

OFFICER REPORT FOR COMMITTEE

DATE: 16/02/2022

**P/20/1138/FP
SOLENT DESIGN LTD**

**WARSASH WARD
AGENT: SOLENT DESIGN LTD**

DEMOLITION OF EXISTING INDUSTRIAL AND STORAGE BUILDINGS AND CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING

LAND TO THE REAR OF SEPTEMBER COTTAGE, BROOK AVENUE, WARSASH

Report By

Peter Kneen – direct dial 01329 824363

1.0 Introduction

- 1.1 The application is reported to the planning committee due to the number of third party letters of objection received.
- 1.2 The application is very similar to an earlier planning application (P/18/0376/FP) refused planning permission in July 2018 and dismissed on appeal in June 2020. The only difference relates to the minor re-orientation of the proposed dwelling on Plot 4.
- 1.3 The appeal was only dismissed due to the applicant not having sufficient proposals in place to mitigate the impacts of nitrates. The Planning Inspector considered the proposal to be otherwise acceptable.

2.0 Site Description

- 2.1 The application site is located within the defined countryside, to the west of Brook Lane, and is located approximately 300 metres away from the defined Western Wards Urban Settlement Boundary. The site is located along the southern part of Brook Avenue, a private single track that currently serves 63 other residential properties. Brook Avenue comprises two entrances; one close to the junction with Barnes Lane and the other further south along Brook Lane. The application site would make use of the southern access point and whilst the road loops around forming a crescent, parts of the northwest corner of the loop road are unmade and of a poor quality. The southern access provides access for only 15 of the 63 properties along Brook Avenue.
- 2.2 The majority of the properties along Brook Avenue comprise large, detached dwellings situated in spacious, landscaped plots. The application site essentially wraps around the existing curtilage of September Cottage and comprises a former paddock area to the road frontage along Brook Avenue,

between Homelands and September Cottage, with the area to the rear of the site comprising four Nissen style huts. The Nissen huts are understood to have been formerly used for the cultivation of mushrooms but most recently have been used for commercial storage (B8 – storage and distribution).

- 2.3 The rear part of the site also comprises a single brick built structure currently used as a B2 (general industrial) mechanic's workshop. There is also what appears to be footings of several other structures around this rear part of the site, although any other structures have long since been removed. The rear part of the site also comprises a number of trees.
- 2.4 To the north of the site lies the large rear gardens of two other properties, and to the south of the site, on the southern side of Brook Avenue lies Brook Wood, which is a Site of Importance for Nature Conservation and Ancient Woodland.

3.0 Description of Proposal

- 3.1 The application seeks planning permission for the construction of four, five-bedroomed detached dwellings, each with detached triple garages. Two of the properties would be accessed from a new access point along Brook Avenue, situated between Homeland (the property to the east of the site) and September Cottage (the property to the west of the site). The other two properties at the rear of the site would replace the existing storage and industrial buildings. These two properties would be accessed along the existing access track that runs along the western side of September Cottage.
- 3.2 The application has been supported by detailed ecological reports, including a reptile mitigation report and biodiversity metric calculation to demonstrate biodiversity net gain, arboricultural impact assessment, contaminated land assessment, and a detailed planning, design and access statement.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2	Housing Provision
CS4	Green Infrastructure, Biodiversity and Geological Conservation
CS6	The Development Strategy
CS9	Development in the Western Wards and Whiteley
CS14	Development Outside Settlements
CS17	High Quality Design
CS20	Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP1	Sustainable Development
DSP2	Environmental Impacts
DSP3	Impact on Living Conditions
DSP6	New Residential Development Outside of the Defined Urban Settlement Boundaries
DSP13	Nature Conservation
DSP15	Recreational Disturbance on the Solent Special Protection Areas
DSP40	Housing Allocations

Emerging Fareham Local Plan 2021-2037

DS1	Development in the Countryside
DS3	Landscape
H1	Housing Provision
HP1	New Residential Development
HP2	New Small-Scale Development Outside the Urban Areas
HP4	Five Year Housing Land Supply
NE1	Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2	Biodiversity Net Gain
NE3	Recreational Disturbance on the Solent SPAs
NE4	Water Quality Effects on the Special Protection Area (SPAs), Special Areas of Conservation (SACs) and Ramsar Sites of The Solent
NE6	Trees, Woodland and Hedgerows
NE9	Green Infrastructure
TIN2	Highway Safety and Road Network
D1	High Quality Design and Placemaking
D2	Ensuring Good Environmental Conditions
D4	Water Quality and Resources
D5	Internal Space Standards

Other Documents:

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

5.0 *Relevant Planning History*

5.1 The following planning history is relevant:

P/18/0376/FP	Four detached dwellings with associated garages, parking and landscaping following the demolition of existing industrial and storage buildings
REFUSED	19 July 2018

Appeal Dismissed 26 June 2020

- 5.2 The appeal for P/18/0376/FP was originally dismissed by the Planning Inspectorate in August 2019. That decision was only dismissed as the Inspector was concerned about how the payment for the recreational disturbance on The Solent Special Protection Areas was to be secured and spent.
- 5.3 The appellant sought a Judicial Review of this planning appeal decision. The August 2019 planning appeal decision was quashed by the High Court and the appeal was referred back to the Planning Inspectorate to re-determine.
- 5.4 The planning appeal was dismissed for a second time in June 2020. The only reason for the dismissal was that the appellant had not properly secured mitigation against for the impact of nitrates.
- 5.5 The two planning appeals were considered by two different Planning Inspectors. In both appeal decisions, the Planning Inspectors considered that the scheme was acceptable in all other planning respects.

