

OFFICER REPORT FOR COMMITTEE

DATE: 14/12/2022

**P/19/0870/FP
FOREMAN HOMES LTD**

**WARD: SARISBURY GREEN
AGENT: FOREMAN HOMES LTD**

RESIDENTIAL DEVELOPMENT OF 32 DWELLINGS, PARKING, AND A MEANS OF ACCESS FROM ROOKERY AVENUE FOLLOWING DEMOLITION OF 2 DWELLINGS, GLASSHOUSES AND ASSOCIATED OUTBUILDINGS

LAND OFF ROOKERY AVENUE, WHITELEY

Report By

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1.0 Introduction

- 1.1 This application was first reported to the Planning Committee on 2 March 2022. At that meeting Members resolved to grant planning permission for the development subject to conditions and the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.
- 1.2 Since Members resolved to grant planning permission, there have been some material changes in circumstances which require further consideration by Members of the Planning Committee. These changes in circumstance are set out below.
- 1.3 There have been changes to the advice provided by Natural England in respect of the likely significant effects of residential development on Habitat Sites. As a result, and as set out within the relevant section of the report below, additional nitrate mitigation is required to mitigate the impact of the development on water quality and Habitat Sites within The Solent. It is also necessary to secure an additional financial contribution to mitigate the likely significant effect of the development on The Solent SPAs and the New Forest Habitat Sites by virtue of recreational disturbance.
- 1.4 In addition, since the March 2022 planning committee, the examination hearings of the emerging Fareham Local Plan 2037 have concluded and is currently out for Main Modifications consultation. The advanced stage of the emerging Plan means that its draft policies carry significant weight in the consideration of planning applications. Further consideration of the emerging Fareham Local Plan 2037 is set out in this report.

- 1.5 There have been no other changes to the nature of the proposed development since its consideration by the Planning Committee in March 2022.

2.0 Site Description

- 2.1 The application site is located to the southern side of Rookery Avenue, to the east of Botley Road and comprises an area of 2.2 hectares of land, currently forming the residential curtilages of two dwellings (a dwelling known as 'Wind Ruff' and 114 Botley Road), their gardens and a collection of redundant glasshouses and other former horticultural buildings. The site is within the designated countryside for planning purposes. The site slopes gently down to the south and east and is bounded by the M27 to the south, woodland to the east and north and the curtilage of 112 Botley Road to the west.
- 2.2 This part of Rookery Avenue (known as Rookery Avenue West) is a cul-de-sac road also serving residential estates at Caspian Close, Shetland Rise and Castilian Way, which are all located on the northern site of Rookery Avenue. The woodland to the east of the site is a designated Ancient Woodland known as Gull Coppice. The site would be connected to Rookery Avenue at the northwest corner, across the existing highway verge. The site is classified as Grade 4 agricultural land.
- 2.3 Botley Road (A3051) is located approximately 220 metres to the west of the site and provides direct access to Swanwick Railway Station and Park Gate, which provides a wide range of services and facilities.

3.0 Description of Proposal

- 3.1 Full planning permission is sought for the construction of 32 dwellings together with associated car parking, landscaping and means of vehicular access from Rookery Avenue. The application has been modified significantly since its original submission, resulting in a reduction in the number of residential units from 36 to 32, the removal of a B1 office building and the relocation of the development area southwards, in order to protect the existing woodland area between the site and Shetland Rise/Castilian Way to the north.
- 3.2 The dwellings comprise a mix of residential units, including detached, semi-detached, terraced and flats, set within a landscaped environment.
- 3.3 The application has been supported by a number of technical reports including a Planning Statement, Design and Access Statement, Ecological Surveys and Mitigation Reports, Arboricultural Impact Assessment, Transport Statement and Travel Plan, Contaminated Land Assessment, Economic Viability Assessments, Flood Risk and Drainage Strategy, Air Quality Assessment and Noise Impact Assessment.

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
CS9:	Development in the Western Wards and Whiteley
CS14:	Development Outside Settlements
CS15:	Sustainable Development and Climate Change
CS16:	Natural Resources and Renewable Energy
CS17:	High Quality Design
CS18:	Provision of Affordable Housing
CS20:	Infrastructure and Development Contributions
CS21:	Protection and Provision of Open Space

Adopted Development Sites and Policies

DSP1:	Sustainable Development
DSP2:	Environmental Impact
DSP3:	Impact on Living Conditions
DSP4:	Prejudice on Adjacent Land
DSP6:	New Residential Development Outside of the Defined Urban Settlement
DSP13:	Nature Conservation
DSP15:	Recreational Disturbance on the Solent Special Protection Areas
DSP40:	Housing Allocations

Fareham Local Plan 2037 (emerging)

4.2 The Fareham Borough Local Plan 2037 was submitted to the Planning Inspectorate on 30th September 2021 and an examination conducted in March and April 2022. Following the conclusion of the examination hearings the Inspector has requested a number of modifications to the Plan. The proposed modifications will be the subject of public consultation from 31st October until 12th December. The Council's Local Development Scheme schedules that the new plan will be adopted in Winter 2022. On adoption the Local Plan will have full weight and in its current advanced stage is a material consideration for the determination of planning applications. The following draft policies of the emerging plan are of relevance.

