

OFFICER REPORT FOR COMMITTEE

DATE: 24th November 2021

P/20/1597/FP

**APPLICANT: FRONTIER ESTATES
LTD**

HILL HEAD

AGENT: GILLINGS PLANNING

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A CARE HOME (WITHIN CLASS C2). PROPOSAL INCLUDES PROVISION OF A SUBSTATION, PARKING, ACCESS, LANDSCAPING AND OTHER ASSOCIATED WORKS.

HAMMOND INDUSTRIAL ESTATE, STUBBINGTON LANE, FAREHAM PO14 2PT

Report By

Rachael Hebden – direct dial 01329 824424

1.0 Introduction

1.1 The application is reported to planning committee as over five third party letters of representation have been received contrary to the Officer's recommendation.

2.0 Site Description

2.1 The site is located within the settlement policy boundary of Hill Head. The site is located on the east side of Stubbington Lane and currently comprises Hammond Industrial Estate. There are two storey, residential dwellings to the north, south and west of the site. The land to the east of the site is open, grassland that forms part of Daedalus Airfield.

2.2 The buildings within the estate are a mixture of single and two storey buildings of which the majority provide commercial premises for local businesses including a vehicle repairs business and car sales. Several of the buildings within the site are in a poor state of repair.

2.3 There are currently two vehicular accesses into the site, both of which are from Stubbington Lane.

2.4 The land within and surrounding the site is relatively level.

3.0 Description of Proposal

3.1 The application proposes the demolition of the existing buildings and the erection of a 68 bed care home (use class C2) together with access, car parking, a sub-station and landscaping.

- 3.2 The proposed building would have a 'T' shaped footprint and be 2.5 storeys high. The care home would be positioned in the centre of the site with car parking provided along the northern boundary and the main amenity area provided in the south east section of the site. The main vehicular entrance to the site (from Stubbington Lane) would be in the north west with a second access for deliveries (also from Stubbington Lane) in the south west.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 Housing Provision

CS4 Green Infrastructure, Biodiversity and Geological Conservation

CS5 Transport Strategy and Infrastructure

CS6 The Development Strategy

CS11 Development in Portchester, Stubbington & Hill Head and Titchfield

CS15 Sustainable Development and Climate Change

CS17 High Quality Design

CS20 Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1 Sustainable Development

DSP3 Impact on Living Conditions

DSP13 Nature Conservation

DSP15 Recreational Disturbance on the Solent Special Protection Areas

DSP42 New Housing for Older Persons

Draft Fareham Local Plan 2037

Policy HA31 (Hammond Industrial Estate)

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Non-Residential Car Parking Standards Supplementary Planning Document

5.0 Relevant Planning History

- 5.1 There are no applications of relevance to this site.

6.0 Representations

- 6.1 Ten representations have been received, of which 6 object to the application, 1 is in support and 3 are in support but raise queries / reservations. The following issues were raised by respondents:

Design

- Good design to provide top-quality accommodation for elderly and vulnerable people.
- Distance between the kitchen and dining room/lift queried
- Inappropriate height

Impact on existing tenants and neighbours

- The 2m fence will result in loss of light to 149 Stubbington Lane
- Existing drainage problems during periods of heavy rainfall.
- Impact of kitchen extraction equipment on no. 149 Stubbington Lane
- The proposed development will negatively impact the existing small businesses operating in the Estate.
- The lighting in the car park should be on 1m posts rather than full height lamp posts
- Will the proposed tree in the garden provide sufficient screening for no. 27 Glenthorne Close?
- The proposed development could restrict the amount of sunlight that reaches the solar panels on no. 27 Glenthorne Close.

Parking and Highways

- Is there sufficient car parking?
- The conditions for walking and cycling to the site are poor
- Consideration should be given to the provision of raised tables at the entrances to the site to give priority to pedestrians using Stubbington Lane.
- What will the impact of the bus stop be on highway safety?
- Impact on drivers exiting Ashton Way onto Stubbington Lane

Miscellaneous

- Will the Care Quality Commission and HCC Care agencies be consulted?
- Has the Solent Airport provided any comments on the application?
- Will the Council offer assistance to companies within the site looking to re-locate?
- Can the council help Stubbington Medical Practice to look for a site that would accommodate larger premises?
- Solar panels should be incorporated on the south facing roof slope
- There appears to be a small parcel of land to the rear of 27 Glenthorne Close that could be incorporated into the development
- Impact on primary care services

7.0 Consultations

EXTERNAL

7.1 Natural England

The application could have potential significant effects on designated sites in The Solent, including The Solent and Southampton Water SPA and Ramsar sites. Natural England requires further information in order to determine the significance of these impacts and the scope for mitigation.

