

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 16 January 2019

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: F Birkett, T M Cartwright, MBE, P J Davies, K D Evans,
M J Ford, JP, Mrs K Mandry and R H Price, JP

Also Present: Councillors Miss S M Bell (Items 9 (5), 9 (6) and 9 (7)) and
S Cunningham (Items 9 (5), 9 (6) and 9 (7))



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

The Committee's attention was drawn to the Update Report which contained the following information:-

Following the publication of the minutes of the meeting held on 12 December 2018, minute number 7 (5) has been amended to the following:

(5) P/18/0592/OA – EGMONT NURSERIES BROOK AVENUE WARSASH

The Committee received the deputations referred to in Minute 5 above.

Councillors Walker, Bastable, Cartwright and Ford declared a non-pecuniary interest in this item as the applicant is known to them as he is the Chairman of the Conservative Association.

The Committee's attention was drawn to the Update Report which contained the following information:-

Following the updates to the FIVE-YEAR HOUSING LAND SUPPLY POSITION report, the following paragraphs replace those currently published in the report:

1.2 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply of 4.67 years (a shortfall of 167 dwellings within the 5-year period).

1.3 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 have not been published. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5-year housing supply of 4.1 years and a shortfall of 527 dwellings.

Upon being proposed and seconded the officer recommendation to grant planning permission subject to:-

(i) the applicant/owner first 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:

a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased residential disturbance on the Solent Coastal Special Protection Areas;

b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;

(ii) the conditions in the report; and

(iii) an additional condition requiring the open space/paddock area to be substantially in accordance with the illustrative layout

Was voted on and CARRIED.

(Voting: 7 in favour; 1 against; 1 abstention)

RESOLVED that subject to:-

(i) the applicant/owner first 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;

a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential disturbance on the Solent Coastal Special Protection Areas;

b) A financial contribution towards off-site provision of affordable housing in accordance with Core Strategy Policy CS18;

(ii) the conditions in the report; and

(iii) an additional condition requiring the open space/paddock area to be substantially in accordance with the illustrative layout

PLANNING PERMISSION be granted.

A further update was provided by the Head of Development Management in respect of minute item number 7 (12), which should read:

(12) P/18/0654/FP – LAND TO THE WEST OF SEAFIELD ROAD & MORAUNT DRIVE; SOUTH OF TATTERSHALL CRESCENT

The Committee received the deputations referred to in Minute 5 above.

Councillor Walker declared a non-pecuniary interest in this item in that he is the chairman of the Parish Hall Trust Board of which 2 church wardens are also members and who are also member trustees of the Churchlands Trust which owns part of the site.

At the invitation of the Chairman, Councillor R H Price, JP addressed the Committee on this item. He left the room after making his representation and was not present for the debate or vote on this application.

The Committee's attention was drawn to the Update Report which contained the following information:-

Following the updates to the FIVE-YEAR HOUSING LAND SUPPLY POSITION report, the following paragraphs replace those currently published in the report:

1.6 Members will note from the 'Five Year Housing Land Supply Position' report elsewhere on this agenda that this Council currently has a housing land supply position of 4.67 years (a shortfall of 167 dwellings within the 5-year period).

1.7 The Housing Delivery Test results which were due to be published by the Ministry of Housing, Communities and Local Government in November 2018 have not been published. Officers have carried out their own assessment against the same criteria the Government will use and are of the opinion that the Housing Delivery Test results will require this Council to apply a 20% buffer to its local housing need increasing its annual requirement to 575 dwellings per annum. This in turn would result in a 5-year housing supply of 4.1 years and a shortfall of 527 dwellings.

One third party further representation was received following the 14 November committee meeting, this related to concern over reptiles on the site.

