

**TOWN AND COUNTRY PLANNING ACT 1990
SECTION 174 APPEALS**

APPEAL by Mr K Fraser against the decision of Fareham Borough Council to issue an enforcement notice alleging, without planning permission, for

- 1) a material change of use of the land to a theatre use has occurred within the last ten years.
- 2) an engineering operation to excavate and create an underground area beneath the Land

At 71-73 St Margarets Lane, Titchfield PO14 4BG



**PROOF OF EVIDENCE OF
IAN MICHAEL DONOHUE BA MRTPI**

Planning Inspectorate References: APP/A1720/C/23/3336046

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I.0 QUALIFICATIONS AND EXPERIENCE

- I.1 I am Ian Michael Donohue. I hold a Bachelor of Arts Degree in Town and Country Planning from Trent Polytechnic. I am a Member of the Royal Town Planning Institute.
- I.2 I worked in local authority development control departments from 1976 to 1980 and again from 1988 to 2007. I have been in private practice since. I am a consultant with Southern Planning Practice Ltd, which is an independent town planning consultancy. My work covers the full range of town and country planning, for public and private sectors.
- I.3 Southern Planning Practice is retained by the Appellant Mr Kevin Fraser.
- I.4 I am familiar with the appeal site having visited on a number of occasions.
- I.5 The evidence which I have prepared and provide for these appeals in this, my proof of evidence, is true and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

2.0 SCOPE OF MY EVIDENCE

- 2.1 In my Proof I deal with the appeal in so far as the planning policy and development management issues including the enforcement notice.
- 2.2 Reuben Peckham of 24 Acoustics is a noise consultant will be giving evidence in respect of noise issues.
- 2.3 Tom Fisher of Paul Basham Associates will be giving evidence in respect of highway issues.
- 2.4 A Statement of Common Ground (SoCG) is in the process of being agreed with Fareham Borough Council.

3.0 INTRODUCTION

- 3.1 This proof should be read in conjunction with the Statement of case previously submitted by the appellant. For ease of reference previously submitted relevant appendix have been re-submitted with this proof of evidence. Previous appendices are marked **SC** and re-numbered any new appendices are marked **PofE**.
- 3.2 Titchfield Festival Theatre (TFT) is a well-respected community theatre company that has grown in combination with the historic strong association of the Titchfield area with William Shakespeare. He is believed to have lived in the village and taught at a former local grammar school with the assistance of his patron the Earl of Southampton.
- 3.3 The operation of TFT provides a positive indirect contribution to the local Titchfield economy. This view is supported by a local landlord who says that takings do increase on show weeks, probably by as much as 10 to 15%. It is understood that a local landlord will speak at the hearing.
- 3.4 Bearing the above in mind, it becomes apparent that for TFT to be situated anywhere else other than Titchfield defeats the company's objects. Shakespeare is now so closely associated with Titchfield that the Festival Theatre is becoming almost part of everyday life much the same as the Festival Theatre at Stratford was in the early beginnings before it became the Royal Shakespeare Company.
- 3.5 Historically, TFT started performances in Titchfield Abbey, and then occupied various sites in Titchfield (Parish Rooms, Great Barn, The Recreation Ground, Queens Head plus the Thatched Barn in Brook Lane Warsash) until taking over the lease of 73 St Margaret's Lane in 2010 (units A and B) from Welbro who at the time operated from 71 St Margarets Lane. The planning history to the Site is set out at section 5 below.
- 3.6 In 2021, TFT purchased the whole site from Welbro who had been using No 71 lawfully as a warehouse. At that time 71 St Margaret's Lane was separated from 73 St Margaret's Lane

by a 1.5m gap. In 2022 planning permission (P/22/0255/FP) see **appendix I PofE** was granted to connect 71 and 73 together with alterations to the roof.

4.0 DESCRIPTION OF THE SITE AND SURROUNDING AREA

- 4.1 The building is located within an area defined as countryside and the Meon Strategic Gap by the adopted Fareham Borough Core Strategy. The site is bound by a building to the east, by fields to the north and south and by St Margarets Lane to the west. See **appendix 2 SC**.
- 4.2 St Margaret's Lane is a semi-rural lane with a mix of residential, commercial and agricultural uses in the vicinity.
- 4.3 St Margarets Lane links Southampton Road to the western part of Titchfield village.
- 4.4 Immediately to the north of the site is a large field owned by Hampshire County Council and beyond that the industrial areas of Kites Croft and Segensworth. To the south and east of the industrial areas is the Holiday Inn. Opposite the Holiday Inn is a large car park.
- 4.5 The area is mixed use in character with commercial uses including a garden nursery, furniture workshop and builders' yard in the locality and residential development to the south and to the west, across St Margarets Lane.
- 4.6 The land on which the Site is located slopes from East to West with the front of the site approximately 2 mts. higher than the rear.

5.0 **PLANNING HISTORY**

5.1 The formal planning history of the TFT Site is summarised below. For the parts of the building described as units or areas A, B and C. See plan at **Appendix 3 SC**.

- P/12/0050/CU – Retrospective application for continued use of Area A for D2 and theatre purposes and Area B for B8 or B1. Temporary permission granted – Appeal lodged against temporary permission and allowed with restrictive conditions 20 February 2013 (Areas A & B) **Appendix 4 SC**. It is important to consider the appeal decision because it has potential implications for the use of unit B.
- The building was originally a factory (making cash machines). The use could have been either B1 or B2
- The building was bought by TFT and Unit A was used as a theatre. The officers report on granting temporary permission stated See SC **Appendix 5 SC**: -

Unit A has been used for approximately 17 months for the purpose applied for. Just over half of the unit would be used as a theatre, comprising 648 sq.m of stage, stalls (210 seats) and other facilities at ground floor level and 159 sq.m of ancillary accommodation at first floor level. The remaining 649 sq.m (Unit B) would be retained as B1/B8 (office/light industrial/storage). Access to 30 no. off street parking spaces is provided directly off St Margarets Lane. Two overflow parking areas are indicated at the Holiday Inn and Kites Croft Business Park.

- The condition (no. 8) with regard to the use stated: -

The use of Unit B, identified on the OS Sitemap received by the Local Planning Authority on 23rd January 2012 shall only be used for purposes defined as falling within Classes B1 or B8 of the Town and Country Planning Use Classes Order 1987 (as amended). The use for such purposes shall be limited to between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 on Saturday and not at all on Sundays and Bank Holidays.

- Note it is B1 or B8 not either or.
- TFT appealed the time limit condition. The inspector in allowing the appeal states in the introduction to the appeal that (See **Appendix 4 SC**): -

The development permitted is the use of unit A for D2 and theatre purposes and unit B for storage use. The condition in dispute is No 1 which states that: The use hereby permitted shall cease on or before the 2 May 2013, unless a further planning permission has been granted before the expiry of such period.

- In the reasons the inspector stated: -

The rear part of the building (Unit B) is used for warehousing.

- This goes counter to the evidence of Kevin Fraser (see **Appendix 6 SofE**) where he has stated that ‘*The other side of the curtain (Area B) held, rehearsal space, scenic build area and wardrobe and furniture area*’.
- And the decision states: -

The appeal is allowed and the planning permission Ref P/12/0050/CU for the use of unit A for D2 and theatre purposes and unit B for storage use at 73 St Margarets Lane, Fareham, Hampshire, PO14 4BG granted on 2 May 2012 by Fareham Borough Council, is varied by deleting condition No 1.

- There is no mention of B1 in the decision. In my view this is an error as the only condition being appealed was condition 1, the time limit. Therefore, all other conditions should be carried forward. This includes condition 8 which specifies the use as B1 or B8. This is important because there is a theoretical fallback to unit B1 (now E1) which can be a town centre use.
- P/17/1024/FP – Mansard roof and alterations to front elevation. Approved 26 September 2017 (Area A)
- P/18/1336/FP - Mansard roof, alterations to elevations and external fire escape (alternative to P/17/1024/FP). Approved 7 January 2019 (Area A)
- P/19/0510/FP - Rear, side & roof extensions, change of use of storage area to 567 seated theatre and industrial unit to ancillary backstage & changing rooms – Refused 21 August 2019 (Areas A, B & C)

- P/19/1035/CU - Change of use of Unit B to a mixed use of storage and theatre rehearsal space, with ground floor workshop (sui generis use). Extended hours of use. Refused 5 March 2020 (Area B) **Appendix 7 SC**
- P/22/0255/FP - Extensions to warehouse building and raising of the existing roof to provide additional and improved accommodation. Approved 17 March 2022 (Area C)
- P/22/0255/MA/A - Non-Material Amendment to approved application (Area C)
- P/22/1338/VC - Variation of Condition 2 (list of approved drawings) of approved application P/22/0255/FP- Extensions to warehouse building and raising of the existing roof to provide additional and improved accommodation. Approved 10 October 2022 (Area C)
- P/23/0249/VC - Variation of Condition 1 (Approved Plans) of P/22/1338/VC to increase roof height. Approved 28th March 2023 (Area C)
- P/23/0538/FP - Extension to existing loading bay to provide additional theatre storage - Under Consideration (Area B)

5.2 Details of the enforcement history and of the requirement of the enforcement notice are contained within the Appellants Statement of case.

Use of Area C

5.3 Area C (also known as 71 St Margaret's Lane or 'Welbro') has permission for the erection of a building to provide workshop and storage accommodation, which was permitted in 1963 (FBC.3312/1). Area C was most recently used as a warehouse by a company called Welbro. Up until recently this unit was separated from number 73 by a 1.5 metre gap.

5.4 TFT purchased the Welbro site in 2021 and in 2022 planning permission was granted in 2022 to connect Area B to Area C (P/22/0255/FP) together with alterations to the roof. See **appendix I PofE**.

- 5.5 Planning application P/22/0255/FP has been implemented and units B and C have been connected externally. Internally the western external wall of Area C and the eastern external wall of Area B have been removed and Area B has been extended to connect with Area C. This has created one large building on the site (Units A, B and C). The warehouse use previously carried out in Area C has ceased and ‘Welbro’ have vacated the site. See plans at **Appendix 8 SC**
- 5.6 The site of Areas A, B & C now comprise one building. There are the two pre-existing theatres, the Oak Theatre with a capacity of 188 seats and the Acorn Theatre with a capacity of 96 seats within Area A, which as permitted under the 2012 appeal (**Appendix 4 SC**). Area B has at all material times since 2012 been in use for scenery storage for plays in the Acorn and Oak theatre, performance rehearsals and for performances in the Oberon (a large studio space with seating for 66 people) together with other storage and community uses.
- 5.7 The limited extension of Area B into Area C has facilitated the creation of a third theatre “the Arden Theatre”. Together with a basement area (used as an orchestra pit). The number of seats in the new theatre is 463 with ‘backstage’ facilities provided in Area C. The main access to the Theatre is via an existing doorway on the eastern side of the building, however there is also internal access from units A/B.
- 5.8 The remainder of Unit C is used for ancillary purposes related to the theatre including rehearsal space and changing rooms together with limited external storage and community use.
- 5.9 There are minor external changes to the building for example re-alignment of windows however these have not been identified within the enforcement notice.

6.0 PLANNING POLICY CONTEXT

6.1 National Legislation/Policy/Guidance

- Town and Country Planning Act 1990
- National Planning Policy Framework (NPPF) See **Appendix 9 SC**
- Planning Practice Guidance (PPG)

6.2 Fareham Local Plan 2037 (see **Appendix 10 SC for policies)**

- DS1 - Development in the Countryside
- DS2 - Development in the Strategic Gaps
- DS3 – Landscape
- R2 – Out-of-Town Proposals for Town Centre Uses
- R4 – Community and Leisure Facilities
- TIN1 – Sustainable Transport
- TIN2 – Highway Safety and Road Network
- D1 - High Quality Design and Placemaking
- D2 - Ensuring Good Environmental Conditions

6.3 Supplementary Planning Documents

- Fareham Borough Council Non-Residential Parking Standards SPD

7.0

“that, in respect of any breach of planning control which may be constituted by the matters stated in the notice, planning permission ought to be granted or, as the case may be, the condition or limitation concerned ought to be discharged”.

7.1 In considering whether planning permission ought to be granted for the deemed planning application, the main issues are:

- whether the site is a suitable location for the use, having regard to its accessibility by sustainable modes of transport,
- the effect of the development on the vitality or viability of the Borough’s centres or parades,
- the effect of the development on the living conditions of neighbouring occupiers with regard to noise and disturbance, and
- whether the development makes adequate provision for parking provision in terms of highway safety.
- Whether the site is a suitable location for the use, having regard to its accessibility by sustainable modes of transport.
- having regard to the fallback

7.2 Accessibility and sustainability issues are covered in the proof of evidence prepared by Tom Fisher from Paul Basham Associates.

7.3 Noise and disturbance are covered in the proof of evidence prepared by Reuben Peckham of 24 Acoustics.

7.4 It is not disputed that the site is located outside of the urban settlement boundary as recognised within the Fareham Local Plan 2037, therefore, it is important to have regard to policy DSI: Development in the Countryside of the Council’s Local Plan. Policy DSI states:

-

Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:

Note only the relevant caveats of the policy have been detailed below: -

b) Is for development associated with an existing lawful dwelling, or is proposed on previously developed land and appropriate for the proposed use, or

c) Is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere; or

i) Can demonstrate a requirement for a location outside of the urban area'

7.5 Consideration has been given to the three caveats identified above: -

b) of the policy which relates to previously developed land. The development relates to internal work within existing buildings. As such it is considered that the development has taken place on previously developed land. Policy DSI aims to resist encroachment of development into non-urban unsustainable areas. However, there is already a theatre in this location.

c) the theatre could be considered a community and leisure facility policy DSI states development for community and leisure facilities, or tourism will be supported where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere. Below is a list of existing Theatres in the Solent Area: -

- Berry Theatre - West End,
- The Point -Eastleigh,
- Kings Theatre - Portsmouth,

- New Theatre Royal - Portsmouth,
- Groundlings Theatre - Portsmouth,
- The Guildhall - Portsmouth.
- Guildhall- Southampton,
- Turner Sims- Southampton,
- Mayflower - Southampton,
- The Maskers- Southampton.
- MAST -Southampton,
- Plaza - Romsey,
- The Station-Hayling Island, The Spring- Havant

In Fareham (other than the application site)

- Ashcroft Centre (which FBC will no longer support and is due to close)
- Fareham Live – No opening date other than 2024
- The Great Barn -The company already operate from Titchfield providing Shakespeare plays.

In Gosport

- None

A map showing the broad location of the **nearby** Theatres is shown at **Appendix II SC**. It should be noted that the nearest Theatre to the West is the Berry Theatre at West End and to the East (of Fareham), in Portsmouth. It is evident that there is a cultural hole within the centre of the map where there is a dearth of Theatres.

In addition to this under the new local plan there are approximately 1000 new houses proposed within the Western Wards (Area from Meon Valley to the western edge of Fareham Borough). To the north in Whiteley a further 3000 new houses are proposed (Winchester Local Plan) and at a later stage Welbourne (approx. 6000 houses) (to the north

of Fareham) will start to be developed. See local plan policy - **Appendix 12 SC**. The local plan does not propose any additional theatres.

It is argued therefore that there is a need for an additional Theatre as such the development would comply with part c) of policy DSI of the Local Plan.

l) An assessment of alternative options is considered under the sequential test.

Also, as part of policy DSI, proposals will need to demonstrate that they: -

- j) *Protect and enhance landscapes, sites of biodiversity or geological value and soils, and recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and*
- k) *Maintain the character of the undeveloped coast, and*
- l) *Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality’.*
- m) *Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality.*

As the proposal does not extend the building beyond the existing footprint, there is not conflict with criteria j) – m)

The effect of the development on the vitality or viability of the Borough’s centres or parades,

7.6 Theatres are recognised in the Fareham Local Plan (hereinafter referred to as the local plan) and the National Planning Policy Framework 2023 as a main town centre use. Therefore, policy R2 of the Local Plan which relates to Out-of-Town Proposals for Town Centre Uses is relevant. Policy R2 states: -

*‘Proposals for main town centres uses outside of the Borough’s centres or parades will be permitted where they can demonstrate there is no **significant** harm, to the centres and parades where:*

- a) *the proposal meets a demonstrable need for the use in the proposed location, a full sequential test has been carried out demonstrating that there are no sites in the centres or parades that are available, suitable or viable; and*
- b) *appropriate levels of parking are provided; and*
- c) *the site is located inside the defined urban area and is accessible, particularly by public transport; and*
- d) *the scale and design of the buildings are appropriate to their surroundings in line with Policy D1; and*
- e) *the proposal would not have any unacceptable environment, amenity;*
- f) *or traffic implications in line with Policy D2.*

Where a proposal for main town centre uses over 500 m² (gross), or an extension which increases overall floorspace beyond 500 m² (gross) is proposed outside of the defined retail centres, an impact assessment shall be carried out in accordance with the NPPF in order to demonstrate that there is no significant adverse effect on the vitality or viability of existing or proposed retail centres and parades’.

- 7.7 In relation to the sequential test, it should be noted the appellant has contacted the council to discuss whether there is a need for the sequential test or for the parameters in undertaking one, however there has been no response at the time of writing this report. (See **appendix 13 PofE**)
- 7.8 The inspectors’ attention is drawn to paragraph 93 of the NPPF which states: *This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.* There is no definition in the JLP, PPG or the Framework of ‘small scale rural development’.
- 7.9 It is argued that the development at St Margarets Lane is **small scale** for the following reasons: -

- Two theatres already exist on site which could be used together and would cater for 284 people (Acorn 96, Oak 188). The new theatre if operated at full capacity would cater for 463 people. If the other theatres do not operate on the same day, then the increase is only 179 people. This is not considered significant.
- Existing and proposed parking could accommodate the additional theatre.
- There are no external alterations to the building.
- With regard to unsustainability the site is already a destination in a rural area, which is generally less accessible and where travel by car would be the primary means of travel.
- It should be noted that policy R2 (**Appendix 10 SC**) of the local plan does not refer to paragraph 93 of the NPPF nor is there a definition of small scale in relation to policy R2. If it is the council's contention that the threshold of 500 sq. mts. refers to small scale, then I draw the inspector attention to paragraph 11.7 of the Fareham Retail and Commercial Leisure Study Update Report 2020 (**Appendix 28 SC**). It is clear that the reason for reducing the threshold to 500 sq. mts. was for the retail impact on the shopping centres not for leisure uses. The supporting paragraphs to policy R2 only refer to retail not leisure. **Appendices 10 SC and 14 SC**

On this basis it is argued that the development is small scale and therefore sequential test is not required.

7.10 If it is considered that the site is not small scale, then it is important to have regard to the following: -

- 1) On the planning permission for the theatre in 2013, I draw the inspector's attention to the comments by both planning officers and policy officers where it was stated that the sequential test was required for Titchfield only. In granting the permission the sequential test was considered at the time under CS3 (see **appendix 23 PofE**) of the previous local plan and the now withdrawn PPS4. The case officers report (**Appendix 5 SC**): -

The proposed use is a town centre use, as defined in PPS4 and should ideally be located in one of the Borough's centres, unless it can be demonstrated why other similar venues in town and local/district centres are inappropriate. In light of this, a sequential test has been undertaken by the applicant, which looks at alternative sites across the Borough. Whilst the list is not exhaustive, it is considered appropriate that the Titchfield Festival Theatre look for units primarily in Titchfield and the surrounding area. The test considers other venues such as Ferneham Hall, the Ashcroft Centre, community centres, church halls and other industrial buildings. These venues are discounted on the basis of one or more of the following issues; their limited availability, cost, limited space, inadequate facilities and inappropriate location. It has been established that there is little in the way of usable units of the size required within the vicinity of Titchfield and therefore, re-use of this unit would appear to be one of the few options available to the applicant. The former warehouse offers adequate space for performance and ancillary facilities. The location of the use outside existing centres, while not considered the most sustainable of locations, is considered the best practicable solution available to the applicant, given the significant lack of viable or available alternatives. In light of the above, the proposal would not adversely impact upon the vitality or viability of existing centres, in accordance with Policy CS3 of the Core Strategy.

Although it is 12 years since the permission the situation has not changed. TFT are still very much a local community theatre. In addition, the offices which manage the theatre production are already on site, together with storage and rehearsal rooms. TFT want to keep all facilities in one place. The applicants sequential test from 2012 has been included. **Appendix 15 SC.**

- 2) I also draw the inspector's attention to a planning application in 2012 at Locks Heath Free Church for a 500 seat auditorium was considered by planning officers not to require a sequential test. See **Appendix 16 SC** for decision notice and officers report. The site is not in an established centre or parade. Notwithstanding this the officers stated that a sequential test was not required for the following reasons: -

The scale of the auditorium has been called into question by objectors to the scheme and it is suggested that the building will compete with Town Centre facilities such as Ferneham Hall, such that the proposal should be subject to a 'sequential test' to justify its provision and location. Officers do not agree with this view. First the primary function of the auditorium is to provide for increasing congregation size. Whilst there are those who raise issue with how 'local' the Church is, nonetheless it is evident that the majority of attendees are from the western wards area. Some travel from Whiteley and from Fareham but the majority are what might reasonably be considered as 'local'. The area continues to be subject to further residential growth and there is no reason to believe that the enlarged capability of the building will not be ultimately used by those mainly from the surrounding wards so that the primary function of the building is to serve those people and not to 'compete' with similar facilities elsewhere.

Although the application was refused a subsequent resubmitted application was permitted on the basis that the applicant states that *no commercial organisations will be hiring the worship area for non-church activities*. However, the authority did not place a restrictive condition on the use (see decision notice at **Appendix I7**). As such the churches web site (now known as Waypoint Church) are advertising the use of the auditorium for commercial use.

- 3) In also considering the sequential test, the inspectors' attention is drawn to two appeal decisions relating to the sequential test and also that the NPPF does not require consideration of the disaggregation of sites.

Tesco Stores Ltd v. Dundee City Council (see **Appendix I8**)

In considering the sequential approach regard must be had to the Supreme Court decision in *Tesco Stores Ltd v. Dundee City Council* [2012] UKSC13, which is a material consideration in its application. This case considers the meaning of 'suitable' whereby the judgement held that 'suitable' relates directly to the development proposed by the applicant, subject to a reasonable level of flexibility and realism being shown by the developers. LPAs should not require development to be altered or

reduced so that it can be made to fit an alternative site, as to do so may be to make an inappropriate business decision on behalf of the developer. The Dundee judgment is important in that it considers the focus of the local planning guidance relevant to that proposed development. It notes the focus: "...is upon the availability of sites which might accommodate the proposed development and the requirements of the developer..." (paragraph 27).

Rushden Lakes– appeal ref APP/G2815/V/12/2190175 (see **appendix 19**)

This is a Secretary of State decision published June 2014 following a Call-In Inquiry principally held July 2013. It was concerned with proposals for new retail and leisure units and ancillary A3 and hotel in an out-of-centre location.

Whilst much of the debate focused upon the proper interpretation of its catchment (and the extent to which this complied with or indeed prejudiced the spatial planning objectives of relevant LPAs), the other key matters were focused upon the Council's contention that the proposal should be disaggregated and could therefore be easily located upon a more central site, and that there was potential that the proposal could impact upon planned investment.

The decision clarifies that the NPPF requires developers to identify the purpose of their proposal and to demonstrate reasonable flexibility in terms of format and scale. This plainly excludes reference to the disaggregation of such proposals and also confirms that the test is to ascertain whether the proposed development can be had on a more central site as opposed to a scheme so considerably amended that it would fail to meet the real-world requirements of the applicant.

In terms of the assessment of what is suitable, it advises: "In similar vein, there is nothing in the sequential test as set out in NPPF that states that the concept of "suitable" sites means suitable in terms of the scale of the nearest centre to the site in question and/or

its place in the “hierarchy” of centres. The sequential test relates entirely to the application proposal and whether it can be accommodated e.g. on a town centre site.

The key point is that sites must be available now and disaggregation of uses is not required. Therefore is it reasonable for the appellant to have to consider moving the Arden Theatre to another site when the Theatres and the rehearsal rooms are interdependent.

- 7.11 Paragraph 7.23 of the local plan states that - *The Council will be pragmatic as to the level of evidence required in support of such proposals as this should be proportionate to the nature of the proposal under consideration. As of the date of this statement the council have not indicated the level of evidence required or even if a sequential test is required.*

Sequential test

- 7.12 If it still considered that a sequential test is required, then in accordance policy R2 the sequential test requires: -
- (i) assessing whether there are any available sites that are suitable in sequentially preferable locations;
 - (ii) acknowledging the market and locational requirements of the uses concerned;
 - (iii) ensuring the assessment is proportionate and appropriate to the given proposal; and
 - (iv) being flexible to demonstrate whether more central sites have been fully considered.
- 7.13 Accordingly, the principal issue is whether there are any suitable sites in established centres or parades that are available now and can meet the same market and locational requirements to provide the space needed for the scheme proposed. The space required would be equivalent to a warehouse of approx. 700 -1000 m2 of warehouse style space to provide for the main auditorium, rehearsal space and storage space. In addition, there must be sufficient car parking at or near that location.

7.14 Policy R2 is specific with the wording - **centres or parades**. These are identified in paragraph 7.4 of the Fareham Local Plan 2037. (See **appendix 10 SC**). As such areas outside of the these identified areas have not been considered in the sequential test.

Fareham Town Centre

7.15 The defined town centre boundary is shown in blue on the proposals map (see **appendix 20 PofE**).

7.16 Fareham has recently reviewed the town centre uses as part of the new local plan and it is not proposed to add any allocated community facilities (apart from the revamped Ferneham Hall, now Fareham Live). The main additional development is an allocation for over 600 houses though this is a generic as no specific sites have been allocated.

7.17 The only possible vacant unit is the former post office on West Street however this is only 349 sq. mts. in size. Which is only half the size required.

District Centres

7.18 There are three district centres identified in the Fareham Local Plan 2027. These are at Locks Heath, Stubbington and Portchester. The local plan defines the extent of the centres in blue as shown the plans at **Appendix 21 SC**. The key issue is the blue line is shown tightly drawn around the buildings offering little space for development. Certainly not for a warehouse type size.

7.19 Welbourne is a new housing development to the north of Fareham. This has yet to be developed.

Local Centres and Small Parades

7.20 As with district centres the local centres and parades would be too small to facilitate a theatre of the size required. Notwithstanding this Titchfield is considered a local centre

though there is no space within the defined centre it is possible to walk to the centre from the site.

7.21 It is argued therefore that there are no sites available for a theatre of this size within local centres and parades.

Vitality Or Viability

7.22 As the proposal is for a scheme in excess of 500 m² an impact assessment shall be carried out in accordance with the NPPF in order to demonstrate that there is no significant adverse effect on the vitality or viability of existing or proposed retail centres and parades.

7.23 It should be noted that the figure of 500m² in the local plan is far lower than the figure within the NPPF paragraph 94 (see **appendix 9 SC**) which is 2,500m².

Vitality and Viability considerations

7.24 With the imminent closure of the Ashcroft Centre there would be only one Theatre in Fareham (Fareham Live) that TFT would potentially be in competition with. Together with any impact on ancillary consumer choice and trade in terms of pubs and restaurants. The key elements to consider are:

- To be a concern in relation to vitality or viability there must be competition. On this basis the consumer offering at TFT would be different from Fareham Live. See list of events for TFT at **Appendix 22 SC**. Fareham Live is not yet open but it will be managed by Trafalgar Entertainments. A list from of events proposed for Fareham Live is detailed at Appendix **23 SC** as well as the last acts to perform at Ferneham Hall before it closed **Appendix 24 SC**. As can be seen Fareham Live offer professional acts run in a much larger venue (700 seats). The letter of support from the Theatres Trust (see **Appendix 25 SC**) confirms that the offerings are different.

- In terms of sustainability, it should be noted that the last bus to Fareham from areas to the west of TFT (western wards) is 19:45 and the last one from Fareham to the western wards is 18:42. The nearest train station to Fareham Live is Fareham Station which is a 20 minute (0.9) mile walk. Although trains run later than the buses the nearest station is at Swanwick which would require a taxi service or a car ride to most residential properties in the western wards. (This will be covered in the proof of evidence covered by Tom Fisher from Paul Basham Associates). Therefore, anyone from the western wards wanting to see an event at Fareham Live is likely to travel by car.
- TFT are also providing a nearby entertainment venue for the local Hotels most of which are located in the western area of Fareham Borough (Holiday Inn, Premier Inn, Solent Hotel and the Bugle Hotel in Titchfield)

Conclusion to sequential test and vitality and viability

- 7.25 The sequential test has identified that there are no suitable, available or viable alternatives that could be considered sequentially preferable to the proposed development. In addition, operation at TFT entails that the Arden Theatre would not affect the vitality and viability of Fareham Town Centre.
- 7.26 As two theatres and associated community activities already exist on the site it would not make commercial sense to split the theatres across two sites and as the space is available on the site then the most practical option is to extend on the site. The new theatre would also provide additional theatre space in the western wards and areas beyond the Fareham area to the west.
- 7.27 The operation of the third theatre would have a negligible impact on Fareham Town Centre.
- 7.28 The NPPF at paragraph 85 (**Appendix 9 SC**) requires planning decisions to help create the conditions in which businesses can invest, expand and adapt, stating that significant weight should be placed on the need to support economic growth and productivity, taking into

account both local business needs and wider opportunities for development. There are now 14 full time employees at the site of which 5 are as result of the new Arden Theatre.

- 7.29 Paragraphs 88 and 89 (**Appendix 9 SC**) specifically gives support to a prosperous rural economy, with the former requiring planning decisions to enable the sustainable growth and expansion of all types of business in rural areas, including through the conversion of existing buildings. The new theatre encourages economic growth and would benefit local businesses and hotels as evidenced by the third-party letters of support. The proposal would accord with the Framework objectives in respect of rural enterprise.

The effect of the development on the living conditions of neighbouring occupiers with regard to noise and disturbance

- 7.30 These matters will be covered in the proof of evidence prepared by Rueben Peckham of 24 Acoustics.

Whether the development makes adequate provision for parking provision in terms of highway safety.

- 7.31 These matters will be covered in the proof of evidence prepared by Tom Fisher of Paul Basham Associates.

Other matters

Fallback

- 7.32 For fallback development to be a material consideration there has to be a lawful development that a developer who is not successful on appeal is likely to carry out anyway.
- 7.33 Various court cases have considered the concept of a fallback development as a material consideration. In *Gambone v SSCLG (2013)* a two-stage approach was set out, where a

determination must first be made concerning whether the fallback position is a material consideration, before weight is determined. This case law sets out two key questions: “the real prospect” test and, if there is greater than theoretical possibility, a question as to what weight the fallback position should be attributed. Planning judgment is to be exercised by the decision maker as to whether there is a “real prospect” of a fallback development being implemented.

7.34 In *Mansell v Tonbridge and Malling Borough Council [2017] EWCA Civ 1314*, although a class Q application, the comments of Lindblom LJ are pertinent in relation to the materiality of a fallback position: -

- *the basic principle is that for a prospect to be a “real prospect”, it does not have to be probable or likely: a possibility will suffice;*
- *there is no rule of law that, in every case, the “real prospect” will depend, for example, on the site having been allocated for the alternative development in the development plan or planning permission having been granted for that development, or on there being a firm design for the alternative scheme, or on the landowner or developer having said precisely how he would make use of any permitted development rights available to him under the GPDO. In some cases that degree of clarity and commitment may be necessary; in others, not. This will always be a matter for the decision-maker’s planning judgment in the particular circumstances of the case in hand.*

7.35 Evidence has been provided under the ground D appeal that the area known as Unit B has been in ancillary or primary theatre use continuously since about October 2010 to the present day. The planning unit has been areas A and B together since October 2010 until TFT occupied unit C in 2021. At this point it became a larger planning unit.

7.36 If the area formerly known as unit B could be fire-curtained off from unit C (where unit B’s wall used to be) then a smaller Arden theatre could be operated in that unit B space. It would be realistic to remove the side seats reconfigure the space and reduce the capacity to 341 seats.

- 7.37 In terms of performances, unit A would still operate under the 2012/2013 permission/appeal which allows for 140 performances per year. However, unit B's (the Arden theatre) performances would not be limited.
- 7.38 The fallback scenario could be that there would be a lot more activity in a 24 hour period than just operating Oak and Acorn alone. This could result in matinees in the Oak and Acorn Theatres at the same time and then in the evening a performance in the Arden.
- 7.39 With regard to fallback, it is argued that in accordance with the cited appeal decisions then there is a real prospect of the theatres operating in a single day at both matinees and evening performance times thereby increasing activity at the site and as such this is a significant material consideration.

Impact on the Character and Appearance of the Area and the Meon Strategic Gap

- 7.40 The application site is recognised within the Council's Local Plan as being located within the countryside and within the Meon Strategic Gap. Policy DS2 of the Local Plan states development must recognise the intrinsic character and beauty of the countryside and not significantly affect the integrity of a Strategic Gap.
- 7.41 In this instance, the development has resulted in the conversion of an existing commercial building that had previously been used for manufacture and then storage. The unauthorised use and the engineering operations have not resulted in any significant changes to the external appearance of the building when compared to the permission previously granted for additions and alterations to Area C. For these reasons it is not considered the development has a harmful impact on the character of the surrounding countryside or the integrity of the Strategic Gap.
- 7.42 Strategic policy R4 (**appendix II SC**) supports development proposals for Community and Leisure Facilities (includes cultural) subject to the following caveats. Only a and d are considered relevant: -

- a) There is a need for the facility. This is evidenced by the amount of support for the Theatre which includes a petition. This argument is also covered under Policy DS I earlier in this proof.
- d) The site is accessible to the local community it serves. The site is clearly accessible to the people of Titchfield and the Western Wards.

7.43 In terms of the NPPF (**appendix 9 SC**) the following paragraphs are relevant

- Para 96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:
 - a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages.
- Para 97 d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

7.44 It is argued that the new theatre would meet the aims of policy R4 and the paragraphs of the NPPF.

Conclusion to ground A

7.45 The sequential test has demonstrated that there are no alternative sites in the existing centres or parades which could have accommodated the facility. Furthermore, the impact assessment, has demonstrated that the development does not have a significant adverse effect on the vitality or viability of existing or proposed retail centres and parade.

- 7.46 The increase in theatre capacity and the noise from within the building will not result in an increase in noise from patrons arriving and leaving the building that would be detrimental to the living conditions of the occupiers of the neighbouring residential properties.
- 7.47 Adequate provision of accessible and available parking spaces is available. There is no unacceptable harm to the safety of users of the highway.
- 7.48 Regard has to be had to the fallback situation as detailed under the ground D appeal. The former Unit B area has been used for over 10 years for theatre related uses and could be divided from Area C by, for example, a fire curtain, and a smaller Arden theatre created in that area. Condition 7 on the 2012/2013 planning permissions which limits public performances to 140 a year only relates to Unit A thus performance numbers in Area B would be uncontrolled. This fallback demonstrates that there could be, lawfully, much more activity in a 24 hour period at the site with matinees in Oak and Acorn and evening performances in a reduced Arden theatre. A ground (a) planning permission could bring the considerable advantage of a condition which limits performances occurring in units B and C.
- 7.49 It is argued therefore, that having regard to: -
- the ground D appeal,
 - the fallback and
 - the limited change in the character of the use

the key issue for the inspector to consider is the marginal increase in patrons, in terms of noise and traffic, above what could lawfully operate from units A/B. On this basis it is therefore argued that any increase in terms of traffic or noise would be negligible and together with the ability to limit the number of performances within the Arden the development would comply with policies DSI, R2, R4, D2, TIN1 and TIN2 of the Fareham Local Plan 2037 and as such conditional planning permission should be granted for the development as it exists.

Ground D

'that, at the date when the notice was issued, no enforcement action could be taken in respect of any breach of planning control which may be constituted by those matters'.

7.50 There two elements to the ground: -

- The sworn statement of Kevin Fraser see **appendix 6 PofE**.
- The use of unit B, see **appendix 26 PofE**.

Sworn statement from Kevin Fraser

7.51 The sworn statement demonstrates that over the past 13 years or so, Area B of 73 St Margaret's Lane has been continuously in a use ancillary to the lawful permitted use of unit A. More specifically for scenery storage, rehearsal space, a meeting space for the Fareham 'Men's Shed' a community use and for performances in the Oberon rehearsal room. Current plans of the building are attached at **Appendix 8 SC**.

The use of unit B

7.52 See **appendix 26 PofE** for statement regarding the planning unit. This has been previously sent to the inspectorate (2 April 2024). The issues in relation to the planning unit are: -

- That unit B was never used for either B1 or B8 purposes.
- That unit B was used in association with unit A from when the theatre first commenced operations in 2010.
- That unit B was principally used for Theatre related uses mainly rehearsals scenery storage and performance in the Oberon. There was an area of external storage and community use (as shown on the exhibits in the sworn statement by Kevin Fraser) however in terms of the overall combined size of units A and B the areas for external storage and community use are small (ancillary or even de minimus). In addition, the

‘Mens Shed’ users, although a community use, also made stage props and scenery for the Theatre.

- There was always internal access between units A and B used for example for moving props and scenery.
- The creation of the Arden involved the removal of an internal wall in late 2022 or early 2023. However approximately 90% of the Arden is within unit A/B. The uses previously operating in the unit A/B namely rehearsals, storage and community uses have moved into unit C.
- Consequently, up until the creation of the Arden theatre units A and B were operating as one planning unit i.e. A/B.

7.1 Up to the removal of the wall it is argued that after 10 years of Theatre use units A/B were one unit and a theatre use was lawful. This is important is in relation to the fallback position. If the wall (or fire curtain) was reinstated between units B and C and unit B was re-created then, having regard to the 10 years of lawful theatre use, unit B could be used for theatre related purposes. As such it is argued that the Arden (or a theatre) could have been created in unit B without the need for planning permission.

7.2 If the ground D is accepted, in that, the use of unit B is theatre related, then the encroachment into unit C in terms of the theatre use is materially small, both physically and in terms of increased use.

7.3 The creation of the Arden Theatre has not resulted in an intensification of the use. The basic principle on ‘intensification’ is that there may come a point when an increase in a use results in a marked change in the character of that use, giving rise to such materially different planning consequences that, as a matter of fact and degree, it constitutes a material change of use requiring planning permission.

7.4 The judgement in *Brooks and Burton (Brooks and Burton Ltd v Secretary of State for the Environment [1978] 35 P&CR 27)*. Simon Brown J stated: “*what the Inspector was not only entitled but was obliged to do was to contrast, not what might have been done under the previous use, but what was actually done in the way of the previous use with what was done following the introduction*” of the new activity. He went on to say: ...the issue whether or not there

had been a material change in use fell to be considered by reference to the character of the use of the land. It was equally well recognised that intensification was capable of being of such a nature and degree as itself to affect the definable character of the land and its use and thus give rise to a material change of use. Mere intensification, if it fell short of changing the character of the use, would not constitute material change of use.

- 7.5 Externally the works are in accordance with the permitted plans, all changes are internal. It is not possible from outside the building to know how many theatres operate, that a third theatre was created and that unit C is used for rehearsals and dressing rooms. Consequently, the addition of the Arden Theatre has not resulted in a '*marked change in the character of the use*'.

Ground F

‘that the steps required by the notice to be taken, or the activities required by the notice to cease, exceed what is necessary to remedy any breach of planning control which may be constituted by those matters or, as the case may be, to remedy any injury to amenity which has been caused by any such breach.’

7.45 Paragraph 5 of the enforcement notice sets out what is required to remedy the alleged breach and requires the Appellant to: -

- (i) Cease the use of the Land as a theatre;
- (ii) Backfill the excavated underground area beneath the Land with a suitable inert material (such as compacted aggregate, soil, or similar) to ground level;
- (iii) Dismantle the stage;
- (iv) Remove the seating;
- (v) Dismantle the lighting rig and PA or other sound equipment; and
- (vi) Remove the resultant materials from carrying out steps (iii), (iv) and (v) from the Land except to the extent that those materials are solely being stored on the Land.

7.46 With regard to the first requirement, this overlaps with the ground D appeal in that the land identified within the enforcement notice includes unit B. As argued under the ground D appeal, if it is considered that the use of unit B prior to the creation of The Arden Theatre was theatre use then the requirement to remove any theatre related elements including the seating and part of the stage is excessive.

7.47 There are various scenarios to consider under this ground: -

- If the appeal is only dismissed on lack of parking: -
 - then if in the future the appellant is able to provide suitable parking, then a ‘mothballed’ theatre could be subsequently re-opened.
 - Current capacity in the Oak and Acorn is 284. The Arden is 463. The difference is 179 seats. Therefore if the Arden was reduced by 179 seats there would be no difference in capacity.

- If the key issues for the inspector are noise and parking: -
 - then the use of units B and C for ancillary theatre purposes including rehearsals and storage would not generate noise or car parking. On this basis there would be no need to remove the elements listed in the enforcement notice as these could be used for rehearsals. Consequently, the complete removal of the seating and technical rigs at The Arden Theatre would therefore exceed what is necessary to remedy any breach of planning control which may be constituted by those matters set out in the Notice.

- Should the ground (a) not succeed, lesser steps such as ceasing the use of part of Area C as an operational theatre whilst allowing the equipment to be stored in situ would constitute a lesser step that would remedy any breach of planning control.

- Furthermore, requirement (ii) of the Notice, to '*Backfill the excavated underground area beneath the Land with a suitable inert material (such as compacted aggregate, soil, or similar) to ground level*' is an unnecessary requirement and lesser steps, such as limiting use of that area as storage or a reduced sized Arden would overcome the Council's concerns. The currently required steps may create a water drainage issue. The reason for this is because the walls within the basement contain drainage equipment.

7.48 What has not been asked for in the enforcement notice: -

- (i) The re-instatement of the wall between units B and C
- (ii) The removal of any internal alterations to unit C
- (iii) The fenestration changes to unit C
- (iv) The removal of any storage areas used by external groups
- (v) The removal of community areas
- (vi) The removal of the Oberon Theatre.

It is presumed therefore that these matters amount to under enforcement.

Ground G

that the time given to comply with the notice is too short.

- 7.49 Insofar as paragraph 6 of the Notice is concerned, it is submitted that given the need for the Appellants to source specialist contractors skilled in the removal of technical theatre equipment, as well as materials necessary to infill the alleged unauthorised excavation works, the period of two months to cease the use of the Site and three months for the other steps is manifestly short of what should reasonably be allowed. In the circumstances, given the likely upheaval associated with the works, the Appellants submit that a period of 9 months would be more appropriate to comply with this aspect of the Notice.
- 7.50 Details of the time required to complete the work are set out in (**Appendix 28 SC**)

FAREHAM

BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY (DEVELOPMENT MANAGEMENT
PROCEDURE) ORDER 2015

Planning Decision Notice

Planning Application Reference: P/22/0255/FP

Decision Date: 17th March 2022

Fareham Borough Council, as the Local Planning Authority, hereby **PERMIT** the **Extensions to warehouse building and raising of the existing roof to provide additional and improved accommodation at 71 ST MARGARETS LANE, FAREHAM, PO14 4BG as proposed by application P/22/0255/FP** subject to the following conditions:

1. The development shall begin before 17th March 2025.
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) Existing Site Plan 21031 (pl) 01
 - b) Proposed Site Plan 21031 (pl) 06
 - c) Existing Ground Floorplans 21031 (pl) 02
 - d) Proposed Ground Floor Plan (pl) 07
 - e) Existing First Floor Plan 21031 (pl) 03
 - f) Proposed First Floor Plan 21031 (pl) 08
 - g) Existing Elevations Sheet 1 21031 (pl) 04
 - h) Proposed Elevations Sheet 1 21031 (pl) 09
 - i) Existing Elevations Sheet 2 21031 (pl) 05
 - j) Proposed Elevations Sheet 2 21031 (pl)10 Rev A
 - k) Planning StatementREASON: To avoid any doubt over what has been permitted.

Notes to Accompany Planning Decision Notice

Planning Application Ref: P/22/0255/FP

Decision Date: 17th March 2022

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 Katherine Alger on 01329 824666 or at kalger@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.
- 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.
- If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

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, for example:

Building Regulations consent

- Building Regulations legislation sets out technical standards required for the design and construction of buildings.
- For advice please contact The Building Control Partnership:
 - Telephone 01329 824 823
 - Email bcpartnership@fareham.gov.uk
 - Website www.buildingcontrolpartnershipants.gov.uk

Consent for works in the vicinity of a public sewer

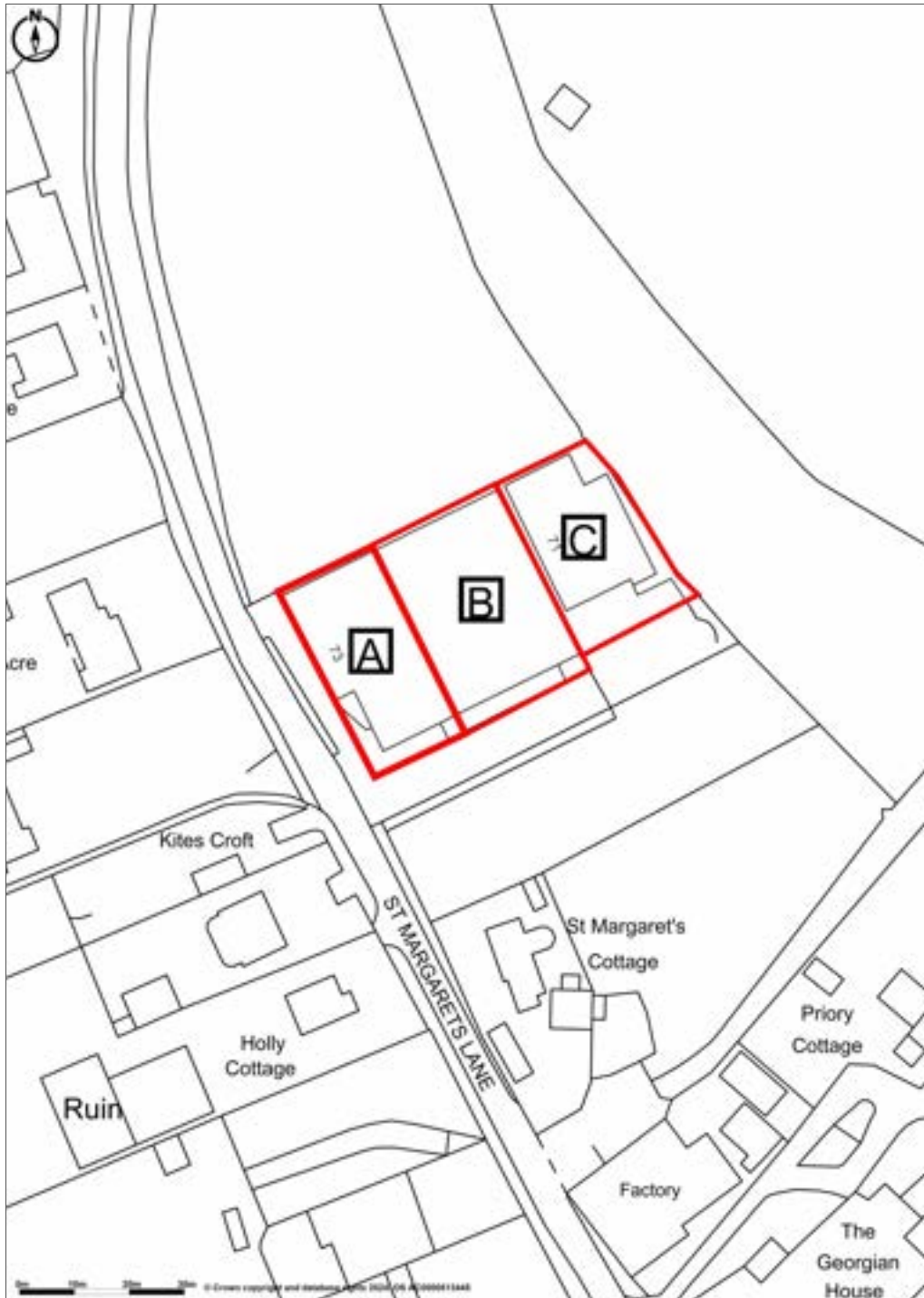
- A minimum distance of three metres (for apparatus up to three metres deep) must be maintained between any building and the public sewer. In some cases however, Southern Water will allow buildings to encroach on the public system.
- For further information please contact Southern Water:
 - Telephone 0845 278 0845
 - Website www.southernwater.co.uk

Works affecting neighbours

- Where proposals involve work on party walls or excavations near neighbouring properties, there may be measures required under the Party Wall Act 1996. Fareham Borough Council is not responsible for enforcing the Party Wall Act.
- For further information please see the following guidance:
 - Website www.gov.uk/party-wall-etc-act-1996-guidance.



Site





Appeal Decision

Hearing held on 7 February 2013

Site visit made on 7 February 2013

by J C Chase MCD Dip Arch RIBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 February 2013

Appeal Ref: APP/A1720/A/12/2186833

73 St Margarets Lane, Titchfield, Fareham, Hampshire, PO14 4BG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Titchfield Festival Theatre Ltd against the decision of Fareham Borough Council.
 - The application, Ref P/12/0050/CU dated 1 November 2011, was approved on 2 May 2012 and planning permission was granted subject to conditions.
 - The development permitted is the use of unit A for D2 and theatre purposes and unit B for storage use.
 - The condition in dispute is No 1 which states that: The use hereby permitted shall cease on or before the 2 May 2013, unless a further planning permission has been granted before the expiry of such period.
 - The reason given for the condition is: to retain planning control over the development hereby permitted and to enable the monitoring of car parking, highway safety impacts, the number of people in attendance of events and the impact of the activity on adjoining residential amenity, to enable the grant of temporary planning permission to be reviewed; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.
-

Decision

1. The appeal is allowed and the planning permission Ref P/12/0050/CU for the use of unit A for D2 and theatre purposes and unit B for storage use at 73 St Margarets Lane, Fareham, Hampshire, PO14 4BG granted on 2 May 2012 by Fareham Borough Council, is varied by deleting condition No 1.

Procedural Matters

2. For the avoidance of doubt, the appellants confirmed at the Hearing that the condition in dispute is No 1, and both parties agreed that the description of the development is that shown on the Council's decision notice. These details are contained in the title box, above. The appellants also confirmed that the parking area falls within the curtilage of the site over which they have a lease. The Council raise no objection to the storage use of Unit B, and there is no reason for this decision to come to a different view about this aspect.

Main Issues

3. The main issues are whether there is any harmful effect on highway safety/free flow of traffic and the living conditions of nearby residents, which could not be overcome by restrictive planning conditions, and whether a trial period is necessary to assess the extent of that harm.

Reasons

4. The appeal premises are within a semi-rural area, with a mix of residential, commercial and agricultural uses in the vicinity. The building has the utilitarian character of an industrial unit with ancillary offices, and it is indicated that the former factory ceased operation about 3 years before the appellants took occupation, with the theatre use starting approximately 15 months before planning permission was granted in May 2012. Whilst the exterior of the building has not been altered, the factory space has been subdivided to provide an auditorium, rehearsal rooms, and ancillary theatrical functions. The rear part of the building (Unit B) is used for warehousing.
5. With respect to highway matters, the Council's Core Strategy, adopted in 2011, requires that new development does not adversely affect the safety and operation of the road system (Policy CS5) and that appropriate parking should be provided to take account of the accessibility and context of the scheme (Policy CS17). It is indicated that the County parking standard is 1 space per 5 seats for theatre development which, at 210 seats, would generate a need for 42 spaces. The site is able to accommodate 30 cars in accessible spaces. Whilst the parking standard is couched in terms of maximum provision, the acceptability of a reduced number is subject to whether any overflow arising could be accommodated without harm to highway safety.
6. There are no parking controls in this part of St Margarets Lane, and it was observed that the road is relatively narrow, with a single pavement to the north of the site, and elsewhere a narrow verge. There is the potential for parked cars to obstruct both the road and footpath, to the detriment of highway and pedestrian safety, especially as there is a long bend in the vicinity of the site which restricts forward visibility. However, the appellants contend that the demand for parking from patrons generally falls below the normal on-site capacity of the property, and in other cases it is possible to accommodate it by double banking, with a supervised scheme of managed parking to comply with condition 3 of the planning permission.
7. From the representations at the Hearing, and the observation during the site visit, it is accepted that it would be physically possible to accommodate approximately 35 cars within the site, provided a managed scheme is in operation, and such management is a practical possibility in circumstances where the patrons would arrive and leave within a limited time frame. Whilst this is less than the maximum parking standard, it is likely that the demonstrable unattractiveness of the street for safe parking would discourage its use for any overflow and, in any event, the highway authority would have the opportunity to impose parking controls, if found to be necessary. In practice, it is more likely that any additional parking would take place at alternative premises where the appellants have made informal arrangements, or in other parts of the village where vehicles could be safely accommodated. There is the opportunity to minimise any obstruction of the street by cars queuing to enter the site by efficient handling of the supervised parking arrangements.
8. Overall, there is reason to consider that, subject to the other conditions imposed on the planning permission, this aspect of the development would comply with Policies CS5 and CS17, and it would not have an unduly harmful effect on highway safety or the free flow of traffic.

9. Turning to the impact on residential amenity, there are dwellings in the vicinity of the site, the nearest of which are diagonally opposite. In this location, it is likely that the departure of patrons at the end of the performance could create some disturbance. However, this would be mitigated by the limited number of cars accommodated, and by the restricted opening hours and performance days, which are subject to planning conditions and licensing arrangements. In addition, any activity would arise on the public side of the nearest dwellings. Amongst other matters that have been raised, a planning condition prevents deliveries taking place before 8.00 hours and, whilst some light pollution is likely to occur, the evidence does not indicate that it is at an unacceptably high level.
10. Whilst the Council's nominated policies do not specifically refer to neighbours' amenity, the protection of this aspect is a normal objective of the planning system, and is required within the core principles of the National Planning Policy Framework. There are adequate grounds to consider that the development would meet this requirement, and any disturbance arising out of the theatre use can be adequately controlled by planning conditions so as to avoid being unduly harmful to the living conditions of nearby residents.
11. It is generally undesirable to grant a temporary permission for a development which is intended to be permanent, because of the uncertainty arising, and its effect on the commitment to the project. In this instance it is accepted that the scheme involves an existing industrial building, which remains available for its previous use, and the appellants have demonstrated a willingness to take a risk on obtaining planning permission, as the operation was started before an application was made. Nonetheless, it is likely that the time limit will discourage further investment and disrupt future performance plans. A condition restricting the term of the permission should not be applied in these circumstances unless it is the only means of establishing the level of harm arising out of the development.
12. There is reason to consider that this is not the case. Assessment of the impact on traffic and parking, and on residential amenity, are normal functions of the planning system, and the proposal is not so unusual that they would not be susceptible to professional judgement and experience, along with the application of policies and guidance. In any event, there had already been a period of 15 months before permission was granted when the impact of the operation could have been fully established. Whilst a further trial period might give an opportunity to assess the effect of restrictive planning conditions, there is a lack of clear evidence that the harm assessed prior to the grant of permission was of such a nature or extent that conditions were likely to be ineffective. A trial period is not necessary to assess the extent of the harm, and condition 1 should be deleted.

John Chase

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr K Fraser	Chairperson Titchfield Festival Theatre (TFT)
Mr A Causer	Trustee TFT
Mr J Hall	On behalf of TFT

FOR THE LOCAL PLANNING AUTHORITY:

Mr A Sebbinger BA, MSc(Geog), Senior Planning Officer, Fareham BC
MSc(TP), MRTPI

INTERESTED PERSONS PARTICIPATING IN DISCUSSION:

Mr D Noyce
Mr J Sluggett
Mr J Stuart

DOCUMENTS

- 1 Correspondence from Welbro Project Management Ltd and Holiday Inn Fareham concerning overspill parking availability
- 2 Letter from Dr M Dunton dated 1 February 2013
- 3 Extract from Hampshire Parking Standards

OFFICER REPORT FOR COMMITTEE

Date: 28/03/2012

P/12/0050/CU

TITCHFIELD FESTIVAL
THEATRE

TITCHFIELD

AGENT: TITCHFIELD FESTIVAL
THEATRE

RETROSPECTIVE APPLICATION FOR CONTINUED USE OF UNIT A FOR D2 AND
THEATRE PURPOSES AND UNIT B FOR STORAGE USE

73 ST MARGARETS LANE FAREHAM PO14 4BG

Report By

Jim Bennett ext. 2412

Introduction

Titchfield Festival Theatre was set up in 2001 to perform plays in Titchfield Abbey, a facility lost to the company in 2006, following which the adjoining Great Barn was used. The company then moved to The Thatched Barn in Warsash, the lease on which was withdrawn in August 2010. The retrospective nature of the application results from withdrawal of the lease on The Thatched Barn, as a full season of plays were planned and in rehearsal, with 73 St Margarets Lane an available alternative.

Site Description

The proposal relates to a former warehouse/industrial building, located within an area defined as countryside and the Meon Strategic Gap by the adopted Fareham Borough Core Strategy. The site is bound by a building to the east, by fields to the north and south and by St Margarets Lane to the west. The area is mixed use in character with commercial uses including a garden nursery, furniture workshop and builders yard in the locality and residential development to the south and to the west, across St Margarets Lane.

Description of Proposal

The application is made retrospectively for continued use of a former industrial/warehouse building (Unit A) for D2 (assembly and leisure) and theatre purposes and Unit B for continued storage use. Unit A has been used for approximately 17 months for the purpose applied for. Just over half of the unit would be used as a theatre, comprising 648 sq.m of stage, stalls (210 seats) and other facilities at ground floor level and 159 sq.m of ancillary accommodation at first floor level. The remaining 649 sq.m (Unit B) would be retained as B1/B8 (office/light industrial/storage). Access to 30 no. off street parking spaces is provided directly off St Margarets Lane. Two overflow parking areas are indicated at the Holiday Inn and Kites Croft Business Park.

The application is made on the basis that the hours of operation of operation of the D2/theatre use (Unit A) would be between 09:00 and 23:00 Monday to Saturday and between 10:00 and 22:00 on Sundays and Bank Holidays on a total of 140 days/nights per annum.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS1 - Employment Provision

CS3 - Vitality and Viability of Centres

CS5 - Transport Strategy and Infrastructure

CS6 - The Development Strategy

CS17 - High Quality Design

CS20 - Infrastructure and Development Contributions

Relevant Planning History

The following planning history is relevant:

P/10/0879/CU - Sub-division of units for B1/B8 use, community theatre use and provision of overflow car parking on land opposite - Withdrawn November 2010 due to deficiencies in the information submitted with the application.

P/98/0184/CU - Change of use to mixed use of site for office, warehouse and light industrial - Permission April 1998, subject to condition that it should not be used or deliveries received before 0800 hours and after 1800 hours Monday to Friday and 09:00 hours to 13:00 hours on a Saturday and not at all on Sundays and Bank Holidays.

Representations

Neighbouring residents have been notified by letter and a site notice posted for the requisite period. One letter and one petition (from five local addresses) have been received, objecting to the proposal on the following grounds:

- The retrospective nature of the application is criticised
- Impact upon the free flow of traffic
- Poor pedestrian links to the site
- Detriment to highway safety
- Parking provision is insufficient and poorly laid out
- It is claimed that a third party is using the site as a delivery address
- It is suggested that someone is living at the site in a caravan
- Noise and disturbance caused by traffic, patrons leaving the site and loud music from events within the building
- Light pollution
- Unauthorised display of signs and advertisements
- The number of seats applied for (210) exceeds the number approved by Licensing (170)
- The applicant is not complying with the terms of their Premises License
- If minded to approve, contributions should be requested to improve highway safety
- If minded to approve, hours of operation need to be imposed

One hundred and seventy four letters have been received, supporting the proposal for the following reasons:

- Titchfield Festival Theatre is an asset and a benefit to Fareham
- The proposal constitutes an appropriate re-use of a previously vacant building
- The facility has educational and training benefits
- The site is accessible and reduces the requirement to travel further afield for patrons
- The parking and access situation is well managed and marshalled

- The Theatre needs a long term home to relieve the recent cycle of relocations

Consultations

Director of Planning and Environment (Highways): The proposal would not result in any capacity concerns nor any highway safety issues regarding continued use of the existing vehicular accesses. The proposal complies with the adopted parking standards, as the site accommodates 30 spaces, which is within the maximum standard and two overflow parking areas are indicated, both of which are within a reasonable walking distance. However, both overflow parking areas make use of third party land and the consequences of the use continuing without these overflows and potential impact for on-street parking along St Margarets Lane must be assessed. Typical average attendances do not generate significant parking demands and those that are generated can be accommodated within the existing site. There are only a small number of annual occasions where parking demands cannot be accommodated on site, thereby requiring the use of the overflow parking arrangements. Consideration must be given to the likely infrequency of demand outstripping spaces and the likelihood of vehicles parking on-street. Considering the use has been in operation for some time, there is little evidence that the theatre has or would result in detriment to highway safety or to the free flow of traffic. Notwithstanding this, the applicant should provide some form of written guarantee from the third parties that the land is available for parking. It is recommended that details of a parking management plan, is secured via condition. It would also be recommended that the occupation of the premises for D2 purposes is restricted only to the Titchfield Festival Theatre.

In terms of the parking layout, the majority of the parking spaces other than the disabled spaces are independently accessible. The car park should be laid out as per the drawings within an agreed time frame to maximise efficiency of use, to be ensured by condition.

The site benefits from a mixed B1/B8 use class permission, of which 50% of the floor area has been converted to a theatre. There have been various previous occupiers, undertaking different activities, each of which would have similar trip generation and patterns. Using the information provided by the applicant and undertaking a comparison using TRICS, whilst there are a few differences, the broad outcomes are the same, with it agreed that the permitted use would be more intensive than the theatre use. The HCC Transport Contributions Policy would therefore not be applicable.