The following information is required:

- A Habitats Regulations Assessment, with agreed mitigation for the nitrogen burden
- A construction Environment Management Plan (CEMP)

7.2 Care Quality Commission

All developments should be planned in accordance with the Guidance for Providers on Meeting the Regulations document. The development will be assessed for compliance when registration is applied for.

7.3 Hampshire, Southampton and Isle of Wight Clinical Commissioning Group

Growth in local populations will result in additional pressure on NHS services. The CCG request a contribution of £10,880 towards adaptations to Stubbington Medical Practice.

7.4 Hampshire Fire and Rescue Service

The development should be in accordance with Building Regulations Approved Document B5.

7.5 Hampshire County Council – Highways

No objection subject to conditions

7.6 Hampshire County Council – Lead Local Flood Authority

No objection subject to conditions.

7.7 Portsmouth Water

No objection

7.8 Southern Water

No objection subject to a condition

7.9 Solent Airport

No comments received.

INTERNAL

7.10 Ecology

No objection subject to a condition requiring the submission of a biodiversity enhancement strategy.

7.11 Environmental Health – Contamination

No objection subject to a condition

7.12 Streetscene

No objection

7.13 Building Control

No objection

8.0 Planning Considerations

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

- a) Principle of Development
- b) Fareham Local Plan 2037 Policy Position
- c) Unmet need for housing for the elderly
- d) Design and Effect on the Character of the Area
- e) Impact on Neighbouring Properties;
- f) Highways and Car Parking;
- g) Impact on Protected Sites;
- h) Local Infrastructure

a) Principle of Development

8.2 The site is located within the settlement policy boundary of Hill Head. The application proposes to replace the existing commercial premises with a care home.

8.3 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. Policy DSP17 (Existing Employment Sites and Areas) protects a number of employment sites from redevelopment but does not include the application site. Policy DSP42 (New Housing for Older Persons) also contains additional criteria relating to the detailed proposal that must be satisfied. The requirements of policy DSP42 are considered later in this report.

8.4 The proposed provision of a care home in this location would be in accordance with policies CS2 and CS6 and is therefore acceptable in principle subject to satisfying the requirements of the remaining relevant policies summarised earlier in this report, in particular the requirements of policy DSP42.

b) Fareham Local Plan 2037 Policy Position

- 8.5 The draft Fareham Local Plan 2037 contains policy HA31 which identifies Hammond Industrial Estate as an appropriate location for a 68 bed Care Home. National planning policy allows Council's to give appropriate weight to relevant policies in emerging plans according to the stage of preparation of the plan, the extent to which there are unresolved objections and the degree of consistency with the NPPF (para 48 NPPF). The draft Fareham Local Plan 2037 was submitted for examination on 30th September 2021 and no objections were received in relation to policy HA31. The NPPF doesn't specifically refer to the provision of care homes, however it does highlight the importance of providing sufficient amount and variety of land to meet the needs of groups of people with specific housing requirements. The identification of the site for a C2 use is therefore consistent with the aims of the NPPF.
- 8.6 Given that the draft Local Plan has been submitted for examination, has been subject to public consultation which didn't result in any objections to policy HA31 and the policy fully complies with the NPPF, Officers recommend applying 'considerable weight' to policy HA31.
- 8.7 The location of a proposed 68 bed care home in this location is in accordance with policy HA31.

c) Unmet need for housing for the elderly

- 8.8 A specific assessment of the level of need for housing for older people is set out in the evidence studies for the Fareham Local Plan 2037 recently submitted for examination in the Specialist Housing Background Paper September 2020. This report represents the most up to date assessment of the demand and the need for specialist accommodation for older people in Fareham. It separates the different types of specialist accommodation such as sheltered housing, extra care housing, residential care and nursing care provision. The application is for a Care Home but is likely to have dual registration as a Care and Nursing Home to enable people to remain in accommodation if their needs change from general care needs to more specific nursing needs. (For planning purposes Care Homes and Nursing Homes both fall within the same C2 use class.)
- 8.9 The report concludes that at present there is a shortfall in residential and nursing care accommodation being provided and there is likely to be considerable unmet demand for this type of housing in the future. This unmet need weighs heavily in favour of granting planning permission as a means of boosting the Council's housing supply in this particular specialist area.

d) Design and Effect on the Character of the Area

- 8.10 The building has a 'T' shaped footprint and is a height of 2.5 storeys. The proposed building is centrally positioned within the site with the main section of the building running parallel to the north boundary with the smaller section positioned within the western part of the site, running parallel to Stubbington Lane.

