



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: 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

Kim Hayler - Ext. 2367

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:

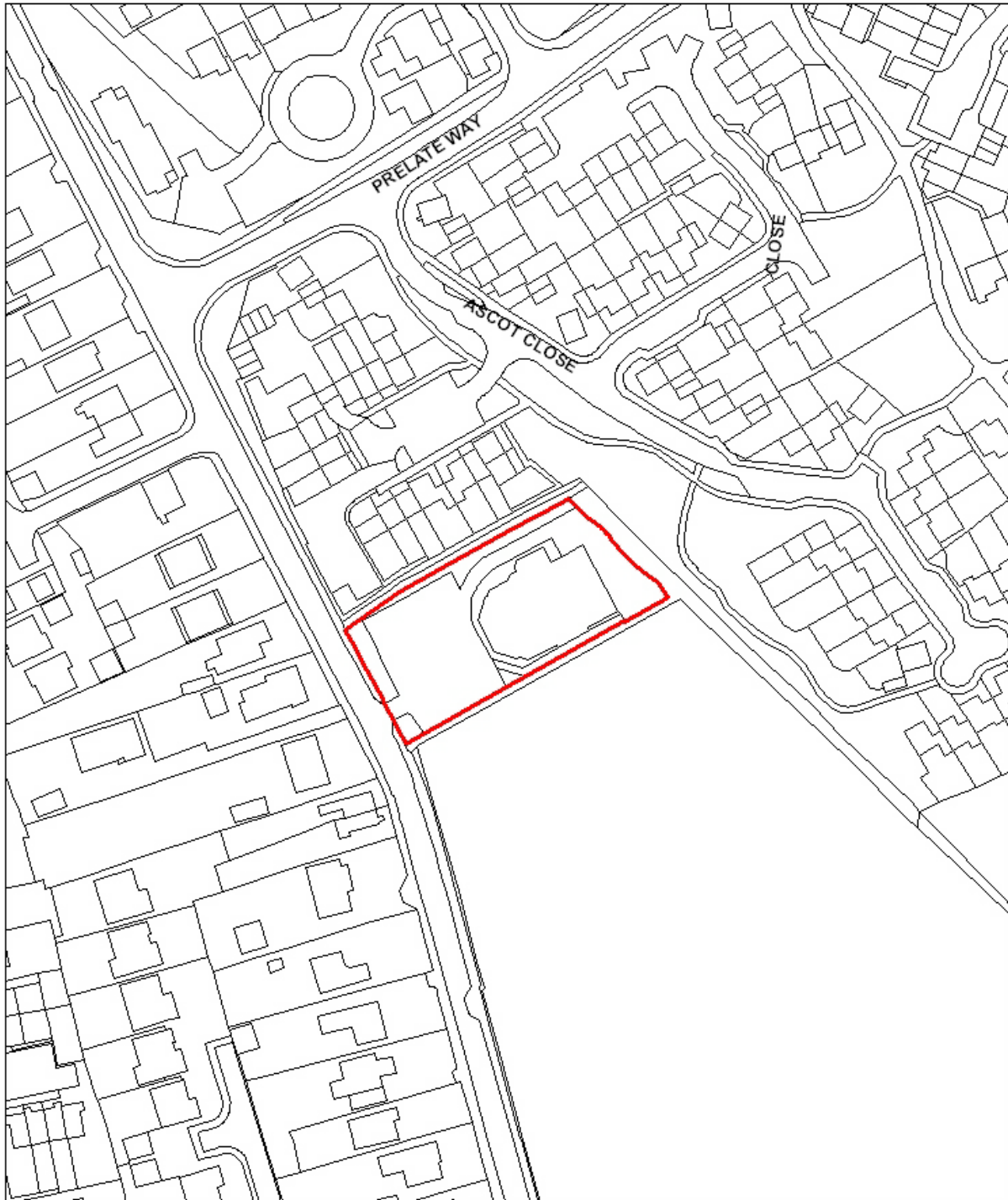
'In response to the recommendation to limit the number of unrelated church/community/charity activities to 40 attendees, the church would ask for Councillors to consider granting more flexibility. The church understands (and is committed to) the need to ensure the facility remains focused on its primary 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

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2010



FAREHAM

BOROUGH COUNCIL

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



Lee Smith

FAREHAM

BOROUGH COUNCIL

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.



