

OFFICER REPORT FOR COMMITTEE

DATE: 18/01/2023

P/22/0709/FP

**NL CARE LTD & PALACE CAPITAL
(SIGNAL) LTD**

FAREHAM EAST WARD

AGENT: WOOLF BOND PLANNING

DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A 75-BEDROOM CARE HOME IN C2 USE, WITH ASSOCIATED CAR PARKING, LANDSCAPING AND ACCESS

ADMIRAL HOUSE & NICHOLSON GATE, HIGH STREET, FAREHAM, PO16 7BQ

Report By

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1.0 Introduction

- 1.1 The application is presented to the Planning Committee for determination due to the number of third party letters that have been received.

2.0 Site Description

- 2.1 The site is located to the northern end of Fareham High Street, within the designated Urban Settlement Boundary, and within the Fareham High Street Conservation Area. The site is located on the eastern side of the High Street, where it turns into Wickham Road, and is situated to the southern side of Wallington Hill. Wallington Hill is a 'no through road' which provides access to the site and Wates House (to the northern side of Wallington Hill) and the pedestrian/cycle link over Wallington Way (A32) which connects the High Street to Wallington village and Broadcut.
- 2.2 The site itself is relatively steeply sloped, sloping down to the northeast towards Wallington Way, where the Wallington River valley lies. The site is bounded by mature trees, the majority of which are protected either by individual Tree Preservation Orders or by their siting within the Conservation Area. A footpath wraps around the northern and eastern sides of the site, linking Wallington Hill to Lysses Open Space that is situated to the rear of Lysses Hotel.
- 2.3 There are two existing buildings on the site, with large areas of metaled car parking. Nicholson Gate is a modern office building constructed in the 1980s, which has been consistently vacant for a considerable period of time. Admiral House, is an extended 1930s building set within the upper parts of slope, which is partially occupied as office accommodation presently. The building has been extended and modified significantly over the years.

3.0 Description of Proposal

- 3.1 The application proposes the demolition of the existing buildings on the site, and the erection of a single replacement structure, largely sited over the Admiral House building, comprising a 75 bedroomed care home (Use Class C2 – Residential Institutions). The building, designed in a neo-Georgian style is set over four floors, comprising lower ground floor, upper ground floor, first floor and second floor, making use of the topography of the site.
- 3.2 The lower part of the site (where Nicholson Gate is situated) is located within the designated flood plain and is therefore proposed to be used for car parking and landscaping. The majority of the surrounding protected trees around the site would be retained.
- 3.3 The application submission has been supported by a number of technical documents, including Planning, Design and Access Statement, Preliminary Ecological Report, Bat Activity Survey, Nitrates Budget Assessment Report, Biodiversity Impact Assessment, and Metric 3.1 Calculation, Arboricultural Impact Assessment, Tree Protection Plan, Contaminated Land Assessment, Noise Impact Assessment, Transport Assessment and Travel Plan, Archaeological Assessment, Utilities Statement, Flood Risk Assessment, Heritage Statement, Surface and Foul Water Drainage Strategy, Lighting Assessment and Office Marketing Report.

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS1:	Employment Provision
CS2:	Housing Provision
CS3:	Vitality and Viability of Centres
CS4:	Green Infrastructure, Biodiversity and Geological Conservation
CS5:	Transport Strategy and Infrastructure
CS6:	The Development Strategy
CS7:	Development in Fareham
CS17:	High Quality Design

Adopted Development Sites and Policies

DSP1:	Sustainable Development
DSP2:	Environmental Impact
DSP3:	Impact on Living Conditions
DSP5:	Protecting and Enhancing the Historic Environment
DSP13:	Nature Conservation
DSP17:	Existing Employment Sites and Areas

DSP24: Mix of Uses in Fareham High Street
DSP42: New Housing for Older Persons

Emerging Fareham Local Plan 2037

- 4.2 The Fareham 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 requested a number of modifications to the Plan. The modifications were 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.

H1: Housing Provision
HP1: New Residential Development
HP8: Older Persons' and Specialist Housing Provision
E5: Existing Employment Areas
R1: Retail Hierarchy and Protecting the Vitality and Viability of Centres
CC2: Managing Flood Risk and Sustainable Drainage Systems
NE1: Protection of Nature Conservation, Biodiversity and the Local Ecological Network
NE2: Biodiversity Net Gain
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
HE1: Historic Environment and Heritage Assets
HE2: Conservation Areas

Other Documents:

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

Non-Residential Parking Standards Supplementary Planning Document 2015

5.0 Relevant Planning History

- 5.1 Both Admiral House and Nicholson Gate have long planning histories with various alterations and amendments to the structures over the years. Several proposals were put forward in the 1960s and 1970s for residential development on the Nicholson Gate site, although only the office development in the 1980s was approved. There are no recent relevant applications relating to the current application proposal.

