

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 13 December 2017

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor A Mandry (Vice-Chairman)

Councillors: B Bayford, 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; S Cunningham (Items 6 & 7(3)), Mrs C L A Hockley
(Item 7 (1)) and Mrs C Heneghan (Item 7 (2))



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 15 November 2017, and the Special Planning Committee meeting held on 17 November 2017 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcement:

We have received a request from the Titchfield Neighbourhood Forum to be considered for the Council's list of recognised amenity groups in relation to the scheme of deputations.

I can confirm that it has been agreed to include the Titchfield Neighbourhood Forum onto the list of recognised amenity groups for proposals relating to or affecting the areas of Titchfield in relation to the Scheme of Deputations for the Planning Committee.

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

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

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No
ZONE 1 – 2.30pm				
Miss K Little (Agent)		LAND EAST OF POSBROOK LANE TITCHFIELD FAREHAM PO14 4EZ – OUTLINE PLANNING APPLICATION FOR SCOUT HUT, UP TO 150 DWELLINGS, COMMUNITY GARDEN, ASSOCIATED LANDSCAPING,	Supporting	7 (1) P/17/0681/OA Pg 22

		AMENITY AREAS AND A MEANS OF ACCESS FROM POSBROOK LANE		
Mr C Wilton- Smith	Titchfield Village Forum	-Ditto-	Opposing	-Ditto-
Mr N Girdler	Titchfield Village Trust Mr R Roberts Mr W Rodger	-Ditto-	-Ditto-	-Ditto-
ZONE 2 – 2.30pm				
ZONE 3 – 3.00pm				
Mr K Arrowsmith	Mr R Spriggs Ms L Dowdell	LIDL FOODSTORE AND 10-23 APEX CENTRE SPEEDFIELDS PARK NEWGATE LANE FAREHAM PO14 1TL – LIDL FOODSTORE (USE CLASS A1) WITH CUSTOMER CAR PARK, ASSOCIATED LAMDSKAPING AND ACCESS WORKS, FOLLOWING DEMOLITION OF EXISTING STORE & 10-23 APEX CENTRE	Opposing	7 (2) P/17/0679/FP Pg 44
Mr J Mitchell (Lidl)		-Ditto-	Supporting	-Ditto-

6. FIVE YEAR HOUSING LAND SUPPLY POSITION

The Committee considered a report by the Director of Planning and Regulation on the Council's 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; and
- (ii) that the Five Year Housing 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.

7. **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. An Update Report was tabled at the meeting.

(1) P/17/0681/OA - LAND EAST OF POSBROOK LANE TITCHFIELD FAREHAM PO14 4EZ

The Committee received the deputations referred to in Minute 6 above.

At the invitation of the Chairman, Councillor Mrs C L A Hockley addressed the Committee on this item.

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

LOCAL INFRASTRUCTURE

Comments from Hampshire County Council Children's Services Department have been received as follows:

"This development lies within the catchment area of Titchfield Primary School. The school has only a handful of spare places and most year groups are full.

Within the catchment area, the projection for four years old living in the catchment area exceeds the number of places available at the school. The school provides 30 places per year group and the four year old numbers are between 35 and 40 over the next 5 years. This development will yield approximately 45 primary age children assuming all properties are two beds or more, based on a yield of 0.3 primary age child per dwelling. This equates to between 6 and 7 pupils per year group.

This development will add to the pressure for school places in the local area but, on its own, is not of sufficient size to warrant expansion of Titchfield Primary School. However with other developments in the Borough it will contribute to an expected pressure for primary school places in the short term.

The development should contribute, in line with the HCC Policy (see attached) for developer contributions. In addition an assessment should be made of the walking and cycling routes to the local school and a contribution made towards any necessary improvements to ensure opportunities exist for sustainable travel. A contribution of £7,000 should also be made towards the development of a School Travel Plan to promote sustainable travel."

IMPACT ON HERITAGE ASSETS

Comments have been received from Historic England in response to this application:

"Great Posbrook Farm forms a cluster of buildings on Posbrook Lane and is currently surrounded by open landscape. This is a very historic site,

associated with Titchfield Abbey, and contains two important listed buildings. Great Posbrook House dates from the 16th century and the substantial aisled barn (South Barn) is late Medieval. Both are listed grade 2* because of their high levels of architectural and historic interest putting them in the top 5-6% of all listed buildings. The significance and understanding of the group is enhanced by the survival of other historic buildings in the former farmstead (store shed, small barn, cart shed and pig sties) which are of local interest.