The sustainability of the location should be considered alongside other policy matters. Subject to the above no highway objections are raised.

Director of Planning and Environment (Strategic Planning): No objections, as the proposal is unlikely to undermine the vitality of existing centres or the availability of employment sites.

Director of Regulatory and Democratic Services (Environmental Health): No objections, subject to a condition that the proposed hours of use should be applied to both Units A and B, to include no night time deliveries and no work on a Sunday or Bank Holiday. In addition, a condition requiring sound proofing of the rehearsal rooms and the rear doors and to ensure the treated rehearsal room doors and rear doors are closed during rehearsals/performances, as far as is reasonably practicable, is recommended to prevent any future potential noise nuisance.

Planning Considerations - Key Issues

The Principle of Development

The proposed use is a town centre use, as defined in PPS4 and should ideally be located in one of the Borough's centres, unless it can be demonstrated why other similar venues in town and local/district centres are inappropriate. In light of this, a sequential test has been undertaken by the applicant, which looks at alternative sites across the Borough. Whilst the list is not exhaustive, it is considered appropriate that the Titchfield Festival Theatre look for units primarily in Titchfield and the surrounding area. The test considers other venues such as Ferneham Hall, the Ashcroft Centre, community centres, church halls and other industrial buildings. These venues are discounted on the basis of one or more of the following issues; their limited availability, cost, limited space, inadequate facilities and inappropriate location. It has been established that there is little in the way of usable units of the size required within the vicinity of Titchfield and therefore, re-use of this unit would appear to be one of the few options available to the applicant. The former warehouse offers adequate space for performance and ancillary facilities. The location of the use outside existing centres, while not considered the most sustainable of locations, is considered the best practicable solution available to the applicant, given the significant lack of viable or available alternatives. In light of the above, the proposal would not adversely impact upon the vitality or viability of existing centres, in accordance with Policy CS3 of the Core Strategy.

The proposal will result in the loss of 648sq.m of light industrial/warehouse (B1/B8) floorspace. However, Policy CS1 of the Core Strategy allows for the redevelopment of employment sites to other uses that contribute towards economic development. PPS4 (Planning for Sustainable Economic Growth) defines economic development as that "within the B Use Classes, public and community uses and main town centre uses". As a community use, the proposal falls within the definition of economic development and as such its use is consistent with the policies of the Core Strategy. It is also noted that the unit had been vacant for a considerable period of time and given the economic downturn, the level of vacant employment buildings elsewhere in the Borough and the quality and location of this particular unit, it is unlikely that it would have found an alternative B use class occupant, in the short to medium term. The re-use of Unit A for a community use and retention of Unit B in storage/distribution use, is considered to be of benefit to the wider community and would be in accordance with the provisions of Policy CS1 of the Core Strategy and PPS4.

In light of the above, the principle of the development is considered to be acceptable.

Impact on character of the area

The proposal does not involve any external alterations to the building and in this respect it would have no impact upon the key characteristics or appearance of the area. Some signage has recently been erected on the premises, which would need to be considered under an appropriate application for advertisement consent, pending the outcome of the planning application. It is accepted that the character of the area may be affected by activities associated with the proposed change of use, reflected in the presence of vehicles within the parking areas and the comings and goings of patrons, performers and staff, before and after events. However, the nature of such impacts would not have any long term effects on the character or appearance of the area and the short term impacts of the proposal are considered fully in the following sections. The proposal complies with the design and character impact provisions of Policy CS17 of the Core Strategy

Impact on adjoining residential amenity

The Environmental Health Section confirm that the premises is the subject of a premises licence issued in March 2011. Several conditions of the licence relate to the prevention of public nuisance eg noise level control and monitoring; signs asking people to be quiet on leaving; a limit on the number of events per year; no discos or karaoke; the requirement to provide marshalling of the car park and a limit to the number of people attending any event. The theatre has been operational now for over a year and since the theatre received their premises licence, very few nuisance complaints have been received by the Environmental Health Section. They report that in July and August 2011, three complaints of loud music were received, two of these were associated with a private party at the unit. In October and December 2011, a total of two complaints were received regarding noise from deliveries to the site between 05:00 and 06:00 hours. In February 2012 a further complaint was received regarding a lorry delivery of pamphlets at 05:30 hours. A noise complaint file has been opened on the premises, but Environmental Health suggest incidents are happening infrequently. In light of this the Environmental Health Section have no objections to the proposal, subject to conditions.

While the premises has attracted complaints regarding occasional deliveries at early hours of the morning, the main concern of notified parties is with regard to the intensity of site usage, particularly associated with the comings and goings of patrons, cast and crew, before and after performances. A schedule of the Theatre's upcoming events shows performances on 34 nights during the 74 days between 14th March and 26th May 2012, all starting at 19:30. It is perhaps not arrival of people for performances, rather their departure between 22:00 and 23:00, which creates the greatest potential for disruption to adjoining residential amenity. The applicant states that cast and crew utilise the Holiday Inn car park, so their movements should not be too disruptive, being on foot. Nevertheless, the departure of patrons from the on-site car park after performances and the associated noise and disturbance, may have implications for adjoining residents. The applicant states that the car park is marshalled, in accordance with the terms of the license and that it is generally cleared of vehicles within 12 minutes following performances. The premises is licensed to run events for a total of 140 nights of entertainment a year. The window of potential disturbance, while concentrated, is quite narrow and should be considered against the fall-back position, where the whole building is used for B1/B8 purposes, accessed by bigger, albeit fewer vehicles, throughout the working day. The proposal's impact must also be considered on the basis that no dwelling shares a common boundary with the site, the distance of the car parking area to the nearest dwelling is 24m across St Margaret's Lane, that the presence of existing boundary treatments assists with prevention of headlight glare and disruption and that the premises is located on a main vehicular thoroughfare into the village, which is subject to a significant level of traffic movement.

In light of the above and subject to imposition of conditions to control the proposed hours of use and to ensure appropriate sound attenuation measures are incorporated into the building, in addition to the restrictions placed on operation of the premises under the terms of its license, officers do not consider the proposal will have any significant adverse impact on adjoining residential amenity.

Highway Impacts

Theatre use results in different movement patterns than industrial/warehouse use, typically being away from peak network periods, when it is recognised that the A27/St Margaret's Lane roundabout experiences significant congestion. The Director of Planning and Environment (Highways) does not consider the proposal would result in any capacity concerns, nor any safety issues with the continued use of the existing vehicular accesses.

In terms of the parking layout, the majority of the parking spaces other than the disabled spaces are independently accessible. The fact that these spaces are not independently accessed, whilst perhaps creating an inconvenience if a vehicle is boxed in is not necessarily a highway problem. The proposal would only constitute a problem in highway terms if vehicles spill out of the defined parking areas onto St Margaret's Lane, of which there is little evidence. While some photo evidence has been submitted by residents, if regular overflow parking is taking place on-street at this time of year, the adjoining verges would be cut-up, of which there is no evidence. The Director of Planning and Environment (Highways) has liaised directly with the Director of Regulatory and Democratic Services (Traffic and Design Manager) who is unaware of any specific/known issues with parking along St Margaret's Lane, that could be linked to the theatre. Notwithstanding this, if the theatre was aware of a particularly busy night they could liaise with Director of Regulatory and Democratic Services (Traffic and Design Manager) to provide temporary traffic management measures (such as the yellow 'no waiting' traffic cones) and could be included within a parking management plan. If permitted, the car park should be laid out as per the drawings within an agreed time frame.

The HCC 2002 Parking Standards set a maximum of 1 space per 5 seats, therefore for 210 seats, a maximum provision of 42 spaces would be required. The site can accommodate 30 spaces, which is within the maximum standard. PPG13 (Transport) includes the maximum standard approach, which allows a developer to provide as many parking spaces as they wish, on the proviso that it does not result in highway safety issues that cannot be resolved through the implementation of waiting restrictions. There are presently no restrictions on parking along St Margaret's Lane and thus there is the potential for parking to occur on-street. To alleviate the likelihood of on-street parking, two overflow parking areas are indicated; at the Holiday Inn and Kites Croft Business Park, both of which are within a reasonable walking distance, although the attractiveness of these routes, especially in poor weather is queried by notified parties. The applicant points out that cast and crew use the Holiday Inn car park, some 350m away to the north, in order to reserve on-site parking primarily for use by theatre patrons. Typical average theatre attendances do not appear to generate significant parking demands and those that are generated can be accommodated within the existing site. Only a small number of annual occasions generate parking demands which cannot be accommodated on site, thereby requiring the use of the overflow parking arrangements by patrons. Considering the use has been in operation for some time, there is little evidence that this proposal has or would result in detriment to highway safety or to the free flow of traffic by way of parking occurring along St Margaret's Lane. Notwithstanding this, the applicant has been requested to provide a written guarantee from the third parties upon who's land over flow parking would take place that this land is available. It is recommended that full details of a parking management plan is secured via condition. In addition a condition should be imposed to ensure the identified overflow parking or an acceptable alternative is available to the theatre, in the interests of highway safety. Subject to these conditions, the proposal complies with the highway and parking related provisions of Policies CS6 and CS17 of the Core Strategy.

Conclusion

The principle of the proposed change of use is considered acceptable, for the reasoning outlined in the report above. The proposal complies with the saved policies of the Fareham Borough Local Plan Review (2000), the Adopted Fareham Borough Core Strategy (2011) and the provision of PPS4 and is accordingly recommended for approval.

Reasons For Granting Permission

The development is acceptable taking into account the policies of the Development Plan as set out in this report. The proposal is not considered likely to result in any significant adverse impact on the amenity of adjoining occupiers, the character of the area, highway safety employment land availability or viability of existing centres. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Recommendation

PERMISSION: Time Limit, Approved Plans, Parking Management Plan, Ensure identified overflow parking or acceptable alternative is available, Use restricted only to the Titchfield Festival Theatre, Approved Parking Layout marked out within 3 months, Unit A hours of operation 0900 - 2300 Monday to Saturday, 1000 - 2200 Sundays and Bank Holidays on a total of 140 days/nights per annum, Sound proofing/attenuation; Unit B hours of operation 0800 - 1800 Monday to Friday and 0900 - 1300 hours Saturday and not at all on Sundays and bank Holidays.

Background Papers

File: P/10/0879/CU

73 ST MARGARETS LANE



FAREHAM BOROUGH
COUNCIL

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73 ST MARGARET'S LANE
SCALE: 1:1250

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Location of New Retail Floorspace

- 4.32 Development will be in accordance with PPS4: Planning for Sustainable Economic Growth. All retail development should be focussed within Fareham's network of centres. It is key to the vitality of the Borough's Centres that all new retail development be focussed appropriately to the different centres in the retail hierarchy. Allowing an inappropriate scale of development in some of the Borough's smaller centres could upset the balance of the hierarchy and adversely affect vitality and viability in neighbouring centres.
- 4.33 The DTZ Retail and Centres Planning Study Update 2009 makes recommendations for the appropriate scale of the new retail development in the Borough's various centres. The study recommends that all the centres in the Borough are capable of supporting some new convenience and comparison floorspace, however in the case of Locks Heath, Portchester and Stubbington this is likely to be relatively limited, especially in the short term. Whilst the DTZ Study recommends that new floorspace in Portchester and Stubbington could be accommodated in new "discount or neighbourhood supermarkets", Fareham Borough Council considers that this potential could potentially be met by alternative provision, such as small scale extensions to existing units or additional smaller units over the plan period.
- 4.34 Retail development outside of the Borough's centres can cause unsustainable shopping patterns and adversely impact on the health and vibrancy of nearby centres, by drawing away trade. Out of centre retail development will be required to demonstrate that a need exists and that no more central sites are available by way of a sequential test. This means looking at the availability, viability and suitability of sites within centres in the first instance, followed by edge of centre sites. Only where it can be proven that no more central sites are available, will out of centre sites be considered.

CS3 Vitality and Viability of Centres

Development proposals within the Borough's identified centres will be encouraged to promote competition and consumer choice, whilst maintaining and strengthening the individual character, vitality and viability of the centre. Development will be permitted provided it maintains the current hierarchy of the retail centres:

Town Centre - Fareham

District Centres - Locks Heath, Portchester, North of Fareham Strategic Development Area

Local Centres - Stubbington, Broadlaw Walk (Fareham), Highlands Road (Fareham), Gull Coppice (Whiteley), Titchfield, Warsash and Park Gate

Whilst each centre will be developed to promote its unique identity, the overall retail hierarchy should be adhered to.

ONLINE COMMENTS

on Planning Application to Fareham Borough Council

Submitted By:

Planning Policy Consultation

Planning and Environment Department
Civic Offices

Application:

Consultee No:

P/12/0050/CU**2**

Printed: February 7, 2012 8:51 AM

RETROSPECTIVE APPLICATION FOR CONTINUED USE OF UNIT A FOR D2 AND THEATRE
PURPOSES AND UNIT B FOR STORAGE USE

73 ST MARGARETS LANE FAREHAM

COMMENTS:**Submitted Online:** February 6, 2012 12:00 AM**Internet Ref:** ECH257

Jim,

There are two main issues with this proposal. Firstly the use is a town centre use, as defined in PPS4 and should ideally be located in one of the Borough's centres and secondly the proposal will result in the loss of 648sq.m of B8 floorspace.

The planning statement that accompanies this application does include a sequential test which looks at alternative sites across the Borough.

Whilst the list is not particularly exhaustive it is considered appropriate that the Titchfield Festival Theatre look for units primarily in Titchfield and its outskirts. I agree with the notion that there appears very little in the way of usable units of the size required within the vicinity of Titchfield and therefore, the re-use of this unit would appear to be one of the few options available to the applicant. The location of the use outside of the Centres is considered to be appropriate given a significant lack of alternatives.

The unit sits in a Category B employment area within the countryside.

The Core Strategy allows for the redevelopment of employment sites to other uses that contribute towards economic development. PPS4 defines economic development as "development within the B Use Classes, public and community uses and main town centre uses". The proposal would therefore seem to fall within the definition of economic development and as such its use is consistent with the policies of the Core Strategy.

It is also worth noting that the unit in question has been vacant for a considerable period of time. Given the economic downturn, the level of vacant employment buildings elsewhere in the Borough and the quality and location of this particular unit it is considered unlikely that this

ONLINE COMMENTS

on Planning Application to Fareham Borough Council

unit would have found an alternative B use class occupant, especially in the short term. The re-use of the building is considered to be of benefit to the surrounding area.

My only concern would be parking issues, given the lack on site and the "over-spill" is off site in areas not owned by the applicant. I trust this issue will be considered by our Highways team.

Regards,

Mark Chevis

Senior Planner (Strategic Sites & Design) & Sustainability Co-ordinator

Fareham Borough Council

mchevis@fareham.gov.uk

01329 824551

-----Original Task-----

Subject: Fareham Borough Council: Planning Consultation
for P/12/0050/CU

Priority: Normal

Start date: Fri 27/01/2012

Due date: Fri 10/02/2012

Status: Not Started

% Complete: 0%

Actual work: 0 hours

Requested by: Rowe, Sara



For Mr Kevin Fraser

Ref No : [P/12/0050/CU](#)

Titchfield Festival Theatre
Mr Kevin Fraser
Friends Farm 15 Swanwick Lane
Southampton
Hants
SO31 7DX

**TOWN AND COUNTRY PLANNING ACT 1990
TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER
2010**

73 ST MARGARETS LANE FAREHAM

**RETROSPECTIVE APPLICATION FOR CONTINUED USE OF UNIT A FOR D2 AND THEATRE
PURPOSES AND UNIT B FOR STORAGE USE**

Application Received : 23rd January 2012

In pursuance of their powers under the above mentioned Act the Council, as the Local Planning Authority, hereby PERMIT the development described above, in accordance with your application.

Subject to the following conditions:

1. The use hereby permitted shall cease on or before the 2nd May 2013, unless a further planning permission has been granted before the expiry of such period.

REASON: To retain planning control over the development hereby permitted and to enable the monitoring of car parking, highway safety impacts, the number of people in attendance of events and the impact of the activity on adjoining residential amenity, to enable the grant of temporary planning permission to be reviewed; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

2. The development hereby permitted shall be carried out in accordance with the OS Sitemap, Car Parking Diagram and drawing no. 1009/02 received by the Local Planning Authority on 23rd January 2012, unless otherwise agreed in writing by the Local Planning Authority.

Reason: For the avoidance of doubt and in the interests of proper planning.

3. Within one month of the date of this permission a Parking Management Plan shall be submitted in writing to the Local Planning Authority. The Parking Management Plan shall be fully implemented within two weeks of approval by the Council.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Adopted Fareham Borough Core Strategy.

Lee Smith



4. Notwithstanding the provisions of the Town and Country Planning Use Classes Order 1987 (as amended), Unit A identified on the OS Sitemap received by the Local Planning Authority on 23rd January 2012, shall only be used for theatre purposes and purposes ancillary to theatre use. The use shall only be carried out by The Titchfield Festival Theatre, unless the prior written approval of the Local Planning Authority has been obtained, following the submission of a planning application for that purpose.

REASON: To retain planning control over the development hereby permitted and to ensure the impact of the activities of multiple users of the site does not disrupt adjoining residential amenity or impact upon highway safety, in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy.

5. Within three months of the date of this permission, the car parking and turning areas shall be laid out within the site in accordance with the approved Car Parking Diagram received by the Local Planning Authority on 23rd January 2012, to enable 30 cars to be parked and for vehicles to turn so they may enter and leave the site in a forward gear. These areas for the parking and turning of vehicles shall thereafter be retained and kept available at all times.

REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Adopted Fareham Borough Core Strategy.

6. The use of Unit A, identified on the OS Sitemap received by the Local Planning Authority on 23rd January 2012, for the purpose of public entertainment, shall only take place between the hours of 09:00-23:00 Monday to Saturday, 10:00-22:00 on Sundays and Bank Holidays.

REASON: In order to protect the amenities of occupiers of nearby residential properties.

7. Public performances shall only take place in Unit A and shall be limited to a maximum of 140 performances per annum.

REASON: In order to protect the amenities of occupiers of nearby residential properties.

8. The use of Unit B, identified on the OS Sitemap received by the Local Planning Authority on 23rd January 2012 shall only be used for purposes defined as falling within Classes B1 or B8 of the Town and Country Planning Use Classes Order 1987 (as amended). The use for such purposes shall be limited to between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 on Saturday and not at all on Sundays and Bank Holidays.

REASON: In order to protect the amenities of occupiers of nearby residential properties.

9. No deliveries shall be taken at or despatched from Unit A, Unit B or from the application site, outside of the hours of 08:00 to 23:00.

REASON: To protect the amenities of the occupiers of the nearby residential properties.

10. Within one month of the date of this permission, a scheme for sound attenuation shall be submitted to the Local Planning Authority in writing. The scheme shall include acoustic measures to be installed within the building to mitigate against potential noise and

Lee Smith



disturbance to properties. The building on the site shall be attenuated in accordance with the approved details within one month of the date of their approval. Thereafter, the attenuation measures shall be retained. The attenuated doors along with all external doors shall be kept closed during performances, events and rehearsals.

REASON: In order to protect the amenities of the occupiers of the residential dwellings.

Further Information:

1. With regard to condition no. 3, the submitted Parking Management Plan, must incorporate clearly mapped site location plans of the overflow parking areas, include written guarantees from the third parties that the identified land or an acceptable alternative is available for overflow parking, indicate how the marshalling system for on-site parking will operate and include details of what measures will be employed to prevent on-street parking and stopping during events. Thereafter, the agreed Parking Management Plan shall be adhered to and, where necessary, alterations to the agreed measures submitted to the Local Planning Authority for approval in writing.
2. With regard to condition no. 10 above, the applicant is advised that soundproofing should be applied to internal rehearsal room doors and the external doors on the north west and south east elevations of the premises.
3. (i) This permission is granted for a temporary period for the following reasons:-

To enable the monitoring of car parking, highway impacts, the impact of activity on adjoining residential amenity and the character of the area to be undertaken, taking into account the policies of the Development Plan and national guidance. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should be granted for a temporary period.

(ii) In determining this application the following policies of the Development Plan were taken into account:

- CS1 - Employment Provision
- CS3 - Vitality and Viability of Centres
- CS5 - Transport Strategy and Infrastructure
- CS6 - The Development Strategy
- CS17 - High Quality Design
- CS20 - Infrastructure and Development Contributions

4. (i) Your attention is drawn to the enclosed Warning Notice relating to development not in accordance with approved plans. The protocol for 'Dealing with variations to Planning Permission' is available from the Civic Offices or in the Council's web site www.fareham.gov.uk
- (ii) You are also reminded that where a decision contains conditions which are required to be discharged within specific time limits, failure to comply with those conditions means that

Lee Smith



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the development is not pursuant to the planning permission and is therefore
UNAUTHORISED DEVELOPMENT.

Lee Smith



Your Entitlement to Appeal:

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or consent or at the imposition of conditions then, subject to the following provisions, you may appeal to the DCLG. The ways you can do so are set out above.

Please note that only the applicant possesses the right to appeal. There is no third party right of appeal for neighbours and other objectors.

Restrictions on Your Right to Appeal:

There is a time limit for lodging your appeal, although the Secretary of State may override this. The applicant has the following time in which to lodge an appeal for these classes:

- * Planning applications (but see below for Householder Applications)(appeal under Section 78 of the Town and Country Planning Act 1990 (TCPA)),
- * Listed building consent applications (appeal under Sections 20 or 21 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA)) and
- * Applications for Certificates of lawful use or development (appeals under Section 195 of the TCPA).

Should be lodged within 6 months of the date of the decision notice, or within 6 months of the expiry of the period of 8 weeks from the date the application was received or such extended period as agreed between the appellant and the Planning Inspectorate.

*** Householder Applications - If you want to appeal against a decision to refuse planning permission for a householder application then notice of appeal should be lodged within 12 weeks of the date of the decision notice.**

* Advertisement applications (appeal under Regulation 15 of the Town and Country Planning (Control of Advertisement) Regulations 1989) should be lodged within 8 weeks of the date of the decision notice.

* Application for consent to carry out works to a tree(s) the subject of a Tree Preservation Order (appeals under Sections (78)I of the TCPA) should be lodged within 28 days of the date on the decision notice, and

* Applications for a Certificate of Appropriate Alternative Development (appeals under Section 17 of the Land Compensation Act 1961) should be lodged within 1 month of the date of the certificate or notice of refusal to issue a certificate.

The Secretary of State may decide he will not consider an appeal. This might happen if the proposed development has been subject of an appeal which has been dismissed within the last two years, or where the Local Planning Authority could not have granted permission (or not without the conditions imposed) having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.

Lee Smith



2. Your Right to Serve a Purchase Notice

If the Local Planning Authority or the DCLG refuses planning permission to develop land or grant listed building consent for works, or grants permission or consent subject to conditions, the owner may serve a notice on the Council in whose area the land is situated, requiring the Council to purchase his interest in the land. The owner will need to establish that he can neither put the land to a beneficial use by the carrying out of any works or development which would have been or would be permitted (see Part VI, Chapter 1 of the TCPA for the former class of applications and Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990 for the latter class of applications.

3. Other ways to complain

If you are aggrieved at the way the Council has dealt with your application the Planning Officer who has been dealing with it will be pleased to explain the reasons for the Council's decision and endeavour to resolve the matter for you. If you are not satisfied, you may wish to put your complaint in writing or e-mail comps@fareham.gov.uk, using the Council's formal complaints procedure. This will ensure the details of your complaint are thoroughly investigated by an independent officer and an informed decision made as to whether your application was correctly dealt with. Details of the complaints procedure may be obtained from the Customer Services Manager at the Civic Offices (telephone 01329.236100). Should you remain unsatisfied at the conclusion of the Council's investigation, you may ask the Local Government Ombudsman to investigate the details of your complaint. Leaflets outlining the process of these procedures are available at the Civic Offices.

4. Other Consents You May Need

This decision relates solely to the town planning requirements under the Acts and Orders mentioned at the head of the decision notice. It does not grant any other consent or permission. In particular, the following may require consent:

i. Works requiring Building Regulations consent - If you have not already done so, you should contact the Council's Building Control Partnership at the Civic Offices, Telephone: 01329 236100 Ext 2441.

ii. Works or structures in the vicinity of a public sewer - If in doubt you should contact The Development Control Manager, Southern Water Services Ltd, Southern House, Sparrowgrove, Otterbourne, Winchester, Hampshire SO21 2SW Tel 0845 278 0845. You may inspect the Public Sewer Map held in the Council's Building Control Business Unit to find out if a public sewer crosses the site of the proposed development. (Buildings are not normally allowed within 3.0metres of a public sewer, although this may vary, depending upon the size, depth, strategic importance, available access and ground conditions appertaining to the sewer in question).

iii. Works affecting neighbours - (e.g.: work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near neighbouring buildings). The Party Wall Act 1996 requires certain measures to be taken and leaflets explaining the specific requirements are available at the Council Offices.

Lee Smith



IMPORTANT WARNING

Please read the content of this warning notice on receipt of your planning permission decision notice.

The Council is pleased to enclose your conditional planning permission decision notice.

FEES FOR DISCHARGING PLANNING CONDITIONS

There is a fee payable to the Council when you submit details pursuant to planning conditions. The fee is £85 per request to discharge conditions (or £25 if the discharge of condition relates to a planning permission for extending or altering a dwellinghouse or other development in the curtilage of a dwelling). By way of clarification if details are submitted to discharge a number of conditions at the same time then just one fee of either £85 or £25 would be payable. If details to discharge conditions are submitted on a number of separate occasions then a fee of either £85 or £25 would be payable on each occasion. The fee must be paid when the request is made.

All requests for discharging planning conditions should be made in writing and ideally on the national application form designed for this purpose (which can be downloaded from the following site www.fareham.gov.uk/pdf/developmentc/appformlist.pdf (No. 27 on the list of forms), or otherwise please contact Regulatory Services: Development Control 01329 236100 ext. 2437 for a paper copy.

If you choose to send a covering letter rather than fill in the national application form you must ensure that all the relevant information requested in the application form is contained within your covering letter.

PRE-DEVELOPMENT CONDITIONS

Please note that there maybe conditions attached to this planning permission which are required to be discharged **before** development commences.

There have been several occurrences recently where developments have commenced before planning conditions have been discharged.

I must advise you that should you commence the development prior to all of the pre-development conditions being discharged the development will be treated as unauthorised development.

Should development commence before the pre-development conditions are discharged planning enforcement and or injunctive action to secure the cessation of the development will be considered.

Lee Smith



DEVELOPMENT NOT IN ACCORDANCE WITH APPROVED PLANS

There have been many instances recently where development has not been undertaken strictly in accordance with the approved plans.

If there is any variation from the approved plans for whatever reason, unless it is so insignificant that it can be considered de minimis (of no consequence), it is likely that it will require the submission of a new planning application. This will involve significant work and additional cost to both the developer and the Local Planning Authority.

A protocol for dealing with variations to planning permissions was agreed by the Planning Development Control Committee 16 March 2005 and copies are available from the Civic Offices or on the Council's web site www.fareham.gov.uk

Please ensure that the development you undertake is the development for which you have been granted planning permission. If your working drawings do not match the stamped approved planning drawings a new planning application will be required unless the variation is **very** small.

The ultimate decision on whether or not any change will require planning permission rests with the Local Planning Authority.

Development which is not in accordance with the approved plans is unauthorised development and likely to attract Planning Enforcement Action.

**THIS WARNING IS DESIGNED TO ASSIST AND PREVENT LATER DIFFICULTIES
PLEASE HEED THE ADVICE IN THE PROTOCOL.**

Lee Smith

Section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
("the 1990 Act")

Statutory Declaration in support of a Ground D appeal by: -

Kevin Fraser of Titchfield Festival Theatre Limited

("the Appellant")

In relations to 71 and 73 St Margaret's Lane

(the "Property")

Date: April 2, 2024

STATUTORY DECLARATION OF MR KEVIN FRASER

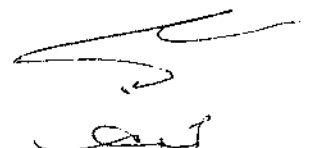
I, KEVIN FRASER, of, DO SOLEMNLY AND SINCERELY DECLARE as follows: -

1. I make this Statutory Declaration in support of a ground D appeal relating to an enforcement appeal (ref 3336046). This statement relates to land known as 71- 73 St Margaret's Lane, Fareham, PO14 4BG ("the Site").
2. I am a director and the chairperson of Titchfield Festival Theatre Limited ("TFT"), the owner of the Property since 30th November 2021. A plan showing the Site and a copy of the title documents is included at Exhibit KF1. TFT have occupied the 73 St Margarets Lane since 2010, at which time the layout and uses of the site was as displayed by Exhibit KF2, when the whole property was used solely by TFT.
3. Following the occupation of the property in 2010 two theatres were created, named the Oak and subsequently in 2015 the Acorn, within what was to become known as unit A.
4. The eastern half of the property, which was to become known as unit B, was used for rehearsal space, with a small performance area, wardrobe area, furniture storage, properties and prop making areas, set build areas and flat and scenery storage, all related to and in support of the use of the Oak and Acorn.
5. In early 2012 heavy curtains were inserted as sound insulation and fire proofing as displayed by the blue edging displayed on the plan at Exhibit KF3, from which time it became known as Unit B. This was as a result of a request by the Fareham Borough Council and Hampshire Fire and Rescue Service (HFRS) department. The plan shows the indicative uses of the theatre at the time. It should be noted that there was still internal access from within the building between units A and B.
6. In 2012 retrospective planning permission was obtained (P/12/0050/CU) to use unit A as Theatre and Unit B for B8 or B1. The application was permitted with a temporary permission which was subsequently successfully appealed. It is important to note that Unit B continued to be used for purposes related to the two theatres in unit A.
7. At that time 2012, TFT were approached by various local clubs and community groups regarding using the theatre facilities, and as a community hub for The Seas Scouts, Swanwick




Lions and Fareham Rotary Club. Those third parties do not hold a formal interest in the Property or tenancy agreement but do so out of an informal arrangement secured by oral agreement, with TFT's full consent. See Exhibit KF4.

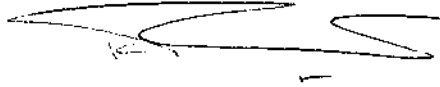
8. The curtain, with prop and wardrobe storage areas, is shown in situ in the photographs at Exhibit KF4 during 2013.
9. The date stamped photographs at Exhibit KF5 (2013) show rehearsals at the spaces indicated by Exhibit KF3, for performances at the Acorn theatre.
10. The uses displayed by that plan continued until June 2014 when the rehearsal area was expanded and the wardrobe area moved to reflect the layout indicated by the plan at Exhibit KF6. That plan also displays fire wall in place of the 'fire curtains' installed in 2012.
11. Fareham Men's Shed (another community group) started to use an area under the mezzanine from 2016 and continued to do so until May 2023. A plan indicating their use and the layout of the Site from the beginning of their occupation is shown at Exhibit KF7. They used the space on a daily basis to construct a workshop and meeting area for their community group. In addition to the construction of sets and props for use in the plays at the Oak and Acorn.
12. Exhibit KF7 also shows the result of works between December 2016 and May 2018 during which time we expanded further internally by creating 2 new rehearsal spaces and a performance space within the property. A new mezzanine was installed which joined to the existing mezzanine creating 2 x rehearsal spaces (Puck and Titania). Oberon, a large studio space with seating was created, allowing performances to take place. In June, July and October 2018 performances took place in this space.
13. In July 2019 we moved our Wardrobe Department to a new unit and our wardrobe area became a further new rehearsal space. We continued to make props and build scenery at the Property as shown by the plan at Exhibit KF8.
14. In 2019 two applications were made to Fareham Borough Council firstly for extensions and alterations to create a theatre and then to regularise the use of the unit B which was being used for purposes related to the theatre, for community use and external storage. Both applications were refused by the council. No appeals were undertaken and the property continued to be used for the purposes identified in the latter application.
15. In 2021 TFT purchased the 'Wellbro' site to the rear of 73 St Margarets Lane (addressed as 71 St Margarets Lane) also known in terms of the enforcement appeal as unit C.



16. TFT applied for planning permission in 2022 to extend unit C into the former gap between the two buildings and to connect to unit A/B. This was granted in 2022 ref (P/22/0255/FP). See Exhibit KF9
17. Planning application P/22/0255/FP commenced implementation in August 2022 and units B and C were connected externally and the gap between the buildings removed. The Planning permission permitted the removal of a portion of the western wall of unit C in order to create additional internal area. Subsequently a portion of Unit B's internal wall was removed to create one whole unit. This has resulted in the creation of one property which combines unit's A/B and C.
18. This larger property now comprises one building. which consists of the two main pre-existing theatres, the Oak Theatre and the Acorn Theatre together with the Oberon and storage, solely within Property A/B as identified above. In addition, a third theatre has been created (the Arden Theatre) principally within property A/B. See Exhibit KF10. This was in the areas formally used for community uses/rehearsal spaces/external storage areas. In formation of the Arden Theatre all the works were internal and there has not been a major change to the structure of any of the units. There has been a limited extension of the former unit A/B. Unit C is still used partly for external storage areas, along with community uses/rehearsal spaces, having been displaced from Property A/B.
19. The property (units A/B) at 73 St Margaret's Lane was used by Titchfield Festival Theatre continuously as one property since 2010. This was for performance in the Acorn, Oak and Oberon theatres for ancillary purposes (rehearsals, set building and set storage) together with external storage and community uses. In terms of the community uses the property was used for the regular meet ups of various groups and clubs, whose work involved assisting with props and set building in support of performances at those theatres. When there are not performances, there were rehearsals, set and wardrobe preparation activities for the next scheduled productions. This situation has not changed other than the Theatre use together with external storage and community uses now incorporates one large property A/B and C.

A handwritten signature in black ink, appearing to be 'J. P. S.', located in the bottom right corner of the page.

I MAKE THIS SOLEMN DECLARATION conscientiously believing the same to be true and by virtue of the Statutory Declarations Act 1835.



Declared at JASPER VINCENT SOLICITORS

in the County of HAMPSHIRE)

this 2nd day of APRIL 2024)

Before me Angela Pelleschi

Angela Margaret Pelleschi

SOLICITOR
Jasper Vincent Solicitors
9 Manor Court
2 Barnes Wallis Road
Segensworth
Fareham PO15 5TH

HM Land Registry

Transfer of whole of registered title(s)

TR1

Any parts of the form that are not typed should be completed in black ink and in block capitals.

If you need more room than is provided for in a panel, and your software allows, you can expand any panel in the form. Alternatively use continuation sheet CS and attach it to this form.

Leave blank if not yet registered.	1	Title number(s) of the property: HP7741 and HP59134
Insert address including postcode (if any) or other description of the property, for example 'land adjoining 2 Acacia Avenue'.	2	Property: 71 and 73 St. Margaret's Lane, Fareham PO14 4BG
Remember to date this deed with the day of completion, but not before it has been signed and witnessed.	3	Date: 30 November, 2021
Give full name(s) of all the persons transferring the property.	4	<p>Transferor:</p> <p>Graham Paul Alexander, Keith Edward Welch, Ian Charles Welch and JLT Trustees Limited as trustees of the Welbro (FTTM) Pension Scheme</p> <p><u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix:</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>
Complete as appropriate where the transferor is a company.	5	<p>Transferee for entry in the register:</p> <p>Titchfield Festival Theatre Limited</p> <p><u>For UK incorporated companies/LLPs</u> Registered number of company or limited liability partnership including any prefix: 08066633</p> <p><u>For overseas companies</u> (a) Territory of incorporation:</p> <p>(b) Registered number in the United Kingdom including any prefix:</p>
Give full name(s) of all the persons to be shown as registered proprietors.	6	<p>Transferee's intended address(es) for service for entry in the register:</p> <p>The Great Barn, The Lodge Mill Lane, Titchfield, Fareham, Hampshire PO15 5RB</p>
Complete as appropriate where the transferee is a company. Also, for an overseas company, unless an arrangement with HM Land Registry exists, lodge either a certificate in Form 7 in Schedule 3 to the Land Registration Rules 2003 or a certified copy of the constitution in English or Welsh, or other evidence permitted by rule 163 of the Land Registration Rules 2003.	7	The transferor transfers the property to the transferee subject to the matters contained or referred to in the Agreement

Place 'X' in the appropriate box. State the currency unit if other than sterling. If none of the boxes apply, insert an appropriate memorandum in panel 11.

Place 'X' in any box that applies.

Add any modifications.

Where the transferee is more than one person, place 'X' in the appropriate box.

Complete as necessary.

The registrar will enter a Form A restriction in the register *unless*:

- an 'X' is placed:
 - in the first box, or
 - in the third box and the details of the trust or of the trust instrument show that the transferees are to hold the property on trust for themselves alone as joint tenants, or
- it is clear from completion of a form JO lodged with this application that the transferees are to hold the property on trust for themselves alone as joint tenants.

Please refer to [Joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance. These are both available on the GOV.UK website.

Insert here any required or permitted statement, certificate or application and any agreed covenants, declarations and so on.

8 Consideration

- The transferor has received from the transferee for the property the following sum (in words and figures):
- One Million and Six Hundred Thousand Pounds (£1,600,000) (exclusive of VAT)
- The transfer is not for money or anything that has a monetary value
- Insert other receipt as appropriate:

9 The transferor transfers with

- full title guarantee
- limited title guarantee

10 Declaration of trust. The transferee is more than one person and

- they are to hold the property on trust for themselves as joint tenants
- they are to hold the property on trust for themselves as tenants in common in equal shares
- they are to hold the property on trust:

11 Additional provisions

11.1. DEFINITIONS

In this Deed the following words and expressions mean:

1994 Act	the Law of Property (Miscellaneous Provisions) Act 1994;
Agreement	the Agreement for Sale of the Property dated on even date herewith and made between the Transferor (1) and the Transferee (2) pursuant to which this Transfer is made;
Documents	the documents (if any) listed in Schedule 1;

Tenancy Documents

the leases and licences and other occupational interests affecting the Property (short details of which are contained in Schedule 2) and all other documents collateral or supplemental to or amending or varying the same;

VAT

Value Added Tax as provided for in the Value Added Tax Act 1994 and any similar or equivalent tax replacing or introduced pursuant to or in addition to the Value Added Tax Act 1994.

11.2. INTERPRETATION

11.2.1. In this deed:-

- a) references to the Transferor and to the Transferee shall where the context permits be construed as references to them and their successors in title respectively;
- b) words importing one gender shall be construed as importing any other gender;
- c) words importing the singular shall be construed as importing the plural and vice versa;
- d) words importing persons shall be construed as importing any corporate body board department or other body and/or a partnership and vice versa;
- e) the panel and clause headings do not form part of this deed and shall not be taken into account in its construction or interpretation;
- f) where any party to this deed comprises more than one person the obligations and liabilities of that party under this deed shall be joint and several obligations and liabilities of those persons;
- g) references to clauses and Schedules are to the clauses and Schedules of this deed; and
- h) reference to any legislation shall include any modifications, extension, amendment or re-enactment of that legislation and all orders instruments regulations and / or other subordinate legislation for the time being made issued or created under that legislation and / or deriving validity from it.

11.3. INDEMNITY

- 11.3.1. With the object and intention of affording to the Transferor a full and sufficient indemnity but not further or otherwise the Transferee covenants with the Transferor that the Transferee and its

Successors in title will observe and perform the covenants and other matters contained or referred to in the Documents so far as they are still subsisting capable of taking effect and affect the Property and will indemnify the Transferor against any losses damages costs expenses or liability whatsoever arising from any breach or non-observance thereof.

- 11.3.2. With the object and intention of affording to the Transferor a full and sufficient indemnity but not further or otherwise the Transferee covenants with the Transferor that the Transferee will observe and perform the covenants obligations and other matters on the part of the landlord contained in the Tenancy Documents and will indemnify the Transferor against any losses damages costs expenses and / or liability whatsoever arising from any breach or non-observance of any of them.

11.4. IMPLIED COVENANTS

It is agreed and declared as follows:

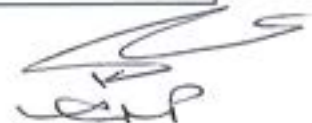
- 11.4.1. the covenant set out in section 2(1)(b) of the 1994 Act shall not extend to the Transferor unless its costs for complying with the covenant are met on a full indemnity basis by the person seeking to enforce the covenant;
- 11.4.2. the covenants set out in sections 2(1) and 4 of the 1994 Act shall not extend to make any matters now recorded in registers open to public inspection a breach of such covenants and any such matters are to be considered within the actual knowledge of the Transferee for the purposes of section 6(2)(a) of the 1994 Act;
- 11.4.3. the covenants set out in section 3 of the 1994 Act shall not extend to imply a covenant that this Transfer comprises a disposition free from any matters now recorded in registers open to public inspection and any such matters are to be considered within the actual knowledge of the Transferee for the purposes of section 6(2)(a) of the 1994 Act; and
- 11.4.4. the covenants contained in Sections 2, 3 and 4 of the 1994 Act shall not extend to benefit any successors in title to the Transferee and Section 7 of the 1994 Act shall not apply.

11.5. CONTRACTS (RIGHTS OF THIRD PARTIES) ACT 1999

A person who is not a party to this deed shall not have any right under the Contracts (Right of Third Parties) Act 1999 to enforce any of the terms of this deed.

11.6. LIMITATION OF LIABILITY

- 11.6.1. Without prejudice to any other obligations of JLT Trustees Limited under this deed, it is expressly agreed and understood that the recourse of the Transferee against JLT Trustees Limited will be



limited to the assets held by JLT Trustees Limited from time to time as a trustee of the Welbro (FTTM) Pension Scheme.

11.6.2. This limitation of liability will not affect any claim which the Buyer may have against JLT Trustees Limited in the event of fraud on the part of JLT Trustees Limited in the administration of the Pension Scheme.

**Schedule 1
(the Documents)**

as referred to in Title Numbers HP7741 and HP59134

**Schedule 2
(Tenancy Documents)**

Date	Document	Term	Original Parties
20 July 2021	Lease	5 years from and including 1 st June 2021	(1) Graham Paul Alexander, Keith Edward Welch, Ian Charles Welch and JLT Trustees Limited as trustees of the Welbro (FTTM) Pension Scheme and (2) Welbro Project Management Limited
29 September 2010	Lease	10 years from and including 29 th September 2010	(1) Richard William Mancey, Sara Jane Mancey, Kathleen Anne Mancey T/A Paultons Properties, (2) Titchfield Festival Theatre Limited and (3) Kevin Fraser

The transferor must execute this transfer as a deed using the space opposite. If there is more than one transferor, all must execute. Forms of execution are given in Schedule 9 to the Land Registration Rules 2003. If the transfer contains transferee's covenants or declarations or contains an application by the transferee (such as for a restriction), it must also be executed by the transferee.

If there is more than one transferee and panel 10 has been completed, each transferee must also execute this transfer to comply with the requirements in section 53(1)(b) of the Law of Property Act 1925 relating to the declaration of a trust of land. Please refer to [joint property ownership](#) and [practice guide 24: private trusts of land](#) for further guidance.

Remember to date this deed in panel 3.

12 Execution

Executed as a deed by
GRAHAM PAUL ALEXANDER in
the presence of:

Graham Paul Alexander

Witness signature

Name
(in block capitals)

Address

Occupation



Executed as a deed by KEITH EDWARD WELCH in the presence of:

Keith Edward Welch

Witness signature

Name (in block capitals)

Address

Occupation

Executed as a deed by IAN CHARLES WELCH in the presence of:

Ian Charles Welch

Witness signature

Name (in block capitals)

Address

Occupation

Executed as a deed by JLT TRUSTEES LIMITED acting by its attorney under a power of attorney dated 1 April 2021 in the presence of:



Director

Witness signature



Name (in block capitals)

BETHAN DEEN

Address

Fitzalan House,
Fitzalan Court, Fitzalan
Road, Cardiff CF24 0EL



Occupation	_____
Signed by [INSERT NAME] on behalf of TITCHFIELD FESTIVAL THEATRE LIMITED in the presence of:	} _____ _____
Witness signature	_____
Name (in block capitals)	_____
Address	_____ _____ _____ _____
Occupation	_____

WARNING

If you dishonestly enter information or make a statement that you know is, or might be, untrue or misleading, and intend by doing so to make a gain for yourself or another person, or to cause loss or the risk of loss to another person, you may commit the offence of fraud under section 1 of the Fraud Act 2006, the maximum penalty for which is 10 years' imprisonment or an unlimited fine, or both.

Failure to complete this form with proper care may result in a loss of protection under the Land Registration Act 2002 if, as a result, a mistake is made in the register.

Under section 66 of the Land Registration Act 2002 most documents (including this form) kept by the registrar relating to an application to the registrar or referred to in the register are open to public inspection and copying. If you believe a document contains prejudicial information, you may apply for that part of the document to be made exempt using Form EX1, under rule 136 of the Land Registration Rules 2003.

© Crown copyright (ref: LR/HO) 04/17

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Exhibit KF2



Trichfield Festival Theatre
2010/2011

Exhibit KF3



Titchfield Festival Theatre
2012

Exhibit KF4



[Handwritten signature]



Handwritten signature or initials.

Exhibit KF5



[Handwritten signature]

Exhibit KF6



PLAN D
Ground Floor

Titchfield Festival Theatre
2014/2015



PLAN E
Ground Floor

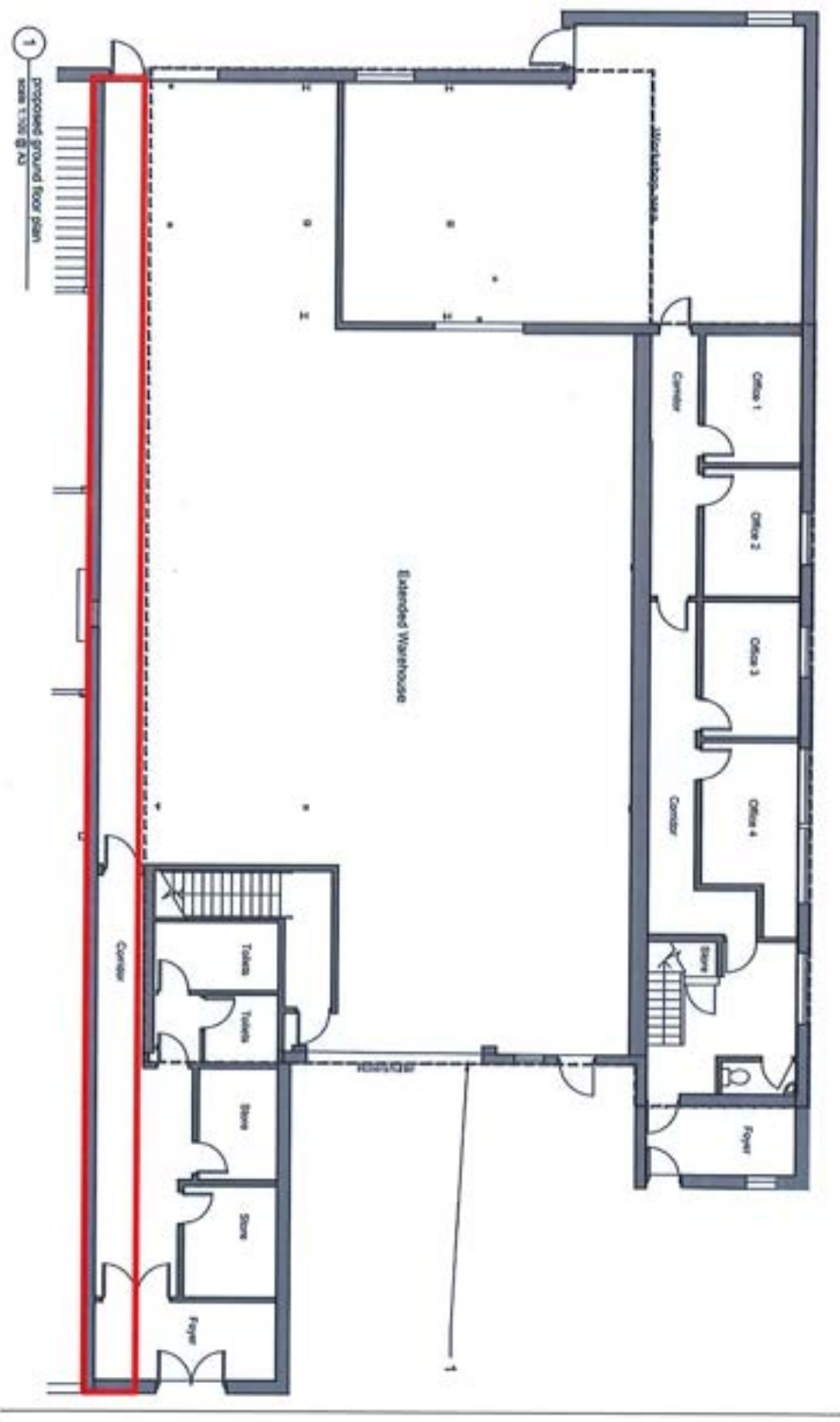
Exhibit KF8

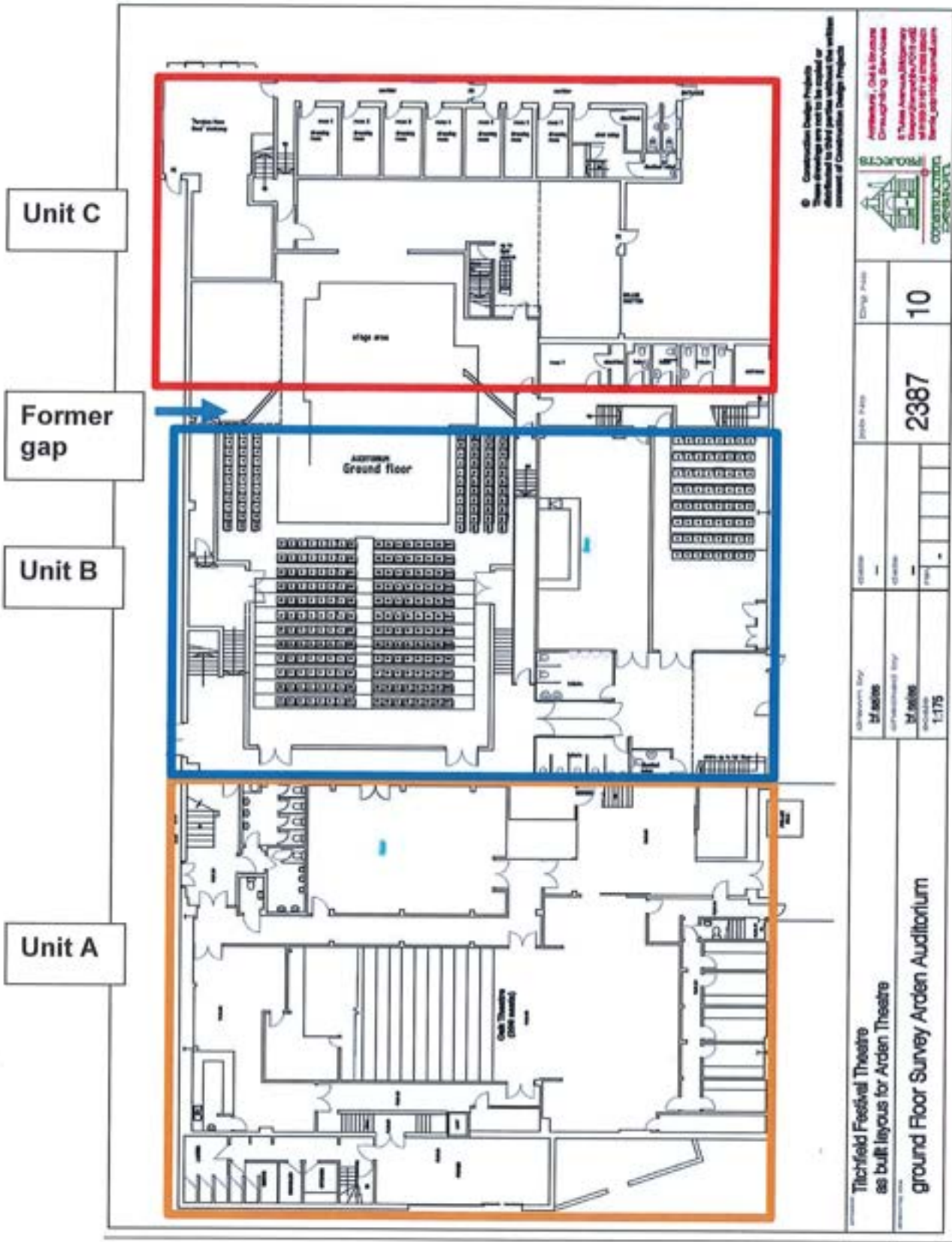


PLAN F
Ground Floor

Titchfield Festival Theatre
2018

Exhibit KF9







**Change of use of unit B to a mixed
use of B8/D2 and theatre purposes
and variation of condition 8 of
P/12/0050/CU relating to use and
hours of operation**

73 St Margarets Lane, Titchfield

PLANNING STATEMENT



Client: Mr Fraser

Date: September 2019

Ref: F/364/3/ID

SOUTHERN PLANNING PRACTICE LTD

Registered Office: Youngs Yard, Churchfields, Twyford, Winchester, SO21 1NN
Tel: 01962 715770 Fax: 01962 715880 Email: info@southernplanning.co.uk Website: www.southernplanning.co.uk
Registered in England and Wales No. 3862030

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3.0 PLANNING POLICY	4
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6.0 CONCLUSION.....	8



1.0 INTRODUCTION

1.1 Southern Planning Practice Ltd has been instructed by Titchfield Festival Theatre, a registered charity and well known community asset, to submit a planning application for the change of use of unit B at 73 St Margarets Lane, Titchfield to a mixed use of B2/D2 and theatre purposes and variation of condition 8 of P/12/0050/CU relating to use and hours of operation.

The Site and Surroundings

1.2 The proposal relates to a warehouse/industrial building now utilised by Titchfield Festival Theatre. The property consists of a three storey office block fronting onto St Margarets Lane which is used for admin functions for the Theatre and a large warehouse structure behind (Unit A) which is the main theatre. To the rear of the theatre building is another large building (unit B) authorised for B1/B8 use (office/light industrial/storage). The frontage of the building has recently undergone a considerable change to allow it to look less office like and more inviting to patrons and the public in general.



- 1.3 The building is located within an area defined as countryside and the Meon Strategic Gap by the adopted Fareham Borough Core Strategy. The site is bound by a building to the east, by fields to the north and south and by St Margarets Lane to the west.
- 1.4 The area is mixed use in character with commercial uses including a garden nursery, furniture workshop and builders' yard in the locality and residential development to the south and to the west, across St Margarets Lane.
- 1.5 To the north is a hotel and industrial developments at Kites Croft and Segensworth. To the rear of the site is a separate industrial unit in the form of a warehouse and offices. To the south there is a field beyond which is a residential dwelling and light industrial units.
- 1.6 At present Unit A comprises 2 theatres one accommodating 200 seats and the other 100 seats together with ancillary areas. To the rear is a commercial unit currently in B1/B8 use (office/light industrial/storage). Beyond that is a further commercial unit in separate ownership and in B8 use.



Site

2.0 PLANNING HISTORY

2.1 The following planning history is relevant to this application:

[P/19/0510/FP](#)

Proposal: Rear, Side & Roof Extensions, Change Of Use Of Storage Area To 567 Seated Theatre And Industrial Unit To Ancillary Back Stage & Changing Rooms

Decision Date: 21/08/2019

Status: Refuse

[P/17/1024/FP](#)

Proposal: Mansard Roof and Alterations to Front Elevation

Decision Date: 26/09/2017

Status: Approve

[P/12/0050/CU](#)

Proposal: Retrospective Application for Continued Use of Unit A for D2 and Theatre Purposes and Unit B for Storage Use

Decision Date: 02/05/2012

Status: Appealed: Allowed

2.2 There following condition attached to the appeal permission is relevant: -

8. The use of Unit B, identified on the OS Sitemap received by the Local Planning Authority on 23rd January 2012 shall only be used for purposes defined as falling within Classes B1 or B8 of the Town and Country Planning Use Classes Order 1987 (as amended). The use for such purposes shall be limited to between the hours of 08:00-18:00 Monday to Friday, 09:00-13:00 on Saturday and not at all on Sundays and Bank Holidays.

3.0 PLANNING POLICY

3.1 Government Policy

- National Planning Policy Framework

3.2 Approved Fareham Borough Core Strategy

- CS1 - Employment provision
- CS5 - Transport Strategy and Infrastructure
- CS14 - Development Outside Settlements
- CS17 - High Quality Design
- CS22 - Development in Strategic Gaps

3.3 Development Sites and Policies: -

- DSP1: Sustainable development
- DSP2: Environmental impact
- DSP3: Impact on living conditions
- DSP9 Economic Development Outside of the Defined Urban Settlement Boundaries
- DSP17 Existing Employment Sites and Areas
- DSP51 Parking

3.4 Community use including theatres falls within the definition of economic development. Therefore, the appropriate policy is: -

Policy DSP 9 (Economic Development Outside of the Defined Urban Settlement Boundary). The policy states: -

Proposals for the expansion or intensification of existing employment sites/area outside of the defined urban settlement boundaries will only be permitted where:

I. Development is essential to the operation of the existing businesses; and

II. Development can be accommodated within the curtilage of the existing site.

All new development, expansion and intensification outside of the defined urban settlement boundaries should:

iii. not be of a disproportionate scale to the operational requirements of the employment site;

iv. not have an unacceptable adverse impact on the strategic and local road network; and

v. not have an unacceptable environmental impact.

New buildings should be well designed to respect the character of the area and, where possible, should be grouped with existing buildings.

They should avoid the loss of significant trees, should not have an unacceptable impact on the amenity of residents, and should not result in unacceptable environmental or ecological impacts or detrimental impact on the character or landscape of the surrounding area.

4.0 THE PROPOSAL

4.1 The proposal is in effect a regularisation of the current use of the unit B which is used for the following:-

- Scenery storage for the theatre (Theatre Use)
- Rehearsals space for the theatre (Theatre Use)
- Scenery storage for other theatres (B8 use)
- The provision of the 'Men's Shed' a community use (D2 use)

4.2 There would be no internal or external changes to the building.

4.3 Access would be either through the main entrance to the theatre or through the roller shutter doors on the eastern side of the building.

4.4 There would be no change to car parking demand/useage as the activities currently exist.

4.5 At present there is an hours restriction on unit B of 0800 – 1800 Monday to Friday and 0900 – 1300 hours Saturday and not at all on Sundays and bank holidays. There is a need to vary the hours to match those of the theatre use namely 0900 – 2300 Monday to Saturday and 1000 – 2200 Sundays and Bank Holidays. This is so that:-

- Scenery can be moved between the two units in readiness for stage shows.
- The Men's Shed can carry on running courses at weekends.
- The Men's shed assist with scenery production which is sometimes undertaken in evenings and weekends.
- As the theatre is amateur rehearsals often take place in evenings and weekends.

5.0 PLANNING ASSESSMENT

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development to be approved in accordance with the development plan, unless material considerations indicate otherwise. The Planning System: General Principles states that where there are other material considerations, the Development Plan should be the starting point and other material considerations should be taken into account.

5.2 The main issue relate to the loss of employment space. However, in the officer report into the recently refused application for the new theatre the comments were as follows: -

The proposal would result in the loss of approximately 600 square metres of commercial floorspace. The site is not designated as an employment area that should be protected and therefore the loss of the commercial floorspace would not conflict with Local Plan Policies.

5.3 On this basis it is considered that the principal of the use is acceptable

5.4 In terms of the proposed mixed use for the building the proposal would only regularise the current use of unit B. Again with the extended hours this would only reflect the current situation with regard to scenery movements between the theatre and the storage area, rehearsals and the use by the Men's Shed.

6.0 CONCLUSION

- 6.1 The principle of the re-use of the commercial units for community and theatre uses accords with policy CS1 of the Core Strategy and DSP 9 of the Development sites and Policies Document therefore the principle is acceptable
- 6.2 There would be no external or internal changes to the building.
- 6.3 As the use of the building currently exists there would be no increased demand for car parking or traffic generation.
- 6.4 The increase in hours only reflects the current situation and therefore there would be no discernible change in relation to impact on neighbouring properties.
- 6.5 It is considered that the proposal complies with both local and national policies and therefore favourable support should be given to this application.

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For Locks Heath Free Church

Rowan & Edwards Ltd
21 Plymouth Road
Tavistock
Devon
PL19 8AU

Ref No : [P/13/0575/FP](#)

TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010

LOCKS HEATH FREE CHURCH 255 HUNTS POND ROAD TITCHFIELD COMMON FAREHAM
ALTERATIONS AND EXTENSIONS TO EXISTING CHURCH TO PROVIDE NEW WORSHIP
AREA, ACTIVITY HALL WITH ADDITIONAL CAR PARKING

Application Received : 2nd July 2013

In pursuance of their powers under the above mentioned Act the Council, as the Local Planning Authority, hereby PERMIT the development described above, in accordance with your application.

Subject to the following conditions:

1. The development hereby permitted shall be begun before the expiry of three years from the date of this permission.
REASON: To comply with the procedures set out in the Town and Country Planning (Development Management Procedure) Order 2010 and Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

P100
P102
P103B
P104B
P105
P106
P107
P108A

Noise Impact Assessment July 2013

Reason: For the avoidance of doubt and in the interests of proper planning. Reason: For the avoidance of doubt and in the interests of proper planning.

3. The extension hereby approved shall not be brought into use until the approved parking and turning areas 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



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turning of vehicles at all times unless otherwise agreed in writing by the local planning authority following the submission of a planning application made for that purpose.