6.0 Representations

- 6.1 Nine letters have been received from the local community, including from The Fareham Society at various stages where amendments had been made to the scheme. Of the nine letters, eight were letters of objection, and one was a letter of support provided the old Yew trees on the site were retained. The letters of objection raised the following matters of concern:

- Admiral House should be considered worthy of retention
- Carbon footprint impact of demolition and reconstruction
- Noise impact during construction
- Building is out of scale and overdevelopment of the site
- Overbearing impact on neighbouring property
- Out of character with the High Street
- Impact on residential amenity
- Inadequate car parking
- Loss of trees
- Loss of light
- Impact on views of Wallington River Valley from High Street/Wickham Road
- Impact of setting of The Old Manor House (Grade 2* Listed Building)

7.0 Consultations

EXTERNAL

Hampshire County Council – Highway Authority

- 7.1 No objection subject to condition (Construction Environmental Management Plan)

Southern Water

- 7.2 No objection. Separate approval is required to build over or diversion of the foul sewer.

Hampshire County Council – Lead Local Flood Authority

- 7.3 No objection, subject to conditions.

Hampshire County Council – County Archaeologist

- 7.4 No objection, subject to conditions.

Natural England

- 7.5 Comments awaited regarding the Council's Appropriate Assessment.

INTERNAL

Urban Designer

- 7.6 No objection. Conditions regarding precise levels and construction design and landscaping should be required.

Conservation Planner

- 7.7 No objection, subject to appropriate materials and detailing on the building being of a high quality.

Ecology

- 7.8 No objection, subject to conditions and informative.

Recycling Co-ordinator and Policy Officer

- 7.9 No objection

Principal Tree Officer

- 7.10 Subject to compliance with the submitted arboricultural method statement and tree report, no objection would be raised.

Environmental Health Officer (Noise and Pollution)

- 7.11 No objection.

Environmental Health Officer (Contaminated Land)

- 7.12 No objection, subject to conditions.

8.0 *Planning Considerations*

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

- a) Principle of the development
- b) Fareham Local Plan 2037 (emerging)
- c) Unmet need for housing for the elderly
- d) Effect on the Conservation Area and heritage assets
- e) Effect on trees
- f) Effect on living conditions

- g) Car parking and highway implications
- h) Existing Employment Areas
- i) Protected species
- j) Impact on Habitat Sites
- k) Other matters
- l) Conclusion

a) Principle of the development

- 8.2 The application site is located within the designated urban settlement area of Fareham and lies within the both the Fareham Town Centre Boundary and Existing Employment Area. The application proposes the replacement of the existing commercial premises on the site with a care home.
- 8.3 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. Policy DSP17 (Existing Employment Sites and Areas) and draft Policy E5 Existing Employment Areas) protects a number of employment sites from redevelopment, and highlights that redevelopment, extensions and intensification in these areas that would result in additional economic development floorspace will be supported. Policy DSP42 (New Housing for Older Persons) also contains additional criteria relating to the detailed proposals that must be satisfied. The requirements of Policy DSP42 are considered later in this report.
- 8.4 Given the location of the site within the designated urban area, the principle of supporting a care home is acceptable, subject to compliance with the other relevant material planning considerations, including its situation within an existing employment area. Detailed consideration of the location of a care home within the town centre and existing employment area is set out further in this report.

b) Fareham Local Plan 2037 (emerging)

- 8.5 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 of the 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).

- 8.6 Emerging Policy HP8 (Older Persons' and Specialist Housing Provision) sets out three criteria for the provision of new older persons' accommodation within the Urban Area boundary:

- 'a) Sufficient parking and services are available to fulfil the needs of residents, visitors and any care and servicing intended to be provided on site; and*
- b) Accommodation is provided in sustainable locations having regard to accessibility, local services, community integration and safety, and to the need for staff and services to access the accommodation; and*
- c) An appropriate provision of amenity space is provided having regard to the needs of the potential users.'*

- 8.7 No modifications to this policy were requested by the Local Plan Inspector and therefore it is considered that considerable weight can be applied to this policy, in addition to Policy DSP42, both considered in more detail later in this report.

