

OFFICER REPORT FOR COMMITTEE

DATE: 23/03/2022

**P/21/1932/RM
CHURCHILL RETIREMENT LIVING**

**FAREHAM EAST
AGENT: PLANNING ISSUES LTD**

RESERVED MATTERS FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE APPROVAL REFERENCE P/18/1261/OA - ERECTION OF 37NO. DWELLING RETIREMENT APARTMENT LODGE, INCLUDING COMMUNAL FACILITIES, ACCESS, CAR PARKING AND LANDSCAPING - PLUS DETAILS PURSUANT TO CONDITIONS 4 (SITE INVESTIGATION), 5 (SURFACE WATER DRAINAGE), 6 (CONSTRUCTION MANAGEMENT PLAN), 7 (SOUND ATTENUATION), 8 (ELECTRICAL VEHICLE CHARGING) AND 9 (BIODIVERSITY ENHANCEMENTS) OF THE OUTLINE APPROVAL

FORMER MAGISTRATES COURT, TRINITY STREET, FAREHAM

Report By

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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 The Planning Committee resolved to grant outline planning permission for the '*Demolition Of The Fareham Magistrates Court And Redevelopment Of The Site Which Comprises Of Up To 45 Apartments, Site Access, Landscaping And Other Ancillary Infrastructure Works.*' at its meeting on 16th December 2020 (under planning reference P/18/1261/OA). The formal decision notice was issued on the 22nd November 2021.

2.0 Site Description

- 2.1 The application site is located on the east side of Trinity Street and comprises the site of the former Fareham Magistrates Court. The Magistrates Court building was granted planning permission in 1990 (planning reference FBC.1394/13), was built in 1994 and closed in September 2016 following a national review of the court estate by the government and the decision to move magistrate court functions to Portsmouth. The former court building is in the process of being demolished, with the vast majority of the building demolished at the time of preparing this report.
- 2.2 To the east of the site lies Fareham Register Office and dwellings fronting Osborn Road South, whilst to its south lie the rear yards of businesses and

residential properties which front West Street. On the opposite side of Trinity Street to the west of the site lies a row of two storey terraced houses and The Trinity Tavern public house. To the north is a public car park owned by Fareham Borough Council beyond which is The Fareham public house.

3.0 Description of Proposal

- 3.1 Approval is sought for reserved matters of appearance, landscaping, layout and scale following the outline planning permission granted. The proposal is for a retirement apartment building comprising 37 dwellings and communal facilities, car parking and landscaping. Means of access to the site was approved as part of the outline planning permission.
- 3.2 The application also seeks approval of various details secured by planning conditions imposed on the outline consent relating to land contamination (condition 4), surface water drainage (condition 5), construction management arrangements (condition 6), sound attenuation to the proposed dwellings (condition 7), electrical vehicle charging points (condition 8) and biodiversity enhancements (condition 9).

4.0 Policies

- 4.1 The following policies apply to this application:

Adopted Fareham Borough Core Strategy

CS2 – Housing Provision
CS5 – Transport Strategy and Infrastructure
CS6 – The Development Strategy
CS7 – Development in Fareham
CS8 – Fareham Town Centre Strategic Development Location
CS15 – Sustainable Development and Climate Change
CS17 – High Quality Design
CS18 – Provision of Affordable Housing
CS20 – Infrastructure and Development Contributions

Adopted Development Sites and Policies

DSP2 – Environmental Impact
DSP3 – Impact on Living Conditions
DSP13 – Nature Conservation
DSP15 – Recreational Disturbance on the Solent Special Protection Areas

Other Documents:

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
Residential Car Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

FBC.1394/13 ERECTION OF REPLACEMENT MAGISTRATES COURT BUILDING

PERMISSION 16/11/1990

P/18/0878/PA PRIOR NOTIFICATION FOR DEMOLITION OF FORMER MAGISTRATES COURT

30/08/2018

PRIOR APPROVAL NOT REQUIRED

P/18/1261/OA DEMOLITION OF THE FAREHAM MAGISTRATES COURT AND REDEVELOPMENT OF THE SITE WHICH COMPRISES OF UP TO 45 APARTMENTS, SITE ACCESS, LANDSCAPING AND OTHER ANCILLARY INFRASTRUCTURE WORKS

PERMISSION 22/11/2021

6.0 Representations

6.1 In total five representations have been received in relation to this application.

6.2 Three letters of objection, including one from the freehold owner of The Trinity Tavern pub, have been received raising the following concerns:

- The proximity of the development may lead to issues regarding noise from the pub and its outdoor space
- The proposed electricity sub-station in the south-east corner of the site may cause a noise nuisance and have adverse health impacts
- Insufficient parking provision

6.3 Two letters of support, including one from The Fareham Society, have been received with the following points:

- Proposed building would be a welcome improvement over the existing court building
- The character of the development appropriately reflects that of the local area
- The proposed residential use is appropriate given the site's proximity to the town centre
- Impact on light to properties opposite should be assessed

- Impact of noise from The Trinity Tavern opposite should be assessed

7.0 Consultations

EXTERNAL

Hampshire County Council – Flood and Water Management

- 7.1 No objection (in relation to discharge of condition 5).