6.0 Representations

- 6.1 Twenty nine letters of objection have been received from 24 households, raising the following matters of concern:
- Land is designated countryside, outside the urban boundary. Sustainability report for the Draft Plan making special mention of land “around Brook Lane” and considering measures to increase accessibility to open space.
 - Unacceptable visual impacts on rural area, harmful to character of the area.
 - Out of character with the pattern of development, density and character of the area.
 - Increased danger for road users (cyclists, walkers etc).
 - Important ecological area – threat to wildlife corridor and adjacent designated natural sites.
 - Overstating the industrial use of the area. Claims of site being 90% greenfield. Never been operating industrially on the scale claimed, citing aerial photographs and no noise complaints made. Site has been used for storage, with existing buildings largely overgrown until recently. A car repair business on a small scale appears to have been run from the site.
 - Overall Inaccuracies in the proposal.
 - Increase in traffic.
 - Contrary to Policies CS2, CS6, CS14, CS17 and CS20 & DSP1 DSP6, DSP15 and DSP40 & NPPF Para 14 17 & 55.
 - Recent planning inspectorate decision to refuse planning on site.

- Destroying the quality of life in the area.
- Lack of lighting on road - Road is not suitable for the development proposed. No footpaths. Road is not adoptable and is a private road. Inadequate road for the proposed development.
- Poor access to the site and poor pedestrian access.
- No access between the site included in application and a public highway. Concerns around rights of access.
- Noting previous refusals in the Ward: P/20/0506/OA & P/18/1252/FP.
- Benefits of permission would not outweigh harm (character of area, natural surroundings), as set out in the appeal decision.
- Nitrate mitigation scheme is flawed and does not adequately address the nitrate issue. (Various detail/studies provided). "Greenwashing".
- Setting precedent for building in countryside area.
- Poor transport links.
- Clearance of trees prior to permission being granted; impact on TPO trees.
- Arboricultural Impact Assessment outdated, dated 2018.
- Insufficient detailing in relation to the treatment of the Japanese knotweed on site.
- The stated traffic movements are incorrect, much less movement than stated. Lane is not used every day.
- No changes from previous application.
- Lack of amenities within the local area to serve the additional population.
- Pollution to The Solent caused by the development.
- SHELAA discounted the site for development – appeal decision found it suitable but that the scale should be in keeping with the settlement pattern.
- Extra strain on local roads.
- Potential for the four homes to become eight homes.
- Damage caused to road from additional use and during construction.
- Overlooking caused by back bedrooms.
- Unacceptable impacts on local wildlife and protected species.
- A lack of privacy between the proposed houses and neighbouring properties.
- Proposed development is of a bigger scale than other developments cited within application statement (Cawtes Reach and Yorkdale).
- Weight and size vehicle limitations should be put on the site to protect the road.
- Danger posed by high voltage overhead electrical cables running over Plot 4 and close to Plot 3.

7.0 Consultations

EXTERNAL

Natural England

- 7.1 Designated Habitats Sites – No objection subject to securing appropriate mitigation

Highway Authority – Hampshire County Council

- 7.2 No objection as traffic impact at the junction with Brook Lane is unlikely to be significant due to scale of development. Recommend conditions.

INTERNAL

Ecology

- 7.3 No impact on protected species, subject to conditions.

Tree Officer

- 7.4 Provided recommendations from Tree reports are implemented, any impact would be minimal and acceptable. No objection, subject to conditions.

Environmental Health (Contaminated Land Officer)

- 7.5 No objection, subject to conditions

Environmental Health (Noise and Pollution)

- 7.6 No objection. No history of complaints about the commercial use, but their removal would be of benefit to the nearby residential properties as they are non-conforming uses in a residential area.

Recycling Co-ordinator

- 7.7 No objection. Bin collection point for Plots 3 and 4 is advised.

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) Implications of Fareham's Current 5-Year Housing Land Supply Position
- b) Residential Development in the Countryside
- c) Site History and Appeal Decisions
- d) Impact on Protected Sites
- e) Policy DSP40 (Housing Allocations)
- f) Other Matters

g) The Planning Balance

a) Implications of Fareham's Current 5-year Housing Land Supply Position

8.2 A report titled 'Five Year Housing Land Supply Position' was reported to the Planning Committee in January 2022. That report set out this Council's local housing need along with the Council's current housing land supply position. The report concluded that the Council has 4.31 years of housing supply against its five year housing land supply (5HLS) requirement.

8.3 Officers accept that the Council cannot currently demonstrate a 5-year supply of deliverable housing sites.

8.4 The starting point for the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004:

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

8.5 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicated otherwise. Material considerations include the planning policies set out in the National Planning Policy Framework 2021 (NPPF).

8.6 Paragraph 60 of the NPPF seeks to significantly boost the supply of housing.

8.7 Paragraph 74 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer. Where a Local Planning Authority cannot do so, and when faced with applications involving the provision of housing, the policies of the local plan which are most important for determining the application are considered out-of-date.

8.8 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are 'out-of-date'. It states:

'For decision-taking this means:

c) Approving development proposals that accord with an up-to-date development plan without delay; or

- d) *Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (see footnote 7 below), granting planning permission unless:*
- i. *The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed (see footnote 7 below); or*
 - ii. *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.'*

8.9 Footnote 7 to paragraph 11 reads:

'The policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.'

8.10 Footnote 8 to paragraph 11 reads:

'This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicated that the delivery of housing was substantially below (less than 75% of) the housing requirements over the previous three years.'

8.11 This planning application proposes new housing outside the defined urban settlement boundaries and the Council cannot demonstrate a five year housing land supply. Footnote 8 to the NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date, meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.