c) Unmet Need for Housing for the Elderly

- 8.8 A specialist housing background paper was prepared to support the emerging Fareham Local Plan 2037, which concluded that the overall requirement for specialist housing in the future is uncertain and dependent on location, design and accessibility of mainstream housing as well as local and national policies to provide care in an older persons own home.
- 8.9 This report represents the most up to date assessment of the demand and need for specialist accommodation for older people in Fareham. It separates the different types of specialist accommodation such as sheltered housing, extra care housing, residential care and nursing care provision. The application is for a Care Home, providing those requiring additional care bed spaces and dementia bed spaces, falling within the C2 (Residential Institutions) use class.
- 8.10 The specialist housing background paper concludes that at present there is a shortfall in residential and nursing care accommodation being provided and there is likely to be considerable unmet demand for this type of housing in the future. This unmet need weighs heavily in favour of granting planning permission as a means of boosting the Council's housing supply in this particular specialist area.

d) Effect on the Conservation Area and Heritage Assets

- 8.11 The application site lies within the Fareham High Street Conservation Area, towards its northern end. In accordance with Section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 (as amended) development within Conservation Areas should seek to preserve or enhance its character and appearance. Development which are considered to detract from the character and appearance should not be supported. These requirements are expanded upon in Policy DSP5 (Protecting and Enhancing the Historic Environment), which requires any development within Conservation Areas to have regard to the Conservation Area Character Appraisal and Management Strategy.
- 8.12 There are two existing buildings on the site, Admiral House, a 1930s, extended arts and craft building which is largely screened from the High Street by the numerous trees on the road frontage. Admiral House is used for offices at present and due to the age and is of some architectural merit that does contribute toward the character and appearance of the Conservation Area. The second is Nicholson Gate, a modern 1980s office building located to the rear of site at the lower level, towards the northern part of the Wallington Valley corridor, adjacent to the Lysses Open Space. Nicholson Gate has been vacant for a number of years and is of limited architectural merit. The provision of a modern office building in the Conservation Area, despite its discrete siting fails to preserve or enhance the character and appearance of the Conservation Area.
- 8.13 During the course of the planning application, amendments and further information has been provided to reduce the impact of the proposed building on the High Street, and in particular to preserve an important view of the Wallington Valley as seen from Wickham Road, looking southeast. The Council's Conservation Planner has considered the proposals, and whilst initially raising concerns about the overall scale and appearance of the proposed building, made the following comments on the amended scheme:
- *The building is not set further back from Wallington Hill, which is more appropriate for the very prominent location. As long as it is fully implemented, the proposed landscaping now also gives the site a softer visual edge than was previously proposed.*
 - *The recent 3D imagery and additional landscape plans show how the changes in level and planting help soften the visual impact of the proposal. On balance and taking account of the recently submitted landscape strategy, the proposals are now considered to be acceptable.*

- *Unlike Nicholson Gate which has no architectural merit, although it has suffered from some unfortunate alterations and additions, Admiral House still has some architectural and historic merit and does still make a contribution to the overall character of the Conservation Area. However, the building does not have sufficient quality that it would be considered to be a heritage asset that would prevent its replacement with something that made also makes a positive contribution to the overall character of the Conservation Area.*
- *At the moment there are still attractive vistas both into and out of the Conservation Area and views across the river valley over to Wallington and the landscape beyond. This forms an important visual background to the Conservation Area and adds to its overall character. The changes that have been made to the original proposals mean that the building is now set further back from the roadside lessening its visual impact.*

8.14 Having regard to the above comments, and the changes made to the scale and massing of the structure, particularly along its northern edge and its relationship with Wallington Hill, it is considered that the proposals would make a positive contribution to the Conservation Area, preserving and enhancing its character and appearance. The proposal accords with the policies requirements of DSP5, and emerging Policies HE1 (Historic Environment and Heritage Assets) and HE2 (Conservation Areas).

8.15 The nearest listed buildings are The Old Manor House, a Grade II* listed property on the northern side of Wallington Hill, and the Grade II listed Church of St Peter and St Paul on Osborn Road. These listed buildings and their settings, would be preserved by the development proposal.

e) Effect on Trees

8.16 The site contains three trees specifically subject to individual Tree Preservation Orders (two Ash trees and one Yew tree). The remaining trees on the site are protected by virtue of them being located within the Fareham High Street Conservation Area. The majority of the trees are located to the frontage with High Street, the southern boundary with 44 High Street, and to the eastern side of the site around Nicholson Gate and its car park.