REASON: In the interests of highway safety; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

4. No development shall take place until a detailed landscaping scheme identifying all existing trees, shrubs and hedges to be retained together with the species, planting sizes, planting distances, density, numbers and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed, 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; in accordance with Policies DG4 of the Fareham Borough Local Plan Review and Policy CS17 of the Adopted Fareham Borough Core Strategy.
5. The landscaping scheme, submitted under Condition 4 above, shall be implemented 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. Unless otherwise first agreed in writing, 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; in accordance with the approved designs in accordance with Policy DG4 of the Fareham Borough Local Plan Review and Policy CS17 of the Adopted Fareham Borough Core Strategy.
6. No development shall take place until details of materials to be used in the construction of the external surfaces of the extension, along with the surfacing materials to be laid within the site 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: In order to secure the satisfactory appearance of the development; in accordance with Policy CS17 of the Fareham Borough Core Strategy and Policy DSP2 of the Development Sites Policies Plan.
7. The extension hereby permitted shall not be brought into use until details of all external lighting has 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: In order to secure the satisfactory appearance of the development; to preserve the amenities of nearby residential properties; in accordance with Policy CS17 of the Fareham Borough Core Strategy and Policies DSP2 and DSP3 of the Development Sites Policies Plan.
8. The extension hereby permitted shall not be brought into use until noise attenuation measures have been carried out in accordance with the approved Noise Impact Assessment and shall thereafter be retained at all times.
REASON: In order to protect the amenities of the occupiers of nearby residential properties; in accordance with Policy CS17 of the Fareham Borough Core Strategy and Policy DSP3 of the Development Sites Policies Plan.



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9. No work relating to the construction of the development hereby approved (including works of preparation prior to operations) shall take place until details of measures to be taken to prevent spoil and mud from vehicles leaving the site during construction works being deposited on the public highway have been submitted to and approved by the Local Planning Authority in writing. The approved measures shall be fully implemented before development commences and shall be retained for the duration of the construction period.
REASON: In the interests of highway safety; in accordance with Policies CS5 and CS17 of the Fareham Borough Core Strategy and Policy DSP3 of the Development Sites Policies Plan.
10. No work relating to construction of the development hereby approved (including works of preparation prior to operations) shall take place outside the following hours: 0800-1800 hours Monday to Friday, 0800-1300 hours Saturday, nor on Sundays or recognised public holidays, unless otherwise agreed by the Local Planning Authority in writing.
REASON: In order to protect the amenities of the occupiers of adjoining properties; in accordance with Policy CS17 of the Fareham Borough Core Strategy and Policy DSP3 of the Development Sites Policies Plan.
11. No development shall take place until the local planning authority have approved details of how provision is to be made on site for the parking and turning of operatives vehicles and the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the permitted development. The areas and facilities approved in pursuance to this condition shall be made available before construction works commence on site (other than construction of the site access) and shall thereafter be kept available at all times during the construction period, unless otherwise agreed in writing with the local planning authority.
REASON: In the interests of highway safety; in order to secure the health and wellbeing of the trees and vegetation which are to be retained at the site; and to ensure that the residential amenities of the occupiers of nearby residential properties is maintained during the construction period; in accordance with Policy DG4 of the Fareham Borough Local Plan Review.
12. No development shall commence on site until details of sewage and surface water drainage works to serve the development hereby permitted have been submitted to and approved in writing by the local planning authority. The extension shall not be occupied until the drainage works have been completed in accordance with the approved details.
REASON: In order to ensure adequate drainage is provided to serve the permitted development in accordance with Policy CS15 of the Adopted Fareham Borough Core Strategy.
13. No development shall take place until a scheme of tree protection, in accordance with BS5837, has been submitted to and approved by the local planning authority in writing and which shall take into account trees both on and off site which may be affected. The agreed scheme shall be implemented before any of the substantive development is commenced and shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site. Within the areas so fenced nothing shall be stored or placed and the ground levels shall not be altered.
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; in



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accordance with Policy DG4 of the Fareham Borough Local Plan Review and Policy CS17 of the Adopted Fareham Borough Core Strategy.

14. No development shall take place until a ground gas assessment has taken place that investigates for the presence of hazardous ground gases including methane, carbon dioxide, hydrogen sulphide and oxygen. The monitoring should be in accordance with current best practice such as CIRIA C665 (2007) Assessing Risks posed by Hazardous Ground Gases to Buildings.

Where required, a strategy of remedial measures and detailed foundation drawings to address identified risks shall be submitted to and approved in writing by the Local Planning Authority.

Prior to the extension being brought into use the agreed scheme of remedial measures shall be fully implemented. Remedial measures shall be inspected and validated to confirm that the remedial works have been implemented in accordance with the agreed remedial strategy and drawings and shall include photographic evidence of the measures and as built drawings.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place; in accordance with Policy DG4 of the Fareham Borough Local Plan Review.

15. The presence of any previously unidentified contamination that becomes evident during the development of the site shall immediately be brought to the attention of the local planning authority. No further development shall be carried out on the relevant part of the site, unless otherwise agreed in writing by the local planning authority, until the results of and an investigation and risk assessment and, where required, a detailed scheme for remedial works to mitigate the contamination, eliminate risks to receptors and ensure the site is suitable for the proposed development has been submitted to and approved by the local planning authority. The scheme shall also include details of how the completion of the remedial works will be validated and, where appropriate, maintained and monitored.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place; in accordance with Policy DG4 of the Fareham Borough Local Plan Review.

16. In the event that piling is carried out a detailed method statement should be submitted to and agreed by the Local Planning Authority prior to commencement of the works.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place; in accordance with Policy DG4 of the Fareham Borough Local Plan Review.

17. The extension hereby approved shall not be used outside the hours of 0600 and 2300 hours unless for a church related service.

REASON: In order to protect the amenities of the occupiers of adjoining properties; in accordance with Policy CS17 of the Fareham Borough Core Strategy and Policy DSP3 of the Development Sites Policies Plan.

18. The development shall be carried out in accordance with the approved Phase 1 Habitat



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Survey, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of nature conservation; in accordance with Policy C18 of the Fareham Borough Local Plan Review.

19. No development shall take place until details of vehicular signage and safety barriers to be erected within the site have been submitted to and approved in writing with the Local Planning Authority in writing. The approved signage and barriers shall thereafter be erected before the extension hereby approved is first brought into use and shall be retained at all times.

REASON: In the interests of highway safety; in accordance with Policy CS5 of the Fareham Borough Core Strategy.

20. The rear doors to the auditorium shall be self closing and alarmed for emergency use only. The doors shall be kept in this condition at all times, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of residential amenity; in accordance with Policy CS17 of the Fareham Borough Core Strategy and Policy DSP3 of the Development Sites Policies Plan.

21. The extension hereby approved shall not be brought into use until details of secure cycle parking has been submitted to and approved by the local planning authority in writing. The details shall specify the precise size, siting and design of the cycle provision to be made. The approved details shall be fully implemented prior to the extension first being brought into use and thereafter retained at all times.

REASON: In order to facilitate alternative modes of transport to the motorcar; in accordance with Policy CS17 of the Adopted Fareham Borough Core Strategy.

Further Information:

1. (i) Your attention is drawn to the enclosed Warning Notice relating to development not in accordance with approved plans. The protocol for 'Dealing with variations to Planning Permission' is available from the Civic Offices or in the Council's web site www.fareham.gov.uk

(ii) You are also reminded that where a decision contains conditions which are required to be discharged before development commences, to commence development before those conditions are discharged means that the development is not pursuant to the planning permission and is therefore UNAUTHORISED DEVELOPMENT.

2. Ground gas assessments should be undertaken in accordance with current best practice guidance such as Ciria C665 (2007) Assessing Risks posed by Hazardous Ground Gases to Buildings or Wilson, Card and Haines (2008) The Local Authority Guide to Ground Gas.

This assessment should be carried out by or under the supervision of a suitably qualified competent

person. This person should be a chartered member of an appropriate professional body and have experience in investigating contaminated sites.

In reaching this decision Fareham Borough Council has had regard to paragraphs 186 and 187 of the National Planning Policy Framework and takes a positive and proactive approach to



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development proposals focused on solutions. Fareham Borough Council work with applicants and their agents in a positive and proactive manner offering a pre-application advice service and updating applicants/agents of issues that may arise in dealing with the application and where possible suggesting solutions.

The Council adopted its Community Infrastructure Levy (CIL) Charging Schedule on 1 May 2013. If the development to which this permission relates attracts the payment of CIL, the parties liable for the payment will receive a CIL Liability Notice shortly or, in the case of an outline permission, shortly after the approval of the last reserved matter associated with the permission. The Council's CIL Charging Schedule and a CIL Guide for Developers and Landowners can be found on the Council's web site.



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Your Entitlement to Appeal:

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or consent or at the imposition of conditions then, subject to the following provisions, you may appeal to the DCLG. The ways you can do so are set out above.

Please note that only the applicant possesses the right to appeal. There is no third party right of appeal for neighbours and other objectors.

Restrictions on Your Right to Appeal:

There is a time limit for lodging your appeal, although the Secretary of State may override this. The applicant has the following time in which to lodge an appeal for these classes:

- * Planning applications (but see below for Householder Applications)(appeal under Section 78 of the Town and Country Planning Act 1990 (TCPA)),
- * Listed building consent applications (appeal under Sections 20 or 21 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA)) and
- * Applications for Certificates of lawful use or development (appeals under Section 195 of the TCPA).

Should be lodged within 6 months of the date of the decision notice, or within 6 months of the expiry of the period of 8 weeks from the date the application was received or such extended period as agreed between the appellant and the Planning Inspectorate.

*** Householder Applications - If you want to appeal against a decision to refuse planning permission for a householder application then notice of appeal should be lodged within 12 weeks of the date of the decision notice.**

* Advertisement applications (appeal under Regulation 15 of the Town and Country Planning (Control of Advertisement) Regulations 1989) should be lodged within 8 weeks of the date of the decision notice.

* Application for consent to carry out works to a tree(s) the subject of a Tree Preservation Order (appeals under Sections (78)I of the TCPA) should be lodged within 28 days of the date on the decision notice, and

* Applications for a Certificate of Appropriate Alternative Development (appeals under Section 17 of the Land Compensation Act 1961) should be lodged within 1 month of the date of the certificate or notice of refusal to issue a certificate.

The Secretary of State may decide he will not consider an appeal. This might happen if the proposed development has been subject of an appeal which has been dismissed within the last two years, or where the Local Planning Authority could not have granted permission (or not without the conditions imposed) having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.



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2. Your Right to Serve a Purchase Notice

If the Local Planning Authority or the DCLG refuses planning permission to develop land or grant listed building consent for works, or grants permission or consent subject to conditions, the owner may serve a notice on the Council in whose area the land is situated, requiring the Council to purchase his interest in the land. The owner will need to establish that he can neither put the land to a beneficial use by the carrying out of any works or development which would have been or would be permitted (see Part VI, Chapter 1 of the TCPA for the former class of applications and Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990 for the latter class of applications.

3. Other ways to complain

If you are aggrieved at the way the Council has dealt with your application the Planning Officer who has been dealing with it will be pleased to explain the reasons for the Council's decision and endeavour to resolve the matter for you. If you are not satisfied, you may wish to put your complaint in writing or e-mail customerservices@fareham.gov.uk. Details of the complaints procedure can be obtained from the Customer Services Manager at the Civic Offices (telephone 01329.236100) or from our website www.fareham.gov.uk.

4. Other Consents You May Need

This decision relates solely to the town planning requirements under the Acts and Orders mentioned at the head of the decision notice. It does not grant any other consent or permission. In particular, the following may require consent:

i. Works requiring Building Regulations consent - If you have not already done so, you should contact the Council's Building Control Partnership at the Civic Offices, Telephone: 01329 236100 Ext 2441.

ii. Works or structures in the vicinity of a public sewer - If in doubt you should contact The Development Control Manager, Southern Water Services Ltd, Southern House, Sparrowgrove, Otterbourne, Winchester, Hampshire SO21 2SW Tel 0845 278 0845. You may inspect the Public Sewer Map held in the Council's Building Control Business Unit to find out if a public sewer crosses the site of the proposed development. (Buildings are not normally allowed within 3.0metres of a public sewer, although this may vary, depending upon the size, depth, strategic importance, available access and ground conditions appertaining to the sewer in question).

iii. Works affecting neighbours - (e.g.: work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near neighbouring buildings). The Party Wall Act 1996 requires certain measures to be taken and leaflets explaining the specific requirements are available at the Council Offices.



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IMPORTANT WARNING

Please read the content of this warning notice on receipt of your planning permission decision notice.

The Council is pleased to enclose your conditional planning permission decision notice.

FEES FOR DISCHARGING PLANNING CONDITIONS

There is a fee payable to the Council when you submit details pursuant to planning conditions. The fee is £97 per request to discharge conditions (or £28 if the discharge of condition relates to a planning permission for extending or altering a dwellinghouse or other development in the curtilage of a dwelling). By way of clarification if details are submitted to discharge a number of conditions at the same time then just one fee of either £97 or £28 would be payable. If details to discharge conditions are submitted on a number of separate occasions then a fee of either £97 or £28 would be payable on each occasion. The fee must be paid when the request is made.

All requests for discharging planning conditions should be made in writing and ideally on the national application form designed for this purpose (which can be downloaded from the following site www.fareham.gov.uk/pdf/developmentc/appformlist.pdf (No. 27 on the list of forms), or otherwise please contact our Customer Service Centre, Planning Reception on 01329 236100 for a paper copy.

If you choose to send a covering letter rather than fill in the national application form you must ensure that all the relevant information requested in the application form is contained within your covering letter.

PRE-DEVELOPMENT CONDITIONS

Please note that there maybe conditions attached to this planning permission which are required to be discharged **before** development commences.

There have been several occurrences recently where developments have commenced before planning conditions have been discharged.

I must advise you that should you commence the development prior to all of the pre-development conditions being discharged the development will be treated as unauthorised development.

Should development commence before the pre-development conditions are discharged planning enforcement and or injunctive action to secure the cessation of the development will be considered.



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DEVELOPMENT NOT IN ACCORDANCE WITH APPROVED PLANS

There have been many instances recently where development has not been undertaken strictly in accordance with the approved plans.

If there is any variation from the approved plans for whatever reason, unless it is so insignificant that it can be considered de minimis (of no consequence), it is likely that it will require the submission of a new planning application. This will involve significant work and additional cost to both the developer and the Local Planning Authority.

A protocol for dealing with variations to planning permissions was agreed by the Planning Development Control Committee 16 March 2005 and copies are available from the Civic Offices or on the Council's web site www.fareham.gov.uk

Please ensure that the development you undertake is the development for which you have been granted planning permission. If your working drawings do not match the stamped approved planning drawings a new planning application will be required unless the variation is **very** small.

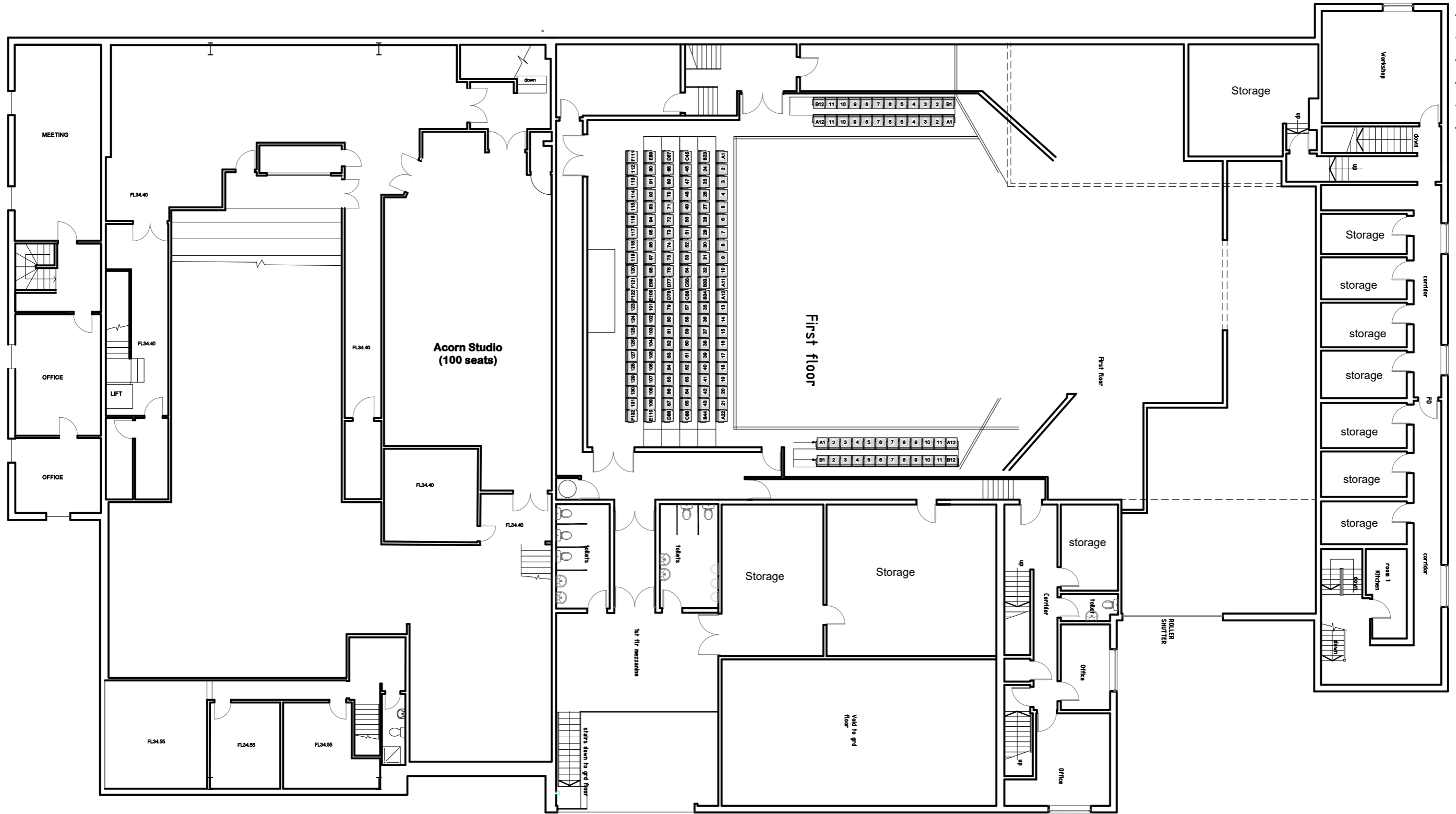
The ultimate decision on whether or not any change will require planning permission rests with the Local Planning Authority.

Development which is not in accordance with the approved plans is unauthorised development and likely to attract Planning Enforcement Action.

**THIS WARNING IS DESIGNED TO ASSIST AND PREVENT LATER DIFFICULTIES
PLEASE HEED THE ADVICE IN THE PROTOCOL.**



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project
 Titchfield Festival Theatre
 as built layout for Arden Theatre

drawing title
 1st Floor Survey Arden Auditorium

drawn by
 bf.sales

checked by
 bf.sales

scale
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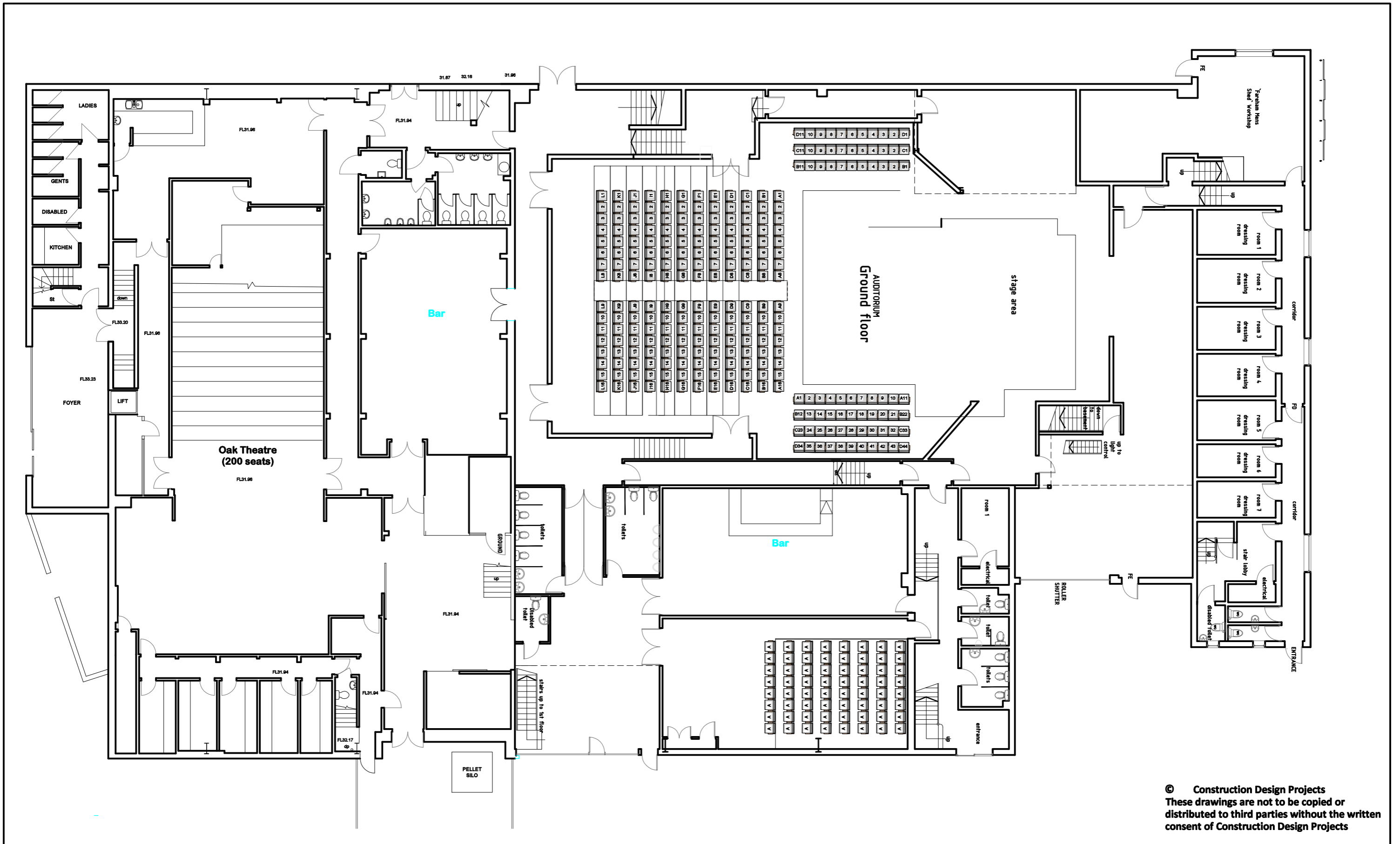
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Architectural, Civil & Structural
 Draughting Services

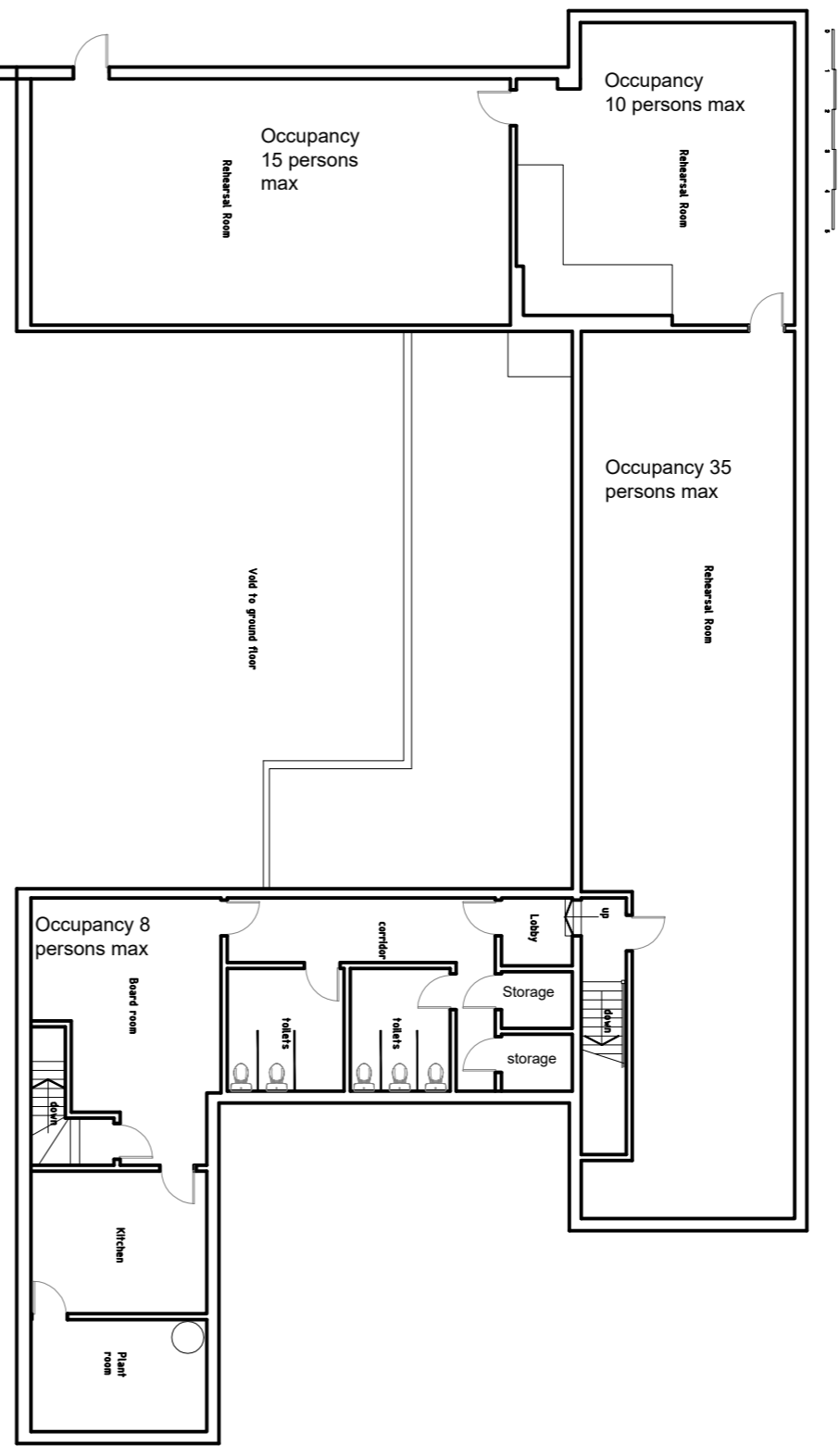
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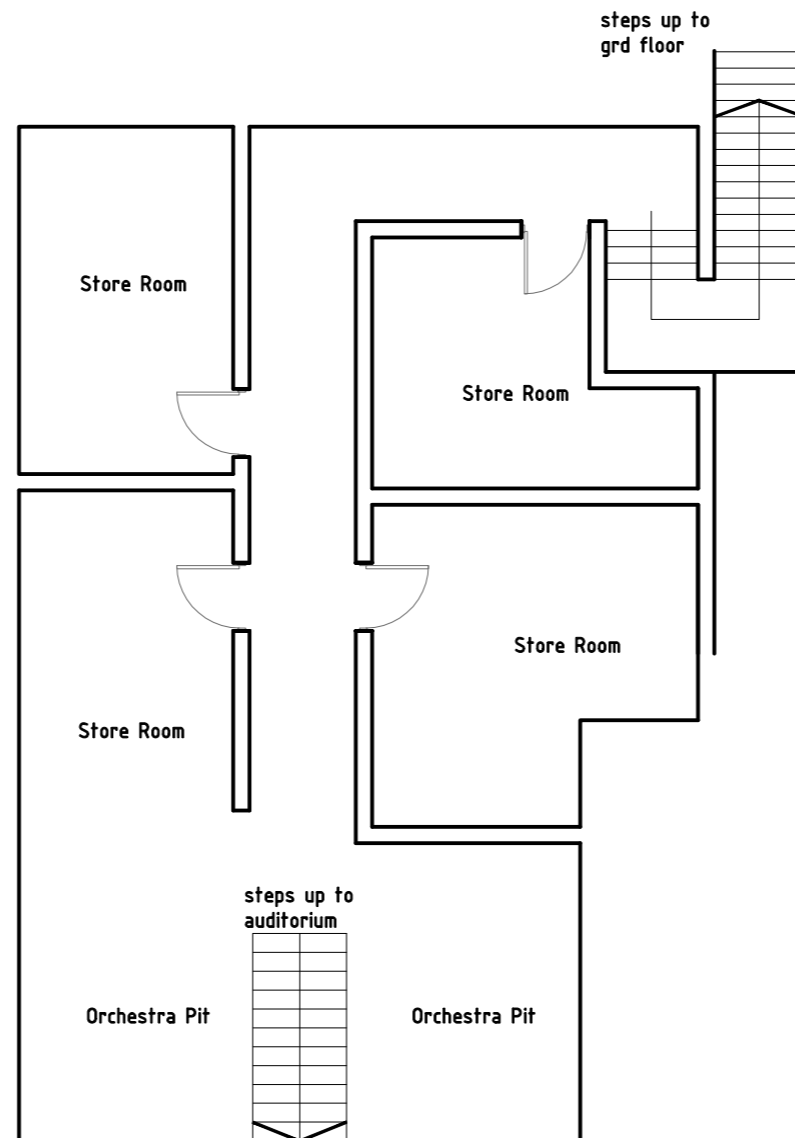
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	checked by bf.sales	date --		
drawing title ground Floor Survey Arden Auditorium	scale 1:175	rev -		

Second floor



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Department for Levelling Up,
Housing & Communities

National Planning Policy Framework

December 2023



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If you have any enquiries regarding this document/publication, email correspondence@communities.gov.uk or write to us at:

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1. Introduction

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied¹. It provides a framework within which locally-prepared plans can provide for sufficient housing and other development in a sustainable manner. Preparing and maintaining up-to-date plans should be seen as a priority in meeting this objective.
2. Planning law requires that applications for planning permission be determined in accordance with the development plan², unless material considerations indicate otherwise³. The National Planning Policy Framework must be taken into account in preparing the development plan, and is a material consideration in planning decisions. Planning policies and decisions must also reflect relevant international obligations and statutory requirements.
3. The Framework should be read as a whole (including its footnotes and annexes). General references to planning policies in the Framework should be applied in a way that is appropriate to the type of plan being produced, taking into account policy on plan-making in chapter 3.
4. The Framework should be read in conjunction with the Government's planning policy for traveller sites, and its planning policy for waste. When preparing plans or making decisions on applications for these types of development, regard should also be had to the policies in this Framework, where relevant.
5. The Framework does not contain specific policies for nationally significant infrastructure projects. These are determined in accordance with the decision-making framework in the Planning Act 2008 (as amended) and relevant national policy statements for major infrastructure, as well as any other matters that are relevant (which may include the National Planning Policy Framework). National policy statements form part of the overall framework of national planning policy, and may be a material consideration in preparing plans and making decisions on planning applications.
6. Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission. This includes the Written Ministerial Statement on Affordable Homes Update (24 May 2021) which contains policy on First Homes.

¹ This document replaces the previous version of the National Planning Policy Framework published in September 2023.

² This includes local and neighbourhood plans that have been brought into force and any spatial development strategies produced by combined authorities or elected Mayors (see Glossary).

³ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

2. Achieving sustainable development

7. The purpose of the planning system is to contribute to the achievement of sustainable development, including the provision of homes, commercial development, and supporting infrastructure in a sustainable manner. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs⁴. At a similarly high level, members of the United Nations – including the United Kingdom – have agreed to pursue the 17 Global Goals for Sustainable Development in the period to 2030. These address social progress, economic well-being and environmental protection⁵.
8. Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives):
 - a) **an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;
 - b) **a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
 - c) **an environmental objective** – to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
9. These objectives should be delivered through the preparation and implementation of plans and the application of the policies in this Framework; they are not criteria against which every decision can or should be judged. Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area.
10. So that sustainable development is pursued in a positive way, at the heart of the Framework is a **presumption in favour of sustainable development** (paragraph 11).

⁴ Resolution 42/187 of the United Nations General Assembly.

⁵ Transforming our World: the 2030 Agenda for Sustainable Development.

The presumption in favour of sustainable development

11. Plans and decisions should apply a presumption in favour of sustainable development.

For **plan-making** this means that:

- a) all plans should promote a sustainable pattern of development that seeks to: meet the development needs of their area; align growth and infrastructure; improve the environment; mitigate climate change (including by making effective use of land in urban areas) and adapt to its effects;
- b) strategic policies should, as a minimum, provide for objectively assessed needs for housing and other uses, as well as any needs that cannot be met within neighbouring areas⁶, unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a strong reason for restricting the overall scale, type or distribution of development in the plan area⁷; 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.

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-date⁸, granting permission unless:
 - i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed⁷; 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.

⁶ As established through statements of common ground (see paragraph 27).

⁷ The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 187) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 72); and areas at risk of flooding or coastal change.

⁸ This includes, for applications involving the provision of housing, situations where: (a) the local planning authority cannot demonstrate a five year supply (or a four year supply, if applicable, as set out in paragraph 226) of deliverable housing sites (with a buffer, if applicable, as set out in paragraph 77) and does not benefit from the provisions of paragraph 76; or (b) where the Housing Delivery Test indicates that the delivery of housing was below 75% of the housing requirement over the previous three years.

12. The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.
13. The application of the presumption has implications for the way communities engage in neighbourhood planning. Neighbourhood plans should support the delivery of strategic policies contained in local plans or spatial development strategies; and should shape and direct development that is outside of these strategic policies.
14. In situations where the presumption (at paragraph 11d) applies to applications involving the provision of housing, the adverse impact of allowing development that conflicts with the neighbourhood plan is likely to significantly and demonstrably outweigh the benefits, provided the following apply:
 - a) the neighbourhood plan became part of the development plan five years or less before the date on which the decision is made; and
 - b) the neighbourhood plan contains policies and allocations to meet its identified housing requirement (see paragraphs 67-68).

3. Plan-making

15. The planning system should be genuinely plan-led. Succinct and up-to-date plans should provide a positive vision for the future of each area; a framework for meeting housing needs and addressing other economic, social and environmental priorities; and a platform for local people to shape their surroundings.
16. Plans should:
 - a) be prepared with the objective of contributing to the achievement of sustainable development⁹;
 - b) be prepared positively, in a way that is aspirational but deliverable;
 - c) be shaped by early, proportionate and effective engagement between plan-makers and communities, local organisations, businesses, infrastructure providers and operators and statutory consultees;
 - d) contain policies that are clearly written and unambiguous, so it is evident how a decision maker should react to development proposals;
 - e) be accessible through the use of digital tools to assist public involvement and policy presentation; and
 - f) serve a clear purpose, avoiding unnecessary duplication of policies that apply to a particular area (including policies in this Framework, where relevant).

The plan-making framework

17. The development plan must include strategic policies to address each local planning authority's priorities for the development and use of land in its area¹⁰. These strategic policies can be produced in different ways, depending on the issues and opportunities facing each area. They can be contained in:
 - a) joint or individual local plans, produced by authorities working together or independently (and which may also contain non-strategic policies); and/or
 - b) a spatial development strategy produced by an elected Mayor or combined authority, where plan-making powers have been conferred.
18. Policies to address non-strategic matters should be included in local plans that contain both strategic and non-strategic policies, and/or in local or neighbourhood plans that contain just non-strategic policies.
19. The development plan for an area comprises the combination of strategic and non- strategic policies which are in force at a particular time.

⁹ This is a legal requirement of local planning authorities exercising their plan-making functions (section 39(2) of the Planning and Compulsory Purchase Act 2004).

¹⁰ Section 19(1B-1E) of the Planning and Compulsory Purchase Act 2004.

Strategic policies

20. Strategic policies should set out an overall strategy for the pattern, scale and design quality of places (to ensure outcomes support beauty and placemaking), and make sufficient provision¹¹ for:
 - a) housing (including affordable housing), employment, retail, leisure and other commercial development;
 - b) infrastructure for transport, telecommunications, security, waste management, water supply, wastewater, flood risk and coastal change management, and the provision of minerals and energy (including heat);
 - c) community facilities (such as health, education and cultural infrastructure); and
 - d) conservation and enhancement of the natural, built and historic environment, including landscapes and green infrastructure, and planning measures to address climate change mitigation and adaptation.
21. Plans should make explicit which policies are strategic policies¹². These should be limited to those necessary to address the strategic priorities of the area (and any relevant cross-boundary issues), to provide a clear starting point for any non-strategic policies that are needed. Strategic policies should not extend to detailed matters that are more appropriately dealt with through neighbourhood plans or other non-strategic policies.
22. Strategic policies should look ahead over a minimum 15 year period from adoption¹³, to anticipate and respond to long-term requirements and opportunities, such as those arising from major improvements in infrastructure. Where larger scale developments such as new settlements or significant extensions to existing villages and towns form part of the strategy for the area, policies should be set within a vision that looks further ahead (at least 30 years), to take into account the likely timescale for delivery¹⁴.
23. Broad locations for development should be indicated on a key diagram, and land-use designations and allocations identified on a policies map. Strategic policies should provide a clear strategy for bringing sufficient land forward, and at a sufficient rate, to address objectively assessed needs over the plan period, in line with the presumption in favour of sustainable development. This should include planning for and allocating sufficient sites to deliver the strategic priorities of the area (except insofar as these needs can be demonstrated to be met more appropriately through other mechanisms, such as brownfield registers or non-strategic policies)¹⁵.

¹¹ In line with the presumption in favour of sustainable development.

¹² Where a single local plan is prepared the non-strategic policies should be clearly distinguished from the strategic policies.

¹³ Except in relation to town centre development, as set out in chapter 7.

¹⁴ Transitional arrangements are set out in Annex 1.

¹⁵ For spatial development strategies, allocations, land use designations and a policies map are needed only where the power to make allocations has been conferred.

Maintaining effective cooperation

24. Local planning authorities and county councils (in two-tier areas) are under a duty to cooperate with each other, and with other prescribed bodies, on strategic matters that cross administrative boundaries.
25. Strategic policy-making authorities should collaborate to identify the relevant strategic matters which they need to address in their plans. They should also engage with their local communities and relevant bodies including Local Enterprise Partnerships, Local Nature Partnerships, the Marine Management Organisation, county councils, infrastructure providers, elected Mayors and combined authorities (in cases where Mayors or combined authorities do not have plan-making powers).
26. Effective and on-going joint working between strategic policy-making authorities and relevant bodies is integral to the production of a positively prepared and justified strategy. In particular, joint working should help to determine where additional infrastructure is necessary, and whether development needs that cannot be met wholly within a particular plan area could be met elsewhere.
27. In order to demonstrate effective and on-going joint working, strategic policy-making authorities should prepare and maintain one or more statements of common ground, documenting the cross-boundary matters being addressed and progress in cooperating to address these. These should be produced using the approach set out in national planning guidance, and be made publicly available throughout the plan-making process to provide transparency.

Non-strategic policies

28. Non-strategic policies should be used by local planning authorities and communities to set out more detailed policies for specific areas, neighbourhoods or types of development. This can include allocating sites, the provision of infrastructure and community facilities at a local level, establishing design principles, conserving and enhancing the natural and historic environment and setting out other development management policies.
29. Neighbourhood planning gives communities the power to develop a shared vision for their area. Neighbourhood plans can shape, direct and help to deliver sustainable development, by influencing local planning decisions as part of the statutory development plan. Neighbourhood plans should not promote less development than set out in the strategic policies for the area, or undermine those strategic policies¹⁶.
30. Once a neighbourhood plan has been brought into force, the policies it contains take precedence over existing non-strategic policies in a local plan covering the neighbourhood area, where they are in conflict; unless they are superseded by strategic or non-strategic policies that are adopted subsequently.

¹⁶ Neighbourhood plans must be in general conformity with the strategic policies contained in any development plan that covers their area.

Preparing and reviewing plans

31. The preparation and review of all policies should be underpinned by relevant and up-to-date evidence. This should be adequate and proportionate, focused tightly on supporting and justifying the policies concerned, and take into account relevant market signals.
32. Local plans and spatial development strategies should be informed throughout their preparation by a sustainability appraisal that meets the relevant legal requirements¹⁷. This should demonstrate how the plan has addressed relevant economic, social and environmental objectives (including opportunities for net gains). Significant adverse impacts on these objectives should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where significant adverse impacts are unavoidable, suitable mitigation measures should be proposed (or, where this is not possible, compensatory measures should be considered).
33. Policies in local plans and spatial development strategies should be reviewed to assess whether they need updating at least once every five years, and should then be updated as necessary¹⁸. Reviews should be completed no later than five years from the adoption date of a plan, and should take into account changing circumstances affecting the area, or any relevant changes in national policy. Relevant strategic policies will need updating at least once every five years if their applicable local housing need figure has changed significantly; and they are likely to require earlier review if local housing need is expected to change significantly in the near future.

Development contributions

34. Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure). Such policies should not undermine the deliverability of the plan.

Examining plans

35. Local plans and spatial development strategies are examined to assess whether they have been prepared in accordance with legal and procedural requirements, and whether they are sound. Plans are 'sound' if they are:

¹⁷ The reference to relevant legal requirements refers to Strategic Environmental Assessment. Neighbourhood plans may require Strategic Environmental Assessment, but only where there are potentially significant environmental effects.

¹⁸ Reviews at least every five years are a legal requirement for all local plans (Regulation 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012).

- a) **Positively prepared** – providing a strategy which, as a minimum, seeks to meet the area’s objectively assessed needs¹⁹; and is informed by agreements with other authorities, so that unmet need from neighbouring areas is accommodated where it is practical to do so and is consistent with achieving sustainable development;
 - b) **Justified** – an appropriate strategy, taking into account the reasonable alternatives, and based on proportionate evidence;
 - c) **Effective** – deliverable over the plan period, and based on effective joint working on cross-boundary strategic matters that have been dealt with rather than deferred, as evidenced by the statement of common ground; and
 - d) **Consistent with national policy** – enabling the delivery of sustainable development in accordance with the policies in this Framework and other statements of national planning policy, where relevant.
36. These tests of soundness will be applied to non-strategic policies²⁰ in a proportionate way, taking into account the extent to which they are consistent with relevant strategic policies for the area.
37. Neighbourhood plans must meet certain ‘basic conditions’ and other legal requirements²¹ before they can come into force. These are tested through an independent examination before the neighbourhood plan may proceed to referendum.

¹⁹ Where this relates to housing, such needs should be assessed using a clear and justified method, as set out in paragraph 61 of this Framework

²⁰ Where these are contained in a local plan.

²¹ As set out in paragraph 8 of Schedule 4B to the Town and Country Planning Act 1990 (as amended).

4. Decision-making

38. Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

Pre-application engagement and front-loading

39. Early engagement has significant potential to improve the efficiency and effectiveness of the planning application system for all parties. Good quality pre-application discussion enables better coordination between public and private resources and improved outcomes for the community.
40. Local planning authorities have a key role to play in encouraging other parties to take maximum advantage of the pre-application stage. They cannot require that a developer engages with them before submitting a planning application, but they should encourage take-up of any pre-application services they offer. They should also, where they think this would be beneficial, encourage any applicants who are not already required to do so by law to engage with the local community and, where relevant, with statutory and non-statutory consultees, before submitting their applications.
41. The more issues that can be resolved at pre-application stage, including the need to deliver improvements in infrastructure and affordable housing, the greater the benefits. For their role in the planning system to be effective and positive, statutory planning consultees will need to take the same early, pro-active approach, and provide advice in a timely manner throughout the development process. This assists local planning authorities in issuing timely decisions, helping to ensure that applicants do not experience unnecessary delays and costs.
42. The participation of other consenting bodies in pre-application discussions should enable early consideration of all the fundamental issues relating to whether a particular development will be acceptable in principle, even where other consents relating to how a development is built or operated are needed at a later stage. Wherever possible, parallel processing of other consents should be encouraged to help speed up the process and resolve any issues as early as possible.
43. The right information is crucial to good decision-making, particularly where formal assessments are required (such as Environmental Impact Assessment, Habitats Regulations assessment and flood risk assessment). To avoid delay, applicants should discuss what information is needed with the local planning authority and expert bodies as early as possible.
44. Local planning authorities should publish a list of their information requirements for applications for planning permission. These requirements should be kept to the minimum needed to make decisions, and should be reviewed at least every two

years. Local planning authorities should only request supporting information that is relevant, necessary and material to the application in question.

45. Local planning authorities should consult the appropriate bodies when considering applications for the siting of, or changes to, major hazard sites, installations or pipelines, or for development around them.
46. Applicants and local planning authorities should consider the potential for voluntary planning performance agreements, where this might achieve a faster and more effective application process. Planning performance agreements are likely to be needed for applications that are particularly large or complex to determine.

Determining applications

47. Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing.
48. Local planning authorities may give weight to relevant policies in emerging plans according to:
 - a) the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given);
 - b) the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
 - c) the degree of consistency of the relevant policies in the emerging plan to this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)²².
49. However, in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in the limited circumstances where both:
 - a) the development proposed is so substantial, or its cumulative effect would be so significant, that to grant permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and
 - b) the emerging plan is at an advanced stage but is not yet formally part of the development plan for the area.

²² During the transitional period for emerging plans consistency should be tested against the version of the Framework as applicable, as set out in Annex 1.

50. Refusal of planning permission on grounds of prematurity will seldom be justified where a draft plan has yet to be submitted for examination; or – in the case of a neighbourhood plan – before the end of the local planning authority publicity period on the draft plan. Where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development concerned would prejudice the outcome of the plan-making process.

Tailoring planning controls to local circumstances

51. Local planning authorities are encouraged to use Local Development Orders to set the planning framework for particular areas or categories of development where the impacts would be acceptable, and in particular where this would promote economic, social or environmental gains for the area.
52. Communities can use Neighbourhood Development Orders and Community Right to Build Orders to grant planning permission. These require the support of the local community through a referendum. Local planning authorities should take a proactive and positive approach to such proposals, working collaboratively with community organisations to resolve any issues before draft orders are submitted for examination.
53. The use of Article 4 directions to remove national permitted development rights should:
- a) where they relate to change from non-residential use to residential use, be limited to situations where an Article 4 direction is necessary to avoid wholly unacceptable adverse impacts (this could include the loss of the essential core of a primary shopping area which would seriously undermine its vitality and viability, but would be very unlikely to extend to the whole of a town centre)
 - b) in other cases, be limited to situations where an Article 4 direction is necessary to protect local amenity or the well-being of the area (this could include the use of Article 4 directions to require planning permission for the demolition of local facilities)
 - c) in all cases, be based on robust evidence, and apply to the smallest geographical area possible.
54. Similarly, planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so.

Planning conditions and obligations

55. Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.
56. Planning conditions should be kept to a minimum and only imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Agreeing conditions early

is beneficial to all parties involved in the process and can speed up decision-making. Conditions that are required to be discharged before development commences should be avoided, unless there is a clear justification²³.

57. Planning obligations must only be sought where they meet all of the following tests²⁴:
- a) necessary to make the development acceptable in planning terms;
 - b) directly related to the development; and
 - c) fairly and reasonably related in scale and kind to the development.
58. Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available.

Enforcement

59. Effective enforcement is important to maintain public confidence in the planning system. Enforcement action is discretionary, and local planning authorities should act proportionately in responding to suspected breaches of planning control. They should consider publishing a local enforcement plan to manage enforcement proactively, in a way that is appropriate to their area. This should set out how they will monitor the implementation of planning permissions, investigate alleged cases of unauthorised development and take action where appropriate.

²³ Sections 100ZA(4-6) of the Town and Country Planning Act 1990 will require the applicant's written agreement to the terms of a pre-commencement condition, unless prescribed circumstances apply.

²⁴ Set out in Regulation 122(2) of the Community Infrastructure Levy Regulations 2010.

5. Delivering a sufficient supply of homes

60. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet as much of an area's identified housing need as possible, including with an appropriate mix of housing types for the local community.
61. To determine the minimum number of homes needed, strategic policies should be informed by a local housing need assessment, conducted using the standard method in national planning guidance. The outcome of the standard method is an advisory starting-point for establishing a housing requirement for the area (see paragraph 67 below). There may be exceptional circumstances, including relating to the particular demographic characteristics of an area²⁵ which justify an alternative approach to assessing housing need; in which case the alternative approach should also reflect current and future demographic trends and market signals. In addition to the local housing need figure, any needs that cannot be met within neighbouring areas should also be taken into account in establishing the amount of housing to be planned for²⁶.
62. The standard method incorporates an uplift which applies to certain cities and urban centres, as set out in national planning guidance. This uplift should be accommodated within those cities and urban centres themselves except where there are voluntary cross boundary redistribution agreements in place, or where it would conflict with the policies in this Framework²⁷.
63. Within this context of establishing need, the size, type and tenure of housing needed for different groups in the community should be assessed and reflected in planning policies. These groups should include (but are not limited to) those who require affordable housing; families with children; older people (including those who require retirement housing, housing-with-care and care homes); students; people with disabilities; service families; travellers²⁸; people who rent their homes and people wishing to commission or build their own homes²⁹.

²⁵ Such particular demographic characteristics could, for example, include areas that are islands with no land bridge that have a significant proportion of elderly residents.

²⁶ Transitional arrangements are set out in Annex 1

²⁷ In doing so, strategic policies should promote an effective use of land and optimise site densities in accordance with chapter 11. This is to ensure that homes are built in the right places, to prioritise brownfield and other under-utilised urban sites, to utilise existing infrastructure, and to allow people to live near the services they rely on, making travel patterns more sustainable.

²⁸ Planning Policy for Traveller Sites sets out how travellers' housing needs should be assessed for those covered by the definition in Annex 1 of that document.

²⁹ Under section 1 of the Self Build and Custom Housebuilding Act 2015, local authorities are required to keep a register of those seeking to acquire serviced plots in the area for their own self-build and custom house building. They are also subject to duties under sections 2 and 2A of the Act to have regard to this and to give enough suitable development permissions to meet the identified demand. Self and custom-build properties could provide market or affordable housing.

64. Where a need for affordable housing is identified, planning policies should specify the type of affordable housing required³⁰, and expect it to be met on-site unless:
- a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and
 - b) the agreed approach contributes to the objective of creating mixed and balanced communities.
65. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer). To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount³¹.
66. Where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the total number of homes to be available for affordable home ownership³², unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. Exemptions to this 10% requirement should also be made where the site or proposed development:
- a) provides solely for Build to Rent homes;
 - b) provides specialist accommodation for a group of people with specific needs (such as purpose-built accommodation for the elderly or students);
 - c) is proposed to be developed by people who wish to build or commission their own homes; or
 - d) is exclusively for affordable housing, a community-led development exception site or a rural exception site.
67. Strategic policy-making authorities should establish a housing requirement figure for their whole area, which shows the extent to which their identified housing need (and any needs that cannot be met within neighbouring areas) can be met over the plan period. The requirement may be higher than the identified housing need if, for example, it includes provision for neighbouring areas, or reflects growth ambitions linked to economic development or infrastructure investment. Within this overall requirement, strategic policies should also set out a housing requirement for designated neighbourhood areas which reflects the overall strategy for the pattern and scale of development and any relevant allocations³³. Once the strategic policies have been adopted, these figures should not need re-testing at the neighbourhood plan examination, unless there has been a significant change in

³⁰ Applying the definition in Annex 2 to this Framework.

³¹ Equivalent to the existing gross floorspace of the existing buildings. This does not apply to vacant buildings which have been abandoned.

³² As part of the overall affordable housing contribution from the site.

³³ Except where a Mayoral, combined authority or high-level joint plan is being prepared as a framework for strategic policies at the individual local authority level; in which case it may be most appropriate for the local authority plans to provide the requirement figure.

circumstances that affects the requirement.

68. Where it is not possible to provide a requirement figure for a neighbourhood area³⁴, the local planning authority should provide an indicative figure, if requested to do so by the neighbourhood planning body. This figure should take into account factors such as the latest evidence of local housing need, the population of the neighbourhood area and the most recently available planning strategy of the local planning authority.

Identifying land for homes

69. Strategic policy-making authorities should have a clear understanding of the land available in their area through the preparation of a strategic housing land availability assessment. From this, planning policies should identify a sufficient supply and mix of sites, taking into account their availability, suitability and likely economic viability. Planning policies should identify a supply of:
- a) specific, deliverable sites for five years following the intended date of adoption³⁵; and
 - b) specific, developable sites or broad locations for growth, for the subsequent years 6-10 and, where possible, for years 11-15 of the remaining plan period.
70. Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should:
- a) identify, through the development plan and brownfield registers, land to accommodate at least 10% of their housing requirement on sites no larger than one hectare; unless it can be shown, through the preparation of relevant plan policies, that there are strong reasons why this 10% target cannot be achieved;
 - b) seek opportunities, through policies and decisions, to support small sites to come forward for community-led development for housing and self-build and custom-build housing;
 - c) use tools such as area-wide design assessments, permission in principle and Local Development Orders to help bring small and medium sized sites forward;
 - d) support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes; and
 - e) work with developers to encourage the sub-division of large sites where this could help to speed up the delivery of homes.

³⁴ Because a neighbourhood area is designated at a late stage in the strategic policy-making process, or after strategic policies have been adopted; or in instances where strategic policies for housing are out of date.

³⁵ With an appropriate buffer, as set out in paragraph 77. See Glossary for definitions of deliverable and developable.

71. Neighbourhood planning groups should also give particular consideration to the opportunities for allocating small and medium-sized sites (of a size consistent with paragraph 70a) suitable for housing in their area.
72. Where an allowance is to be made for windfall sites as part of anticipated supply, there should be compelling evidence that they will provide a reliable source of supply. Any allowance should be realistic having regard to the strategic housing land availability assessment, historic windfall delivery rates and expected future trends. Plans should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.
73. Local planning authorities should support the development of exception sites for community-led development³⁶ (as defined in Annex 2) on sites that would not otherwise be suitable as rural exception sites. These sites should be on land which is not already allocated for housing and should:
 - a) comprise community-led development that includes one or more types of affordable housing as defined in Annex 2 of this Framework. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding; and
 - b) be adjacent to existing settlements, proportionate in size to them³⁷, not compromise the protection given to areas or assets of particular importance in this Framework³⁸, and comply with any local design policies and standards.
74. The supply of large numbers of new homes can often be best achieved through planning for larger scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well located and designed, and supported by the necessary infrastructure and facilities (including a genuine choice of transport modes). Working with the support of their communities, and with other authorities if appropriate, strategic policy-making authorities should identify suitable locations for such development where this can help to meet identified needs in a sustainable way. In doing so, they should:
 - a) consider the opportunities presented by existing or planned investment in infrastructure, the area's economic potential and the scope for net environmental gains;
 - b) ensure that their size and location will support a sustainable community, with sufficient access to services and employment opportunities within the development itself (without expecting an unrealistic level of self-containment), or in larger towns to which there is good access;
 - c) set clear expectations for the quality of the places to be created and how this

³⁶ This exception site policy does not replace the First Homes exception policy set out in the Affordable Homes Update Written Ministerial Statement, dated 24 May 2021, which remains extant policy.

³⁷ Community-led development exception sites should not be larger than one hectare in size or exceed 5% of the size of the existing settlement.

³⁸ i.e. the areas referred to in footnote 7.

can be maintained (such as by following Garden City principles); and ensure that appropriate tools such as masterplans and design guides or codes are used to secure a variety of well-designed and beautiful homes to meet the needs of different groups in the community;

- d) make a realistic assessment of likely rates of delivery, given the lead-in times for large scale sites, and identify opportunities for supporting rapid implementation (such as through joint ventures or locally-led development corporations)³⁹; and
- e) consider whether it is appropriate to establish Green Belt around or adjoining new developments of significant size.

Maintaining supply and delivery

- 75. Strategic policies should include a trajectory illustrating the expected rate of housing delivery over the plan period, and all plans should consider whether it is appropriate to set out the anticipated rate of development for specific sites. Local planning authorities should monitor their deliverable land supply against their housing requirement, as set out in adopted strategic policies.
- 76. Local planning authorities are not required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing for decision making purposes if the following criteria are met⁴⁰:
 - a) their adopted plan is less than five years old; and
 - b) that adopted plan identified at least a five year supply of specific, deliverable sites at the time that its examination concluded.
- 77. In all other circumstances, local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide either a minimum of five years' worth of housing⁴¹, or a minimum of four years' worth of housing if the provisions in paragraph 226 apply. The supply should be demonstrated against either the housing requirement set out in adopted strategic policies, or against the local housing need where the strategic policies are more than five years old⁴². Where there has been significant under delivery of housing over the previous three years⁴³, the supply of specific deliverable sites should in addition include a buffer of 20% (moved forward from later in the plan period).

³⁹ The delivery of large scale developments may need to extend beyond an individual plan period, and the associated infrastructure requirements may not be capable of being identified fully at the outset. Anticipated rates of delivery and infrastructure requirements should, therefore, be kept under review and reflected as policies are updated.

⁴⁰ Transitional provisions relating to the application of this paragraph are set out in footnote 79.

⁴¹ For the avoidance of doubt, a five year supply of deliverable sites for travellers – as defined in Annex 1 to Planning Policy for Traveller Sites – should be assessed separately, in line with the policy in that document.

⁴² Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a five year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

⁴³ This will be measured against the Housing Delivery Test, where this indicates that delivery was below 85% of the housing requirement. For clarity, authorities that are not required to continually demonstrate a 5 year housing land supply should disregard this requirement.

National planning guidance provides further information on calculating the housing land supply, including the circumstances in which past shortfalls or over-supply can be addressed.

78. Where the criteria in paragraph 76 are not met, a local planning authority may confirm the existence of a five-year supply of deliverable housing sites (with a 20% buffer if applicable) through an annual position statement which:
- a) has been produced through engagement with developers and others who have an impact on delivery, and been considered by the Secretary of State; and
 - b) incorporates the recommendation of the Secretary of State, where the position on specific sites could not be agreed during the engagement process.
79. To maintain the supply of housing, local planning authorities should monitor progress in building out sites which have permission. Where the Housing Delivery Test indicates that delivery has fallen below the local planning authority's housing requirement over the previous three years, the following policy consequences should apply:
- a) where delivery falls below 95% of the requirement over the previous three years, the authority should prepare an action plan to assess the causes of under-delivery and identify actions to increase delivery in future years;
 - b) where delivery falls below 85% of the requirement over the previous three years, the authority should include a buffer of 20% to their identified supply of specific deliverable sites as set out in paragraph 77 of this framework, in addition to the requirement for an action plan.
 - c) where delivery falls below 75% of the requirement over the previous three years, the presumption in favour of sustainable development applies, as set out in footnote 8 of this Framework, in addition to the requirements for an action plan and 20% buffer.
80. The Housing Delivery Test consequences set out above will apply the day following the annual publication of the Housing Delivery Test results, at which point they supersede previously published results. Until new Housing Delivery Test results are published, the previously published result should be used.
81. To help ensure that proposals for housing development are implemented in a timely manner, local planning authorities should consider imposing a planning condition providing that development must begin within a timescale shorter than the relevant default period, where this would expedite the development without threatening its deliverability or viability. For major development involving the provision of housing, local planning authorities should also assess why any earlier grant of planning permission for a similar development on the same site did not start.

Rural housing

82. In rural areas, planning policies and decisions should be responsive to local circumstances and support housing developments that reflect local needs,

including proposals for community-led development for housing. Local planning authorities should support opportunities to bring forward rural exception sites that will provide affordable housing to meet identified local needs, and consider whether allowing some market housing on these sites would help to facilitate this.

83. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services. Where there are groups of smaller settlements, development in one village may support services in a village nearby.
84. Planning policies and decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:
 - a) there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;
 - b) the development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets;
 - c) the development would re-use redundant or disused buildings and enhance its immediate setting;
 - d) the development would involve the subdivision of an existing residential building; or
 - e) the design is of exceptional quality, in that it:
 - is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
 - would significantly enhance its immediate setting, and be sensitive to the defining characteristics of the local area.

6. Building a strong, competitive economy

85. Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future. This is particularly important where Britain can be a global leader in driving innovation⁴⁴, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.
86. Planning policies should:
- a) set out a clear economic vision and strategy which positively and proactively encourages sustainable economic growth, having regard to Local Industrial Strategies and other local policies for economic development and regeneration;
 - b) set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
 - c) seek to address potential barriers to investment, such as inadequate infrastructure, services or housing, or a poor environment; and
 - d) be flexible enough to accommodate needs not anticipated in the plan, allow for new and flexible working practices (such as live-work accommodation), and to enable a rapid response to changes in economic circumstances.
87. Planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for clusters or networks of knowledge and data-driven, creative or high technology industries; and for storage and distribution operations at a variety of scales and in suitably accessible locations.

Supporting a prosperous rural economy

88. Planning policies and decisions should enable:
- a) the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed, beautiful new buildings;
 - b) the development and diversification of agricultural and other land-based rural businesses;

⁴⁴ The Government's Industrial Strategy sets out a vision to drive productivity improvements across the UK, identifies a number of Grand Challenges facing all nations, and sets out a delivery programme to make the UK a leader in four of these: artificial intelligence and big data; clean growth; future mobility; and catering for an ageing society. HM Government (2017) *Industrial Strategy: Building a Britain fit for the future*.

- c) sustainable rural tourism and leisure developments which respect the character of the countryside; and
 - d) the retention and development of accessible local services and community facilities, such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship.
89. Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport). The use of previously developed land, and sites that are physically well-related to existing settlements, should be encouraged where suitable opportunities exist.