Lee Smith

FAREHAM

BOROUGH COUNCIL

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



Lee Smith

FAREHAM

BOROUGH COUNCIL

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



Lee Smith

FAREHAM

BOROUGH COUNCIL

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



Lee Smith

FAREHAM

BOROUGH COUNCIL

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.



Lee Smith

FAREHAM

BOROUGH COUNCIL

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

FAREHAM

BOROUGH COUNCIL

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.



Lee Smith

FAREHAM

BOROUGH COUNCIL

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.



Lee Smith

FAREHAM

BOROUGH COUNCIL

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

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 overflow 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



This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2013

Dated : 9th June.

2014

FAREHAM BOROUGH COUNCIL (1)

HAMPSHIRE COUNTY COUNCIL (2)

THE BAPTIST UNION CORPORATION LIMITED (3)

THE TRUSTEES FOR THE TIME BEING OF LOCKS HEATH FREE CHURCH (4)

Planning Obligation

made under Section 106 of the Town and Country Planning Act 1990 (as amended)

Relating to land at
Locks Heath Free Church,
Titchfield Common,
Fareham
Hampshire

Fareham Borough Council
Civic Offices,
Civic Way,
Fareham,
Hampshire,
PO16 7AZ

DATED:

9th June.

2014

PARTIES

- (1) **FAREHAM BOROUGH COUNCIL** of Civic Offices Civic Way Fareham PO16 7AZ ("the Council")
- (2) **HAMPSHIRE COUNTY COUNCIL** of The Castle, Winchester, Hampshire SO23 8UJ ("the County Council")
- (3) **THE BAPTIST UNION CORPORATION LIMITED** (Co.Regn. No. 32743) of Baptist House, PO Box 44, I-29 Broadway, Didcot, Oxfordshire OX11 8RT. ("the Owner")
- (4) **THE TRUSTEES FOR THE TIME BEING OF LOCKS HEATH FREE CHURCH** (an unincorporated association) (Charity Registration No 1128495) whose contact address is 255 Hunts Pond Road, Titchfield Common, Fareham, Hampshire, PO14 4PG acting by **MARK MADAVAN** and **PAULINE GRIFFITHS** both care of of 255 Hunts Pond Road, Titchfield Common aforesaid its authorised representatives pursuant to section 333 of the Charities Act 2011 ("the Church Trustees")

RECITALS

- A The Council is the local planning authority for the purposes of the Act for the area in which the Land is situated.
- B The County Council is the freehold owner of part of the Land in fee simple.
- C The Owner is the freehold owner of part of the Land being registered with title absolute at the Land Registry under Title Number HP372205.
- D The Application has been submitted to the Council on behalf of the Church Trustees and the parties have agreed to enter into this Deed in order to secure the planning obligations contained in this Deed.
- E The Council has resolved to grant the Permission subject to the prior completion of this Deed.
- F The Owner and the Church Trustees have agreed that the Development shall be carried out only in accordance with the rights and obligations set out in this Deed.
- G The County Council, the Owner and the Church Trustees have agreed to be parties to this Deed and consent to this Deed being entered into and to the obligations becoming binding on the Land.

NOW THIS DEED WITNESSES AS FOLLOWS:

1. DEFINITIONS

For the purposes of this Deed the following expressions shall have the following meanings:

- | | |
|------------------|--|
| “the Act” | The Town and Country Planning Act 1990 (as amended) |
| “Application” | The application for full planning permission dated 2 July 2013 submitted to the Council for the Development and allocated reference number P/13/0575/FP |
| “Community Uses” | <p>Non commercial uses which are for the benefit of the local community comprising:-</p> <ul style="list-style-type: none">• Children activities such as :<ul style="list-style-type: none">○ clubs,○ crafts,○ music,○ sports,○ educational, and○ after school programmes• Youth activities such as:<ul style="list-style-type: none">○ clubs,○ sports,○ music,○ educational, and○ after school programmes• Adult activities such as:<ul style="list-style-type: none">○ clubs,○ hobbies,○ educational,○ creative, and○ fitness• Use by Seniors for:<ul style="list-style-type: none">○ luncheon club,○ drop in centre,○ activities and advice• Parents and toddlers uses:• Pre-school• Courses on:<ul style="list-style-type: none">○ parenting,○ marriage,○ life skills○ Child protection,○ First Aid,○ Health & Safety• Counselling: crisis and drop in• Housing associations meetings, |