DS1:	Development in the Countryside
DS3:	Landscape

H1:	Housing Provision
HA27:	Housing Allocation Policy – Rookery Avenue
HP1:	New Residential Development
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 There is no recent planning history related to this site. Planning permission was granted on the land immediately to the west of the site for 6 dwellings in October 2018. That planning permission has however lapsed/not been implemented.

6.0 *Representations*

- 6.1 There have been 134 representations received regarding this application, including two from The Fareham Society.
- 6.2 Fifty-nine letters from 55 households were submitted following the publicising of the planning application as first submitted for 36 dwellings along with an office building. A further 75 letters were received from 66 households following the re-publishing of the amended 32 dwelling scheme, although at this stage the proposed office building was retained.
- 6.3 Comments were also received from the Southampton Hospitals NHS Trust, and consideration of those comments are set out in paragraphs 8.66-8.73 of the report below.

6.4 The main issues raised within the representations can be summarised as follows:

- Loss of woodland trees;
- Impact on adjacent ancient woodland;
- Impact on wildlife and ecology;
- Nitrates issue;
- Parking and access issues;
- Highway safety concerns;
- Pedestrians in road causing highway issues;
- Poor streetlighting in Rookery Avenue;
- Increased congestion on Botley Road;
- No improvement to cycle network;
- No consideration of smart motorway works;
- Health risks for future occupiers due to proximity to M27;
- Impact on local services;
- Impact on the character of the area;
- Loss of privacy;
- Increase in crime;
- Noise impact for existing occupiers;
- Office in residential area is unacceptable.

7.0 Consultations

EXTERNAL

Hampshire County Council (HCC) Highways

7.1 No objection, subject to planning condition.

Natural England

7.2 No objection, subject to comments from the Council's Ecologist. No objection to the Council's Appropriate Assessment.

Southern Water

7.3 No objection, subject to planning condition.

Hampshire County Council (HCC) Lead Local Flood Authority

7.4 No objection, subject to planning condition.

Hampshire County Council (HCC) Archaeology

7.5 No objection.

Hampshire County Council (HCC) Children's Services

7.6 No objection – forecasts suggest pupil yield from development can be accommodated within proposed schools being built in Whiteley.

Hampshire Fire and Rescue Services

- 7.7 No objection, subject to compliance with Building Regulations.

INTERNAL

Ecology

- 7.8 No objection, subject to conditions.

Affordable Housing Strategic Lead

- 7.9 No objection, subject to the affordable housing being secured through a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

Recycling Co-ordinator

- 7.10 Comments regarding provision of bin collection points and confirmation from the Transport Planner on access for refuse vehicles.

Urban Designer

- 7.11 No objection.

Environmental Health (Noise/Pollution)

- 7.12 No objection regarding air quality or noise, subject to conditions regarding compliance with the recommendations and conclusions of the submitted Noise Impact Assessment.

Environmental Health (Contaminated Land)

- 7.13 No objection, subject to conditions.

Recycling Co-ordinator

- 7.14 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) Implication of Fareham's current 5-year housing land supply position
- b) Residential development in the countryside
- c) Fareham Local Plan 2037 (emerging)
- d) Impact on Habitat Sites
- e) Policy DSP40 (Housing Allocations)
- f) Other Matters
- g) The Planning Balance

i. **Implication of Fareham's current 5-year housing land supply position**

- 8.2 An update report on the Council's five year housing land supply position was presented to the Planning Committee on 6th July 2022. The 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 had 5.01 years of housing land supply against its five year housing land supply (5YHLS) requirement.
- 8.3 Following the publication of that position the Council's housing supply was considered during several recent appeals held during August and October in the proposed residential development at Land East of Cartwright Drive, Land East of North Wallington and Land East of Newgate Lane East. At those appeals it was put to the Council that the evidence available suggested that several housing sites identified in the Council's supply as having outline planning permission would deliver fewer dwellings now reserved matters submissions had been made. For example, the reserved matters application for Land adjacent to 125 Greenaway Lane (ref: P/21/1780/RM) proposed 80 dwellings rather than the 100 dwellings for which outline planning permission was given (a net reduction of 20 homes from the Council's housing supply). In evidence it was also identified that, for a small number of other sites, the number of dwellings being delivered would be less than previously stated. At the appeals the Council accepted that the evidence on this matter was clear and that the resultant reduction in the five year housing land supply meant that the position stood at 4.88 years. At the time of writing this report, Officers are of the view that 4.88 years is correct and that the Council does not have a five year supply of housing.
- 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 indicate otherwise. Material considerations include the planning policies set out in the 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 (in part):

"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, granting planning permission unless:*
 - i) The application of policies in this Framework that protect areas of 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."*

8.9 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; and 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 of 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 proposed development, 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 judged that there are no clear reasons for refusing the development having applied the test at limb 1.
- 8.13 Paragraph 182 of the NPPF states that: *“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”*
- 8.14 The wording of this paragraph clarifies that the presumption in favour of sustainable development set out in paragraph 11 does not apply unless an appropriate assessment has concluded that the proposal would not adversely affect the integrity of the habitat sites subject to mitigation.
- 8.15 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. The following sections of the report assess the application proposal against this Council's adopted local planning policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

ii. Residential Development in the Countryside

8.16 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.