With regard to comments since the letter of 29th November from the agent, there have been fifteen letters of representation, some of which raise concern that has already been discussed within the officer report. With regards to the letter of 29th November, the following concerns are raised:

- The Council should be overseeing the appointment of independent ecologists to oversee the project.*
- The letter from Bryan Jezeph does not contain specific solutions for management and maintenance arrangements, the ecology of the site is important and should not be brushed aside from the sake of providing housing.*
- Nothing offered as a solution addresses any of the issues raised by the committee at last month's refusal.*
- Cannot be satisfied that extensive ground clearance, however carefully worded or timed is valid or acceptable or would satisfy or rescind the LPA's grounds for refusal, due in part to the capacity of the southern part of the site for protected species or lizards.*
- With regard to no works until February 2019, reptile species have been recorded above ground in February by reptile specialists both in south Hampshire and on the Isle of Wight.*
- Excavating archaeological trenches from the end of March while undertaking a translocation process from April for two months is unworkable.*
- The Developers Agent proposal fails to address the issues and concerns raised at the previous planning committee to safeguard the southern side of the site.*
- The ecological 'mitigation' or proposed 'benefits' will not outweigh the negative impact and net loss that this proposal will bring, the proposal has not been fundamentally changed.*
- The overriding reasons for refusal still stand.*

- *The ecological issues seem to be clouding the issues and concerns of the residents; traffic issues and impact on services have not been taken into consideration.*
- *Concern over enforcement of planning conditions.*
- *Concern over process and procedure and that the decision notice has not been issued following the meeting of 14 November.*
- *The Public Inquiry is the correct place to resolve the grounds for refusal.*

The planning agent has submitted a revised affordable housing plan which would result in the provision of 20 affordable homes rather than 19.2 and a financial contribution.

As referenced to in paragraph 7.17 of the Committee Report, the Housing Officer advises that the applicant may either provide an additional affordable unit or pay a financial contribution.

Officer advice is that the provision of 20 affordable homes is acceptable in accordance with policy and therefore the recommendation in paragraph 9.0 within the report should reflect the 'provision of 20 affordable housing units' and delete the reference to 'contribution'. The list of recommended approved plans in condition 2 should include reference to this revised plan CB_93_074_A2_104 Rev A.

A revised layout plan and housing schedule to reflect the additional affordable housing unit has been submitted reference CB_074_A1_100 Rev B., the list of recommended approved plans in condition 2 should include reference to this plan.

Officers propose revised wording relating to condition 8, boundary treatment to read:

No dwelling hereby approved shall be occupied until the boundary treatment relating to it has been carried out in accordance with the approved details. The brick wall as shown to the rear of number 49 Sissinghurst Road shall be constructed prior to the occupation of plot 31. The boundary treatment shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

REASON: To protect the privacy of the occupiers of the neighbouring property, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

The Committee further requested that:

(1) officers secure an amended plan to show:

- (a) 1 tree rather than 3 adjacent to the boundary of 49 Sissinghurst Road; and*
- (b) the Field Maple trees along the southern boundary of the site being retained; and*

(2) Condition 20 being amended as follows:

No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Plan shall address the following matters:

- a) how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
- b) the measures the developer will implement to ensure that operatives'/contractors./sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;
- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Moraunt Drive, Wicor Mill Lane and White Hart Lane to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to:-

- (i) the applicant/owner first 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:
 - Financial contribution to secure satisfactory mitigation on the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protected Areas;
 - The provision and management of public open space and ecological enhancement area for the lifetime of the development;
 - Educational contribution;
 - The delivery of affordable housing and contribution;
 - No clearance work to be undertaken on the site before 1st February 2019; the Council must be advised in advance of any proposals to

undertake clearance work at the site; the Council to be given advance notice of any clearance works to be undertaken at the site and the clearance works to be undertaken at the site and the Council's officers/representatives give unfettered access to view all clearance related works; all clearance work to be overseen by Radian's appointed ecologists in accordance with a scheme first agreed in advance with the Council;

(ii) the receipt of a satisfactory amended plan showing:

(a) 1 tree rather than 3 adjacent to the boundary of 49 Sissinghurst Road; and

(b) the Field Maple trees along the southern boundary of the site being retained;

(iii) Condition 20 being amended as follows:

No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) how provision is to be made on site for the parking and turning of operatives/contractors/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will implement to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Moraunt Drive, Wicor Mill Lane and White Hart Lane to ensure they are kept clear of any mud or other debris falling from construction vehicles; and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing by the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and underside of vehicles have been cleaned.