- Use as a Poling station,
- Councillor surgery,
- debt advice,
- events,
- social care
- Schools use such as:
 - Awards events,
 - recitals,
 - events,
 - training

and such other community uses as are subsequently approved by the Council in writing such consent not to be unreasonably withheld provided the use has community benefit

“Council’s Legal Costs”	The Council’s legal costs in connection with the preparation and completion of this Deed in the sum of £500.
“Development”	The development of an area of land including the Land by alterations and extensions to the existing church to provide an additional worship area, activity hall and additional parking as set out in the Application.
“Implementation”	Commencement of development pursuant to the Permission by the carrying out of a “material operation” (as defined in section 56(4) of the Act) save that for the purposes of this Deed and for no other purpose; operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements shall not be included (and “Implement” and “Implemented” shall be construed accordingly)
“the Land”	The land against which this Deed may be enforced shown edged with a bold red line on the Plan
“Noise Attenuation Scheme”	a scheme of works showing how the buildings comprised in the Development shall provide the required minimum sound insulation performance in order to meet World Health Organisation Guideline

(WHO) 'Guidelines for Community Noise' relating to maximum internal noise levels at the nearest residential receptors and specifically absolute LAeq levels for indoor dwelling of 30dB(A) between 7am until 11pm (with allowance for partially open windows).

"Noise Monitoring Scheme"	means a scheme for monitoring noise levels at point B as detailed in the noise assessment submitted as part of the Application and giving the specifications and locations of sound limiters to be installed in both the existing church and the activity hall together with a programme for monitoring of noise at 6 monthly intervals (winter and summer) (unless the Council subsequently agrees less frequent monitoring) of events for Community Uses where the internal noise level is likely to exceed a level of 85 dB(A)
"Plan"	The plan attached to this Deed
"the Permission"	The full planning permission subject to conditions to be granted by the Council pursuant to the Application
'Working Day'	Any day which is not a Saturday, Sunday, Bank or Public holiday or a day between 27 and 30 December (inclusive) in any calendar year

2. CONSTRUCTION OF THIS DEED

- 2.1. Where in this Deed reference is made to any clause, paragraph or schedule or recital such reference (unless the context otherwise requires) is a reference to a clause, paragraph or schedule or recital in this Deed.
- 2.2. Words importing the singular meaning where the context so admits include the plural meaning and vice versa.
- 2.3. Words of the masculine gender include the feminine and neuter genders and words denoting actual persons include companies, corporations and firms and all such words shall be construed interchangeable in that manner.

- 2.4. Wherever there is more than one person named as a party and where more than one party undertakes an obligation all their obligations can be enforced against all of them jointly and severally unless there is an express provision otherwise.
- 2.5. Any reference to an Act of Parliament shall include any modification, extension or re-enactment of that Act for the time being in force and shall include all instruments, orders, plans regulations, permissions and directions for the time being made, issued or given under that Act or deriving validity from it.
- 2.6. References to any party to this Deed shall include the successors in title to that party and to any person deriving title through or under that party and in the case of the Council the successors to its respective statutory functions.
- 2.7. The headings and contents list are for reference only and shall not affect construction.

3. LEGAL BASIS

- 3.1. This Deed is made pursuant to Section 106 of the Act.
- 3.2. The covenants, restrictions and requirements imposed upon the Owner and the Church Trustees under this Deed create planning obligations pursuant to Section 106 of the Act and are enforceable by the Council as local planning authority against the Owner and the Church Trustees.

4. CONDITIONS PRECEDENT

Save for the provisions of Clauses 14 [costs] 16 [Notification] 19 [Jurisdiction] and 20 [Delivery] which (shall come into effect immediately upon completion of this Deed) it is conditional upon the grant of the Permission.

5. THE OWNER'S AND THE CHURCH TRUSTEES' COVENANTS

The Owner and the Church Trustees **HEREBY JOINTLY AND SEVERALLY** covenant with the Council that they will observe and perform the covenants on their part contained in Schedule One.