8.12 Taking the first limb of NPPF paragraph 11(d), there are specific policies in the NPPF which protect areas or assets of particular importance, namely habitat sites which are specifically mentioned in Footnote 7. Where such

policies provide a clear reason for refusing the development proposed, then this should be the case. The key judgement in regard to the second limb of NPPF paragraph 11(d) is whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF taken as a whole (the so called 'tilted balance') and this will only apply if it is judged that there are no clear reasons for refusing the development having applied the test at limb 1.

- 8.13 The following sections of this report assesses the application proposals against the Council's adopted local planning policies and considers whether it complies with those policies or not. The appeal decisions for the earlier identical scheme are also a material consideration. Following this, Officers undertake the Planning Balance to weigh up the material consideration in this case.

b) Residential Development in the Countryside

- 8.14 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries.

- 8.15 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:

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

- 8.16 Policy DSP6 of the Local Plan Part 2: Development Sites and Policies states – there will be a presumption against new residential development outside of the defined urban settlement boundary (as identified on the Policies Map). However, new residential development will be permitted in instances where either it has been demonstrated that there is an essential need for a rural worker to live there permanently, it involves a conversion of an existing non-residential building or it comprises one or two new dwellings which infill a continuous built-up residential frontage. The Appeal Inspector does highlight that Plots 1 and 2 would infill a gap between existing residential dwellings, broadly in accordance with Policy DSP6, the Inspector did raise concern about the intensification of the built form. However, it was concluded that the plots would be comparable to those adjoining and would be suitably mitigated by planting.

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

c) Site History and Appeal Decisions

8.18 As stated above, this application represents the re-submission of an earlier planning application which was refused planning permission in July 2018, and subsequently appealed. The earlier application (P/18/0376/FP) was refused for the following reasons:

The development would be contrary to Policies CS2, CS6, CS14, CS17 and CS20 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP6 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plan, and the National Planning Policy Framework (particularly paragraphs 14, 17 and 55) and is unacceptable in that:

- i) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside which does not require a countryside location. Further, the development would not be sustainably located adjacent to or well integrated with the neighbouring settlement.*
- ii) the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature, which would be out of character with the prevailing pattern of development in the area.*
- iii) in the absence of a legal agreement to secure such, the proposal fails to provide adequate mitigation against the protection of reptiles on the site with no off-site reptile translocation receptor site being secured.*

8.19 The subsequent planning appeal was dismissed solely on grounds relating to securing and spending the contribution required to mitigate the impact of recreational disturbance on the Bird protection designations around the Borough's coastline.

8.20 The Planning Inspector in this case found the scheme to be a significant benefit to existing residential neighbours due to the removal of unfettered commercial uses, and respectful of the key characteristics of the area, and would not be out of keeping with the prevailing pattern of development.

- 8.21 The planning appeal decision was subject to Judicial Review by the Appellant. The High Court quashed that decision and referred the appeal back to the Planning Inspectorate.
- 8.22 The second Planning Inspector considered the Council's original reasons for refusal, but only dismissed the appeal on the likely adverse effect of the development on the integrity of the nutrient sensitive sites. The Planning Inspector also considered that the scheme was sustainably located, being only a short distance from Brook Lane, and in keeping with the key characteristics of the area.
- 8.23 The planning appeal decision and the fact that the application proposal is broadly identical to that considered at appeal (albeit the impact of nitrates and The Solent recreational disturbance has now been addressed) is a significant material consideration in the determination of this planning application.

d) The Impact on Protected Sites

- 8.24 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.
- 8.25 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.
- 8.26 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 'Protected Sites' (PS).
- 8.27 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 PS 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 PS. This is done following a process known as an Appropriate Assessment (AA). 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.

- 8.28 To fulfil the requirements under the Habitat Regulations, Officers have carried out an AA in relation to the likely significant effects on the PS which concludes that there would be no adverse effects on the integrity of protected sites subject to mitigation measures. The key considerations for the assessment of the likely significant effects are set out below.
- 8.29 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. The applicants have made the appropriate financial contribution towards The Solent Recreational Mitigation Partnership Strategy (SRMP) and therefore, 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 on the Solent SPAs.
- 8.30 In addition, the development lies within 13.8km of the New Forest Special Protection Area (SPA), New Forest Special Area of Conservation (SAC) and the New Forest Ramsar site. Research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest designated sites will result in a marked increase in use of the sites and exacerbate recreational impacts. It was found that the majority of visitors to the New Forest designated sites on short visits/day trips from home originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI).
- 8.31 The Council has produced an Interim Mitigation Solution to address this newly identified likely significant effect of development in Fareham within the ZOI. The Interim Mitigation Solution was approved by the Council's Executive Committee on 7th December 2021 and was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against this impact through improvements to open spaces within Fareham Borough and a small contribution to the New Forest National Park Authority. The applicant has made this contribution, which has been secured by a further Section 111 agreement.
- 8.32 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.

- 8.33 It is important to highlight that it was the impact from increased nitrogen output from the residential development that was the sole reason for the Appeal Inspector to dismiss the appeal. At the time of the appeal the Appellant had sought to secure the nitrate mitigation through the Hampshire and Isle of Wight Wildlife Trust scheme at Little Duxmore Farm. However, this preceded the trilateral agreement (set out in paragraph 8.34 below), and so could not be secured to the satisfaction of the Inspector. On this matter, the Inspector stated:

'The likely adverse effect of the development on the integrity of the nutrient sensitive sites would however be unacceptable, and in conflict with the development plan as a whole, the Habitat Regulations and the Framework.'