8.17 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'.

8.18 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. Officers can confirm that none of these exceptions apply to the application proposal.

8.19 Draft Policy H1 sets out the housing requirement for the Borough between 2021 and 2037, and draft Policy DS1 seeks to ensure that development in the countryside requires to be within a countryside location. Draft Policy HP1 allows for the provision of new dwellings in the countryside where it relates to the conversion of an existing non-residential building or is a replacement dwelling.

8.20 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, Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan, and draft Policies DS1 and HP1 of the Fareham Local Plan 2037 (emerging).

iii. Fareham Local Plan 2037 (emerging)

8.21 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). Members will be aware that the

Revised Publication version of the Fareham Local Plan which addresses the Borough's development requirements up until 2037 has been examined by the Planning Inspector and the modifications were recently subject to public consultation (consultation period ending on 12 December 2022).

- 8.22 The site of this planning application is a proposed allocated site for residential development (Policy: HA27 – Rookery Avenue) within the emerging Fareham Local Plan. The proposed allocation sets out an indicative yield of 32 dwellings, and site-specific requirements include that the development should front the woodland and have a primary vehicular access from Rookery Avenue, be limited to two storeys and have regard to its siting adjacent to Sites of Importance for Nature Conservation, and Ancient Woodland designations (Gull Coppice).
- 8.23 It is considered that the proposed application has fully complied with the requirements of the emerging Local Plan policy, and this carries significant weight in the overall consideration of the development proposal.

iv. Impact on Habitat 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. Draft Policy NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network confirms that development will only be permitted where international, national and local sites of nature conservation value, priority habitats and the Ecological Network are protected and 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 'Habitat Sites' (HS).

- 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 HS 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 HS. 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 HS 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. Draft Policy NE3: Recreational Disturbance on the Solent SPAs confirms that development will only be permitted where the financial contribution towards the Solent Recreational Mitigation Partnership Strategy (SRMP) has been made. The applicant has agreed to make the appropriate financial contribution towards the SRMP and therefore, the Appropriate Assessment concludes that the proposals would not have an adverse effect on the integrity of the HS as a result of recreational disturbance in combination with other plans or projects on the Solent SPAs. The mitigation contribution will be secured by a section 106 legal agreement.
- 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's 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 on

7th December 2021. The Interim Mitigation Solution was prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this contribution, which has been secured by an agreement pursuant to Section 111 of the Local Government Act 1972.

- 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 those increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the HS. Draft Policy NE4: Water Quality Effects on the SPAs, SACs and Ramsar Sites of The Solent confirms that permission will only be granted where the integrity of the designated sites maintained.
- 8.33 A nitrogen budget has been calculated in accordance with Natural England's '*National Generic Nutrient Neutrality Methodology*' (February 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development will generate 25.53 kg TN/year. This represents an increase in nitrate credits of 4.28kg TN/year as considered at the March 2022 planning committee (2020 NE Advice). 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 HS, 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.
- 8.34 The applicant has purchased 25.75 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.

- 8.35 The Council's Appropriate Assessment concludes that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the HS either alone or in combination with other plans or projects.
- 8.36 Natural England was consulted on the Council's updated Appropriate Assessment in October 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, and draft Policies NE1, NE3 and NE4 of the Fareham Local Plan 2037 (emerging).

v. Policy DSP40 (Housing Allocations)

- 8.37 Policy DSP40 of the Local Plan Part 2, states that:

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

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

- 8.38 Each of these five points are considered in turn below:

Policy DSP40 (i)

- 8.39 The proposal for up to 32 dwellings is relative in scale to the 5YHLS shortfall and therefore criteria (i) of Policy DSP40 is satisfied.

Policy DSP40 (ii)

- 8.40 The urban settlement boundary is located to the immediate north of the application site, along the northern boundary of Rookery Avenue. The site is also within close proximity to schools, employment and retail provisions in

both Whiteley and Park Gate. The site is also a relatively short walk from Swanwick Railway Station. As referenced under the Relevant Planning History, residential development was also considered to be acceptable to the immediate west of the site. Officers consider that the proposal can be well integrated into the neighbouring settlement. The proposal is therefore considered to be in accordance with criteria (ii) of Policy DSP40.

Policy DSP40 (iii)

- 8.41 The site comprises 32 dwellings, of which the majority are detached, with additional semi-detached and terraced properties further into the site, and a single block of four flats. The adjoining residential streets to the north of Rookery Avenue, Shetland Rise and Castillian Way comprise a mixture of detached (principally along Shetland Rise) with semi-detached and terraced houses along Castillian Way, and blocks of flats to the northeast corner of the site.
- 8.42 The application proposal includes a similar design approach, with the main entrance to the site largely comprising the detached dwellings with the semi-detached and terraced proposed further into the site.
- 8.43 The site is bounded to the north by urban development, and the M27 motorway to the south, and only represents a small area of designated countryside. To the east of the site lies Gull Coppice, a Site of Importance for Natural Conservation (SINC) and Ancient Woodland, which as a woodland is a priority habitat, is unlikely to be acceptable as a site for built development.
- 8.44 Given the surrounding features, and the presence of residential development to the north and west, the development of this site has been undertaken in a way to minimise the impact on the countryside, and has been sensitively designed to have regard to its location and the adjacent established residential environment.
- 8.45 Officers consider that the development is in accordance with criteria (iii) of Policy DSP40.

