties which front West Street. On the opposite side of Trinity Street to the west of the site lies a row of two storey terraced houses and The Good Intent public house. To the north meanwhile is a public car park owned by Fareham Borough Council beyond which is The Fareham public house.

3.0 Description of Proposal

3.1 Planning permission is sought for the demolition of the existing court building and the construction of up to 45 apartments with associated works and infrastructure. The application is submitted in outline form with all matters reserved except for the proposed means of access to the site.

- 3.2 The proposed means of access is shown on the submitted Access Plan (drawing no. 40562-Lea008b). A new vehicular entrance into the site from Trinity Street would be formed in the south-western corner of the site. This access would be one way only so that vehicles leaving the site would do so through a point in the northern site boundary and back out onto Trinity Street via the adjacent public car park.
- 3.3 The applicant has confirmed that they have contracted to sell the site to Churchill Retirement Living subject to outline planning permission being granted.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 – Housing Provision

CS5 – Transport Strategy and Infrastructure

CS6 – The Development Strategy

CS7 – Development in Fareham

CS8 – Fareham Town Centre Strategic Development Location

CS15 – Sustainable Development and Climate Change

CS17 – High Quality Design

CS18 – Provision of Affordable Housing

CS20 – Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

DSP13 – Nature Conservation

DSP15 – Recreational Disturbance on the Solent Special Protection Areas

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:

FBC.1394/13	ERECTION OF REPLACEMENT MAGISTRATES COURT BUILDING
PERMISSION	16/11/1990

P/18/0878/PA

PRIOR NOTIFICATION FOR DEMOLITION OF
FORMER MAGISTRATES COURT

PRIOR

30/08/2018

**APPROVAL NOT
REQUIRED**

6.0 Representations

6.1 Two sets of comments have been received in relation to this application raising the following material planning considerations:

- Traffic congestion in the area is already a nightmare
- This is overdevelopment of the site
- Harm to highway safety
- A lower number of flats would be acceptable
- Overlooking / loss of privacy

7.0 Consultations

EXTERNAL

Southern Water

7.1 No objection.

Hampshire County Council – Flood and Water Management

7.2 No objection subject to condition.

Hampshire Fire and Rescue

7.3 No objection.

Portsmouth Hospitals NHS Trust

7.4 The Trust commented on the application in May 2019 to request a financial contribution of £1,026 per dwelling (£46,170 in total).

The Trust is currently operating at full capacity in the provision of acute and planned healthcare. It is further demonstrated that although the Trust has plans to cater for the ageing population and growth, it will not be able to plan for the growth in a piecemeal manner.

The contribution is being sought not to support a government body but rather to enable that body to provide services needed by the occupants of the new homes. The development directly affects the ability to provide the health service required to those who live in the development and the community at large. Without contributions to maintain the delivery of health care services at the required quality standard and to secure adequate health care for the

locality the proposed development will put too much strain on the said service infrastructure, putting people at significant risk. This development imposes an additional demand on existing over-burdened healthcare services, and failure to make the requested level of healthcare provision will detrimentally affect safety and care quality for both new and existing local population. This will mean that patients will receive substandard care, resulting in poorer health outcomes and pro-longed health problems. Such an outcome is not sustainable.

INTERNAL

Contaminated Land Officer

7.5 No objection subject to condition.

Environmental Health Officer

7.6 No objection subject to conditions relating to sound attenuation, air quality and the requirement for a Construction and Environmental Management Plan (CEMP).

Transport Planner

7.7 No objection.

Refuse and Recycling

7.8 Consideration must be given to providing safe emptying arrangements on this busy road.

Affordable Housing Strategic Lead

7.9 It is considered that the Vacant Building Credit (VBC) is applicable in this instance. The calculations provided effectively mean zero affordable home provision is necessary from a planning policy perspective. The provision of affordable homes by Homes England would be welcome but not a planning requirement and so that would be a matter for Homes England as vendor to impose any conditions/restrictions on the sale of the site.