- 8.11 The building has been designed to reflect the domestic architecture of the dwellings next to the site. The elevations are staggered to give the appearance of a terrace of buildings when viewed from the front. The building incorporates a series of dormer windows within the roof space which are well proportioned, evenly spaced out and help minimise the massing of the roof. A series of chimneys also adds interest to the roofscape and adds to the illusion of a series of connected buildings.
- 8.12 Fenestration has been considerably placed to provide a good level of articulation and interest on all elevations with the incorporation of double height bays on the gable end fronting the public realm further adding to the domestic appearance of the building. The materials palette includes red brick, hanging tiles and clay roof tiles to respond to the character of the locality with timber framed details such as the entrance porch ensuring a high quality appearance. The use of different materials on each 'terraced' section also helps to further break up the overall massing and provides visual interest.
- 8.13 The building contains resident bedrooms and communal facilities across all floors so that all residents can easily access communal areas. The ground floor level lounge opens onto the main garden and the ground floor café opens onto a secondary outdoor amenity area. The lounges at first and second floor level are located at the rear of the building to enable them to be linked to small terraces that overlook the main garden area. The design of the building wraps around the main garden area to create a quiet and private space for residents. The garden has also been positioned next to the eastern boundary to take advantage of views across the open grass at the edge of Daedalus Airfield with activity on the airfield potentially providing interest to some residents.
- 8.14 The proximity of the site to the airfield means that there will be periods of time when noise levels are elevated during take the take-off and landing of aircraft. An acoustic report has been provided to demonstrate the measures that will be taken to ensure that residents will not be exposed to unacceptable levels of noise when in the building. Daedalus Airport is an operational airfield, however the runways are not in continuous use and elevated noise levels are therefore only experienced for relatively short periods of time. The provision of two, acoustically insulated gazebos within the main garden area will however also give residents the opportunity to choose a quieter location during the take-off and landing of planes as well as providing residents with the option to enjoy the garden during inclement weather.
- 8.15 The building is large in order to meet the operational requirements of a commercial care home, however it has been well designed to provide both an accessible and pleasant living environment that meets the specific needs of the future occupiers and a high quality building that is well integrated with the wider neighbourhood as required by policy DSP42 part (ii) and policy CS17. It will also enable the existing disparate collection of poor-quality commercial buildings which have an adverse impact on the character of the area to be replaced with a building of a far higher quality design.

e) Impact on Neighbouring Properties

- 8.16 No's 135 Stubbington Lane and no's 26-28 Glenthorne Close are adjacent to the northern boundary of the site. No. 135 fronts onto Stubbington Lane with a gap of approximately 5m between its southern side elevation and the site's northern boundary. No's 26-28 back onto the site with generous rear gardens of approximately 18m in depth.
- 8.17 Currently there are commercial properties along the north of the site that back onto the rear gardens of the adjacent properties. The proposed layout would replace the existing buildings with a 1.8m close boarded fence, an evergreen hedge and a row of car parking spaces interspersed with tree planting. The care home itself would be positioned approximately 14.5m south of the boundary. The care home will be visible from the rear of the adjacent properties however the separation distance will prevent it from appearing overbearing or resulting in a significant loss of available sunlight and the addition of trees along the boundary will provide an open green outlook that is preferable to the existing outlook which is of the rear of the commercial buildings. The owner of no. 27 has raised concerns about the potential loss of privacy to his rear garden. There will be some views from the care home over no. 27's rear garden however the separation distance of approximately 32m between the first-floor windows in the care home and number 27 exceeds the 22m recommended in the Residential Design Guidance SPD.
- 8.18 The owner of no. 27 has also raised concerns about the impact of the proposed development on the solar panels on his roof slope however the separation distance of approximately 32m would prevent the building from casting shadows on the solar panels. The owner of no. 27 has asked for the small wedge of land between the site and his property to be incorporated into the development, however this land falls beyond the site's boundary and is not included as part of the development.
- 8.19 There is a drive along the southern boundary which provides access to no's 145 and 149 Stubbington Lane. Currently there is a commercial building in the south of the site that backs directly onto the driveway serving numbers 145 and 149. The care home would be visible from number 145, however the garden proposed to serve the care home would be located immediately adjacent to no. 145 with the care home itself set back from the boundary by over 20m. The replacement of the existing commercial building and associated car parking with a landscaped garden is anticipated to have a positive impact on the amenities of no. 145 and 149. The owner of no. 149 Stubbington Lane initially raised concerns regarding the proposed 2m boundary fence however the fence was reduced to 1.8m in height with a 0.3m trellis on top to address the neighbour's concerns.
- 8.20 The owner of no. 149 Stubbington Lane has also advised that there is an existing problem with drainage and surface water run off during periods of heavy rain. The proposed drainage has been assessed by the Lead Local Flood Authority who have confirmed that the proposed tanked sub-base storage

that will connect to the mains drainage system is satisfactory subject to technical details being secured by planning condition.