Hampshire County Council – Highways

- 7.2 No objection.

INTERNAL

Contaminated Land Officer

- 7.3 No objection (in relation to discharge of condition 4).

Environmental Health Officer

- 7.4 The sound attenuation measures referenced in the noise impact assessment dated November 2021, namely: “Acoustic double glazing, Rw of 40 dB (10mm/20mm/6.8mm LamiGlass) and acoustically rated vent L480 with elemental level difference of 48 dB Dne,w (bedrooms and lounges)” should be installed for living rooms and bedrooms fronting and to the sides of Trinity Street. This will help resolve any potential noise disturbance arising from road traffic, the adjacent Trinity Street car park, and nearby public houses.
- 7.5 The accommodation layout would benefit from some alterations to further reduce the occurrence of bedrooms being next to kitchens / living rooms / stairs of adjacent apartments and communal areas.
- 7.6 Responding to the comments of Admiral Taverns, it should be noted there are existing residential uses in the immediate environs and I would not expect the pub to be creating noise amounting to a statutory nuisance beyond its boundaries irrespective of this proposed development. Future residents of the apartments will also benefit from the sound attenuation measures referred to above.
- 7.7 Regarding comments about “the electromagnetic field”, I would make reference to the following [relevant government guidance]. There is little evidence that electric or magnetic fields cause health effects and such fields fall off with increasing distances. Similarly I would not expect the sub-station to be the source of noise disturbance. Rarely do we receive complaints about low frequency noise from transformers.

Trees

7.8 No objection.

Ecology

7.9 No objection (in relation to discharge of condition 9).

8.0 Planning Considerations

a) Design & layout

- 8.1 This application proposes a total of 37 apartments intended as retirement housing. Whilst this number of apartments is slightly below the “up to 45” figure granted outline planning permission, Officers consider that the proposal makes effective use of this urban brownfield site located in the town centre.
- 8.2 The apartments are proposed in a single building spanning most of the site’s frontage with Trinity Street and set back from the back edge of the highway footway by around 2.8 metres at its closest point (increasing to 4.8 metres at the south-western corner of the building).
- 8.3 The means of access into the site was approved at the outline planning application stage with vehicles entering from Trinity Street at the site’s south-western corner. An internal road is shown leading to the rear of the building where the car park is located and then exiting the site into the adjacent public car park north of the site. From here vehicles will be able to leave through the car park back onto the one-way traffic flow of Trinity Street heading northwards.
- 8.4 To the immediate rear of the apartment building a communal garden is proposed leading out onto the car park about which there is sufficient space for additional areas of landscaping as well as space for a buggy store, bin store and an electricity sub-station alongside the site’s southern boundary.
- 8.5 The apartment building is proposed to be four storeys high. The ground, first and second floor of the building would be constructed with external facing buff and red brickwork. Above that the top floor of the building would be recessed and externally clad with grey fibre cement weatherboard to make it appear subservient, and to reduce the bulk and massing of the building. The roof would be covered with grey concrete roof tiles. The windows in the building would be grey with many of the apartments benefitting from Juliet or full balconies. Some units on the top floor would have roof terraces.
- 8.6 By virtue of the use of sympathetic and good quality materials and the overall approach to the design, Officers consider the proposed apartment building to be a significant improvement to the character and appearance of the

streetscene compared to the former Magistrates Court building which stood on the site until its recent demolition.