REASON: In the interest of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period;

(iv) that Members confirm that the reasons for the refusal 1(a) and 1(c) in respect of planning application P/17/0920/FP should not be pursued at the forthcoming appeal: and

*(v) all conditions in the report.
Was voted on and CARRIED.
(Voting: 6 in favour; 3 against)*

RESOLVED that, subject to:-

(i) the applicant/owner first 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:

- Financial contribution to secure satisfactory mitigation on the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protected Areas;*
- The provision and management of public open space and ecological enhancement area for the lifetime of the development;*
- Educational contribution;*
- The delivery of affordable housing and contribution;*
- No clearance work to be undertaken on the site before 1st February 2019; the Council must be advised in advance of any proposals to undertake clearance work at the site; the Council to be given advance notice of any clearance works to be undertaken at the site and the clearance works to be undertaken at the site and the Council's officers/representatives give unfettered access to view all clearance related works; all clearance work to be overseen by Radian's appointed ecologists in accordance with a scheme first agreed in advance with the Council;*

(ii) the receipt of a satisfactory amended plan showing:

- (a) 1 tree rather than 3 adjacent to the boundary of 49 Sissinghurst Road; and*
- (b) the Field Maple trees along the southern boundary of the site being retained;*

(iii) Condition 20 being amended as follows:

No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:

a) how provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;

b) the measures the developer will implement to ensure that operatives'/contractors'/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;

c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

d) a scheme for the suppression of any dust arising during construction or clearance works;

e) the measures for cleaning Moraunt Drive, Wicor Mill Lane and White Hart Lane to ensure they are kept clear of any mud or other debris falling from construction vehicles; and

f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the CMP and areas identified in the CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing by the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and underside of vehicles have been cleaned.

REASON: In the interest of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period;

(iv) that Members confirm that the reasons for the refusal 1(a) and 1(c) in respect of planning application P/17/0920/FP should not be pursued at the forthcoming appeal: and

(v) all conditions in the report.

PLANNING PERMISSION be granted.

At the request of Councillor Price, JP, one further amended to be made to minute item no.1 Apologies of Absence, to read:

(2) APOLOGIES OF ABSENCE

Apologies of absence were received from Councillors F Birkett, K D Evans and R H Price, JP. The apology from Councillor Price was due to him having a Disclosable Pecuniary Interest and is therefore unable to sit on the Planning Committee.

RESOLVED that the minutes of the Planning Committee meeting held on 12 December 2018, subject to the changes in the update report, the update from the Head of Development Management and the change from Councillor Price, be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct Councillor Cartwright declared a non-pecuniary interest in item 9 (1) – Land Adjacent to 125 Greenaway Lane, Warsash as he has previously expressed his opinion on this application. He left the room after making a representation as Ward Councillor and he took no part in the discussion or vote on this item in order to avoid any pre-determination issues.

5. DEPUTATIONS

The committee received a deputation from the following in respect of the applications indicated and were thanked accordingly.

| Name | Spokesperson representing the persons listed | Subject | Supporting or Opposing the Application | Minute Application No/Page No |
|-----------------------------------|--|--|--|--------------------------------|
| Mr S Brown | Woolf Bond Planning | Five Year Housing Land Supply Position | Opposing | Item 8 |
| ZONE 1 – 2.30pm | | | | |
| Mrs H Megginson (Lead Petitioner) | | LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT – OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS | Opposing | 9 (1) P/18/0482/OA Pg 54 |
| Mr R Megginson | Peter Nugent, Gordon Stewart & Rex Holford | -Ditto- | -Ditto- | -Ditto- |
| Mr M Hawthorne (Agent) | | -Ditto- | Supporting | -Ditto- |
| Mr M Knappett (Agent) | | LAND ADJOINING 79 GREENAWAY LANE WARSASH – 6 DETACHED RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES | Supporting | 9 (2) P/18/0884/FP Pg 79 |
| ZONE 2 – 3.15pm | | | | |
| | | | | |