The appreciation of the historic buildings as a former farm group is enhanced by the rural setting. The buildings sit within the fields with which they had an historic functional relationship and in this sense the rural setting of the farmstead contributes to the significance of the listed buildings. Erosion of this agricultural context through development of c.150 houses would harm the significance of the listed buildings as the setting would become suburbanised. The level of harm would be 'less than substantial' in the terms of the NPPF but this does not mean that it is an unimportant level of harm."

The comments above from Historic England are an important material consideration providing advice on the likely impact to those nearby heritage assets.

Officers consider that the proposal would fail to preserve the setting of the Grade II* listed buildings at Great Posbrook and as a result would fail to satisfy the relevant test set out at Section 66 of the Town and Country Planning (Listed Buildings and Conservation Areas Act 1990.

The proposal is also found contrary to Policy DSP5 of the adopted Fareham Borough Local Plan Part 2: Development Sites and Policies which states that: "Listed Buildings will be conserved by: ensuring that development does not harm, and if desirable, enhances their settings".

The main report on this matter to the Planning Committee sets out how Officers have carried out the Planning Balance in light of the Council's five year housing land supply position and the engagement of Paragraph 14 of the NPPF.

The final bullet point of Paragraph 14 explains that,

"For decision-taking (unless material considerations indicate otherwise) this means:

Approving development proposals that accord with the development plan without delay; and Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies* in this Framework indicate development should be restricted.

(for example, polices relating to sites protected under the Birds and Habitats Directive and/or Sites of Specific Scientific Interest; Green Belt, Local Green Spaces, Areas of Outstanding Natural Beauty, Heritage Coast and National Parks; designated heritage assets; and locations at risk of flooding or coastal erosion).*”

The additional planning harm identified in relation to the setting of Great Posbrook weighs further against granting planning permission. Officers consider that the harm significantly and demonstrably outweighs the benefits of the proposed development. Accordingly, having regard to Paragraph 14 of the NPPF, it is not considered the proposal represents sustainable development.

Notwithstanding, the second part of the final bullet point to paragraph 14 refers to specific policies of the NPPF indicating development should be restricted, including those relating to heritage assets. With that in mind it is clear that failure to comply such specific polices can justify the refusal of applications regardless of whether the harm is considered to outweigh the benefits.

Those specifically, relevant policies of the NPPF include Paragraphs 129, 131, 132 & 134 all of which provide guidance on the treatment of heritage assets in the decision making process.

Paragraph 129 of the NPPF reads:

“Local planning authorities should identify and assess that particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal.”

Paragraph 131 of the NPPF continues by stating:

“In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;*
- the positive contribution that conservation of heritage assets can make sustainable communities including their economic viability; and*
- the desirability of new development making a positive contribution to local character and distinctiveness.”*

Paragraph 132 of the NPPF reads:

“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are

irreplaceable, any harm or loss should require clear and convincing justification”.

Paragraph 134 of the NPPF explains:

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”.

In this instance the impact of the development is on the setting of a Grade II Listed Building. Paragraph 132 is clear that such a development within the setting of a building can affect its significance. Grade II* Listed Buildings are buildings of more than special interest and so are heritage assets of the highest significance. The comments provided by Historic England suggest they consider the harm caused by the proposal would be less than substantial, however it is still important. The development would result in the erosion of the agricultural context of these listed buildings which would harm their significance by suburbanising their setting. Officers consider that harm would outweigh the public benefits of the proposal.*

Officers recommend that an additional reason for refusal be inserted into the recommendation and that recommendation be revised to read as follows:

REFUSE

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS16, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP5, DSP6, DSP13, DSP14 and DSP15 of the adopted Local Plan Part 2: Development Sites and Policies Plan;

And, Paragraphs 109, 129, 131, 132 and 134 of the National Planning Policy Framework;

and is unacceptable in that:

- (a) the application site lies outside of the defined urban settlement boundary on land which is considered to form part of a ‘valued landscape’. As a result the proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area. In addition the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements;*
- (b) the proposal would be harmful to, and fail to preserve and enhance, the setting of nearby Grade II* Listed Buildings;*
- (c) the proposal would result in the loss of best and most versatile agricultural land;*