8.17 The site steeply slopes down to the northeast, and the existing property at Admiral House is partially cut into the slope, resulting in a number of the site's frontage trees set at an elevated position to Admiral House. The application has been supported by an Arboricultural Impact Assessment and Tree Protection Plan which sets out how the care home will be situated in respect of these existing trees.

- 8.18 The Council's Principal Tree Officer has reviewed the supporting documents and had regard to the landscape scheme and raised no objection to the implementation of the development. Officers consider that subject to compliance with the Impact Assessment and Tree Protection Plan the existing perimeter trees would be protected during and after the construction of the care home. The proposed development therefore complies with draft Policy NE6 of the emerging Fareham Local Plan 2037.

f) Effect on Living Conditions

- 8.19 Policy DSP3 and emerging Policy D2 seek to ensure that the new development does not result in an unacceptable adverse impact on the living or environmental conditions of neighbouring occupiers, by way of loss of sunlight, daylight, outlook and/or privacy. Due to the corner location of the development site, the only immediate neighbours are located to the south at Altavia House, 44 High Street, a former office building converted to residential apartments in 2014/2015.
- 8.20 The proposed care home will be sited closer to the mutual boundary with Altavia House than the existing building, Admiral House, however, the separation distance remains over 9 metres at its closest point, with the proposal being sited over 6 metres to the boundary. At this point, the only windows proposed on the side elevation of the care home towards Altavia House are at the end of a communal corridor on each floor.
- 8.21 Due to the level of separation, the retention of boundary trees and provision of no habitable room windows on this elevation, it is considered that the proposals would not have an unacceptable adverse impact on the living conditions of occupiers of Altavia House. There are however habitable room windows facing towards Altavia House further into the site. These windows are at the closest to Altavia House over 22 metres away, and also separated by the retained boundary vegetation. Officers therefore consider that no materially unacceptable overlooking or loss of privacy would be created as a result of the proposed building, and therefore Policies DSP3 and D2 are complied with.
- 8.22 Draft Policy HP8 (c) seeks to ensure that adequate amenity space for future residents is provided. The scheme includes communal gardens around the building to the northwest corner and to the south of the building, and terraces from the communal lounges and dining areas. Additional garden areas are located to the east of the parking area and there is a direct footpath access to the Lysses Open Space that wraps around the northern and eastern part of the site. It is therefore considered that there is a suitable level of communal amenity space for the future occupiers, in accordance with draft Policy HP8.

g) Car Parking and Highway Implications

- 8.23 Policy CS5 states that the Council will permit development which does not adversely affect the safety and operation of the strategic and local road network, public transport operations or pedestrian and cycle routes.
- 8.24 The site's existing single access point from Wallington Hill will be used for the care home, with a separate pedestrian access created to the northwest corner of the site directly onto corner of Wallington Hill/High Street.
- 8.25 The layout of the car park and access to Wallington Hill and High Street/Wickham Road has been considered by the Highway Authority (Hampshire County Council), who consider that the site is suitable to accommodate refuse and emergency vehicles, and the level of parking is not likely to result in additional on-street parking pressures. The Highway Authority raise no objection, subject to condition regarding the provision of a Construction Management Plan.
- 8.26 Policy DSP42 (New Housing for Older Persons) states that new accommodation designated specially for older people should *inter alia*:
- (i) offer easy access to community facilities, services and frequent public transport or, where a site is not within easy access to community facilities, services and frequent public transport, on-site services should be provided...,
 - (iii) provide sufficient car parking for visitors and residents.
- 8.27 Draft Policy HP8 (Older Persons' and Specialist Housing Provision) likewise to Policy DSP42 requires such accommodation to be provided in sustainable locations. The site is located within the town centre of Fareham and is therefore located in close proximity to community facilities, services and provision for public transport. In addition, the care home will include an on-site café, visitors lounge, cinema, hair salon and activity room for residents, together with communal lounges and dining rooms. The proposal therefore complies with DSP42 (i).
- 8.28 The proposal includes the provision of 33 car parking spaces (including 2 disabled spaces). Additionally, there is a separate space for an ambulance and a space for delivery vehicles. Car parking provision for Care Homes is set out in the Council's adopted Non-Residential Car Parking Standards. The submitted Transport Statement indicates that the care home will employ 70 staff in part-time and full-time roles. From these 70 members of staff, a maximum of 30 staff are expected to be on site at any one time, with only 7-8

staff likely to be on site overnight. No members of staff would be permanent residents and based on the adopted car parking standards, for a 75-bed care home, 19 spaces for residents and 9 spaces for staff are required.