7. Ensuring the vitality of town centres

90. Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should:
- a) define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters;
 - b) define the extent of town centres and primary shopping areas, and make clear the range of uses permitted in such locations, as part of a positive strategy for the future of each centre;
 - c) retain and enhance existing markets and, where appropriate, re-introduce or create new ones;
 - d) allocate a range of suitable sites in town centres to meet the scale and type of development likely to be needed, looking at least ten years ahead. Meeting anticipated needs for retail, leisure, office and other main town centre uses over this period should not be compromised by limited site availability, so town centre boundaries should be kept under review where necessary;
 - e) where suitable and viable town centre sites are not available for main town centre uses, allocate appropriate edge of centre sites that are well connected to the town centre. If sufficient edge of centre sites cannot be identified, policies should explain how identified needs can be met in other accessible locations that are well connected to the town centre; and
 - f) recognise that residential development often plays an important role in ensuring the vitality of centres and encourage residential development on appropriate sites.
91. Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.
92. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.
93. This sequential approach should not be applied to applications for small scale rural offices or other small scale rural development.

94. When assessing applications for retail and leisure development outside town centres, which are not in accordance with an up-to-date plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500m² of gross floorspace). This should include assessment of:
- a) the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
 - b) the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).
95. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the considerations in paragraph 94, it should be refused.

8. Promoting healthy and safe communities

96. Planning policies and decisions should aim to achieve healthy, inclusive and safe places and beautiful buildings which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through mixed-use developments, strong neighbourhood centres, street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
 - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of beautiful, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and
 - c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
97. To provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
 - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community;
 - c) guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
 - d) ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community; and
 - e) ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.
98. Planning policies and decisions should consider the social, economic and environmental benefits of estate regeneration. Local planning authorities should use their planning powers to help deliver estate regeneration to a high standard.
99. It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
 - b) work with school promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted.
100. To ensure faster delivery of other public service infrastructure such as further education colleges, hospitals and criminal justice accommodation, local planning authorities should also work proactively and positively with promoters, delivery partners and statutory bodies to plan for required facilities and resolve key planning issues before applications are submitted.
101. Planning policies and decisions should promote public safety and take into account wider security and defence requirements by:
- a) anticipating and addressing possible malicious threats and natural hazards, especially in locations where large numbers of people are expected to congregate⁴⁵. Policies for relevant areas (such as town centre and regeneration frameworks), and the layout and design of developments, should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security; and
 - b) recognising and supporting development required for operational defence and security purposes, and ensuring that operational sites are not affected adversely by the impact of other development proposed in the area.

Open space and recreation

102. Access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change. Planning policies should be based on robust and up-to-date assessments of the need for open space, sport and recreation facilities (including quantitative or qualitative deficits or surpluses) and opportunities for new provision. Information gained from the assessments should be used to determine what open space, sport and recreational provision is needed, which plans should then seek to accommodate.
103. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:
- a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
 - b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable

⁴⁵ This includes transport hubs, night-time economy venues, cinemas and theatres, sports stadia and arenas, shopping centres, health and education establishments, places of worship, hotels and restaurants, visitor attractions and commercial centres.

location; or

- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.

- 104. Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.
- 105. The designation of land as Local Green Space through local and neighbourhood plans allows communities to identify and protect green areas of particular importance to them. Designating land as Local Green Space should be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or updated, and be capable of enduring beyond the end of the plan period.
- 106. The Local Green Space designation should only be used where the green space is:
 - a) in reasonably close proximity to the community it serves;
 - b) demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and
 - c) local in character and is not an extensive tract of land.
- 107. Policies for managing development within a Local Green Space should be consistent with those for Green Belts.

9. Promoting sustainable transport

108. Transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
 - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
 - c) opportunities to promote walking, cycling and public transport use are identified and pursued;
 - d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
 - e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.
109. The planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
110. Planning policies should:
- a) support an appropriate mix of uses across an area, and within larger scale sites, to minimise the number and length of journeys needed for employment, shopping, leisure, education and other activities;
 - b) be prepared with the active involvement of local highways authorities, other transport infrastructure providers and operators and neighbouring councils, so that strategies and investments for supporting sustainable transport and development patterns are aligned;
 - c) identify and protect, where there is robust evidence, sites and routes which could be critical in developing infrastructure to widen transport choice and realise opportunities for large scale development;
 - d) provide for attractive and well-designed walking and cycling networks with supporting facilities such as secure cycle parking (drawing on Local Cycling and Walking Infrastructure Plans);

- e) provide for any large scale transport facilities that need to be located in the area⁴⁶, and the infrastructure and wider development required to support their operation, expansion and contribution to the wider economy. In doing so they should take into account whether such development is likely to be a nationally significant infrastructure project and any relevant national policy statements; and
 - f) recognise the importance of maintaining a national network of general aviation airfields, and their need to adapt and change over time – taking into account their economic value in serving business, leisure, training and emergency service needs, and the Government’s General Aviation Strategy⁴⁷.
111. If setting local parking standards for residential and non-residential development, policies should take into account:
- a) the accessibility of the development;
 - b) the type, mix and use of development;
 - c) the availability of and opportunities for public transport;
 - d) local car ownership levels; and
 - e) the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.
112. Maximum parking standards for residential and non-residential development should only be set where there is a clear and compelling justification that they are necessary for managing the local road network, or for optimising the density of development in city and town centres and other locations that are well served by public transport (in accordance with chapter 11 of this Framework). In town centres, local authorities should seek to improve the quality of parking so that it is convenient, safe and secure, alongside measures to promote accessibility for pedestrians and cyclists.
113. Planning policies and decisions should recognise the importance of providing adequate overnight lorry parking facilities, taking into account any local shortages, to reduce the risk of parking in locations that lack proper facilities or could cause a nuisance. Proposals for new or expanded distribution centres should make provision for sufficient lorry parking to cater for their anticipated use.

Considering development proposals

114. In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

⁴⁶ Policies for large scale facilities should, where necessary, be developed through collaboration between strategic policy-making authorities and other relevant bodies. Examples of such facilities include ports, airports, interchanges for rail freight, public transport projects and roadside services. The primary function of roadside services should be to support the safety and welfare of the road user (and most such proposals are unlikely to be nationally significant infrastructure projects).

⁴⁷ Department for Transport (2015) *General Aviation Strategy*.

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - b) safe and suitable access to the site can be achieved for all users;
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code⁴⁸; and
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
115. Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
116. Within this context, applications for development should:
- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
 - b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
 - c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
 - d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
 - e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.
117. All developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

⁴⁸ Policies and decisions should not make use of or reflect the former Design Bulletin 32, which was withdrawn in 2007.

10. Supporting high quality communications

118. Advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being. Planning policies and decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G) and full fibre broadband connections. Policies should set out how high quality digital infrastructure, providing access to services from a range of providers, is expected to be delivered and upgraded over time; and should prioritise full fibre connections to existing and new developments (as these connections will, in almost all cases, provide the optimum solution).
119. The number of radio and electronic communications masts, and the sites for such installations, should be kept to a minimum consistent with the needs of consumers, the efficient operation of the network and providing reasonable capacity for future expansion. Use of existing masts, buildings and other structures for new electronic communications capability (including wireless) should be encouraged. Where new sites are required (such as for new 5G networks, or for connected transport and smart city applications), equipment should be sympathetically designed and camouflaged where appropriate.
120. Local planning authorities should not impose a ban on new electronic communications development in certain areas, impose blanket Article 4 directions over a wide area or a wide range of electronic communications development, or insist on minimum distances between new electronic communications development and existing development. They should ensure that:
 - a) they have evidence to demonstrate that electronic communications infrastructure is not expected to cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
 - b) they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and electronic communications services.
121. Applications for electronic communications development (including applications for prior approval under the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development. This should include:
 - a) the outcome of consultations with organisations with an interest in the proposed development, in particular with the relevant body where a mast is to be installed near a school or college, or within a statutory safeguarding zone surrounding an aerodrome, technical site or military explosives storage area; and
 - b) for an addition to an existing mast or base station, a statement that self-certifies that the cumulative exposure, when operational, will not exceed International Commission guidelines on non-ionising radiation protection; or

- c) for a new mast or base station, evidence that the applicant has explored the possibility of erecting antennas on an existing building, mast or other structure and a statement that self-certifies that, when operational, International Commission guidelines will be met.
122. Local planning authorities must determine applications on planning grounds only. They should not seek to prevent competition between different operators, question the need for an electronic communications system, or set health safeguards different from the International Commission guidelines for public exposure.

11. Making effective use of land

123. Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or ‘brownfield’ land⁴⁹.
124. Planning policies and decisions should:
- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
 - b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
 - c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
 - d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁵⁰; and
 - e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers. They should also allow mansard roof extensions on suitable properties⁵¹ where their external appearance harmonises with the original building, including extensions to terraces where one or more of the terraced houses already has a mansard. Where there was a tradition of mansard construction locally at the time of the building’s construction, the extension should emulate it with respect to external appearance. A condition of simultaneous development should not be imposed on an application for multiple mansard extensions unless there is an exceptional justification.

⁴⁹ Except where this would conflict with other policies in this Framework, including causing harm to designated sites of importance for biodiversity.

⁵⁰ As part of this approach, plans and decisions should support efforts to identify and bring back into residential use empty homes and other buildings, supported by the use of compulsory purchase powers where appropriate.

⁵¹ See glossary for further details.

125. Local planning authorities, and other plan-making bodies, should take a proactive role in identifying and helping to bring forward land that may be suitable for meeting development needs, including suitable sites on brownfield registers or held in public ownership, using the full range of powers available to them. This should include identifying opportunities to facilitate land assembly, supported where necessary by compulsory purchase powers, where this can help to bring more land forward for meeting development needs and/or secure better development outcomes.
126. Planning policies and decisions need to reflect changes in the demand for land. They should be informed by regular reviews of both the land allocated for development in plans, and of land availability. Where the local planning authority considers there to be no reasonable prospect of an application coming forward for the use allocated in a plan:
- a) it should, as part of plan updates, reallocate the land for a more deliverable use that can help to address identified needs (or, if appropriate, deallocate a site which is undeveloped); and
 - b) in the interim, prior to updating the plan, applications for alternative uses on the land should be supported, where the proposed use would contribute to meeting an unmet need for development in the area.
127. Local planning authorities should also take a positive approach to applications for alternative uses of land which is currently developed but not allocated for a specific purpose in plans, where this would help to meet identified development needs. In particular, they should support proposals to:
- a) use retail and employment land for homes in areas of high housing demand, provided this would not undermine key economic sectors or sites or the vitality and viability of town centres, and would be compatible with other policies in this Framework; and
 - b) make more effective use of sites that provide community services such as schools and hospitals, provided this maintains or improves the quality of service provision and access to open space.

Achieving appropriate densities

128. Planning policies and decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
 - b) local market conditions and viability;
 - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
 - d) the desirability of maintaining an area's prevailing character and setting

(including residential gardens), or of promoting regeneration and change; and

- e) the importance of securing well-designed and beautiful, attractive and healthy places.

129. Area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. In these circumstances:

- a) plans should contain policies to optimise the use of land in their area and meet as much of the identified need for housing as possible. This will be tested robustly at examination, and should include the use of minimum density standards for city and town centres and other locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate;
- b) the use of minimum density standards should also be considered for other parts of the plan area. It may be appropriate to set out a range of densities that reflect the accessibility and potential of different areas, rather than one broad density range; and
- c) local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework. In this context, when considering applications for housing, authorities should take a flexible approach in applying policies or guidance relating to daylight and sunlight, where they would otherwise inhibit making efficient use of a site (as long as the resulting scheme would provide acceptable living standards).

130. In applying paragraphs 129a and b above to existing urban areas, significant uplifts in the average density of residential development may be inappropriate if the resulting built form would be wholly out of character with the existing area. Such circumstances should be evidenced through an authority-wide design code which is adopted or will be adopted as part of the development plan.

12. Achieving well-designed and beautiful places

131. The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.
132. Plans should, at the most appropriate level, set out a clear design vision and expectations, so that applicants have as much certainty as possible about what is likely to be acceptable. Design policies should be developed with local communities so they reflect local aspirations, and are grounded in an understanding and evaluation of each area's defining characteristics. Neighbourhood planning groups can play an important role in identifying the special qualities of each area and explaining how this should be reflected in development, both through their own plans and by engaging in the production of design policy, guidance and codes by local planning authorities and developers.
133. To provide maximum clarity about design expectations at an early stage, all local planning authorities should prepare design guides or codes consistent with the principles set out in the National Design Guide and National Model Design Code, and which reflect local character and design preferences. Design guides and codes provide a local framework for creating beautiful and distinctive places with a consistent and high quality standard of design. Their geographic coverage, level of detail and degree of prescription should be tailored to the circumstances and scale of change in each place, and should allow a suitable degree of variety.
134. Design guides and codes can be prepared at an area-wide, neighbourhood or site-specific scale, and to carry weight in decision-making should be produced either as part of a plan or as supplementary planning documents. Landowners and developers may contribute to these exercises, but may also choose to prepare design codes in support of a planning application for sites they wish to develop. Whoever prepares them, all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.
135. Planning policies and decisions should ensure that developments:
 - a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
 - d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
 - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
 - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵²; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
136. Trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decisions should ensure that new streets are tree-lined⁵³, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards), that appropriate measures are in place to secure the long-term maintenance of newly-planted trees, and that existing trees are retained wherever possible. Applicants and local planning authorities should work with highways officers and tree officers to ensure that the right trees are planted in the right places, and solutions are found that are compatible with highways standards and the needs of different users.
137. Design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
138. Local planning authorities should ensure that they have access to, and make appropriate use of, tools and processes for assessing and improving the design of development. The primary means of doing so should be through the preparation and use of local design codes, in line with the National Model Design Code. For assessing proposals there is a range of tools including workshops to engage the local community, design advice and review arrangements, and assessment frameworks such as Building for a Healthy Life⁵⁴. These are of most benefit if used as early as possible in the evolution of schemes, and are particularly important for significant projects such as large scale housing and mixed use developments. In

⁵² Planning policies for housing should make use of the Government's optional technical standards for accessible and adaptable housing, where this would address an identified need for such properties. Policies may also make use of the nationally described space standard, where the need for an internal space standard can be justified.

⁵³ Unless, in specific cases, there are clear, justifiable and compelling reasons why this would be inappropriate.

⁵⁴ Birkbeck D and Kruczkowski S et al (2020) *Building for a Healthy Life*

assessing applications, local planning authorities should have regard to the outcome from these processes, including any recommendations made by design review panels.

139. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design⁵⁵, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
 - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.
140. Local planning authorities should ensure that relevant planning conditions refer to clear and accurate plans and drawings which provide visual clarity about the design of the development, and are clear about the approved use of materials where appropriate. This will provide greater certainty for those implementing the planning permission on how to comply with the permission and a clearer basis for local planning authorities to identify breaches of planning control. Local planning authorities should also seek to ensure that the quality of approved development is not materially diminished between permission and completion, as a result of changes being made to the permitted scheme (for example through changes to approved details such as the materials used).
141. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

⁵⁵ Contained in the National Design Guide and National Model Design Code.

13. Protecting Green Belt land

142. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
143. Green Belt serves five purposes:
- a) to check the unrestricted sprawl of large built-up areas;
 - b) to prevent neighbouring towns merging into one another;
 - c) to assist in safeguarding the countryside from encroachment;
 - d) to preserve the setting and special character of historic towns; and
 - e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.
144. The general extent of Green Belts across the country is already established. New Green Belts should only be established in exceptional circumstances, for example when planning for larger scale development such as new settlements or major urban extensions. Any proposals for new Green Belts should be set out in strategic policies, which should:
- a) demonstrate why normal planning and development management policies would not be adequate;
 - b) set out whether any major changes in circumstances have made the adoption of this exceptional measure necessary;
 - c) show what the consequences of the proposal would be for sustainable development;
 - d) demonstrate the necessity for the Green Belt and its consistency with strategic policies for adjoining areas; and
 - e) show how the Green Belt would meet the other objectives of the Framework.
145. Once established, there is no requirement for Green Belt boundaries to be reviewed or changed when plans are being prepared or updated. Authorities may choose to review and alter Green Belt boundaries where exceptional circumstances are fully evidenced and justified, in which case proposals for changes should be made only through the plan-making process. Strategic policies should establish the need for any changes to Green Belt boundaries, having regard to their intended permanence in the long term, so they can endure beyond the plan period. Where a need for changes to Green Belt boundaries has been established through strategic policies, detailed amendments to those boundaries may be made through non-strategic policies, including neighbourhood plans.

146. Before concluding that exceptional circumstances exist to justify changes to Green Belt boundaries, the strategic policy-making authority should be able to demonstrate that it has examined fully all other reasonable options for meeting its identified need for development. This will be assessed through the examination of its strategic policies, which will take into account the preceding paragraph, and whether the strategy:
- a) makes as much use as possible of suitable brownfield sites and underutilised land;
 - b) optimises the density of development in line with the policies in chapter 11 of this Framework, including whether policies promote a significant uplift in minimum density standards in town and city centres and other locations well served by public transport; and
 - c) has been informed by discussions with neighbouring authorities about whether they could accommodate some of the identified need for development, as demonstrated through the statement of common ground.
147. When drawing up or reviewing Green Belt boundaries, the need to promote sustainable patterns of development should be taken into account. Strategic policy-making authorities should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary. Where it has been concluded that it is necessary to release Green Belt land for development, plans should give first consideration to land which has been previously-developed and/or is well-served by public transport. They should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land.
148. When defining Green Belt boundaries, plans should:
- a) ensure consistency with the development plan's strategy for meeting identified requirements for sustainable development;
 - b) not include land which it is unnecessary to keep permanently open;
 - c) where necessary, identify areas of safeguarded land between the urban area and the Green Belt, in order to meet longer-term development needs stretching well beyond the plan period;
 - d) make clear that the safeguarded land is not allocated for development at the present time. Planning permission for the permanent development of safeguarded land should only be granted following an update to a plan which proposes the development;
 - e) be able to demonstrate that Green Belt boundaries will not need to be altered at the end of the plan period; and
 - f) define boundaries clearly, using physical features that are readily recognisable and likely to be permanent.

149. If it is necessary to restrict development in a village primarily because of the important contribution which the open character of the village makes to the openness of the Green Belt, the village should be included in the Green Belt. If, however, the character of the village needs to be protected for other reasons, other means should be used, such as conservation area or normal development management policies, and the village should be excluded from the Green Belt.
150. Once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
151. The National Forest and Community Forests offer valuable opportunities for improving the environment around towns and cities, by upgrading the landscape and providing for recreation and wildlife. The National Forest Strategy and an approved Community Forest Plan may be a material consideration in preparing development plans and in deciding planning applications. Any development proposals within the National Forest and Community Forests in the Green Belt should be subject to the normal policies for controlling development in Green Belts.

Proposals affecting the Green Belt

152. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.
153. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.
154. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are:
 - a) buildings for agriculture and forestry;
 - b) the provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation, cemeteries and burial grounds and allotments; as long as the facilities preserve the openness of the Green Belt and do not conflict with the purposes of including land within it;
 - c) the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
 - d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
 - e) limited infilling in villages;
 - f) limited affordable housing for local community needs under policies set out in the development plan (including policies for rural exception sites); and

- g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
 - not have a greater impact on the openness of the Green Belt than the existing development; or
 - not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority.

155. Certain other forms of development are also not inappropriate in the Green Belt provided they preserve its openness and do not conflict with the purposes of including land within it. These are:

- a) mineral extraction;
- b) engineering operations;
- c) local transport infrastructure which can demonstrate a requirement for a Green Belt location;
- d) the re-use of buildings provided that the buildings are of permanent and substantial construction;
- e) material changes in the use of land (such as changes of use for outdoor sport or recreation, or for cemeteries and burial grounds); and
- f) development, including buildings, brought forward under a Community Right to Build Order or Neighbourhood Development Order.

156. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

14. Meeting the challenge of climate change, flooding and coastal change

157. The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

Planning for climate change

158. Plans should take a proactive approach to mitigating and adapting to climate change, taking into account the long-term implications for flood risk, coastal change, water supply, biodiversity and landscapes, and the risk of overheating from rising temperatures⁵⁶. Policies should support appropriate measures to ensure the future resilience of communities and infrastructure to climate change impacts, such as providing space for physical protection measures, or making provision for the possible future relocation of vulnerable development and infrastructure.
159. New development should be planned for in ways that:
- a) avoid increased vulnerability to the range of impacts arising from climate change. When new development is brought forward in areas which are vulnerable, care should be taken to ensure that risks can be managed through suitable adaptation measures, including through the planning of green infrastructure; and
 - b) can help to reduce greenhouse gas emissions, such as through its location, orientation and design. Any local requirements for the sustainability of buildings should reflect the Government's policy for national technical standards.
160. To help increase the use and supply of renewable and low carbon energy and heat, plans should:
- a) provide a positive strategy for energy from these sources, that maximises the potential for suitable development, and their future re-powering and life extension, while ensuring that adverse impacts are addressed appropriately (including cumulative landscape and visual impacts);
 - b) consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure their development; and

⁵⁶ In line with the objectives and provisions of the Climate Change Act 2008.

- c) identify opportunities for development to draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.
161. Local planning authorities should support community-led initiatives for renewable and low carbon energy, including developments outside areas identified in local plans or other strategic policies that are being taken forward through neighbourhood planning.
162. In determining planning applications, local planning authorities should expect new development to:
- a) comply with any development plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
 - b) take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
163. When determining planning applications⁵⁷ for renewable and low carbon development, local planning authorities should:
- a) not require applicants to demonstrate the overall need for renewable or low carbon energy, and recognise that even small-scale projects provide a valuable contribution to significant cutting greenhouse gas emissions;
 - b) approve the application if its impacts are (or can be made) acceptable⁵⁸. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas; and
 - c) in the case of applications for the repowering and life-extension of existing renewable sites, give significant weight to the benefits of utilising an established site, and approve the proposal if its impacts are or can be made acceptable.
164. In determining planning applications, local planning authorities should give significant weight to the need to support energy efficiency and low carbon heating improvements to existing buildings, both domestic and non-domestic (including

⁵⁷ Wind energy development involving one or more turbines can also be permitted through Local Development Orders, Neighbourhood Development Orders and Community Right to Build Orders. In the case of Local Development Orders, it should be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

⁵⁸ Except for applications for the repowering and life-extension of existing wind turbines, a planning application for wind energy development involving one or more turbines should not be considered acceptable unless it is in an area identified as suitable for wind energy development in the development plan or a supplementary planning document; and, following consultation, it can be demonstrated that the planning impacts identified by the affected local community have been appropriately addressed and the proposal has community support.

through installation of heat pumps and solar panels where these do not already benefit from permitted development rights). Where the proposals would affect conservation areas, listed buildings or other relevant designated heritage assets, local planning authorities should also apply the policies set out in chapter 16 of this Framework.

Planning and flood risk

165. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). Where development is necessary in such areas, the development should be made safe for its lifetime without increasing flood risk elsewhere.
166. Strategic policies should be informed by a strategic flood risk assessment, and should manage flood risk from all sources. They should consider cumulative impacts in, or affecting, local areas susceptible to flooding, and take account of advice from the Environment Agency and other relevant flood risk management authorities, such as lead local flood authorities and internal drainage boards.
167. All plans should apply a sequential, risk-based approach to the location of development – taking into account all sources of flood risk and the current and future impacts of climate change – so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:
 - a) applying the sequential test and then, if necessary, the exception test as set out below;
 - b) safeguarding land from development that is required, or likely to be required, for current or future flood management;
 - c) using opportunities provided by new development and improvements in green and other infrastructure to reduce the causes and impacts of flooding, (making as much use as possible of natural flood management techniques as part of an integrated approach to flood risk management); and
 - d) where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to relocate development, including housing, to more sustainable locations.
168. The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding. The strategic flood risk assessment will provide the basis for applying this test. The sequential approach should be used in areas known to be at risk now or in the future from any form of flooding.
169. If it is not possible for development to be located in areas with a lower risk of flooding (taking into account wider sustainable development objectives), the exception test may have to be applied. The need for the exception test will depend on the potential vulnerability of the site and of the development proposed, in line with the Flood Risk Vulnerability Classification set out in Annex 3.

170. The application of the exception test should be informed by a strategic or site-specific flood risk assessment, depending on whether it is being applied during plan production or at the application stage. To pass the exception test it should be demonstrated that:
- a) the development would provide wider sustainability benefits to the community that outweigh the flood risk; and
 - b) the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall.
171. Both elements of the exception test should be satisfied for development to be allocated or permitted.
172. Where planning applications come forward on sites allocated in the development plan through the sequential test, applicants need not apply the sequential test again. However, the exception test may need to be reapplied if relevant aspects of the proposal had not been considered when the test was applied at the plan-making stage, or if more recent information about existing or potential flood risk should be taken into account.
173. When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment⁵⁹. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:
- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;
 - b) the development is appropriately flood resistant and resilient such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment;
 - c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;
 - d) any residual risk can be safely managed; and
 - e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan.

⁵⁹ A site-specific flood risk assessment should be provided for all development in Flood Zones 2 and 3. In Flood Zone 1, an assessment should accompany all proposals involving: sites of 1 hectare or more; land which has been identified by the Environment Agency as having critical drainage problems; land identified in a strategic flood risk assessment as being at increased flood risk in future; or land that may be subject to other sources of flooding, where its development would introduce a more vulnerable use.

174. Applications for some minor development and changes of use⁶⁰ should not be subject to the sequential or exception tests but should still meet the requirements for site-specific flood risk assessments set out in footnote 59.
175. Major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- a) take account of advice from the lead local flood authority;
 - b) have appropriate proposed minimum operational standards;
 - c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - d) where possible, provide multifunctional benefits.

Coastal change

176. In coastal areas, planning policies and decisions should take account of the UK Marine Policy Statement and marine plans. Integrated Coastal Zone Management should be pursued across local authority and land/sea boundaries, to ensure effective alignment of the terrestrial and marine planning regimes.
177. Plans should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas and not exacerbating the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:
- a) be clear as to what development will be appropriate in such areas and in what circumstances; and
 - b) make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.
178. Development in a Coastal Change Management Area will be appropriate only where it is demonstrated that:
- a) it will be safe over its planned lifetime and not have an unacceptable impact on coastal change;
 - b) the character of the coast including designations is not compromised;
 - c) the development provides wider sustainability benefits; and
 - d) the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast⁶¹.

⁶⁰ This includes householder development, small non-residential extensions (with a footprint of less than 250m²) and changes of use; except for changes of use to a caravan, camping or chalet site, or to a mobile home or park home site, where the sequential and exception tests should be applied as appropriate.

⁶¹ As required by the Marine and Coastal Access Act 2009.

179. Local planning authorities should limit the planned lifetime of development in a Coastal Change Management Area through temporary permission and restoration conditions, where this is necessary to reduce a potentially unacceptable level of future risk to people and the development.

15. Conserving and enhancing the natural environment

180. Planning policies and decisions should contribute to and enhance the natural and local environment by:
- a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
 - b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland;
 - c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate;
 - d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
 - e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and
 - f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.
181. Plans should: distinguish between the hierarchy of international, national and locally designated sites; allocate land with the least environmental or amenity value, where consistent with other policies in this Framework⁶²; take a strategic approach to maintaining and enhancing networks of habitats and green infrastructure; and plan for the enhancement of natural capital at a catchment or landscape scale across local authority boundaries.
182. Great weight should be given to conserving and enhancing landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty which have the highest status of protection in relation to these issues. The conservation and enhancement of wildlife and cultural heritage are also important considerations in these areas, and should be given great weight in National Parks

⁶² Where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality. The availability of agricultural land used for food production should be considered, alongside the other policies in this Framework, when deciding what sites are most appropriate for development.

and the Broads⁶³. The scale and extent of development within all these designated areas should be limited, while development within their setting should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas.

183. When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be refused for major development⁶⁴ other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of:
- a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
 - b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and
 - c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.
184. Within areas defined as Heritage Coast (and that do not already fall within one of the designated areas mentioned in paragraph 182), planning policies and decisions should be consistent with the special character of the area and the importance of its conservation. Major development within a Heritage Coast is unlikely to be appropriate, unless it is compatible with its special character.

Habitats and biodiversity

185. To protect and enhance biodiversity and geodiversity, plans should:
- a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity⁶⁵; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁶⁶; and
 - b) promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

⁶³ *English National Parks and the Broads: UK Government Vision and Circular 2010* provides further guidance and information about their statutory purposes, management and other matters.

⁶⁴ For the purposes of paragraphs 182 and 183, whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined.

⁶⁵ Circular 06/2005 provides further guidance in respect of statutory obligations for biodiversity and geological conservation and their impact within the planning system.

⁶⁶ Where areas that are part of the Nature Recovery Network are identified in plans, it may be appropriate to specify the types of development that may be suitable within them.

186. When determining planning applications, local planning authorities should apply the following principles:
- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
 - b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
 - c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons⁶⁷ and a suitable compensation strategy exists; and
 - d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
187. The following should be given the same protection as habitats sites:
- a) potential Special Protection Areas and possible Special Areas of Conservation;
 - b) listed or proposed Ramsar sites⁶⁸; and
 - c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.
188. 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.

⁶⁷ For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat.

⁶⁸ Potential Special Protection Areas, possible Special Areas of Conservation and proposed Ramsar sites are sites on which Government has initiated public consultation on the scientific case for designation as a Special Protection Area, candidate Special Area of Conservation or Ramsar site.

Ground conditions and pollution

189. Planning policies and decisions should ensure that:
- a) a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b) after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c) adequate site investigation information, prepared by a competent person, is available to inform these assessments.
190. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.
191. Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should:
- a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁶⁹;
 - b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and
 - c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
192. Planning policies and decisions should sustain and contribute towards compliance with relevant limit values or national objectives for pollutants, taking into account the presence of Air Quality Management Areas and Clean Air Zones, and the cumulative impacts from individual sites in local areas. Opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management, and green infrastructure provision and enhancement. So far as possible these opportunities should be considered at the plan-making stage, to ensure a strategic approach and limit the need for issues to be reconsidered when determining individual applications. Planning decisions should ensure that any new development in Air Quality Management Areas and Clean Air Zones is consistent with the local air quality action plan.

⁶⁹ See Explanatory Note to the *Noise Policy Statement for England* (Department for Environment, Food & Rural Affairs, 2010).

193. Planning policies and decisions should ensure that new development can be integrated effectively with existing businesses and community facilities (such as places of worship, pubs, music venues and sports clubs). Existing businesses and facilities should not have unreasonable restrictions placed on them as a result of development permitted after they were established. Where the operation of an existing business or community facility could have a significant adverse effect on new development (including changes of use) in its vicinity, the applicant (or 'agent of change') should be required to provide suitable mitigation before the development has been completed.
194. The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

16. Conserving and enhancing the historic environment

195. Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value⁷⁰. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations⁷¹.
196. Plans should set out a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. This strategy should take into account:
- a) the desirability of sustaining and enhancing the significance of heritage assets, and putting them to viable uses consistent with their conservation;
 - b) the wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring;
 - c) the desirability of new development making a positive contribution to local character and distinctiveness; and
 - d) opportunities to draw on the contribution made by the historic environment to the character of a place.
197. When considering the designation of conservation areas, local planning authorities should ensure that an area justifies such status because of its special architectural or historic interest, and that the concept of conservation is not devalued through the designation of areas that lack special interest.
198. Local planning authorities should maintain or have access to a historic environment record. This should contain up-to-date evidence about the historic environment in their area and be used to:
- a) assess the significance of heritage assets and the contribution they make to their environment; and
 - b) predict the likelihood that currently unidentified heritage assets, particularly sites of historic and archaeological interest, will be discovered in the future.

⁷⁰ Some World Heritage Sites are inscribed by UNESCO to be of natural significance rather than cultural significance; and in some cases they are inscribed for both their natural and cultural significance.

⁷¹ The policies set out in this chapter relate, as applicable, to the heritage-related consent regimes for which local planning authorities are responsible under the Planning (Listed Buildings and Conservation Areas) Act 1990, as well as to plan-making and decision-making.

199. Local planning authorities should make information about the historic environment, gathered as part of policy-making or development management, publicly accessible.

Proposals affecting heritage assets

200. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes, or has the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
201. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.
202. Where there is evidence of deliberate neglect of, or damage to, a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.
203. In determining applications, local planning authorities should take account of:
- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - c) the desirability of new development making a positive contribution to local character and distinctiveness.
204. In considering any applications to remove or alter a historic statue, plaque, memorial or monument (whether listed or not), local planning authorities should have regard to the importance of their retention in situ and, where appropriate, of explaining their historic and social context rather than removal.

Considering potential impacts

205. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
206. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Substantial harm to or loss of:
- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
 - b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional⁷².
207. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- a) the nature of the heritage asset prevents all reasonable uses of the site; and
 - b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
 - d) the harm or loss is outweighed by the benefit of bringing the site back into use.
208. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
209. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

⁷² Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

210. Local planning authorities should not permit the loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.
211. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible⁷³. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.
212. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.
213. Not all elements of a Conservation Area or World Heritage Site will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 207 or less than substantial harm under paragraph 208, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.
214. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

⁷³ Copies of evidence should be deposited with the relevant historic environment record, and any archives with a local museum or other public depository.

17. Facilitating the sustainable use of minerals

215. It is essential that there is a sufficient supply of minerals to provide the infrastructure, buildings, energy and goods that the country needs. Since minerals are a finite natural resource, and can only be worked where they are found, best use needs to be made of them to secure their long-term conservation.
216. Planning policies should:
- a) provide for the extraction of mineral resources of local and national importance, but not identify new sites or extensions to existing sites for peat extraction;
 - b) so far as practicable, take account of the contribution that substitute or secondary and recycled materials and minerals waste would make to the supply of materials, before considering extraction of primary materials, whilst aiming to source minerals supplies indigenously;
 - c) safeguard mineral resources by defining Mineral Safeguarding Areas and Mineral Consultation Areas⁷⁴; and adopt appropriate policies so that known locations of specific minerals resources of local and national importance are not sterilised by non-mineral development where this should be avoided (whilst not creating a presumption that the resources defined will be worked);
 - d) set out policies to encourage the prior extraction of minerals, where practical and environmentally feasible, if it is necessary for non-mineral development to take place;
 - e) safeguard existing, planned and potential sites for: the bulk transport, handling and processing of minerals; the manufacture of concrete and concrete products; and the handling, processing and distribution of substitute, recycled and secondary aggregate material;
 - f) set out criteria or requirements to ensure that permitted and proposed operations do not have unacceptable adverse impacts on the natural and historic environment or human health, taking into account the cumulative effects of multiple impacts from individual sites and/or a number of sites in a locality;
 - g) when developing noise limits, recognise that some noisy short-term activities, which may otherwise be regarded as unacceptable, are unavoidable to facilitate minerals extraction; and
 - h) ensure that worked land is reclaimed at the earliest opportunity, taking account of aviation safety, and that high quality restoration and aftercare of mineral sites takes place.
217. When determining planning applications, great weight should be given to the benefits of mineral extraction, including to the economy⁷⁵. In considering proposals

⁷⁴ Primarily in two tier areas as stated in Annex 2: Glossary

⁷⁵ Except in relation to the extraction of coal, where the policy at paragraph 223 of this Framework applies.

for mineral extraction, minerals planning authorities should:

- a) as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage Sites, scheduled monuments and conservation areas;
- b) ensure that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- c) ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source⁷⁶, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- d) not grant planning permission for peat extraction from new or extended sites;
- e) provide for restoration and aftercare at the earliest opportunity, to be carried out to high environmental standards, through the application of appropriate conditions. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- f) consider how to meet any demand for the extraction of building stone needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- g) recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the duration of planning permissions reflecting the intermittent or low rate of working at many sites.

218. Local planning authorities should not normally permit other development proposals in Mineral Safeguarding Areas if it might constrain potential future use for mineral working.

Maintaining supply

219. Minerals planning authorities should plan for a steady and adequate supply of aggregates by:

- a) preparing an annual Local Aggregate Assessment, either individually or jointly, to forecast future demand, based on a rolling average of 10 years' sales data and other relevant local information, and an assessment of all supply options (including marine dredged, secondary and recycled sources);
- b) participating in the operation of an Aggregate Working Party and taking the advice of that party into account when preparing their Local Aggregate Assessment;
- c) making provision for the land-won and other elements of their Local Aggregate

⁷⁶ National planning guidance on minerals sets out how these policies should be implemented.

Assessment in their mineral plans, taking account of the advice of the Aggregate Working Parties and the National Aggregate Co-ordinating Group as appropriate. Such provision should take the form of specific sites, preferred areas and/or areas of search and locational criteria as appropriate;

- d) taking account of any published National and Sub National Guidelines on future provision which should be used as a guideline when planning for the future demand for and supply of aggregates;
- e) using landbanks of aggregate minerals reserves principally as an indicator of the security of aggregate minerals supply, and to indicate the additional provision that needs to be made for new aggregate extraction and alternative supplies in mineral plans;
- f) maintaining landbanks of at least 7 years for sand and gravel and at least 10 years for crushed rock, whilst ensuring that the capacity of operations to supply a wide range of materials is not compromised⁷⁷;
- g) ensuring that large landbanks bound up in very few sites do not stifle competition; and
- h) calculating and maintaining separate landbanks for any aggregate materials of a specific type or quality which have a distinct and separate market.

220. Minerals planning authorities should plan for a steady and adequate supply of industrial minerals by:

- a) co-operating with neighbouring and more distant authorities to ensure an adequate provision of industrial minerals to support their likely use in industrial and manufacturing processes;
- b) encouraging safeguarding or stockpiling so that important minerals remain available for use;
- c) maintaining a stock of permitted reserves to support the level of actual and proposed investment required for new or existing plant, and the maintenance and improvement of existing plant and equipment⁷⁸; and
- d) taking account of the need for provision of brick clay from a number of different sources to enable appropriate blends to be made.

⁷⁷ Longer periods may be appropriate to take account of the need to supply a range of types of aggregates, locations of permitted reserves relative to markets, and productive capacity of permitted sites.

⁷⁸ These reserves should be at least 10 years for individual silica sand sites; at least 15 years for cement primary (chalk and limestone) and secondary (clay and shale) materials to maintain an existing plant, and for silica sand sites where significant new capital is required; and at least 25 years for brick clay, and for cement primary and secondary materials to support a new kiln.

Oil, gas and coal exploration and extraction

221. Minerals planning authorities should:

- a) when planning for on-shore oil and gas development, clearly distinguish between, and plan positively for, the three phases of development (exploration, appraisal and production), whilst ensuring appropriate monitoring and site restoration is provided for;
- b) encourage underground gas and carbon storage and associated infrastructure if local geological circumstances indicate its feasibility;
- c) indicate any areas where coal extraction and the disposal of colliery spoil may be acceptable;
- d) encourage the capture and use of methane from coal mines in active and abandoned coalfield areas; and
- e) provide for coal producers to extract separately, and if necessary stockpile, fireclay so that it remains available for use.

222. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

223. Planning permission should not be granted for the extraction of coal unless:

- a) the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or
- b) if it is not environmentally acceptable, then it provides national, local or community benefits which clearly outweigh its likely impacts (taking all relevant matters into account, including any residual environmental impacts).

Annex 1: Implementation

For the purposes of decision-making

224. The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication⁷⁹. Plans may also need to be revised to reflect policy changes which this Framework has made.
225. However, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
226. From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old⁸⁰, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework.

For the purposes of plan-making

227. The policies in the original National Planning Policy Framework published in March 2012 will apply for the purpose of examining plans, where those plans were submitted on or before 24 January 2019. Where such plans are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan produced for the area concerned.
228. For the purposes of the policy on larger-scale development in paragraph 22, this applies only to plans that have not reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage at the point the previous version of this Framework was published on 20

⁷⁹ As an exception to this, the policy contained in paragraph 76 and the related reference in footnote 8 of this Framework should only be taken into account as a material consideration when dealing with applications made on or after the date of publication of this version of the Framework.

⁸⁰ Unless these strategic policies have been reviewed and found not to require updating. Where local housing need is used as the basis for assessing whether a four year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance.

July 2021 (for Spatial Development Strategies this would refer to consultation under section 335(2) of the Greater London Authority Act 1999).

229. For the purposes of the policy on renewable and low carbon energy and heat in plans in paragraph 160, this policy does not apply to plans that have reached Regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage, or that reach this stage within three months of the date of publication of the previous version of this Framework published on 5 September 2023. For Spatial Development Strategies, paragraph 160 does not apply to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 or that reach this stage within three months of the date of publication of the previous version of this Framework published on 5 September 2023.
230. The policies in this Framework (published on 19 December 2023) will apply for the purpose of examining plans, where those plans reach regulation 19 of the Town and Country Planning (Local Planning) (England) Regulations 2012 (pre-submission) stage after 19 March 2024. Plans that reach pre-submission consultation on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. For Spatial Development Strategies, this Framework applies to strategies that have reached consultation under section 335(2) of the Greater London Authority Act 1999 after 19 March 2024. Strategies that reach this stage on or before this date will be examined under the relevant previous version of the Framework in accordance with the above arrangements. Where plans or strategies are withdrawn or otherwise do not proceed to become part of the development plan, the policies contained in this Framework will apply to any subsequent plan or strategy produced for the area concerned.
231. The Government will continue to explore with individual areas the potential for planning freedoms and flexibilities, for example where this would facilitate an increase in the amount of housing that can be delivered.

Annex 2: Glossary

Affordable housing: housing for sale or rent, for those whose needs are not met by the market (including housing that provides a subsidised route to home ownership and/or is for essential local workers); and which complies with one or more of the following definitions⁸¹:

- a) **Affordable housing for rent:** meets all of the following conditions: (a) the rent is set in accordance with the Government's rent policy for Social Rent or Affordable Rent, or is at least 20% below local market rents (including service charges where applicable); (b) the landlord is a registered provider, except where it is included as part of a Build to Rent scheme (in which case the landlord need not be a registered provider); and (c) it includes provisions to remain at an affordable price for future eligible households, or for the subsidy to be recycled for alternative affordable housing provision. For Build to Rent schemes affordable housing for rent is expected to be the normal form of affordable housing provision (and, in this context, is known as Affordable Private Rent).
- b) **Starter homes:** is as specified in Sections 2 and 3 of the Housing and Planning Act 2016 and any secondary legislation made under these sections. The definition of a starter home should reflect the meaning set out in statute and any such secondary legislation at the time of plan-preparation or decision-making. Where secondary legislation has the effect of limiting a household's eligibility to purchase a starter home to those with a particular maximum level of household income, those restrictions should be used.
- c) **Discounted market sales housing:** is that sold at a discount of at least 20% below local market value. Eligibility is determined with regard to local incomes and local house prices. Provisions should be in place to ensure housing remains at a discount for future eligible households.
- d) **Other affordable routes to home ownership:** is housing provided for sale that provides a route to ownership for those who could not achieve home ownership through the market. It includes shared ownership, relevant equity loans, other low cost homes for sale (at a price equivalent to at least 20% below local market value) and rent to buy (which includes a period of intermediate rent). Where public grant funding is provided, there should be provisions for the homes to remain at an affordable price for future eligible households, or for any receipts to be recycled for alternative affordable housing provision, or refunded to Government or the relevant authority specified in the funding agreement.

Air quality management areas: Areas designated by local authorities because they are not likely to achieve national air quality objectives by the relevant deadlines.

Ancient or veteran tree: A tree which, because of its age, size and condition, is of exceptional biodiversity, cultural or heritage value. All ancient trees are veteran trees. Not all veteran trees are old enough to be ancient, but are old relative to other trees of the same species. Very few trees of any species reach the ancient life-stage.

⁸¹ This definition should be read in conjunction with relevant policy contained in the Affordable Homes Update Written Ministerial Statement published on 24 May 2021.

Ancient woodland: An area that has been wooded continuously since at least 1600 AD. It includes ancient semi-natural woodland and plantations on ancient woodland sites (PAWS).

Annual position statement: A document setting out the 5 year housing land supply position on 1st April each year, prepared by the local planning authority in consultation with developers and others who have an impact on delivery.

Archaeological interest: There will be archaeological interest in a heritage asset if it holds, or potentially holds, evidence of past human activity worthy of expert investigation at some point.

Article 4 direction: A direction made under [Article 4 of the Town and Country Planning \(General Permitted Development\) \(England\) Order 2015](#) which withdraws permitted development rights granted by that Order.

Best and most versatile agricultural land: Land in grades 1, 2 and 3a of the Agricultural Land Classification.

Brownfield land: See Previously developed land.

Brownfield land registers: Registers of previously developed land that local planning authorities consider to be appropriate for residential development, having regard to criteria in the Town and Country Planning (Brownfield Land Registers) Regulations 2017. Local planning authorities will be able to trigger a grant of permission in principle for residential development on suitable sites in their registers where they follow the required procedures.

Build to Rent: Purpose built housing that is typically 100% rented out. It can form part of a wider multi-tenure development comprising either flats or houses, but should be on the same site and/or contiguous with the main development. Schemes will usually offer longer tenancy agreements of three years or more, and will typically be professionally managed stock in single ownership and management control.

Climate change adaptation: Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

Climate change mitigation: Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

Coastal change management area: An area identified in plans as likely to be affected by physical change to the shoreline through erosion, coastal landslip, permanent inundation or coastal accretion.

Community forest: An area identified through the England Community Forest Programme to revitalise countryside and green space in and around major conurbations.

Community Right to Build Order: An Order made by the local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a site-specific development proposal or classes of development.

Community-led developments: A development instigated and taken forward by a not-for-profit organisation set up and run primarily for the purpose of meeting the housing needs of its members and the wider local community, rather than being a primarily commercial enterprise. The organisation is created, managed and democratically controlled by its members. It may take any one of various legal forms including a community land trust, housing co-operative and community benefit society. Membership of the organisation is open to all beneficiaries and prospective beneficiaries of that organisation. The organisation should own, manage or steward the homes in a manner consistent with its purpose, for example through a mutually supported arrangement with a Registered Provider of Social Housing. The benefits of the development to the specified community should be clearly defined and consideration given to how these benefits can be protected over time, including in the event of the organisation being wound up.

Competent person (to prepare site investigation information): A person with a recognised relevant qualification, sufficient experience in dealing with the type(s) of pollution or land instability, and membership of a relevant professional organisation.

Conservation (for heritage policy): The process of maintaining and managing change to a heritage asset in a way that sustains and, where appropriate, enhances its significance.

Decentralised energy: Local renewable and local low carbon energy sources.

Deliverable: To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.

Design code: A set of illustrated design requirements that provide specific, detailed parameters for the physical development of a site or area. The graphic and written components of the code should build upon a design vision, such as a masterplan or other design and development framework for a site or area.

Design guide: A document providing guidance on how development can be carried out in accordance with good design practice, often produced by a local authority.

Designated heritage asset: A World Heritage Site, Scheduled Monument, Listed Building, Protected Wreck Site, Registered Park and Garden, Registered Battlefield or Conservation Area designated under the relevant legislation.

Designated rural areas: National Parks, Areas of Outstanding Natural Beauty and areas designated as 'rural' under Section 157 of the Housing Act 1985.

Developable: To be considered developable, sites should be in a suitable location for

housing development with a reasonable prospect that they will be available and could be viably developed at the point envisaged.

Development plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

Edge of centre: For retail purposes, a location that is well connected to, and up to 300 metres from, the primary shopping area. For all other main town centre uses, a location within 300 metres of a town centre boundary. For office development, this includes locations outside the town centre but within 500 metres of a public transport interchange. In determining whether a site falls within the definition of edge of centre, account should be taken of local circumstances.

Environmental impact assessment: A procedure to be followed for certain types of project to ensure that decisions are made in full knowledge of any likely significant effects on the environment.

Essential local workers: Public sector employees who provide frontline services in areas including health, education and community safety – such as NHS staff, teachers, police, firefighters and military personnel, social care and childcare workers.

General aviation airfields: Licenced or unlicenced aerodromes with hard or grass runways, often with extensive areas of open land related to aviation activity.

Geodiversity: The range of rocks, minerals, fossils, soils and landforms.

Green infrastructure: A network of multi-functional green and blue spaces and other natural features, urban and rural, which is capable of delivering a wide range of environmental, economic, health and wellbeing benefits for nature, climate, local and wider communities and prosperity.

Habitats site: Any site which would be included within the definition at regulation 8 of the Conservation of Habitats and Species Regulations 2017 for the purpose of those regulations, including candidate Special Areas of Conservation, Sites of Community Importance, Special Areas of Conservation, Special Protection Areas and any relevant Marine Sites.

Heritage asset: A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. It includes designated heritage assets and assets identified by the local planning authority (including local listing).

Heritage coast: Areas of undeveloped coastline which are managed to conserve their natural beauty and, where appropriate, to improve accessibility for visitors.

Historic environment: All aspects of the environment resulting from the interaction between people and places through time, including all surviving physical remains of past

human activity, whether visible, buried or submerged, and landscaped and planted or managed flora.

Historic environment record: Information services that seek to provide access to comprehensive and dynamic resources relating to the historic environment of a defined geographic area for public benefit and use.

Housing Delivery Test: Measures net homes delivered in a local authority area against the homes required, using national statistics and local authority data. The Secretary of State will publish the Housing Delivery Test results for each local authority in England annually.

International, national and locally designated sites of importance for biodiversity: All international sites (Special Areas of Conservation, Special Protection Areas, and Ramsar sites), national sites (Sites of Special Scientific Interest) and locally designated sites including Local Wildlife Sites.

Irreplaceable habitat: Habitats which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. They include ancient woodland, ancient and veteran trees, blanket bog, limestone pavement, sand dunes, salt marsh and lowland fen.

Local Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) that grants planning permission for a specific development proposal or classes of development.

Local Enterprise Partnership: A body, designated by the Secretary of State for Housing, Communities and Local Government, established for the purpose of creating or improving the conditions for economic growth in an area.

Local housing need: The number of homes identified as being needed through the application of the standard method set out in national planning guidance (or, in the context of preparing strategic policies only, this may be calculated using a justified alternative approach as provided for in paragraph 61 of this Framework).

Local Nature Partnership: A body, designated by the Secretary of State for Environment, Food and Rural Affairs, established for the purpose of protecting and improving the natural environment in an area and the benefits derived from it.

Local planning authority: The public authority whose duty it is to carry out specific planning functions for a particular area. All references to local planning authority include the district council, London borough council, county council, Broads Authority, National Park Authority, the Mayor of London and a development corporation, to the extent appropriate to their responsibilities.

Local plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of the two.

Main town centre uses: Retail development (including warehouse clubs and factory outlet centres); leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities).

Major development⁸²: For housing, development where 10 or more homes will be provided, or the site has an area of 0.5 hectares or more. For non-residential development it means additional floorspace of 1,000m² or more, or a site of 1 hectare or more, or as otherwise provided in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Major hazard sites, installations and pipelines: Sites and infrastructure, including licensed explosive sites and nuclear installations, around which Health and Safety Executive (and Office for Nuclear Regulation) consultation distances to mitigate the consequences to public safety of major accidents may apply.

Mansard roof: A type of roof that is characterised by two slopes, the lower steep and the upper shallow. It is generally regarded as a suitable type of roof extension for buildings which are part of a terrace of at least three buildings and at least two stories tall, with a parapet running the entire length of the front façade (reference: Create Streets, 2021, *Living Tradition*).

Minerals resources of local and national importance: Minerals which are necessary to meet society's needs, including aggregates, brickclay (especially Etruria Marl and fireclay), silica sand (including high grade silica sands), coal derived fly ash in single use deposits, cement raw materials, gypsum, salt, fluorspar, shallow and deep-mined coal, oil and gas (including conventional and unconventional hydrocarbons), tungsten, kaolin, ball clay, potash, polyhalite and local minerals of importance to heritage assets and local distinctiveness.

Mineral Consultation Area: a geographical area based on a Mineral Safeguarding Area, where the district or borough council should consult the Mineral Planning Authority for any proposals for non-minerals development.

Mineral Safeguarding Area: An area designated by minerals planning authorities which covers known deposits of minerals which are desired to be kept safeguarded from unnecessary sterilisation by non-mineral development.

National trails: Long distance routes for walking, cycling and horse riding.

Natural Flood Management: managing flood and coastal erosion risk by protecting, restoring and emulating the natural 'regulating' function of catchments, rivers, floodplains and coasts.

Nature Recovery Network: An expanding, increasingly connected, network of wildlife-rich habitats supporting species recovery, alongside wider benefits such as carbon capture, water quality improvements, natural flood risk management and recreation. It includes the existing network of protected sites and other wildlife rich habitats as well as

⁸² Other than for the specific purposes of paragraphs 182 and 183 in this Framework.

and landscape or catchment scale recovery areas where there is coordinated action for species and habitats.

Neighbourhood Development Order: An Order made by a local planning authority (under the Town and Country Planning Act 1990) through which parish councils and neighbourhood forums can grant planning permission for a specific development proposal or classes of development.

Neighbourhood plan: A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area. In law this is described as a neighbourhood development plan in the Planning and Compulsory Purchase Act 2004.

Non-strategic policies: Policies contained in a neighbourhood plan, or those policies in a local plan that are not strategic policies.

Older people: People over or approaching retirement age, including the active, newly-retired through to the very frail elderly; and whose housing needs can encompass accessible, adaptable general needs housing through to the full range of retirement and specialised housing for those with support or care needs.

Open space: All open space of public value, including not just land, but also areas of water (such as rivers, canals, lakes and reservoirs) which offer important opportunities for sport and recreation and can act as a visual amenity.

Original building: A building as it existed on 1 July 1948 or, if constructed after 1 July 1948, as it was built originally.

Out of centre: A location which is not in or on the edge of a centre but not necessarily outside the urban area.

Out of town: A location out of centre that is outside the existing urban area.

Outstanding universal value: Cultural and/or natural significance which is so exceptional as to transcend national boundaries and to be of common importance for present and future generations. An individual Statement of Outstanding Universal Value is agreed and adopted by the UNESCO World Heritage Committee for each World Heritage Site.

People with disabilities: People have a disability if they have a physical or mental impairment, and that impairment has a substantial and long-term adverse effect on their ability to carry out normal day-to-day activities. These persons include, but are not limited to, people with ambulatory difficulties, blindness, learning difficulties, autism and mental health needs.

Permission in principle: A form of planning consent which establishes that a site is suitable for a specified amount of housing-led development in principle. Following a grant of permission in principle, the site must receive a grant of technical details consent before development can proceed.

Planning condition: A condition imposed on a grant of planning permission (in accordance with the Town and Country Planning Act 1990) or a condition included in a Local Development Order or Neighbourhood Development Order.

Planning obligation: A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal.

Playing field: The whole of a site which encompasses at least one playing pitch as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2015.

Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

Primary shopping area: Defined area where retail development is concentrated.

Priority habitats and species: Species and Habitats of Principal Importance included in the England Biodiversity List published by the Secretary of State under section 41 of the Natural Environment and Rural Communities Act 2006.

Ramsar sites: Wetlands of international importance, designated under the 1971 Ramsar Convention.

Renewable and low carbon energy: Includes energy for heating and cooling as well as generating electricity. Renewable energy covers those energy flows that occur naturally and repeatedly in the environment – from the wind, the fall of water, the movement of the oceans, from the sun and also from biomass and deep geothermal heat. Low carbon technologies are those that can help reduce emissions (compared to conventional use of fossil fuels).

Rural exception sites: Small sites used for affordable housing in perpetuity where sites would not normally be used for housing. Rural exception sites seek to address the needs of the local community by accommodating households who are either current residents or have an existing family or employment connection. A proportion of market homes may be allowed on the site at the local planning authority's discretion, for example where essential to enable the delivery of affordable units without grant funding.

Recycled aggregates: aggregates resulting from the processing of inorganic materials previously used in construction, e.g. construction and demolition waste.

Safeguarding zone: An area defined in Circular 01/03: *Safeguarding aerodromes, technical sites and military explosives storage areas*, to which specific safeguarding provisions apply.

Secondary aggregates: aggregates from industrial wastes such as glass (cullet), incinerator bottom ash, coal derived fly ash, railway ballast, fine ceramic waste (pitcher), and scrap tyres; and industrial and minerals by-products, notably waste from china clay, coal and slate extraction and spent foundry sand. These can also include hydraulically

bound materials.

Self-build and custom-build housing: Housing built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing. A legal definition, for the purpose of applying the Self-build and Custom Housebuilding Act 2015 (as amended), is contained in section 1(A1) and (A2) of that Act.

Setting of a heritage asset: The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.

Significance (for heritage policy): The value of a heritage asset to this and future generations because of its heritage interest. The interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting. For World Heritage Sites, the cultural value described within each site's Statement of Outstanding Universal Value forms part of its significance.

Special Areas of Conservation: Areas defined by regulation 3 of the Conservation of Habitats and Species Regulations 2017 which have been given special protection as important conservation sites.

Special Protection Areas: Areas classified under regulation 15 of the Conservation of Habitats and Species Regulations 2017 which have been identified as being of international importance for the breeding, feeding, wintering or the migration of rare and vulnerable species of birds.

Site investigation information: Includes a risk assessment of land potentially affected by contamination, or ground stability and slope stability reports, as appropriate. All investigations of land potentially affected by contamination should be carried out in accordance with established procedures (such as BS10175 Investigation of Potentially Contaminated Sites – Code of Practice).

Site of Special Scientific Interest: Sites designated by Natural England under the Wildlife and Countryside Act 1981.

Spatial development strategy: A plan containing strategic policies prepared by a Mayor or a combined authority. It includes the London Plan (prepared under provisions in the Greater London Authority Act 1999) and plans prepared by combined authorities that have been given equivalent plan-making functions by an order made under the Local Democracy, Economic Development and Construction Act 2009 (as amended).

Stepping stones: Pockets of habitat that, while not necessarily connected, facilitate the movement of species across otherwise inhospitable landscapes.

Strategic environmental assessment: A procedure (set out in the Environmental Assessment of Plans and Programmes Regulations 2004) which requires the formal environmental assessment of certain plans and programmes which are likely to have significant effects on the environment.

Strategic policies: Policies and site allocations which address strategic priorities in line with the requirements of Section 19 (1B-E) of the Planning and Compulsory Purchase Act 2004.

Strategic policy-making authorities: Those authorities responsible for producing strategic policies (local planning authorities, and elected Mayors or combined authorities, where this power has been conferred). This definition applies whether the authority is in the process of producing strategic policies or not.

Supplementary planning documents: Documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, ultra low and zero emission vehicles, car sharing and public transport.

Town centre: Area defined on the local authority's policies map, including the primary shopping area and areas predominantly occupied by main town centre uses within or adjacent to the primary shopping area. References to town centres or centres apply to city centres, town centres, district centres and local centres but exclude small parades of shops of purely neighbourhood significance. Unless they are identified as centres in the development plan, existing out-of-centre developments, comprising or including main town centre uses, do not constitute town centres.

Transport assessment: A comprehensive and systematic process that sets out transport issues relating to a proposed development. It identifies measures required to improve accessibility and safety for all modes of travel, particularly for alternatives to the car such as walking, cycling and public transport, and measures that will be needed deal with the anticipated transport impacts of the development.

Transport statement: A simplified version of a transport assessment where it is agreed the transport issues arising from development proposals are limited and a full transport assessment is not required.

Travel plan: A long-term management strategy for an organisation or site that seeks to deliver sustainable transport objectives and is regularly reviewed.

Wildlife corridor: Areas of habitat connecting wildlife populations.

Windfall sites: Sites not specifically identified in the development plan.

Annex 3: Flood risk vulnerability classification

ESSENTIAL INFRASTRUCTURE

- Essential transport infrastructure (including mass evacuation routes) which has to cross the area at risk.
- Essential utility infrastructure which has to be located in a flood risk area for operational reasons, including infrastructure for electricity supply including generation, storage and distribution systems; and water treatment works that need to remain operational in times of flood.
- Wind turbines.
- Solar farms

HIGHLY VULNERABLE

- Police and ambulance stations; fire stations and command centres; telecommunications installations required to be operational during flooding.
- Emergency dispersal points.
- Basement dwellings.
- Caravans, mobile homes and park homes intended for permanent residential use.
- Installations requiring hazardous substances consent. (Where there is a demonstrable need to locate such installations for bulk storage of materials with port or other similar facilities, or such installations with energy infrastructure or carbon capture and storage installations, that require coastal or water-side locations, or need to be located in other high flood risk areas, in these instances the facilities should be classified as 'Essential Infrastructure'.)

MORE VULNERABLE

- Hospitals
- Residential institutions such as residential care homes, children's homes, social services homes, prisons and hostels.
- Buildings used for dwelling houses, student halls of residence, drinking establishments, nightclubs and hotels.
- Non-residential uses for health services, nurseries and educational establishments.
- Landfill* and sites used for waste management facilities for hazardous waste.
- Sites used for holiday or short-let caravans and camping, subject to a specific warning and evacuation plan.

LESS VULNERABLE

- Police, ambulance and fire stations which are not required to be operational during flooding.

- Buildings used for shops; financial, professional and other services; restaurants, cafes and hot food takeaways; offices; general industry, storage and distribution; non-residential institutions not included in the 'more vulnerable' class; and assembly and leisure.
- Land and buildings used for agriculture and forestry.
- Waste treatment (except landfill* and hazardous waste facilities).
- Minerals working and processing (except for sand and gravel working).
- Water treatment works which do not need to remain operational during times of flood.
- Sewage treatment works, if adequate measures to control pollution and manage sewage during flooding events are in place.
- Car parks.

WATER-COMPATIBLE DEVELOPMENT

- Flood control infrastructure.
- Water transmission infrastructure and pumping stations.
- Sewage transmission infrastructure and pumping stations.
- Sand and gravel working.
- Docks, marinas and wharves.
- Navigation facilities.
- Ministry of Defence installations.
- Ship building, repairing and dismantling, dockside fish processing and refrigeration and compatible activities requiring a waterside location.
- Water-based recreation (excluding sleeping accommodation).
- Lifeguard and coastguard stations.
- Amenity open space, nature conservation and biodiversity, outdoor sports and recreation and essential facilities such as changing rooms.
- Essential ancillary sleeping or residential accommodation for staff required by uses in this category, subject to a specific warning and evacuation plan.