- (d) *had it not been for the overriding reasons for refusal the Council would have sought details of the SuDS strategy including the mechanism for securing its long-term maintenance;*
- (e) *had it not been for the overriding reasons for refusal the Council would have sought to secure the on-site provision of affordable housing at a level in accordance with the requirements of the local plan;*
- (f) *had it not been for the overriding reasons for refusal the Council would have sought ecological mitigation, compensation and enhancement measures to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats, including networks and connectivity and future management and maintenance arrangements;*
- (g) *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 Coastal Special Protection Areas;*
- (h) *in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory details of the design, long term management and ownership and associated costs of the proposed Bird Conservation Area to the east of the application site. As a result the proposal fails to provide adequate mitigation, compensation and enhancement measures in relation to the effects of the development on qualifying features of the Solent and Southampton Water Special Protection Area (SPA);*
- (i) *in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;*
- (j) *in the absence of a legal agreement to secure such, the proposal fails to mitigate against the adverse effects of the development on the safety and operation of the strategic and local highway network in the form of a financial contribution towards off-site highway improvements;*
- (k) *in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar; and*
- (l) *in the absence of a legal agreement to secure a financial contribution towards improvements to the local public rights of way network, the proposal fails to mitigate the harm from the increased usage of public rights of way as a direct result of the development.*

Note for information:

Had It not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address point d) above through the imposition of a suitably worded planning condition and points e) – l) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990.

The Committee received a verbal update and were advised an additional correction needed to be made to the Officer's Report at page 39, paragraph 4. Rather than Officers considering the benefits arising from the development not outweighing the harm, the assessment is that the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, in line with the correct approach of Paragraph 14 of the NPPF which is provided at page 38 of the report.

In addition, the Committee were advised by way of a verbal update that the reasons for refusal provided in the Update Report should also include Policy DSP40 of the adopted Fareham Borough Local Plan part 2: Development Plan and Policies in the list of policies that the development would be contrary to.

Upon being proposed and seconded, the officer recommendation to refuse planning permission was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP5, DSP6, DSP13, DS14, DSP15 and DSP40 of the adopted Local Plan Part 2: Development Sited and Policies Plan;

And, Paragraphs 109, 129, 131, 132 and 134 of the National Planning Policy Framework;

and is unacceptable in that:

- (a) the application site lies outside of the defined urban settlement boundary on land which is considered to form part of a 'valued landscape'. As a result the proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area. In addition the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements;
- (b) the proposal would be harmful to, and fail to preserve and enhance, the setting of nearby Grade II* Listed Buildings;

- (c) the proposal would result in the loss of best and most versatile agricultural land;
- (d) had it not been for the overriding reasons for refusal the Council would have sought details of the SuDS strategy including the mechanism for securing its long-term maintenance;
- (e) had it not been for the overriding reasons for refusal the Council would have sought the on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- (f) had it not been for the overriding reasons for refusal the Council would have sought ecological mitigation, compensation and enhancement measures to ensure that all protected species are taken into account during and after construction. These would include alternative provision for habitats, including networks and connectivity and future management and maintenance arrangements;
- (g) 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 Coastal Special Protection Areas;
- (h) in the absence of a legal agreement to secure such, the proposal fails to provide satisfactory details of the design long term management and ownership and associated costs of the proposed Bird Conservation Area to the east of the application site. As a result the proposal fails to provide adequate mitigation, compensation and enhancement measures in relation to the effects of the development on qualifying features of the Solent and Southampton Water Special Protection Area (SPA);
- (i) in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- (j) in the absence of a legal agreement to secure such, the proposal fails to mitigate against the adverse effects of the development on the safety and operation of the strategic and local highway network in the form of a financial contribution towards off-site highway improvements;
- (k) in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar; and
- (l) in the absence of a legal agreement to secure a financial contribution towards improvements to the local public rights of way network , the

proposal fails to mitigate the harm from the increased usage of public rights of way as a direct result of the development.

Note for information:

Had it not been for the overriding reasons for refusal to the proposal, the Local Planning Authority would have sought to address point d) above through the imposition of a suitably worded planning condition and points e) – l) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town & Country Planning Act 1990.

(2) P/17/0679/FP - LIDL STORE AND 10 - 23 APEX CENTRE SPEEDFIELDS PARK NEWGATE LANE FAREHAM PO14 1TL

The Committee received the deputations referred to in Minute 6 above.