Policy DSP40 (iv)

- 8.46 In terms of delivery, the modest scale of the development ensures that the site is capable of being delivered in the short term and would therefore be in accordance with criteria (iv) of Policy DSP40.

Policy DSP40 (v)

- 8.47 The final test of Policy DSP40 seeks to ensure that the proposal should not have any unacceptable environmental, amenity or traffic implications. These are discussed individually below.

Environmental: *Protected Species*

- 8.48 A Preliminary Ecological Assessment, Bat Survey and Mitigation Strategy, Dormouse Mitigation Strategy and a Reptile Survey and Mitigation Strategy have been provided to support the application. The Council's Ecologist and Natural England have reviewed the proposals and are satisfied that subject to the imposition of appropriate planning conditions and appropriate mitigation, the scheme would not have an unacceptable adverse impact on protected species or designated sites.
- 8.49 Due to the need to translocate a population of reptiles from the site, the applicant consulted directly with Hampshire County Council Countryside Services regarding the use of several of their existing sites for use. The Countryside Services Officer agreed that two of their local sites could be used for reptile translocation (Hook with Warsash Local Nature Reserve and Botley Woods SSSI), subject to a mitigation contribution to upgrades these locations.
- 8.50 This was agreed with the applicant and set out in the Reptile Survey and Mitigation Strategy. The off-site mitigation contribution will be secured through a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990.

Environmental: *Trees / Woodland*

- 8.51 The proximity of the site and the proposed houses to neighbouring woodland and trees have been considered by the Council's Tree Officer, who has reviewed the submitted Arboricultural Method Statement and tree report. Draft Policy NE6: Trees, Woodland and Hedgerows confirms that appropriate measures are in place to ensure the unnecessary loss of non-protected trees and woodland, but where lost, suitable replacements are considered. The adjacent woodland to the east of the site is also designated Ancient Woodland and is therefore subject to additional protection, including the need to provide a suitable 15 metre buffer from the nearest residential properties. This has been achieved, and will be suitably planted, and fenced off to prevent access, to preserve the national importance of this designation. The Tree Officer has raised no objection to the proposal, subject to condition for detailed landscaping and tree planting, and compliance with the recommendations of the submitted supporting documents.

Environmental: *Agricultural Land*

- 8.52 The site is identified as Grade 4 Agricultural Land and is therefore of limited agricultural value. Policy CS16 seeks to prevent the loss of the best and most versatile agricultural land. Grades 1, 2 and 3a are considered to be the best and most versatile agricultural land, and therefore, as Grade 4 land the development of this site would not conflict with Policy CS16. Draft Policy DS1

confirms that development proposals are not on the Best and Most Versatile agricultural land.

- 8.53 It is therefore considered that the proposal complies with policy (v) – environmental issues of Policy DSP40, and policies CS4, CS16 and DSP13 of the Local Plan, or policies NE1 and DS1 of the emerging Fareham Local Plan.

Amenity

- 8.54 In terms of the consideration of the amenity impact on the living conditions of neighbouring occupiers and future occupiers, it is necessary to have regard to the advice in the Council's adopted Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015.
- 8.55 There are no residential properties within the immediate vicinity of the application site. The closest existing property is located approximately 50 metres to the north of the site, at 21 Shetland Rise. This property, like the other nearby properties along Shetland Rise and Castilian Way are separated from the development site by existing woodland, which would be retained and enhanced as part of the development proposal. Whilst there would be an increase in vehicle movements along Rookery Avenue, in light of the low speed of the road, the background noise of the M27 motorway and the distance from nearby houses, this would not cause any unacceptable adverse harm. The proposed development would not result in an unacceptable adverse impact on the living conditions of existing occupiers of the nearby residential estates.
- 8.56 In terms of the living conditions of future occupiers, the development, submitted in full detail has been carefully designed to have regard to its position adjacent to the M27 motorway, including factoring in the alterations which have led to the 'Smart' motorway.
- 8.57 The application has also been supported by a detailed Noise Impact Assessment, which has influenced the orientation of the properties, and the means of noise attenuation within the buildings. These measures include a 5 metre high acoustic fence along the southern boundary of the site, which would have a significant landscaping belt, measuring between 16 metres and 24 metres in depth, between the acoustic fence and the housing. The nearest houses would be located approximately 26 metres from the fence. Additionally, a number of the boundary fences for the rear gardens would incorporate 2 metre high acoustic fencing to reduce noise levels to acceptable levels within rear garden areas.
- 8.58 The Noise Impact Assessment has been considered by the Council's Environmental Health Officers, who have raised no objection. The comments

of the Environmental Health Officer are subject to the development being undertaken in compliance with the recommendations of the Noise Impact Assessment, which would ensure a living environment suitable for future residents.