- 8.34 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) ('the NE Advice') which confirms that the development will generate 9.4 kg TN/year. In the absence of sufficient evidence to support a bespoke occupancy rate, Officers have accepted the use of an average occupancy of the proposed dwellings of 2.4 persons in line with the NE Advice. The existing use of the land for the purposes of the nitrogen budget is considered to be a mixture of urban land and open space. 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.
- 8.35 The applicant has purchased 9.5 kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT) as evidenced by the submission of a notice of purchase. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment.
- 8.36 In addition to water quality impacts, air quality impacts are also a factor that needs consideration. The Council's Air Quality Habitat Regulations Assessment for the Fareham Local Plan 2037 identifies that from the development proposed to be brought forward in the emerging Local Plan

(including windfall sites), there would not be a significant impact as a result of air pollution on the Protected Sites for the life of the plan, up to 2037.

8.37 The Council's Appropriate Assessment concludes 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 nitrates credits secured and the output will result in a small annual net reduction of nitrogen entering The Solent.

8.38 Natural England was consulted on the Council's Appropriate Assessment in January 2022 and raised no objection in respect of recreational disturbance on The Solent SPAs, New Forest SPA, SAC and Ramsar Site or on water or air quality implications. It is therefore considered that the development accords with the Habitat Regulations and complies with Policies CS4, DSP13 and DSP15 of the adopted Local Plan.

e) Policy DSP40 (Housing Allocations)

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

8.40 Local plan Policy DSP40 states that:

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

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

Each of these five points are considered further below.

Policy DSP40 (i)

- 8.41 Firstly, in relation to the first of these criteria at Policy DSP40(i), the proposal is for four dwellings which is relative in scale to the current shortfall. The proposal is therefore compliant with Policy DSP40(i).

Policy DSP40 (ii)

- 8.42 This criterion seeks to ensure the proposal is sustainably located adjacent to, and well related to the existing urban settlement boundary, and can be well integrated with the neighbouring settlement. This criterion formed the first of the reasons for refusal under the earlier application P/18/0376/FP.
- 8.43 The Planning Inspector considered that despite its relative distance to the urban area (approximately 300 metres), it was only a short walk to Brook Lane for which there is a regular bus service to adjacent urban areas. The second Planning Inspector concluded:

“Access to other services and facilities on foot would involve longer distances, and this might well be expected to reduce the likelihood that they would be accessed in this way. Travel by bicycle would however be a viable option, and would provide a credible means of accessing the nearest railway station.

Even if future occupants were in favour of the car over the alternative travel options which clearly exist, the additional distance travelled would be little different to that of occupants of developments located within the settlement boundary given its close proximity to the site. Thus there would be little difference in the level of any environmental harm that would be caused.

For the reasons outline above I conclude that the site would be a suitable location for development with regard to the level of access future occupants would have to services and facilities by means other than the car...the development would comply with Policy DSP40 of the LP insofar as this requires development to be sustainably located adjacent to, and well related to, the existing urban settlement boundaries.’

- 8.44 However, the Planning Inspector for the quashed appeal decision did find conflict with DSP40 (ii). That Inspector did recognise that the site is sustainably located but acknowledged that it is not well related to the existing urban area boundaries and cannot therefore comply with DSP40 (ii).

- 8.45 There are clearly differing views on whether residential development at this site complies with Policy DSP40 (ii) or not. Officers acknowledge that Brook Avenue is well related to the urban area, and the site is sustainably located, within a reasonable distance of the centre of Warsash and local facilities along Barnes Lane.
- 8.46 The application site is located outside of the urban area, the existing settlement boundary being approximately 300 metres east of the site. The application site is not therefore adjacent to the urban settlement boundary and in the view of Officers the proposals are therefore contrary to Policy DSP40 (ii) in part.

Policy DSP40 (iii)

- 8.47 This criterion seeks to ensure that the proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the countryside. This criterion formed the second reason for refusal of application P/18/0376/FP. The matter was considered in detail by both Planning Inspectors.

- 8.48 The first Inspector commented that whilst the site is located outside of a settlement, the area surrounding it does not have the appearance of undeveloped countryside, stating:

“There are dwellings sporadically located along the highway and as such the area is predominantly characterised by low density residential development, interspersed with some undeveloped areas. Although the area is outside of a settlement, it is not a pristine rural landscape’.

‘...the verdant and leafy character of the location would not be adversely affected. The addition of the dwelling would not be alien within the context of the surrounding area and the layout of the proposal is such that the scheme would integrate with the existing built features in the vicinity. Consequently, I consider that the scheme has been sensitively designed and that there would be no harmful effect on the character or appearance of the area.’

- 8.49 The second Inspector commented that along parts of Brook Avenue the dimensions of the road and proximity of open space, hedging and trees provide hints of rural character. However, the Inspector continued to state:

“Brook Avenue serves a large number of dwellings and given the clear and regular visibility of dwellings and gardens from the road, together with the high incidence of domestic boundary treatments, driveways and other domestic paraphernalia, I consider that the prevailing character of the area is more suburban than rural.”

8.50 The Inspector continues that:

“This is the case notwithstanding the spacious setting of many of the larger dwellings along Brook Avenue, and the richness of planting, and despite the obvious contrast which exists with more densely developed frontage along Brook Lane.”

8.51 Returning to the development proposal itself, the Inspector considered that:

“Each of the proposed dwellings would be sensitively designed and positioned within reasonably spacious plots. Protected trees have been taken into account, and ample potential would exist for further planting, assisting harmonisation with the broader setting. The 2 proposed dwellings facing Brook Lane [sic Avenue] would occupy a similar position to existing dwellings on adjacent plots either side. Though they would fill a ‘gap’ in the frontage, and would therefore give rise to some perceived sense of intensification, this could be suitably mitigated by planting. The 2 proposed dwellings at the back of the site would be located to the rear of both existing and proposed dwellings on the frontage. This would not be typical of the area, however the dwellings would replace an existing group of structures which contribute little to the character of the area.”