- 8.21 The owner of no. 149 Stubbington Lane has also sought reassurance that there will not be any noise or odour from the kitchen fans. Officers recommend including a condition to secure details of the ventilation and extraction equipment from the kitchen to ensure there is no significant adverse impact on the amenity of neighbouring properties.
- 8.22 No's 1-3 Ashton Way are located to the south of the site beyond the drive that provides access to no's 145 and 149 Stubbington Lane. The care home would be visible from the front of these properties however it would be located almost 22m to the north such that it would not have a significant adverse impact on their amenities in terms of loss of privacy, outlook or available sunlight.
- 8.23 A resident has sought reassurance that the proposed external lighting would be on short bollards rather than standard lamp posts to prevent light pollution. Details of external lighting haven't been provided at this stage however they can be secured by planning condition to ensure they are appropriate and of a design that would not have a significant adverse impact on the neighbours' amenity.
- 8.24 There will be a level of noise associated with people parking, however the use of hard rather than loose surfacing will help minimise any noise from the movement of people and cars to a level that would not have a significant adverse impact on neighbours' amenity. The proposed residential use of the care home is also considered to be a more appropriate use for a residential area than the existing commercial premises which can typically have unneighbourly impacts due to noise disturbance.

f) Highways and Car Parking

- 8.25 Policy CS5 states that the council will permit development which does not adversely affect the safety and operation of the strategic and local road network, public transport operations or pedestrian and cycle routes.
- 8.26 There are currently 2 access points from Stubbington lane in the north west and south west of the site. The northern access would replace the existing shared crossover with no. 135, to provide the main entrance for staff and visitors. The southern access point is proposed to be moved further south to provide access for delivery vehicles. Both accesses would have 2.4 by 43m visibility splays. The visibility splays would not be obstructed by buses using the adjacent bus stop.
- 8.27 One of the representations have requested that consideration is given to the provision of raised tables at the entrances to the site to give priority to pedestrians using Stubbington Lane. The provision of raised tables is not necessary in this location because the geometry of the accesses will require vehicles to slow down and will provide natural traffic calming. Reassurance has also been sought regarding the impact of the proposed development on drivers

exiting Ashton Way onto Stubbington Lane. Hampshire County Council have reviewed the proposed development and have confirmed that the proposed accesses are appropriate and would not have an adverse impact on the safety of the road network.

- 8.28 Policy DSP42 part i requires development to offer easy access to community facilities, services and frequent public transport or where a site is not within easy access to community facilities, services and frequent transport to provide on-site services. The site is located within the settlement policy boundary and is considered to offer easy access to community facilities and amenities. In addition, the proposed development would incorporate a café, beauty salon and an activities room on site for those who may be less mobile. There is a bus stop immediately outside of the site which will provide easy access to local buses. The proposed development therefore complies with policy DSP42 part i.
- 8.29 Policy DSP42 part iii requires development to provide sufficient car parking for visitors and residents.
- 8.30 The Council's non-residential car parking SPD requires care homes to provide 0.3 spaces per non-residential member of staff and 0.25 spaces per bedroom. The operational requirements include the provision of a larger parking space for an ambulance. The application confirms that the care home would provide the equivalent of 53 full time jobs, however there would only ever be 23 staff on site at any one time due to shift patterns worked. The provision of 24 car parking spaces therefore complies with the requirements of the non-residential parking standards SPD. The application is also accompanied by a Travel Plan to encourage sustainable travel to and from the site. The measures contained within the Travel Plan can be secured by planning condition.
- 8.31 The site is in an accessible location and the proposed level of car parking would satisfy the anticipated peak demand. The provision of 24 spaces is therefore considered to be appropriate and not anticipated to have a significant adverse impact on the safety of the highway.

g) Impact on Protected Sites

- 8.32 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive protected 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.
- 8.33 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.