- 8.29 The provision of 33 spaces on site, in this highly sustainable location is therefore considered acceptable and in excess of the requirement sought by the Parking Standards. The proposal therefore complies with DSP42 (iii).
- 8.30 Five electric vehicle (EV) charging points within the car park will also be provided, and additional infrastructure put in place to provide more to allow for additional future demand.

h) Existing Employment Areas

- 8.31 As stated above, the application site is located within the designated Fareham Town Centre Boundary and an existing Employment Area. The construction of the care home will result in the loss of two existing office buildings with a residential care home. Whilst Nicholson Gate has been vacant for a number of years, Admiral House is still partially occupied as office accommodation.
- 8.32 Policy DSP17 (Existing Employment Sites and Areas) and draft Policy E5 (Existing Employment Areas) highlights that *'changes of use or redevelopment within existing employment areas that would result in the loss of floorspace for economic development uses will not be permitted unless:*
- i. All appropriate alternative forms of economic development have been considered*
 - ii. It can be clearly demonstrated that the land or buildings is not fit for purpose and modernisation or redevelopment for employment uses would be financially unviable; and*
 - iii. The proposal is accompanied by details of marketing of the vacant site/buildings covering a period of not fewer than 12 months'.*
- 8.33 Additionally draft Policy E5 (Existing Employment Areas) similarly states, *'Proposals that will result in the loss of land and/or buildings to uses other than employment within an Existing Employment Area will be permitted where policy requirements are demonstrated together with the following:*
- i. The proposals are not for residential development; and*
 - ii. All appropriate alternative forms of employment uses have been dismissed as unsuitable or unviable; and*
 - iii. It can be clearly demonstrated that the land or building is not fit for purpose and modernisation or redevelopment for employment uses would be unviable; and*

- iv. *The proposals are accompanied by details of marketing of vacant site/buildings covering a period of not fewer than 12 months; and*
- v. *Where proposals are for 'main town centre uses' such as retail or leisure facilities, but excluding offices, a full sequential assessment will be required as part of a planning application'.*

8.34 Both policies highlight employment generating uses as offices, general industrial and storage and distribution uses. Given the location of the site within the Conservation Area, adjacent to existing residential development and due to the topography and access constraints, general industrial and storage and distribution uses on the site would be wholly inappropriate and not capable of being supported.

8.35 The application has been supported by a Marketing Report (prepared by Goadsby, dated May 2022). Nicholson Gate has been vacant for a number of years, with Natwest Bank surrendering its lease in 2017, although they had vacated the building several years prior to this. Half of Admiral House is currently vacant, and has been continuously marketed alongside Nicholson Gate. The combined floor areas of Admiral House and Nicholson Gate equates to 1,209 sqm. The care home results in a floor area of 3,891 sqm. The report concludes that,

'For a number of years prior to the pandemic there was uncertainty in the office sector with the growing trend of office decentralisation and working from home. This was more visible in non-core office locations and have been particularly evident at the subject properties.

The growing trend of decentralisation and working from home was fast tracked by the associated consequences of the pandemic. Enquiry levels have completely disappeared and the continued uncertainty in the market means that the majority of office requirements are on hold for the foreseeable future. Unfortunately this means that we do not know when or if we will receive any further interest'.

8.36 The small extent of the designated Existing Employment Area is limited to the buildings to the immediate north and south of the application site, extending up to the roundabout with Wallington Way. This includes a number of existing buildings that have been lost from offices to residential under permitted development rights, including Fareham Point and Wates House (to the north of the site) and Altavia House (to the south of the site). The application site in itself could also be subject to permitted development rights for conversion to residential.

- 8.37 Whilst the offices would be lost and replaced with a residential use (C2 – Residential Institution) which would be contrary to policies DSP17 and E5, as set out above, the provision of a care home would result in an employment generating use. The applicant anticipates the creation of 70 full-time and part-time jobs for the local area. This coupled with the provision of additional residential accommodation within the heart of Fareham Town which would contribute towards the vitality and viability of the town centre, and given the current lack of demand for offices and unsuitability of the site for other employment generating uses, it is considered by Officers that in this respect, the provision of a care home would be a suitable redevelopment of the site.

i) Protected Species

- 8.38 The application has been supported by a number of ecological reports and a Biodiversity Impact Assessment. A further Bat survey has been provided to consider further potential activity around Admiral House. The Council's Ecologist has reviewed the submitted information and considers that no objection is raised subject to the imposition of conditions and informatives.

j) Impact on Habitat Sites

- 8.39 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.
- 8.40 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.
- 8.41 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).

