

**P/14/0414/VC**

**TITCHFIELD**

SWAYTHLING HOUSING  
ASSOCIATION

AGENT: FOREMAN HOMES LTD

DEMOLISH EXISTING BUILDINGS AND ERECTION OF 19 (3 BED) HOUSES, 9 (1 BED), AND 6 (2 BED) FLATS INCLUDING 14 AFFORDABLE UNITS & IMPROVEMENT WORKS TO A27 (VARIATION OF CONDITION 02 ON PLANNING PERMISSION P/11/0386/FR)

FARM ROAD - LAND SOUTH OF MIDPOINT 27 - TITCHFIELD PO14 4BE

***Report By***

Mark Wyatt x2412

***Introduction***

This report is presented to the Planning Committee in accordance with the Council's scheme of delegation.

***Site Description***

The application site is located on the south side of Farm Road which is itself a private road to the north of Southampton Road (A27) and to the immediate east of the Eaton industrial site. Farm Road currently provides vehicular access to the application site, the Air Training Corps building and to five detached married quarters dwellings owned by the Ministry of Defence.

The application site has been cleared of the previous buildings and construction has commenced.

***Description of Proposal***

Planning application P/08/0187/FP was permitted on 15 May 2008 for the erection of 34 residential units comprised of 19 (3 bed) houses, 9 (1 bed) & 6 (2 bed) flats including 14 affordable units and improvement works to A27.

On 1st October 2009, via the Town and Country Planning (General Development Procedure)(Amendment No.3)(England) Order 2009, new provision came into force to facilitate the extension of time for implementing existing planning permissions. Planning permission P/11/0386/FR was granted on 29th July 2011 under these new provisions to extend the time for the commencement of planning permission P/08/0187/FP.

This application is made under Section 73 of the Town and Country Planning Act 1990 to vary a planning condition imposed on the later planning permission P/11/0386/FR. Section 73 of the Act instructs the Local Planning Authority to consider the variation of or relief of the condition being applied for and states that "if they (the LPA) decide that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted...they shall grant permission accordingly" (s.73(1)(a)). Additionally the Act also states that if the LPA "...decide that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted , they shall refuse the application" (s.73(1)(b)).

The condition for which a variation is sought is condition 2; it states:

"The development hereby permitted shall be carried out strictly in accordance with the

drawings stamped approved, subject to such minor amendments to the detailed design of the development as may be approved in writing under this condition by the local planning authority.

REASON: In order to secure a satisfactory form of development".

This application seeks to amend the approved plans to such an extent that these changes are not captured as "minor amendments" as defined in the condition.

The changes relate to the architectural detailing of the permitted buildings. The number of units, layout and scale remain as previously permitted. However the application is now proposed as an affordable housing scheme in its entirety. As a result of the change in market type the applicant seeks to amend the design of the permitted buildings. The changes are as follows (and are common through out the proposed development):

- \*Omission of bays and a reduction in the size of fenestration
- \*Reduction in extent of render
- \*Changes to the elevation so it appears more flat
- \*Reduction in the eaves overhang
- \*Omission of outcrop on unit 1
- \*Changes to the full height glazing on second floor corners

It is recorded that work on site has commenced.

### ***Policies***

The following policies apply to this application:  
National Planning Policy Framework (NPPF)  
Planning Practice Guidance (PPG)

### **Approved Fareham Borough Core Strategy**

- CS2 - Housing Provision
- CS5 - Transport Strategy and Infrastructure
- CS6 - The Development Strategy
- CS11 - Development in Portchester, Stubbington and Hill Head
- CS15 - Sustainable Development and Climate Change
- CS17 - High Quality Design
- CS18 - Provision of Affordable Housing
- CS20 - Infrastructure and Development Contributions

### **Approved SPG/SPD**

- AHSPD - Affordable Housing Supplementary Planning Document 2005
- RCCPS - Residential Car and Cycle Parking Standards Supplementary Planning Document,

### **Development Sites and Policies**

- DPS1 - Sustainable Development
- DSP2 - Design

### **Fareham Borough Local Plan Review**

- DG4 - Site Characteristics

### ***Relevant Planning History***

The following planning history is relevant:

<b><u>P/14/0038/VC</u></b>	<b>DEMOLISH EXISTING BUILDINGS AND ERECT 19 (3 BED) HOUSES, 9 (1 BED), AND 6 (2 BED) FLATS INCLUDING 14 AFFORDABLE UNITS &amp; IMPROVEMENT WORKS TO A27 (ALTERNATIVE TO P/11/0386/FR)</b>
INVALID	30/04/2014
<b><u>P/11/0386/FR</u></b>	<b>DEMOLISH EXISTING BUILDINGS &amp; ERECT 19 (3 BED) HOUSES, 9 (1 BED) &amp; 6 (2 BED) FLATS INCLUDING 14 AFFORDABLE UNITS &amp; IMPROVEMENT WORKS TO A27 (FULL RENEWAL OF P/08/0187/FP)</b>
PERMISSION	29/07/2011
<b><u>P/08/0187/FP</u></b>	<b>DEMOLISH EXISTING BUILDINGS &amp; ERECT 19 (3 BED) HOUSES, 9 (1 BED) &amp; 6 (2 BED) FLATS INCLUDING 14 AFFORDABLE UNITS &amp; IMPROVEMENT WORKS TO A27</b>
PERMISSION	15/05/2008
<b><u>P/07/1570/FP</u></b>	<b>DEMOLISH EXISTING BUILDINGS AND ERECT 21 (3 BED) HOUSES, 1 (2 BED) HOUSE, 9 (1 BED) FLATS 6 (2 BED) FLATS AND IMPROVEMENT WORKS TO A27</b>
WITHDRAWN	01/02/2008

### ***Representations***

One letter from 3 Farm Road: Objection:

All my previous comments on previous applications continue to stand. We are not adverse to the build but don't see any security for the military families in the MOD housing.

1) Plans still show a path leading to the private land to the rear of the military family housing. This should be fenced off to provide security for our families (especially while we are deployed)

2) The road (now we have seen it in place) is still not wide enough for two cars to pass safely which will hamper access in and out of the military quarters (and no real places to pass). It will also hamper deliveries and refuse access (no sensible place to turn).

3) Disruption so far has been significant with access difficult. The builders are trying their best but our vehicles are suffering damage to tyres /suspension etc due to the terrible road damage.

We seem to consistently mention the above issues with the various applications but with planning permission still to be granted but the build at an advanced stage points 1 and 2 seemed to be completely ignored.

### ***Consultations***

Director of Planning & Development (Highways):- No objection

Director of Planning & Development (Arboriculture):- No objection

Director of Planning & Development (Ecology):- No concerns

Director of Community (Environmental Health):- No objection

Director of Community (Contaminated Land):- COMMENTS AWAITED

Hampshire County Council (Highways):- no objection

Southern Water:- No comments to make. Our comments in our previous response remain valid and unchanged

Hampshire Constabulary (Crime Prevention Design Adviser):- No comments

### ***Planning Considerations - Key Issues***

The main planning considerations in the consideration of this proposal are:

- The Principle of Development
- Changes in Design
- Landscaping
- Highways
- Other matters

#### **THE PRINCIPLE OF DEVELOPMENT:**

As described above, the application site benefits from a valid and extant planning permission such that the redevelopment of the site for housing is considered to be acceptable in principle.

#### **CHANGES IN DESIGN:**

The NPPF advises that "Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people" (para 56). The NPPF goes on to advise that "...securing high quality design goes beyond aesthetic considerations" (para 61) and also includes the connections between people and places and the integration of developments into their context.

Policy CS17 of the Local Plan requires developments to be of "...a high quality design" that "...respond positively to and be respectful of the key characteristics of the area including...scale, form, spaciousness" (first bullet point).

As a consequence of the change in the market tenure of the proposed housing the driver for the changes in the design previously permitted are to allow the development to be constructed in a more cost effective manner.

The general form of the buildings and the architecture generally follows that previously permitted but the changes in design are of a reduced quality to the details previously permitted for this site.