* Landfill is as defined in Schedule 10 of the Environmental Permitting (England and Wales) Regulations 2010.



TITCHFIELD FESTIVAL THEATRE

73 ST. MARGARETS LANE, TITCHFIELD PO14 4BG.  
WWW.TITCHFIELDFESTIVALTHEATRE.COM • 0333 6663366



TITCHFIELD
FESTIVAL
THEATRE



WHAT'S ON 2024



WWW.TITCHFIELDFESTIVALTHEATRE.COM

DEC 23	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
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SEP 24																																
OCT 24																																

WELCOME

TO TITCHFIELD FESTIVAL THEATRE

Dear Theatregoers

Welcome to our brand new 2024 brochure.

It's crammed with dramas, musicals, comedies, concerts - not forgetting some exciting children's shows. In five venues in Titchfield we will keep all the family entertained throughout the year that's our promise from the largest community theatre in Europe.

Our team has packed the year with a veritable feast of drama, music and magic. From rip roaring musicals such as Calamity Jane to intriguing mysteries like Agatha Christies Spiders Web to classics from Oscar Wilde and Will Shakespeare we have it all.

You will always get a warm welcome whether it's at The historic Great Barn, our new flagship theatre The Arden, The Oak Theatre, or The Acorn and Oberon Studios.

We have once again kept our show tickets at our 2022 prices. We are determined to ensure everyone can access quality theatre at an affordable price so fill your boots!

Bring on 2024!

Kevin Fraser

- OAK THEATRE
- ACORN THEATRE
- ARDEN THEATRE
- ABBEY
- GUILDHALL
- GREAT BARN



FUN FOR ALL THE FAMILY

BOXOFFICE:0833663333



TET'S ORIGINAL PANTOMIME

RED RIDING HOOD

15TH - 23RD
DECEMBER



Follow the thrilling story of our red-cloaked heroine, in the must-see pantomime of 2023. As the Big Bad Wolf threatens the village of Boosemburg, Little Red and her mum, Widow Streaky, set out to find missing Granny, with songs, laughter and your favourite pantomime gags. See the classic fairy tale like you've never seen it before, reimagined with a twist or two in a brand new adaptation by Director Sassy Harvey and the same team that brought you *The Nutcracker*, *Goose Girl* and *Sleeping Beauty*.

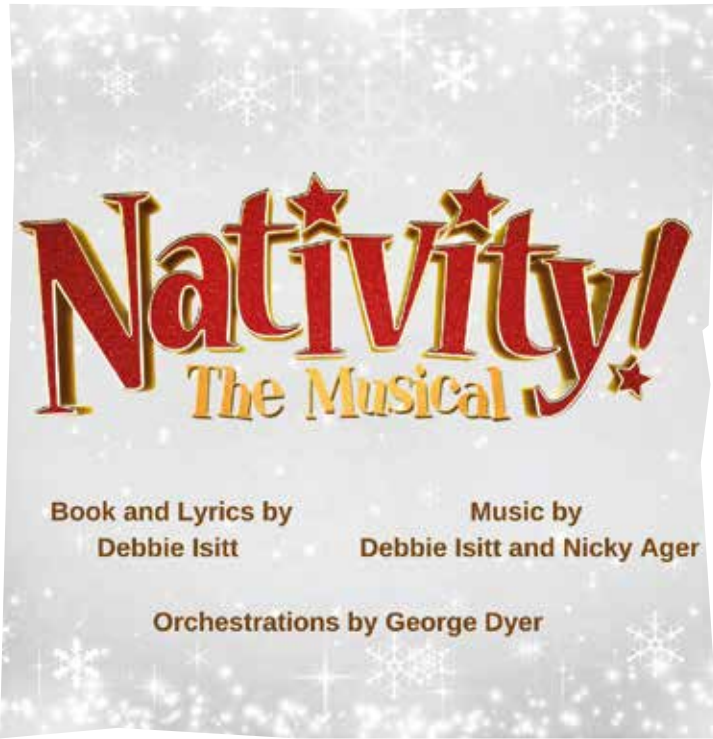


Arden
Theatre

15-23 DEC @ 7PM & 16, 17, 22, 23 DEC @ 1PM, & 17 @ 6PM



Arden
Theatre



Join Mr Maddens and his energetic sidekick Mr Poppy along with the children of St Bernadettes in their quest to create the most spectacular nativity play ever seen. Based on the film, with stunning sets, dazzling choreography, and a generous dose of humour, Nativity! the musical is the perfect holiday treat for the whole family.



Treat yourself to a relaxing picnic on a balmy summer night in the beautiful setting of Titchfield Abbey, with some of the world's best ever music captured by South Coast Symphonia supported by the Festival Theatre Chorus and invited soloists.

Look for dates coming in our Concerts brochure soon



5-13 JAN 2024 @ 7.30PM & 6, 7 & 13 @ 2.30PM

A GREAT DAY OUT

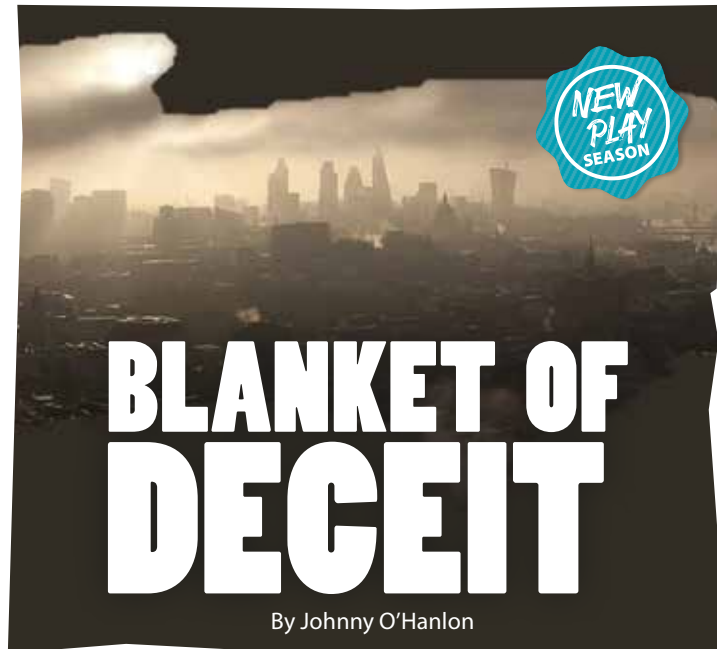




Experience the sensational world of intrigue, incompetence and infidelity at No.10 in this brand new comedy. A captivating journey as Dominic 'Comings', on his final day at No.10, finds himself entangled with a farcical cast of characters battling for power, prestige and passion. Witness an unbelievable web of lies and scandal unfolding against the backdrop of recent lockdown revelations.



15-20 JAN 2024 @ 7.30PM



"THERE'S DEFINITELY, NO LOGIC TO HUMAN BEHAVIOUR". BJORK

Alex and Martin are Police Detectives in North London, outsiders within their own force. They seem an odd pairing to be working together, but their differences help them investigate a strange incident at a London train station, where a young woman has been seen with a child, clearly not her own. Alex and Martins gradually uncover a disturbing criminal operation. This new crime drama, based on true events ,sets out to explore the dark underbelly of modern city life.

22-27 JAN 2024 @ 7.30PM





ORLANDO, A YOUNG NOBLEMAN WHO IS DRAWN INTO A LOVE AFFAIR WITH QUEEN ELIZABETH I. FOR A TIME, LIFE AT COURT IS INTERESTING ENOUGH, BUT ORLANDO YEARNS FOR SOMETHING MORE.

As he strives to make his way as a poet and lover, his travels keep him at the heart of a dazzling tale where gender and gender preferences shift regularly, usually with hilarious results. Orlando takes a spectacularly gleeful romp through four centuries of gender-defining history that brings Virginia Woolf's epic story to life.



5-10 FEB 2024 @ 7.30PM



In 19th century France, Jean Valjean is released from years of unjust imprisonment, but finds nothing in store for him but mistrust and mistreatment. He breaks his parole in hopes of starting a new life, initiating a life-long struggle for redemption as he is relentlessly pursued by police inspector Javert, who refuses to believe Valjean can change his ways. Finally, during the Paris student uprising of 1832, Javert must confront his ideals after Valjean spares his life and saves that of the student revolutionary who has captured the heart of Valjean's adopted daughter.

15-17 FEB 2024 @ 7.30PM & 17 @ 2.30PM



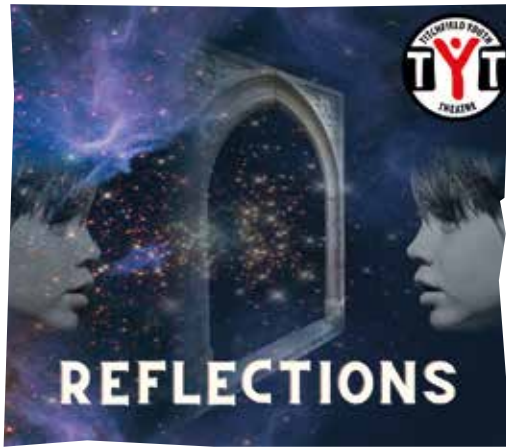


"SOMETHING IS WRONG – IT'S LIKE THEY BEEN REPLACED!"

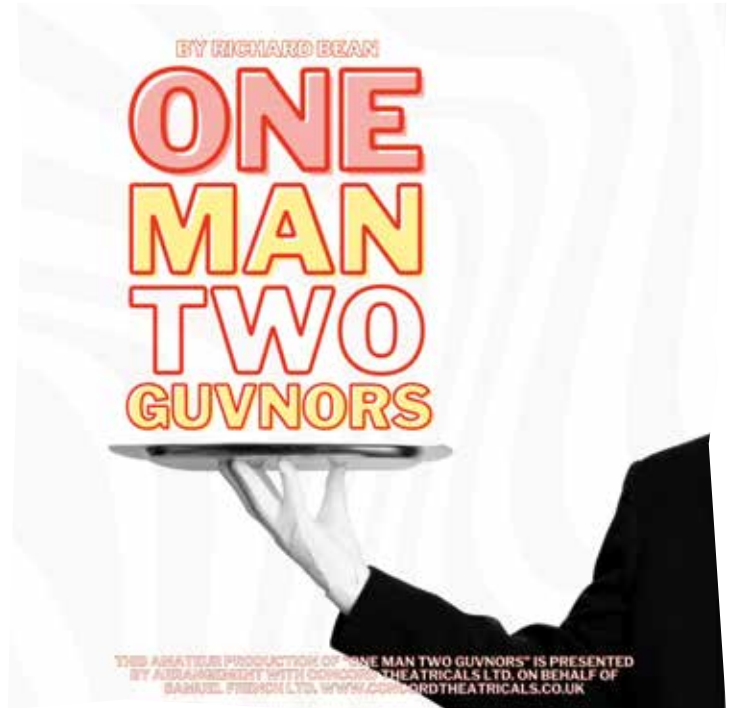
After a school trip Sam seems different. They've always been a little strange but now the rumours about them have grown. What happened out there? A modern horror story. National Theatre connections entry performed by Titchfield Youth Associates

THIS PLAY CONTAINS STRONG LANGUAGE. SUITABLE FOR 14+

Join TYT for a celebration of short plays, dealing with the mysterious, the bewildering and the downright absurd twists of life.



29 FEB–2 MAR @ 7.30PM

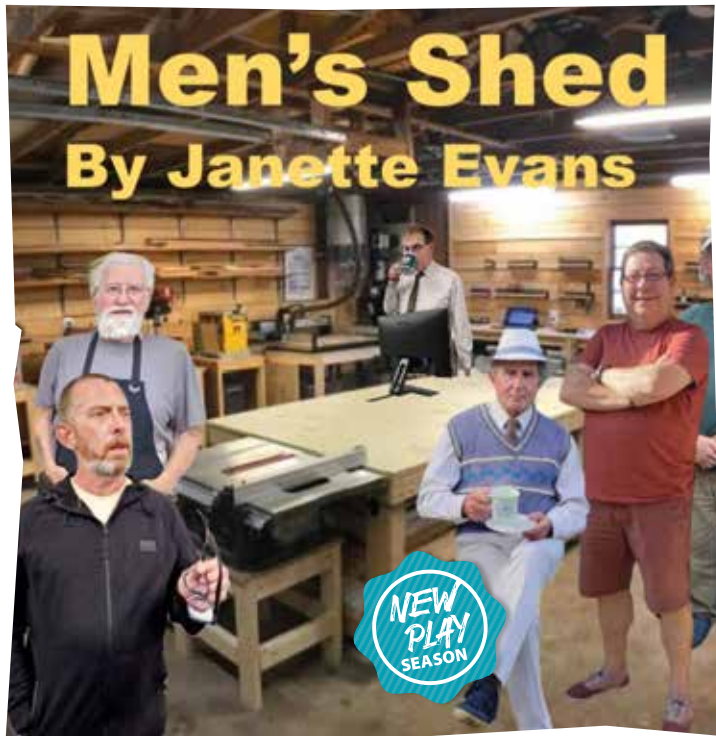


"YOU GOT TO CONCENTRATE AIN'T YA, WITH TWO JOBS"

Francis Henshall is in a spot of bother. Not only is he a minder to the gangster Roscoe Crabbe he's also managed to get himself another job working for upper class criminal Stanley Stubbers. But Roscoe Crabbe is dead, killed by Stanley Stubbers. So, who is Roscoe Crabbe? This chaotic farce, set in 1960's Britain based on The Servant of Two Masters is a laugh out loud mix of satire, slapstick and one-liners.

1–9 MAR 2024 @ 7.30PM & 2–3 MAR @ 2.30PM

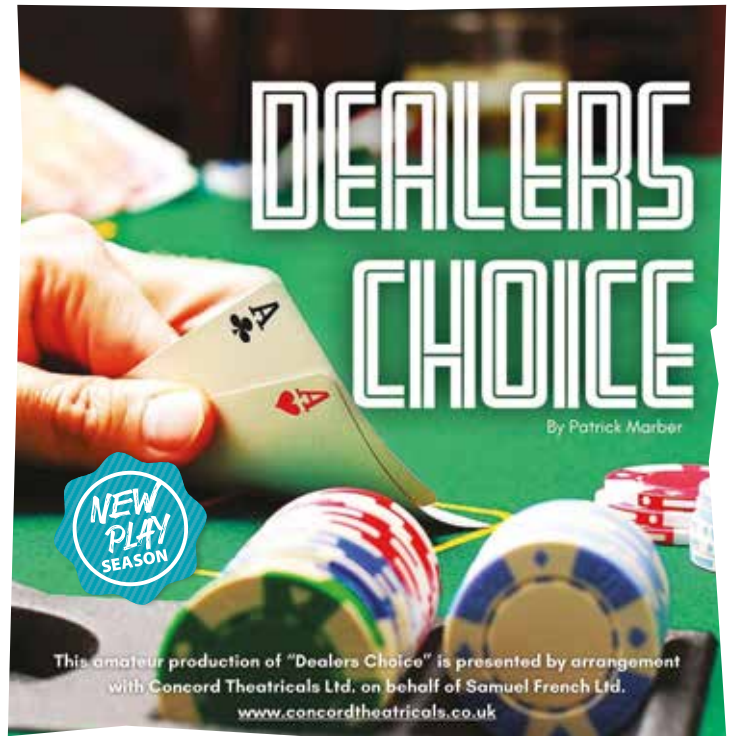




Mens Shed – a brand new play centered around six diverse characters – different chaps with different views but all with one thing in common: their love of the shed. The oil in the ointment occurs when a letter is recorded, challenging the right of it being a ‘men only’ institution. The turmoil and heartache is shared by the boys and, in response, the WI join forces and save the day.



11–16 MAR 2024 @ 7.30PM & 16 @ 2.30PM



5 work colleagues meet regularly on Sunday nights to play poker. What drives them? Money? Competition? Desperation? Find out in this award-winning play.

25–30 MAR 2024 @ 7.30PM



CALAMITY

JANE



Deadwood is a dreary cowboy town and needs livening up! Accident prone Calamity gets the task and swears she'll bring a 'Chicagee' singer and noted beauty to town – Adelaide Adams. Rough shootin' Calam doesn't take no for an answer – especially from any man who gets in the way! Full of foot tappin' numbers – *Windy City, The Deadwood Stage, A Woman's Touch, The Blackhill's of Dakota* and of course *Secret Love – Calamity Jane* is a feast of 'western' musical delights, so book your tickets early and don't miss the early stagecoach into town. Yeeha!!

From the stage play by
CHARLES K. FREEMAN
after WARNER BROS. film
written by JAMES O'HANLON

Adapted by RONALD HANMER and PHIL PARK

Lyrics by PAUL FRANCIS WEBSTER
Music by SAMMY FAIN





Act 2 Theatre Company return to Titchfield Festival Theatre's Great Barn to present Shakespeare's Romeo & Juliet – transforming this classic tale into Verona's powder keg of blood-lust and rage, with death threats proudly shouted in the streets, and a young couple, tragically become the next sacrifice in this brutal tale. Act 2 Theatre Company are final year students on the Acting for Stage & Screen course at Havant & South Downs College, and this will see them embark upon creating a contemporised and reimagined production, of one of Shakespeare's classics, in their final production at HS DC.



A double bill of Will Shakespeare themed plays dealing with the chaotic machinations of people caught up in the whirlwind of ideas skewed by mistaken identities, vengeance, and love.

TWELFTH NIGHT



Viola shipwrecked and with the help of the flamboyant captain, disguises herself as a man, Cesario (it's surprising, what moustaches hide!) and enters the service (and wanting the service) of Duke Orsino. She thinks her twin brother (Twin? You'll need some good imagination here), Sebastian, drowned, but he goes and turns up. Yup, it's bonkers!

**28-30 MAY & 2-6 JUN @ 7.30PM
& 2 @ 2.30PM**



Set during the vibrant and psychedelic backdrop of the 1967 Summer of Love, 'A Midsummer Night's Dream' unfolds as four young lovers venture into an enchanted forest, ensnared in a complex web of romantic entanglements by mischievous fairies. Love potions and groovy actors blur the lines between reality and dreams in this timeless comedy. As flower children navigate a world of cosmic mischief, the play captures the magic of love amidst an era of revolution and transformation.

**25-27 JUN & 1-4 JUL @ 7.30PM
& 30 @ 2.30PM**



20-23 MAY @ 7.30PM

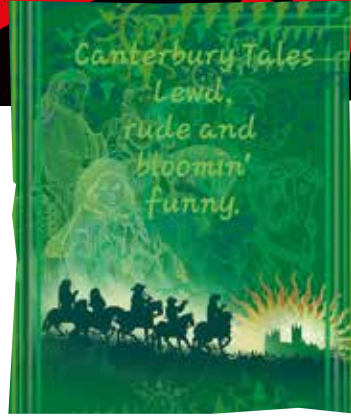
SHAKESPEARE AT THE BARN





The shocking story of a 17th Century murder in Leeds is to be retold on the stage of the Great Barn, Titchfield. A haunting and disturbing drama, this rarely performed play is considered by many to be one of the finest one-act tragedies in early-modern drama. A relentless, violent story of one man's fall, includes gambling addiction, domestic abuse, and demonic possession.

**22-25 & 29-30 JUN 2024 @ 7.30PM
& 28 @ 2.30PM**



**CHAUCER'S TALES AS
NEVER SEEN BEFORE.**

A lively and fast-moving comic adaptation featuring five of Chaucer's Canterbury Tales. This modernised version, has the story tellers going to a festival and the Superhero, aging hippy, insurance salesman, WAG and builder, make unusual companions who each tell their stories. It's funny, at times rude and lewd and very silly. Join us for Chaucer Upcycled.

**18-22, 26-27 AUG @ 7.30PM
& 25 @ 2.30PM**



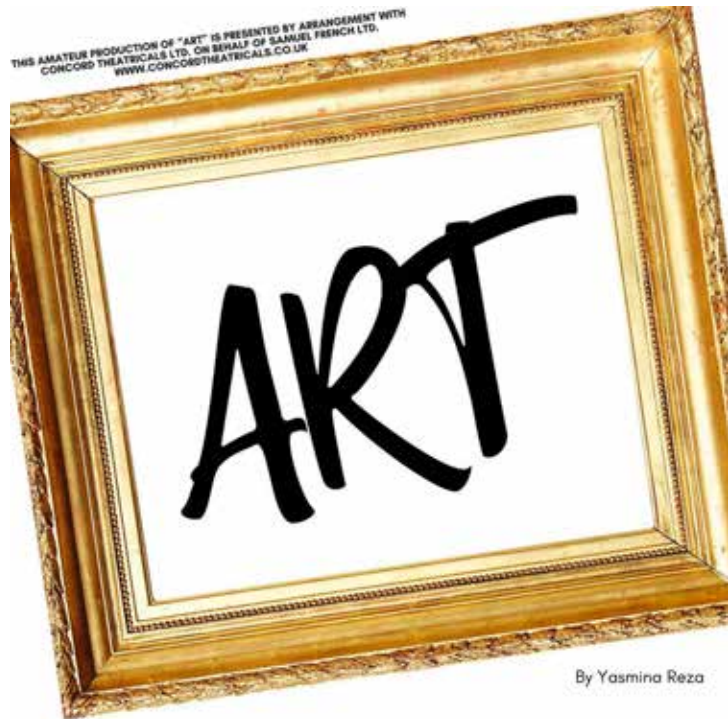
Educating Rita follows Rita, a 26-year-old working class Liverpoolian hairdresser who is dead set on "becoming educated and knowing what matters", and Frank, a middle-aged upper class man with a penchant for drinking to survive his mundane existence as a failed poet come University lecturer. Written by the same British Playwright who also created Blood Brothers and Shirley Valentine.





Clarissa, wife of a diplomat, is adept at spinning tales of adventure, but when a murder takes place in her drawing room she finds live drama much harder to cope with. Desperate to dispose of the body before her husband comes home with an important foreign politician, Clarissa persuades her three house guests to become accessories and accomplices. It seems that the murdered man was not unknown to certain members of the house party (but which ones?), and the search begins for the murderer and the motive, while at the same time trying to persuade a police inspector that there has been no murder at all.

THIS AMATEUR PRODUCTION OF "ART" IS PRESENTED BY ARRANGEMENT WITH
CONCORD THEATRICALS LTD. ON BEHALF OF SAMUEL FRENCH LTD.
WWW.CONCORDTHEATRICALS.CO.UK



By Yasmina Reza

WHAT HAPPENS WHEN A FRIEND BUYS A PAINTING THAT IS AN ENTIRELY WHITE CANVAS – IS IT ART?

Serge thinks it is, but can his friends agree without a dangerous rift occurring? ART, a bright thought-provoking comedy, will have you rethinking what art really is.



8–18 MAY 2024 @ 7.30PM & 12 @ 2.30PM. NO SHOW MON.

20–25 MAY 2024 @ 7.30PM



TITCHFIELD FESTIVAL THEATRE ARE DELIGHTED TO INTRODUCE OUR BRAND NEW

CHILDREN'S

THEATRE SEASON FOR UNDER 6YRS

An original adaptation of the popular stories, come join our storyteller in the Acorn Theatre for an interactive show with songs, dancing and theatre skills for all the family.

LITTLE RED HEN

Come along and see if the farm animals help Little Red Hen in her garden.
3 & 4 APRIL 2024 @ 11AM & 1PM



THE GINGERBREAD MAN

'Run, run as fast as you can, you can't catch me, I'm the gingerbread man'.
28 & 29 MAY 2024 @ 11AM & 1PM



By Richard Harris

Stepping Out

After leaving Broadway, Ex dancer Mavis now runs a dance studio teaching an eclectic bunch of 'have a go' tappers their time steps. After an invitation from a prominent dance school to perform in their charity showcase. Mavis must navigate her way through the ups and downs that erupts between this group of women (And 1 man) as she gets them stage ready worthy of a any chorus line? Join us for a journey of Love, Loss and Laughter and definitely a few left feet.

FUN FOR ALL THE FAMILY.

10-15 JUN 2024 @ 7.30PM & 15 @ 2.30PM





IMPORTANCE OF BEING EARNEST

By Oscar Wilde

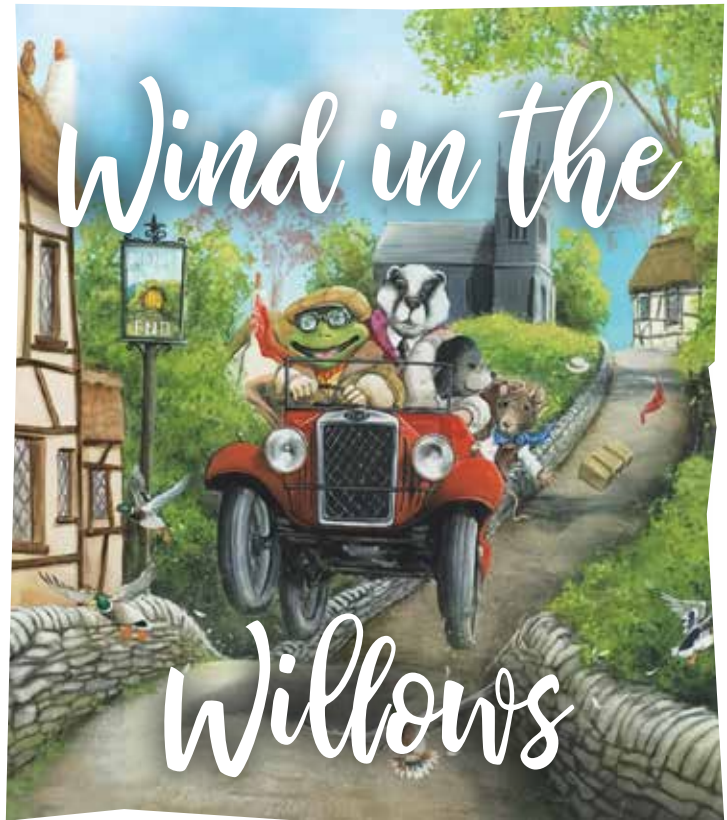


'A TRIVIAL COMEDY FOR SERIOUS PEOPLE'

Hold onto your handbags as you join John and Algernon in a theatrical romp through Victorian high society. Filled with Wilde's wicked wit, this hilarious play explores the ideas of love, truth and identity. A comedy of manners that will have you laughing so hard, your corsets might burst!



21-29 JUN 2024 @ 7.30PM & 23 @ 2.30PM



Wind in the

Willows

An enchanting adaptation of Kenneth Grahame's legendary animal adventure story, with Mole, Ratty, Toad and Badger and many other enchanting creatures battling the evil weasel army.

12-20 JUL 2024 @ 7PM & 13, 14, 20 @ 2.30PM





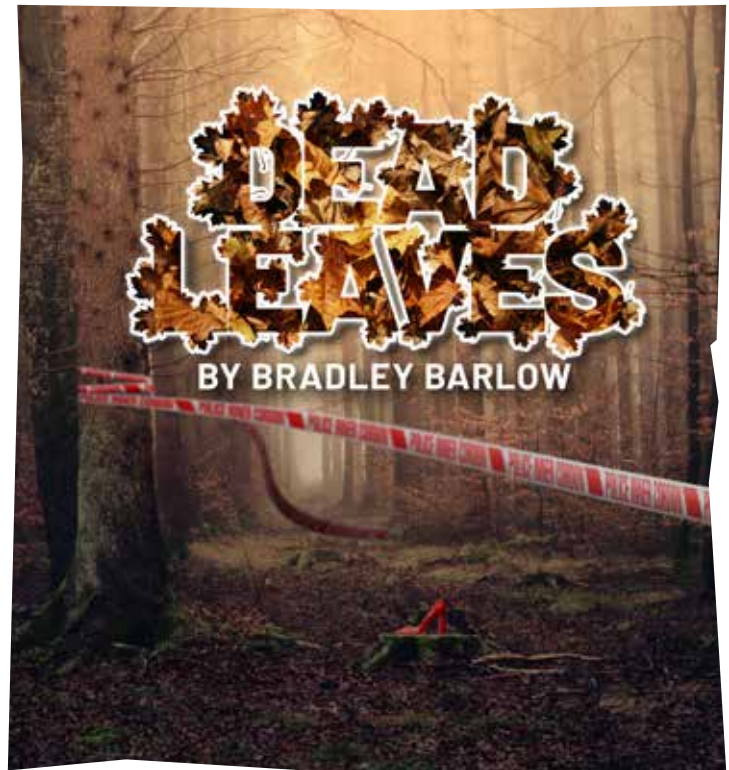
Inspired by a true story and based on the hit movie, *Made in Dagenham* is an uplifting British musical comedy about friendship, love and the importance of fighting for what is right.

Essex 1968. Like millions of other working women, each morning Rita O'Grady is just trying to get her husband out of bed, get the kids off to school and get to work at the factory on time. But life is about to change forever when it's announced that the girls in the stitching room of Ford's Dagenham car plant will have their pay grade dropped to 'unskilled'. Quickly drawing on a strength she never knew she had, Rita leads her friends in a battle against the might of Ford and the corruption of the Union supposed to protect them. As the girls' inspiring journey gets bigger than anyone could have imagined, the pressure is too much for some, but can Rita keep up the fight and the happy home she's worked so hard for?

Funny, touching and timeless, *Made in Dagenham* shows how ordinary people can do extraordinary things when they stand together.



The average person will speak 123,205,750 words in a lifetime. But what if there were a limit? What would you say if you only had 140 words to use in a day? *Lemons Lemons Lemons Lemons Lemons* imagines a world where we're forced to say less. It's about what we say and how we say it; about the things we can only hear in the silence; about dead cats, activism, eye contact and lemons, lemons, lemons, lemons. This charming play from Sam Steiner is about the beauty and preciousness of language; a perfectly imperfect love story that will leave you wanting to say every word that has been left unsaid.



Melissa French is dead. After her body is discovered in the dark of the woods and the police delve into her past, Melissa's family and friends begin to realise how little they knew her. As secrets are discovered and lies are revealed Melissa's life begins to be unravelled. Nothing stays buried forever.

This amateur production of "The Curious Incident of the Dog in the Night-Time" is presented by arrangement with Concord Theatricals Ltd on behalf of Samuel French Ltd.
www.concordtheatricals.co.uk

THE CURIOUS INCIDENT OF THE *DOG* IN THE *Night-Time*



A dog, a pitchfork and a yearning for answers. This story revolves around Christopher Boone, a brilliant but socially challenged 15-year-old boy with a unique perspective on the world. When he discovers his neighbour's dog murdered, he embarks on a journey to solve the mystery, defying his own limitations and uncovering dark family secrets along the way. The play delves into the mind of an extraordinary protagonist, using innovative staging and visuals to convey his sensory experience. It's a touching exploration of love, trust, and the power of human resilience in the face of adversity.



Adapted by Simon Stephens

**Based on the Novel by
Mark Haddon**

TICKETS

We run a ticketless scheme and tickets can be purchased or refunded by calling our Box Office on 01329 600010 or online at www.titchfieldfestivaltheatre.com

SEAT PRICES

£12 Monday to Thursday

£12 Matinees and Sundays

£14 Friday and Saturday

CONCESSIONS

These are cumulative per ticket:

£1 off Concessions includes:

Children, Seniors 60+, full time education (including teachers and lecturers), student cards, NHS workers/Carers/registered disabled/HM Forces, Police and Fire Service.

£1 off Party 4 +, £1 Book more than one show

Special rates are available for parties of 10+ & school parties please enquire at the Box Office.

ST MARGARETS VENUE

We have three theatres The Acorn Studio, The Oak Theatre and The Arden Theatre, situated at 73 St. Margarets Lane, Titchfield PO14 4BG.

The theatre is accessible by car. We are located on St Margarets Lane approximately 250 metres south of St Margarets roundabout on the A27. The Theatre is clearly signed as our frontage can be seen from the road.

For satellite navigation systems our post code is P014 4BG.

The Theatre is also accessible by an hourly bus. Bus number X4 & X5 Portsmouth/Southampton/Gosport. The bus stop is located a short walk away, approximately four minutes walk.

The nearest railway station is Fareham or Swanwick, with a taxi and bus service available outside both stations.

Accessible Taxi services are located in Swanwick and Park Gate
Tel Nos. 01329 314413.

We have two licensed bars which sell a selection of wine, beer, soft drinks and hot drinks as well as snacks and ice-creams.

DISABLED ACCESS

We welcome any disabled patrons but please let us know beforehand that you are coming. St Margarets Lane has a disabled lift for access to all theatres and disabled toilets.

PARKING

We have ample parking in and around the site, **PLEASE DO NOT PARK IN THE LANE – IT IS NARROW AND DANGEROUS.**

We have room on site for 34 cars, some of which are designated for the disabled. Additional parking is available in the garden centre opposite (for evening performances) and at the nearby Holiday Inn (6 minutes walk from the site). Patrons must register their vehicles at the hotel reception or face a fine. TFT will not be held responsible for any parking fines.

GREAT BARN VENUE

We hold our annual Bard at the Barn – Shakespeare Festival at the C15th Great Barn situated at Mill Lane, Titchfield PO15 5RB. The Barn seats 170 with its own raked seating, bar and café area. This is accessible by car.

We are located on Mill Lane approximately 250 metres north of the Titchfield Mill and 50 metres south of The Abbey Garden Centre. The Barn is clearly signed as our frontage can be seen from the road. Drive up the long driveway and the barn is situated at the top of the driveway. There is ample space for parking spaces on site for over 100 cars.

For satellite navigation systems our post code is P015 5RB.

New members are always warmly welcome, joining and taking part is free for everyone. Absolutely no previous experience required.

For enquiries about hiring our venues call 01329 556156. For ticket enquiries, exchanges, block bookings etc, call 01329 600010.

Response to Planning Contravention Notice dated 8 June 2023 served by Southampton City Council

(PCN Reference: HH/ENV-054525)

Town and Country Planning Act 1990 (as amended by the Planning Compensation Act 1991)
("the 1990 Act")

in relation to Land at 71-73 St Margaret's Lane, Titchfield, Fareham.

("the Site")

Our client: Titchfield Festival Theatre Limited

1. State your full name

Kevin Fraser as a director of and on behalf of Titchfield Festival Theatre Limited.

2. State the nature of your interest in the land

As a Director for Titchfield Festival Theatre Limited, freeholder.

3. State the full name and address, where applicable of:

a. The freeholder of the Land and date purchased;

Titchfield Festival Theatre Limited purchased the freehold of numbers 71 and 73 St Margaret's lane on 30th November 2021.

b. The lessee of the Land and date lease commenced;

c. The mortgagee of the Land (together with Account Number/Mortgage Roll Number);

Unity Trust Bank (see enclosure 1).

d. Any other person with an interest in the Land and what that interest is. That will include anyone you allow on site.

This question goes beyond the powers of s171C(1) as not everyone who is allowed on to site accrues an interest in the Land.

e. State your interest in the land e.g. operator, contractor, tenant, freeholder, leaseholder, mortgagee, occupier etc.

Leaseholder.

f. Please provide the names and addresses of any other persons with an interest including any persons occupying the Land.

No individual persons have an interest in the Land.

4. Does anyone occupying the land have any:

a. Health needs

b. Welfare needs; or

c. Educational needs

that the local planning authority should be aware of when considering whether to take any further enforcement action?

If so, please provide details of such needs

d. Are there any children below the age of 16 on the site?

e. if your answer is 'yes' to question 5d) do they attend a local school.

The entirety of this question 4 goes beyond the powers of s 171C(2) and (3).

5. With regard to current occupants are you aware of other people who may claim a sufficient interest in the land to justify service of a copy of the notice?

This question goes beyond the powers of s171C - it is a matter for Southampton City Council to decide on whom a planning contravention notice should be served.

6. For how long have been occupying Area B as shown on the attached plan? (Please supply evidence of occupation).

Since October 2010.

7. For how long have you been occupying Area C as shown on the attached plan? Please supply evidence of occupation.

Since July 2022.

8. What is the current use of Area B shown on the attached plan?

For use relating to the theatre located at 73 St Margarets Lane, Titchfield, PO14 4BG.

9. For how long has the use of Area B described in your answer to question 8 been taking place? Please supply any evidence of the duration of this use.

Since October 2010 when Area B was acquired by Titchfield Festival Theatre Limited.

10. Prior to the current use of Area B described in your answer to question 8 above, what was the use of Area B?

Unknown.

11. For how long did the previous use of Area B described in your answer to question 10 above taken place? Please supply any evidence of the duration of this previous use.

Unknown.

12. What is the current use of Area C shown on the attached plan?

For use relating to the theatre located at 73 St Margarets Lane, Titchfield, PO14 4BG.

13. For how long has the use of Area C described in your answer to question 12 been taking place? Please supply any evidence of the duration of this use.

Since being occupied by Titchfield Festival Theatre Limited.

14. Prior to the current use of Area C described in your answer to question 12 above, what was the use of Area C?

Unknown.

15. For how long did the previous use of Area C as described in your answer to question 14 above take place? Please supply any evidence of the duration of this previous use.

Unknown.

I hereby state that the answers set out in this Reply Form are to the best of my knowledge a full, true, and correct Statement of all the information required by the said Notice.

Print Name MR K FRASER

A handwritten signature in black ink on a light blue background. The signature is stylized and appears to read 'K Fraser'.

Signed

Date 3RD July 2023



- 11.30 Well-designed places, buildings and spaces are:
- designed and planned for long-term stewardship by landowners, communities and local authorities from the earliest stages; and
 - robust, easy to use and look after, and enable their users to establish a sense of ownership and belonging, ensuring places and buildings age gracefully; and
 - adaptable to their users' changing needs and evolving technologies; and
 - well-managed and maintained by their users, owners, landlords and public agencies.

Policy D1: High Quality Design and Place Making

Development proposals and spaces will be of high quality, based on the principles of urban design and sustainability to ensure the creation of well designed, beautiful and safe quality places.

Development proposals will be permitted where compliance with the following key characteristics of high quality design, has been demonstrated:

- Context** - where proposals appropriately respond to the positive elements of local character, ecology, history, culture and heritage; and
- Identity** - where proposals create places that are attractive, memorable, distinctive and of strong character; and
- Built form** - where proposals create a three-dimensional pattern or arrangement and scale of development blocks, streets, buildings and open spaces, that are coherent, attractive and walkable; and
- Movement** - where proposals create attractive, safe and accessible corridors that incorporate green infrastructure and link with key services and facilities along existing and future desire lines, which promote social interaction and activity; and
- Nature** - where proposals positively integrate existing and new habitats and biodiversity within a coherent and well managed, connected structure; and
- Public spaces** - where proposals create public spaces that are attractive, safe, accessible and provide a focus for social interaction, and promote healthy activity and well-being; and
- Uses** - where proposals provide or are well related and connected with, a mix of uses that provide the day to day needs of users; and
- Homes and buildings** - where proposals provide a variety of dwelling sizes and tenures, have sufficient space and are well related to public space; and
- Resources** - where proposals reduce the use of natural resources, conserve and enhance and integrate habitats and ecosystems and are adaptable over time, minimising waste; and
- Lifespan** - where proposals are designed and constructed to create enduring high-quality buildings, spaces and places that are attractive and functional, which weather well and can be adapted to users' needs with efficient management and maintenance.



How this policy works

- 11.31 The quality of buildings, spaces and places will be assessed at all scales and having regard to all users. Quality design will be at the heart of the Council's decisions, from the location of new development at a strategic level through to the design and appearance of buildings and spaces, their details, landscaping and how they are to be managed and maintained for the long term.
- 11.32 The Council will use the criteria set out in policy D1 and detailed and explained in paragraphs 11.5-11.30 to assess whether development proposals are acceptable. The Council will need to understand how a proposal has met the criteria. There will be an expectation for applicants to demonstrate their approach within submitted supporting documents such as a Design and Access Statements for major developments or those in Conservation Areas, responding to each criterion as necessary.
- 11.33 The extent of analysis and explanatory material should be proportionate to the nature, size and sensitivity of the site and the proposal.
- 11.34 This policy should be considered in conjunction with more detailed related policies set out in the Plan. In particular, Policy NE6: Trees, Woodland and Hedgerows, Policy CC2: Managing Flood Risk and Sustainable Drainage Systems, Policy CC3: Coastal Change Management Areas, Policy CC4: Renewable and Low Carbon Energy, Policy D4: Water Quality and Resources, Policy TIN1: Sustainable Transport and Policy TIN4: Infrastructure Delivery.
- 11.35 In addition to Local Plan policies, the Council will have regard to the Fareham Borough Design Guide SPD and other existing and future SPDs in the assessment and determination of planning applications where they apply.
- 11.36 Where appropriate within the Local Plan period, the Council will develop additional design guidance relating to specific sites, settlements or Borough wide. Such guidance could include site or area-wide masterplans, design codes or guidance related to specific issues, such as parking and sustainable construction. These will be developed in conjunction with local residents and the wider community, where applicable, and in conformity with any relevant existing or future national or sub-regional policy or guidance. This includes Building for Healthy Life 12¹²⁶, BREEAM Assessment, which will be used as an assessment tool for major new development and the National Model Design Code and the future revised Manual for Streets.
- 11.37 The Council will also make use of Design Review Panels, where appropriate, to provide independent guidance and assessment of proposals, depending on the scale, context and relationship to important heritage or ecological assets.
- 11.38 Building Regulations take into account all regulated emissions arising from new residential development (heating, fixed lighting and ventilation) and energy efficiency standards, but the Council will support planning applications that exceed Building Regulations requirements. In respect of non-residential standards, developments will be supported that meet BREEAM standards or an agreed equivalent industry standard assessment process, where viable. Developers that propose a scheme to meet

¹²⁶ Building for Healthy Life: Design Toolkit for neighbourhoods, streets, homes and public spaces (Homes England July 2020)



BREEAM standards in order to demonstrate the sustainability benefits of their proposals should submit a post construction assessment and BREEAM certificate to the local planning authority to demonstrate compliance. The requirement for BREEAM standards will be considered as part of a review of the next Local Plan.

- 11.39 It is expected that with climate change, there is to be an increase in temperatures. New development is therefore encouraged to be designed and laid out as such that it provides natural ventilation and making use of Green Infrastructure such as urban street trees to alleviate the urban heat island effect and the risk of overheating from rising temperatures.

High Quality Design and Ensuring Good Environmental Conditions

Why this policy is needed

- 11.40 New development should be designed to ensure that the environmental conditions of internal and external space support and promote good health and well-being for all users.
- 11.41 Good environmental conditions include appropriate levels of space, light, privacy, heating, cooling and water quality, whilst avoiding excessive and unacceptable impacts from noise, ground, air, water and light pollution or contaminants.
- 11.42 Potential solutions to overcome identified excessive environmental conditions must be acceptable in their own right having regard to local plan policies. For example, such solutions should not have an adverse visual impact in the landscape or streetscape or result in overbearing or overshadowing effects.
- 11.43 Proposals for residential accommodation¹²⁷ should provide a suitable living environment for existing and future occupiers and users, including appropriate external amenity space in line with the requirements of the Fareham Borough Design Guide SPD. Developments that do not achieve acceptable living standards are often symptomatic of overdevelopment, poor design, an inappropriate location for housing or a combination of these. New developments with habitable rooms should secure adequate internal space to comply with the national described space standards in accordance with Policy D5¹²⁸. New development should also receive adequate daylight and sunlight¹²⁹ to create satisfactory living and working accommodation. This is particularly important in certain residential rooms such as bedrooms and living rooms.
- 11.44 Applicants for new residential development should be aware of the requirements of Policy HP7: Adaptable and Accessible Dwellings in Chapter 5, which outlines adaptability/accessibility standards on new dwellings. Policy HP7 also requires a percentage of dwellings for large scale development¹³⁰ as Category 3 of Part M (Access to and Use of Buildings) of the Building Regulations (2015 edition). Category 1 is the minimum for residential development.

¹²⁷ 'Residential accommodation' goes beyond the definition of a C3 use class 'dwellinghouse'. Whilst not exhaustive this can also include hotels, residential institutions and houses of multiple occupancy (HMOs).

¹²⁸ [Nationally Described Space Standards](#) (MHCLG – March 2015 and as amended)

¹²⁹ Where necessary, in addition to guidance set out in the Fareham Borough Design Guide SPD, the use of 'Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice'. Building Research Establishment (Sep 2011) or a suitable and agreed computer model will be used to assess the potential impact upon daylight, sunlight and shadowing.

¹³⁰ Schemes of over 100 dwellings (gross)



Policy D2: Ensuring Good Environmental Conditions

Development must ensure good environmental conditions for all new and existing users of buildings and external space.

Development proposals, including changes of use, will be permitted where they:

- a) Do not have an unacceptable adverse impact on the environmental conditions of future occupiers and users or on adjacent/nearby occupants and users through ensuring appropriate outlook and ventilation and providing adequate daylight, sunlight and privacy; and
- b) Do not, individually, or cumulatively, have an unacceptable adverse environmental impact, either on neighbouring occupants, adjoining land, or the wider environment; and
- c) Can demonstrate that the future occupants and users of the development site will not be unacceptably adversely impacted from existing activities in the surrounding area.

How this policy works

- 11.45 Proposals for new development will be assessed through appropriate and suitably qualified internal and external persons, using industry accepted methodologies, systems and procedures to determine the future environmental conditions resulting from proposals. Proposals that are assessed to be likely to have a significant adverse impact on occupiers' or users' health and well-being will not be permitted. Assessments will also be required where there is the potential for unacceptable adverse impact from existing activities that may impact on the development site. This includes but is not limited to flightpaths, commercial uses and the highway network.
- 11.46 Adverse environmental impacts include, but are not limited to, contamination, noise, heat, liquids, vibration, light or air pollution, or excessive wind (including dust, smoke, fumes or odour).

Coordination and Piecemeal Development

Why this policy is needed

- 11.47 Coordination of development within and adjacent to existing settlements and as part of area wide development strategies and masterplans is vital to ensure that developments are sustainable, appropriately planned and designed. It can ensure that land and other resources are used efficiently, avoid duplication, located optimally, connect people, places and habitat, and equalise value. It can also avoid piecemeal development and associated sterilisation of land and development delivery.
- 11.48 Circumstances where coordination is required include:
- Connecting separate site ownership and associated development through pedestrian cycle and vehicle corridors, increasing permeability and avoiding segregated cul-de-sac forms;
 - Ensuring integration and connection of existing and new biodiversity and habitats;

DESIGN



- The provision of open space, sport and play facilities;
- Shared parking and servicing arrangements;
- Provision of infrastructure including drainage, energy, health, education, shops and community space;
- Phasing of development over time.

- 11.49 The Council requires, through policy and relevant SPDs, delivery of open space, affordable housing and other infrastructure and / or financial contributions resulting from the number of residential units proposed. The Council will consider and assess planning applications and pre-application stage proposals and advise applicants as to whether the scale, design, layout and mix of units, having regard to Policy D1 and the context of the site, is of an appropriate yield to ensure the effective use of land and not result in the avoidance of financial and other contributions required by the Policy TIN4.

Policy D3: Coordination of Development and Piecemeal Proposals

Where proposals come forward that are part of a wider development site, supporting information will be expected to demonstrate that the proposal will not prejudice the appropriate development of the adjoining site(s) in accordance with Local Plan policies, and that the proposal maximises place-making opportunities. Development proposals that prevent or limit the potential for appropriately developing an adjoining site, or which do not maximise connectivity, permeability and efficiency opportunities or address mitigation and infrastructure needs relating to the wider development, will not be permitted.

Where piecemeal development could delay or prevent the comprehensive development of a larger site, a legal agreement will be sought, to ensure that any permitted development does not prejudice the development of adjacent land.

Applications which seek to evade infrastructure provision (including affordable housing) by not fully maximising the use of the site or by putting forward piecemeal development will not be supported.

How this policy works

- 11.50 Proposals for new development will be assessed to ensure that uncoordinated and piecemeal development is avoided. The Council, separately or in combination with developers will demonstrate, through suitably scaled and detailed masterplans, parameter plans and design codes, or other suitable process and product, how development parcels and separate land ownerships should be developed comprehensively. The Council will use conditions of planning consent together with appropriately worded legal agreements, to deliver all aspects of a wider development.

The Water Environment

Why this policy is needed

- 11.51 The sustainable management and improvement of the Borough's water environment is highly important. An improved water environment will have benefits for Fareham's residents, visitors and business and positively contribute towards conserving and enhancing the natural environment including biodiversity net gain. The most recent



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accord with the Development Strategy and other evidence which supports the Local Plan. To support this approach, development outside of the urban areas will be managed to resist encroachment of development into non-urban unsustainable areas.

- 3.32 However, it is recognised that countryside locations can be suitable for some forms of development, particularly tourism sites such as for camping and caravanning, leisure facilities such as playing fields and water-based facilities, and small-scale housing development where the character of the surrounding area can be protected. Community facilities, including cemeteries, which stand on the edge of the urban area can provide important facilities for the community. In addition, the open character of these sites can provide important views from the built form into the open countryside beyond.
- 3.33 In addition, many existing employment, educational, community and leisure uses are already located in the countryside. A policy is needed to allow the continuation of these uses where they perform a function to the community and/or provide jobs. The focus will be on retaining, maintaining and improving existing facilities outside of the urban area, which are valued by the community so they can meet changing needs as necessary and where possible and appropriate, locating any new community facilities inside the urban area.
- 3.34 The NPPF also states that planning policies should recognise the wider benefits from the countryside including the economic and other benefits of the best and most versatile agricultural land. Further, footnote 58 in the NPPF outlines that 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'.
- 3.35 It is important that when determining applications for housing and economic development, the benefits of protecting the Best and Most Versatile (BMV) agricultural land are considered against the need for development. The Borough would not be able to meet its identified housing and employment needs on previously developed (brownfield) land, and greenfield sites of lower agricultural quality, alone. For this reason, the allocation of residential development on BMV agricultural land in this Plan has been necessary to meet the identified housing and employment need. As such, it is vital the Council seeks to protect the remaining BMV agricultural land within the Borough.
- 3.36 In addition, the countryside provides settlement distinction (and in some cases areas have been protected more specifically through the identification of a Strategic Gap), and the open countryside often contains valued landscapes that can be particularly sensitive to change or development. These two policy areas are dealt with separately within this chapter.

Strategic Policy DS1: Development in the Countryside

Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:

- a) Is for development associated with an existing lawful dwelling, or
- b) Is proposed on previously developed land and appropriate for the proposed use, or
- c) Is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere; or
- d) Is for a new or replacement building, conversion and/or extension within



- an existing educational facility (as identified on the Policies map) and would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site or,
- e) Is for housing development either allocated or compliant with one of the following policies; HP1, HP2, HP4, HP6 or HP11, or
 - f) Is for employment development compliant with one of the following policies: E1 or E5, or
 - g) Is for a new small-scale employment development to convert or extend an existing building, or replace a redundant or derelict structure, or
 - h) Provides infrastructure that meets an overriding public need. or
 - i) Can demonstrate a requirement for a location outside of the urban area.

In addition, proposals will need to demonstrate that they;

- j) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and
- k) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and
- l) Maintain the character of the undeveloped coast, and
- m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality.

How this policy works

- 3.37 Policy DS1 establishes the principles of the types of development that may be deemed acceptable within the countryside (i.e. outside of urban areas), so that only the developments that recognise the intrinsic character and beauty of the countryside will be supported. These proposals may include developments which support small-scale residential development, sites solely for affordable housing, employment uses or countryside recreation, leisure and tourism uses.
- 3.38 Applying the brownfield first approach to development enshrined in national policy, the development of previously developed land and under-utilised buildings will be supported particularly if this would help to meet housing or employment needs. Where proposals fall outside of criterion a-h in the policy, evidence of the need for the proposal to be located outside of the urban area will be required. This should include justification of the need for a countryside location for the proposed use of the land, and an assessment of alternative options that have been considered.
- 3.39 Policy DS1 signposts to a number of housing policies that are featured in the Housing Policies chapter (Chapter 5) where residential development may be deemed acceptable. Applicants must refer to those policies in addition to Policy DS1 in order to understand how any application will be judged.
- 3.40 This policy seeks to support proposals for new community, leisure, education facilities that meet an identified need which cannot be met by existing facilities. Such facilities could combine several functions and provide useful social and recreational activities.
- 3.41 The policy aims to support existing businesses and new employment proposals outside of urban areas. To allow for flexibility in the local economy, proposals for additional employment development that contributes to the local economy, such as start-up business accommodation or live-work units, will be supported. Employment uses will



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often only require minor alterations to the exterior structure of a building, thereby maintaining its traditional appearance in the countryside.

- 3.42 All proposals will be judged in terms of their location, scale and design. They will be tested against all other relevant policies in the plan, including, but not limited to, policy DS2 on Strategic Gaps, DS3 on Landscape and policy D1 on Design. Any such new development will need to be respectful of the landscape and character of the area, the amenity of any neighbouring development and must not have an adverse effect on traffic or noise. All proposed development shall consider its relationship to and its impact on the local road network. Where it is likely that the proposed development will attract visitors, the site will need to be accompanied by a Travel Plan in accordance with Policy TIN1 of this Plan.

Settlement identity

Why we need this policy

- 3.43 The need to respect settlement boundaries and protect the identity of our key settlements has been a strong influence on planning decisions to date. The primary purpose of identifying Strategic Gaps is to prevent the coalescence of separate settlements and help maintain distinct community identities. Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, defining settlement character and providing green infrastructure opportunities.
- 3.44 Two Strategic Gaps have previously been established in the Borough; one in the Meon valley and the other between the settlements of Fareham and Stubbington. The Council has reviewed the Strategic Gaps alongside the preparation of this Plan, and the evidence is available to view to support the Plan¹¹. Strategic gaps have been retained but the policy and the spatial designation has been tightened to focus on preventing settlement coalescence. As mentioned in para 3.10, this work has been undertaken in response to the NPPF and recent planning appeals where the function, and strength of, the Strategic Gaps were questioned.
- 3.45 The review of the Strategic Gap designations within the Borough has considered it important to retain the Strategic Gaps in the Borough. The Meon Gap plays a vital role in helping to maintaining the separation of Titchfield from settlements to the west and east of the valley, preventing sprawl from both Fareham and Titchfield Common/Titchfield Park and protecting the countryside setting of Stubbington. The Meon Gap is also identified to be of strategic significance to the South Hampshire sub-region by the PFSH Spatial Position Statement (2016) as it demarks the boundary of the Portsmouth and Southampton Housing Market Areas.
- 3.46 Retaining the open farmland gap between Fareham and Stubbington is critical in preventing the physical coalescence of these two settlements together with maintaining the sense of separation. Three boundary changes are proposed at this time, as the evidence has shown that the boundary of this strategic gap could be redrawn whilst retaining its important function of preventing settlement coalescence;
- Slight increase in the strategic gap south of HMS Collingwood
 - Reduction in strategic gap extent from land to the south of Oakcroft lane

¹¹ Fareham Landscape Assessment – Part Three (2017) and Technical Review of Areas of Special Landscape Quality and the Strategic Gaps (2020)



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- Removal of the strategic gap from the developable area of allocation policy HA55 Land South of Longfield Avenue, as detailed on the masterplan.

Further to the east, retaining the gap will help maintain the separation of Stubbington and Lee-on-the-Solent from Fareham and Bridgemary along with maintaining the separate identity of Peel Common.

Strategic Policy DS2: Development in Strategic Gaps

In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements, Strategic Gaps are identified as shown on the Policies map between the following areas:

- 1) Fareham / Stubbington and the Western Wards (Meon Gap)
- 2) Fareham / Bridgemary and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)

Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.

How this policy works

- 3.47 The principle of major development within the Strategic Gaps is not established. Any development proposals will need to demonstrate how they could be developed in a manner which meets the tests within the policy. Information on settlement identity, location and scale of development as well as how any edge treatments could retain the physical and visual separation of settlements will be required.

Landscape

Why this policy is needed

- 3.48 Despite its modest scale, the Borough of Fareham contains a rich and varied pattern of landscapes that has evolved from historical, physical and human influences, including prehistoric colonisation, roman influences, farming practices of the middle ages and the growth of the wrought iron and brickworks industries. This has produced a landscape of mixed character ranging from areas of unspoilt countryside, transitional landscapes on the fringes of built-up areas and along roads, to the true urban landscapes, or townscapes, of the Borough's towns and settlements.
- 3.49 The NPPF states that planning policies should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes in a manner commensurate with their statutory status or identified quality in the development plan. As a response to this, this Local Plan has identified eight Areas of Special Landscape Quality which represent the most valued landscapes in the Borough, and in line with the NPPF, these should be protected and enhanced. These are shown in Figure 3.3. This is not an exhaustive list of valued landscapes and the policy also provides applicants with an indication of how landscape value could be argued for any part of the Borough.
- 3.50 Two recent planning appeal decisions demonstrated how valued landscapes could help to determine planning decisions. Both decisions were on sites located in the Lower Meon



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- Removal of the strategic gap from the developable area of allocation policy HA55 Land South of Longfield Avenue, as detailed on the masterplan.

Further to the east, retaining the gap will help maintain the separation of Stubbington and Lee-on-the-Solent from Fareham and Bridgemary along with maintaining the separate identity of Peel Common.

Strategic Policy DS2: Development in Strategic Gaps

In order to prevent the coalescence of urban areas and to maintain the separate identity of settlements, Strategic Gaps are identified as shown on the Policies map between the following areas:

- 1) Fareham / Stubbington and the Western Wards (Meon Gap)
- 2) Fareham / Bridgemary and Stubbington / Lee-on-the-Solent (Fareham-Stubbington Strategic Gap)

Development proposals will not be permitted where they significantly affect the integrity of the gap and the physical and visual separation of settlements or the distinctive nature of settlement characters.

How this policy works

- 3.47 The principle of major development within the Strategic Gaps is not established. Any development proposals will need to demonstrate how they could be developed in a manner which meets the tests within the policy. Information on settlement identity, location and scale of development as well as how any edge treatments could retain the physical and visual separation of settlements will be required.

Landscape

Why this policy is needed

- 3.48 Despite its modest scale, the Borough of Fareham contains a rich and varied pattern of landscapes that has evolved from historical, physical and human influences, including prehistoric colonisation, roman influences, farming practices of the middle ages and the growth of the wrought iron and brickworks industries. This has produced a landscape of mixed character ranging from areas of unspoilt countryside, transitional landscapes on the fringes of built-up areas and along roads, to the true urban landscapes, or townscapes, of the Borough's towns and settlements.
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- 3.50 Two recent planning appeal decisions demonstrated how valued landscapes could help to determine planning decisions. Both decisions were on sites located in the Lower Meon



DEVELOPMENT STRATEGY

Valley (Land west of Old Street, Stubbington APP/A1720/W/18/3200409 and Land east of Posbrook Lane, Titchfield APP/A1720/W/18/3199119) and the Inspectors recognised the high-quality landscape concluding that the Lower Meon is a valued landscape.

- 3.51 With this in mind, the Council proposed the designation of valued landscapes as part of the Issues and Options consultation in the summer of 2019. The responses to this part of the consultation suggested numerous parts of the Borough held a value for residents and other respondents. Responses suggested that green spaces, coastal areas, open spaces, historic areas and treed landscapes were all valued in the Borough.
- 3.52 Chalklands are an important component of the landscape in the north-east of the Borough occurring in a broad sweeping band focussed around the scarp face of Portsdown Hill and its flanks. Lowland mosaic landscapes account for the majority of the Borough's non-urban landscapes and tend to include a mix of farmland and woodland. A distinction can be made in landscape terms between the open landscapes of the coastal plain such as at Wicor and in the Chilling area and those that lie further inland to the north and west of the Borough, but nonetheless they all symbolise a degree of special landscape quality.
- 3.53 The Meon valley is the main river valley landscape within the Borough, although the character varies along the length of the valley floor and sides. Open floodplain farmland also exists in the Wallington river valley whilst the Hamble valley is characterised by both open and enclosed valley sides.
- 3.54 The 2017 Landscape Assessment, alongside the Technical Review of Areas of Special Landscape Quality and the Strategic Gaps (2020) recognise the intrinsic character and quality of these largely undeveloped areas and so these have been used to shape the revised development strategy and are proposed as Areas of Special Landscape Quality for the new Local Plan.
- 3.55 In addition, recognising that all parts of the Borough have some landscape quality and may be sensitive to landscape change, the following policy, which was consulted upon in early 2020, demonstrates how landscape should be dealt with in terms of development management.