Ecology

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) Access
- c) Parking provision

- d) Affordable housing provision
- e) Residential amenity
- f) Other matters

a) Principle of development

- 8.2 This site constitutes previously developed land (brownfield) within the existing urban area. The site's redevelopment is therefore supported in principle by Policies CS2 & CS6 of the adopted Fareham Borough Core Strategy.
- 8.3 Core Strategy Policy CS7 states that proposed development within the Fareham settlement boundary which contributes towards the provision of 680 dwellings in the period 2010 – 2026 (including around 350 within the Fareham Town Centre area) will be permitted where it “does not significantly affect the setting and landscape character of the town or diminish the town's community, historic, biodiversity and cultural resources nor have an adverse impact on air quality”. The provision of 45 residential units at this site has already been identified in the Five-Year Housing Land Supply Position paper reported to the Planning Committee on 24th June 2020 a policy compliant emerging brownfield site.
- 8.4 This planning application proposes up to 45 apartments to be constructed on the site with associated infrastructure. As this is an outline application with only access to be considered at this stage, the scale, layout and appearance of the development as well as the landscaping of the site are all reserved matters to be considered as part of a subsequent planning application. Notwithstanding, the applicant has provided illustrative details at this stage to demonstrate how 45, one- and two-bedroomed apartments could be delivered on the site. The illustrative details provided show the apartments being accommodated within a single building of up to four storeys in scale (three conventional storeys with one additional recessed storey). Surrounding buildings in the nearby area have a range of heights from two to four storeys generally and the existing court building is substantial in scale. On the basis of the indicative material provided, Officers are satisfied that an apartment building of a suitable scale and appearance to accommodate 45 units could be accommodated on the site without harming the character and appearance of the surrounding area.

b) Access

- 8.5 Officers consider that the proposed means of access into the site from Trinity Street is acceptable. Similarly, the proposed vehicular egress point from the site into the adjacent public car park and traffic leaving the site through that car park back on to Trinity Street is considered acceptable in highway

convenience and safety terms. The arrangement is similar to the existing situation whereby vehicles both enter and leave the private car park serving the court building through the adjacent public car park.

c) Parking provision

- 8.6 The applicant has demonstrated through the illustrative site plan submitted with the application that a total of 42 car parking spaces could be provided in a car park to the rear of the building and in an undercroft beneath the building. This number of parking spaces would meet the requirements for twenty-eight 1-bed units and seventeen 2-bed units as set out in the Council's approved Residential Car & Cycle Parking Standards Supplementary Planning Document (SPD). The indicative level of parking provision does not seek any reduction in the level of parking spaces due to the site's relative accessibility and proximity to local shops, services and public transport links. The provision of electric vehicle charging points would be secured by an appropriately worded planning condition.
- 8.7 Officers are mindful that layout is a reserved matter and so the precise mix of units and the number of parking spaces required would be a matter for consideration at the reserved matters stage of approval. Officers are also aware that the applicant has confirmed they have contracted with Churchill Retirement Living regarding sale of the site. With this in mind it is probable that the overall requirement for car parking space would be further reduced owing to the low levels of car ownership and hence need for parking space for retirement accommodation. Such matters however would need to be considered at the reserved matters stage and full justification of a lower level of parking provision provided by the applicant.

d) Affordable housing provision

- 8.8 Through the government's Planning Practice Guidance (PPG), national policy provides an incentive for brownfield development on sites containing vacant buildings known as the vacant building credit (VBC). It states:

"Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace."

- 8.9 The PPG gives the following advice as to how VBC should be applied:

“The existing floorspace of a vacant building should be credited against the floorspace of the new development. For example, where a building with a gross floorspace of 8,000 square metre building is demolished as part of a proposed development with a gross floorspace of 10,000 square metres, any affordable housing contribution should be a fifth of what would normally be sought.”