6. THE COUNCIL'S COVENANTS

Subject to the performance by the Owner and the Church Trustees of their obligations under this Deed the Council hereby covenants with the Owner and the Church Trustees that it will observe and perform the covenants on its part set out in Schedule Two.

7. RELEASE AND RELAPSE

- 7.1. It is hereby agreed that neither the Owner nor the Church Trustees shall be liable for a breach of any of its obligations under this Deed (save for antecedent breaches) after they shall have parted with all of their respective interests in the Land.
- 7.2. It is further agreed that this Deed shall lapse and be of no further effect if:
- 7.2.1. the Permission shall lapse without having been Implemented;
 - 7.2.2. the Permission shall be varied or revoked other than with the consent of the Owner and the Church Trustees;
 - 7.2.3. the Permission is quashed following a successful legal challenge.
- 7.3. Nothing in this Deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Permission) granted (whether or not on appeal) after the date of this Deed.

8. INDEMNITY

- 8.1. Without limiting any other provisions of this Deed nothing contained in or done under this Deed is to require the Owner or the Church Trustees to act outside of their legal powers or which is in any way inconsistent with their statutory obligations as charity trustees;
- 8.2. The liability of the Owner and the Church Trustees is limited to the assets they hold respectively on trust from time to time for the benefit of Locks Heath Free Church provided that those assets are not less than the contributions due in accordance with this Deed.

- 8.3. The liability of the Church Trustees for the time being under this Deed and their liability in respect of any breach of the same or any of them is to be joint only and not several as between the trustees.
- 8.4. The liability of the Owner and the Church Trustees under this Deed shall be restricted to any assets or income held as holding trustee or charity trustees respectively of the charitable trusts under which the Land is held and not in respect of the personal estate property effects or assets of any person named as a charity trustee Locks Heath Free Church providing those assets or income shall not be less than the contributions due in accordance with this Deed.
- 8.5. The Church Trustees undertake to the Owner to carry out and comply with all the obligations under this Deed and to pay all the payments, contributions and other costs and expenses arising out of the same and to indemnify the Owner in respect of any liability which arises as a result of any breach or non compliance of terms provisions and obligations of this Deed by the Church Trustees.
- 8.6. No liability is to attach to any person named as a charity trustee of Locks Heath Free Church in respect of this Deed or the obligations of the Owner under this Deed or any of them which occurs at any time after the Owner has parted with ownership of the Land.

9. LOCAL LAND CHARGE

- 9.1. This Deed is a local land charge and shall be registered as such by the Council.
- 9.2. Upon the full satisfaction of all the terms of this Deed the Owner or the Church Trustees may request that the Council procure that all entries in the register of Local Land Charges relating to it contained in Schedule One be removed as soon as reasonably practicable.

10. DUTY TO ACT REASONABLY

All parties to this Deed acknowledge that they are under a duty to act reasonably and (without prejudice to the generality) if any Deed consent approval or expression of satisfaction is due from one party to another under the terms of this Deed the same shall not be unreasonably withheld or delayed.

11. NO FETTER ON DISCRETION OR WAIVER

- 11.1. Nothing contained or implied in this Deed shall prejudice or affect the rights discretions powers duties and obligations of the Council under all statutes by-laws statutory instruments orders and regulations in the exercise of their functions as a local authority.
- 11.2. Nothing in this Deed shall impose any contractual or other obligations on the Council to grant the Permission.
- 11.3. No waiver (whether expressed or implied) by the Council of any breach or default in performing or observing any of the covenants terms or conditions of this Deed shall constitute a continuing waiver and no such waiver shall prevent the Council from enforcing any of the relevant terms or conditions or from acting upon any subsequent breach or default.


12. WARRANTY AS TO TITLE

The County Council, the Owner, and the Church Trustees **hereby warrant** to the Council that the title details referred to in Recitals B and C are complete and accurate in every respect.

13. SEVERABILITY

It is agreed that if any part of this Deed shall be declared unlawful or invalid by a Court of competent jurisdiction then (to the extent possible) the remainder of this Deed shall continue in full force and effect.