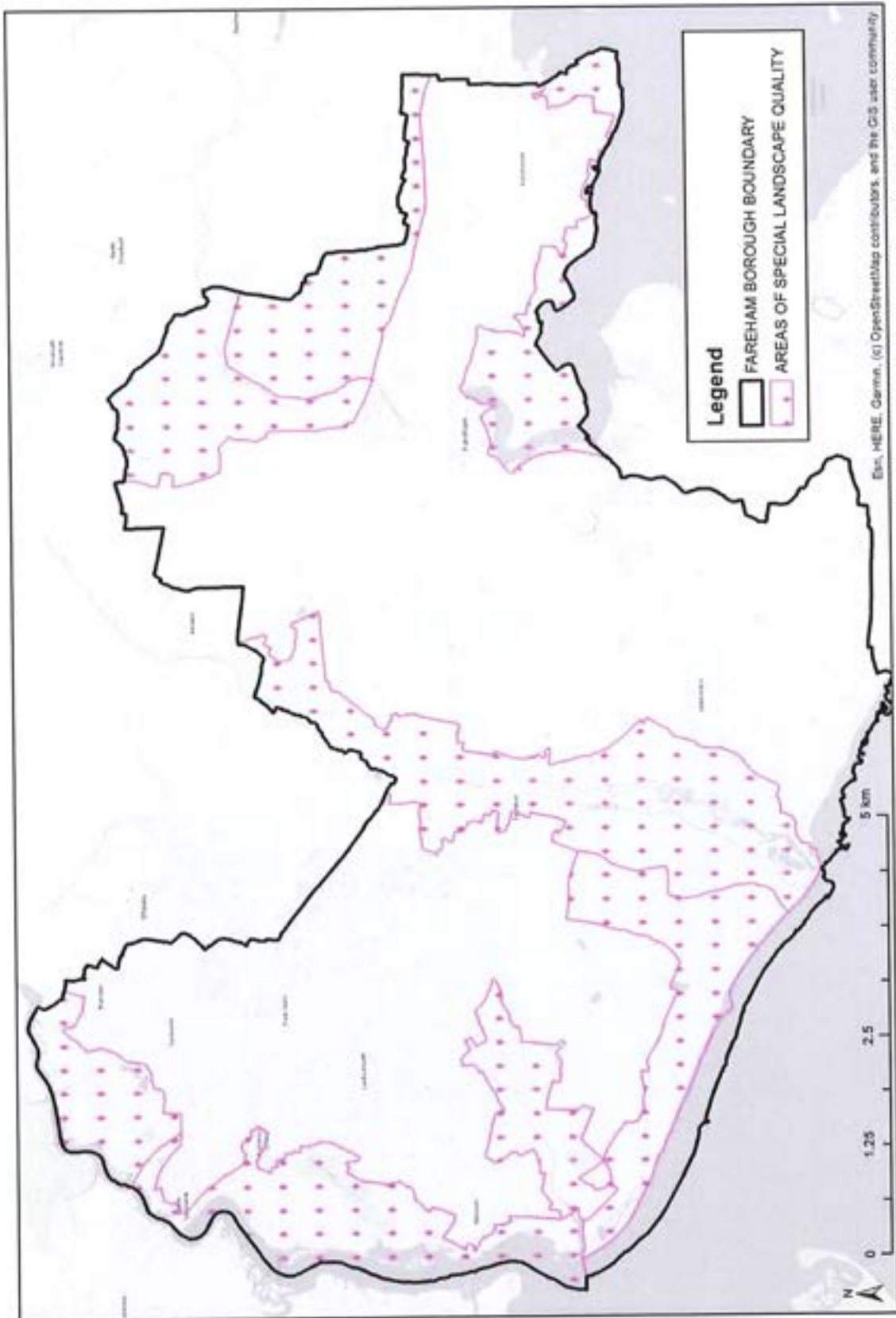


Figure 3.3 Areas of Special Landscape Quality in Fareham Borough.



Strategic Policy DS3: Landscape

Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.

Development in the countryside shall recognise the intrinsic character and beauty of the countryside, paying particular regard to:

- a) Intrinsic landscape character, quality and important features;
- b) Visual setting, including to/from key views;
- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;
- d) The landscape's role as part of the existing Local Ecological network;
- e) The local character and setting of buildings and settlements, including their historic significance;
- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and
- g) The character of the Borough's rivers and coastline, which should be safeguarded.

Major development proposals must include a comprehensive landscaping mitigation and enhancement scheme to ensure that the development is able to successfully integrate with the landscape and surroundings. The landscaping scheme shall be proportionate to the scale and nature of the development proposed and shall have regard to the enhancement opportunities specified in the Council's Landscape Sensitivity Assessment¹².

How this policy works

- 3.56 The criteria within the policy (points a-g) are derived from the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published by the Landscape Institute.
- 3.57 Development proposals within Areas of Special Landscape Quality are expected to submit a proportionate Landscape Assessment, that demonstrates the proposal satisfies the specific development criteria contained within the Council's Landscape Sensitivity Assessment for the character area in which the development is located.
- 3.58 In referring to the Council's Landscape Sensitivity Assessment, this relates to Part 2 of the Landscape Assessment where each Landscape Character Areas (LCA) is further broken down into Local Landscape Character Areas (LLCA) and described in terms of sensitivity to development and ability to accommodate change. This sensitivity relates to four elements; the area as part of the Borough's landscape resources, the area as part of the visual environment enjoyed within the Borough (its visual amenity), the area as part of the setting and identity of urban areas within the Borough and fourthly, as part of the Green Infrastructure Network within the Borough. After providing a

¹² Part 2 of the Landscape Assessment, available here
https://www.fareham.gov.uk/PDF/planning/local_plan/DraftLocalPlanEvidenceBase/EV40-FarehamLandscapeAssessment_FINAL.pdf



DEVELOPMENT STRATEGY

sensitivity assessment of each LLCA in the four categories, development criteria and enhancement opportunities are provided. While any Landscape Sensitivity Assessment should consider the sensitivity assessment for each potential affected LLCA, the main focus of the assessment should be on addressing the considerations noted for proposed development and the extent to which the enhancement opportunities can be accommodated within the proposals.



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accord with the Development Strategy and other evidence which supports the Local Plan. To support this approach, development outside of the urban areas will be managed to resist encroachment of development into non-urban unsustainable areas.

- 3.32 However, it is recognised that countryside locations can be suitable for some forms of development, particularly tourism sites such as for camping and caravanning, leisure facilities such as playing fields and water-based facilities, and small-scale housing development where the character of the surrounding area can be protected. Community facilities, including cemeteries, which stand on the edge of the urban area can provide important facilities for the community. In addition, the open character of these sites can provide important views from the built form into the open countryside beyond.
- 3.33 In addition, many existing employment, educational, community and leisure uses are already located in the countryside. A policy is needed to allow the continuation of these uses where they perform a function to the community and/or provide jobs. The focus will be on retaining, maintaining and improving existing facilities outside of the urban area, which are valued by the community so they can meet changing needs as necessary and where possible and appropriate, locating any new community facilities inside the urban area.
- 3.34 The NPPF also states that planning policies should recognise the wider benefits from the countryside including the economic and other benefits of the best and most versatile agricultural land. Further, footnote 58 in the NPPF outlines that 'where significant development of agricultural land is demonstrated to be necessary, areas of poorer quality land should be preferred to those of a higher quality'.
- 3.35 It is important that when determining applications for housing and economic development, the benefits of protecting the Best and Most Versatile (BMV) agricultural land are considered against the need for development. The Borough would not be able to meet its identified housing and employment needs on previously developed (brownfield) land, and greenfield sites of lower agricultural quality, alone. For this reason, the allocation of residential development on BMV agricultural land in this Plan has been necessary to meet the identified housing and employment need. As such, it is vital the Council seeks to protect the remaining BMV agricultural land within the Borough.
- 3.36 In addition, the countryside provides settlement distinction (and in some cases areas have been protected more specifically through the identification of a Strategic Gap), and the open countryside often contains valued landscapes that can be particularly sensitive to change or development. These two policy areas are dealt with separately within this chapter.

Strategic Policy DS1: Development in the Countryside

Proposals for development in the countryside, which is defined as land outside the Urban Area boundary as shown on the Policies map, will be supported where the proposal:

- a) Is for development associated with an existing lawful dwelling, or
- b) Is proposed on previously developed land and appropriate for the proposed use, or
- c) Is for retail, community and leisure facilities, tourism or specialist housing where it can be demonstrated that there is a local need for the facility that cannot be met by existing facilities elsewhere; or
- d) Is for a new or replacement building, conversion and/or extension within



- an existing educational facility (as identified on the Policies map) and would not result in the loss of playing fields and/or sports pitches unless it can be demonstrated that these facilities are no longer required or they can be adequately replaced elsewhere on site or,
- e) Is for housing development either allocated or compliant with one of the following policies; HP1, HP2, HP4, HP6 or HP11, or
 - f) Is for employment development compliant with one of the following policies: E1 or E5, or
 - g) Is for a new small-scale employment development to convert or extend an existing building, or replace a redundant or derelict structure, or
 - h) Provides infrastructure that meets an overriding public need. or
 - i) Can demonstrate a requirement for a location outside of the urban area.

In addition, proposals will need to demonstrate that they;

- j) Protect and enhance landscapes, sites of biodiversity or geological value and soils, and
- k) Recognise the intrinsic character and beauty of the countryside and, if relevant, do not significantly affect the integrity of a Strategic Gap, and
- l) Maintain the character of the undeveloped coast, and
- m) Demonstrate a preference for the development of poorer quality agricultural land rather than that of higher quality.

How this policy works

- 3.37 Policy DS1 establishes the principles of the types of development that may be deemed acceptable within the countryside (i.e. outside of urban areas), so that only the developments that recognise the intrinsic character and beauty of the countryside will be supported. These proposals may include developments which support small-scale residential development, sites solely for affordable housing, employment uses or countryside recreation, leisure and tourism uses.
- 3.38 Applying the brownfield first approach to development enshrined in national policy, the development of previously developed land and under-utilised buildings will be supported particularly if this would help to meet housing or employment needs. Where proposals fall outside of criterion a-h in the policy, evidence of the need for the proposal to be located outside of the urban area will be required. This should include justification of the need for a countryside location for the proposed use of the land, and an assessment of alternative options that have been considered.
- 3.39 Policy DS1 signposts to a number of housing policies that are featured in the Housing Policies chapter (Chapter 5) where residential development may be deemed acceptable. Applicants must refer to those policies in addition to Policy DS1 in order to understand how any application will be judged.
- 3.40 This policy seeks to support proposals for new community, leisure, education facilities that meet an identified need which cannot be met by existing facilities. Such facilities could combine several functions and provide useful social and recreational activities.
- 3.41 The policy aims to support existing businesses and new employment proposals outside of urban areas. To allow for flexibility in the local economy, proposals for additional employment development that contributes to the local economy, such as start-up business accommodation or live-work units, will be supported. Employment uses will



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often only require minor alterations to the exterior structure of a building, thereby maintaining its traditional appearance in the countryside.

- 3.42 All proposals will be judged in terms of their location, scale and design. They will be tested against all other relevant policies in the plan, including, but not limited to, policy DS2 on Strategic Gaps, DS3 on Landscape and policy D1 on Design. Any such new development will need to be respectful of the landscape and character of the area, the amenity of any neighbouring development and must not have an adverse effect on traffic or noise. All proposed development shall consider its relationship to and its impact on the local road network. Where it is likely that the proposed development will attract visitors, the site will need to be accompanied by a Travel Plan in accordance with Policy TIN1 of this Plan.

Settlement identity

Why we need this policy

- 3.43 The need to respect settlement boundaries and protect the identity of our key settlements has been a strong influence on planning decisions to date. The primary purpose of identifying Strategic Gaps is to prevent the coalescence of separate settlements and help maintain distinct community identities. Strategic Gaps do not necessarily have intrinsic landscape value but are important in maintaining the settlement pattern, defining settlement character and providing green infrastructure opportunities.
- 3.44 Two Strategic Gaps have previously been established in the Borough; one in the Meon valley and the other between the settlements of Fareham and Stubbington. The Council has reviewed the Strategic Gaps alongside the preparation of this Plan, and the evidence is available to view to support the Plan¹¹. Strategic gaps have been retained but the policy and the spatial designation has been tightened to focus on preventing settlement coalescence. As mentioned in para 3.10, this work has been undertaken in response to the NPPF and recent planning appeals where the function, and strength of, the Strategic Gaps were questioned.
- 3.45 The review of the Strategic Gap designations within the Borough has considered it important to retain the Strategic Gaps in the Borough. The Meon Gap plays a vital role in helping to maintaining the separation of Titchfield from settlements to the west and east of the valley, preventing sprawl from both Fareham and Titchfield Common/Titchfield Park and protecting the countryside setting of Stubbington. The Meon Gap is also identified to be of strategic significance to the South Hampshire sub-region by the PFSH Spatial Position Statement (2016) as it demarks the boundary of the Portsmouth and Southampton Housing Market Areas.
- 3.46 Retaining the open farmland gap between Fareham and Stubbington is critical in preventing the physical coalescence of these two settlements together with maintaining the sense of separation. Three boundary changes are proposed at this time, as the evidence has shown that the boundary of this strategic gap could be redrawn whilst retaining its important function of preventing settlement coalescence;
- Slight increase in the strategic gap south of HMS Collingwood
 - Reduction in strategic gap extent from land to the south of Oakcroft lane

¹¹ Fareham Landscape Assessment – Part Three (2017) and Technical Review of Areas of Special Landscape Quality and the Strategic Gaps (2020)



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Strategic Policy DS2: Development in Strategic Gaps

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How this policy works

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Landscape

Why this policy is needed

- 3.48 Despite its modest scale, the Borough of Fareham contains a rich and varied pattern of landscapes that has evolved from historical, physical and human influences, including prehistoric colonisation, roman influences, farming practices of the middle ages and the growth of the wrought iron and brickworks industries. This has produced a landscape of mixed character ranging from areas of unspoilt countryside, transitional landscapes on the fringes of built-up areas and along roads, to the true urban landscapes, or townscapes, of the Borough's towns and settlements.
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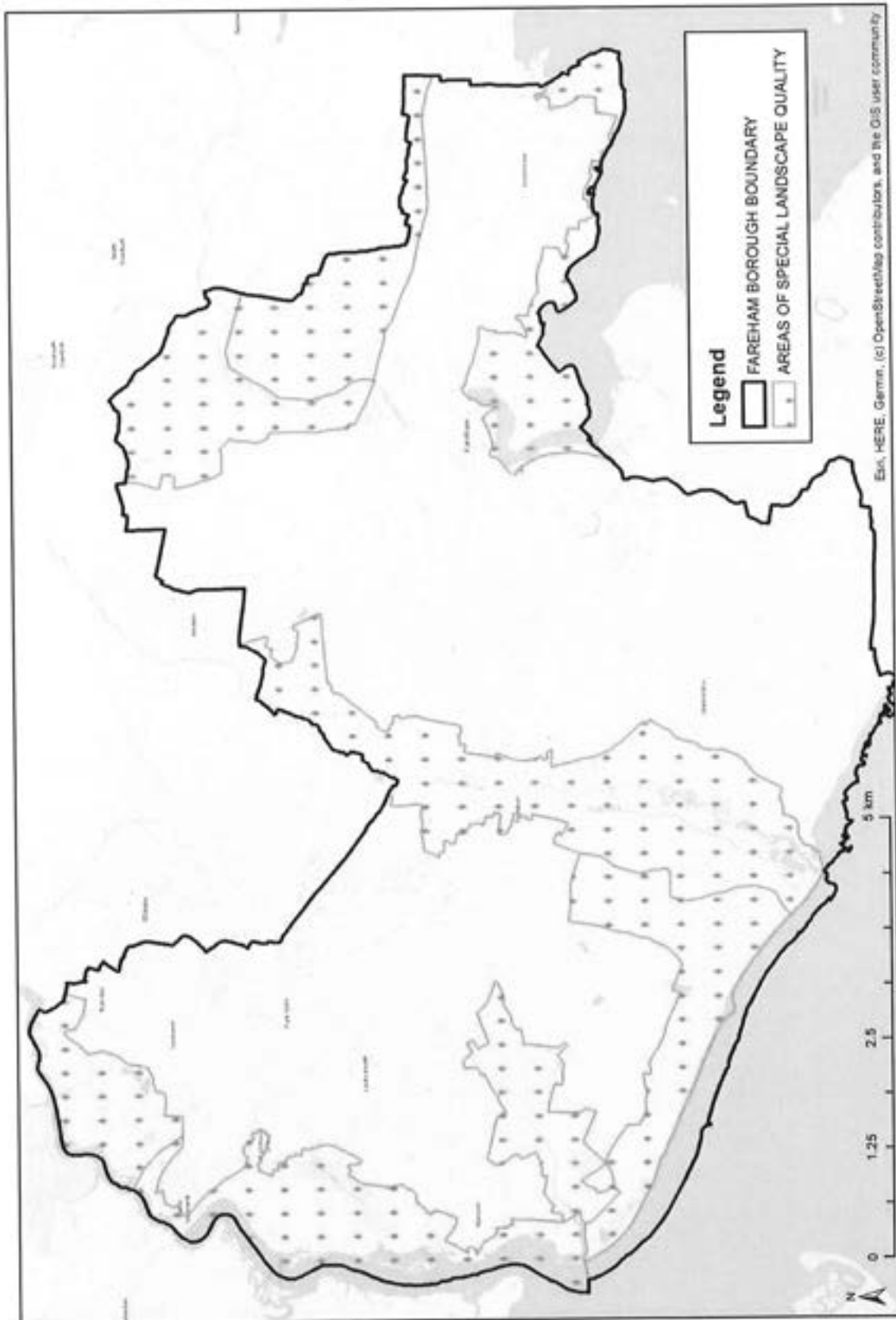


Figure 3.3 Areas of Special Landscape Quality in Fareham Borough.



Strategic Policy DS3: Landscape

Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.

Development in the countryside shall recognise the intrinsic character and beauty of the countryside, paying particular regard to:

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- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;
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- e) The local character and setting of buildings and settlements, including their historic significance;
- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and
- g) The character of the Borough's rivers and coastline, which should be safeguarded.

Major development proposals must include a comprehensive landscaping mitigation and enhancement scheme to ensure that the development is able to successfully integrate with the landscape and surroundings. The landscaping scheme shall be proportionate to the scale and nature of the development proposed and shall have regard to the enhancement opportunities specified in the Council's Landscape Sensitivity Assessment¹².

How this policy works

- 3.56 The criteria within the policy (points a-g) are derived from the Guidelines for Landscape and Visual Impact Assessment (GLVIA 3) published by the Landscape Institute.
- 3.57 Development proposals within Areas of Special Landscape Quality are expected to submit a proportionate Landscape Assessment, that demonstrates the proposal satisfies the specific development criteria contained within the Council's Landscape Sensitivity Assessment for the character area in which the development is located.
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sensitivity assessment of each LLCA in the four categories, development criteria and enhancement opportunities are provided. While any Landscape Sensitivity Assessment should consider the sensitivity assessment for each potential affected LLCA, the main focus of the assessment should be on addressing the considerations noted for proposed development and the extent to which the enhancement opportunities can be accommodated within the proposals.



Commercial Leisure Study (2019) recommends that an impact assessment is required for any development (over 500 sq.m.) to demonstrate that the proposal will not have a negative impact on any relevant centre.

Policy R2: Out-of-Town Proposals for Town Centre Uses

Proposals for main town centres uses outside of the Borough's centres or parades⁴⁶ will be permitted where they can demonstrate there is no significant harm, to the centres and parades where:

- a) the proposal meets a demonstrable need for the use in the proposed location, a full sequential test has been carried out demonstrating that there are no sites in the centres or parades that are available, suitable or viable; and
- b) appropriate levels of parking are provided; and
- c) the site is located inside the defined urban area and is accessible, particularly by public transport; and
- d) the scale and design of the buildings are appropriate to their surroundings in line with Policy D1; and
- e) the proposal would not have any unacceptable environment, amenity or traffic implications in line with Policy D2.

Where a proposal for main town centre use over 500 sq.m (gross), or an extension which increases overall floorspace beyond 500 sq.m (gross) is proposed outside of the defined retail centres, an impact assessment shall be carried out in accordance with the NPPF in order to demonstrate that there is no significant adverse effect on the vitality or viability of existing or proposed retail centres and parades.

How this policy works

- 7.21 A sequential test as set out in the National Planning Practice Guidance⁴⁷ will be required for main town centre use proposals which are located outside of the Borough's centres or parades.
- 7.22 Conditions may be attached to permissions for new out-of-town shopping units to restrict the range of goods sold and to control the size of units (including mezzanines). Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the viability or vitality of the defined centre(s), then proposals will not be supported.
- 7.23 The policy sets a local threshold for the preparation of impact assessments. This threshold is considered necessary as it will enable the Council to monitor and maintain the overall vitality and viability of the Borough's centres which are generally more vulnerable to proposals for edge and/or out-of-centre stores. Applications will be assessed on a case by case basis depending on the scale, location and format of the new retail proposals. The Council will be pragmatic as to the level of evidence required in support of such proposals as this should be proportionate to the nature of the proposal under consideration.

⁴⁶ The centres and parades as identified in the Retail Hierarchy (Policy R1)

⁴⁷ Paragraphs 010 to 018 of NPPG: Ensuring the vitality of town centres



Community and Leisure Facilities

Why this is policy needed

- 7.28 The Local Plan has a key role in ensuring community and leisure facilities are maintained and improved, and also that there are opportunities for new facilities where there is a need in the Borough. The NPPF requires local planning authorities to provide social, recreational and cultural facilities and services that communities need and should do so through planning positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.
- 7.29 Community facilities make an essential contribution to the health, well-being, and education of residents, as recognised in paragraph 92 of the NPPF. Access to community and leisure facilities can provide substantial physical health benefits and can lead to improved mental health through increased social interaction. Any growth in jobs and homes should be supported by adequate infrastructure provision, which includes community and leisure facilities. It is important that these facilities and services are locally available and accessible to all.
- 7.30 The NPPF requires local councils to guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs, and ensure that established shops, facilities and services are able to develop and modernise, and are retained for the benefit of the community.

Strategic Policy R4: Community and Leisure Facilities

Development proposals for new or extended community and leisure facilities will be supported where they meet the following criteria:

- a) It is demonstrated that there is a need for the facility that cannot be met by existing facilities elsewhere; and
- b) Appropriate consideration has been given to the shared use, re-use and/or redevelopment of existing buildings in the local community; and
- c) The proposals represent the provision of facilities that are of equal or better quality and function to existing facilities being replaced; and
- d) The site is accessible and inclusive to the local communities it serves.

Where proposals for community and leisure facilities are considered to be main town centre uses⁴⁹, and are proposed outside of the identified centres, Policy R2 shall apply.

Development proposals that would result in the loss of community or publicly owned or managed facilities will be permitted where:

- i. The facility is no longer needed and no alternative community use of the facility is practical or viable; or
- ii. Any proposed replacement or improved facilities will be appropriate to meet the communities' needs or better in terms of quality, function and accessibility.

⁴⁹ As defined in the NPPF



How this policy works

- 7.31 A key strategic priority of the Plan is to create places that encourage healthy lifestyles through the provision of leisure and cultural facilities, recreation, and open space and the opportunity to walk and cycle to destinations. Therefore, in assessing the location of new or replacement facilities, safe and easy accessibility by foot, cycle and public transport will be important considerations.
- 7.32 The definition of community and leisure facilities as included in paragraph 93 of the NPPF is wide ranging and includes:
- Local shops
 - Meeting places
 - Sports venues
 - Open space
 - Cultural buildings
 - Public houses
 - Places of worship
- 7.33 The Council completed a Community Facilities Needs Assessment⁵⁰ for each of the Community Action Team (CAT) areas in the Borough. The need assessment resulted in the provision of several new and improved community facilities⁵¹ for the Borough. This assessment has informed the development of the Infrastructure Delivery Plan which supports this Plan. Community Facilities identified by the Council and other service providers have been included within the IDP and where applicable (in the case of large sites) have been included within site allocation policies.
- 7.34 Community and leisure facilities may be appropriate in residential areas where they do not have a demonstrably harmful impact on the amenities of nearby residential properties and other uses in terms of noise and traffic generation, or on the character of the surrounding area. Where a new or improved community or leisure facility would cause unacceptable impact, for example with regard to neighbouring amenity, which cannot be resolved by reasonable measures, the use will not be permitted.
- 7.35 The Council will continue to work with partners and developers to explore opportunities to improve or expand upon existing community facilities particularly in instances where additional provision is required as identified in the Infrastructure Delivery Plan (IDP), but where it may not be financially viable to provide a new facility. This could take the form of small changes to allow for multiple uses of an existing building or more significant additions or changes.
- 7.36 Where edge of centre and out of town centre community and leisure facilities uses are proposed that fall within the definition of a 'town centre' use, a sequential test will be required to assess alternatives in accordance with the NPPF.
- 7.37 The availability of community run services and facilities are important for the vitality of social wellbeing of communities. The loss of such facilities can have severe consequences, particularly when there is no alternative provision nearby. However, it is recognised that there may be instances where a community or leisure facility is no longer fit for purpose. In such cases, applicants will be expected to demonstrate that there is no

⁵⁰ The CFNA's were carried out between 2009 and 2014

⁵¹ Including a new community centre in Portchester



longer a need for the facility in its current location and that alternative use is either unpractical or unviable.



Strategic Policy TIN1: Sustainable Transport

New development should reduce the need to travel by motorised vehicle through the promotion of sustainable and active travel modes, offering a genuine choice of mode of travel.

Development will be permitted where it:

- a) Contributes to the delivery of identified cycle, pedestrian and other non-road user routes and connects with existing and future public transport networks (including Rapid Transit), giving priority to non-motorised user movement; and**
- b) Facilitates access to public transport services, through the provision of connections to the existing infrastructure, or provision of new infrastructure through physical works or funding contributions; and**
- c) Provides an internal layout which is compatible for all users, including those with disabilities and reduced mobility, with acceptable parking and servicing provision, ensuring access to the development and highway network is safe, attractive in character, functional and accessible.**

How this policy works

- 10.5 Applications should be supported by a Travel Plan¹¹⁸ that will identify measures to facilitate and encourage the use of sustainable and active travel modes, thereby reducing the need to travel by motor vehicle. The Highway Authority Local Cycling and Walking Infrastructure Plan (LCWIP) identifies a network of key walking and cycling routes across the Borough and recommends actions along those routes where improvements are needed. Applications will be required to contribute to the delivery of the LCWIP to raise the profiles of cycling and walking as viable alternatives to driving, contributing to the objective of reducing the level of car usage in Fareham.
- 10.6 Sustainable transport and active travel modes are an essential consideration when developing a site and determine how the site will function in terms of travel patterns. To encourage the uptake and continued use of sustainable modes of transport, the location, design and layout of development will need to show significant prominence and priority being given to pedestrian and cycle movements and then to sustainable transport initiatives, maximising the catchment area and integration with bus or other public transport networks. New cycle routes within and off-site should comply with the latest Department for Transport (DfT) cycle design guidance LTN 1/20 and should include improvements to existing cycle routes where the existing provision is substandard.
- 10.7 Developments should be designed with accessibility, permeability and integration with existing networks in mind, considering all users, ensuring provision of, or access to, local services and facilities. Where applicable, LCWIP routes are identified within site allocation policies to enable measures to ensure new developments generate as little

¹¹⁸ <https://www.hants.gov.uk/transport/developers/travelplans>



additional vehicular movement on the existing road networks as possible are considered from the outset.

- 10.8 For a site to be considered sustainable outside of existing urban area boundaries in respect of accessibility, it will need to be demonstrated that the intended use and occupiers have a reasonable prospect of a choice of modes of transport to key destinations. Where it is proposed to improve the transport credentials of a site by means of contributions to the transport infrastructure serving it, it would need to be demonstrated that the suggested measures were feasible, viable and sustainable.
- 10.9 It is essential that new developments provide safe and suitable internal layouts and access to the highway network and provide an internal layout that minimises the likelihood of conflict between road users, whether vehicular, pedestrian or cyclist. Where new accesses or additional use of existing unsatisfactory access(es) or minor roads are required, the Highway Authority will need to be satisfied that it is safe and that the appropriate visibility for all highway users can be provided.
- 10.10 Where appropriate, relevant and in accordance with other policies in this Plan, the Council will seek, by means of legal agreements, implementation through section 278 agreements, or financial contributions through section 106 towards improvements to local transport networks and cycling and walking routes. Contributions may take the form of improvements to infrastructure such as road junctions, cycle and walking routes, enhancement to existing bridleways and footpaths, or the provision of additional or improved public transport services such as Bus Rapid Transit or Rail.
- 10.11 All development should afford appropriate parking provision, and cycle storage facilities in terms of amount, design and layout, in accordance with the adopted Fareham Residential Car and Cycle Parking Standards Supplementary Planning Document (SPD) and Non-Residential Parking Standards SPD.

Highway Safety and Road Network

Why this policy is needed

- 10.12 Fareham Borough Council (Local Planning Authority) and Hampshire County Council (Highway Authority) jointly have a responsibility to consider the impact of development proposed through the Local Plan on the highway network. As Highway Authority, the County Council is responsible for the upkeep, improvements and expansion of the highway network within Hampshire borders. The primary focus of the highway authority within Fareham is to:
- Maintain the function of the M27 and A27 for strategic connectivity;
 - Maintain and where appropriate improve the safety and capacity of the networks linking local communities to the A27 and beyond;
 - Further develop the concept and provision of public transport including Bus Rapid Transit within the Borough and with links to adjoining areas; and,
 - Promote access to local services and facilities by sustainable transport modes (public transport, walking and cycling).
- 10.13 The Local Plan has a responsibility to consider the impact of development on the highway network. Paragraphs 111 and 112 of the NPPF state that new development should not undermine highway safety or have a severe adverse effect on the highway network. In



line with the Highway Authority advice, proposals for new development should consider alternative mitigation options which follow a sequential approach to assess their impact on the local road network. They should consider the role they can play in reducing car use and transport emissions starting with measures to avoid the need to travel, promote sustainable travel measures, public transport and finally where the above measures cannot avert the need, implement localised junction improvements to include highway capacity for motor vehicles.

- 10.14 The Local Plan is supported by a Strategic Transport Assessment (STA). The TA models the transport impacts of the development proposed through the Local Plan, test measures to mitigate severe negative impacts, and consider whether the level of proposed development is appropriate. The TA is based on a sub-regional model assessing the impact of the Local Plan development in combination. It is imperative that all proposals are supported by suitable evidence to show that any significant impacts from the development on the transport network, or on highway safety, can be cost effectively mitigated to an acceptable degree.

Policy TIN2: Highway Safety and Road Network

Development will be permitted where:

- a) **There is no unacceptable impact on highway safety, and the residual cumulative impact on the road networks is not severe; and**
- b) **The impacts on the local and strategic highway network arising from the development itself or the cumulative effects of development on the network are mitigated through a sequential approach consisting of measures that would avoid/reduce the need to travel, active travel, public transport, and provision of improvements and enhancements to the local network or contributions towards necessary or relevant off-site transport improvement schemes.**

How this policy works

- 10.15 This Local Plan is accompanied by a Strategic Transport Assessment which has identified locations on the road network where mitigation measures are needed to address the cumulative impact on the highway network from the scale and location of development proposed in the Local Plan up to 2037. These junctions are listed in table 7 of the Infrastructure Delivery Plan.
- 10.16 Where applications are shown to impact on one or more of these junctions identified in the Strategic Transport Assessment, contributions will be sought to deliver mitigation schemes in line with Policy TIN2.
- 10.17 The Council is mindful that the Strategic Transport Assessment document represents a strategic level assessment and that it is only when development schemes come forward as a planning application that the detailed transport assessment work can be prepared to determine the specific impact of development. As a result, some of the transport infrastructure schemes may need amending or removing as more detailed assessment work is undertaken.



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- 10.18 Developments which generate a significant amount of vehicular movement, or where there are potential cumulative negative effects on the highway network as a result of proposed developments in close vicinity of each other, will require an individual Transport Assessment to assess the likely impacts of the proposal¹¹⁹. The Highways Authority will require a Transport Assessment for sites larger than 50 residential units or 2,500 sqm of commercial floorspace, or where there are potential cumulative effects with sites lower than these thresholds.
- 10.19 The Transport Assessment should reflect the scale of the development being proposed, the impact on the strategic and local highway network and identify measures which can be put in place to reduce its impact to an acceptable degree. Local requirements should also be taken into consideration; information on these requirements can be viewed on the Fareham Borough Council website. The Council will seek mitigation by means of on-site delivery or financial contributions through legal agreements (section 278 agreements or section 106 agreements) towards improvements to local transport network improvements.

Safeguarded Routes

Why this policy is needed

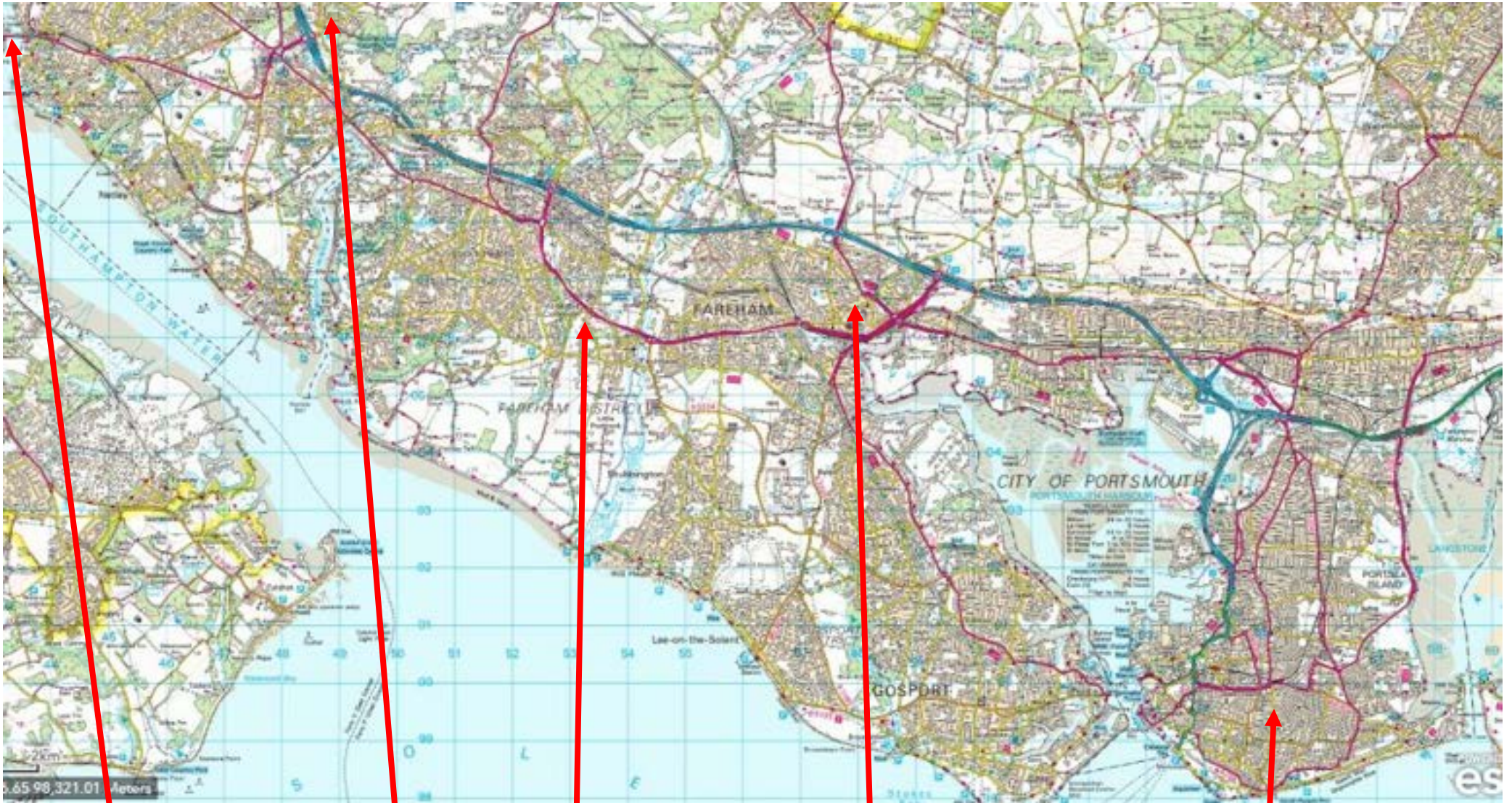
- 10.20 Fareham Borough Council is working with neighbouring authorities (Portsmouth City Council, Gosport Borough Council, Havant Borough Council and Hampshire County Council), to address the performance and sustainability constraints on the existing transport network and build upon the success of the existing Rapid Transit services. This is to support housing and employment growth, not only in Fareham but the South-East Hampshire region.
- 10.21 With a focus on serving both key current and future anticipated commuting markets, and in response to the need to enhance the transport network and public transport proposition in the sub-region, proposals for further development of the Rapid Transit offer are being developed. The aim is to deliver improved cross-mode and cross-authority integration with the introduction of fast and reliable Rapid Transit services that are recognised to genuinely offer an enhanced service and experience from conventional bus services.
- 10.22 To deliver the vision for Rapid Transit across the Borough and sub-region, the Council and Highway Authority will need to protect and enhance the routes and links to Rapid Transit services.

Policy TIN3: Safeguarded Routes

Development will not be permitted:

Where proposals may compromise the ability of the Highway Authority to deliver public transport highway interventions at the safeguarded locations as shown on the Policy map at: Delme Roundabout, the A27 from Delme Roundabout to Portsmouth boundary, Quay Street Roundabout and Fareham Bus Station.

¹¹⁹ <https://www.hants.gov.uk/transport/developers/transportassessments>



Southampton Theatres

Berry Theatre

Site

Fareham Live

Portsmouth Theatres

Strategic Policy H1: Housing Provision

The Council will make provision for at least 9,560 net new homes across the Borough during the Plan period of 2021-2037, phased as follows,

- At least 420 dwellings (averaging 210 dwellings per annum) between 2021/22 and 2022/23,
- At least 9,140 dwellings (averaging 653 dwellings per annum) between 2023/24 and 2036/37.

Housing will be provided through;

- 141 dwellings completed in 2021/22
- An estimated 5,291 homes on sites that already have planning permission, including at Welborne Garden Village;
- An estimated 321 homes on sites with resolutions to grant planning permission as of 01 April 2022;
- Approximately 2,711 homes on sites allocated in policies HA1, HA3, HA4, HA7, HA9, HA10, HA12, HA13, HA15, HA17, HA19, HA22-HA24, HA26-HA56;
- Approximately 684 homes on specified brownfield sites and/or regeneration opportunities in Fareham Town Centre, as identified in policies FTC5-9 and BL1;
- An estimated 1,120 homes delivered through unexpected (windfall) development.

Ian Donohue

From: Ian Donohue
Sent: 15 February 2024 14:08
To: Jenna Flanagan
Cc: Richard Wright
Subject: TFT appeal

Jenna

I am preparing the statement for the appeal and to address policy R2 in terms of the sequential test

The policy requires the impact on the boroughs centres and parades . The local plan lists the following at paragraph 7.4

1. Primary Shopping Area, Fareham Town Centre	The town centre serves the Borough as a whole, being the main comparison shopping destination and is the main focus for leisure, entertainment and cultural activities.
2. District Centres – Locks Heath, Portchester, Stubbington, Welborne	The district centres provide day to day food and grocery shopping facilities and non-retail services serving their local communities.
3. Local Centres - Broadlaw Walk (Fareham), Gull Coppice (Whiteley), Highlands Road (Fareham), Park Gate, Titchfield, Warsash and Welborne	The local centres and parades providing a basic range of shops, community uses and services, meeting the needs of the local catchment.
4. Small Parades - Fareham (Anjou Crescent, Arundel Drive, Fairfield Avenue, Gosport Road, Greystott Avenue, Miller Drive, Westley Grove/Redlands), Hill Head (Crofton Lane), Portchester (White Hart Lane), Sarisbury Green (Barnes Lane, Bridge Road), Titchfield Common	The small parades providing a basic range of small shops and services of a local nature within walking distance, reducing the need to travel by car for everyday essentials.

(Hunts Pond Road) and Warsash (Warsash Road/Dibles Road)	
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Table 7.4: The Retail Hierarchy

In terms of practicality could we agree to exclude local centres and small parades

In addition I presume the town centre is out because the whole essence of the argument is the potential impact on Fareham Live

This would leave the district centres at Locks Heath, Stubbington and Porchester. In relation to these district centres I presume it is only the areas within the defined shopping centre (coloured blue below)



I would welcome an early response as the time line for submission of statements is fast approaching

I hope to send a draft statement of common ground to you next week for comment

Regards

**Ian Donohue BA (Hons) MRTPI DMS
Consultant**

working days Tuesday, Wednesday and Thursday

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Mob: 07775 800447

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- 7.21 Conditions may be attached to permissions for new out-of-town shopping units to restrict the range of goods sold and to control the size of units (including mezzanines). Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on the viability or vitality of the defined centre(s), then proposals will not be supported.
- 7.22 The policy sets a local threshold for the preparation of impact assessments. This threshold is considered necessary as it will enable the Council to monitor and maintain the overall vitality and viability of the Borough's centres which are generally more vulnerable to proposals for edge and/or out-of-centre stores. Applications will be assessed on a case by case basis depending on the scale, location and format of the new retail proposals. The Council will be pragmatic as to the level of evidence required in support of such proposals as this should be proportionate to the nature of the proposal under consideration.

Local Shops

PLANNING STATEMENT
73 St Margarets Lane, Titchfield PO14 4BG
and
Titchfield Festival Theatre (TFT)

Sequential Test

TFT is a well respected community theatre company. It is a not for profit company and attracts a broad age range to its membership and audience figures. TFT do not charge a fee to join like other community groups and is solely funded through their own box office receipts. Current active membership is over 183 with an audience mailing list of over 4000. The company employs professional Directors for its productions and owns its own technical equipment, seating, wardrobe and properties. The company does not rely on sponsorship, grants (either national or local) or donations to ensure it continues its activities. TFT has enjoyed the support of local FBC Councillors and Hampshire County Councillors in the past and has supported The Mayor of Fareham's Charity fund raising and rotary fund raising. It is recognised as a Charity by The Charity Commission.

TFT because it is not a small amateur company have always required considerable space for their productions, rehearsal and storage. The company has a large wardrobe, property stock and a vast amount of technical equipment including their own seating. The company also has an expanding Youth Theatre.

Enshrined within the Objects of it's Constitution TFT has the following wording.

C Objects.

The charity's objects ('the objects') are:

- a) The advancement of the arts, in particular the dramatic and performing arts, and the development of public appreciation of such arts by the provision of a theatre and facilities for the presentation of public performances

- b) To advance public education in the arts, including the theory that William Shakespeare lived and worked in Southern Hampshire.

Bearing the above in mind it becomes apparent that for TFT to be situated anywhere else other than Titchfield defeats the company's Objects. Shakespeare is now so closely associated with Titchfield that the Festival Theatre is becoming almost part of everyday life much the same as the Festival Theatre at Stratford was in it's early beginnings before it became the Royal Shakespeare Company.

The company has applied the sequential approach when looking for and at other sites.

(A) Town centre sites

There are two immediate town centre areas which immediately spring to mind.

Ferneham Hall

The use of Ferneham Hall is precluded due to the lack of available time within their own programme for TFT's programme. (TFT produce at least 12 shows per annum) The costs involved in hiring Ferneham Hall would be prohibitive. TFT's equipment would be made redundant and finally no rehearsal space is available.

The Ashcroft Centre

The Ashcroft is basically too small. Its stage area has no wing space, storage area and no rehearsal areas. Again The Ashcroft administration would find it difficult to accommodate the number of shows TFT produce annually. Once again costs are prohibitive for the service provided.

There are no other town centre sites available. Church Halls are generally unavailable and would not suite the needs of the company and there are no other areas large enough to accommodate the company.

Fareham town centre is well served by Ferneham Hall for its immediate entertainment needs though the programme is limited to medium sized musical companies and one night stands. The Ashcroft provides a more drama orientated programme but on a very small scale. Fareham does suffer from a lack of available bus and transport services in the evening which means most patrons have to drive into the town centre to attend venues.

(B) Edge of town Sites.

There are several areas on the edge of Fareham that could potentially have been of use. These are mostly situated on large industrial sites (Fort Fareham, Wallington) but rents on the whole were either too high or the lease period available was very short. There are several community centres (Titchfield, Crofton, Portchester and Sarisbury) however each one of these has regular groups hiring their facilities and would not be able to accommodate an ongoing programme such as TFT's. They also lack storage facilities and work areas. In fact two of them (the Portchester and Sarisbury centres) have had to part company with their drama companies for this very reason. It should also be noted that the Chairperson of TFT sits on the board at the Titchfield Community Centre and therefore has an intimate knowledge of the running of that particular centre.

(C) Out of Town Sites

TFT have also been based out side the centre of Fareham or the local urban areas. From it's early beginnings it was based at Titchfield Abbey before English Heritage decided to take this facility away. During this period however TFT proved that a substantial audience did exist for good quality drama of a classical nature. This company has continued to provide this service building up an enviable position in ten years existence compared with that of many other amateur drama groups in the Borough. Out of town sites are no more difficult to get to for patrons as town centre sites, especially considering the lack of late night transport. Wherever the theatre is situated in the borough the public transport system would be inadequate since the system stops after a certain time.

Buildings in general are cheaper in these fringe areas and have character compared to the normal warehouse which is what essentially a theatre space is. TFT have operated in out of town Barns, Schools and the open air.

It is clear from the site now used that this is the best type of building for the company to occupy. It is large enough to hold a fully functional theatre with good access to major roads. It has some parking with enough additional parking available for overspill parking at nearby sites. It is located on a semi industrial site on the edge of a small urban area with very few dwellings in the immediate vicinity.

Background

TFT was set up as a Limited Company in 2001 to perform plays in Titchfield Abbey. This grade 1 Ancient monument was controlled by a local group which leased the area each summer to the company. The Company built up a considerable following achieving some 7-8,000 people coming through the site per season (early June – end August) Eventually in 2006 English Heritage took the site back into their portfolio and imposed a very large rental figure for the company to use the site. This was clearly not going to be viable since the site had been rented on a much lower rent to the company. The company then approached Portsmouth Football Club (PFC) who had acquired The Great Barn on an adjacent site. The Great Barn makes an ideal covered theatre space although little if no amenities were available. Portsmouth Football Club agreed to this as part of their community outreach programme and part of their plan to 'woo' the local community to aid them in obtaining planning permission for their new Football Academy. TFT had a very successful year at the Great Barn and produced several productions at the site. The company also renewed some of the electrics and engaged in dialogue with English Heritage (Richard Massey) and Fareham Borough Council (FBC, Mike Maude Roxby) about putting planning permission forward to allow the site permanently to be used as a theatre site. Planning Permission was submitted with the initial blessing of PFC and this was agreed by FBC with some restrictions. PFC unfortunately was not given permission to use the land for their new training academy and all permissions to use the Great Barn were regretfully withdrawn. Since then TFT have successfully operated from a grade 2 listed Thatched Barn in nearby Warsash. 12 productions per annum were produced and this gave a regular income. The Thatched Barn Theatre had a capacity of 90 and besides the barn TFT also rented a cowshed and storage space in total some 2405 sq ft. The lease however was withdrawn in August 2010 due to security and insurance reasons on the site.

At this point TFT then became homeless with a full season of plays already planned and in rehearsal. The need to quickly find an effective theatre space was paramount.

TFT began negotiations with the owners of the Great Barn in Titchfield since this had once again been put on the market and after some considerable negotiation it was agreed that TFT could lease the barn for 5 years. However this was subject to ratification by the owners of the barn. The owners then decided to break off negotiations and withdrew the barn for rent.

Planning Proposal

TFT are currently homeless and need to secure a new home preferably in the Borough of Fareham and in particular Titchfield. TFT have secured a 10 year lease on 73 St Margarets Lane which currently has planning permission for use as a B1 and B8 unit

The unit which is some 15663 sq ft has two large roller doors to its south elevation and because of this could easily be divided into two units each of about equal size- Unit 73 A and 73B.

Unit A would be changed to Leisure D2 use and used as the basis for a new 210 seat theatre, rehearsal space etc all of which would be installed within the new unit A. Much of the existing building can be utilised without disturbance to neighbours, roadways and services. Considerable work would need to be undertaken to ensure all existing and new access and exits were fit for disabled and wheelchair users.

Planning Framework

73 St Margarets Lane lies in a Category B employment area. However under FBC's current Planning Framework the redevelopment of premises is permissible for mixed – use development, particularly if the development did not adversely affect residential amenity, the character of the area or have unacceptable environmental or traffic implications. The proposal put forward would have no affects on the above. If allowed the change of use would have a positive affect

- (A) It would bring a much needed amenity to the area so that residents did not have to travel into Fareham for entertainment
- (B) Puts to good use a warehouse that has been left empty for at least 3 years and which tended to attract an undesirable element, adding to the security of the area
- (C) It allows and aids the continued development of Titchfield as a particular site of interest to the worldwide Shakespearean lobby and could bring much needed employment opportunities to the borough.
- (D) There are no environmental problems. There could be an advantage by using the buildings vast roof space to generate electricity via solar panels allowing the company to be self sufficient in power and adding to the grid. There would also be less congestion caused by vehicle trips into the town centre as the proposed theatre is closer to larger residential areas who are within 10 minutes walking (Titchfield, Titchfield Common, Park Gate, Locks Heath)
- (E) The area is well served by the A27 which at the time the theatre would be in operation, is at a quiet period and would therefore take pressure off town centre roads at that time.

Conversion of the existing unit to two units would not in our opinion contravene FBC's current Planning Framework regarding units reserved for employment. Although there may be a slight decrease in actual physical area in one class of employment area (B1/B8), it should be noted that the existing unit has been unoccupied for nearly 3years.

By dividing the unit into two it is felt by local Estate Agents that the unit 2B (which will be kept as a B1/B8 unit) is more likely to be occupied by a small to medium sized business looking to expand at a reasonable cost and they have several looking for a 4-7,000sq ft units who may be interested in the new unit to be created. It should be noted that the complete unit had been empty for over 3 years and unused and did attract an undesirable element. It was a regular haunt for youths to drink alcohol and reportedly drug use. The previous occupants were all of an industrial nature with the unit being purpose built to house Seldon Masts , a metal mast manufacturer. The unit under current Planning

The unit lies within easy walking distance of the Titchfield Common and Titchfield residential areas both have good local bus services which are within easy reach of the proposed theatre site.

Although it should be noted that bus services tend to cease after 9.00pm.

Hampshire County Council regulations currently state that 1 parking space is required for every 5 seats in the theatre. The unit currently has a total of 30 parking spaces available in the evening. (During the daytime we allow our parking areas to be shared with our neighbours relieving the need for our industrial based neighbours from having to park in the highway). This gives a total audience capacity for parking on site of 150. Further parking, if needed has been secured at The Holiday Inn nearby and at the Estee Lauder site at nearby Kites Croft Business Park both of these overspill areas are accessible via well lit paved roadways.

The unit does not lie within a conservation area or need an ecological or biodiversity study.

However we have attached our own Environmental and Biodiversity Statement to this application.

Current Licensing

The company currently have a Premises License granted to it allowing for 12 productions each of 10 days plus 5 nights for concerts plus the ability to apply for up to 15 nights covered by Temporary Events Notices (TENS). In total some 140 nights of entertainment. There are some restrictions noted within this license (monitoring of the site and no rock concerts). The company have worked within these guidelines and restrictions comfortably within the last year.

There have been no traffic incidents involving the theatre, no patrons have been allowed to park on the verges of St Margarets Lane (even though it should be noted that there are no highway restrictions in place). Audiences arrive and leave quickly and quietly and on average have departed the site within 12 minutes of a production ending. (A regular log is kept by the theatre of the following: number of cars on site, show start, show end, time last patrons car left site, ambient decibel reading, 3 x monitored decibel readings during show, time building locked up)

The theatre company adheres to good health and safety practices and carries out regular Health and Safety and Fire Risk Assessments, all of which are kept on site.

Conclusion

There is no reason why this unit cannot be used as a base for a growing amateur theatre company who will inevitably help business and leisure activities in Titchfield and be of **no cost** to the taxpayer. Unlike Ferneham Halls which is heavily subsidised by Fareham Borough Council and the Ashcroft theatre by Hampshire County Council..

Much has been said about the lack of parking and yet there is clearly more than adequate parking available at local sites. Theatres in Portsmouth and Southampton have absolutely no parking facilities and yet they operate unhindered. Moreover since we are being told by central government to cut emissions, coupled with the high cost of fuel, the local nature of this theatre will attract more people from the Titchfield area to the site. If local bus companies could be persuaded to run later services then this would dovetail with central government environmental aspirations and cut down on the need for journeys from outlying areas and lessen the need for parking. Hampshire County Council has been completely unhelpful in their position over large areas of land they own in the vicinity, a very small part of which could have doubled the parking area on the site. At some point they may relent but currently their policy is to keep the areas for agriculture.

There are only a very few houses along St Margarets Lane none border on the site and as yet there have been no complaints about noise emanating from the entertainments being produced. Good records are kept of noise at the unit and attendance numbers. (far more in fact than for any industrial site that would be permitted under current use).

It should also be noted that a number of community groups now use the theatre and several more have applied for use of space. The theatres Youth group which meets once a week on Saturday continues to grow and will soon have to appoint further tutors to cater for the increased numbers. All this points to a vibrant social and community hub which has developed over the last year and continues to develop in tandem with the already very busy nearby Community Centre.

Finally under current government guidelines local authorities are positively encouraged to allow the re use and conversion of industrial land and buildings to other uses that would benefit the community. (Planning Policy Guidance 4:Para 21; Re-Use Of Urban Land and Planning Policy Statement 7 para 18; Re-use of buildings in the countryside.

OFFICER REPORT FOR COMMITTEE

Date: 18/07/2012

P/12/0120/FP

LOCKS HEATH FREE CHURCH

TITCHFIELD COMMON

AGENT: HARRINGTON DESIGN
ARCHITECTS

ALTERATION TO EXISTING BUILDING AND PROVISION OF NEW AUDITORIUM,
ACTIVITY HALL AND CAFE WITH ASSOCIATED CAR PARKING AND CHANGE OF USE
OF LAND OPPOSITE NETLEY ROAD FOR USE AS OVERSPILL CAR PARK

255 HUNTS POND ROAD LOCKS HEATH FREE CHURCH TITCHFIELD COMMON PO14
4PG

Report By

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Site Description

Locks Heath Free Church is located on the northeast side of Hunts Pond Road south of the junction with Prelate Way. The Church was permitted in 1998 and comprises a single building set back on its site with the main area of car parking between the building and the Hunts Pond Road frontage.

To the northwest a Greenway links Hunts Pond Road with Ascot Close to the rear. A belt of mature oak trees run along the rear (northeast) boundary of the site. The trees to the rear of the existing church are protected by Fareham Tree Preservation Order No.154. The trees to the rear of the application site are located just outside of the site boundary (as identified in the submitted arboricultural report and as confirmed by the applicant).

The Hunts Pond Road frontage is quite open to view. When approached from the south the existing Church building is set against the backdrop of trees and of adjacent residential dwellings. The properties in Ascot Close to the rear are sited in excess of 50 metres from the site boundary and the nearest property in Hunts Pond Road is sited 12 metres from the site boundary.

Description of Proposal

The development proposals seek the extension of the Church site to the southeast to enable the construction of a multipurpose building incorporating an auditorium, activity hall, small meeting rooms, cafe and administrative area. The new building would be linked to the existing building. The whole site would amount to 0.64 ha. with the additional land comprising approximately 0.42 ha. of that. The floor area of the existing building measures 692 metres square and the floor area of the proposed new building would measure 1660 square metres. The new building would measure 9.5 metres high and would be set back from the Hunts Pond Road frontage roughly in line with the existing Church building.

Similarly the existing car parking area to the front of the Church would be extended across the front of the new building and a second access point on to Hunts Pond Road provided. The total proposed on site car parking provision would be 88 spaces. The application also proposes overflow car parking approximately 120 metres to the south of the extended Church site on part of the existing recreation land where there is already a vehicular access.

The area can accommodate up to 136 spaces as clarified in the submitted Transport Assessment (TA).

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

CS5 - Transport Strategy and Infrastructure

CS9 - Development in Western Wards and Whiteley

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

FBC.4227/19 - Erection of Church - Permission 21 December 1988

Representations

Three hundred and twenty three letters of support have been received commenting as follows -

- Increased facilities would enable more of the youth of the area to enjoy positive activities in a safe environment
- The facilities are required for both the spiritual and social needs of the people of the area and are open to church and non church members
- Bigger premises are needed because of the success of the existing in meeting local needs and increasing housing areas
- Uses cater for mums and toddlers, pre-school, children's clubs, teenagers, families and the elderly
- Some 600 people's needs are catered for each week
- The outreach from the site has impacts beyond the site itself
- Additional car parking would help to ease local issues. Extra car parking is a benefit as the existing car park is used by local residents and local mums visiting the school behind the church which itself has only limited parking. Off site car parking is being proposed for big events
- Existing facilities overcrowded
- The design of the building is good and in keeping with the surrounding development
- The new main entrance to the building will be set further away from local residents than at present
- If local property owners are affected now this in fact demonstrates that the existing facility is inadequate
- The influx of new families into new development in the area is the greatest cause of pressure on the infrastructure not the use of a facility such as this which will provide for more off road parking
- This is an investment in the community; a contribution to the 'Big Society'

The Fareham Society has commented as follows -

- The proposal would contribute to a variety of community uses in the area and will be welcomed by many, although the extension is larger than the existing church
- The more intensive use will cause some disturbance on the local road network and to nearby residential properties
- The impact and disturbance will have to be weighed in the balance against in particular the benefits offered to non church going residents
- Controls such as hours of use would have to be set in place
- Clarification is required in respect of the proposed larger functions such as the type and length
- Concern is raised over what guarantees would be in place over the availability of the development for community uses
- Concern is further raised as to how users will be deterred from using nearby streets for parking.

Forty eight letters of objection have been received and a petition of 242 signatories raising the following concerns -

- Loss to local environment. The complex will be large and visually out of character with the area.
- The building is too high. Whilst the building is only slightly higher than the existing, the height of the existing is taken from the apex of a pitch; the proposed building will have a wide flat roof which will have a greater impact visually. The scale of the building is 'industrial' and out of context with the suburban surroundings
- The scale of the facilities is such that it goes far beyond being a local community church
- Harm to quality of life in the neighbourhood in general
- Inadequate car parking will cause havoc in the local area around the church. The proposed development is too large for the site. Taking Hampshire County Council Standards 120 additional car parking spaces will be required with only 42 being provided. Over 167 spaces should be provided in total
- Object to use of part of playing field for car park since this would come under church control
- Noise and disturbance particularly from youth club and particularly at the start and finish (10pm) of the event but also from other uses which will only increase with the extension of the onsite facilities. The potential accommodation of multiple activities possibly finishing at different times will increase the potential disturbance 'window'. Music noise from the existing building already causes disturbance. This will be increased with the new proposals
- Noise disturbance by cars. The large numbers of people that may exit the facility at the same time is likely to cause problems
- Light disturbance from car park floodlights
- It is understood that fewer car parking spaces have been proposed due to concerns over the visual impact that this would have. If the visual impact of necessary parking would be harmful then it follows that the development is overlarge
- Public transport in the area is not good which will result in high attendance via the motor car
- Visitors to the church will have no option but street parking if the overflow car park is also used by users of the allotments and the recreation ground
- The appropriate use of the 'special events' car parking would rely upon many factors such as ensuring that the facility is made available for appropriate events, the provision of wardens, the suitability of the grassed area during certain weather conditions and most importantly the willingness of visitors to use the facility and walk to the venue. Figures

suggest that the overflow car park may be required for use more regularly than suggested with the potential for damage to the playing field

- Plans do not show cycle parking commensurate to the stated likely usage
- It is suggested that the proposed use is one suitable to a town centre so that the 'sequential test' should be applied in this case. No case has been made for the overriding need for the auditorium in this location
- Policy R4 of the saved Local Plan Policies identifies the site as part of a larger area allocated for sports, recreation, community and education uses. The proposal may be viewed as a community use but the application does not confirm how the other elements of the allocation will be delivered. It might be argued that a different part of the overall allocation site would prove less harmful to residents
- Is the proposal for the community or is it a business venture?
- Other community proposal such as the scout hut in Warsash Road were rejected because of the impact on character of the area - should the same not apply here?
- Other community users were prevented from parking on the recreation ground because the field is set aside for recreation uses - should the same not apply here?
- The proposed overflow car park is at a pinch point in the road
- Potential impact on trees. The screening impact of the trees is overplayed because these are now overmature and may need to be removed with a few years for safety reasons. This may be accelerated by the development process and will leave the site exposed. The building proposals leave insufficient space for replacements to be planted in advance
- Drainage of surface water to soakaways is insufficient for such a large building
- To pay for the project the complex would need to be used more regularly than at present with even more disruption to local residents
- The highway engineer comments that the proposal caters for natural growth in population and will not affect local traffic flow is incorrect
- If there is an element of evangelism in the use of the building (which has been confirmed) then the building will effectively serve the church rather than the community and be discriminatory since not all members of the community are of the same faith or any faith

Three letters has been received following advertising of the supportive information submitted by the applicants raising the following additional matters:

- Although the good works of the Church are recognised, nonetheless:
- The scale is too great
- Nearby properties were built in 1980 or earlier and therefore predate the church
- Many of the newer developments served by the church are not in Titchfield Common but 1 - 3 miles away, so that visitors to the church will almost certainly not walk
- Many local community groups find accommodation in the many other existing venues in the area
- The quoted 'enquiries' to the church for possible accommodation do not themselves justify the scale of the building
- Most of the letters of support do not come from those who live next to the church
- If coaches bring attendees to large events how will these be accommodated?

Consultations

Environment Agency - No comments to make on the proposal

Director of Planning & Environment (Ecology) - No objection subject to the works being carried out in accordance with the approved mitigation and enhancement measures and a condition securing details of lighting to be agreed.

Director of Planning & Environment (Arboriculture) - There are no arboricultural grounds for refusal and therefore no objection is raised subject to conditions.

Director of Regulatory and Democratic Services (Environmental Health) - In general, no issues are raised.

Director of Regulatory and Democratic Services (Contaminated Land) - No objection subject to condition.