- 8.10 In this instance the existing Magistrates Court building has a gross internal floorspace of 2,736 square metres. The applicant states this floorspace should count towards a reduction in affordable housing contribution by applying the VBC. Officers agree that such a reduction can be applied having regard to the PPG guidance on VBC.
- 8.11 It is proposed that a planning obligation in a Section 106 agreement be used to ensure that the developer makes a financial contribution towards the off-site provision of affordable housing in the event the floor area of the proposed building exceeds 2,736 square metres. Since the exact floorspace of the proposed development is unknown at this outline application stage the obligation will set out that the contribution should be based on the increase in floorspace over 2,736 square metres in line with the PPG guidance on applying the VBC. In the event the proposed development does not exceed 2,736 square metres, there would be no financial contribution required.

e) Residential amenity

- 8.12 Two letters were received in response to the application being publicised one of which raised concerns about overlooking from the new apartments eastwards towards the rear elevations of houses on Osborn Road South.
- 8.13 At present the court building contains relatively few windows resulting in minimal overlooking and loss of privacy to neighbours. Officers acknowledge that the replacement of the court with an apartment building will result in a materially different form of development likely to contain multiple windows to habitable rooms in residential apartments. This is likely to lead to a degree of overlooking towards the private rear gardens and elevations of properties in Osborn Road South. The exact nature of that overlooking and an assessment of whether it would result in an unacceptable loss of privacy for neighbours is a consideration for the reserved matters stage when the precise scale and layout of the development is submitted for approval along with details of any intervening landscape planting. Notwithstanding, the applicant has demonstrated illustratively in their outline application that a separation distance of around 28 metres between the proposed apartment building and the rear elevations of the nearest houses on Osborn Road South could be achieved, with space along the party boundary for planting to be carried out to

further soften or screen views. This would exceed the Council's minimum standard of 22 metres between facing windows Officers are also mindful that the proposal could result in an improvement in other respects to the outlook from those neighbouring properties which is currently dominated by the existing court building to be demolished as part of the development.

- 8.14 To the front (west) of the existing courthouse meanwhile lies Trinity Street with residential properties located on the opposite side of the road. The illustrative site plan shows that those properties would lie approximately 12 – 13 metres from the frontage of the new apartment building which itself would be up to four storeys in height. This relationship would be similar to the existing situation between the courthouse building and the houses.
- 8.15 Officers are satisfied in principle that the proposed scheme could be delivered without resulting in any unacceptable adverse impact to the living conditions of neighbours.
- 8.16 The site lies approximately 75 metres from The Garden of Reflection on Osborn Road and 250 metres from Park Lane Recreation Ground and so is well located in terms of public open space. The illustrative site plan shows no external amenity space to serve the proposed apartments. Whilst the layout of the site is a reserved matter Officers consider there to be very limited scope to provide much, if any private amenity space, whilst delivering the number of units proposed served by the level of car parking indicated. The Council's adopted Design Guidance SPD suggests garden space of 25 square metres per flat would normally be sufficient but acknowledges that in the town centre and other centres around the Borough more innovative ways of providing quality outdoor space might be required, for example through the use of courtyards, roof terraces or balconies. Such solutions would need to be brought forward at the reserved matters stage and a note is recommended to draw the applicant's attention to the need for such provision.

f) Impact on European Protected Sites

- 8.17 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.
- 8.18 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.

- 8.19 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).
- 8.20 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 the Local Planning Authority.
- 8.21 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the EPS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.22 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs and is therefore considered to contribute towards an impact on the integrity of the Solent SPAs as a result of increased recreational disturbance in combination with other development in the Solent area. Policy DSP15 of the adopted Local Plan Part 2 sets out the Council's approach to securing the appropriate mitigation measures to address the in-combination impact of increased recreational disturbance arising from increased housing development. It states:
- "Planning permission for proposals resulting in a net increase in residential units may be permitted where 'in combination' effects of recreation on the Special Protection Areas are satisfactorily mitigated through the provision of a financial contribution that is consistent with the approach being taken through the Solent Recreation Mitigation Strategy."*
- 8.23 The applicant has agreed to enter into a Section 106 legal agreement to secure the appropriate financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMS) and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect

on the integrity of the EPS as a result of recreational disturbance in combination with other plans or projects.

