

FAREHAM

BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2015

Planning Decision Notice

Planning Application Reference: P/18/0066/CU

Decision Date: 12th October 2018

Fareham Borough Council, as the local planning authority, hereby **PERMIT** the **Change of use of land from equestrian/paddock to community park following demolition of existing buildings at LAND TO THE SOUTH OF FUNTLEY ROAD, FUNTLEY, FAREHAM as proposed by application P/18/0066/CU** 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.

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

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

a) Location plan - drawing no. D2546 L.510 Revision D - received 21st May 2018

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

- 3) No development hereby permitted shall take place until a Biodiversity Mitigation, Enhancement and Management Plan has been submitted to and approved by the local planning authority in writing. The submitted plan shall be devised fully in accordance with the outline ecological mitigation and enhancements measures contained within the approved "Ecological Assessment - May 2018 - Ecology Solutions". The submitted plan shall include the following:

- a) A Reptile and Dormouse Mitigation Strategy;
- b) A Japanese Knotweed Eradication Scheme;
- c) A Badger Protection Strategy;
- d) Details of the timing of clearance works;
- e) A detailed scheme of biodiversity enhancements;
- f) Details of a soft landscaping scheme including provisions for buffer planting associated with the adjacent areas of ancient woodland;
- g) Details of darkened corridors for foraging/commuting bats;
- h) A Landscape/Ecology Management Plan including details of the maintenance of mitigation and enhancement measures.

The development shall be carried out fully in accordance with the approved Biodiversity Mitigation, Enhancement and Management Plan unless otherwise agreed in writing by the local planning authority.

REASON: To provide ecological compensation, management and enhancements.

- 4) No development hereby permitted shall commence until a parking provision and vehicular access plan has been submitted to and approved by the local planning authority in writing. The plan shall include details of how parking space shall be provided either on or off the application site to meet the anticipated demands of visiting members of the public. The plan shall also include details of the means of vehicular access from the existing highway access on to Funtley Road and the application site. Before the park is first brought into use for the purpose hereby authorised, the approved vehicular access shall be provided and the approved parking provision shall be made available for the purposes of providing parking space to members of the public visiting the park and that parking provision shall thereafter be retained at all times.

REASON: To ensure the provision of adequate parking space for visiting members of the public.

- 5) No development hereby permitted shall commence until an intrusive site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority (LPA). The intrusive site investigation and risk assessment shall include assessment of 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, it shall include a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use.

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, an independent competent person shall confirm in writing that the works have been completed in full and in accordance with the approved scheme. Such confirmation shall include photographic evidence and, if considered necessary by the local planning authority, as built drawings of the development.

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

Notes to Accompany Planning Decision Notice

Planning Application Ref: P/18/0066/CU

Decision Date: 12th October 2018

General Notes for Your Information:

- The approved documents can be obtained by viewing the submitted application online at www.fareham.gov.uk/planning
- The Council worked positively and proactively with the applicant and their agent to address any issues which came up during the course of the application being considered. A report has been published on the Council's website to explain how a decision was made on this proposal.
- Please contact the officer who handled this application Richard Wright on 01329 824758 or at rwright@fareham.gov.uk if:
 - You would like clarification about this notice
 - You would like to make changes to your permission
 - You are unhappy with this decision or the way it has been reached

Right of appeal:

- The person who made this application has the right to appeal to the Secretary of State against the imposition of any of the conditions this permission is subject to.
- The Secretary of State may decide he will not consider an appeal if it seems to him that, due to statutory requirements, the local planning authority could not have granted permission without the conditions being imposed.
- Appeals must be made within 6 months of the date of this decision notice (so by 12th April 2019).
- The Secretary of State can allow a longer period for giving notice of an appeal, but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.
- Appeals are handled by the Planning Inspectorate on behalf of the Secretary of State. Appeals must be made using a form which you can get from:
 - Initial Appeals, The Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN;
 - Or submit online at The Planning Inspectorate website at
 - www.gov.uk/planning-inspectorate

- There is no third party right of appeal for neighbours or objectors.

Purchase Notices:

- If either the local planning authority or the Secretary of State refuses permission to develop land or grants it subject to conditions, the owner may claim that the owner can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.
- In these circumstances, the owner may serve a purchase notice on the Council. This notice will require the Council to purchase the owner's interest in the land.

What to do next:

- Please take note of the conditions this permission is subject to. If these conditions are not met, for example if works are not carried out in accordance with the approved documents, the Council has the ability to take enforcement action where necessary.
- This permission relates to town planning. It does not grant other forms of consent which you may need.