- 8.7 The submitted elevational drawings show the bulk and massing of the proposed building in comparison to the court building. The proposed building is no higher than the highest part of the roof of the court building, however the bulk and massing of the building when viewed from Trinity Street is greater. This is because the proposed building extends further northwards along the street than before and also because it features a fourth storey, albeit recessed and clad in a contrasting material which serves to reduce the visual impact of the increased bulk. Overall Officers do not consider the increased bulk and massing of the building has a harmful effect on the character and appearance of the streetscene.
- 8.8 The positioning of the building along the Trinity Street site frontage means the rear (eastern) portion of the site is clear of any built structures (except for a few single storey outbuildings along the southern boundary). This is in contrast to the Court building which previously occupied the whole depth of the plot with the significant bulk of the rear eastern elevation of the building right up adjacent to neighbouring properties in Osborn Road South. The space to be created to the rear of the apartment building is beneficial to the overall character and spaciousness of the immediate surrounding area. There are also benefits to the living conditions of residential properties in Osborn Road South which are described further below in this report.

b) Landscaping and biodiversity

- 8.9 The application is accompanied by a Landscape Strategy and Biodiversity Enhancement Strategy. These documents show the front garden along Trinity Street (which varies between 2.8 – 4.8 metres in depth) to be suitably planted along with the amenity space at the rear of the plot. This will provide an appropriate and attractive landscaped setting to the apartment building.
- 8.10 The Council's ecologist has previously requested that the amenity turf shown to be laid at the rear of the building be replaced with flowering turf planting, and that border areas be seeded with a species-rich grassland or meadow mix to increase the biodiversity gain on site. The applicant has made these changes and Officers are satisfied that the landscaping strategy is acceptable. The precise details of the planting to be carried out is to be secured by an appropriately worded planning condition.

c) Parking provision

- 8.11 The proposed development provides 15 unallocated car parking spaces for residents of the apartments located in the car park to the rear of the building.

8.12 The Council's approved Residential Car & Cycle Parking Standards Supplementary Planning Document (SPD) states that parking for new residential development is to be provided in accordance with the standards set out in Table 1. That table states that 1-bed dwellings should have 0.75 unallocated parking spaces and 2-bed dwellings 1.25 unallocated parking spaces each. The proposed development comprises 24no 1-bed units and 13no 2-bed units meaning overall 34 unallocated parking spaces would be required.

8.13 However, the SPD continues as follows:

“Residential development that provides less than the standards set out in this document will only be considered acceptable in areas of high accessibility or for specific types of residential development that create a lower demand for parking. Such proposals must be accompanied by suitable and detailed evidence and must not have an adverse impact on the surrounding area.”

8.14 The application site is in a highly accessible location close to a large number of services and facilities within the town centre easily accessible on foot. There are excellent links to public transport with the site being equidistant between the town's bus and railway stations both of which are a short walk away. Officers consider that dependency on a private car for residents to go about their everyday lives is as low as anywhere in the Borough given its highly sustainable location in the town centre.

8.15 The applicant has also provided evidence that, as a development of apartments for retired persons, trip generation and car ownership are typically lower than for other types of residential development. In their experience as a major developer of retirement communities, the applicants assert that residents often move into a retirement development so they are closer to local services and facilities and so can give up reliance on their cars. The typical pattern is that residents move in and then give up their car within 6 months as they no longer need it. Many no longer wish to drive and others find the cost of taxing, insuring and maintaining it unnecessary for the occasional trip, especially given public transport is available. Churchill Retirement Living also stress that they would not wish to provide a development with insufficient parking as it would upset residents and deter future purchasers. As such a thorough understanding has been obtained from existing schemes elsewhere to ensure the appropriate number of car parking spaces is provided.

8.16 The provision of 15 spaces for residents equates to 0.41 spaces per apartment. This is comparable to another recently built Churchill Retirement Living development in the Borough on Botley Road at Park Gate which has a ratio of 0.43 spaces per unit. On the opposite side of Trinity Street just a little

further north of the application site is Acacia Lodge, a development of sheltered apartments for the elderly granted planning permission in 2002. Acacia Lodge has forty-seven apartments and 15 parking spaces to the rear/side of the building (a ratio of 0.31 spaces per unit).

- 8.17 Officers consider that by virtue of the site's highly accessible location and clear evidence of a lower level of demand for parking spaces for this type of development, the proposed level of car parking at the site is acceptable having regard to the key requirements set out in the Council's adopted parking SPD. It would however be appropriate to impose a planning condition limiting occupancy of the retirement units to persons aged 60 years or over (or a person aged 55 years or older living as part of a single household with such a person).
- 8.18 The applicant suggests that visitors and the Lodge Manager working at the development will be encouraged not to park on the site but instead use the adjacent public car park or public transport instead.
- 8.19 The proposal includes the provision of 6no. double charging points (12 in total) and 2no. double rapid charging points (4 in total) in the car park for the charging of electrical vehicles. In addition, a buggy store is proposed for storing residents' mobility scooters.

d) Living conditions

- 8.20 Officers have given consideration to the impact on living conditions of both existing neighbours and future residents.