- 8.24 Secondly in respect of the impact of the development on water quality as a result of surface water and foul water drainage, Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering the Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the EPS.
- 8.25 A nitrogen budget has been calculated in accordance with Natural England's *'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region'* (June 2020) which confirms that the development will generate 31.7 kg/TN/year (kilograms of total nitrogen per year). Due to the uncertainty of the effect of the nitrogen from the development on the EPS, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.26 The applicant has proposed taking agricultural land outside of the Borough out of agricultural use to ensure there will be no additional nutrients reaching the EPS as a result of the development, and so mitigate adverse effects of the development. The land to be used is located near the village of Knowle and equates to 1.3 hectares of agricultural land currently used for cereal crop production. This mitigation land is to be secured by taking and keeping it out of agricultural use through the applicant entering into a Section 106 legal agreement with Fareham Borough Council along with the local planning authority for the mitigation land, Winchester City Council. Taking the mitigation land out of agricultural use will result in a reduction of 34.06 kg/TN/yr entering the EPS.
- 8.27 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the EPS either alone or in combination with other plans or projects. The difference between the credits and the output will result in a small annual net reduction of nitrogen entering the Solent. Natural England has been consulted on the Council's Appropriate Assessment and their comments are awaited. It is considered that the development accords with the Habitat Regulations and complies with Policies CS4 and DSP13 and DSP15 of the adopted Local Plan.

g) Other matters

Comments from Portsmouth Hospitals NHS Trust

- 8.28 In May 2019, the Portsmouth Hospitals NHS Trust wrote to the Council to make representations about the application. The Trust is commissioned to provide acute healthcare services to a number of Clinical Commissioning Groups (CCGs) including Fareham and Gosport CCG. The CCGs commission planned and emergency acute healthcare from the Trust.
- 8.29 A summary of the comments made by the Trust is included earlier in this report. The Trust request a financial contribution of £46,170 to provide services needed by the occupants of the new homes.
- 8.30 The tests for obligations are set out in paragraph 56 of the NPPF and reflect those in Regulation 122 of the Community Infrastructure Levy Regulations 2010. The tests for an obligation are whether they are:
- 1. necessary to make the development acceptable in planning terms;*
 - 2. directly related to the development; and*
 - 3. fairly and reasonably related in scale and kind to the development.*
- 8.31 There is no specific policy in the adopted local plan that relates to hospital infrastructure or contributions towards hospital services. The comments from the Trust refer however to Policy CS20 of the adopted Core Strategy which seeks to ensure that developments will contribute towards or provide infrastructure or mitigate an impact of a development upon infrastructure. The representations are clear that they do not seek a contribution towards health infrastructure rather it is the impact upon the hospitals through the delivery of the health care service. Whilst the thrust of Policy CS20 seeks to secure contributions towards infrastructure, it could be argued that the broad nature of Policy CS20 could be material in assessing the Trust's request.
- 8.32 Furthermore, the NPPF, in Chapter 8 seeks to promote healthy and safe communities. The NPPF identifies that decisions should "...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs" and "...take into account and support the delivery of local strategies to improve health...of the community" (paragraph 91-92).
- 8.33 The first point to note in relation to the Trust's comments is that the UK provides its citizens with healthcare on a national basis regardless of district or county boundaries. The funding is collected via central government taxation and distributed locally to provide healthcare. Whilst delivered locally the service is a National Health Service and as such the government has a system to ensure that each area of the country has enough funds to provide

the service on the basis of the population it serves. Regardless of where someone lives, they are entitled to receive healthcare on a national basis.