- 8.34 In light of their importance, areas within The Solent have been specially designated under UK law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Protected Sites' (PS).
- 8.35 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 protected sites or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated sites. This is done following a process known as an Appropriate Assessment. 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.
- 8.36 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the PS. The key considerations for the assessment of the likely significant effects are set out below.
- 8.37 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent SPAs. The proposed Care Home will provide accommodation for people who require a level of care that means it will be 'highly unlikely' that they will own a car and would not own a dog. Given the proposed tenure and the anticipated capabilities of residents the proposed care home is not likely 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. The Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the PS as a result of recreational disturbance in combination with other plans or projects.
- 8.38 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 PS.
- 8.39 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 19.98 kg/TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the PS, 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.

- 8.40 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 19.98kg of nitrate mitigation 'credits' from Warnford Park. Through the operation of a legal agreement between FBC, the SDNP and Andrew Sellick dated 1st April 2021, the purchase of the credits will result in a corresponding parcel of agricultural land at Warnford Park removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the Warnford Park has been received by the Council.
- 8.41 The Council has concluded within an Appropriate Assessment that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the PS either alone or in combination with other plans or projects. The difference between the credits and the output will result in no increase in the amount of nitrogen entering The Solent. Natural England has been consulted on the Council's Appropriate Assessment however their comments are outstanding. 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. It is recommended that if Members resolve to grant Planning Permission it is subject to the consideration of any comments from Natural England.

h) Local Infrastructure

- 8.42 The Hampshire, Southampton and Isle of Wight Clinical Commissioning Group wrote to the Council regarding the application. Clinical Commissioning Groups (CCGs) commission most of the hospital and community NHS services in the local areas for which they are responsible. The CCG request a financial contribution of £10,880 towards the provision of capital and revenue investment for the NHS. The CCG also refer to an investment projection calculation that they indicate they will consider if the application is granted and has been used to justify the requested contribution of £10,880. The CCG indicated that Stubbington Medical Practice is likely to be the preferred Practice for residents and that the contribution could be used towards making adaptations to the Surgery.

- 8.43 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
- 8.44 There is no specific policy in the adopted local plan that relates to General Practitioner (GP) Surgery infrastructure or contributions towards GP services. Policy CS20 of the adopted Core Strategy seeks to ensure that development will contribute towards or provide infrastructure or mitigate an impact of a development upon infrastructure. Chapter 8 of the NPPF seeks to promote healthy and safe communities and states 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.)
- 8.45 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. The provision of healthcare funding at a national level means that the requested contribution is not considered by Officers to be necessary to make the proposed Care Home acceptable in planning terms. The requested contribution therefore fails the first test of the CIL regulations.
- 8.46 The CCG’s comments indicate that the residents who will be living in the development are likely to use Stubbington Medical Practice and an investment projection formula is provided which they indicate they will consider if the application is granted. The formula is based on an increase in the number of houses which is related to the size of consultation room, cost of rent and a 20 year lease period.
- 8.47 In considering the request it is noted that the construction of accommodation does not itself lead to population growth. Officers consider that the need for accommodation is a consequence of population growth. Furthermore, there is no account in the representation, 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 CCG.

- 8.48 In addition, Officers note that the formula used to calculate the requested contribution is based on 68 dwellings with an average occupancy of 2.4 people whereas the proposed care home would provide 68 single occupancy bedrooms. The requested contribution is therefore based on an increase of 163 people rather than 68 people. The contribution is not therefore justified and fails the third test for contributions to be fairly and reasonably related in scale and kind to the development.
- 8.49 Stubbington Medical Practice have also submitted a representation in which they request assistance in looking for a site for larger premises as there is insufficient space for expansion at their current site. If there is insufficient space for the Practice to expand at their current site it is not clear what the contribution being sought by the CCG would be spent on given that the CCG indicated it would be on adaptations to enable greater provision at Stubbington Medical Practice, however the Surgery itself has advised that there is insufficient space available on site to incorporate any increase in size. The request for a contribution fails the second test of the CIL Regulations to be directly related to the development as there is no identified project on which the contribution would be used to contribute towards.
- 8.50 The length of time between sites being identified, planning permission being granted and the development being constructed and 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.
- 8.51 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 contributions such as that requested by the CCG.
- 8.52 For the reasons set out above, Officers do not consider that the contribution sought by the CCG 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 of 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.