- 8.59 All the properties would have gardens of at least 11 metres in length, and first floor to first floor direct lines of sight achieve a minimum 22 metres levels of separation for habitable room windows. The houses and flats all meet minimum sizes as set out by the Nationally Described Space Standards.
- 8.60 It is therefore considered that the proposal complies with policy (v) – amenity issues of Policy DSP40, and policies CS17, DSP2 and DSP3 of the Local Plan, and draft Policies D1 and D2 of the emerging Fareham Local Plan.

Traffic

- 8.61 Hampshire County Council as Highway Authority has considered the application and has raised no objection to the proposed works to create the access onto Rookery Avenue and that the internal road layout is acceptable. The scheme would also require the provision of a Traffic Regulation Order, to be secured via a Section 106 Legal Agreement, to include restrictive parking around the site entrance and at the corner with Shetland Rise in the interests of highway safety.
- 8.62 A number of third party comments have commented that the proposed development, and the inclusion of the office will exacerbate the existing situation with access along Rookery Avenue, particularly at the junction with Botley Road. The office element of the proposal has since been removed from the planning application.
- 8.63 The design of the junction was laid out to accommodate a future linking of Rookery Avenue (west) with Rookery Avenue (east) in Whiteley, however this is no longer being considered by the Highway Authority. Whilst the route is safeguarded in the adopted Local Plan, the safeguarded route is not proposed to be included in the emerging Fareham Local Plan 2037. The route would have cut through a large swathe of woodland, which is priority habitat. With the new links created elsewhere along Botley Road at Yew Tree Drive and through the North Whiteley development in Winchester District, the Rookery Avenue link is no longer considered to be necessary.
- 8.64 Other concerns raised by third parties relates to the number of pedestrians walking in the road along Rookery Avenue, rather than using the pavement. The former access into the application site would be retained for use by pedestrians, enabling them to keep off Rookery Avenue for the majority of its length. There is also a new pedestrian link proposed to enable occupiers of

this site to link directly to the pavement on the northern side of Rookery Avenue.

- 8.65 The new residential dwellings will provide allocated car parking provisions for each property in accordance with the Council's adopted Residential Car Parking Standards, and comprise a mix of both side-by-side and tandem spaces. Additionally, eight visitors' spaces are proposed, which exceeds the minimum standard sought (6.4 spaces).
- 8.66 In summary, it is therefore considered given the above assessment that the proposal fully accords with the requirement of criteria (v) of Policy DSP40, and Policies CS5 and CS17 of the adopted Local Plan, and draft Policy TIN2 of the emerging Fareham Local Plan.

vi. Other Matters

Affordable Housing

- 8.67 The development proposal requires the provision of 12.8 dwellings to be affordable homes in order to comply with the 40% requirement of policy CS18 of the adopted Core Strategy, and draft Policy HP5 of the emerging Fareham Local Plan. The applicant has provided an Economic Viability Assessment, which has been independently verified by the Council's consultants and has agreed that 12 dwellings will be provided on site under a shared ownership tenure, with the remaining 0.8 dwellings provided as an off-site financial contribution. This approach has the support of the Council's Affordable Housing Strategic Lead Officer.
- 8.68 The provision of affordable housing would be secured through the completion of a Section 106 legal agreement.

Effect on Local Infrastructure

- 8.69 The University Hospital Southampton NHS Foundation Trust wrote to the Council to make representations about the application. The Trust is commissioned to provide acute healthcare services to a number of Clinical Commissioning Groups (CCGs) including Fareham and Gosport CCG. The CCGs commission planned and emergency acute healthcare from the Trust.
- 8.70 The Trust commented that they are currently operating at full capacity, and although they have plans to cater for the known population growth, it cannot plan for unanticipated additional growth in the short to medium term. The Trust has requested a financial contribution of £6,779 to provide services needed by occupants of the proposal. They consider that without it the development is not sustainable and should be refused.

8.71 The tests for obligations are set out in paragraph 57 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.*

8.72 There is no specific policy in the adopted Local Plan that relates to hospital infrastructure or contributions towards hospital services. The comments from the Trust refer to Part 8 of the NPPF which seeks to promote healthy and safe communities. The NPPF identifies that decisions should “...enable and support healthy lifestyles, especially where this would address identified local health and well-being needs” and “...take into account and support the delivery of local strategies to improve health...of the community”.

8.73 The first point to note in relation to the Trust’s comments is that the UK provides its citizens with healthcare on a national basis regardless of district or county boundaries. The funding is collected via central government taxation and distributed locally to provide healthcare. Whilst delivered locally the service is a National Health Service and as such the government has a system to ensure that each area of the country has enough funds to provide the service on the basis of the population it serves. Regardless of where someone lives, they are entitled to receive healthcare on a national basis.

8.74 The Trust’s comments explain the way in which the hospitals are currently funded. The Trust indicate that the residents who will be living in the development at Rookery Avenue are likely to use the hospitals and increase pressure on the hospital service as a result. A formula is provided with an estimated number of the proposed population predicted as being likely to need to use the hospital services. From this estimated number of hospital visits, a cost is attributed and multiplied to provide the suggested contribution.