14. THE COUNCIL'S COSTS

- ~~14.1. The Owner and the Church Trustees hereby covenant with the Council that it will before the date of this Deed pay the Council's Legal Costs.~~
 - ~~14.2. The Owner and the Church Trustees hereby covenant with the Council that it will before the date of this Deed pay the County Council's Legal Costs.~~
- 

15. CONTRACT (RIGHTS OF THIRD PARTIES) ACT 1999

Notwithstanding the provisions of the Contracts (Rights of Third Parties) Act 1999 no part of this Deed shall be enforceable by a third party who is not a party to the Deed and for the avoidance of doubt the terms of this Deed may be varied by Deed between the parties and the Council without the consent of any such third party.

16. NOTIFICATION OF IMPLEMENTATION

The Owner and the Church Trustees each covenant with the Council that they will:

- 16.1. notify the Council in writing of the date of Implementation within five Working Days of it occurring; and
- 16.2. pay to the Council upon written demand its reasonable fees for (additional) monitoring caused by the Owners or Church Trustees non compliance with 16.1

17. NOTICES

Any notices required to be served by one party on another under this Deed shall be served by First Class prepaid post or by facsimile transmission in the following manner:

- 17.1. on the Council at the address shown above marked "for the attention of the Head of Development Management and bearing the reference P/13/0575/FP
- 17.2. on the Owner at the address as detailed above or as notified by the Owner in writing to the Council; and
- 17.3. on the Church Trustees at the address as detailed above or as notified by the Church Trustees in writing to the Council; and

18. NOTIFICATION OF SUCCESSORS IN TITLE

The Owner, and the Church Trustees covenant with the Council that they will give immediate written notice to the Council of any change of ownership of the Land if at such time the obligations contained within this Deed have not fully been discharged such notice to give details of the transferee's full name and registered office (if a company or usual address if not) together with the area of the Land or unit of occupation purchased by reference to a plan.

19. JURISDICTION

This Deed is governed by and interpreted in accordance with the law of England and Wales and the parties submit to the non-exclusive jurisdiction of the courts of England and Wales.

20. DELIVERY

This Deed is for the purposes of the Regulatory Reform (Execution of Deeds and Documents) Order 2005 a deed and for the avoidance of doubt the Deed shall be deemed not delivered despite being executed by the parties until such time as actual delivery of the Deed is authorised and agreed between the respective parties' appointed legal representatives or in the absence of one or more parties appointing a legal representative between the parties directly.

21. CONSENT

- 21.1. The Owner as the freehold owner of part of the Land hereby consents to this Deed being entered into and to the obligations becoming binding on the Land.
- 21.2. The Church Trustees hereby consent to this Deed being entered into and to the obligations becoming binding on the Land.
- 21.3. The County Council as the freehold owner of part of the Land acknowledges and declares that this Deed has been entered into by the Owner with its consent and that the Land shall be bound by the obligations contained in this Deed.

IN WITNESS whereof the parties hereto have executed this Deed on the day and year first before written.

SCHEDULE ONE

The Owner's and Church Trustees' Covenants with the Council

The Owner and the Church Trustees jointly and severally covenant with the Council as follows:-

1 Noise Monitoring Scheme

- 1.1. Not to Implement the Development until there has been submitted to and approved by the Council:
 - 1.1.1. the Noise Attenuation Scheme; and
 - 1.1.2. the Noise Monitoring Scheme
- 1.2. Not to permit or allow the Development to be brought into use until there has been
 - 1.2.1. submitted to the Council (in such form as the Council requires) proof to include a sound propagation test carried out by a suitably qualified acoustic consultant to confirm that The Noise Attenuation Scheme has been successfully carried out and completed to the written satisfaction of the Council (such confirmation not to be unreasonably withheld or delayed)
 - 1.2.2. the Noise Monitoring Scheme is in place
- 1.3. To retain all the measures included in the Noise Attenuation Scheme for the duration of the use of the Development
- 1.4. To undertake additional monitoring if required by the Council as a result of a complaint and to undertake any remedial works (at the expense of the Owner and/or Developer) required by the Council to achieve the aims of the Noise Attenuation Scheme

2 Community Uses

Not to use or permit the use of the Land other than for

- 2.1. a place of worship with ancillary church hall;
- 2.2. the Community Uses;
- 2.3. a coffee shop ancillary to the those uses