Light and outlook

- 8.21 Firstly, Officers acknowledge that the proposed building is of increased mass and bulk along Trinity Street compared to the former court building. The court building which is currently undergoing demolition works presented a large and dominant front elevation to Trinity Street which is likely to have had an effect in restricting direct sunlight during the early part of the day to the front windows of the two storey houses on the opposite (western) side of Trinity Street. At its closest the court building stood around 12.5 metres away from the front elevation of the buildings opposite. The proposed apartment building would be set slightly further back and the submitted site plan indicates that at its closest it would be around 14.5 metres from the buildings opposite resulting a subtle improvement in this respect.
- 8.22 The height of the proposed building meanwhile is no higher than the tallest part of the court building however there is more bulk at the fourth storey. As mentioned earlier in this report, the visual impact of the top storey to the building would be reduced by it being recessed and this would also have a

mitigating effect on the amount of additional light restricted to the front of properties on the opposite side of the street. The increased bulk on the northern end of the building lies opposite the junction with Russell Place which limits any adverse impact.

8.23 In summary, taking into account the bulk and massing of the court building, Officers do not consider that the proposed apartment building would be materially harmful to the light to or outlook from properties located on the opposite side of Trinity Street.

8.24 Similarly, there are no concerns over the impact on light to or outlook from other neighbouring properties. The removal of the court building's imposing bulk will have a major beneficial impact on the light to and outlook available from some of the residential properties on Osborn Road South which lie adjacent to the site's eastern boundary.

Privacy

8.25 The proposed apartment building will introduce upper floor windows in multiple elevations with the potential to overlook neighbouring properties and affect the privacy enjoyed by occupants of those properties at present.

8.26 With regards the properties on the opposite side of Trinity Street to the west, although these dwellings are not subject to any overlooking from the court building at present, these dwellings are already subject to views from the street. The distance between the front of the new apartment building and the fronts of these houses is typical of urban areas such as this and of the surrounding area also.

8.27 The rear (eastern) elevation of the apartment building meanwhile is, for the main part, set back from the eastern site boundary by a considerable distance and there is appropriate separation distances to nearby residential properties to ensure no unacceptable adverse impact from overlooking.

8.28 At its closest, windows in the eastern elevation of the building are around 12.8 metres from the rear garden of 12 Osborn Road South and 26.8 metres from the rear of the house. Officers have requested the walk out balconies on this part of the building be removed from the submitted proposals in order to minimise any overlooking of the neighbouring properties at 12, 14 & 16 Osborn Road South and the applicant has submitted revised drawings to show this. Officers are therefore satisfied that any overlooking of neighbouring properties has been minimised and that there would be no unacceptable adverse impact on the privacy of the residents living in those properties.

- 8.29 The nearest buildings to the south of the application site fronting West Street are approximately 34 metres from the southern elevation of the apartment building. To the north the building looks out over the Trinity Street public car park. There are no concerns regarding overlooking of residential properties and a consequent loss of privacy to neighbours to the north and south.

Internal and external space

- 8.30 The applicant has submitted details to demonstrate that all of the proposed apartments meet the Nationally Described Space Standards and therefore provide adequate internal living space.

- 8.31 The Council's Design Guidance (excluding Welborne) Supplementary Planning Document gives the following advice with regards outdoor space:

“New flats should have access to adequately sized and good quality outdoor space. There may be exceptional circumstances, such as the conversion of existing non-residential buildings in local or town centre locations, where the provision of outdoor space is not possible.

A garden of 25m² will normally be sufficient for most one or two bedroom flats. Where it is not possible to provide each flat with its own private garden, a communal garden will be acceptable.

In the town centre and other centres around the Borough more innovative ways of providing quality outdoor space might be required. For example, courtyards, roof terraces and balconies may be acceptable alternatives to gardens.”

- 8.32 The proposal provides a communal garden to the east of the building approximately 300 square metres in area. There is no realistic scope to provide a larger amenity area. In recognition of the limited size of this garden to serve 37 apartments, the applicant proposes that many of the flats will have Juliet or full 'walk out' balconies. On the top floor of the building some flats will have access to roof terraces. Officers consider this to be an acceptable level of provision in these particular circumstances having regard to the advice of the SPD.

- 8.33 The site lies approximately 75 metres from The Garden of Reflection on Osborn Road and 250 metres from Park Lane Recreation Ground and so is well located in terms of access to public open space.

Noise

- 8.34 Concern has been raised in the letters of objection received over two issues relating to noise.