- 8.34 The Trust's comments explain the way in which the hospitals are currently funded. The Trust indicate that the residents who will be living in the development at the Magistrates Court site are likely to use the hospitals and increase pressure on the hospital services as a result. A formula is provided with an estimated number of the proposed population predicated as being likely to need to use the hospital services. From this estimated number of hospital visits, a cost is attributed and multiplied to provide the suggested contribution.
- 8.35 In considering the requests it is noted that the construction of houses does not itself lead to population growth. Officers consider that the need for housing is a consequence of population growth. Furthermore, there is no account in the representations, it seems, for the potential for the residents of the new development to be moving locally around the Borough or adjoining boroughs such that their residence locally is already accounted for by the current services and funding commissioned by the hospital. In addition, the cost attributed to the proposed patient trips to the hospital is not considered to be clearly calculated or justified.
- 8.36 The representations from the Trust state that "*...although the Trust has plans to cater for known population growth it cannot plan for unanticipated additional growth in the short to medium term*".
- 8.37 The length of time between sites being identified, planning permission being granted, and the houses actually being constructed and subsequently occupied is many years. The amount of residential development coming forward in the Borough which has not been reasonably foreseeable for a period of years is therefore very limited.
- 8.38 In January 2019 the NHS launched its new 10-year plan. This plan sets out how the NHS thinks it can overcome the challenges that the NHS faces, such as staff shortages and growing demand for services. This is to be achieved essentially by doing things differently and at no point does it refer to the need for new developments to provide for healthcare services by means of financial contribution such as that requested by the Trust.
- 8.39 For the reasons set out above, Officers do not consider that the contribution sought by the Trust is necessary to make the development acceptable in planning terms and thus the tests for planning obligations as set out above are not considered to have been met. Furthermore given the adopted policy framework it is considered that in the absence of the contribution, the

application does not fail as a consequence as this issue alone would not justify a reason for refusal, which it must do in order to make the contribution necessary to make the development acceptable in planning terms and meet the tests for a planning obligation.

Publication Version of the emerging Fareham Local Plan

8.40 Members will be aware that the Publication Version of the emerging Fareham Local Plan, which addresses the Borough's development requirements up until 2037 is currently out for consultation until Friday 18th December.

8.41 The site of this planning application is proposed to be allocated for housing within the publication local plan (Housing Allocation Policy FTC6). A number of background documents and assessments support the proposed allocation of the site in terms of its deliverability and sustainability which are of relevance. However, at this stage in the plan preparation process, the draft plan carries limited weight in the assessment and determination of this planning application.

Summary

8.42 This application proposes the re-use of previously developed land in the urban area for residential development in accordance with Policies CS2 & CS6 of the adopted local plan. Safe and convenient pedestrian and vehicular access to the site can be achieved along with on-site car parking provision. Officers are satisfied that a high-quality apartment development can be achieved at this site, whilst safeguarding the amenities of local residents Officers consider the scheme to be acceptable subject to the Section 106 requirements and proposed conditions set out below.

9.0 Recommendation

9.1 GRANT OUTLINE PLANNING PERMISSION subject to:

- i) the receipt of comments from Natural England in response to consultation on the Council's Appropriate Assessment and delegate to the Head of Development Management in consultation with the Solicitor to the Council to make any minor modifications to the proposed conditions or heads of terms or any subsequent minor changes arising after having had regard to those comments;
- ii) the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:

- a. to secure a financial contribution towards the Solent Recreation Mitigation Strategy (SRMS);
 - b. to secure the provision of a policy-compliant financial contribution towards off-site provision of affordable housing based on the increase in floorspace arising from the proposed development over the existing gross internal floorspace of 2,736 square metres;
 - c. to secure the removal of specified agricultural land from agricultural use for the lifetime of the development in order to achieve nutrient neutrality for the development;
- iii) the following planning conditions:

1. Application for approval of details of the appearance, layout and scale of the building(s) and the landscaping of the site (all referred to as the 'reserved matters') shall be made to the Local Planning Authority (LPA) before the expiration of three years from the date of this permission. The development hereby permitted shall be commenced in pursuance of this permission either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) Site location plan – drawing no. 40562-Lea007
 - b) Access Plan – drawing no. 40562-Lea008b

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

3. Vehicular access into and out of the site shall be as shown on the approved Access Plan (drawing no. 40562-Lea008b) and no other means of vehicular access shall be formed at any time.