| ZONE 3 – 3.15pm | | | | |
|-----------------------------|--|---|-------------------|---------------------------------|
| Mr M Hindry | | THE GRANGE OAKCROFT LANE STUBBINGTON – OUTLINE APPLICATION FOR THE PROVISION OF UP TO 16 DWELLINGS AND TWO NEW VEHICULAR ACCESSES ONTO RANVILLES LANE, AND THE RELOCATION OF THE EXISTING ACCESS ONTO OAKCROFT LANE | Opposing | 9 (4) P/18/0263/OA Pg 106 |
| Ms S Boyce | | -Ditto- | -Ditto- | -Ditto- |
| Mr M Sennitt (Agent) | | -Ditto- | Supporting | -Ditto- |
| Mrs K Wiltshire | | LAND NORTH OF CRANLEIGH ROAD/WEST OF WICOR PRIMARY SCHOOL PORTCHESTER – RESERVED MATTERS IN RELATION TO OUTLINE APPLICATION (P/15/0260/OA): LANDSCAPING RELATING TO 120 DWELLINGS WITH A NEW ACCESS FROM CRANLEIGH ROAD, PUBLIC OPEN SPACE INCLUDING A LOCALLY EQUIPPED AREA OF PLAY | Opposing | 9 (5) P/18/0645/RM Pg 128 |
| Mr D Buczynskyj | | -Ditto- | Supporting | -Ditto- |
| Ms L Goodyear (Agent) | | CAMS BRIDGE – LAND TO NORTH OF THE THICKET – OUTLINE PLANNING APPLICATION FOR IMPROVEMENTS TO CAMS BRIDGE AND THE APPROACHES | Supporting | 9 (6) P/18/0001/OA Pg 137 |

| | | | | |
|---------------|--|---|-----------------|---------------------------------|
| | | TO ENABLE USE BY PEDESTRIAN AND CYCLISTS AND CONTINUED VEHICLE ACCESS TO THE WORKSHOP INCLUDING LIGHTING, RAISING THE BRIDGE PARAPETS, SIGNAGE, RE-SURFACING AND NEW ROAD MARKINGS | | |
| Mr T Wall | | -Ditto- | -Ditto- | -Ditto- |
| Mr M Rees | | LAND EAST OF DOWN END ROAD – OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT THE MEANS OF ACCESS) FOR RESIDENTIAL DEVELOPMENT, DEMOLITION OF EXISTING AGRICULTURAL BUILDINGS AND THE CONSTRUCTION OF NEW BUILDINGS PROVIDING UP TO 350 DWELLINGS; THE CREATION OF NEW VEHICULAR ACCESS WITH FOOTWAYS AND CYCLEWAYS; PROVISION OF LANDSCAPED COMMUNAL AMENITY SPACE; INCLUDING CHILDREN'S PLAY SPACE; CREATION OF PUBLIC OPEN SPACE; TOGETHER WITH ASSOCIATED HIGHWAYS, LANDSCAPING, DRAINAGE AND UTILITIES | Opposing | 9 (7) P/18/0005/OA Pg 144 |
| Ms J Young | | -Ditto- | -Ditto- | -Ditto- |
| Mrs T Philips | | -Ditto- | -Ditto- | -Ditto- |

| | | | | |
|-----------------------|---------------------|---------|-------------------|---------|
| Mr T Ling | | -Ditto- | -Ditto- | -Ditto- |
| Mrs B Clapperton | The Fareham Society | -Ditto- | -Ditto- | -Ditto- |
| Ms L Goodyear (Agent) | | -Ditto- | Supporting | -Ditto- |
| Mr T Wall | | -Ditto- | -Ditto- | -Ditto- |

6. SPENDING PLANS 2019-20

The Committee considered a report by the Director of Finance and Resources on the Spending Plans for 2019/20.