8.52 The Inspector considered that the limited increase in vehicular movements would not be of a magnitude sufficient to cause any harm to the character or appearance of the area. Further the Inspector did not consider the development to involve the provision of isolated homes to represent a conflict with paragraph 79 (now 80) of the NPPF.

8.53 In respect of DSP40 (iii) the Inspector concluded that:

“...the development would not have an unacceptable impact on the character and appearance of the area, and that the site represents a suitable location for development in this regard...The development would comply with Policy DSP40 of the LP insofar as this requires integration with the neighbouring settlement, sensitive design, and minimisation of any adverse effect on the countryside”.

8.54 The Inspector also summarised that the development would comply with Policy CS17 (High Quality Design). As with criteria DSP40 (ii) above, the consideration of the Appeal Inspector in this case represents a significant material consideration in the determination of this application. With regard to the above therefore, Officers concur that the scheme is compliant with Policy DSP40 (iii).

Policy DSP40 (iv)

- 8.55 The applicant's agent advises that there are no known constraints that would prevent delivery of this site within the short term. A reduced implementation period for the commencement of the development of 18 months would be imposed by planning condition. It is therefore considered that criteria (iv) of Policy DSP40 is satisfied.

Policy DSP40 (v)

- 8.56 The final criteria of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below. The impact of the development on Protected Sites has been set out earlier in this report.

Environmental Implications:

Protected Species/Biodiversity Enhancements

- 8.57 The application has been supported a detailed Ecological Appraisal, Biodiversity Net Gain Assessment, Reptile Survey and Mitigation Strategy Report, and a further Ecological Addendum Report to address concerns raised by the Council's Ecologist regarding the age of the original work and lack of net gain for biodiversity. The submitted reports identified that several of the commercial buildings were supporting occasional night roosts for bats, and the site in general had a high population of slow worms, and low population of common lizards. The site will incorporate a reptile mitigation area to the northern part of the site, together with secured off-site mitigation at a nearby site. The submitted documents were sufficient to address the Ecologist's comments and no objection was subsequently raised, subject to appropriate conditions to ensure compliance with the submitted information.

Trees

- 8.58 The site is subject to a Tree Preservation Order (FTPO744_001) for the oak trees on the site. The application has been supported by a detailed Arboricultural Impact Assessment and Constraints Plans setting out appropriate measures to ensure the protection of the good quality trees during the construction period. Whilst a number of the protected trees will need to be removed to support the development, the scheme has been considered by the Council's Tree Officer who has raised no objection, subject to compliance with the recommendations of the Reports.

Ground Contamination/Commercial Activity

- 8.59 The rear part of the site currently comprises a number of low density commercial units, for which there is dispute from third parties regarding the

frequency of their use. The development of the site would see these B8 (Storage and Distribution) and B2 (General Industrial) uses extinguished, and the associated contamination of the land remediated. The application is accompanied by a Ground Condition Assessment. The Council's Contaminated Land Officer has considered the submitted report and agrees with the conclusions and recommendations. The Officer raises no objection to the proposal, subject to the provision of a condition requiring an intrusive site investigation to be carried out before the commencement of the development.

Amenity Implications:

- 8.60 In terms of consideration of the amenity impact, the site layout plan indicated that Plot 1 would be located 18 metres away from the existing side elevation of Homeland (the property to the east of the site), with Plot 1 being sited 4 metres away from the boundary. Two windows on the side elevation (en-suite bathroom and stairwell) are proposed to be obscure glazed. It is therefore considered that the proposals would not have an unacceptable adverse impact on the living conditions of occupiers of Homeland. Plots 1 and 2 would be separated by a landscaping buffer of 8 metres in width.
- 8.61 Plot 2 would be located 6 metres away from the party boundary with September Cottage, with a single storey element of September Cottage located 8 metres from the side elevation. The main two storey element of September Cottage is located 7 metres from the mutual boundary, and whilst in a staggered alignment, Plot 2 would be over 13 metres away from the side elevation of September Cottage.
- 8.62 Plots 1 and 2 would also be sited 28 metres back from the road frontage with Brook Avenue, with only the single storey garage buildings sited forward of the properties. A 13 metre wide landscaped buffer comprising many of the existing trees along the site frontage, together with enhanced undercroft planting would ensure a good level of boundary planting to the site frontage. Both properties would also benefit from rear gardens of approximately 25 metres in length.
- 8.63 The two backland plots (Plots 3 and 4) would not be readily visible from Brook Avenue, with Plot 3 situated to the rear of Plots 1 and 2. The side elevation of Plot 3 would be located 32 metres from the rear elevation of Plot 2, and over 28 metres from September Cottage. The proposed garage for Plot 3 would be located in close proximity to the northern boundary of September Cottage. An external staircase and loft storage space has been removed from the proposals to protect the amenities of occupiers of September Cottage to the south.

- 8.64 The siting of Plot 4 is the only change since the original application was considered, with the structure having been rotated marginally in an anti-clockwise direction to ensure the rear facing windows are not orientated towards the property known as The Priory (to the north of the site). Plot 4 would be located 30 metres away from the northern elevation of September Cottage, and 36 metres from the front elevation of Plot 3. Even with its rotated position, at its closest, Plot 4 would be located over 72 metres from the rear elevation of The Priory. Both properties would be situated within substantial plots with large private gardens.
- 8.65 The proposed layout therefore exceeds the minimum standards sought in the Council's adopted Design Guidance SPD and would not have an unacceptable adverse impact on the living conditions of neighbouring occupiers. The proposed dwellings would provide internal space and storage capacity in excess of the minimum of the Nationally Described Space Standards.

