

OFFICER REPORT FOR COMMITTEE

DATE: 02/11/2021

**P/20/1166/CU
RESIDE DEVELOPMENTS LIMITED
AND ATHERFOLD INVESTMENTS
LTD**

**FAREHAM NORTH
AGENT: TURLEY**

CHANGE OF USE OF LAND FROM EQUESTRIAN/PADDOCK TO COMMUNITY
PARK FOLLOWING DEMOLITION OF EXISTING BUILDINGS

LAND SOUTH OF FUNTLEY ROAD, FAREHAM

Report By

Richard Wright – direct dial 01329 824758

1.0 *Introduction*

- 1.1 This application is being presented to the Planning Committee due to the number of third-party representations received.
- 1.2 An appeal against the non-determination of this application has been submitted to the Planning Inspectorate. The Inspectorate has not yet confirmed how the appeal will be determined however the Appellant has requested an Inquiry.
- 1.3 Whilst this Council is no longer able to decide this application it is necessary for Members to confirm the case that this Council will present to the Planning Inspector. This report sets out all the relevant planning policies and relevant material planning considerations and invites Members to confirm the decision they would have made if they had been able to determine the planning application. This will then become the Council's case in respect of the forthcoming appeal.

2.0 *Site Description*

- 2.1 This application relates to an area of land to the north of the M27 and on the south-western edge of Funtley village. The site's topography falls from south to north. It is bound on its western edge by Honey Lane and on its eastern edge by land adjacent to the main railway line.
- 2.2 The site measures approximately 9.88 hectares in size. The open land on the site comprises mainly paddocks and fields used for the keeping and grazing of horses. The woodland on the site forms part of a Site of Importance for Nature Conservation (SINC) and designated Ancient Woodland known as Great Beamond Coppice.

2.3 The site lies entirely outside of the defined urban settlement boundaries as identified in the adopted local plan. The site is therefore within the countryside as defined for planning purposes.

3.0 Description of Proposal

3.1 Permission is sought to change the use of the land to a community park. The application has been submitted by the same applicant and at the same time as a proposal for residential development of up to 125 dwellings on land between the site and Funtley Road to the north (planning reference P/20/1168/OA). That application, like this one, is the subject of an appeal and is reported elsewhere on the agenda. As part of that development the applicant has proposed the community park be set out and provided to Fareham Borough Council as a community benefit. The park would be the subject of a unilateral undertaking pursuant to Section 106 produced by the applicant as part of the appeal now lodged.

3.2 The proposal is near identical, except for slight reduction in site area, to one that was approved in 2018 (planning reference P/18/0066/CU).

Policies

4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS4 - Green Infrastructure, Biodiversity and Geological Conservation

CS5 - Transport Strategy and Infrastructure

CS14 - Development Outside Settlements

CS17 - High Quality Design

Adopted Development Sites and Policies

DSP13 - Nature Conservation

4.0 Relevant Planning History

5.1 The following planning history is relevant:

P/18/0066/CU	Change Of Use Of Land From Equestrian/Paddock To Community Park Following Demolition Of Existing Buildings
APPROVE	12/10/2018

5.0 Representations

6.1 Ten letters of objection have been received in response to the planning application. These letters raised concerns in relation to the accompanying

application for 125 dwellings on the adjacent land (planning reference P/20/1168/OA) rather than specific concerns over the proposal for a new community park.

6.0 Consultations

EXTERNAL

Natural England

7.1 No objection subject to conditions.

INTERNAL

Contaminated Land Officer

7.2 No objection subject to condition.

Ecology

7.3 No objection subject to conditions.

8.0 Planning Considerations

8.1 The proposed use of the site as a community park, to allow members of the public to use the land for recreational leisure purposes, is considered acceptable in principle having regard to the policies of the adopted local plan relating to proposed development in the countryside.

8.2 The Council's ecologist and Natural England have raised no objection to the proposal subject to further details of how biodiversity mitigation and enhancement measures will be carried out and what management arrangements would be put in place.

8.3 Whilst proposed as a separate stand alone proposal the park is intended to serve as an associated benefit for the adjacent housing site where the applicant proposes 125 dwellings. Residents from that development as well as existing housing estates on the north side of Funtley Road and elsewhere in the village would be able to travel to the site on foot.

8.4 Officers do not consider there would be significant demand for car parking space created by the development. Notwithstanding a condition relating to car parking provision would enable further assessment of this issue to be carried out and appropriate provision made. In the event that the adjacent proposal for 125 dwellings was allowed on appeal and the community park required as part of that development it may be that opportunities for providing car parking space within the adjacent site be explored.

8.5 Officers consider the proposed change of use to be an acceptable form of development in the countryside. There are no materially harmful impacts arising in relation to matters such as highway safety, parking provision or ecology and biodiversity interests.

9.0 Recommendation

9.1 Members confirm that had they been able to determine the planning application they would have resolved to GRANT PLANNING PERMISSION subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of a period of three years from the date of this decision.