RESOLVED that the Committee:-

- (i) agrees the revised budget for 2018/19 and the base budget for 2019/20;
- (ii) notes the fees and charges for 2019/20; and
- (iii) recommends the budget to Full Council for approval

7. ACTUAL REVENUE EXPENDITURE

The Committee considered a report by the Director Finance and Resources on the actual revenue expenditure for 2017/18.

RESOLVED that the Committee note the content of the report.

8. FIVE YEAR HOUSING LAND SUPPLY POSITION

The Committee received the deputation referred to in Minute 5 above.

The Committee considered a report by the Director of Planning and Regulation on the Five Year Housing Land Supply position.

RESOLVED that the Committee note:-

- (i). the content of the report and the current 5-Year Housing Land Supply position;
- (ii). that the 5-Year Housing Land Supply Position set out in the attached report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development;
- (iii). when the Government publishes the Housing Delivery Test results, Officers believe that this Council will be required to apply a 20% buffer to the 5-Year Housing Land Supply position, and Members should make decisions on planning applications on that basis; and
- (iv). that the Government are consulting on adjustments to the new standard method used to calculate Local Housing Need, following publication of the new household growth projections on 20th September 2018. If implemented these adjustments will further increase the Council's

housing requirements, above those arising from the Housing Delivery Test.

9. PLANNING APPLICATIONS AND MISCELLANEOUS MATTERS INCLUDING AN UPDATE ON PLANNING APPEALS

The Committee noted a report by the Director of Planning and Regulation on the development management matter applications and miscellaneous matters including the information on Planning Appeals.

(1) P/18/0482/OA - LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT

The Committee received the deputations referred to in Minute 5 above.

Councillor Cartwright declared a non-pecuniary interest in this item as he has previously expressed his opinion on this application. He left the room after making a representation as Ward Councillor and he took no part in the discussion or vote on this item in order to avoid any pre-determination issues.

The Committee's attention was drawn to the Update Report which contained the following information:-

A third party representation has raised queries over the assessment of Highway matters and considers that even one large vehicle causes havoc when trying to negotiate Greenaway Lane. Reiterates concern that the type and width of the lane struggles with the current volume of traffic and would not cope with the huge increase proposed by this development.

Reiterates concern over flooding on the lane, use of alternative access points already approved for other Warsash cluster sites, and impact on the SPA, Ramsar and SAC and considers these issues have not been addressed.

The Highway Authority sought further clarification on the traffic survey data; the developer's transport consultant undertook video footage and compared this with flows presented in the Transport Assessment. The Highway Authority are satisfied with the submitted information.

A third party representation considers the report is biased and does not reflect the policies applicable to the site, questions the method for calculating the 5 YHLS position and content of the report. Concern that the HRA does not provide a reasonable degree of certainty that the project will not be likely to have an effect on the SPA. The site should form part of the Master plan to reduce the number of site entrances and that the closure of the Vero access track will not materialise.

The CPRE have expressed concern over the cumulative impact of the number of dwellings in Warsash; that applying the 20% buffer is premature (housing delivery test); that the development is out of character and scale and the cumulative effect on the environment and ecology of the area.

Instructed by 'Save Warsash and the Western Wards' A legal opinion has been received on the approach being adopted by Fareham Borough Council

with respect to screening and appropriate assessments in the course of its determination of planning applications. In short, the opinion is that the approach is potentially unlawful and that it would be unlawful for the Planning Committee to resolve to grant outline planning permission for the Greenaway Lane Application as a legally compliant appropriate assessment has not been undertaken.

A verbal update will be provided at the Planning Committee.

The following Verbal Update was provided by the Planning Case Officer:-

Officers have received a further late representation in the form of a QC opinion about the adequacy of the Council's appropriate assessments and the process followed by the Council. Officers are satisfied as to the robustness of the appropriate assessment. For the avoidance of any doubt, officers have carried out an appropriate assessment in relation to all designated European sites including the Ramsar and SAC sites and have concluded that there will be no adverse effect on the integrity of the designated European sites.