Conclusion

The proposed Care Home has been sensitively designed to provide a high quality living environment for future occupiers while responding positively to the architecture that characterises the area. The plans have also been tailored to address concerns raised by residents and the proposed development would respect the amenities of neighbouring properties. The proposed development is considered to comply with the requirements of the relevant local planning policies and the Council's adopted guidance.

Notwithstanding the representations received, Officers consider the proposal to be acceptable.

9.0 Recommendation

- 9.1 Subject to consideration being given to any comments received from Natural England relating to the consultation on the Appropriate Assessment,

GRANT PLANNING PERMISSION subject to the following Conditions:

1. The development hereby permitted shall be commenced before the expiry of 3 years of the date of this decision notice.

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

2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:

Location plan Drawing no. 4411-WRD-XX-0081 Rev P01

Site plan Drawing no. 4411-WRD-XX-00-DR-A-0504 Rev P09

Proposed elevations Drawing no. 4411-WRD-XX-ZZ-DR-A-0300 Rev P05

Proposed elevations Drawing no. 4411-WRD-XX-ZZ-DR-A-0301 Rev P05

Proposed ground floor plan Drawing no. 4411-WRD-XX-ZZ-DR-A-0200 Rev P04

Proposed first floor plan Drawing no. 4411-WRD-XX-ZZ-DR-A-0201 Rev P04

Proposed second floor plan Drawing no. 4411-WRD-XX-ZZ-DR-A-0202 Rev P03

Proposed roof plan Drawing no. 4411-WRD-XX-ZZ-DR-A-0203 Rev P02

Landscape proposals Drawing no. 102E

Ecological Impact Assessment report by The Landscape Partnership (June 2021)

Drainage Strategy ref 16692-HYD-XX-XX-RP-D-5001-PO3

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

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that order with or without modification), the

development hereby approved shall only be used as a Care Home for purposes within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987) (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, and for no other use.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission and to ensure sufficient car parking is provided.

4. No development shall take place until a strategy of remedial measures and detailed method statements to address contamination risks (including Unexploded Ordnance UXO) identified in the following reports:
 - Soiltechnics, Proposed residential development Hammond Industrial Estate Stubbington, Ground Investigation Report Revision 02 (issued 16th December 2020), Report: STS5103- G01
 - Listers Geo, Frontier Estates Ltd, Ground Investigation Hammond Industrial Estate Stubbington Lane Stubbington Hampshire PO14 2NF Report No: 19.10.018 December 2020

has been submitted to and approved in writing by the LPA.

The strategy shall also include the nomination of a competent person (to be agreed with the LPA) to oversee the implementation of the approved measures. The measures contained within the approved remedial strategy and method statements shall be implemented in accordance with the approved details prior to the first occupation of the carehome hereby permitted.

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

5. No development shall take place until the Council has received and acknowledged in writing the Notice of Purchase in accordance with the legal agreement between FBC, the SDNP and Andrew Sellick dated 1st April 2021 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites

6. No development shall take place until details of the internal finished floor levels of all of the proposed buildings in relation to the existing and finished ground levels on the site and the adjacent land have been submitted to and approved by the Local Planning Authority in writing. The development shall be carried out in accordance with the approved details.

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. 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.

7. 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) 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) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
 - f) Measures to control vibration in accordance with BS5228:2009;
 - g) Provision for storage, collection, and disposal of rubbish from the development during construction period;
 - h) Temporary lighting;
 - i) No burning on-site;
 - j) Scheme of work detailing the extent and type of piling proposed;
 - k) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;
 - l) 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.

8. Construction of the building hereby approved shall not take place until the main access (in the north west corner of the site) including the footway and/or verge crossing has been constructed and lines of sight provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway in perpetuity thereafter.

Reason - To provide satisfactory access and in the interests of highway safety.

9. No development shall proceed beyond damp proof course level until a report outlining the condition of the existing drainage system together with any repairs, remediation, restitution and replacements required has been submitted to and approved in writing by the Local Planning Authority. All repairs, remediation, restitution and replacements required shall be implemented in accordance with the approved details prior to the first occupation of the Care Home.

REASON: To ensure appropriate measures are taken to enable the proposed drainage to be connected to the existing system.

10. No development shall proceed beyond damp proof course level until a detailed Biodiversity Enhancement and Management Plan (BEMP) demonstrating that the development will result in no net loss in biodiversity at the site, has been submitted to and approved in writing by the Local Planning Authority. The measures contained in the approved BEMP shall be implemented and completed in accordance with the approved details prior to occupation of the Care Home and shall be retained in accordance with the approved details thereafter. Any trees or plants proposed as part of the approved BEMP 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 demonstrate no net loss in biodiversity at the site.