8.75 In considering the request it is noted that the construction of houses does not itself lead to population growth. Officers consider that the need for housing is a consequence of population growth. Further, there is no account in the representations, it seems, for the potential for the residents of the new development to be moving locally around the Borough or adjoining boroughs such that their residence locally is already accounted for by the current services and funding commissioned by the hospital. In addition, the cost attributed to the proposed patient trip to the hospital is not considered to be clearly calculated or justified.

8.76 For the reasons set out above, Officers do not consider that the contribution sought by the trust is necessary to make the development acceptable in planning terms and thus the tests for planning obligations as set out above are not considered to have been met. Further, given the adopted policy framework it is considered that in the absence of the contribution, the application does not fail as a consequence as this issue alone would not justify a reason for refusal, which it must do in order to make the contribution necessary to make the development acceptable in planning terms and meet the tests for a planning obligation.

vii. The Planning Balance

8.77 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'.

8.78 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.'*

8.79 An Appropriate Assessment has been undertaken and concluded that the proposal would not adversely affect the integrity of protected Habitat Sites. There is therefore no clear reason to refuse the application on the grounds set out within paragraph 11(d)(i). As the Council is currently unable to demonstrate a 5HYLS the application should be determined in accordance with paragraph 11(d)(ii), applying the presumption in favour of sustainable development.

8.80 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.

- 8.81 The site lies 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, Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan and draft Policies DS1 and HP1 of the emerging Fareham Local Plan 2037.
- 8.82 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 established at recent planning appeals.
- 8.83 In weighing up the material considerations and conflict between policies, the development of a greenfield site weighed against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall, well related to the existing urban settlement boundary such that it can be integrated with the adjacent settlement whilst at the same time being sensitively designed to reflect the areas existing character and minimising any adverse impact on the countryside.
- 8.84 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Subject to the payment of the habitat mitigation contribution, it is considered that the likely significant effect on The Solent's protected Habitat Sites would be adequately mitigated.
- 8.85 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver a net increase of 30 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply is modest, but would make a material consideration in light of the Council's current 5YHLS shortfall.
- 8.86 There is a conflict with Development Plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily Policy 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 a five-year housing land supply, development plan Policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers considered that more weight should

be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.

8.87 Additionally, and having regard to the advanced stage of the emerging Fareham Local Plan 2037, draft policy HA27 carries significant weight in the balance. As set out in paragraphs 8.20-8.22 above, the development proposal fully complies with the development criteria outlined in the draft policy and would following adoption of the plan become a housing allocation. The acknowledgment of the status of the emerging Local Plan was also considered by the Planning Committee Members in March 2022 where the same scheme was concluded to be acceptable and resolved to grant planning permission subject to appropriate conditions and S106 legal agreement.

8.88 In the event that Members did not concur with the view of Officers that the development accords with the development plan taken as a whole, Officers have also undertaken a detailed assessment of the proposals against the NPPF and applied 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.

8.89 Applying the 'tilted balance' Officers similarly conclude that planning permission should be granted.

8.90 Having carefully considered all material planning considerations and assessing the proposal against the adopted development plan, the emerging Fareham Local Plan 2037 and the tilted balance, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions, and subject to the prior completion of a Section 106 legal agreement.

9.0 Recommendation

9.1 Subject to the applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council to secure:

- a. Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water and Portsmouth Harbour Special Protection Areas;
- b. Hampshire County Council reptile translocation contribution
- c. Traffic Regulation Order (TRO) for parking restriction works to junction of site with Rookery Avenue and Shetland Rise
- d. The delivery of 40% of the permitted dwellings as a mixture of 12 on-site affordable houses and an off-site financial contribution equivalent to 0.8 of a unit.

GRANT PLANNING PERMISSION, subject to the following Conditions:

1. The development hereby permitted shall begin within 18 months from the date of this decision.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development shall be carried out in accordance with the following approved documents:
 - a) Location Plan (Drawing: 19.014.01 Rev E)
 - b) Site Plan (Drawing: 19.014.02 Rev Z)
 - c) Plot 14 (A) Plans and Elevations (Drawing: 19.014.03 Rev D)
 - d) Plots 1, 3, 8 & 10 (B) – Plans and Elevations (Drawing: 19.014.04 Rev F)
 - e) Plots 12 & 20 (Bh) Plans and Elevations (Drawing: 19.014.05 Rev F)
 - f) Single Garage – Floor Plan and Elevations (Drawing: 19.014.11 Rev A)
 - g) Oversized Double Garage – Floor Plan and Elevations (Drawing: 19.014.12 Rev D)
 - h) Parking Schedule and House Type Key Plan (Drawing: 19.014.13 Rev M)
 - i) Boundary Treatment Plan (Drawing: 19.014.14 Rev N)
 - j) Street Scenes (Drawing: 19.014.17 Rev D)
 - k) Eco Areas Plan (Drawing: 19.014.19 Rev E)
 - l) Site Setup Plan (Drawing: 19.014.24)
 - m) Plots 29-32 (Block C) Floor Plans and Elevations (Drawing: 19.014.26 Rev A)
 - n) Plots 16-17 (D) – Floor Plans & Elevations (Drawing: 19.014.27 Rev A)
 - o) Plots 4-5 (E) – Floor Plans and Elevations (Drawing 19.014.28 Rev B)