A motion was proposed and seconded that the application be deferred in order to allow Officers time to address the following concerns that the Committee raised:

- (i). Whether access to the scheme could solely be achieved via land to the south: Further clarity from HCC Highway Authority regarding the impact of additional traffic on Greenaway Lane and the cumulative impact of development within Warsash and local roads with a request that a HCC Highway Authority officer attend the Planning Committee; and
- (ii). To seek independent legal advice from a QC following the QC opinion that has been submitted by 'Save Warsash and the Western Wards'

Was voted on and CARRIED.

(Voting: 4 in favour; 4 against. With the Chairman having the casting vote)

RESOLVED that the applicant be DEFERRED.

(2) P/18/0884/FP - LAND AJOINING 79 GREENAWAY LANE WARSASH SO31 9HT

The Committee received the deputation referred to in Minute 5 above.

The Committee's attention was drawn to the Update Report which contained the following information:-

The period of '2' years should be inserted into Condition 1.

The agent has submitted further detail in respect of the proposed planning conditions as he would prefer not to have pre-commencement conditions to enable an early start on site.

Drainage (Condition 15): Southern Water and the Lead Local Flood Authority have been consulted. The Lead Flood Authority have no comment, advise informative.

Southern Water comments awaited.

Construction Management Plan (Conditions 3 and 4): The Transport Planner considers these to be acceptable. Therefore condition 3 and 4 deleted, new condition to read:

The development shall proceed in accordance with submitted construction management plan details drawing HGP_18.079.101 SITE/ PLAN_REV.J – Construction Management Plan layout and the Schedule of Works CMP January 2019. The approved measures, areas and facilities shall be fully implemented in accordance with the submitted details and shall be retained for the duration of construction of the development unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of highway safety and amenity of the area and to ensure the health and wellbeing of the trees and vegetation which are to be retained at the site.

Upon being proposed and seconded the Officer Recommendation to Grant Planning Permission subject to:-

- (i). the applicant/owner first 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) A financial contribution to secure satisfactory mitigation of the ‘in combination’ effects that the increase in residential units on the site would cause through increased residential disturbance on the Solent Coastal Special Protection Areas;
 - ii) A financial contribution of 40% towards the off-site provision of affordable housing or provision of 40% on site affordable housing under planning reference P/18/0107/OA in accordance with Core Strategy Policy CS18;
 - (ii). Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions;
 - (iii). The conditions in the report; and
 - (iv). The amended conditions set out in the update report
- Was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to:-

- (i). the applicant/owner first 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) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased residential disturbance on the Solent Coastal Special Protection Areas;
 - ii) A financial contribution of 40% towards the off-site provision of affordable housing or provision of 40% on site affordable housing under planning reference P/18/0107/OA in accordance with Core Strategy Policy CS18;
- (ii). Delegate to the Head of Development Management in consultation with the Solicitor to the Council to make modifications to the proposed conditions or heads of terms or any subsequent minor changes arising out of detailed negotiations with the applicant which may necessitate the modification which may include the variation addition or deletion of the conditions and heads as drafted to ensure consistency between the two sets of provisions;
- (iii). The conditions in the report; and
- (iv). The amended conditions set out in the update report PLANNING PERMISSION be granted.

(3) P/18/1222/TO - 79 KILN ROAD FAREHAM PO16 7UL

Upon being proposed and seconded the officer recommendation to grant consent for works to 3 scots pine and 1 monterey cypress was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that CONSENT for works to 3 scots pine and 1 monterey cypress be granted.

(4) P/18/0263/OA - THE GRANGE OAKCROFT LANE FAREHAM PO14 2EB

The Committee received the deputations referred to in Minute 5 above.

The Committee's attention was drawn to the Update Report which contained the following information:-

Two additional conditions inserted into the recommendation as follows:

20. The landscaping scheme, submitted under Condition 1 shall be implemented in accordance with a scheme to be submitted (including a delivery timetable) or as otherwise agreed in writing with the Local Planning Authority and shall be maintained following 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.

21. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development. the landscape management plan shall be carried out as approved and retained for the lifetime of the development.

REASON: To ensure the long-term maintenance and management of the open spaces.