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

REASON: To secure the satisfactory appearance of the development.

12. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new

planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing.

The landscaping scheme submitted shall be implemented and completed within the first planting season following the completion of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

13. No development shall proceed beyond damp proof course (dpc) level until details of how and where at least 1 'rapid charge' Electric Vehicle (EV) charging point will be provided. The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first use of the development hereby permitted.

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.

14. No development shall proceed beyond damp proof course level until details of any proposed floodlighting, security lighting or other means of external illumination have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any lighting thereafter retained in the approved form.

REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.

15. Confirmation that the remedial measures approved under condition 4 have been implemented in accordance with the approved details shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development.

REASON: To protect the amenities of residents.

16. Details of the glazing and trickle vents for all windows serving habitable rooms shall be submitted to and approved in writing by the Local Planning Authority prior to their installation. The glazing and trickle vents shall be installed in accordance with the approved details prior to occupation of the Care Home and retained thereafter.

REASON: To protect the amenities of the residents.

17. Details of the gazebos (including their acoustic properties) are to be provided to the Local Planning Authority prior to the first occupation of the care home hereby approved. The gazebos shall be provided in accordance with the

approved details prior to the first occupation of the care home hereby approved and shall be retained for use by the residents in perpetuity.

REASON: To provide a quiet space for residents to use within the garden.

18. None of the development hereby approved shall be first occupied until the secondary access (in the south west corner of the site) shown on the approved plans has been fully completed. The access shall subsequently be retained in accordance with the approved details.

REASON: In the interests of highway safety.

19. The building hereby approved shall not commence until details of all extraction, air-conditioning or refrigeration systems, including all associated external works to be installed, have been submitted to and approved in writing by the Local Planning Authority. The details shall include the positions of any external works (including its shielding or screening), its purpose, any noise levels which its use would generate and how this would be measured. The development shall be carried out in accordance with the approved details and maintained in a satisfactory working order.

REASON: In order to protect neighbours from avoidable disturbance by noise and smells.

20. The Care Home hereby approved shall not be occupied until details of water efficiency measures to be installed have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed a maximum of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources.

21. None of the development hereby permitted shall be first occupied until the car parking spaces marked on the approved plan have been provided on site. These spaces shall be subsequently retained for car parking at all times.

REASON: To ensure sufficient car parking is provided.

22. None of the development hereby permitted shall be first occupied until the bin storage marked on the approved plan has been provided on site. This storage shall be subsequently retained storing bins at all times.

REASON: To ensure sufficient and appropriate bin storage is provided.

23. No development shall proceed beyond damp proof course level until details of secure cycle storage have been submitted to and approved by the Local Planning Authority in writing. The secure cycle stores shall be provided before the Care Home is first occupied and shall thereafter be retained and kept available for use at all times.

REASON: To encourage cycling as an alternative mode of transport.

24. Details of the long term maintenance of the surface water drainage system to include details of ownership, protection measures and maintenance schedules for each drainage feature type shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the Care Home. The drainage features shall thereafter be protected and maintained in accordance with the approved measures and schedules.

REASON: To ensure the drainage features are appropriately protected and maintained.

25. If, during any stage of the works, unexpected ground conditions or materials which suggest potential contamination are encountered all works in the affected area shall cease immediately. Works in the affected area shall not recommence until an investigation and risk assessment of the identified ground conditions have been undertaken and details of the findings, along with a detailed remedial scheme, if required, have been submitted to and approved in writing by the Local Planning Authority. The development shall then be undertaken in accordance with the approved details.

Prior to the occupation of the Care Home hereby permitted the remediation scheme shall be fully implemented and shall be validated in writing to the Local Planning Authority by an independent competent person.

REASON: To ensure any potential contamination found during construction is properly taken into account and remediated where required.

26. The development hereby approved shall be undertaken in accordance with the measures detailed within Section 5 'Mitigation and avoidance measures' of the submitted Ecological Impact Assessment report by The Landscape Partnership (June 2021).

REASON: To provide ecological protection.

27. The development hereby approved shall be undertaken in accordance with the Drainage Strategy ref 16692-HYD-XX-XX-RP-D-5001-PO3 and surface water discharge to the public sewer network shall be limited to 2.0l/s.

REASON: To provide appropriate drainage.

28. The recommendations contained within the Travel Plan Framework (produced by Royal Haskoning DHV dated 16th December 2020) shall be implemented in accordance with the identified timescales and shall be adhered to thereafter in perpetuity unless agreed otherwise in writing with the Local Planning Authority

REASON: To encourage sustainable means of transport.