At the invitation of the Chairman, Councillor Mrs C Heneghan addressed the Committee on this item.

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

A further comment has been received from Loft Solutions, Unit 16, as follows:

When the least was taken out 2 years ago there was no mention from the landlord or his agent that the rent was at concessional rates, the rent was marginally cheaper than another on Speedfields which was thought was down to the condition of the unit left by previous tenants. Part of the deal was 1 month rent free to clean and paint the unit and fit a new bathroom. I was not told of a get out clause or cheaper rent. I trusted the landlord thinking I was signing a 3 year lease with no clauses and would not have spent money converting the unit to offices and showroom.

An interest party carried out an online survey, made available to locals and associated parties over the past few weeks. Results of the survey has been submitted on behalf of 40 respondents.

The questions and responses are as follows:

Q.1. Should Lidl put the social responsibility of the communities they trade in ahead of profits?

Yes – 82.5%

No – 17.5%

Q.2. Do you think the new Lidl development would add to the already congested traffic problems in and around the Newgate Lane and Speedfields Park area?

Yes – 92.5%

No – 7.5%

Q.3. *Should the new Lidl development be allowed to evict 13 existing businesses with 70+ full-time employees with no suitable available premises to relocate to?*

Yes – 2.5%

No – 97.5%

Q.4. *If Fareham Borough Council authorise the planning for the new Lidl development, do they have a duty of care to save the 70+ full time jobs that would be lost?*

Yes – 100%

Q.5. *Is it right that Lidl should be allowed to jeopardise the jobs of 70+ skilled manufacturing personnel in order to create just 1 additional full time store job?*

Yes – 2.5%

No – 97.5%

Q.6. *Finally, should Lidl work with Fareham Borough Council to save the existing 13 businesses and 70+ employees by seeking an alternative, more suitable site within the local area?*

Yes – 100%

Councillor Graham Burgess, Lee East, has submitted the following comment:

I fully support this application to redevelop the existing Lidl site on Speedfield Park, Newgate Lane, Fareham. It is a well used facility.

I have also been contacted by local residents also asking me to support this application. No one has contacted me to object.

Five further comments received supporting the proposal.

Members proposed to amend Condition 12: There shall be no deliveries, or delivery vehicles on the site between 0700 hours and 2200 hours.

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to the conditions in the report, and the amendment to Condition 12 above, was voted on and CARRIED.

(Voting: 6 in favour; 3 against)

RESOLVED that, subject to the conditions in the report, and the amendment to Condition 12 above, PLANNING PERMISSION be granted.

(3) P/17/1298/FP - 54 CORNAWAY LANE PORTCHESTER PO16 9DD

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

A motion was proposed and seconded to refuse planning permission, and was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal:

The proposed development is contrary to Policies CS17 and DSP3 of the Local Plan and the advice in the National Planning Policy Framework and is unacceptable in that:

- by virtue of the height, depth and bulk of the dwellings on plot no's 3 and 4 and their proximity to the rear gardens of no's 52 and 52a Cornaway Lane, would represent an overbearing and unneighbourly form of development of a poor design which would be detrimental to the amenities of these properties.

(4) P/17/1354/FP - 5 MOODY ROAD FAREHAM PO14 2BP

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

Since the publication of the report, one letter of representation has been received from 18 Walnut Drive raising the following concerns:

- *Loss of sunlight and privacy*
- *Overbearing effect*
- *Loss of property value*

These impacts have been assessed from 18 Walnut Drive.

In terms of concerns over loss of light and overbearing impact, the extension would be located over 20m away from the conservatory at no. 18 Walnut Drive. This distance would mitigate any detrimental harm to this neighbouring property, in terms of light and outlook. The Council's Design Guidance expects two storey rear extensions to be located at least 12.5m away from the windows of the neighbouring houses to minimise any loss of light and outlook. Therefore the proposal is in accordance with this policy.

As to the impact on privacy of these neighbours, the proposed extension would introduce an additional window at a first floor level. However, as the window in the existing two storey rear extension, it is concluded that proposed extension would not materially alter the level of privacy currently enjoyed by these neighbours.

Finally, as the concerns over loss of property value, this is a private matter which falls beyond the scope of planning material consideration and therefore cannot justify refusal of planning permission.

Upon being proposed and seconded, the officer recommendation to grant planning permission, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be granted.

(5) Planning Appeals

The Committee noted the information in the report.

(6) 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 5.06 pm).