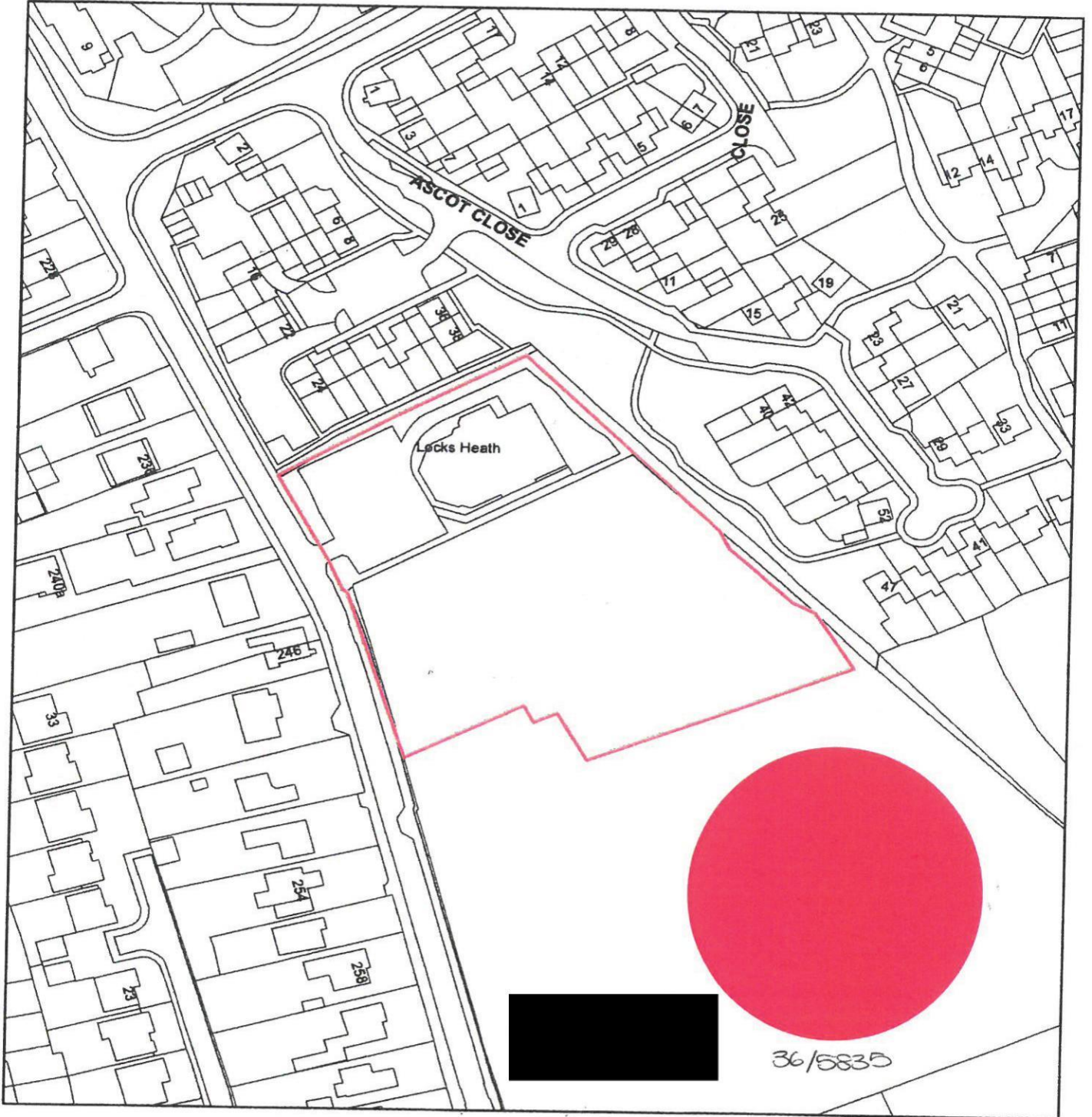
SCHEDULE TWO

The Council's Covenants

The Council covenants with the Owner and the Church Trustees as follows:-

- 1 It will issue the Permission as soon as is reasonably practicable after the date of this Deed.
- 2 Upon written request from the Owner (or the Church Trustees) and upon payment of the Council's reasonable administration fee the Council shall provide to the Owner or the Church Trustees as the case may be such evidence as it considers is reasonable to confirm the expenditure of any sums paid pursuant to this Deed.
- 3 At the written request of the Owner or the Church Trustees and upon payment of the Council's reasonable administrative fee the Council shall provide written confirmation of the discharge of the obligations contained in this Deed when satisfied that such obligations have been performed.