- 8.42 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.
- 8.43 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.
- 8.44 In respect of Recreational Disturbance, new residential development within 5.6km of The Solent SPAs are considered to require appropriate mitigation to offset the impact on the integrity of The Solent SPAs. 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 proposed care home will provide accommodation for people who require a level of care that means it will be 'highly unlikely' that they will own a car and would not own a dog. Given the proposed tenure and the anticipated capabilities of residents of the proposed care home is not likely to contribute towards an impact on the integrity of The Solent SPAs as a result of increased recreational disturbance in combination with other development in The Solent area. The Council's 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.
- 8.45 In respect of recreational disturbance on the New Forest, firstly the development site lies more than 13.8km away from 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). Secondly, as with The Solent SPA recreational disturbance, the intended users of the care home are unlikely to venture to the New Forest.

- 8.46 Given that the site lies outside this 13.8km ZOI, and the likely limited mobility of future residents, no mitigation is required or would be sought due to the conclusion outlined in paragraph 8.38 above (regarding The Solent SPAs).
- 8.47 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.
- 8.48 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 28.05 kg TN/year. 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.
- 8.49 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 28.05 kg of nitrate mitigation 'credits' from Whitewool Farm, East Meon, Petersfield as evidenced by the submission of the Deed of Allocation of Nitrate Offsetting Scheme. Through the operation of a legal agreement between the landowners (William and James Butler), the tenant (Butler Farms) and Fareham Borough Council dated 3rd November 2021, the purchase of the credits will result in a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from Whitewool Farm has been received by the Council.
- 8.50 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. The difference between the credits and the output will result in no increase in the amount of nitrogen entering The Solent.
- 8.51 Natural England was consulted on the Council's Appropriate Assessment in December 2022 and comments from them are awaited. It is 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).

k) Other Matters

- 8.52 **Flood risk** – The rear part of the site, to the northeast lies within the designated Flood Zone 2. However, this is limited to the location where Nicholson Gate is currently located. This area would solely be used as car parking and as part of the wooded garden area for future residents. As the main residential elements of the building are located outside of the Flood Zones (within Flood Zone 1), residents would not be at risk from flooding of the site. This is clarified in the submitted Flood Risk Assessment (prepared by SLP, dated April 2022).
- 8.53 **Scale of Building** – Third parties have raised concern that the scale of the building is excessive for the site, resulting in overdevelopment. The proposed building, whilst substantial in scale is comparable to other buildings in the local area, including Altavia House to the south and The Old Manor House to the north. A significant level of existing vegetation and space to boundaries is being retained and whilst ground levels on the site are changing to accommodate the building, Officers consider, as set out above, that the building will sit comfortably within the site and its surrounding, and with the loss of Nicholson Gate, not result in overdevelopment of the site.
- 8.54 **Carbon Footprint** – It is common practice where demolition takes place that the existing building materials will be recycled. The replacement modern building will meet strict Building Regulations requirements for renewables and low carbon technologies, and the building will be significantly more energy efficient than the existing building.

l) Conclusion

- 8.55 The proposed care home has been sensitively designed to provide a high quality living environment for future occupiers, whilst responding positively to the historic character and architecture of the local area. The plans have been tailored to address the complex topography of the site and evolved during the course of the application to ensure the building respects the open vistas of the Wallington Valley, the mature trees on the site and the proposed development would respect the amenities of neighbouring occupiers.
- 8.56 Whilst there is an acknowledged conflict with the loss of the site for employment purposes within an existing Employment Area, given the lack of demand for office accommodation as evidenced by the submitted Marketing

Report, coupled with the alternative acceptable employment uses (general industrial and storage and distribution) being inappropriate for this location, and the fact that residential care homes are in themselves employment generating uses, it is considered by Officers that the conflict with policy is acceptable. Notwithstanding this, the proposed development is considered to comply with the requirements of the relevant Local Plan policies (adopted and emerging) and provide a valuable contribution towards the unmet need for older persons accommodation within a town centre location.

9.0 Recommendation

9.1 DELEGATE authority to the Head of Development Management to:

- (a) make any necessary modification, deletion or addition to the proposed conditions; and
- (b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions as drafted to ensure consistency between the two sets of provisions.