- p) Plots 6-7 & 21-22 (Eh) – Floor Plans and Elevations (Drawing: 19.014.29 Rev B)
- q) Plots 25-28 (F) – Plans and Elevations (Drawing: 19.014.30 Rev C)
- r) Plots 2, 9 & 11 (H) – Floor Plans and Elevations (Drawing: 19.014.32 Rev A)
- s) Plots 23-24 (I) – Floor Plans and Elevations (Drawing: 19.014.34 Rev A)
- t) Plot 15 (Ah) – Plans and Elevations (Drawing: 19.014.35 Rev A)
- u) Plots 13, 18 & 19 (Gh) – Plans and Elevations (Drawing: 19.014.36 Rev D)
- v) Bin & Bike Store – Plan and Elevations (Drawing: 19.014.37)
- w) Topographical Survey (Drawing: ENC/130818/3U1A – 1 of 2)
- x) Topographical Survey (Drawing: ENC/130818/3U1A – 2 of 2)

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. 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) there shall be no alterations or amendments to the permitted car ports, including the provision of doors to the front elevation, without the grant of a separate planning permission from the Local Planning Authority.

REASON: To ensure adequate off-street car parking is retained on the site.

6. Notwithstanding the approved drawings, the following permitted windows proposed to be inserted into the development hereby approved shall be:

- a. Obscure-glazed; and
- b. 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.

- a. Stairwell windows for Plots 13, 18, 19 and 20;
- b. First floor East Side Elevation of Plot 14;
- c. First floor South Elevation (Bedroom 2) of Plot 28;
- d. First and ground floor windows on the North Elevation (western end) of the 2 one-bedroom flats

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent property(ies).

7. The first floor window proposed to be inserted into the north elevation of Plot 2 of the approved development shall be both obscure-glazed; and of a non-opening design, 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 property at Plot 1.

8. 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.

9. Prior to the occupation of the development hereby approve, the highway improvements works shown of Drawing: ITB14574-GA-008 as shown in the Transport Statement (prepared by i-Transport, dated May 2020) shall have been completed in accordance with these drawings.

REASON: To ensure adequate access provision for new and existing residents.

10. No dwelling, hereby approved, shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local

Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

11. None of the development hereby approved shall be occupied until details of the proposed bin storage areas [including bin collection points if necessary] for those plots without garages have been submitted to and approved by the Local Planning Authority and the approved areas fully implemented. The details shall include the siting, design and the materials to be used in construction. The areas shall be subsequently retained for bin storage or collection at all times.

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

12. None of the dwellings hereby permitted shall be first occupied until the bicycle storage relating to them, as shown on the approved plan, has been constructed and made available. This storage shall thereafter be retained and kept available at all times.

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

13. None of the dwellings hereby permitted shall be first occupied unless and until details have been submitted to and approved in writing by the Local Planning Authority confirming that the development has been fully implemented in accordance with the Noise Impact Assessment (prepared by ensafe consultants, dated 12 January 2022 (ref: AC107077-1R5). Once implemented, the noise attenuation measures shall be subsequently retained in that condition for the lifetime of the development.

REASON: In the interests of the amenities of future occupiers.

14. No development above damp proof course (dpc) level shall be implemented until detailed elevational drawings showing the finished appearance of the 5 metre high acoustic fence to be erected along the southern boundary has been submitted to and approved in writing by the Local Planning Authority. Once implemented, the acoustic fence shall be subsequently retained in that condition for the lifetime of the development.

REASON: In the interests of visual amenity.

15. The surface water drainage system (SuDS) for the development hereby approved shall be constructed in accordance with the Flood Risk Assessment and Drainage Strategy (ref: 18-321). Details of the long-term maintenance arrangements of the surface water drainage system shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved. Once implemented, the drainage system

shall be subsequently retained in that condition for the lifetime of the development.

REASON: In order to ensure satisfactory disposal of surface water.

16. No development hereby permitted shall commence until details of the means of foul water drainage from the site 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 unless otherwise agreed with the local planning authority in writing.

REASON: To ensure satisfactory disposal of foul water. 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 adverse impacts of inadequate drainage.

17. The development hereby permitted shall be implemented in accordance with the submitted 'Dormouse Mitigation Strategy' (prepared by EcoSupport, dated February 2022), 'Bat Survey and Mitigation Strategy' (prepared by EcoSupport, dated June 2020), 'Reptile Survey and Mitigation Strategy' (prepared by EcoSupport, dated November 2020), 'Eco Areas Plan' (Drawing: 19.014.19 Rev E) and 'Outline Planting Schedule' (DD324X01 – prepared by Deacon Design). Thereafter, the replacement protected species measures outlined in the above reports shall be permanently retained in accordance with the approved details.

REASON: To ensure the favourable conservation status of bats, and the protection of dormice on the site.

18. A detailed scheme of biodiversity enhancements and a long-term management strategy to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of the development. The measures detailed within this strategy shall be in line with the DEFRA Biodiversity Metric 2.0 calculations, and as outlined in the 'Eco Areas Plan' (Drawing: 19.014.19 Rev E). Development shall subsequently proceed 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. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site so that appropriate measures are in place to secure a biodiversity net gain.