Traffic Implications:

- 8.66 Turning to the matter of highway safety and traffic implications, the application would result in the provision of four additional dwellings accessing the southern branch of Brook Avenue, a private unclassified road. Plots 1 and 2 would be accessed by the creation of a new access directly onto Brook Avenue, with Plots 3 and 4 making use of the existing, but improved access track that currently serves the commercial/industrial properties to the rear of the site. No objection has been received from Hampshire County Council as Highway Authority, who does not consider that the likely increase in vehicular movements accessing Brook Lane to the east would be significant to warrant concern to highway safety.
- 8.67 It is therefore considered that the proposed access arrangements and increased activity along Brook Avenue and the junction with Brook Lane would not cause harm to other road users or pedestrians. This was the same conclusion reached by the Planning Inspectors, who acknowledge the limited width of Brook Avenue, but that there was plenty of 'stepping off' space to accommodate the likely slow speed of vehicles and pedestrians.
- 8.68 Adequate off-street car parking would be provided for each plot to accord with the Council's adopted Residential Car Parking Standards SPD.

Summary of Policy DSP40 (Housing Allocations)

- 8.69 Despite the Council's refusal of the scheme in 2018 due to conflict with Policy DSP40 (ii) and (iii), the scheme has been considered by two separate Planning Inspectors. Both Inspectors considered that the scheme was fully in accordance with DSP40 criteria (i) relative in scale to shortfall, (iii) integration

with character and appearance of the area, (iv) deliverable in the short term, and (v) environmental, amenity and traffic implications.

- 8.70 Only Policy DSP40 (ii) *sustainably located and well related to the urban area*, is of conflict between the two Inspectors. The first considered that the removal of the unfettered commercial units in the planning balance would have such a significant benefit to the existing residents to outweigh the conflict with DSP40 (ii). However, that appeal decision was subsequently quashed by the High Court judgement. The second Appeal Inspector found no fault with DSP40 (ii), and considered given the suburban character of the area, the short walking distance to Brook Lane, and the fact that the future occupiers would be no less sustainably located than many of the residents to be created by the Warsash Cluster developments, that the development of the site was sustainably location and well related to the urban areas, and therefore fully compliant with Policy DSP40.
- 8.71 The two appeal decisions are material considerations in the determination of this application. Whilst one still found conflict, the latter planning appeal decision found full compliance with Policy DSP40.
- 8.72 Officers are of the opinion that the scheme would be fully compliant with criteria (i), (iii), (iv) and (v) of DSP40. Officers have found there to be some conflict with the second test of Policy DSP40 (ii), as whilst the site is considered to be in a sustainable location, it is not adjacent or well related to the urban settlement boundaries.

f) Other Matters

- 8.73 Many of the concerns raised by third parties listed in Section 6 of this Report have already been considered and addressed in the preceding sections of this report. However, there are a number of other matters raised that will be addressed here.
- 8.74 **Lack of Street Lighting:** This matter was considered by the Planning Inspector. Between the site and Brook Lane there are two streetlights along Brook Avenue. The Inspector noted that whilst this might leave dark patches along the route, given the short distance between the site and Brook Lane, the Inspector did not consider this to be an overriding deterrent for walkers or cyclists.
- 8.75 **Concerns about Right of Access:** Brook Avenue is a private, unclassified road, which does connect to the adopted public highway at Brook Lane. Whether the applicant has a legal right of access over Brook Avenue to enable the provision of these houses is a private legal matter.

- 8.76 **Potential for 4 houses to 8:** It is assumed that this relates to the provision of the triple garages on the site. Triple garages for proposed dwellings of this size are not uncommon. In any event, a condition would be imposed to limit the use of the garages buildings for purposes incidental to the use of each plot as a single dwelling.
- 8.77 **Damage caused to the road:** As a private road it is the responsibility of the occupiers of Brook Avenue to maintain the road. It would in this case be the responsibility of the developer to ensure that any damage to the road is repaired following the completion of the development.
- 8.78 **Danger posed by high voltage overhead electric cables:** There are overhead power lines that run east – west across the northern part of the application site (broadly in the location of the reptile mitigation area). However, these are not identified on the Council’s mapping system as high voltage overhead lines, and whilst the lines will traverse the northern parts of Plots 3 and 4, there would be no limitations on the implementation of the development as a result of the presence of the overhead lines.

g) The Planning Balance

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

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

- 8.80 As set out earlier in the report, paragraph 11(d) of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:

- i) The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.’*

- 8.81 Officers have carried out an Appropriate Assessment and concluded that the proposal would not adversely affect the integrity of Protected Sites. There is

therefore no clear reason to refuse the application on these grounds and in the absence of a 5YHLS the application should therefore be determined in accordance with paragraph 11(d)(ii) applying the presumption in favour of sustainable development.

- 8.82 This approach detailed within the preceding paragraph has become known as the ‘tilted balance’ in that it tilts the planning balance in favour of sustainable development and against the Development Plan.
- 8.83 The site is located outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and in part Policy DSP6 of the Local Plan Part 2: Development Sites and Policies.
- 8.84 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in January 2022, and the Government’s steer in respect of housing delivery.
- 8.85 In weighing up the material considerations and conflict between policies, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and if granted, the development could be delivered in the short term. The proposal is considered to be sustainably located with good access to local services and facilities, but the site is not located adjacent to the existing settlement boundary.
- 8.86 The proposal would result in the partial re-development of previously developed land which is not of high value in terms of its visual appearance or its contribution to the landscape character of the wider area. The design of the dwellings is acceptable and would integrate well with the existing developments, at a low-density characteristic of the area. The proposed development would be visually contained by surrounding trees and additional appropriately sought landscaping such that there would not be any substantial harm.
- 8.87 Officers are satisfied that there are no outstanding amenity and environmental issues which cannot be otherwise addressed through planning conditions. There would not be any unacceptable impact on highway safety.
- 8.88 In balancing the objectives of adopted policy which seeks to restrict development within the countryside along with the shortage of housing supply, Officers acknowledge that the proposal could deliver four dwellings in the

short term. The modest contribution the proposed scheme would make towards boosting the Borough's housing supply is a material consideration, in light of the Council's current 5YHLS.