Then:

9.2 GRANT PLANNING PERMISSION, subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three years 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 (Drawing: LP01)
 - b) Existing Site Plan (Drawing: PL01 Rev A)
 - c) Proposed Information Plan (Drawing: PL10 Rev A)
 - d) Proposed Site Plan (Drawing: PL20 Rev F)
 - e) Proposed Lower Ground Floor Plan (Drawing: PL21 Rev C)
 - f) Proposed Upper Ground Floor Plan (Drawing: PL22 Rev C)
 - g) Proposed First Floor Plan (Drawing: PL23 Rev C)
 - h) Proposed Second Floor Plan (Drawing: PL24 Rev C)
 - i) Proposed Roof Plan (Drawing: PL25)
 - j) Proposed Elevations – Sheet 1 of 2 (Drawing: PL26 Rev C)
 - k) Proposed Elevations – Sheet 2 of 2 (Drawing: PL27 Rev C)

- l) Proposed Site Sections (Sheet 1 of 4) (Drawing: PL28 Rev C)
- m) Proposed Street Scene Elevation (Drawing: PL29 Rev D)
- n) Proposed Site Sections (Sheet 2 of 4) (Drawing: PL30 Rev A)
- o) Proposed Site Sections (Sheet 3 of 4) (Drawing: PL31 Rev A)
- p) Proposed Site Sections (Sheet 4 of 4) (Drawing: PL32 Rev A)
- q) Proposed Site Sections (Sheet 1 of 7) (Drawing: PL40)
- r) Proposed Site Sections (Sheet 2 of 7) (Drawing: PL41)
- s) Proposed Site Sections (Sheet 3 of 7) (Drawing: PL42)
- t) Proposed Site Sections (Sheet 4 of 7) (Drawing: PL43)
- u) Proposed Site Sections (Sheet 5 of 7) (Drawing: PL44)
- v) Proposed Site Sections (Sheet 6 of 7) (Drawing: PL45)
- w) Proposed Site Sections (Sheet 7 of 7) (Drawing: PL46)
- x) Landscape Masterplan (Drawing: 7911/LMP/3.0A Rev C)
- y) Topographical Survey (Sheet 1 of 2) (Drawing: 31490YOLS-01)
- z) 11.2m Large Refuse Vehicle Tracking Diagram (Drawing by PEP)
- aa) 4.7m Estate Car Vehicle Tracking Diagram Drawing by PEP)
- bb) Existing Visibility at Wallington Hill/Wickham Road Junction (Drawing: 3435.04)

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

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

REASON: To secure the satisfactory appearance of the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, the development hereby approved shall only be used as a Care Home for purposes within Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification, and for no other use.

REASON: To protect the occupiers of the nearby residential properties from possible disturbance from permitted uses other than that specifically granted through this permission.

5. 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.

6. None of the development hereby approved shall be occupied until details of the proposed bin and cycle storage areas [including bin collection points if necessary] 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 and cycle storage or collection at all times.

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

7. None of the development hereby permitted shall be occupied, or by such time as shall be agreed in writing with the Local Planning Authority, until the car parking spaces marked on the approved plan, and sufficient to serve that part of the overall development completed at that time, have been provided on site and these spaces shall be subsequently retained at all times.

REASON: To prevent on-street parking problems in the future and for highway safety.

8. No development shall commence until details of the width, alignment, gradient and type of construction proposed for the access road and footways, including all relevant horizontal and longitudinal cross sections showing the existing and proposed ground levels, together with details of street lighting (where appropriate), the method of disposing of surface water, and details of a programme for the making up of roads and footways, have been submitted to and approved by the Local Planning Authority in writing. The development shall be subsequently carried out in accordance with the approved details.

REASON: To ensure that the roads are constructed to a satisfactory standard. 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.

9. No development shall take place beyond damp proof course (dpc) level until details of how and where Five Electric Vehicle (EV) charging points will be provided. The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation.

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.

10. Notwithstanding the details set out on the Landscape Masterplan (Drawing: 7911/LMP/3.0A Rev C) 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

11. The landscaping scheme, submitted under Condition 10, 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.

12. The development hereby approved shall be undertaken in accordance with the mitigation recommendations and conclusions of the submitted Noise Impact Assessment (prepared by SLR, (ref: 425.064531.00001 Version No.1) dated August 2022). Once implemented, the mitigation measures shall be retained for the lifetime of the development.

REASON: In the interests of the living conditions of future occupiers.