- 8.35 Firstly, the freehold owners of The Trinity Tavern immediately opposite the site have raised concerns that noise from the pub may affect new residents. The pub already lies in close proximity to existing residential dwellings. The applicant has submitted a noise assessment which suggests that noise from the pub is already limited by its proximity to existing noise sensitive receptors and that the proposed development is at a greater distance so that any noise is not likely to be significant. Notwithstanding, due to the potential effects of road traffic noise, the development will be provided with suitable specification glazing and ventilation to ensure appropriate sound attenuation.
- 8.36 Secondly, concerns have been raised that noise from the electricity sub-station in the south-eastern corner of the site may affect nearby residents. There is no evidence to suggest that noise from the sub-station, which are commonly found in close proximity to residential dwellings, would be an issue.
- 8.37 The Council's Environmental Health Officer has raised no objection to the application.

Other matters

- 8.38 The technical details submitted in relation to conditions 4 (site investigation), 5 (surface water drainage), 6 (construction management plan), 7 (sound attenuation), 8 (electrical vehicle charging) and 9 (biodiversity enhancements) are all considered satisfactory subject to a revised Biodiversity Enhancement Strategy being submitted as referred to above.

Summary

- 8.39 Officers consider the submitted reserved matters (scale, layout, appearance and landscaping) to be acceptable. The design and layout of the scheme, including the proposed landscaping strategy, would provide a high-quality development in accordance with Policy CS17 of the adopted local plan. The level of parking provision proposed in this town centre location is considered acceptable given the nature of the proposed apartments for retired persons.

9.0 Recommendation

- 9.1 APPROVE subject to the following Conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
 - a) 10107FH - PA00 Location Plan
 - b) 10107FH - PA01 Site Plan

- c) 10107FH - PA02 Ground Floor Plan
- d) 10107FH - PA03 rev A First Floor Plan
- e) 10107FH - PA04 rev A Second Floor Plan
- f) 10107FH - PA05 Third Floor Plan
- g) 10107FH - PA06 rev A Roof Plan
- h) 10107FH - PA07 West Elevation and Streetscene Elevation
- i) 10107FH - PA08 rev A East & South Elevations
- j) 10107FH - PA09 North Elevation
- k) 10107FH – Outbuildings
- l) 10107FH-701 – A Front Boundary Wall
- m) Biodiversity Enhancement Strategy -
14500_R01a_BES_JS_NC_11032022
- n) Tree Protection Plan 19333-BT3
- o) Arboricultural Assessment and Method Statement - 19333-AA2-AN
- p) Ground Investigation Report
- q) Noise Impact Assessment
- r) Transport Statement
- s) Drainage Statement V1.1
- t) JBA 20 - 056 SK02 Rev C Landscape Strategy
- u) Construction Environmental Management Plan (CEMP) v2
- v) 10107FH-202 - A__Site Set Up
- w) Trinity Street Construction Traffic Routing Plan
- x) SPS Energy EV Charging point
- y) EO Genius Datasheet UK-IE

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

2. Each dwelling hereby permitted shall be occupied only by;
 - (i) A person aged 60 years or over;
 - (ii) A person aged 55 years or older living as part of a single household with the above person in (i); or
 - (iii) A person aged 55 years or older who were living as part of a single household with the person identified in (i) who has since died.

REASON: To restrict the occupancy of the apartments to elderly persons in order to limit parking demand and to ensure an appropriate level of parking provision on site.

3. None of the apartments hereby permitted shall be occupied until car parking spaces have been provided in accordance with the approved plans. These parking spaces shall thereafter be retained and kept available at all times for the use of residents only on an unallocated basis.

REASON: To ensure adequate parking provision within the site; in the interests of highway safety.

4. No development shall proceed beyond damp proof course level until a landscaping scheme identifying all existing trees, shrubs and hedges to be retained, together with the species, planting sizes, planting distances, density, numbers, surfacing materials and provisions for future maintenance of all new planting, including all areas to be grass seeded and turfed and hardsurfaced, has been submitted to and approved by the Local Planning Authority in writing. The submitted landscaping scheme shall be in accordance with the approved Landscape Strategy and Biodiversity Enhancement Strategy.

REASON: In order to secure the satisfactory appearance of the development; in the interests of the visual amenities of the locality

5. The landscaping scheme, submitted under Condition 4 shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

10.0 Background Papers

P/21/1932/RM; P/18/1261/OA

FAREHAM

BOROUGH COUNCIL



Former Fareham Magistrates Court
 Trinity Street
 Scale 1:1,250

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