8.89 There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered contrary to the development plan. However, in light of the Council's lack of 5YHLS, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy four of the five criteria, with acknowledged conflict with DSP40(ii) in part as the site is not immediately adjacent to the existing urban settlement boundary. Having regard to the two appeal decisions, and the removal of existing unfettered commercial units in close proximity to residential properties, Officers consider that the level of harm arising would not be significant and in light of the contribution to housing supply have formed the view that more weight should be given this policy than CS14 and that when considered against the balance of the development plan as a whole, the scheme should be approved

8.90 In the event that Members were minded to conclude that the scheme did not accord with the development plan taken as a whole, however, Officers have nevertheless undertaken a detailed assessment of the proposals through this report against the NPPF and applying the 'tilted balance' to those assessments, Officers consider that:

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

And therefore the tilted balance points towards granting approval in any event.

8.91 Having carefully considered all material planning matters and assessing the proposal against the development plan and the tilted balance, Officers consider planning permission should be granted.

9.0 Recommendation

9.1 GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development shall begin within 18 months from 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 shall be carried out in accordance with the following approved documents:

- a) Location Plan and Revised Site Plan (Drawing: SD-2061-00 Rev B) (*note: this plan has a drawing title of 'Plot 1 Floor Plans & Elevations' in error*)
- b) Plans and Elevations Plot 1 (Drawing: SD-2061-01 Rev A)
- c) Plot 2 Floor Plans and Elevations (Drawing: SD-2061-02 Rev A)
- d) Plot 3 Floor Plans and Elevations (Drawing: SD-2061-03 Rev A)
- e) Plot 4 Floor Plans and Elevations (Drawing: SD-2061-04 Rev A)
- f) Proposed Garages/Car Barns (Drawing: SD-2061-05 Rev B)
- g) Topographical Survey (Drawing: ENC/260117-9X3)
- h) Tree Constraints Plan (Drawing: J1011 Rev A)
- i) Tree Protection Plan (Drawing: J1011 (Sheet 1 of 3))
- j) Tree Protection Plan (Drawing: J1011 (Sheet 2 of 3))
- k) Tree Protection Plan (Drawing: J1011 (Sheet 3 of 3))

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

3. No development above damp proof course (dpc) level shall commence until details of all proposed external facing and hardsurfacing materials 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.

REASON: To secure the satisfactory appearance of the development.

4. The garage buildings hereby permitted, shall not be used for any purpose other than as private and domestic garages, incidental to the enjoyment of the associated house.

REASON: To accord with the terms of the application and to safeguard proper planning of the area.

5. The first floor windows proposed to be inserted into the east elevation of Plot 1 and the west elevation of Plot 2 of the approved development shall first be glazed with obscure glass and be of a non-opening design and construction to a height of 1.7 metres above internal finished floor level and shall thereafter be retained in that condition at all times.

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

6. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed, details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

7. Prior to the occupation of the dwellings hereby permitted, the western access driveways shall be constructed to a width of 5 metres for a minimum length of 8 metres from Brook Avenue. Any gates from both accesses shall be set back 6 metres from Brook Avenue.

REASON: In the interests of highway safety.

8. Prior to the occupation of the dwellings hereby permitted, visibility splays of 2.4 metres by 33 metres must be provided at the eastern access. The visibility splays shall thereafter be kept clear of obstruction (nothing over 0.6m in height) at all times.

REASON: In the interests of highway safety.

9. Prior to the occupation of the dwellings hereby permitted, details of the provision of bin collection areas must be submitted to and approved in writing by the Local Planning Authority. The collection areas must be provided within 25m carry distance of Brook Avenue and must be retained at all times.

REASON: In the interests of highway safety, and to ensure that the character and appearance of the development and the locality are not harmed.

10. Prior to the occupation of the dwellings hereby permitted, bin storage areas and secure cycle storage provision must be made available for each dwelling. The bin storage and cycle storage areas shall thereafter be retained at all times.

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

11. The development hereby permitted shall proceed in accordance with the submitted 'Reptile Survey and Mitigation Strategy' by Hampshire Ecological Services Ltd (November 2020) and Section 5.6 'Outline Mitigation and Enhancement Measures' of the submitted Ecological Appraisal Report (Hampshire Ecological Services Ltd., April 2018), unless varied by a European Protected Species (EPS) licence issued by Natural England. Thereafter, the replacement bat roost features and enhancements shall be permanently maintained and retained in accordance with the approved details.
REASON: To ensure the favourable conservation status of bats and protection of reptiles on the site.
12. A detailed scheme of biodiversity enhancements and a long-term management strategy to be incorporated into the development shall be submitted for written approval to the Local Planning Authority. The measures detailed within this strategy shall be in line with the submitted Biodiversity Metric 2.0 calculations by Adam Jessop (Ecosupport Ltd), dated 18 May 2021. A plan showing the exact location of the retained and newly created habitats on site and offsite and the habitats to be enhanced as part of the proposals, along with the responsible bodies and the length of management period shall accompany the strategy. Development shall subsequently process in accordance with any such approved details.
REASON: To enhance biodiversity in accordance with the NPPF and the Natural Environment and Rural Communities Act 2006.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)(or any Order revoking and re-enacting or amending that Order), no windows or other openings shall be formed in the roof of the garage buildings hereby approved without a grant of planning permission from the Local Planning Authority.
REASON: To protect the amenities of adjoining residential properties.
14. The development hereby permitted shall be implemented in full accordance with the Arboricultural Method Statement, included in the Tree Report prepared by Sapling Arboriculture (reference: J1011, dated April 2017) during the construction period, unless otherwise agreed in writing by the Local Planning Authority.
REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.
15. 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.