A motion was proposed and seconded that the application be refused and was voted on and CARRIED.

(Voting: 5 in favour; 4 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policies CS14, CS17, CS18 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Plans and is unacceptable in that:

- a) The application site lies outside the defined urban settlement boundary where the introduction of residential development would fail to respond positively to and be respectful of the key characteristics of the area, particularly its predominantly undeveloped nature. In addition the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements. Notwithstanding the Council's 5-year housing land supply position, the provision of dwellings in this location would not outweigh the harm;
- b) Had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing and a commuted sum for an off-site provision at a level in accordance with the requirements of the Local Plan; and
- c) In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Special Protection Areas.

(5) P/18/0645/RM - LAND NORTH OF CRANLEIGH ROAD/WEST OF WICOR PRIMARY SCHOOL PORTCHESTER

The Committee received the deputations referred to in Minute 5 above.

At the invitation of the Chairman, Councillor Cunningham addressed the Committee on this item.

At the invitation of Chairman, Councillor Miss Bell addressed the Committee on this item.

The Committee's attention was drawn to the Update Report which contained the following information:-

Southern Water raise no objection. Advise informative: Southern Water's publication "A Guide to Tree Planting near Water Mains and Sewers" and Sewers for Adoption (SFA) with regards to any landscaping proposals and restrictions and maintenance of tree planting adjacent to sewers and rising mains.

Upon being proposed and seconded the officer recommendation to grant planning permission subject to:-

- (i). The receipt of the comments of Hampshire County Council (Flood and Water Management Team) and the imposition of any additional conditions or modification to the plans they may require;
- (ii). the conditions in the report; and
- (iii). an additional condition requiring the developer to submit details to demonstrate that the scheme has been fully undertaken in accordance with the permission.

Was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to:-

- (i). The receipt of the comments of Hampshire County Council (Flood and Water Management Team) and the imposition of any additional conditions or modification to the plans they may require;
- (ii). the conditions in the report; and
- (iii). an additional condition requiring the developer to submit details to demonstrate that the scheme has been fully undertaken in accordance with the permission.

PLANNING PERMISSION be granted.

(6) P/18/0001/OA - CAMS BRIDGE - LAND TO THE NORTH OF THE THICKET FAREHAM

The Committee received the deputations referred to in Minute 5 above.

At the invitation of the Chairman, Councillor Cunningham addressed the Committee on this item.

At the invitation of the Chairman, Councillor Miss Bell addressed the Committee on this item.

The Committee's attention was drawn to the Update Report which contained the following information:-

A further condition is inserted into the recommendation as follows:

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

a) Site location plan – drawing no. 249501 JC001 A

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

The officer recommendation to grant planning permission, subject to:-

- (i). The conditions in the report;
- (ii). The addition of Condition 5, as set out in the Update Report; and
- (iii). Written confirmation from the applicant that any reference to use of the bridge by emergency vehicles is deleted.

Was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that, subject to:-

- (i). The conditions in the report;
- (ii). The addition of Condition 5, as set out in the Update Report; and
- (iii). Written confirmation from the applicant that any reference to use of the bridge by emergency vehicles is deleted.

PLANNING PERMISSION is granted.

**(7) P/18/0005/OA - LAND TO THE EAST OF DOWN END ROAD
FAREHAM**

The Committee received the deputations referred to in Minute 5 above.

At the invitation of the Chairman, Councillor Cunningham addressed the Committee on this item.

At the invitation of the Chairman, Councillor Miss Bell addressed the Committee on this item.

The Committee's attention was drawn to the Update Report which contained the following information:-

Four further representations have been received in objection to the proposal but raising no new material planning considerations.

A motion was proposed and seconded to defer the application to allow the applicant to further consider the proposed improvement to the railway bridge on Down End Road, and was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that the application be DEFERRED.

(8) Planning Appeals

The Committee noted the information in the report.

(9) UPDATE REPORT

The Update Report was tabled at the meeting and considered with the relevant agenda item.

(The meeting started at 2.30 pm
and ended at 8.50 pm).