However, whilst it is disappointing that the design is being watered down, the actual site layout and the scale and form of the proposed development remains as previously permitted such that the scheme continues to comply with the requirements of policy CS17 and the provisions within the NPPF with regard to good design.

To further support the proposal the NPPF requires Local Planning Authorities to "...deliver a wide choice of high quality homes" and "...plan for a mix of housing...and the needs of

different groups in the community" (para 50).

#### LANDSCAPING:

Third party comments seek the provision of a fence to enclose the land to the rear of the military houses due east of the site. The land to the rear of the MOD houses is out of the control of the applicant and outside of the application site. There is a path proposed up to the site boundary at the rear of plots 16-19, however this particular part of the layout has not changed from the previously permitted layout. As such, it is not a case of third party comments being ignored, as suggested in representation, but simply a case of the Local Planning Authority acting reasonably in its decision making with regards to features that have previously been found as acceptable.

In this case the path does not appear to link to another path or part of the local infrastructure network. The path appears to end at the site boundary and does not in fact extend into the land to the rear of the MOD housing. The fencing off of this land (as suggested in representation) would be a matter for the landowner.

#### HIGHWAYS:

Representation comments also refer to the suitability of the access. Again, as with the landscaping considerations above, this element of the proposal is unchanged. It is understandable that there is some temporary disruption to the use of Farm Road during the period of construction, however the proposed layout does provide tracking movements for large vehicles such as a refuse lorry or emergency vehicle. As already described, the access arrangements remain as previously permitted. There is no objection from the Highway Officer or the County Council as Highway Authority.

#### OTHER MATTERS:

The base permission for redevelopment of this site (P/08/0187/FP) included two agreements pursuant to section 106 of the Town and Country Planning Act 1990 to secure  
1)public open space contributions; and  
2)highway contributions.

The first s106 agreement includes a provision that for any subsequent planning permissions that the open space obligations be re-calculated in accordance with the Council's Supplementary Planning Guidance note.

With the extension of time permission (P/11/0386/FR) a deed of variation was completed for the highway contribution obligation to be carried forward. A further deed is required for this application to ensure that the previously secured highway mitigation can be secured through what will be a fresh planning permission. Instructions for the required Deed of Variation have been issued to the Council's Legal Partnership and once the agreement is completed the proposal is acceptable for permission.

Although this application only seeks to vary the terms of condition 02 the effect of this variation is that a new planning permission is issued. As such there is a requirement for the conditions imposed previously to be repeated in this decision. There are some minor amendments to the conditions in addition to number 02. These amendments refer to the fact that there are some details already approved pursuant to conditions. The reasons for the conditions are also to be updated to reflect the current development plan policies.

#### CONCLUSION:

The proposal, whilst reducing the overall design quality of the development, will provide for

an acceptable form of development that will contribute to the Council's affordable housing provision. Other matters remain as previously permitted such that the proposal is considered to be acceptable for permission.

### ***Recommendation***

Delegate to the Head of Development Management for the completion of the required legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 then PERMISSION subject to conditions and notes:

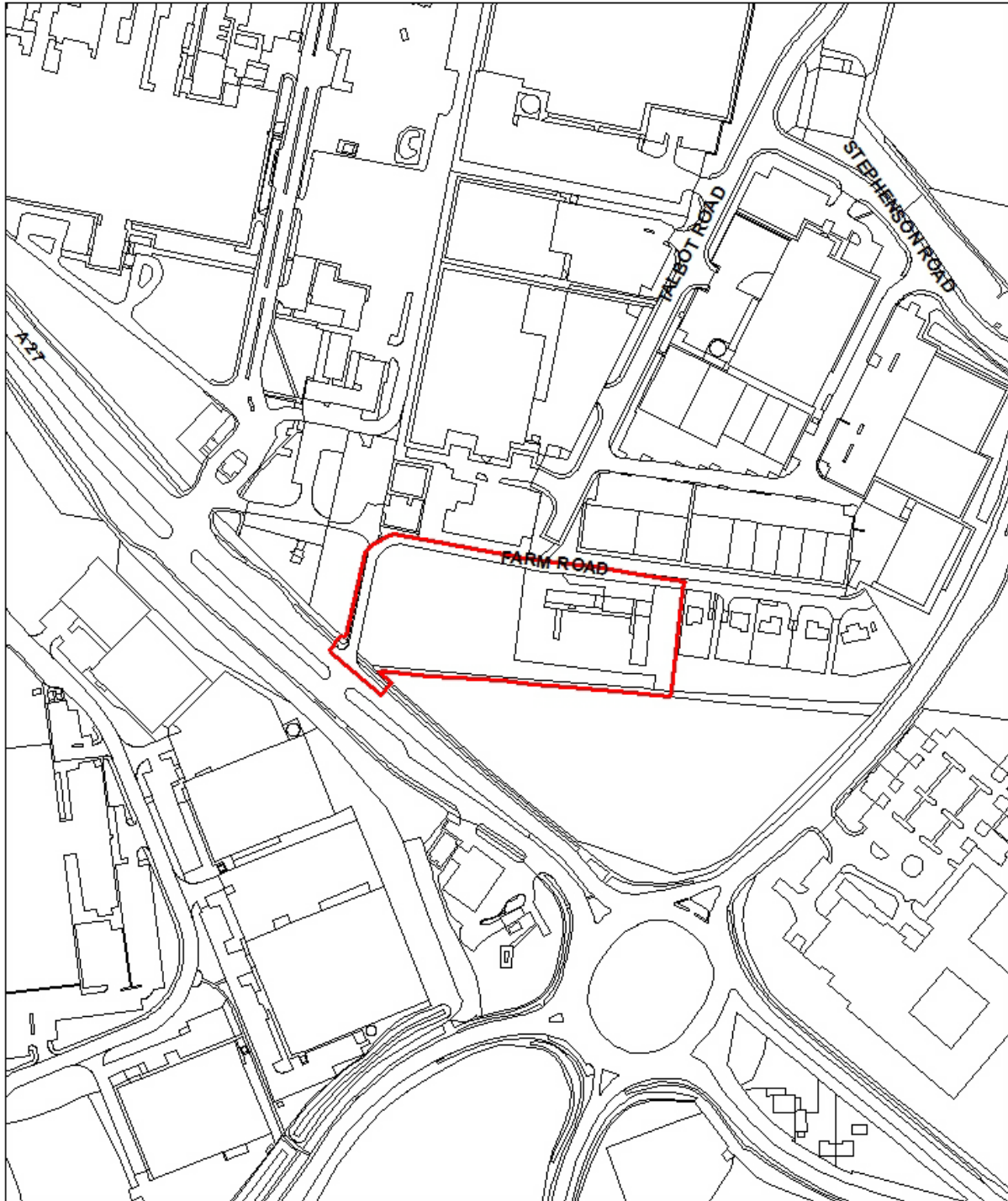
Schedule of approved plans, materials in accordance with previously approved details, levels in accordance with previously approved details, boundaries in accordance with previously approved details, parking provided by occupation, hard surfaces in accordance with previously approved details, landscaping in accordance with previously approved details, landscaping implementation, PD withdrawn for windows, west elevation of plot 16 windows fixed and obscure to 1.7m above ffl, affordable housing in accordance with previously approved details, open space management in accordance with previously approved details, Carry out works in accordance with previously approved details for tree retention and tree protection, contamination in accordance with previously approved details, sound protection in accordance with previously approved details, road details in accordance with previously approved details, mud on road in accordance with previously approved details, construction hours, no burning, contractor parking etc in accordance with approved details, A27 works by occupation, car ports to remain as car ports - no doors, biodiversity enhancements in accordance with previously approved details, construction lighting, biodiversity landscape in accordance with previously approved, to be constructed in accordance with ecology report, footpath link to Talbot Rd in accordance with previously approved details.

### ***Background Papers***

P/14/0038/VC, P/11/0386/FR, P/08/0187/FP, P/07/1570/FP

# FAREHAM

## BOROUGH COUNCIL



Farm Road  
Land South of Midpoint 27  
Scale 1:2500

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