13. A detailed scheme of Biodiversity Enhancements to be incorporated into the development shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The measures shall be related to creation of new habitats and incorporating wildlife features such as bat and bird boxes. Development shall subsequently proceed in accordance with any such approved details. REASON: To enhance biodiversity in accordance with the NPPF. The details secured by this condition are considered essential to be provided prior to the commencement of the development on the site so that appropriate measures are in place to ensure a net gain in biodiversity.
14. No development shall commence until the measures of tree and hedgerow protection as set out in the Arboricultural Report (prepared by Andrew Day Arboricultural Consultancy, dated 11 May 2022), and the submitted Tree Protection Plan (Drawing dated 11 May 2022) as 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.
15. No development hereby permitted shall commence until a surface water drainage strategy, based on the principles within the Surface and Foul Water Drainage Strategy 402.12077.00001 Version No. 1 (SLR, April 2022), has been submitted to and approved by the Local Planning Authority in writing. The strategy shall include the following elements:
- a) A technical summary highlighting any changes to the design from that within the approved Drainage Strategy
 - b) Infiltration test results undertaken in accordance with BRE365 and providing a representative assessment of those locations where infiltration features are proposed (if infiltration features are proposed)
 - c) Detailed drainage plans to include type, layout and dimensions of drainage features including reference to link to the drainage calculations.
 - d) Detailed drainage calculations to demonstrate existing runoff rates are not exceeded and there is sufficient attenuation for storm events up to and including 1:100 + climate change.
 - e) Evidence that urban creep has been included within the calculations.
 - f) Confirmation that sufficient water quality measures have been included to satisfy the methodology in the Ciria SuDS Manual C753.

- g) Exceedance plans demonstrating the flow paths and areas of ponding in the event of blockages or storms exceeding design criteria.

The development shall be carried out in accordance with the approved details unless otherwise agreed with the Local Planning Authority in writing.

REASON: In order to ensure satisfactory disposal of surface 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.

16. An intrusive site investigation and risk assessments should be carried out following the demolition of the existing buildings. The assessment should include the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use shall be submitted to and approved by the LPA in writing.

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

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

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

17. No demolition or development shall commence until a written scheme of archaeological investigation has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. Following completion of archaeological fieldwork, a report will be produced in accordance with an approved programme submitted by the developer and approved in writing by the Local Planning Authority setting out and securing appropriate post-excavation assessment, specialist analysis and reports, publication and public engagement

REASON: In order to ensure that the site, which is located in an area where there is potential for archaeological discovery, is adequately investigated prior to development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

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

REASON: To safeguard the character and appearance of the area and to assess the impact on nearby residential properties. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

19. The recommendations contained within the submitted Travel Plan (prepared by Peter Evans Partnership, dated March 2022) shall be implemented in accordance with the identified timescales set out in the Action Plan and shall be adhered to thereafter in perpetuity unless otherwise agreed in writing with the Local Planning Authority.

REASON: To encourage sustainable means of transport.

20. No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 19 December 2022 between (1) William Northcroft Butler and James Nicholas Butler, (2) H N Butler Farms Ltd and (3) Palace Capital (Signal) Ltd.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on Habitat Sites.

21. None of the building 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

22. No development shall commence on site until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved CEMP (unless otherwise agreed in writing by the local planning authority) which shall include (but shall not necessarily be limited to):

- a) Details of how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) The measures the developer will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) Arrangements for the routing of lorries and details for construction traffic access to the site;
- d) The arrangements for deliveries associated with all construction works, loading/ unloading of plant & materials and restoration of any damage to the highway;
- e) The measures for cleaning the wheels and underside of all vehicles leaving the site;
- f) A scheme for the suppression of any dust arising during construction or clearance works;
- g) The measures for cleaning Wallington Hill, High Street and Wickham Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- h) A programme and phasing of the demolition and construction work, including roads, footpaths, landscaping and open space;
- i) Location of temporary site buildings, compounds, construction material, and plant storage areas used during demolition and construction;
- j) Measures to control vibration in accordance with BS5228:2009 which prevent vibration above 0.3mms⁻¹ at the boundary of the SPA;
- k) Provision for storage, collection, and disposal of rubbish from the development during construction period;

l) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;

m) Temporary lighting;

n) Protection of pedestrian routes during construction;

o) No burning on-site;

p) Scheme of work detailing the extent and type of piling proposed;

q) A construction-phase drainage system which ensure all surface water passes through three stages of filtration to prevent pollutants from leaving the site;

r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

REASON: In the interests of highway safety; To ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period; In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

23. 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.

Informatives:

Bats and their roosts receive strict legal protection under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species (Amendment) (EU Exit) Regulations 2019. All work must stop immediately if bats, or evidence of bat presence (e.g. droppings, bat carcasses or insect remains), are encountered at any point during this development. Should this occur, further advice should be sought from Natural England and/or a professional licenced ecologist.

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



Admiral House & Nicholson Gate
High Street, Fareham
Scale 1:1,250



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