REASON: In the interests of highway safety.

4. No development hereby permitted, with the exception of demolition of the existing buildings on the site, shall commence until an intrusive site investigation and risk assessments, including the risks posed to human health, the building fabric and the wider environment such as water

resources, has been submitted to and approved by the LPA in writing. Where the site investigation and risk assessments reveal a risk to receptors, no development hereby permitted, with the exception of demolition of the existing buildings on the site, shall commence until a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use, has been submitted to and approved by the LPA 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 LPA. 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 LPA. 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 of the apartments hereby permitted, 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 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.

5. No development hereby permitted, with the exception of demolition of the existing buildings on the site, shall commence until a detailed surface water drainage scheme based on the principles within the submitted Drainage Technical Note dated July 2018 has been submitted to and approved in writing by the LPA. The surface water drainage scheme shall include:

- a) detailed drainage drawings with confirmation of the location, levels and gradients of each drainage feature;
- b) updated calculations in relation to each drainage feature, and;
- c) confirmation of who will be responsible for the long-term maintenance of each drainage feature.

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

REASON: To ensure satisfactory means of surface water disposal.

6. 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 CMP 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 implement 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 Trinity Street to ensure that it is kept clear of any mud or other debris falling from construction vehicles, and
 - f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. 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 the development on the site to ensure appropriate measures are in place to mitigate the effects of construction works from the outset.

7. No development shall proceed beyond damp proof course level until a scheme for sound attenuation against external noise sources has been submitted to and approved in writing by the Local Planning Authority in writing. The scheme shall assess the impact of noise from vehicles and surrounding land uses and identify the measures necessary to attenuate against noise nuisance to future occupants. The development shall thereafter be carried out in accordance with the approved details.

REASON: To prevent avoidable disturbance to residents from noise.

8. No development hereby permitted shall proceed beyond damp proof course (dpc) level until details of how electric vehicle charging points will be provided at the following level have been submitted to and approved by the LPA in writing:

- a. One Electric Vehicle (EV) rapid charge point per 10 dwellings;
- b. One Electric Vehicle (EV) charging point per allocated parking space.

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

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

9. No development hereby permitted shall proceed beyond damp proof course (dpc) level until a scheme of biodiversity enhancements to be incorporated into the development has been submitted to and approved by the LPA in writing. None of the apartments hereby permitted shall be first occupied until the approved biodiversity enhancements have been fully implemented. These enhancement measures shall be subsequently retained.

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

10. 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.

11. None of the residential units 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 Notes for Information

- a. Notwithstanding the results of the ecological survey submitted with this application special care must still be taken not to disturb wild animals and plants protected by the Wildlife and Countryside Act 1981 (as amended). This includes birds and bats that nest or roost in trees. Should specimens of any protected species be discovered during building operations you should contact Natural England for further advice - 0300 060 3900
www.naturalengland.org.uk