29. Works on site relating to the construction of any of the development hereby permitted (Including works of demolition or preparation prior to operations) between the months of October and March (inclusive) shall be restricted to those that would not result in noise levels in excess of 69dbA.

REASON: To prevent any disturbance to overwintering birds.

30. 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.

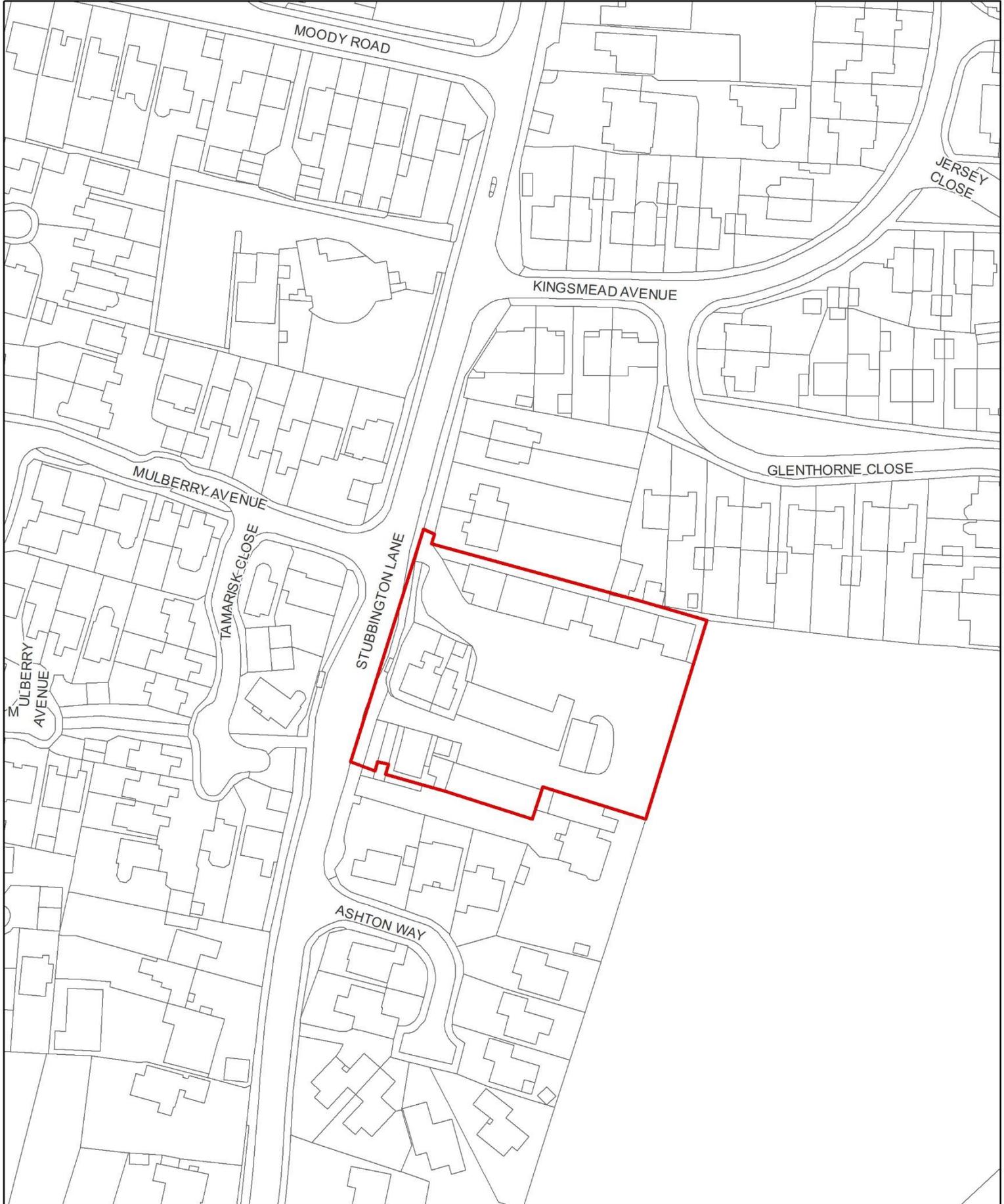
REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

11.0 *Background Papers*

P/20/1597/FP

FAREHAM

BOROUGH COUNCIL



Hammond Industrial Estate
Stubbington Lane, Fareham
Scale 1:1250



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