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

16. The landscaping scheme, submitted under Condition 16, shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

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

17. Prior to the occupation of the dwellings hereby permitted, details of the proposed gates (including elevations and proposed finished appearance) to be installed at both proposed accesses onto Brook Avenue must be submitted to and approved in writing by the Local Planning Authority. The gates shall be constructed in accordance with the approved details.

REASON: In the interests of visual amenity.

18. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling 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.

19. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will be implementing to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Brook Avenue to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

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

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

20. 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.

21. No development shall commence until an intrusive site investigation and an assessment of the risks posed to human health, the building fabric and the wider environment including water resources should be carried out. The site investigation shall not take place until the requirements of the Local Planning Authority (LPA) have been fully established, and submitted to and approved in writing by the LPA. Where the site investigation and risk assessment reveals a risk to receptors, a strategy of remedial measures and detailed method

statements to address identified risks shall be submitted to and approved in writing by the LPA. The scheme as approved shall be fully implemented and completed before any dwelling hereby permitted is first occupied.

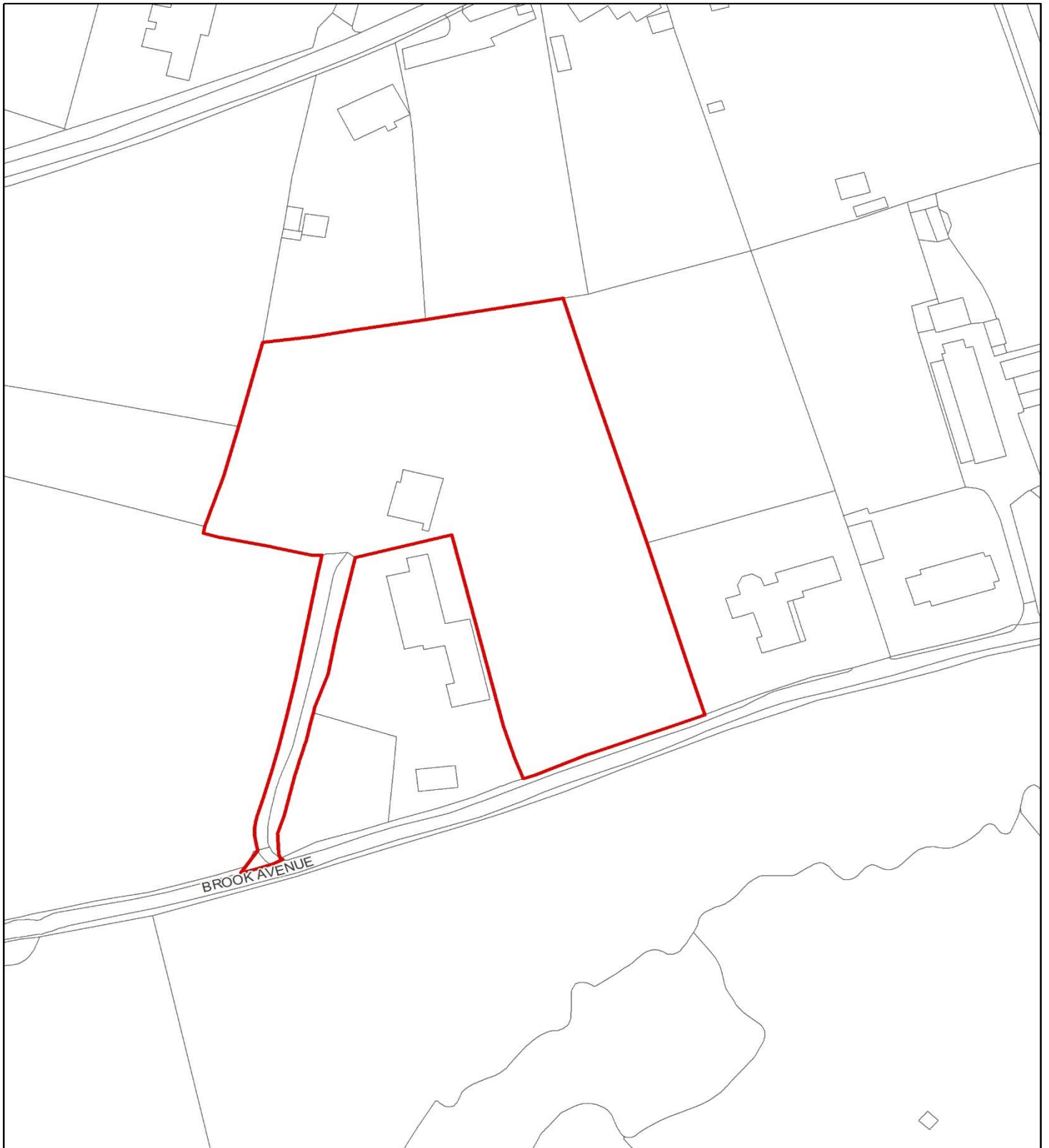
REASON: To ensure that any potential contamination of the site is properly taken into account before development takes place. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure adequate mitigation against land contamination on human health.

10.0 *Background Papers*

P/21/1138/FP

FAREHAM

BOROUGH COUNCIL



Land to the rear of
September Cottage, Brook Avenue
Scale 1:1250



© Crown copyright and database rights 2021 OS 100019110. You are permitted to use this data solely to enable you to respond to, or interact with, the organisation that provided you with the data. You are not permitted to copy, sub-licence, distribute or sell any of this data to third parties in any form.