Director of Planning & Environment (Highways) - The transport statement (TS) has been agreed. Trip generation from the existing site has been determined by way of a survey undertaken over the course of a week. This information has been used to estimate likely trip generation from the proposed facilities. Given the small number of sites available on TRICS (Trip Generation Analysis) and that the proposed church is not to significantly change the nature of the existing site, this approach is acceptable. Based on a comparison of trip rates for the existing and proposed church as included within the TS, it is evident that there will be an immaterial increase in vehicular trips during the AM and PM network peak periods so that the proposal will have no impact upon existing congestion. Whilst there will be an increased number of daily vehicle movements, these will occur off peak and thus will not be detrimental to the capacity of the local highway network. Notwithstanding the above, the increase in movements are acknowledged to be an absolute worst case, with it recognised that there is an existing church and with there being no immediate plans other than through natural growth to add to the congregation. However even considering the worst case, it is clear that the significant levels of movements are at off peak times (notably Friday and Sunday evenings) and outside of these times the number of daily movements will be low. There would be no highway concerns through the increased number of movements.

Eighty eight parking spaces would be provided in front of the proposed building whilst 136 further spaces will be provided within a further overflow parking area located a short distance south of the church. The combination of these two parking areas (224 spaces in total) would provide more than adequate parking provision for the church. Furthermore it is recognised that the overflow parking could accommodate other uses in Hunts Pond Road, for example the allotments and playing fields.

It is recommended that the Travel Plan (TP) incorporates a major events plan that sets out how these events are to be managed (ie. marshalling of car parking, clear sign posting, pre-advertising parking locations, active monitoring and post event de-briefing).

With regards to physical highway networks, the existing vehicular access into the site is to be retained along with a further access formed to the south to create an IN and Out arrangement (the existing is to be the In, the new access the Out). There is a scheme of traffic calming to the south of the Out access, however the access is a distance from this and there is clear visibility along Hunts Pond Road hence the formation of this additional access would not be anticipated to have any safety consequences.

With respects to the access serving the overflow car park, there is a dropped kerb in place and a gated access and it is noted that this field has been used for overflow parking in the past. It would seem that the nature of the use of this access may well change and a more frequent use may result. It should also be clarified if this access is to be used solely by the church or by other groups at other times (ie. The playing fields or allotments). Even so

movements, for the church at least, would be tidal in nature, hence the limited existing width would not seem as problematic although width improvements may be sought if the access is to be used more frequently. At the very least, improvements to visibility, particularly the provision of 2 x 2 metre intervisibility splays for emerging vehicles and those on the unsegregated foot/cycleway would be beneficial. Vehicular visibility splays should also be indicated although splays of 2.4 x 43 metres should be achievable with very limited consequences for the existing hedgerow. It is also suggested that the width of the access to the overspill parking be increased to 5 metres and surfaced for this width to 10 metres into the site.

The HCC Transport Contributions Policy would in principle apply given that this proposal would result in an increased number of multi modal trips, although these would be variable and have very minimal impacts upon existing peak time congestion. The submitted TS does review the accessibility of the site and the availability of sustainable transport infrastructure, and this does not identify any particular deficits. The TS does also identify on-site improvements to encourage less car dependency, which includes the Travel Plan and cycle parking. There are also very few relevant schemes in the HCC TCP List of Preferred Local Transport Schemes against which any contribution could be applied that would satisfy the tests within the CIL regulations. On that basis and on this occasion, it would be inappropriate to apply TCP.

Southern Water - No objection subject to condition and an informative.

Planning Considerations - Key Issues

The main considerations in this case are:

Principle of development;

Design/scale of development;

Parking/highway matters;

Impact on amenities of neighbours.

Principle of development

Within the Fareham Borough Local Plan Review the current expansion of the site is identified as land, outside of the built up area, but suitable for community, education and recreation uses. The proposed extension to the Church is considered to fall within the definition of a 'community' use so that it is considered to be in line with current policy.

Policy CS9, referring to development within the Western Wards and Whiteley identifies the potential provision of some 1480 further new dwellings up to 2026; it also encourages the provision of community facilities to serve this projected local growth. In principle this supports the aims of the planning application which are broadly to cater for an increasing local population and to provide flexible community facilities.

Some local residents have questioned whether the development may be truly viewed as a 'community' use since it is primarily for the Church and will therefore serve the interests of the Church rather than the Community. Considerable concern has been raised at the potential letting of the building to uses which are clearly unrelated to the church or local community (for example providing the auditorium as a conference hall). The applicants believe that if the building is not in use by the church or other community uses why should it not be used for other uses? This will in turn generate income providing funding towards the community and other work the Church undertakes.

The Church has demonstrated that the current church building is operated flexibly to the benefit of the wider community and that a significant proportion of the users are not directly linked to the Church. An example of these regular users is as follows:

Children craft activities,
Sports and games for children,
Parents and toddlers,
Parenting courses,
'Alpha courses',
Reading schemes,
Children's holiday club,
Youth clubs,
Seniors club,
Luncheon club,
Pre-school,
Debt counselling,
Housing association meetings with local residents.

The Church's aspirations for the proposed extension remain in line with its established community involvement. The Church has received a number of enquiries from other users, such as those listed below, however currently these could not be accommodated within the existing building:

Keep fit classes,
Women's institute,
Toddler cookery club,
Age concern,
Antenatal classes,
Counselling room,
Aerobics class,
Floristry class,
Ballet dancing lessons,
Slimming/healthy eating club,
National childbirth trust.

A large number of objections have been received from residents in the local area and these objections have been set out in some detail earlier in the report. One of the key concerns raised relates to the nature of the uses within the building and the effects of additional traffic and parking within the locality. This aspect has been the subject of considerable debate between Planning Officers and the applicants.

The applicants stress that the existing church at the site acts as both a place of worship and a community asset, providing a wide range of activities and events for all ages. The applicants believe that at present more than 90% of those attending activities live within the Western Wards. The applicants emphasise that their ambitions for the new building remain first and foremost as a place of worship and to provide accommodation to run a range of community activities and events.

A list of the existing and suggested activities and events are set out above. In the opinion of Officers these uses are appropriate being community uses or activities and events you would reasonably expect to run in close proximity to the community they serve. If Members concur with the view of Officers it would be appropriate to list the nature of activities and events which would be acceptable within the building within a Section 106 Planning

Obligation.

Officers acknowledge the concerns of local residents that the facility may host events unrelated to the Church and community which draw in large numbers of people. Officers also acknowledge the Church's aim to principally provide a place of worship and a community facility for a wide range of people of all ages. To ensure an appropriate balance is maintained Officers believe it is appropriate for the Planning Committee to control the uses undertaken in the building to ensure clarity for both the applicants and local residents.

At one extreme the Planning Committee may wish to prevent any uses within the proposed building other than those listed above. An opposing approach would be to allow an entirely flexible use of the building with the only requirement being to ensure that the overflow parking is available and marshalled where it is clear that the on site car parking is unlikely to be adequate.

A further option could be to allow some use by non-church and non-community uses but to limit the maximum number of attendees. The maximum number of attendees could be limited to 40 which is unlikely to lead to car parking problems within the locality.

To ensure an appropriate balance is maintained Officers recommend the final option and if Members share this opinion then it is suggested that this is also controlled through the legal agreement.

The extended facilities are to accommodate the projected future congregation of the Church and for wider community use. The new auditorium space will open opportunities to accommodate other large events as well as church services, in many cases, events that are planned by the local community and schools. This may be viewed, not as competing or taking away from venues such as the Ferneham Hall but rather bringing such events back into the community in a more sustainable fashion. Indeed the auditorium is not to be provided with any 'backstage' area so that it cannot compete with the scale and type of production housed within the Ferneham Hall.

The provision of the larger auditorium and associated rooms will allow for the more flexible use of the existing building and the ability to accommodate the many potential users already turned away because of lack of space or time as set out in the Church's supporting document. The provision of the single sports hall will be clearly a facility with potential to extend the community involvement in the site although it is not of a sufficient size to host sporting events and is therefore much more of a local facility.

The scale of the auditorium has been called into question by objectors to the scheme and it is suggested that the building will compete with Town Centre facilities such as Ferneham Hall, such that the proposal should be subject to a 'sequential test' to justify its provision and location. Officers do not agree with this view. First the primary function of the auditorium is to provide for increasing congregation size. Whilst there are those who raise issue with how 'local' the Church is, nonetheless it is evident that the majority of attendees are from the western wards area. Some travel from Whiteley and from Fareham but the majority are what might reasonably be considered as 'local'. The area continues to be subject to further residential growth and there is no reason to believe that the enlarged capability of the building will not be ultimately used by those mainly from the surrounding wards so that the primary function of the building is to serve those people and not to 'compete' with similar facilities elsewhere.

As stated above, the site does form part of an area allocated in part for community uses to which the application proposals comply and that there is no reason to consider that the Church will not continue to perform its community functions and involvement in similar fashion in the future.

Design/scale of development

The design of the building is a matter of concern to some objectors who point out that it is 'industrial' in scale and that although it is only slightly higher than the existing Church the highest part of the existing building is a ridge whereas the proposed building would project an expanse of flat roof. They therefore consider that the building is out of keeping with this primarily residential area. Whilst Officers acknowledge these views the following should be considered:

The proposed auditorium would measure approximately 9.5 metres in height; is not rectangular in form but is in fact octagonal; when viewed three dimensionally;

The building is not set directly against residential properties; to the north residential properties would be separated by the existing church building. The existing Church building will set a transition development to the existing residential properties in that direction. To the east the building would be screened by mature trees and would measure some 63 metres from the nearest residential properties in Ascot Close. To the west the building would be sited some 50 metres across from residential properties on the opposite side of Hunts Pond Road, behind the proposed car parking areas. To the south the land is open, albeit there is a 1.8 metre high close boarded fence on the southern boundary. Additional landscaping is also proposed along this southern boundary, intended not to screen but to create a soft edge to the building when viewed from the countryside.

The building is functional and is designed to achieve specific purposes including an auditorium; the flat roofed design of this reduces its height and the building has been designed to minimise impact upon local residents by reducing openings and where necessary keeping openings within elevations set away from the nearest residents.

The building has been designed to achieve good levels of energy efficiency which will exceed regulations through matters such as:

- Air source heat pumps
- Proximity and time controlled lighting
- Pulsed output from incoming water meter connected to Building Management system to detect leaks
- Proximity activated shut of valve to sanitary area water supply

Nonetheless, due to the charitable status of the applicants, the added costs of materials and design features and the cost of assessment and monitoring the project cannot realistically meet the aims of Policy CS15 of the Core Strategy to achieve 'excellent' status under BREEAM (Building Research Establishment Environmental Assessment Method) for non-residential developments from 2012. Under the circumstances Officers are of the view that with the variability of the use of the building together with the costs involved that must be borne, this is a case where the full achievement of the BREEAM status would be an unreasonable burden.

Officers are satisfied that taking into account such matters as its greater visual separation

from the adjacent residential development, its context in relation to the existing church building, its octagonal form and landscaping etc. the building will be an acceptable form of development.

Parking/highway matters

Local residents point out that significant problems arise, particularly on Sundays, when there is insufficient car parking available on the site, or in combination with parking at the local St.John's School (25 spaces by arrangement with Hampshire County Council) and attendees of the Church overspill into the local roads, causing problems for local residents and safety hazards on the more busy roads, particularly Hunts Pond Road.

The Church accepts that there are current problems and proposes that the application development will help to alleviate these issues. Currently 46 car spaces are available at the site. The proposed development would increase this to 88. It is envisaged that, at current attendance levels, the 88 spaces together with the 25 spaces at St.John's School will be sufficient to alleviate most existing on street parking issues. However, in addition to this the Church is negotiating a long term lease for the use of an area of land further south on Hunts Pond Road (opposite the northern end of the allotments) for overflow car parking to accommodate around 136 cars. The land has an existing vehicular access on to Hunts Pond Road.

The Church advises that the parking would be used as overspill parking which could include Sunday services and events that might include Weddings/Funerals, school concerts and shows. The Church has indicated that it would envisage up to 35 large events (excluding Sundays) only per year, which is less than 1 per week. The Church would marshal the parking for these events and, under heads of agreement put forward for the lease of the land, would restrict the use to parking; would undertake not to erect any buildings or structures; would allow use by other users such as those hiring the sports pitches, archers, and allotment holders but with priority to Church events. The Church would lay out the parking area using plastic mesh reinforcement (details to be agreed) so as to maintain the open space appearance. Parking spaces would not be marked out so as to avoid despoiling the appearance of the land, however submitted plans identify that the proposed 136 spaces can be achieved to a proper standard.

In light of the less predictable nature of the use of the overspill area for parking by users other than the church the priority offered to the Church is seen as being appropriate. Negotiations concerning the use of the overspill car park land are separate from the planning considerations relating to the application, which should be determined on its merits, nonetheless, officers consider that in light of the importance of the of the provision of the overflow parking, this should be secured through a legal agreement.

The Highway Engineer has indicated that the proposed access arrangements to the main site are acceptable but that improvements to the width of and visibility from the overspill parking access need to be agreed. Plans have been submitted identifying the provision of the required access visibility. This clarifies that the improvements can be achieved by cutting back the existing hedgerow only rather than through removal and replanting.

Some local residents have pointed out that the grass surface of the overspill car park may not survive the increased use particularly in bad weather. As already indicated, the applicants have confirmed that the area will be provided with surface reinforcement. A condition to agree detailed surfacing and access point details is recommended.

Parking problems arising as a result of the use of the church are existing. The proposed development seeks to address the problems by providing a negotiated overspill parking area to cater for larger events and to provide a longer term solution to growing congregation attendance. The overspill parking will also assist in providing parking opportunities for other nearby users. Highway advice is that the solutions are acceptable. Furthermore it is considered appropriate to limit the number of larger events to 35 a year (excluding Sundays) and to church, community and charity events only which would be secured through a legal agreement.

Impact on the amenities of neighbours

A number of local residents have raised concern about potential noise and disturbance both from outside and inside the new building. They cite problems currently experienced with the existing building.

A Preliminary Noise Impact Assessment Report has been submitted and agreed by the Director of Regulatory and Democratic Services (Environmental Health).

The noise attenuation of the building is a matter that can be stipulated and agreed and it is noted that the new building is now set further from the affected residential properties than the existing building. It is also noted that openings in the new building have been restricted in the elevations facing the residential properties to the rear.

One of the main concerns raised is noise from the youths attending the Friday youth club, particularly outside the building. It must be borne in mind that the youth club will continue regardless of the outcome of this application. The proposals do, however, move the focus of the building further to the south through the repositioning of the main entrance. This may impact positively on the level of disturbance from the youth club use but clearly the use will continue. Officers do not consider this to be sufficient argument to reject the current application.

As with parking, local perception of noise disturbance is that it is already a problem. The proposed development will contribute towards the improvement of the situation through the changed focus of activity on the site and through improved sound attenuation in the new building. The Director of Regulatory and Democratic Services (Environmental Health) is satisfied with the measures to be put in place as part of the development.

The entrance to the overflow parking area would not be positioned directly opposite residential properties. The use of the extended parking area in front of the church would be controlled by a condition restricting the hours of use of the proposed building. Furthermore the parking spaces are separated by a landscape buffer along Hunts Pond Road. In light of the foregoing, Officers are satisfied that the amenities of the local residents in Hunts Pond Road would not be compromised by the users of the car park.

In light of the separation distances between the proposed building and nearby residential properties, officers do not consider the development would impact on neighbouring properties in relation to privacy, light and outlook.

Other matters

Drainage - representations have drawn attention to the proposed disposal of surface water to soakaways and the inadequacy of this means of drainage to cater for a building of this

scale. Neither Southern Water nor the Environment Agency has raised objection. The submitted Flood Risk Assessment identifies that groundwater and percolation tests indicate that the site can be adequately drained naturally through the use of soakaways and permeable surfacing to the proposed car park area. This is in line with Government Guidance which seeks to ensure that drainage is handled as close to source as possible to avoid drainage/flooding issues elsewhere. Details are proposed via condition.

Trees - Representations express concern that the existing tree belt is now overmature, that the development will inevitably accelerate their loss and that the proposals leave no scope for advance replacement. Notwithstanding this the trees do provide a screen and a backdrop to the development and will continue to do so for some time. The Arboricultural Officer has not raised an objection subject to appropriate conditions.

Ecology - No significant issues relating to the site or the development.

Conclusion

The proposal involves a substantial extension to an existing church/ community facility on the edge of the urban area.

Officers are satisfied that in planning policy terms the extension of the facility on the southern side of the existing building is acceptable. Furthermore Officers consider that the provision of a sensitively designed car park which is available for other uses in the locality (e.g. those using the football pitches or allotment gardens) is acceptable in planning terms.

In visual terms Officer's are satisfied that the proposed building and associated works would not materially harm the character of the area or the amenities of local residents.

Careful consideration has been given to the proposed uses on the site and the arrangements for car parking. Subject to the completion of the Section 106 Agreement and the imposition of conditions to secure the matters set out within this report, Officer's consider this matter to be satisfactorily addressed.

Notwithstanding the objections received Officer's consider the proposal is acceptable, subject to the matters below within the recommendation.

Reasons For Granting Permission

The proposed development is directly related to the existing use of the adjoining land to the north. The site is on land allocated for community and other uses to which the proposal complies. The proposed development is broadly in line with Local Policy and with Government aims to encourage the provision of local facilities for and by local people. The proposals will expand a much used community facility. The design of the building is appropriate to its proposed function and will not be viewed in direct juxtaposition to residential dwellings. Car parking provision will provide for large events so that the existing on street parking issues should be alleviated. There are no other material considerations that are judged to have sufficient weight to justify a refusal of the application, and where applicable conditions have been applied in order to satisfy these matters. The scheme is therefore judged to be in accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and thus planning permission should therefore be granted.

Recommendation

Subject to the applicant/owner 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:

- (i) the provision, laying out, maintenance, access improvement to and scheme of management (incorporating allowance for use by local recreational groups and allotment holders) of the proposed overspill car park; and to ensure it is made available before the building is first brought into use and thereafter kept available at all times;
- (ii) uses considered appropriate (as listed in principle of development section of report);
- (iii) no more than 35 large events (excluding Sundays) per year restricted to church related events as detailed under point (ii);
- (iv) maximum number of attendees (unrelated to church, community and charity uses) limited to 40 at any one time.

PERMISSION

Details of Materials; Details of drainage; Submission of landscape scheme; Implementation and maintenance of agreed landscape scheme; Details of hard surfacing area including car park to main site and overspill car park; Details of all external lighting to be agreed and implemented before use commences; A framework Travel Plan shall be submitted and approved before the development is first brought into use and the conclusions implemented, with a view to demonstrating what measures will be undertaken to reduce dependence upon private cars visiting the site; Not more than 35 large events per calendar year excluding Sundays and other Church calendar events; Details of proposed car park marshalling measures to be submitted to and approved before use of building commenced; Tree protection measures in accordance with submitted and approved method statement; No event or other use, excluding specifically church related, within the building shall finish later than 11pm; Width of access and visibility splays associated with the approved overspill car park to be submitted and approved and provided before the use of the approved building is commenced; Noise attenuation measures as agreed beforehand to be implemented before use commences; Should evidence of below ground gas be found during excavation and foundation development a full ground gas shall be undertaken and the conclusions implemented and any necessary mitigation measures fully implemented before any further works are commenced; noise conditions; compliance with terms of Phase I Habitat Survey; Details of areas for site offices, construction vehicles, and storage of materials during construction; Means of preventing mud from leaving the site during construction.

Notes for Information

Formal application to Southern Water required for discharge to public sewer system

Background Papers

P/12/0120/FP

Updates

The applicant has contacted Officer's in relation to the recommended maximum number of attendees (unrelated to church, community and charity uses) and has asked if the following could be reported to Members:

'In response to the recommendation to limit the number of unrelated church/community/charity activities to 40 attendees, the church would ask for Councillors to consider granting more flexibility. The church understands (and is committed to) the need to ensure the facility remains focused on its primary purpose, but it is also aware that such a restriction would limit potential use and income from not-for-profit organisations and other

potential users when the building is otherwise not being used. The suggested figure of 40 attendees is a figure which is too large to occupy the new small meeting room (Green Room) and too small to occupy the larger auditorium or activity room. In order to provide a measure of flexibility, would the Councillors consider increasing the maximum number of non-church/community/charity event attendees from 40 to 150 - a number still easily accommodated by the 220+ car parking spaces.'



FAREHAM BOROUGH COUNCIL

www.fareham.gov.uk



255 Hunts Pond Road
Scale 1:1250

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For Mr Mark Madavan

Mr Mark Willis
1 Broadbridge Business Centre Delling Lane
Bosham
West Sussex
United Kingdom
PO18 8NF

Ref No : [P/12/0120/FP](#)

**TOWN & COUNTRY PLANNING ACT 1990
TOWN & COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) ORDER 2010**

**255 HUNTS POND ROAD LOCKS HEATH FREE CHURCH TITCHFIELD COMMON
ALTERATION TO EXISTING BUILDING AND PROVISION OF NEW AUDITORIUM, ACTIVITY
HALL AND CAFE WITH ASSOCIATED CAR PARKING AND CHANGE OF USE OF LAND
OPPOSITE NETLEY ROAD FOR USE AS OVERSPILL CAR PARK**

Application Received : 26th March 2012

In pursuance of their powers under the above mentioned Act the Council, as the Local Planning Authority, hereby REFUSE to permit the development described above in accordance with your application.

Reasons:

1. The proposed development is contrary to Policies CS5, CS14 and CS17 of the adopted Fareham Borough Core Strategy in that:

On the basis of the information submitted, the scale of the proposed development, particularly the incorporation of a 500 seat auditorium, and its use by separate commercial organisations goes beyond a facility that is necessary to serve the local community.

Whilst the provision of additional car parking to the south is recognised, the proposed car park is too distant from the proposed facilities and other opportunities exist to park closer to the site on the public highway. The scale of the proposed development, in conjunction with the existing building, would therefore lead to parking on nearby roads to the detriment of highway safety and the amenities of local residents. Furthermore on the basis of the submitted information, the local planning authority are concerned as to how the additional car parking area could be made available and controlled when there is pressure to use it by the Church, users of the sports pitches and those attending the allotments. This will further exacerbate problems with vehicles parking on the highway.

2. This decision relates to the following plans:

Lee Smith



Drawing nos:

100 revision A

101 revision A

102

103 revision A

104 revision A

105

106 revision A

107 revision A

108 revision A

Levels plan

W00217-101 revision P08

Lee Smith



Your Entitlement to Appeal:

If you are aggrieved by the decision of the Local Planning Authority to refuse permission or consent or at the imposition of conditions then, subject to the following provisions, you may appeal to the DCLG. The ways you can do so are set out above.

Please note that only the applicant possesses the right to appeal. There is no third party right of appeal for neighbours and other objectors.

Restrictions on Your Right to Appeal:

There is a time limit for lodging your appeal, although the Secretary of State may override this. The applicant has the following time in which to lodge an appeal for these classes:

- * Planning applications (but see below for Householder Applications)(appeal under Section 78 of the Town and Country Planning Act 1990 (TCPA)),
- * Listed building consent applications (appeal under Sections 20 or 21 of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCAA)) and
- * Applications for Certificates of lawful use or development (appeals under Section 195 of the TCPA).

Should be lodged within 6 months of the date of the decision notice, or within 6 months of the expiry of the period of 8 weeks from the date the application was received or such extended period as agreed between the appellant and the Planning Inspectorate.

*** Householder Applications - If you want to appeal against a decision to refuse planning permission for a householder application then notice of appeal should be lodged within 12 weeks of the date of the decision notice.**

* Advertisement applications (appeal under Regulation 15 of the Town and Country Planning (Control of Advertisement) Regulations 1989) should be lodged within 8 weeks of the date of the decision notice.

* Application for consent to carry out works to a tree(s) the subject of a Tree Preservation Order (appeals under Sections (78)I of the TCPA) should be lodged within 28 days of the date on the decision notice, and

* Applications for a Certificate of Appropriate Alternative Development (appeals under Section 17 of the Land Compensation Act 1961) should be lodged within 1 month of the date of the certificate or notice of refusal to issue a certificate.

The Secretary of State may decide he will not consider an appeal. This might happen if the proposed development has been subject of an appeal which has been dismissed within the last two years, or where the Local Planning Authority could not have granted permission (or not without the conditions imposed) having regard to the statutory requirements, to the provisions of the Development Order and to any directions given under the Order.

Lee Smith



2. Your Right to Serve a Purchase Notice

If the Local Planning Authority or the DCLG refuses planning permission to develop land or grant listed building consent for works, or grants permission or consent subject to conditions, the owner may serve a notice on the Council in whose area the land is situated, requiring the Council to purchase his interest in the land. The owner will need to establish that he can neither put the land to a beneficial use by the carrying out of any works or development which would have been or would be permitted (see Part VI, Chapter 1 of the TCPA for the former class of applications and Section 32 of the Planning (Listed Building and Conservation Areas) Act 1990 for the latter class of applications.

3. Other ways to complain

If you are aggrieved at the way the Council has dealt with your application the Planning Officer who has been dealing with it will be pleased to explain the reasons for the Council's decision and endeavour to resolve the matter for you. If you are not satisfied, you may wish to put your complaint in writing or e-mail comps@fareham.gov.uk, using the Council's formal complaints procedure. This will ensure the details of your complaint are thoroughly investigated by an independent officer and an informed decision made as to whether your application was correctly dealt with. Details of the complaints procedure may be obtained from the Customer Services Manager at the Civic Offices (telephone 01329.236100). Should you remain unsatisfied at the conclusion of the Council's investigation, you may ask the Local Government Ombudsman to investigate the details of your complaint. Leaflets outlining the process of these procedures are available at the Civic Offices.

4. Other Consents You May Need

This decision relates solely to the town planning requirements under the Acts and Orders mentioned at the head of the decision notice. It does not grant any other consent or permission. In particular, the following may require consent:

i. Works requiring Building Regulations consent - If you have not already done so, you should contact the Council's Building Control Partnership at the Civic Offices, Telephone: 01329 236100 Ext 2441.

ii. Works or structures in the vicinity of a public sewer - If in doubt you should contact The Development Control Manager, Southern Water Services Ltd, Southern House, Sparrowgrove, Otterbourne, Winchester, Hampshire SO21 2SW Tel 0845 278 0845. You may inspect the Public Sewer Map held in the Council's Building Control Business Unit to find out if a public sewer crosses the site of the proposed development. (Buildings are not normally allowed within 3.0metres of a public sewer, although this may vary, depending upon the size, depth, strategic importance, available access and ground conditions appertaining to the sewer in question).

iii. Works affecting neighbours - (e.g.: work on an existing wall shared with another property, building on the boundary with a neighbouring property or excavating near neighbouring buildings). The Party Wall Act 1996 requires certain measures to be taken and leaflets explaining the specific requirements are available at the Council Offices.

Lee Smith



IMPORTANT WARNING

Please read the content of this warning notice on receipt of your planning permission decision notice.

The Council is pleased to enclose your conditional planning permission decision notice.

FEES FOR DISCHARGING PLANNING CONDITIONS

There is a fee payable to the Council when you submit details pursuant to planning conditions. The fee is £85 per request to discharge conditions (or £25 if the discharge of condition relates to a planning permission for extending or altering a dwellinghouse or other development in the curtilage of a dwelling). By way of clarification if details are submitted to discharge a number of conditions at the same time then just one fee of either £85 or £25 would be payable. If details to discharge conditions are submitted on a number of separate occasions then a fee of either £85 or £25 would be payable on each occasion. The fee must be paid when the request is made.

All requests for discharging planning conditions should be made in writing and ideally on the national application form designed for this purpose (which can be downloaded from the following site www.fareham.gov.uk/pdf/developmentc/appformlist.pdf (No. 27 on the list of forms), or otherwise please contact the Department of Planning and Environment: Development Management 01329 236100 ext. 2437 for a paper copy.

If you choose to send a covering letter rather than fill in the national application form you must ensure that all the relevant information requested in the application form is contained within your covering letter.

PRE-DEVELOPMENT CONDITIONS

Please note that there maybe conditions attached to this planning permission which are required to be discharged **before** development commences.

There have been several occurrences recently where developments have commenced before planning conditions have been discharged.

I must advise you that should you commence the development prior to all of the pre-development conditions being discharged the development will be treated as unauthorised development.

Should development commence before the pre-development conditions are discharged planning enforcement and or injunctive action to secure the cessation of the development will be considered.

Lee Smith



DEVELOPMENT NOT IN ACCORDANCE WITH APPROVED PLANS

There have been many instances recently where development has not been undertaken strictly in accordance with the approved plans.

If there is any variation from the approved plans for whatever reason, unless it is so insignificant that it can be considered de minimis (of no consequence), it is likely that it will require the submission of a new planning application. This will involve significant work and additional cost to both the developer and the Local Planning Authority.

A protocol for dealing with variations to planning permissions was agreed by the Planning Development Management Committee 16 March 2005 and copies are available from the Civic Offices or on the Council's web site www.fareham.gov.uk

Please ensure that the development you undertake is the development for which you have been granted planning permission. If your working drawings do not match the stamped approved planning drawings a new planning application will be required unless the variation is **very** small.

The ultimate decision on whether or not any change will require planning permission rests with the Local Planning Authority.

Development which is not in accordance with the approved plans is unauthorised development and likely to attract Planning Enforcement Action.

**THIS WARNING IS DESIGNED TO ASSIST AND PREVENT LATER DIFFICULTIES
PLEASE HEED THE ADVICE IN THE PROTOCOL.**

Lee Smith

OFFICER REPORT FOR COMMITTEE

Date: 24/09/2013

P/13/0575/FP

LOCKS HEATH FREE CHURCH

TITCHFIELD COMMON

AGENT: ROWAN & EDWARDS
LTD

ALTERATIONS AND EXTENSIONS TO EXISTING CHURCH TO PROVIDE NEW
WORSHIP AREA, ACTIVITY HALL WITH ADDITIONAL CAR PARKING

LOCKS HEATH FREE CHURCH 255 HUNTS POND ROAD TITCHFIELD COMMON
FAREHAM PO14 4PG

Report By

Kim Hayler (2367)

Amendments

As amended by Layout Plan received 21 August 2013

Site Description

Locks Heath Free Church is located on the northeast side of Hunts Pond Road south of the junction with Prelate Way. The Church was permitted in 1998 and comprises a single building set back on its site with the main area of car parking between the building and the Hunts Pond Road frontage.

To the northwest a Greenway links Hunts Pond Road with Ascot Close to the rear. A belt of mature oak trees run along the rear (northeast) boundary of the site. The trees to the rear of the existing church are protected by Fareham Tree Preservation Order No.154 and are located just outside of the site boundary.

The Hunts Pond Road frontage is quite open to view. When approached from the south the existing Church building is set against the backdrop of trees and of adjacent residential dwellings. The properties in Ascot Close to the rear are sited in excess of 50 metres from the site boundary and the nearest property in Hunts Pond Road is sited 12 metres from the site boundary.

Description of Proposal

The development proposals seek the extension of the Church site to the southeast to enable the construction of a multipurpose building incorporating a 'sanctuary' (described as an 'auditorium' in the previous application), activity hall, small meeting rooms, coffee shop and administrative area. The new building would be linked to the existing building. Additional car parking is proposed on the southeast side of the site and would be set back from the Hunts Pond Road frontage.

The applicants state that the application is principally for a D1 use (for, or in connection with, public worship or religious instruction) with ancillary functions.

The whole site would amount to 0.8 hectares in area with the additional land comprising approximately 0.56 hectares of that. The floor area of the existing building measures 692 metres square and the floor area of the proposed new building would measure 1660 square

metres. The new building would measure 9.5 metres high and would be set back from the Hunts Pond Road frontage roughly in line with the existing Church building.

The existing car parking area to the front of the Church would be extended across the front of the new building and sweep around to an extended area to the southeast of the new building. The total proposed on site car parking provision would be 152 spaces. The overspill area proposed in the previous, refused, application has been removed from the proposal.

Policies

The following policies apply to this application:

Approved Fareham Borough Core Strategy

CS5 - Transport Strategy and Infrastructure

CS9 - Development in Western Wards and Whiteley

CS14 - Development Outside Settlements

CS15 - Sustainable Development and Climate Change

CS17 - High Quality Design

Fareham Borough Local Plan Review

DG4 - Site Characteristics

Relevant Planning History

The following planning history is relevant:

<u>P/12/0120/FP</u>	ALTERATION TO EXISTING BUILDING AND PROVISION OF NEW AUDITORIUM, ACTIVITY HALL AND CAFE WITH ASSOCIATED CAR PARKING AND CHANGE OF USE OF LAND OPPOSITE NETLEY ROAD FOR USE AS OVERSPILL CAR PARK
	REFUSE 23/07/2012

Representations

Two hundred and forty one representations received in support of the proposal:

- Attention is drawn to the planned further development in the western wards of Fareham which will justify the expansion
- Meets planning policies
- Valuable facility for the community
- Important for young people

Forty representations received in objection to the proposal raising the following concerns:

- Scale and capacity are too great and little altered from previous application
- Antisocial activities on Friday nights
- Still insufficient car parking for large events
- Traffic hazard of site egress close to pinch point on Hunts Pond Road
- Will have to be used commercially in order to cover the build costs
- General traffic along Hunts Pond Road is a problem with new developments accessed from it
- Inappropriate development for what is a countryside location

- Development not needed by the local community as a whole
- Harmful to immediate local residents by reason of noise and disturbance
- This is mainly a residential area
- Loss of Green space
- Current building is not always in use - could the uses not be spread over time as opposed to adding more space for very limited functions?
 - Changes to the roof design and small parking area are insufficient to reduce the traffic impact of the development
- High level of noise and disturbance from existing uses
- The sanctuaries are still auditoriums by a different name
- The transport assessment suggests that the largest events would be 300 people so why is it necessary to have a higher capacity building?
- Not a high quality design as required by Policy CS17 of the Core Strategy
- The majority of users travel from outside of the immediate area
- Sports facilities are not needed as this need is adequately covered elsewhere.

One petition received with 224 signatures objecting to the proposal on the following grounds:

- The proposal is not in keeping with the area and fails to take into account the possible destruction on the environment and the reduction in quality of life for the neighbourhood in general;
- Inadequate parking on the site for the development would create havoc in the area around the church;
- The proposal will open the gate to allow green land to be developed at any cost.

Consultations

Director of Planning and Environment (Highways) - This is a proposal to approximately double the capacity of the existing church premises with more than a threefold increase in on-site car parking, improvements to the site access arrangements and the provision of a Travel Plan to seek to maximise sustainable travel to and from the site.

It is considered the overall proposals for parking, access, traffic impact and site management are now acceptable and thus, subject to the commitment to the contents of an agreed Travel Plan and the installation of pedestrian barriers, no highway objection is raised to the application.

Director of Planning and Environment (Arboriculture) - No objection subject to conditions

Director of Planning and Environment (Ecology) - I recently commented on a previous scheme at this site, and the updated ecological information has been provided to reflect the changes to the proposals in this new scheme, and the time lapse between the previous survey and this submission. My comments remain the same as previously.

I have no particular concerns about the proposals. I would, however, suggest that the recommendations of the ecological report are secured by condition.

I would suggest that if external lighting is to form part of the development, an appropriate scheme is secured by condition.

Finally, if a landscape planting plan is to be secured by condition, I would again suggest that the condition wording incorporates the need for the planting to be native, locally appropriate,

and of benefit to wildlife.

Environment Agency - No objection.

Southern Water - No objection subject to informatives.

Hampshire Constabulary (Crime Prevention Design Advisor) - The proposal shows a pedestrian access from the footpath (running along the northern boundary) into the grounds. This provides an opportunity for a short cut through the car park, which increases the vulnerability of the car park to crime. Therefore, in the first instance I would recommend that this access is removed and the boundary treatment continued along the entire length of the footpath. However, if this is not desirable I would recommend the installation of gates across this access so that access to the church grounds can be controlled if necessary. The gates should be: of robust construction, at least six feet high, constructed in such a fashion that they do not aid climbing over the gate and fitted with a key operated lock.

The proposal shows several cycle stores and a cycle parking area. The two cycle stores are not well over looked (one can easily be accessed from the footpath) therefore, I recommend the provision of lockable cycle stores. The cycle parking area is very close to the footpath to provide some protection for the cycles I recommend the installation of cycle anchor points. Any planting should be such that it does not restrict the visibility of the cycle stores.

The proposed building has a number of doors located on the rear elevations. These doors have very little natural surveillance which increases their vulnerability to crime; as a result they should be of a design of increased surveillance.

Director of Regulatory and Democratic Services (Contamination) - The application did not include any information relating to land contamination. A previous application included a site investigation report. This along with conversations with the consultant who wrote the report identified an issue with ground gases and a ground gas assessment was recommended by the consultants. This will need to be required as a condition and it will be necessary to remove the permitted development rights so any further additions can be required to include gas protection if necessary or to protect any installed remedial measures.

Director of Regulatory and Democratic Services (Environmental Health) - In December 2012 Environmental Health received a complaint regarding noise from youths hanging around by the door of the church. A complaint about noise from children attending the youth club at the church was received in May 2012, and two earlier complaints about the same were received in February and October 2010. Other than the complaints being made, no further action was taken as no further contact was forthcoming from the complainants.

At the time of writing this consultation response I note that over 250 representations had been made by members of the public. However, only 36 are from local residents (living within 150m or so of the church) and of those 36, 17 have made objections on noise grounds.

The applicant has commissioned a noise impact assessment. I agree with the surveys undertaken by Vanguardia and the recommendation to incorporate sound insulation within the architectural design of the building based on providing sufficient attenuation for a worst case internal sound pressure level of 95 dB(A).

It is understood that the three sets of rear doors to the auditorium and the activity hall are to

be self closing and alarmed for emergency use only, and to be steel acoustic fire doors complete with perimeter and threshold seals. This should be made a condition of any planning approval in order to ensure minimal noise break-out from this source.

It is understood that the earlier proposed cafe is now to be a coffee shop. As a result, the potential for odour (and noise) complaints will be reduced. Should the use of the coffee shop change in the future it may be necessary for odour (and noise) control equipment to be installed.

Planning Considerations - Key Issues

Introduction

Planning permission was refused (P/12/0120/FP refers) on 23 July 2012 for the alteration to the existing building and provision of a new auditorium, activity hall and cafe with associated car parking and change of use of land opposite Netley Road for use as overspill car parking.

The application was refused at the Planning Committee meeting on 18 July 2012 for the following reason:

The proposed development is contrary to Policies CS5, CS14 and CS17 of the adopted Fareham Borough Core Strategy in that:

On the basis of the information submitted, the scale of the proposed development, particularly the incorporation of a 500 seat auditorium, and its use by separate commercial organisations goes beyond a facility that is necessary to serve the local community.

Whilst the provision of additional car parking to the south is recognised, the proposed car park is too distant from the proposed facilities and other opportunities exist to park closer to the site on the public highway. The scale of the proposed development, in conjunction with the existing building, would therefore lead to parking on nearby roads to the detriment of highway safety and the amenities of local residents. Furthermore on the basis of the submitted information, the local planning authority are concerned as to how the additional car parking area could be made available and controlled when there is pressure to use it by the Church, users of the sports pitches and those attending the allotments. This will further exacerbate problems with vehicles parking on the highway.

The current application has been submitted in order to seek to overcome the previous reasons for refusal. The main changes can be summarised as follows:

- the applicant confirms that the community uses and church based uses which take place within the church premises today will not alter and will be carried over to the new and extended premises;
- the applicant states that no commercial organisations will be hiring the worship area for non-church activities;
- additional car parking will be provided immediately alongside the site rather than at a distance from it.

Principle of Development

Within the Fareham Borough Local Plan Review the application site is identified as on land, outside of the built up area, but suitable for community, education and recreation uses. The proposed extension to the Church is considered to fall within the definition of a 'community'

use so that it is considered to comply with saved policy.

Policy CS9, referring to development within the Western Wards and Whiteley identifies the provision of some 1480 further new dwellings up to 2026; it also encourages the provision of community facilities to serve this projected local growth. This application meets this policy objective in that it provides flexible community facilities for an increasing local population.

The previous planning application was refused in part because the Members of the Planning Committee considered that the proposal for a 500 seat auditorium and its use would go beyond that necessary to serve the local community. The applicant had also highlighted the fact that the building could be let out for larger functions including conferences and concerts unrelated either to the church or the local community.

Whilst the floor area of the buildings proposed are essentially the same as the previous scheme, the submission clarifies that the proposed use is for Class D1 of the Use Classes Order. More specifically the uses undertaken within the new buildings will be the same as those current uses in the existing church building. These include:

Children craft activities,
Youth work programme
Childrens programme
Sporting activities
Sports and games for children,
Parents and toddlers,
Parenting courses,
Marriage courses
Child protection courses
Counselling and peer group
After schools club
Summer Holiday children's club
'Alpha courses',
Reading schemes,
Children's holiday club,
Youth clubs,
Seniors club,
Luncheon club,
Pre-school,
Debt counselling,
Housing association meetings with local residents.

It is considered that any condition restricting the use of the building should also, for clarity, be explicit that the use shall not include letting of space to other hirers for non church/ community uses. A further condition would be appropriate to restrict the use of the 'coffee shop' such that it is not used independently as a day to day facility for the general public.

The applicants advise that the church is already used for larger events with up to 300 attendees, for example at the Children's Christmas service, and these will continue within the more spacious premises.

Scale and Design of the Development:

Although the scale of the development was referred to in the previous refusal in relation to

the auditorium and its possible use by commercial organisations there was no direct reference to design. Notwithstanding, the applicants have amended the building, the most notable change being the roof form of the auditorium which has been hipped to the northwest and south east.

Some local objectors are of the view that the alterations to the design are insufficient to warrant any change of position, however, as stated there was no previous objection to the design of the extended building.

The building is not set directly against residential properties; to the north residential properties would be separated from the new building and car parking by the existing church building. To the east the building would be screened by mature trees and would measure in excess of 60 metres from the nearest residential properties in Ascot Close. To the west the building would be sited some 50 metres from residential properties on the opposite side of Hunts Pond Road, behind the proposed car parking areas.

The building is functional and is designed to achieve specific purposes including an auditorium; the building has been designed to minimise impact upon local residents by reducing openings and where necessary keeping openings within elevations set away from the nearest residents.

Hampshire Constabulary (Crime Prevention Design Advisor) recommends gating the pedestrian access from the footpath running along the northern boundary of the site, along with making provision for secure cycle parking. At the moment the pedestrian access already exists between the site and the footpath and the proposal will not change the situation. The provision of secure cycle parking can be secured through the imposition of a planning condition.

Officers are satisfied that the design is appropriate and of high quality having regard for the functional constraints involved.

As with the previous application, the building has been designed to achieve good levels of energy efficiency which will exceed regulations through matters such as:

- Air source heat pumps to improve energy use
- Building information board to be a learning resource for building users
- Drinking water dispensers (mains supplied) and cooled to improve the health of users
- A pulsed output from the main incoming water meter, connected to the Building Management System, to detect any leaks and avoid water wastage
- A sanitary area water supply shut off valve activated by proximity detection to reduce water wastage
- Lighting controlled by proximity detection and time control to improve energy usage

Nonetheless, due to the charitable status of the applicants, the added costs of materials and design features and the cost of assessment and monitoring the project cannot realistically meet the aims of Policy CS15 of the Core Strategy to achieve 'excellent' status under BREEAM (Building Research Establishment Environmental Assessment Method) for non-residential developments from 2012. Under the circumstances Officers are of the view that with the variability of the use of the building together with the costs involved that must be borne, this is a case where the full achievement of the BREEAM status would be an unreasonable burden.

Parking/highway matters

The existing car park has a capacity of 48 cars. The current application proposes reconfiguring the existing car park and providing additional car parking at the site to accommodate a total of 152 cars.

Local residents point out that significant problems continue to arise, particularly on Sundays, when there is insufficient car parking available on the site, or in combination with parking at the local St.John's School (25 spaces by arrangement with Hampshire County Council). Attendees of the Church overspill into the local roads, causing problems for local residents and safety hazards on the more busy roads, particularly Hunts Pond Road. Objectors note that the proposal now includes expanded car parking on the site of the Church but consider that the total 152 spaces is insufficient given the capacity of the building.

The Director of Planning and Environment (Highways) is satisfied that the proposed car parking in terms of its location and numbers is acceptable subject to the provision of the Travel Plan particularly to address events when large numbers of people are present.

Concern is also raised about the position of the proposed egress from the site and the impact of this and the overall increased traffic level upon Hunts Pond Road. The implications of the proposals upon the highway network have been considered by the Director of Planning and Environment (Highways) who advises that the development would not cause material harm to highway safety.

Noise and Disturbance:

A number of nearby residents have raised the issue of noise and disturbance from evening and night time uses, particularly youth events, where behaviour is rowdy when events such as the youth club turn out.

Members will note from the comments of the Director of Regulatory and Democratic Services (Environmental Health) that complaints have been received but that these have been infrequent and have not been followed up by the complainants. The issue was not considered to be sufficient to justify a reason for refusal on the last application.

The principal elements of the proposals have not changed in that the design is such as to take the main entrance to the complex further south away from the closest dwellings. Noise issues are often encountered outside buildings where such uses are undertaken; whether or not the application is permitted the current uses will continue. The new building will provide more internal space for activities to occur but the design and attenuation measures will prevent disturbance from uses within the building.

Officers do not believe the increased size of the building will in itself lead to increased incidents of noise disturbance outside the building during unsociable hours.

Conclusion

The site for the proposed extension and car parking to the church is located outside of the defined urban area but within an area identified as suitable for community uses.

In refusing the previous application, Members were concerned that the scale of the

proposed building was likely to lead to use by outside commercial organisations, suggesting that the building was beyond that necessary to serve the local community. Members were also concerned about the proposed overspill car park being too distant from the site, which they considered would lead to additional parking on the highway.

The application seeks to address the previous reasons for refusal by confirming that the building will be used only for church and community related uses and additional car parking is now located immediately alongside the buildings.

Officers believe that the proposed development addresses the concerns raised previously by Members and for these reasons it is recommended that the application be permitted subject to the imposition of appropriate conditions.

PERMISSION

Use as a place of worship/church hall together with non-commercial community uses and for no other use within Class D1; Details of Materials; Details of drainage; Submission of landscape details; Implementation and maintenance of agreed landscape scheme; Details of hard surfacing area including car park; laying out and retention of car parking; Details of all external lighting to be agreed and implemented before use commences; Travel Plan to be agreed and implemented; Tree protection measures in accordance with submitted and approved method statement; No event or other use, excluding specifically church related, within the building shall finish later than 11pm; Noise attenuation measures as agreed beforehand to be implemented before use commences; gas protection measures; noise conditions; compliance with terms of Phase I Habitat Survey; Details of areas for site offices, construction vehicles, and storage of materials during construction; Means of preventing mud from leaving the site during construction; details of vehicular signage to be agreed, control rear doors, coffee shop to be used ancillary to church use only; details of safety barriers to be approved; secure cycle provision

Background Papers

P/12/0120/FP

Updates

The first paragraph under site description should read the Church was permitted in 1988, not 1998.

For point of clarification, the distance between the application site boundary and the rear garden boundaries of properties in Ascot Close to the rear range from 12 - 15 metres and the distance between the proposed extension and the houses in Ascot Close ranges between 37 - 40 metres.

FAREHAM

BOROUGH COUNCIL



Locks Heath Free Church
255 Hunts Pond Road
Scale 1:1,250



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Hilary Term
[2012] UKSC 13
On appeal from: [2011] CSIH 9

JUDGMENT

Tesco Stores Limited (Appellants) v Dundee City Council (Respondents) (Scotland)

before

Lord Hope, Deputy President
Lord Brown
Lord Kerr
Lord Dyson
Lord Reed

JUDGMENT GIVEN ON

21 March 2012

Heard on 15 and 16 February 2012

Appellants
Martin Kingston QC
Jane Munro
(Instructed by Semple
Fraser LLP)

Respondents
Douglas Armstrong QC
James Findlay QC
(Instructed by Gillespie
Macandrew LLP)

*Interveners (Asda Stores
Limited and MacDonald
Estates Group PLC)*
Malcolm Thomson QC
Kenny McBrearty
(Instructed by Brodies
LLP)

LORD REED (with whom Lord Brown, Lord Kerr and Lord Dyson agree)

1. If you drive into Dundee from the west along the A90 (T), you will pass on your left a large industrial site. It was formerly occupied by NCR, one of Dundee's largest employers, but its factory complex closed some years ago and the site has lain derelict ever since. In 2009 Asda Stores Ltd and MacDonald Estates Group plc, the interveners in the present appeal, applied for planning permission to develop a superstore there. Dundee City Council, the respondents, concluded that a decision to grant planning permission would not be in accordance with the development plan, but was nevertheless justified by other material considerations. Their decision to grant the application is challenged in these proceedings by Tesco Stores Ltd, the appellants, on the basis that the respondents proceeded on a misunderstanding of one of the policies in the development plan: a misunderstanding which, it is argued, vitiated their assessment of whether a departure from the plan was justified. In particular, it is argued that the respondents misunderstood a requirement, in the policies concerned with out of centre retailing, that it must be established that no suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centres.

The legislation

2. Section 37(2) of the Town and Country Planning (Scotland) Act 1997, as in force at the time of the relevant decision, provides:

“In dealing with [an application for planning permission] the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.”

Section 25 provides:

“Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination is, unless material considerations indicate otherwise –

(a) to be made in accordance with that plan...”

The development plan

3. The development plan in the present case is an “old development plan” within the meaning of paragraph 1 of Schedule 1 to the 1997 Act. As such, it is defined by section 24 of the 1997 Act, as that section applied before the coming into force of section 2 of the Planning Etc. (Scotland) Act 2006, as including the approved structure plan and the adopted or approved local plan. The relevant structure plan in the present case is the Dundee and Angus Structure Plan, which became operative in 2002, at a time when the NCR plant remained in operation. As is explained in the introduction to the structure plan, its purpose is to provide a long term vision for the area and to set out the broad land use planning strategy guiding development and change. It includes a number of strategic planning policies. It sets the context for local plans, which translate the strategy into greater detail. Its preparation took account of national planning policy guidelines.

4. The structure plan includes a chapter on town centres and retailing. The introduction explains that the relevant Government guidance is contained in National Planning Policy Guidance 8, *Town Centres and Retailing* (revised 1998). I note that that document (NPPG 8) was replaced in 2006 by *Scottish Planning Policy: Town Centres and Retailing* (SPP 8), which was in force at the time of the decision under challenge, and which was itself replaced in 2010 by *Scottish Planning Policy* (SPP). The relevant sections of all three documents are in generally similar terms. The structure plan continues, at para 5.2:

“A fundamental principle of NPPG 8 is that of the sequential approach to site selection for new retail developments ... On this basis, town centres should be the first choice for such developments, followed by edge of centre sites and, only after this, out of centre sites which are currently or potentially accessible by different means of transport.”

In relation to out of centre developments, that approach is reflected in Town Centres and Retailing Policy 4: Out of Centre Retailing:

“In keeping with the sequential approach to site selection for new retail developments, proposals for new or expanded out of centre retail developments in excess of 1000 sq m gross will only be acceptable where it can be established that:

- no suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centres;
- individually or cumulatively it would not prejudice the vitality and viability of existing city, town or district centres;
- the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of the above centres;
- the site is readily accessible by modes of transport other than the car;
- the proposal is consistent with other Structure Plan policies.”

5. The relevant local plan is the Dundee Local Plan, which came into operation in 2005, prior to the closure of the NCR plant. Like the structure plan, it notes that national planning policy guidance emphasises the need to protect and enhance the vitality and viability of town centres. It continues, at para 52.2:

“As part of this approach planning authorities should adopt a sequential approach to new shopping developments with first preference being town centres, which in Dundee’s case are the City centre and the District Centres.”

That approach is reflected in Policy 45: Location of New Retail Developments:

“The City Centre and District Centres will be the locations of first choice for new or expanded retail developments not already identified in the Local Plan. Proposals for retail developments outwith these locations will only be acceptable where it can be established that:

- a) no suitable site is available, in the first instance, within and thereafter on the edge of the City Centre or District Centres; and

- b) individually or cumulatively it would not prejudice the vitality and viability of the City Centre or District Centres; and
- c) the proposal would address a deficiency in shopping provision which cannot be met within or on the edge of these centres; and
- d) the site is readily accessible by modes of transport other than the car; and
- e) the proposal is consistent with other Local Plan policies.”

6. It is also relevant to note the guidance given in NPPG 8, as revised in 1998, to which the retailing sections of the structure plan and the local plan referred. Under the heading “Sequential Approach”, the guidance stated:

“12. Planning authorities and developers should adopt a sequential approach to selecting sites for new retail, commercial leisure developments and other key town centre uses ... First preference should be for town centre sites, where sites or buildings suitable for conversion are available, followed by edge-of-centre sites, and only then by out-of-centre sites in locations that are, or can be made easily accessible by a choice of means of transport ...

13. In support of town centres as the first choice, the Government recognises that the application of the sequential approach requires flexibility and realism from developers and retailers as well as planning authorities. In preparing their proposals developers and retailers should have regard to the format, design, scale of the development, and the amount of car parking in relation to the circumstances of the particular town centre. In addition they should also address the need to identify and assemble sites which can meet not only their requirements, but in a manner sympathetic to the town setting. As part of such an approach, they should consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals, in order that their scale might offer a better fit with existing development in the town centre ...

14. Planning authorities should also be responsive to the needs of retailers and other town centre businesses. In consultation with the private sector, they should assist in identifying sites in the town

centre which could be suitable and viable, for example, in terms of size and siting for the proposed use, and are likely to become available in a reasonable time ...

15. Only if it can be demonstrated that all town centre options have been thoroughly addressed and a view taken on availability, should less central sites in out-of-centre locations be considered for key town centre uses. Where development proposals in such locations fall outwith the development plan framework, it is for developers to demonstrate that town centre and edge-of-centre options have been thoroughly assessed. Even where a developer, as part of a sequential approach, demonstrates an out-of-centre location to be the most appropriate, the impact on the vitality and viability of existing centres still has to be shown to be acceptable ...”

The consideration of the application

7. The interveners’ application was for planning permission to develop a foodstore, café and petrol filling station, with associated car parking, landscaping and infrastructure, including access roads. The proposals also involved improvements to the junction with the A90 (T), the upgrading of a pedestrian underpass, the provision of footpaths and cycle ways, and improvements to adjacent roadways. A significant proportion of the former NCR site lay outside the application site. It was envisaged that vehicular access to this land could be achieved using one of the proposed access roads.

8. In his report to the respondents, the Director of City Development advised that the application was contrary to certain aspects of the employment and retailing policies of the development plan. In relation to the employment policies, in particular, the proposal was contrary to policies which required the respondents to safeguard the NCR site for business use. The Director considered however that the application site was unlikely to be re-developed for business uses in the short term, and that its re-development as proposed would improve the development prospects of the remainder of the NCR site. In addition, the infrastructure improvements would provide improved access which would benefit all businesses in an adjacent industrial estate.

9. In relation to the retailing policies, the Director considered the application in the light of the criteria in Retailing Policy 4 of the structure plan. In relation to the first criterion he stated:

“It must be demonstrated, in the first instance, that no suitable site is available for the development either within the city/district centres or, thereafter on the edge of these centres ... While noting that the Lochee District Centre lies within the primary catchment area for the proposal, [the retail statement submitted on behalf of the interveners] examines the potential site opportunities in and on the edge of that centre and also at the Hilltown and Perth Road District Centres. The applicants conclude that there are no sites or premises available in or on the edge of existing centres capable of accommodating the development under consideration. Taking account of the applicant’s argument it is accepted that at present there is no suitable site available to accommodate the proposed development.”

In relation to the remaining criteria, the Director concluded that the proposed development was likely to have a detrimental effect on the vitality and viability of Lochee District Centre, and was therefore in conflict with the second criterion. The potential impact on Lochee could however be minimised by attaching conditions to any permission granted so as to restrict the size of the store, limit the type of goods for sale and prohibit the provision of concessionary units. The proposal was also considered to be in conflict with the third criterion: there was no deficiency in shopping provision which the proposal would address. The fourth criterion, concerned with accessibility by modes of transport other than the car, was considered to be met. Similar conclusions were reached in relation to the corresponding criteria in Policy 45 of the local plan.

10. In view of the conflict with the employment and retailing policies, the Director considered that the proposal did not fully comply with the provisions of the development plan. He identified however two other material considerations of particular significance. First, the proposed development would bring economic benefits to the city. The closure of the NCR factory had been a major blow to the economy, but the re-development of the application site would create more jobs than had been lost when the factory finally closed. The creation of additional employment opportunities within the city was considered to be a strong material consideration. Secondly, the development would also provide a number of planning benefits. There would be improvements to the strategic road network which would assist in the free flow of traffic along the A90 (T). The development would also assist in the re-development of the whole of the former NCR site through the provision of enhanced road access and the clearance of buildings from the site. The access improvements would also assist in the development of an economic development area to the west. These benefits were considered to be another strong material consideration.

11. The Director concluded that the proposal was not in accordance with the development plan, particularly with regard to the employment and retailing

policies. There were however other material considerations of sufficient weight to justify setting aside those policies and offering support for the development, subject to suitable conditions. He accordingly recommended that consent should be granted, subject to specified conditions.

12. The application was considered by the respondents' entire council sitting as the respondents' Development Quality Committee. After hearing submissions on behalf of the interveners and also on behalf of the appellants, the respondents decided to follow the Director's recommendation. The reasons which they gave for their decision repeated the Director's conclusions:

“It is concluded that the proposal does not undermine the core land use and environmental strategies of the development plan. The planning and economic benefits that would accrue from the proposed development would be important to the future development and viability of the city as a regional centre. These benefits are considered to be of a significant weight and sufficient to set aside the relevant provisions of the development plan.”

The present proceedings

13. The submissions on behalf of the appellants focused primarily upon an alleged error of interpretation of the first criterion in Retailing Policy 4 of the structure plan, and of the equivalent criterion in Policy 45 of the local plan. If there was a dispute about the meaning of a development plan policy which the planning authority was bound to take into account, it was for the court to determine what the words were capable of meaning. If the planning authority attached a meaning to the words which they were not properly capable of bearing, then it made an error of law, and failed properly to understand the policy. In the present case, the Director had interpreted “suitable” as meaning “suitable for the development proposed by the applicant”; and the respondents had proceeded on the same basis. That was not however a tenable meaning. Properly interpreted, “suitable” meant “suitable for meeting identified deficiencies in retail provision in the area”. Since no such deficiency had been identified, it followed on a proper interpretation of the plan that the first criterion did not require to be considered: it was inappropriate to undertake the sequential approach. The Director's report had however implied that the first criterion was satisfied, and that the proposal was to that extent in conformity with the sequential approach. The respondents had proceeded on that erroneous basis. They had thus failed to identify correctly the extent of the conflict between the proposal and the development plan. In consequence, their assessment of whether other material considerations justified a departure from the plan was inherently flawed.

14. The respondents had compounded their error, it was submitted, by treating the proposed development as definitive when assessing whether a “suitable” site was available. That approach permitted developers to drive a coach and horses through the sequential approach: they could render the policy nugatory by the simple expedient of putting forward proposals which were so large that they could only be accommodated outside town and district centres. In the present case, there was a site available in Lochee which was suitable for food retailing and which was sequentially preferable to the application site. The Lochee site had been considered as part of the assessment of the proposal, but had been found to be unsuitable because it could not accommodate the scale of development to which the interveners aspired.

15. In response, counsel for the respondents submitted that it was for the planning authority to interpret the relevant policy, exercising its planning judgment. Counsel accepted that, if there was a dispute about the meaning of the words in a policy document, it was for the court to determine as a matter of law what the words were capable of meaning. The planning authority would only make an error of law if it attached a meaning to the words which they were not capable of bearing. In the present case, the relevant policies required all the specified criteria to be satisfied. The respondents had proceeded on the basis that the proposal failed to accord with the second and third criteria. In those circumstances, the respondents had correctly concluded that the proposal was contrary to the policies in question. How the proposal had been assessed against the first criterion was immaterial.

16. So far as concerned the assessment of “suitable” sites, the interveners’ retail statement reflected a degree of flexibility. There had been a consideration of all sites of at least 2.5 ha, whereas the application site extended to 6.68 ha. The interveners had also examined sites which could accommodate only food retailing, whereas their application had been for both food and non-food retailing. The Lochee site extended to only 1.45 ha, and could accommodate a store of only half the size proposed. It also had inadequate car parking. The Director, and the respondents, had accepted that it was not a suitable site for these reasons.

Discussion

17. It has long been established that a planning authority must proceed upon a proper understanding of the development plan: see, for example, *Gransden & Co Ltd v Secretary of State for the Environment* (1985) 54 P & CR 86, 94 per Woolf J, affd (1986) 54 P & CR 361; *Horsham DC v Secretary of State for the Environment* (1991) 63 P & CR 219, 225-226 per Nolan LJ. The need for a proper understanding follows, in the first place, from the fact that the planning authority is required by statute to have regard to the provisions of the development plan: it

cannot have regard to the provisions of the plan if it fails to understand them. It also follows from the legal status given to the development plan by section 25 of the 1997 Act. The effect of the predecessor of section 25, namely section 18A of the Town and Country (Planning) Scotland Act 1972 (as inserted by section 58 of the Planning and Compensation Act 1991), was considered by the House of Lords in the case of *City of Edinburgh Council v Secretary of State for Scotland* 1998 SC (HL) 33, [1997] 1 WLR 1447. It is sufficient for present purposes to cite a passage from the speech of Lord Clyde, with which the other members of the House expressed their agreement. At p 44, 1459, his Lordship observed:

“In the practical application of sec 18A it will obviously be necessary for the decision-maker to consider the development plan, identify any provisions in it which are relevant to the question before him and make a proper interpretation of them. His decision will be open to challenge if he fails to have regard to a policy in the development plan which is relevant to the application or fails properly to interpret it.”