FAREHAM BOROUGH COUNCIL



255 Hunts Pond Road
- Locks Heath Free Church -
Scale 1:1250

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to prosecution or civil proceedings. Licence 100019110. 2013



AUTHORISED
SIGNATORY

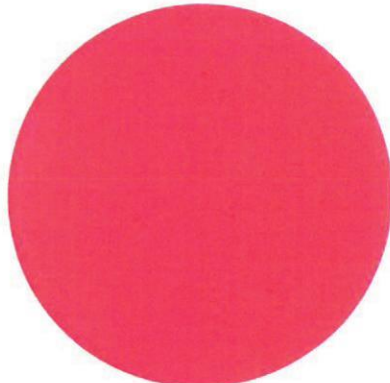
14500

THE COMMON SEAL of FAREHAM BOROUGH COUNCIL was hereunto affixed in the presence of:



Authorised Signatory:

THE COMMON SEAL OF HAMPSHIRE COUNTY COUNCIL was affixed in the presence of:



Authorised Signatory:

36/5835

EXECUTED AS A DEED by THE BAPTIST UNION CORPORATION LIMITED acting by a Director



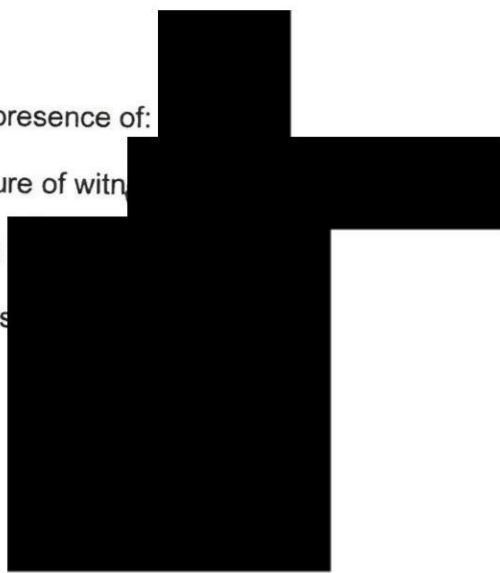
Director:

In the presence of:

Signature of witness

Name :

Address

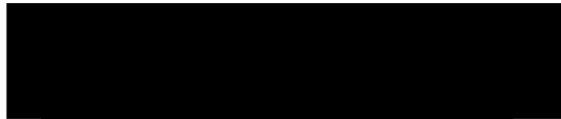


r

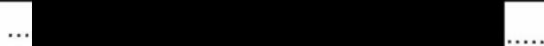
EXECUTED AS A DEED by the said **MARK MADAVAN** as the representative of **THE TRUSTEES FOR THE TIME BEING OF LOCKS HEATH FREE CHURCH** in the presence of



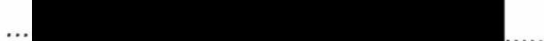
Witness signature



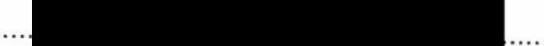
Witness name (print) ...



Witness address ...



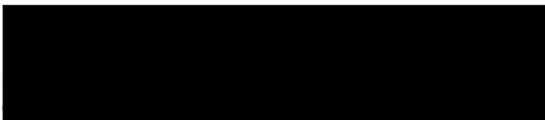
Witness occupation ...



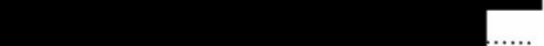
EXECUTED AS A DEED by the said **PAULINE GRIFFITHS** as the representative of **THE TRUSTEES FOR THE TIME BEING OF LOCKS HEATH FREE CHURCH** in the presence of



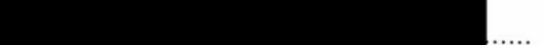
Witness signature



Witness name (print) ...



Witness address ...



Witness occupation ...