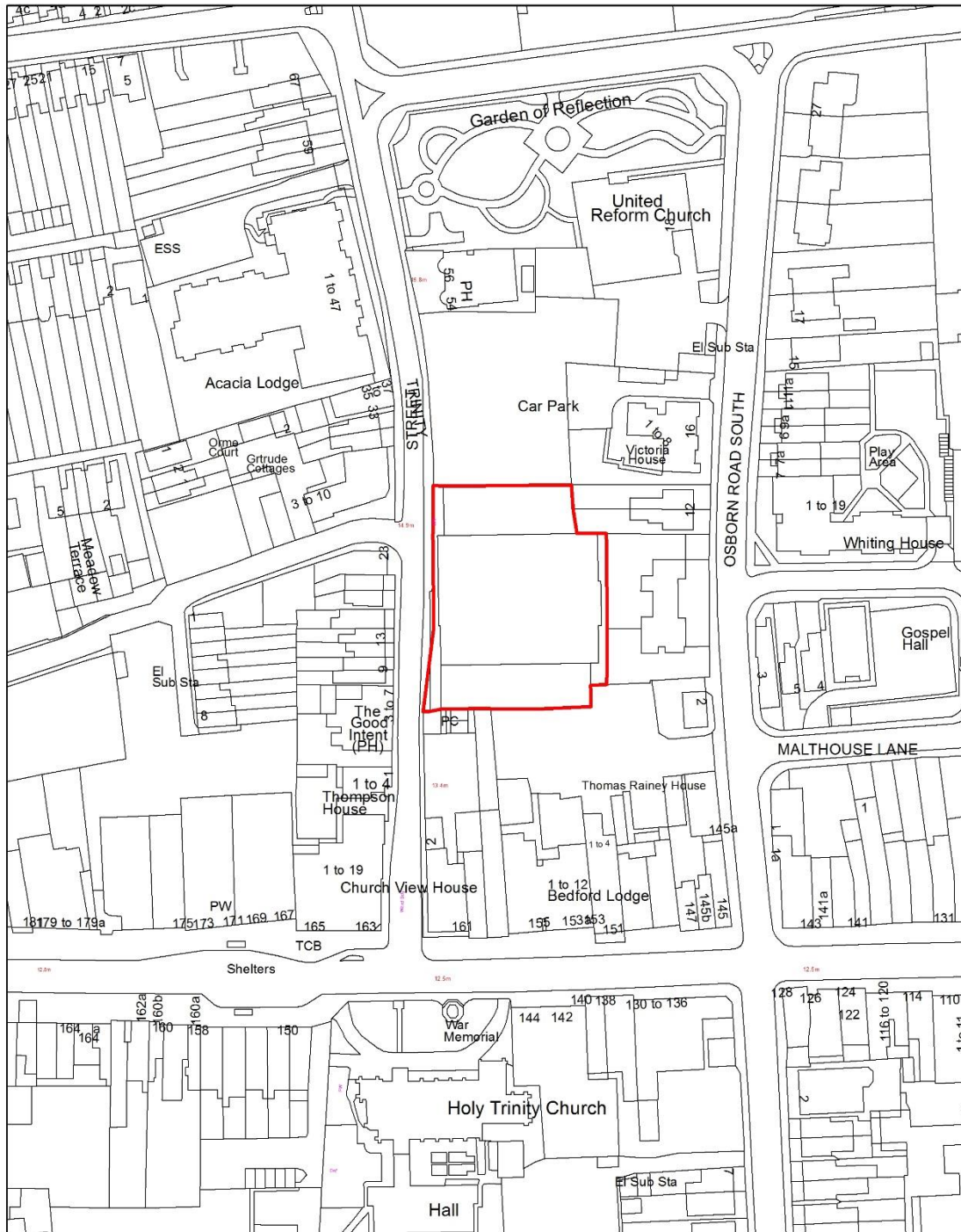
- b. The applicant is advised that, in order to comply with the requirement to provide adequate external amenity space to serve the apartments hereby permitted, innovative ways of providing quality outdoor space will be required, for example through the use of courtyards, roof terraces or balconies, when a subsequent reserved matters application is made. The applicant is advised to discuss this matter with Officers prior to submitting reserved matters and their attention is drawn to Policy CS17 of the adopted Local Plan Part 1: Core Strategy and Design Guidance (excluding Welborne) Supplementary Planning Document.

11.0 Background Papers

P/18/1261/OA

FAREHAM

BOROUGH COUNCIL



Former Magistrates Court
Trinity Street
Scale 1:1,250



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