18. In the present case, the planning authority was required by section 25 to consider whether the proposed development was in accordance with the development plan and, if not, whether material considerations justified departing from the plan. In order to carry out that exercise, the planning authority required to proceed on the basis of what Lord Clyde described as “a proper interpretation” of the relevant provisions of the plan. We were however referred by counsel to a number of judicial dicta which were said to support the proposition that the meaning of the development plan was a matter to be determined by the planning authority: the court, it was submitted, had no role in determining the meaning of the plan unless the view taken by the planning authority could be characterised as perverse or irrational. That submission, if correct, would deprive sections 25 and 37(2) of the 1997 Act of much of their effect, and would drain the need for a “proper interpretation” of the plan of much of its meaning and purpose. It would also make little practical sense. The development plan is a carefully drafted and considered statement of policy, published in order to inform the public of the approach which will be followed by planning authorities in decision-making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and planning authorities. As in other areas of administrative law, the policies which it sets out are designed to secure consistency and direction in the exercise of discretionary powers, while allowing a measure of flexibility to be retained. Those considerations point away from the view that the meaning of the plan is in principle a matter which each planning authority is entitled to determine from time to time as it pleases, within the limits of rationality. On the contrary, these considerations suggest that in principle, in this area of public administration as in others (as discussed, for example, in *R (Raissi) v Secretary of State for the Home Department* [2008] QB 836), policy statements should be interpreted

objectively in accordance with the language used, read as always in its proper context.

19. That is not to say that such statements should be construed as if they were statutory or contractual provisions. Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse (*Tesco Stores Ltd v Secretary of State for the Environment* [1995] 1 WLR 759, 780 per Lord Hoffmann). Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean.

20. The principal authority referred to in relation to this matter was the judgment of Brooke LJ in *R v Derbyshire County Council, Ex p Woods* [1997] JPL 958 at 967. Properly understood, however, what was said there is not inconsistent with the approach which I have described. In the passage in question, Brooke LJ stated:

“If there is a dispute about the meaning of the words included in a policy document which a planning authority is bound to take into account, it is of course for the court to determine as a matter of law what the words are capable of meaning. If the decision maker attaches a meaning to the words they are not properly capable of bearing, then it will have made an error of law, and it will have failed properly to understand the policy.”

By way of illustration, Brooke LJ referred to the earlier case of *Northavon DC v Secretary of State for the Environment* [1993] JPL 761, which concerned a policy applicable to “institutions standing in extensive grounds”. As was observed, the words spoke for themselves, but their application to particular factual situations would often be a matter of judgment for the planning authority. That exercise of judgment would only be susceptible to review in the event that it was unreasonable. The latter case might be contrasted with the case of *R (Heath and Hampstead Society) v Camden LBC* [2008] 2 P & CR 233, where a planning authority’s decision that a replacement dwelling was not “materially larger” than its predecessor, within the meaning of a policy, was vitiated by its failure to understand the policy correctly: read in its context, the phrase “materially larger” referred to the size of the new building compared with its predecessor, rather than

requiring a broader comparison of their relative impact, as the planning authority had supposed. Similarly in *City of Edinburgh Council v Scottish Ministers* 2001 SC 957 the reporter's decision that a licensed restaurant constituted "similar licensed premises" to a public house, within the meaning of a policy, was vitiated by her misunderstanding of the policy: the context was one in which a distinction was drawn between public houses, wine bars and the like, on the one hand, and restaurants, on the other.

21. A provision in the development plan which requires an assessment of whether a site is "suitable" for a particular purpose calls for judgment in its application. But the question whether such a provision is concerned with suitability for one purpose or another is not a question of planning judgment: it is a question of textual interpretation, which can only be answered by construing the language used in its context. In the present case, in particular, the question whether the word "suitable", in the policies in question, means "suitable for the development proposed by the applicant", or "suitable for meeting identified deficiencies in retail provision in the area", is not a question which can be answered by the exercise of planning judgment: it is a logically prior question as to the issue to which planning judgment requires to be directed.

22. It is of course true, as counsel for the respondents submitted, that a planning authority might misconstrue part of a policy but nevertheless reach the same conclusion, on the question whether the proposal was in accordance with the policy, as it would have reached if it had construed the policy correctly. That is not however a complete answer to a challenge to the planning authority's decision. An error in relation to one part of a policy might affect the overall conclusion as to whether a proposal was in accordance with the development plan even if the question whether the proposal was in conformity with the policy would have been answered in the same way. The policy criteria with which the proposal was considered to be incompatible might, for example, be of less weight than the criteria which were mistakenly thought to be fulfilled. Equally, a planning authority might misconstrue part of a policy but nevertheless reach the same conclusion as it would otherwise have reached on the question whether the proposal was in accordance with the development plan. Again, however, that is not a complete answer. Where it is concluded that the proposal is not in accordance with the development plan, it is necessary to understand the nature and extent of the departure from the plan which the grant of consent would involve in order to consider on a proper basis whether such a departure is justified by other material considerations.

23. In the present case, the Lord Ordinary rejected the appellants' submissions on the basis that the interpretation of planning policy was always primarily a matter for the planning authority, whose assessment could be challenged only on the basis of unreasonableness: there was, in particular, more than one way in

which the sequential approach could reasonably be applied ([2010] CSOH 128, para 23). For the reasons I have explained, that approach does not correctly reflect the role which the court has to play in the determination of the meaning of the development plan. A different approach was adopted by the Second Division: since, it was said, the proposal was in head-on conflict with the retail and employment policies of the development plan, and the sequential approach offered no justification for it, a challenge based upon an alleged misapplication of the sequential approach was entirely beside the point (2011 SC 457, [2011] CSIH 9, para 38). For the reasons I have explained, however, even where a proposal is plainly in breach of policy and contrary to the development plan, a failure properly to understand the policy in question may result in a failure to appreciate the full extent or significance of the departure from the development plan which the grant of consent would involve, and may consequently vitiate the planning authority's determination. Whether there has in fact been a misunderstanding of the policy, and whether any such misunderstanding may have led to a flawed decision, has therefore to be considered.

24. I turn then to the question whether the respondents misconstrued the policies in question in the present case. As I have explained, the appellants' primary contention is that the word "suitable", in the first criterion of Retailing Policy 4 of the structure plan and the corresponding Policy 45 of the local plan, means "suitable for meeting identified deficiencies in retail provision in the area", whereas the respondents proceeded on the basis of the construction placed upon the word by the Director of City Development, namely "suitable for the development proposed by the applicant". I accept, subject to a qualification which I shall shortly explain, that the Director and the respondents proceeded on the latter basis. Subject to that qualification, it appears to me that they were correct to do so, for the following reasons.

25. First, that interpretation appears to me to be the natural reading of the policies in question. They have been set out in paras 4 and 5 above. Read short, Retailing Policy 4 of the structure plan states that proposals for new or expanded out of centre retail developments will only be acceptable where it can be established that a number of criteria are satisfied, the first of which is that "no suitable site is available" in a sequentially preferable location. Policy 45 of the local plan is expressed in slightly different language, but it was not suggested that the differences were of any significance in the present context. The natural reading of each policy is that the word "suitable", in the first criterion, refers to the suitability of sites for the proposed development: it is the proposed development which will only be acceptable at an out of centre location if no suitable site is available more centrally. That first reason for accepting the respondents' interpretation of the policy does not permit of further elaboration.

26. Secondly, the interpretation favoured by the appellants appears to me to conflate the first and third criteria of the policies in question. The first criterion concerns the availability of a “suitable” site in a sequentially preferable location. The third criterion is that the proposal would address a deficiency in shopping provision which cannot be met in a sequentially preferable location. If “suitable” meant “suitable for meeting identified deficiencies in retail provision”, as the appellants contend, then there would be no distinction between those two criteria, and no purpose in their both being included.

27. Thirdly, since it is apparent from the structure and local plans that the policies in question were intended to implement the guidance given in NPPG 8 in relation to the sequential approach, that guidance forms part of the relevant context to which regard can be had when interpreting the policies. The material parts of the guidance are set out in para 6 above. They provide further support for the respondents’ interpretation of the policies. Paragraph 13 refers to the need to identify sites which can meet the requirements of developers and retailers, and to the scope for accommodating the proposed development. Paragraph 14 advises planning authorities to assist the private sector in identifying sites which could be suitable for the proposed use. Throughout the relevant section of the guidance, the focus is upon the availability of sites which might accommodate the proposed development and the requirements of the developer, rather than upon addressing an identified deficiency in shopping provision. The latter is of course also relevant to retailing policy, but it is not the issue with which the specific question of the suitability of sites is concerned.

28. I said earlier that it was necessary to qualify the statement that the Director and the respondents proceeded, and were correct to proceed, on the basis that “suitable” meant “suitable for the development proposed by the applicant”. As paragraph 13 of NPPG 8 makes clear, the application of the sequential approach requires flexibility and realism from developers and retailers as well as planning authorities. The need for flexibility and realism reflects an inbuilt difficulty about the sequential approach. On the one hand, the policy could be defeated by developers’ and retailers’ taking an inflexible approach to their requirements. On the other hand, as Sedley J remarked in *R v Teesside Development Corporation, Ex p William Morrison Supermarket plc and Redcar and Cleveland BC* [1998] JPL 23, 43, to refuse an out-of-centre planning consent on the ground that an admittedly smaller site is available within the town centre may be to take an entirely inappropriate business decision on behalf of the developer. The guidance seeks to address this problem. It advises that developers and retailers should have regard to the circumstances of the particular town centre when preparing their proposals, as regards the format, design and scale of the development. As part of such an approach, they are expected to consider the scope for accommodating the proposed development in a different built form, and where appropriate adjusting or sub-dividing large proposals, in order that their scale may fit better with existing

development in the town centre. The guidance also advises that planning authorities should be responsive to the needs of retailers. Where development proposals in out-of-centre locations fall outside the development plan framework, developers are expected to demonstrate that town centre and edge-of-centre options have been thoroughly assessed. That advice is not repeated in the structure plan or the local plan, but the same approach must be implicit: otherwise, the policies would in practice be inoperable.

29. It follows from the foregoing that it would be an over-simplification to say that the characteristics of the proposed development, such as its scale, are necessarily definitive for the purposes of the sequential test. That statement has to be qualified to the extent that the applicant is expected to have prepared his proposals in accordance with the recommended approach: he is, for example, expected to have had regard to the circumstances of the particular town centre, to have given consideration to the scope for accommodating the development in a different form, and to have thoroughly assessed sequentially preferable locations on that footing. Provided the applicant has done so, however, the question remains, as Lord Glennie observed in *Lidl UK GmbH v Scottish Ministers* [2006] CSOH 165, para 14, whether an alternative site is suitable for the proposed development, not whether the proposed development can be altered or reduced so that it can be made to fit an alternative site.

30. In the present case, it is apparent that a flexible approach was adopted. The interveners did not confine their assessment to sites which could accommodate the development in the precise form in which it had been designed, but examined sites which could accommodate a smaller development and a more restricted range of retailing. Even taking that approach, however, they did not regard the Lochee site vacated by the appellants as being suitable for their needs: it was far smaller than they required, and its car parking facilities were inadequate. In accepting that assessment, the respondents exercised their judgment as to how the policy should be applied to the facts: they did not proceed on an erroneous understanding of the policy.

31. Finally, I would observe that an error by the respondents in interpreting their policies would be material only if there was a real possibility that their determination might otherwise have been different. In the particular circumstances of the present case, I am not persuaded that there was any such possibility. The considerations in favour of the proposed development were very powerful. They were also specific to the particular development proposed: on the information before the respondents, there was no prospect of any other development of the application site, or of any development elsewhere which could deliver equivalent planning and economic benefits. Against that background, the argument that a different decision might have been taken if the respondents had been advised that

the first criterion in the policies in question did not arise, rather than that criterion had been met, appears to me to be implausible.

Conclusion

32. For these reasons, and those given by Lord Hope, with which I am in entire agreement, I would dismiss the appeal.

LORD HOPE

33. The question that lies at the heart of this case is whether the respondents acted unlawfully in their interpretation of the sequential approach which both the structure plan and the relevant local plan required them to adopt to new retail developments within their area. According to that approach, proposals for new or expanded out of centre developments of this kind are acceptable only where it can be established, among other things, that no suitable site is available, in the first instance, within and thereafter on the edge of city, town or district centres. Is the test as to whether no suitable site is available in these locations, when looked at sequentially, to be addressed by asking whether there is a site in each of them in turn which is suitable for the proposed development? Or does it direct attention to the question whether the proposed development could be altered or reduced so as to fit into a site which is available there as a location for this kind of development?

34. The sequential approach is described in National Planning Policy Guidance Policy 8, *Town Centres and Retailing*, para 5.2 as a fundamental principle of NPPG 8. In *R v Rochdale Metropolitan Borough Council, Ex p Milne*, 31 July 2000, not reported, paras 48-49, Sullivan J said that it was not unusual for development plan policies to pull in different directions and, having regard to what Lord Clyde said about the practical application of the statutory rule in *City of Edinburgh v Secretary of State for Scotland* 1998 SC (HL) 33 at p 44, that he regarded as untenable the proposition that if there was a breach of any one policy in a development plan a proposed development could not be said to be “in accordance with the plan”. In para 52 he said that the relative importance of a given policy to the overall objectives of the development plan was essentially a matter for the judgment of the local planning authority and that a legalistic approach to the interpretation of development plan policies was to be avoided.

35. I see no reason to question these propositions, to which Mr Kingston QC for the appellants drew our attention in his reply to Mr Armstrong’s submissions for the respondents. But I do not think that they are in point in this case. We are concerned here with a particular provision in the planning documents to which the

respondents are required to have regard by the statute. The meaning to be given to the crucial phrase is not a matter that can be left to the judgment of the planning authority. Nor, as the Lord Ordinary put it in his opinion at [2010] CSOH 128, para 23, is the interpretation of the policy which it sets out primarily a matter for the decision maker. As Mr Thomson for the interveners pointed out, the challenge to the respondents' decision to follow the Director's recommendation and approve the proposed development is not that it was *Wednesbury* unreasonable but that it was unlawful. I agree with Lord Reed that the issue is one of law, reading the words used objectively in their proper context.

36. In *Lidl UK GmbH v The Scottish Ministers* [2006] CSOH 165 the appellants appealed against a decision of the Scottish Ministers to refuse planning permission for a retail unit to be developed on a site outwith Irvine town centre. The relevant provision in the local plan required the sequential approach to be adopted to proposals for new retail development out with the town centre boundaries. Among the criteria that had to be satisfied was the requirement that no suitable sites were available, or could reasonably be made available, in or on the edge of existing town centres. In other words, town centre sites were to be considered first before edge of centre or out of town sites. The reporter held that the existing but soon to be vacated Lidl town centre site was suitable for the proposed development, although it was clear as a matter of fact that this site could not accommodate it. In para 13 Lord Glennie noted that counsel for the Scottish Ministers accepted that a site would be "suitable" in terms of the policy only if it was suitable for, or could accommodate, the development as proposed by the developer. In para 14 he said that the question was whether the alternative town centre site was suitable for the proposed development, not whether the proposed development could be altered or reduced so that it could fit in to it.

37. Mr Kingston submitted that Lord Glennie's approach would rob the sequential approach of all its force, and in the Inner House it was submitted that his decision proceeded on a concession by counsel which ought not to have been made: [2011] CSIH 9, 2011 SC 457, para 31. But I think that Lord Glennie's interpretation of the phrase was sound and that counsel was right to accept that it had the meaning which she was prepared to give to it. The wording of the relevant provision in the local plan in that case differed slightly from that with which we are concerned in this case, as it included the phrase "or can reasonably be made available". But the question to which it directs attention is the same. It is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.

38. The context in which the word "suitable" appears supports this interpretation. It is identified by the opening words of the policy, which refer to "proposals for new or expanded out of centre retail developments" and then set out

the only circumstances in which developments outwith the specified locations will be acceptable. The words “the proposal” which appear in the third and fifth of the list of the criteria which must be satisfied serve to reinforce the point that the whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer. It is worth noting too that the phrase “no suitable site is available” appears in Policy 46 of the local plan relating to commercial developments. Here too the context indicates that the issue of suitability is directed to the developer’s proposals, not some alternative scheme which might be suggested by the planning authority. I do not think that this is in the least surprising, as developments of this kind are generated by the developer’s assessment of the market that he seeks to serve. If they do not meet the sequential approach criteria, bearing in mind the need for flexibility and realism to which Lord Reed refers in para 28, above, they will be rejected. But these criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.

39. For these reasons which I add merely as a footnote I agree with Lord Reed, for all the reasons he gives, that this appeal should be dismissed. I would affirm the Second Division’s interlocutor.



Department for
Communities and
Local Government

Roy Pinnock
SNR Dentons UK LLP
One Fleet Place
LONDON
EC4M 7WS

Our Ref: APP/G2815/V/12/2190175
Your Ref: MFXB/95642.00002

11 June 2014

Dear Sir

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 77
APPLICATION BY LXB RP (RUSHDEN) LIMITED
LAND ADJACENT SKEW BRIDGE SKI SLOPE, NORTHAMPTON ROAD,
RUSHDEN
APPLICATION REF: EN/12/00010/FUL**

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, Harold Stephens BA MPhil Dip TP MRTPI FRSA, who held a public local inquiry on 25-28 June, 2-5 July and 9-12 July 2013 into your client's hybrid planning application comprising: a full application for the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants, boathouse, together with proposals for access and an outline application for the erection of a hotel, crèche and leisure club with some matters reserved (appearance); plus removal of ski slope and associated levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop (application Ref. EN/12/00010/FUL dated 20 December 2011).
2. On 7 January 2013, the Secretary of State directed, in pursuance of Section 77 of the Town and Country Planning Act 1990, that your client's application be referred to him instead of being dealt with by the local planning authority, East Northamptonshire District Council ("the Council").

Inspector's recommendation and summary of the decision

3. The Inspector recommended that planning permission should be granted subject to conditions. For the reasons given below, the Secretary of State agrees with the Inspector's recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to the IR.

Procedural matters

4. For the reasons set out in IR1.5, the Secretary of State agrees with the Inspector that no procedural unfairness arose as a consequence of the submission on the last day of the inquiry of a Unilateral Planning Obligation concerning the provision of an improved bus service (IR1.4-1.5).
5. The Secretary of State has had regard to correspondence submitted too late to be considered by the Inspector, as set out in Annex B to this letter. He has carefully considered these representations but, as they do not raise new matters that would affect his decision, he has not considered it necessary to circulate them to all parties. Furthermore, the Secretary of State wrote to the main inquiry parties on 10 March 2014, inviting comment on the Planning Guidance which was published on 6 March and on any material change in circumstances, fact or policy, which may have arisen since the close of the inquiry which the parties considered relevant. The responses received were circulated for further comment on 7 April. A list of the representations received is set out in Annex C to this letter. The Secretary of State has carefully considered these but is satisfied that they do not raise any new material considerations sufficient to affect the decision in this case. Copies of the representations listed in Annexes B and C can be made available on written request to the address at the foot of the first page of this letter.
6. The Secretary of State notes (IR1.12 and 8.2) that planning permission for a business park was granted in 2002 on the whole of the previously developed land, and that this permission, along with succeeding permissions which remain extant, include a pedestrian and cycle bridge across the A45 and a condition requiring an Access and Management Plan for the ski lake and its immediate environs.
7. The Secretary of State agrees with the Inspector that the Environmental Statement, in conjunction with the supplementary environmental information (as set out in IR1.22), meets the requirements of the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 and provides the data and information required to adequately assess the impacts on the environment of the proposed development (IR1.23).

Policy considerations

8. In determining these applications, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case the development plan consists of the North Northamptonshire Core Spatial Strategy 2008 (NNJCS) and the saved policies of the East Northampton Local Plan (1996) (LP). The Secretary of State considers that the development plan policies most relevant to this case are those set out at IR1.26-1.31. He notes that the Minerals and Waste Core Strategy DPD identifies the application site as a "Sand and gravel safeguarding area" (Policy CS10); but agrees with the Inspector that, given that the principle of development on the site is already established through earlier consents, the site's current designation as a

Minerals Safeguarding Area under Policy CS10 is less relevant in this case (IR1.33).

9. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework (the Framework); the associated Planning Guidance; and the Nene Valley Strategic Plan.
10. In determining this application, the Secretary of State has also had regard to the Emerging Draft North Northamptonshire Joint Core Strategy 2011-2031, which he notes envisages an enhanced role for Rushden (IR1.34), and the emerging Four Towns Plan (IR1.35). However, for the reasons given in IR8.6, he agrees with the Inspector that little weight can be afforded to these plans.

Main issues

Development plan and sustainable development

11. For the reasons in IR8.8-8.9, the Secretary of State agrees with the Inspector that the application is not in accordance with the NNJCS spatial strategy, particularly Policies 1 and 12 (IR8.9 and 8.13-8.14). However, he also agrees with the Inspector that there are other parts of the NNJCS with which the application is wholly in accordance, including The Vision for North Northamptonshire (IR8.10). He agrees with the Inspector that the development would assist in meeting the vision by delivering jobs for which there is a step-change requirement; delivering investment in services and facilities which would assist in making North Northamptonshire a “*more self-sufficient area*” and better able to meet the needs of the growing population in the south of that area; regenerating Rushden; and enhancing the environment of Rushden Lakes and the Nene Valley (IR8.10). He also agrees that the proposals accord with most of the objectives for realising the vision in the NNJCS, notably 1, 2, 3, 5, 6, 7, 8 and 9; and that the proposals are also in broad compliance with Policies 5, 8 and 13 (IR8.12).
12. The Secretary of State agrees with the Inspector that a founding principle of the NNJCS is to increase the self sufficiency of North Northamptonshire (IR8.11); and he notes that paragraph 3.11 of the NNJCS and Policy 12 expressly provide for applications to be considered on their merits against tests which recognise the importance of retaining expenditure there (IR8.11). The Secretary of State also agrees with the Inspector (IR8.15) that, for the reasons in IR8.16-8.29, Policies 1 and 2 of the NNJCS are out of date; and, for the reasons in IR8.22-8.28, that Policy 12 of the NNJCS is also out of date (IR8.22). The Secretary of State also agrees with the Inspector that the NNJCS has failed to deliver the growth necessary to enhance the self sufficiency of the area (IR8.30); and that, in so far as the adopted LP contains/relies on the allocation of the application site as an employment commitment, it is also not up-to-date. The Secretary of State also notes that the North Northamptonshire Joint Planning Unit (NNJPU) has not been able to agree a retail strategy for the emerging NNJCS (IR8.32-8.33).

Conclusion on development plan

13. For the reasons set out above and in IR8.34, the Secretary of State agrees with the Inspector that, while the proposal would accord with a number of

development plan policies and objectives, it would not wholly accord with the NNJCS spatial strategy and therefore would not be in accordance with the development plan as a whole. However, he also agrees with the Inspector that the key policies and provisions in the adopted development plan are out-of-date; and that, applying paragraphs 18 to 219 of the Framework as a whole, the proposal amounts to sustainable development which, as local people have themselves indicated, would achieve positive improvements in the quality of the built and natural environment and in their quality of life.

Vitality of town centres

14. For the reasons given in IR8.37-8.42, the Secretary of State agrees with the Inspector's conclusions on the need and scale tests.

Sequential test

15. The Secretary of State agrees with the Inspector that the application site is out of centre and that the sequential test would be satisfied if "suitable [in or edge of centre] sites are not available", albeit that that involves consideration of the question of "flexibility" (IR8.43). Furthermore, having regard to the arguments put forward by the Inspector at IR8.44-8.48, the Secretary of State agrees with his conclusion at IR8.48 that the sequential test relates entirely to the application proposal and whether it can be accommodated on an actual alternative site (eg a town centre site). The Secretary of State agrees with the Inspector's conclusions on the sequential test in IR8.48. He notes that the Framework requires developers to demonstrate flexibility on issues such as format and scale (IR8.49); and that the new Planning Guidance asks decision-makers to consider whether there is scope for flexibility in the format and/or scale of a proposal, making it clear that it is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
16. Having regard to this, and for the reasons in IR8.50, the Secretary of State agrees with the Inspector that the applicant has demonstrated flexibility on format and scale and that the whole scheme could not realistically be moved to another location. He agrees with the Inspector that there is no requirement to disaggregate (IR8.47 and 8.51) and, for the reasons in IR8.51, he also agrees that it would be inappropriate for a significant part of the Rushden Lakes scheme to be located in Northampton (8.51).
17. For the reasons in IR8.52-8.53, the Secretary of State agrees with the Inspector (IR8.54) that it is sensible to identify an area of search for sequentially superior sites encompassing zones 9-11; and, for the reasons in IR8.55-8.57, he agrees (IR8.58) that there is no suitable and available sequentially superior site.

Impact test

18. The Secretary of State agrees with the Inspector's conclusions in IR8.59 with regard to the impact test.

(i) Existing, committed and planned public and private investment

19. For the reasons in IR8.61, the Secretary of State agrees with the Inspector that there is no evidence that any planned investment in Wellingborough is being actively progressed, that any plans have reached further than embryonic stage, or that any developer is committed. The Secretary of State has had regard to GL Hearn's letter of 28 March on behalf of Kennedy Wilson, the owners of the Swansgate Shopping Centre in Wellingborough (as listed at Annex C), but he does not consider this suggests the situation regarding planned investment in Wellingborough has changed since the close of the inquiry. He also notes that Wellingborough Chamber of Commerce and Wellingborough Borough Council fully support the Rushden Lakes proposal (IR8.61).
20. With regard to Northampton, having carefully considered the Inspector's reasoning and conclusions regarding the Grosvenor Centre in IR8.62-8.65, the Secretary of State agrees with his conclusion in IR8.66 and, like the Inspector, is not persuaded that a grant of planning permission at Rushden Lakes would preclude future investment at the Grosvenor Centre on the grounds of viability (IR8.66).
21. For the reasons in IR8.67, and having regard to Corby Borough Council's letter of 25 March (as listed in Annex C), the Secretary of State agrees with the Inspector that there is no compelling evidence of any significant adverse effect on planned investment in Corby; and he notes that all the retail impact analysis demonstrates that the measured effect on Corby is very small. For the reasons given at IR8.68, and having regard to Maples Teesdale's letters of 31 March and 14 April 2014 on behalf of PR Kettering Ltd (as listed in Annex C), the Secretary of State also agrees with the Inspector that, although there is some policy support for improvements in Kettering, there is no evidence of any scheme being progressed for comprehensive redevelopment as set out in the Area Action Plan or that the situation regarding planned investment there has changed significantly since the close of the inquiry.

(ii) Impact on town centre vitality and viability

22. For the reasons in IR8.70, the Secretary of State agrees with the Inspector that it is unlikely that substantial numbers of people living in Northampton and beyond would be drawn to Rushden Lakes. He also agrees (IR8.71) that, at present, there is significant leakage of comparison goods expenditure from Rushden, its home zone and all the other zones in North Northamptonshire; that Rushden and the other towns in North Northamptonshire are failing to provide sufficient choice and quality in their comparison goods offer; and that their residents travel further afield for comparison goods shopping counter to the fundamental strategic objective of the NNJCS to retain more of such expenditure within North Northamptonshire. The Secretary of State also agrees with the Inspector that, for the reasons given in IR8.72, this outflow of expenditure results in an overall disbenefit to the local community.
23. The Secretary of State also agrees with the Inspector (IR8.73) that it is relevant to note that, over half way through the NNJCS period, the growth earmarked for Wellingborough has not been achieved and that, in the context for considering the retail impact of Rushden Lakes, Terraces B and C are no

larger than the amount of floorspace that the NNJCS allocates to Wellingborough to increase retention of trade within North Northamptonshire.

24. For the reasons in IR8.74-8.79, the Secretary of State agrees with the Inspector that the Local Authority Consortium's estimated turnover is too high to be realistic (IR8.79); and that its judgement is based on disproportionate differentials between town centres and out of centre retail parks (IR8.82). The Secretary of State also agrees with the Inspector that, for the reasons given at IR 8.86, the effect on Corby, Kettering and Northampton town centres would not be significant (IR8.86), and that, although the effect on Wellingborough is more finely balanced, Wellingborough Borough Council has not withheld its support for Rushden Lakes on the grounds of adverse retail impact.

Conclusion on vitality of town centres

25. For the reasons set out above, the Secretary of State agrees with the Inspector's conclusion at IR8.87 that consideration of the terms of the Framework and the Planning Guidance does not indicate that planning permission should be refused in this case (IR8.87).

Sustainable transport and accessibility to jobs, leisure facilities and services by public transport, walking and cycling; and reducing the need to travel, especially by car

26. For the reasons in IR8.88–8.92, the Secretary of State agrees with the Inspector that, in terms of paragraph 34 of the Framework, the decision maker should look to what is practicable in the particular circumstances of the site and its location (IR8.90); that the sequential test in paragraph 24 of the Framework contains a preference for well-connected sites, not an absolute requirement (IR8.91); and that there is a very full Statement of Common Ground reflecting extensive agreement on transport matters (IR8.92).
27. The Secretary of State agrees with the Inspector that the new footbridge would reconnect the town with the Lakes, joining together the employment, residential and retail uses and that the appellant's 2km walking catchment area is reasonable (IR8.93). He also notes that the Ramblers Association has welcomed the improved pedestrian and cyclist access (IR8.95); and he agrees that cycling use would increase with improved connections planned not just by the appellant but also in conjunction with the WEAST development at Wellingborough and the continuing improvements planned along the Nene Valley (IR8.96).
28. On the basis of the evidence before him, and for the reasons in IR8.99, the Secretary of State agrees with the Inspector that the application site is not as accessible as might be expected for a development of its size and type, although the enhancements to bus provision proposed by the appellant would significantly improve accessibility (IR8.99). He agrees with the Inspector that it is necessary to provide a new half hourly bus service seven days a week as provided in the Unilateral Planning Obligation as this is more likely to activate modal shift from cars to public transport (IR8.99). He notes that Northamptonshire County Council expects the new bus service to continue long term and to be self-funding; and he agrees with the Inspector that, with the new bus service provision in place, there would be a strong linkage both to the

town centre and to a significant number of towns within the local area - providing an appropriate and sustainable alternative to the use of the private car in accordance with the aspirations of national planning policy (IR8.100).

29. The Secretary of State agrees with the Inspector that the proposed improvements to the Skew Bridge Roundabout would be beneficial for users of the road network (IR8.101).
30. For the reasons in IR8.102, the Secretary of State agrees with the Inspector that the proposals would bring significant benefits in terms of trip reduction and carbon saving (IR8.102).
31. For the reasons set out above, the Secretary of State agrees with the Inspector (IR8.103) that the proposals would be consistent with Government policy for promoting more sustainable transport, as set out in the Framework.

Protected species and biodiversity

32. For the reasons in IR8.105-8.111, and having particular regard to the views of Natural England, the Secretary of State agrees with the Inspector that the proposed development would bring significant nature conservation benefits.

Other benefits

33. The Secretary of State agrees with the Inspector (IR8.112) that the proposal would result in significant tourism and recreation benefits (IR8.113-8.114); and would also create a significant number of jobs (IR8.115-8.116). He also notes (IR8.117) that there is considerable public support for the proposals (IR8.117); and he agrees with the Inspector that the proposed layout of the development would maximise the enjoyment of the Lakes.

The planning balance

34. Having carefully considered the Inspector's analysis and comments, the Secretary of State agrees that a number of benefits would result from the proposed development, including the creation of jobs and the provision of the boathouse and recreational access to the Lakes (IR8.130). He agrees with the Inspector that these are important community benefits and that the boathouse would contribute to the development of tourism in the Nene Valley (IR8.130). He notes that the Wildlife Trust has confirmed that its involvement would secure improved opportunities for bird-watching, walking, angling and boating, and that access would be managed and provided through the land it manages to link up with the greenways of the wider Nene Valley (IR8.130). He agrees with the Inspector that this would all accord with Policy 5 of the NNJCS and the Nene Valley Strategic Plan (IR8.130).
35. The Secretary of State agrees with the Inspector that the other benefits of the proposed development include: the regeneration of the previously developed site to the benefit of the self-sufficiency of the town and surrounding areas; the provision of jobs and benefit to the local economy; the enhancement of the environment and ecological benefit; the provision of leisure and recreation facilities; enhanced tourist facilities; connection of the town with the countryside via the new pedestrian and cycle links, including the provision of a bridge over

the A45; considerable vehicle mileage savings by access to a quality local shopping destination in circumstances where currently long journeys are needed, thereby minimising the need to travel; and improved public transport provision (IR8.132). However, he also agrees with the Inspector that the application site is not as accessible as might be expected for a development of its size and type, while also agreeing that the proposed enhancements to bus provision would significantly improve accessibility (IR8.99).

36. The Secretary of State agrees with the Inspector that the applicant has demonstrated flexibility on format and scale (IR8.50); that the whole scheme could not realistically be moved to another location (IR8.50); and that there is no suitable and available sequentially superior site (IR8.58). He also agrees that at present there is significant leakage of comparison goods expenditure from Rushden, its home zone and all the other zones in North Northamptonshire; that Rushden and the other towns in North Northamptonshire are failing to provide sufficient choice and quality in their comparison goods offer, whether in centre or edge/out of centre (IR8.71). He also agrees that, for most of the town centres, the impact of the proposed development on their vitality and viability would not be significant, although in the case of Wellingborough the effect would be more finely balanced (IR8.86). For the reasons set out in IR8.131, he agrees with the Inspector that the proposal is sustainable development and, like the Inspector, he ascribes significant weight to this in the planning balance.
37. While the proposal would accord with a number of development plan policies and objectives, the Secretary of State agrees that it would not wholly accord with the NNJCS spatial strategy, particularly Policies 1 and 12, and therefore would not be in accordance with the development plan as a whole (IR8.34). However, he agrees with the Inspector that the key policies and provisions in the adopted development plan are out-of-date (IR8.34); and that the proposal would ensure a better life for the people of Rushden and North Northamptonshire (IR8.34). He is satisfied that the failure to accord with the development plan as a whole would not significantly and demonstrably outweigh the benefits of the scheme when assessed against the policies of the Framework taken as a whole.

Conditions and planning obligations

38. The Secretary of State has considered the annex of conditions attached to the IR and the reasons for the suggested conditions set out at IR8.118-8-120. He is satisfied that the proposed conditions are reasonable and necessary and meet the tests of paragraph 206 of the Framework.
39. The Secretary of State agrees with the Inspector's reasoning and conclusions on the Planning Obligation Agreement and the Unilateral Planning Obligation in IR8.121-8.129. For the reasons set out in IR8.129, he agrees with the Inspector that it is necessary to provide a new half hourly bus service seven days a week as provided in the Unilateral Planning Obligation. Overall, he agrees with the Inspector that the provisions in the Planning Obligation Agreement and the Unilateral Planning obligation are necessary and meet the tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the Framework (IR8.129).

Overall conclusions

40. The Secretary of State concludes that while the proposal would accord with a number of development plan policies and objectives it would not wholly accord with the NNJCS spatial strategy, particularly Policies 1 and 12, and therefore would not be in accordance with the development plan as a whole. However, he considers that the key policies and provisions in the adopted development plan are out-of-date. He also concludes that the benefits of the proposed development are not clearly outweighed by adverse impacts, and that there are no other material considerations which indicate that planning permission should be refused.

Formal Decision

41. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby grants full planning permission for: the erection of a home and garden centre, retail units, drive thru restaurant, gatehouse, lakeside visitor centre, restaurants, boathouse, together with proposals for access and outline planning permission for the erection of a hotel, crèche and leisure club with some matters reserved (appearance); plus removal of ski slope and associated levelling, landscaping, habitat management and improvement works, vehicular access and servicing proposals together with the provision of car and cycle parking and a bus stop (application Ref. EN/12/00010/FUL dated 20 December 2011) subject to the conditions listed at Annex A to this letter.

42. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

43. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

44. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

45. A copy of this letter has been sent to East Northamptonshire District Council, Northampton Borough Council, Kettering Borough Council, Corby Borough Council, Wellingborough Council, Deloittes, Peter Bone MP, Derek Clark MEP, Philip Hollobone MP, Andy Sawford MP, Michael Ellis MP, and Brian Binley MP. A notification letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Jean Nowak

Authorised by Secretary of State to sign in that behalf

Annex A

CONDITIONS

Time limits

- 1) Application for approval of details of the appearance (hereinafter called “the reserved matters”) in relation to the part of the site edged yellow on Drawing 2654-70 Rev A , (hereinafter called “the outline development”) must be made to the Local Planning Authority before the expiration of three years from the date of this permission.
- 2) The outline development shall be begun before the expiry of two years from the date of approval of the last of the reserved matters to be approved.
- 3) The development of the site (other than the outline development) for which detailed permission is hereby granted shall be begun before the expiration of three years from the date of this permission.
- 4) The application for the approval of the reserved matters shall be submitted to the Local Planning Authority before the expiry of 3 years from the date of this permission.

Plans, Drawings and Documents

- 5) The development hereby permitted shall not be carried out except in accordance with the following approved drawings and plans:

Plan 1 (Rev A) Site Plan 1:5000; Plan 2: Blue Land Site Location Plan 1:12500; Plan 3: General Location 1:2500; 10714-C106-D5 Levels Strategy Plan (FRA); 10714-C120-D2 Existing Levels (FRA); 2654-50 Rev B Proposed site plan; 2654-51 Garden Centre Elevations; 2654-52 Garden Centre Section; 2654-53 Retail Terrace A Elevations; 2654-54 Retail Terrace B Elevations; 2654-55 Retail Terrace C Elevations; 2654-56 Retail Detail Elevations; 2654-57 Anchor Store Typical Section; 2654-58 Retail Terrace Typical Section; 2654-59 Retail Terrace C Elevation in context; 2654-60 Restaurant Plan, Elevations, Section; 2654-61 Drive-thru Plan, Elevations, Section; 2654-62 Visitor Centre Floor Plan; 2654-63 Visitor Centre Elevations; 2654-64 Rev A Boathouse Floor Plan; 2654-65 Boathouse Elevations; 2654-66 Gatehouse Building Floor Plan; 2654-67 Gatehouse Building Elevations; 2654-70 Rev A Parts subject to Outline Application; 2654-71 Garden Centre Plan; 2654-72 Retail Terrace A Plans; 2654-73 Retail Terrace B Plans; 2654-74 Retail Terrace C Plans;

- 6) All reserved matters and other schemes and details that are required to be submitted pursuant to the conditions attached to this planning permission shall accord substantially with: the submitted Environment Statement [dated 20.12.11]; Environment Statement Addendum (June 2012); Flood Risk Assessment [version F4] [dated May 2012]; Transport Assessment [dated Dec 2011]; Addendum to TA - Highways Agency (March 2012); Addendum

to TA – NCC (March 2012); Design and Access Statement (amended) with Addendum; Waste Management Strategy and Waste Audit.

- 7) Development shall not commence until a delivery strategy and phasing plan have been submitted to and approved in writing by the Local Planning Authority for the development. The development shall be carried out in accordance with the approved delivery strategy and phasing plan.
- 8) The development floorspace shall not exceed:
 - (a) 43,289 square metres gross internal floorspace (inclusive of the external sales and display space associated with the garden centre) within Use Class A1 of the Town and Country Planning Use Classes Order
 - (b) 26,747 square metres net sales area (of which no more than 929 sqm shall be used for the sale of convenience goods)
 - (c) a 112 bed hotel, a creche (181 square metres gross internal floorspace) and a Leisure Club (1,456 square metres gross internal floorspace)
 - (d) two lakeside restaurants (each being 464 square metres gross internal floorspace) and a drive-thru restaurant/coffee shop (186 square metres gross internal floorspace)
 - (e) a lakeside visitor centre and a boathouse (each being 289 square metres gross internal floorspace).
 - (f) 12 metres in height from finished floor level to parapet level (and 14m including rooftop plant enclosure).

Archaeology

- 9) Development shall not take place on any phase approved under condition 7 of this permission until a scheme for the implementation of a programme of archaeological recording has been submitted to and approved in writing by the Local Planning Authority for that phase. The recording must be carried out by an appropriately qualified and experienced archaeological consultant or organisation. The scheme shall be implemented before construction commences at the site on any phase approved by condition 7 of this permission.

Drainage

- 10) No development shall commence until a foul water strategy has been submitted to and approved in writing by the Local Planning Authority. No building shall be occupied until the works have been carried out in accordance with the foul water strategy so approved.

- 11) No infiltration of surface water into the ground shall be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approved details.
- 12) Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water from parking areas and vehicle manoeuvring areas shall be passed through an oil separator designed and constructed to have a capacity and details compatible with the site being drained or other approved pollution prevention device, e.g. porous paving. Roof water shall not pass through the interceptor(s).
- 13) No development shall take place until a detailed surface water drainage scheme for the site, including phasing, based on the submitted drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate that the surface water run-off generated up to and including the 1% critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event. Any attenuation required shall include an allowance for climate change. The scheme shall subsequently be implemented for each phase of the site in accordance with the approved details and accompanying phasing plan. The scheme shall also include:
 - (a) Demonstration that the NPPF and CIRIA hierarchy of drainage has been followed
 - (b) Detailed surface water design drawings and supporting calculations
 - (c) Consideration of overland flood flows
 - (d) Overland floodwater should be routed away from vulnerable areas.
- 14) No development shall take place in any phase of the development under condition 7 until a detailed scheme for the ownership and maintenance of the surface water drainage assets, for the lifetime of the development, relating to that phase has been submitted to and approved in writing by the Local Planning Authority and the maintenance plan shall be carried out in full thereafter.

Highways

- 15) No development hereby permitted shall take place until details of the following schemes have been submitted to and approved in writing by the Local Planning Authority in consultation with Northamptonshire County Council (acting as Local Highway Authority) and the Highways Agency:
 - (a) details of the form of the junctions/links at:
 - (i) the eastern end of the link road (which links Crown Way and Northampton Road) at its junction with Northampton Road;

- (ii) the Northampton Road/Brindley Close junction; and
 - (iii) the Northampton Road exit from the A45 Skewbridge roundabout
- (b) details of a publicly adoptable pedestrian/cycle bridge over the A45 dual carriageway connecting the A5001 Northampton Road, Rushden with the new adoptable site access road as shown on drawing 110277/SK/46 Rev A
 - (c) details of the improvements to the A45/Northampton Road/Crown Way junction (Skew bridge) as shown on drawing 110277/SK/46 Rev A
 - (d) details of improvements to the footways of the A5001 Northampton Road and the U35247 Crown Way, Rushden to form a shared use footway/cycle track with appropriate dropped crossings between the proposed Toucan crossing on Northampton Road and the East Northamptonshire Greenway access off Crown Way, Rushden

and no part of the development hereby permitted shall be brought into use until the schemes listed at (a) to (d) have been completed in accordance with the approved plans. The works shall be retained as approved thereafter.

Travel Plans

- 16) The development hereby permitted shall be operated at all times in accordance with the submitted Draft Framework Travel Plan forming part of the Transportation Assessment.
- 17) No unit shall be occupied until a Travel Plan for that unit has been submitted to and approved in writing by the Local Planning Authority in accordance with the Draft Framework Travel Plan forming part of the Transportation Assessment. The unit shall thereafter be operated in accordance with the approved travel plan and agreed actions under condition 19.
- 18) The development shall not be occupied until the expiry of 3 months from the date on which notice has been given in writing to the Local Planning Authority and Northamptonshire County Council (as Local Highway Authority) of the appointment of a Travel Plan Manager.
- 19) An annual Travel Plan review, identifying performance against the objectives of the Draft Framework Travel Plan and Travel Plans approved under condition 17, shall be submitted in writing to the Local Planning Authority every year for 5 years, beginning 12 months from first retail occupation, to be approved in writing. Any agreed actions shall be implemented by the Travel Plan Manager.

- 20) If the last Travel Plan review under condition 19 identifies that the targets in the approved Draft Framework Travel Plan are not being achieved, the Travel Plan review period under condition 19 shall be extended by a further 12 months, during which the Travel Plan Manager will work with the Local Planning Authority to agree measures that will secure improved performance against those targets and the timescale for implementing and monitoring them. The agreed measures shall be implemented by the Travel Plan Manager thereafter.

Landscaping

- 21) No development shall take place until a landscaping scheme for the site (including boundary treatment) has been submitted to and approved in writing by the Local Planning Authority. This landscaping scheme shall be implemented in accordance with the approved details in the first planting season following the occupation of the development. Any trees or plants which within a period of five years of planting die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of a similar size and species (or as otherwise agreed in writing by the Local Planning Authority). The submitted landscaping scheme shall include details of how the landscaping will be phased to reflect the phasing of development under condition 7).

Miscellaneous

- 22) No development shall take place until full details of the repair works to the "Bailey Bridge" and the programming of such works shall be submitted to and approved by the Local Planning Authority in writing. The repair works shall be completed before any part of the development hereby permitted is brought into use.
- 23) An easement of 3 metres should be provided either side of the pipeline as shown on the Gas Main Survey Drawing 17469 dated August 2012. At no time shall any non demountable buildings or structures be erected within this corridor.
- 24) No development shall take place until a scheme and timetable for the provision of 12 fire hydrants has been submitted to and approved in writing by the Local Planning Authority. The provision of fire hydrants shall be made in accordance with the approved scheme and timetable and retained thereafter.

Biodiversity

- 25) No ground clearance works, tree felling, or vegetation removal shall take place during the main bird breeding season (April – June inclusive). If any such works are scheduled for March, July or August, a suitably qualified ecologist must carry out a comprehensive search of the affected area for nesting birds before the works commence. If active nests are found, ground clearance, tree felling or vegetation clearance around the nest (including a buffer area determined by the ecologist), shall not be permitted until the

breeding attempt has ended as confirmed by the ecologist in writing to the Local Planning Authority.

- 26) No ground clearance works shall be undertaken within 100 metres of the heronry in the SSSI shown on plan GIS034A Ecological Constraints Drawing between the period January – June each year. If any such works are scheduled for July and August a suitably qualified ecologist must carry out a comprehensive search of the affected area for nesting herons before the works commence. If active nests are found, ground clearance, tree felling or vegetation clearance within 100 metres of the heronry shall not be permitted until the breeding attempt has ended as confirmed by the ecologist in writing.
- 27) The Skew Bridge Lake contained in the application site shall not be used by motorised craft at anytime except for safety boats. Within the Skew Bridge Lake, boating shall be limited to the area shaded green shown on plan GIS034A Ecological Constraints Drawing between the 1st November and 31st March in any year.
- 28) No watercraft shall be permitted in a 30 metre watercraft exclusion zone around the western island on Skew Bridge Lake shown on plan GIS034A Ecological Constraints Drawing either during the construction phase or the ongoing operational phase of the development, to avoid disturbance to places of rest and shelter used by otters. No boating activity shall be permitted on Delta Lake, to avoid disturbance of the bird interest of the SSSI/SPA/Ramsar site.
- 29) No development shall take place until a detailed Access and Habitat Management Plan related to Skew Bridge Lake and Delta Pit Lake, (based on the submitted outline access and habitat management plan) including access to the land around these lakes, has been submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The approved Plan shall be implemented before any part of the development becomes operational and implemented and maintained thereafter in accordance with the approved details.
- 30) No development shall take place until a detailed plan of the measures to be taken to avoid harm to reptiles during the development and to provide appropriate mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.
- 31) A clerk of works with appropriate ecological qualifications and experience (as agreed with the Local Planning Authority) shall be appointed to ensure development is undertaken in compliance with the Construction and Environment Management Plan and Access and Habitat Management Plan. The clerk of works shall be in attendance at the site during all working hours during which construction is being carried out.
- 32) No development shall take place until a list of construction operations that could cause disturbance to the wintering bird interest of the SSSI/SPA/Ramsar site has been provided to and approved in writing by the

Local Planning Authority in consultation with Natural England. Such construction operations shall not be undertaken during the October to March (inclusive) period without prior agreement in writing by the Local Planning Authority (in consultation with Natural England) of suitable methodologies and mitigation to minimise disturbance to the wintering bird interest of the SSSI/SPA/Ramsar site and the subsequent implementation of agreed measures.

- 33) From the commencement of development there will be an annual monitoring survey in the area covered by the Access and Habitat Management Plan for reptiles, bats, otters, wintering and breeding birds which will continue on an annual basis until 5 years after the completion of all the development hereby permitted. The results of the monitoring survey shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Natural England. Should the monitoring survey show any significant decline in the populations on any of the above species due to the development then an additional management action plan to rectify the position shall be submitted to and approved in writing by the Local Planning Authority in consultation with Natural England. The approved additional management action plan shall be implemented in full from the date of approval.

Lighting

- 34) Before the commencement of development a scheme for the external lighting of the development (both for the construction and operational phases) shall be submitted to and approved in writing by the Local Planning Authority, to include a layout plan with beam orientation and schedule of equipment in the design (luminaire type; mounting height; aiming angles, luminaire profiles, a lighting contour map, and details of the timer controls including proposed hours of use) on the basis that:
- (a) all external lighting shall be of a type, fixed in a location and directed in a manner that avoids glare being directed towards the designated areas of wildlife especially to the SSSI and SPA/Ramsar Site;
 - (b) light trespass shall not exceed a level of 5 Lux beyond 5 metres from the boundary of the site;
 - (c) the means of illumination of the subject of this consent shall not be of a flashing or intermittent nature.

The approved scheme shall be installed, maintained and operated in accordance with the approved details. There shall be no other external lighting at the development other than as so approved.

Contamination

- 35) Development shall not commence on any phase approved under condition 7 of this permission until that phase has been subject to a detailed scheme for investigation and recording of contamination of the land and risks to the

development, its future uses and surrounding environment. A detailed written report on the findings including proposals and a programme for the remediation of any contaminated areas and protective measures to be incorporated into the buildings shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include proposals for the disposal of surface water during remediation. The remediation works shall be carried out and a validation report shall be submitted to and approved in writing by the Local Planning Authority in accordance with the approved proposals and programme. If during the course of the development further evidence of any type relating to other contamination is revealed, work at the location will cease until such contamination is investigated and remediation measures, approved in writing by the Local Planning Authority have been implemented.

- 36) No development shall take place until a detailed scheme has been submitted to and approved in writing by the Local Planning Authority specifying the provisions to be made to protect the site from landfill gas arising from the development. No part of the development shall be brought into use until the approved scheme has been implemented and it shall be maintained thereafter.

Waste Management

- 37) No occupation shall take place until a waste management strategy for the development has been submitted to and approved in writing by the Local Planning Authority. The strategy shall provide details (including accompanying layout and design plans) of the following:
- (a) responsible person (including contact details);
 - (b) description of the development (proposed buildings, site area, curtilage, future use, and occupancy);
 - (c) estimation of the type and quantity of wastes anticipated to be produced during occupation of the development;
 - (d) identification of appropriate neighbourhood waste management design features (internal and /or external) and facilities;
 - (e) how adequate space and access provisions for waste management features and facilities will be provided and maintained;
 - (f) neighbourhood waste management facility capacity;
 - (g) how the provision of facilities and design features
 - (i) complement and contribute towards existing waste management infrastructure network and sustainable waste management, and

- (ii) the provision made for ongoing facility management and maintenance, including the collection and use of recycled and composted materials.

The development shall be carried out in accordance with the approved strategy.

Flood Risk

- 38) The development hereby permitted permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (dated May 2012, Rev F4) undertaken by Campbell Reith, including the following mitigation measures detailed within the FRA:
 - (a) Provision of compensatory flood storage as set out on Drawing No. C102 (Rev D9) and Drawing No. C103 (Rev D8);
 - (b) Finished floor levels are set no lower than 40.20 m above Ordnance Datum (AOD).

The mitigation measures for each phase of the development under condition 7 shall be fully implemented prior to occupation of such phase, and subsequently operated and maintained in accordance with the phasing arrangements set out within the FRA, or within any other period as may subsequently be approved, in writing, by the Local Planning Authority.

- 39) No development shall be carried out in the area of the site identified as pre-development flood zones 2 and 3 as shown in the approved FRA until a scheme for the phasing of the floodplain compensation has been submitted to and approved in writing by the Local Planning Authority. The floodplain compensation scheme as shown on the FRA Drawing No. C102 (Rev D9) and Drawing No. C103 (Rev D8) shall be carried out in accordance with the approved phasing plan.
- 40) No development shall take place in each phase of the development under condition 7 until a detailed scheme for the maintenance of the areas of floodplain compensation, for the lifetime of the development, relating to that phase has been submitted to and approved in writing by the Local Planning Authority. The floodplain compensation shall be maintained in accordance with the approved details thereafter.

Construction and Environment Management

- 41) No development shall take place on any phase approved under condition 7 of this permission until a Construction and Environment Management Method Statement has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction phase on any phase approved under condition 7 of this permission. The statement shall provide for:

- (a) The overall strategy for managing environmental impacts which are likely to arise during the construction phase
- (b) The parking of site operatives and visitors vehicles
- (c) Loading and unloading of plant and materials
- (d) Management of construction traffic and access/haul routes
- (e) Condition surveys and maintenance of all access/haul routes
- (f) Storage of plant and materials used in constructing the development
- (g) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- (h) Wheel cleaning facilities
- (i) Measures to control the emission of water pollution, sediment, dust and dirt during construction
- (j) A scheme for recycling/disposing of waste from demolition and construction works
- (k) A signage strategy for construction traffic.

Unit size, subdivision and mezzanines

- 42) The anchor unit 'B8' in Terrace B as identified on Plan 2654-50 Rev B shall not exceed a maximum floor area of 5,574 sqm gross internal area (including mezzanine floor area).
- 43) The anchor unit 'C1' in Terrace C as identified on Plan 2654-50 Rev B shall not exceed a maximum floor area of 5,574sqm gross internal area (including mezzanine floor area).
- 44) None of the units shown within Terraces A, B or C or the Garden Centre identified on Plan 2654-50 Rev B shall be amalgamated with other units (or subdivided to form separate units).
- 45) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting or amending that Order with or without modification), no mezzanine or other form of internal floor to create a first floor level shall be constructed in Terrace A or the Garden Centre as shown on Plan 2654-50 Rev B.

Range of goods

- 46) Excluding Unit B8 and Unit C1 in Terrace B and Terrace C as identified on Plan 2654-50 Rev B:
- (a) no more than 4,183 sqm gross internal ground floor area shall be occupied by retailers whose operation is predominantly the sale of clothing and footwear (but not so as to restrict the sale of sports clothing and footwear)
 - (b) prior to the occupation of any retail unit notice must be given to the Local Planning Authority in writing identifying the retailer and the predominant nature of the goods proposed to be sold, and the total internal ground floor area which will, upon occupation, then be occupied by retailers whose operation is predominantly the sale of clothing and footwear (not including sports clothing and footwear)
- 47) Notwithstanding the provisions of the Town and County Planning (Use Classes) Order 1987 (as amended), or any Order revoking and re-enacting that Order, the following shall apply
- (a) The use of the Garden Centre and Retail Terrace A hereby approved shown on Plan No. 2654-50 rev B shall not be used for the sale of goods and services other than the following:
 - Core Garden Centre Goods and Services including:
 - (i) Good and services related to gardens and gardening;
 - (ii) Horticultural products, trees, plants, shrubs, house plants and flowers of any type;
 - (iii) Garden equipment, tools and accessories;
 - (iv) Barbeques and their accessories;
 - (v) Outdoor garden furniture;
 - (vi) Sheds, garden buildings and outdoor garden play equipment;
 - (vii) Fencing, trellis and landscaping materials;
 - (viii) Conservatories;
 - (ix) Conservatory furniture, furnishing and accessories;
 - (x) Swimming pools and associated equipment;
 - (xi) Aquatics, water garden equipment and their accessories;

(xii) Books – including gardening, leisure, hobby, travel, sports and coffee table books and other literature other than fiction;

(xiii) Soft furnishings;

(xiv) Restaurant, coffee shop and children's play area

Non-Core Garden Centre Goods and Services including:

(xv) Pictures, frames and prints;

(xvi) Pets, pet accessories, pet care and advice;

(xvii) Hobbies, toys and crafts;

(xviii) Baskets, wicker work and country crafts;

(xix) Christmas decorations, trees and gifts;

(xx) China, glass and gifts;

(xxi) Home table top items and kitchen accessories;

(xxii) Outdoor and country pursuits and equipment e.g. fishing, equestrian, hiking, climbing etc;

(xxiii) Camping equipment and supplies;

(xxiv) Outdoor clothing and footwear;

(b) Within the Garden Centre hereby approved shown hatched in green on Plan No. 2654-50 rev B, the areas identified as 'Outside Plant Area' and 'Covered Plan Sales' shall not be used other than as the plant and external sales and display area for the Garden Centre. No more than 50% of the internal sales floorspace of the Garden Centre building shall be used for the sale of Non-Core Garden Centre Goods and Services.

Sustainability

48) No building works shall start on any building until a scheme detailing measures to be incorporated into that building so as to achieve at least the Building Research Establishment (BREEAM) rating "very good" as set out in the Sustainable Design and Energy Statement December 2011 shall be submitted to and approved by the Local Planning Authority in writing. A post construction BREEAM assessment/report shall be submitted to and approved in writing by the Local Planning Authority, no later than 6 months after first occupation of each building, as constructed, to confirm the performance of that building against the BREEAM "very good" rating (including any necessary measures to ensure that each building secures

BREEAM "very good" rating). The buildings shall be operated in accordance with the approved details thereafter.

- 49) No development shall take place until a Low Zero Carbon (LZC) Implementation Strategy has been submitted to and approved in writing by the Local Planning Authority. The submitted strategy shall be prepared by an independent energy specialist to demonstrate a combination of LZC energy sources for the development in accordance with the Energy Statement dated Nov 2011, in order to achieve a target of meeting at least 30% of the demand for energy on site. Reasons for excluding potential technologies should be given including technical and economic viability assessments supporting actual target if less than 30%. The development shall be implemented and operated in accordance with the approved strategy.

Annex B

Correspondence submitted after the close of the inquiry or too late to be considered by the Inspector

Correspondent	Date
Alison Reeves	8 July 2013
Graham Dilley	13 July 2013
Mike Lee	17 July 2013
Allan Thomas	18 July 2013
Steven Tuttle	18 July 2013
Vicki Kempson	19 July 2013
Julie Millington	19 July 2013
Kate Ilott	21 July 2013
Brian Capell	23 July 2013
Zoe Withnall	24 July 2013
Richard Poluter – Shrink Polymer Systems UK	29 July 2013
Margaret Gudz	29 July 2013
Peter Bone MP (on behalf of Brian Capell)	7 August 2013
Helen Danzig – Yes2Rushden lakes	five undated letters - received 27 September, 21 November, and (two) 26 November 2013
Timothy Collier	Undated – received 15 October 2013
Alan Piggot - Wellington Chamber of Commerce	26 November 2013
Peter Bone MP and Andy Sawyer MP	29 November 2013
David Jenney – Rushden Sea Cadets, Chele Heights – Nene Valley Scouts, and Maurice Weight – Marine Volunteer Service Rushden	29 November 2013
Rushden Town Council (Sarah Peacock) and Irthlingborough Town Council	Undated letter and letter dated November - received 2 December 2013
Higham Ferrers Town Council, Chelveston-cum Caldecott Parish Council, Irchester Parish Council, Irsham Parish Council and Little Harrowden Parish Council	2 December 2013
Lloyd Cattell	4 December 2013
David Oliver, and Councillor Steven North - East Northamptonshire Council	6 December 2013
Lorna Wiltshire - Rushden Town Centre Partnership and	7 December 2013

Adrian House - Rushden Chamber of Commerce	
Raunds Town Council, Swanwick Parish Council and Thrapston Town Council	10 December 2013
Brian Binley MP, Michael Ellis MP and Cllr David Mackintosh - Northampton Borough Council	10 January 2014
Roy Pinnock - Dentons	21 January 2014
John Adams - Deloitte	7 February 2014
S P Boyes Northampton Borough Council	10 February 2014
Roy Pinnock - Dentons	13 February 2014
Vanetta Peck	14 February 2014
Jayne Clayton	14 February 2014
John Percival	24 February 2014
John Adams - Deloitte	25 February 2014
Sue Bridge – Northampton Borough Council	27 February 2014
Kevin Steel	27 February 2014
Ursula Hanzlik	5 March 2014
Richard Howlett	12 March 2014
Mark Jones – Wellingborough Traders Group	14 March 2014
R J Reynolds	16 March 2014
Brenda Sowden	20 March, and 8 and 22 April 2014
John Percival	24 March 2014
Simon Moore	24 March 2014
Avril Chick	25 March 2014
Eileen Maddison	25 March 2014
G M Harris	11 April 2014
Anne Woodcock	23 April 2014
John Markham – Northamptonshire Enterprise Partnership	25 April 2014

Annex C

Correspondence submitted on the Planning Guidance published 6 March 2014 and any material change in circumstances arising since the close of the inquiry

Correspondent	Date
Douglas Ford	19 March 2014
Terry Begley – Corby Borough Council	25 March 2014
Roy Pinnock - Dentons	26 March 2014
David Oliver - East Northamptonshire Council	27 March 2014
S Mitcham – Higham Ferrers Town Council	27 March 2014
David Brown – GL Hearn	28 March 2014
David Mackintosh – Northampton Borough Council	28 March 2014
Sue Bridge - Northampton Borough Council	28 March 2014
Rob Harbour – Kettering Borough Council	31 March 2014
John Adam - Deloitte	31 March 2014
Michael Ellis MP	31 March 2014
Chad Sutton – Maples Teesdale	31 March 2014
Sharn Matthews & Steven North - East Northamptonshire Council	11 April 2014
Chad Sutton – Maples Teesdale	14 April 2014
John Adams - Deloitte	14 April 2014
Roy Pinnock - Dentons	14 April 2014