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

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

a) Location plan - drawing no. RD1731-C1-L003 P2

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

3. No development hereby permitted shall take place until a Biodiversity Mitigation, Enhancement and Management Plan has been submitted to and approved by the local planning authority in writing. The submitted plan shall be devised fully in accordance with the outline ecological mitigation and enhancements measures contained within the submitted "Ecological Assessment – September 2020 - Ecology Solutions". The submitted plan shall include the following:

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

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

REASON: To provide ecological compensation, management and enhancements.

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

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

5. No development hereby permitted shall commence until an intrusive site investigation and risk assessment has been submitted to and approved in writing by the Local Planning Authority (LPA). The intrusive site investigation and risk assessment shall include assessment of the risks posed to human health, the building fabric and the wider environment such as water resources, and where the site investigation and risk assessment reveal a risk to receptors, it shall include a detailed scheme for remedial works to address these risks and ensure the site is suitable for the proposed use.

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

On completion of the remediation works and prior to the occupation of any properties on the development, an independent competent person shall confirm in writing that the works have been completed in full and in accordance with the approved scheme. Such confirmation shall include

photographic evidence and, if considered necessary by the local planning authority, as built drawings of the development.

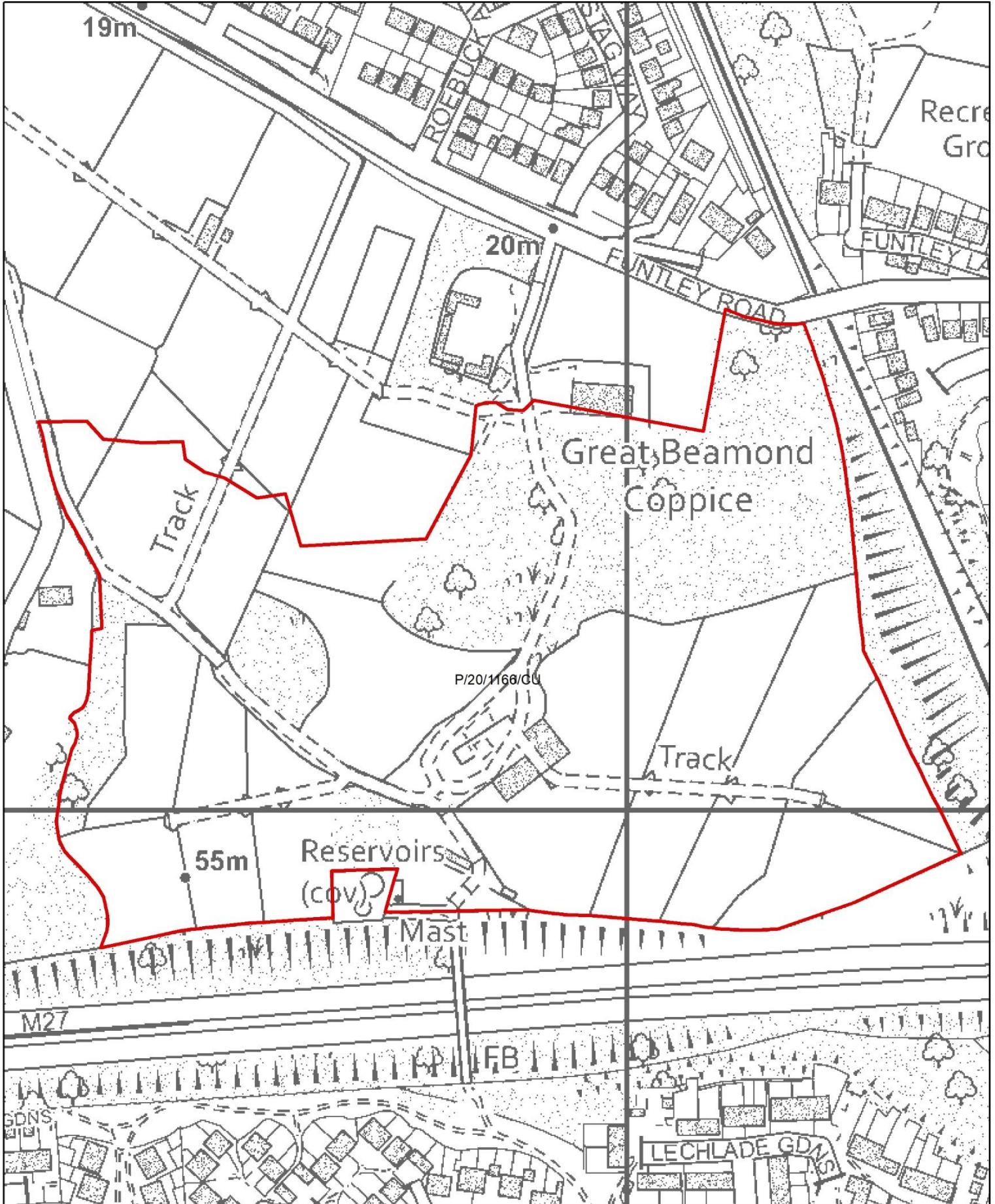
REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

10.0 *Background Papers*

P/20/1166/CU

FAREHAM

BOROUGH COUNCIL



Land to the South of
Funtley Road, Fareham
Scale 1:2500



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