19. No development shall commence until the measures of tree and hedgerow protection as stated in the Arboricultural Method Statement included within the Tree Report (prepared by Sapling Arboriculture (ref: J937.07.4, dated May

2020) submitted and approved as part of the planning permission have been implemented and these shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.

REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

20. 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.

21. The landscaping scheme, submitted under Condition 20, 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.

22. 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 shall be carried out. Details of the site investigation to be undertaken shall be submitted to and approved in writing by the Local Planning Authority (LPA). Should contamination be found at the site a scheme for remediation and detailed method statement shall be submitted to and approved by the LPA in writing and 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.

23. No development shall take place beyond damp proof course (dpc) level until details have been submitted to and approved in writing by the Local Planning Authority of how and where Electric Vehicle (EV) charging points will be provided with at least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision. The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

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.

24. 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.

25. The development hereby permitted shall not commence unless the Council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 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 the protected Habitat Sites around The Solent.

26. Notwithstanding the details provided on the Site Setup Plan (Drawing: 19.014.24), 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 Rookery 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.

27. 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.

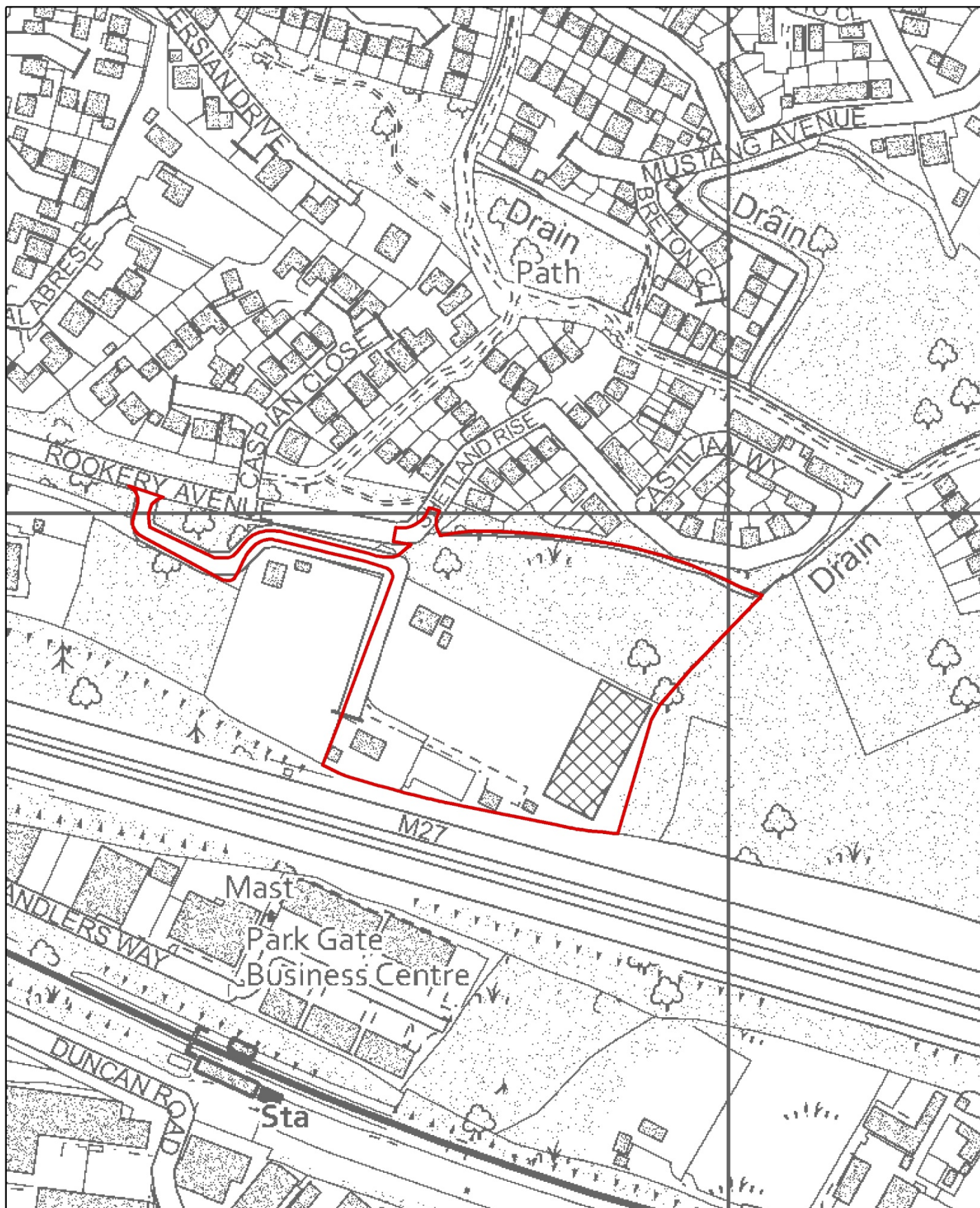
REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

10.0 Background Papers

Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL



Land off Rookery Avenue
Whiteley
Scale 1:2,500



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