

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 21 March 2018

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, S Cunningham (deputising for R H Price, JP) and Mrs C L A Hockley (deputising for Mrs K Mandry)

Also Present: Councillor Mrs K K Trott (Item 7 (4)), Councillor Miss S M Bell (Item 7 (6)), Councillor R H Price, JP (Item 7 (6)) and Councillor Mrs K Mandry (Item 7(7))



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillor’s Mrs K Mandry and R J Price, JP.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee held on 23 February 2018 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 N J Walker declared a non-pecuniary personal interest in item 7 (6) – Land to the West of Seafield Road & Moraunt Drive; South of Tattershall Crescent in that he is the Chairman of the Parish Hall Trust Board of which 2 church wardens are also members who are also member trustees of the Churchlands Trust which owns part of the site.

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 M Hawthorne		Item 6 – 5 Year Housing Land Supply	N/A	N/A
ZONE 1 – 2.30pm				
Mr G Skelton		LAND TO THE EAST OF BYE ROAD, SWANWICK, SO31 7GX – 7NO. CUSTOM BUILD DWELLINGS WITH ASSOCIATED PARKING AND ACCESS FROM BYE ROAD	Opposing	7 (1) P/17/1317/OA Pg 35
Mr M Knappett (Agent)		-Ditto-	Supporting	-Ditto-
Ms K Stevens		247 TITCHFIELD ROAD, FAREHAM, PO14 3EP – NINE	Opposing	7 (2) P/17/1356/FP Pg 50

		HOLIDAY LET PROPERTIES (USE CLASS C3) AND ASSOCIATED SERVICED UNIT, OUTDOOR SWIMMING POOL, CAR PARKING, LANDSCAPING AND REPLACEMENT ENTRANCE GATES TO ACCESS WITH ACCESS TO TITCHFIELD ROAD		
Mr J Porter (Agent)		-Ditto-	Supporting	-Ditto-
Mr C Fox		151 LOCKS ROAD, LOCKS HEATH, SO31 6LF – CHANGE OF USE TO MIXES RESIDENTIAL/BUSINESS USE WITH USE OF CONVERTED GARAGE AS A DOG GROOMING SALON AND EXTENSION OF DROPPED KERB	Opposing	7 (3) P/18/0047/CU Pg 61
Mr M Flanigan		-Ditto-	Supporting	-Ditto-
ZONE 2 – 2.30pm				
Ms C Gould (Agent)		LAND TO THE EAST OF FURZE COURT, WICKHAM ROAD, FAREHAM, PO16 7SH – CONSTRUCTION OF 12 DWELLINGS TOGETHER WITH ASSOCIATED ACCESS, CAR PARKING, DRAINAGE AND LANDSCAPING	Supporting	7 (4) P/17/0841/FP Pg 68
ZONE 3 – 4.00pm				
Mrs P Rook	Lee Lewis Phyllis Merritt Trevor Rees Elaine Russell Julie Sexton	LAND TO THE WEST OF SEAFIELD ROAD & MOURANT DRIVE; SOUTH OF TATTERSHALL CRESCENT, PORTCHESTER – RESIDENTIAL DEVELOPMENT OF 49 DWELLINGS, AND	Opposing	7 (6) P/17/0920/FP Pg 87

		PROVISION OF OPEN SPACE AND HABITAT LAND, ACCESS OFF MOURANT DRIVE. (MANAGEMENT STATEMENT AND REVISED MANAGEMENT PLAN)		
Mrs C Wilkinson	Deborah Woodbridge Paul Davies Kirsten Wiltshire Margaret Jolley Melanie Hefford	-Ditto-	Opposing	
Mr B Jezeph (Agent)		-Ditto-	Supporting	-Ditto-
Mr R Price		-Ditto-	Opposing	-Ditto-
Mr M Hawthorne (Agent)		LAND WEST OF OLD STREET, STUBBINTON, FAREHAM – OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 150 RESIDENTIAL DWELLINGS, ACCESS FROM OLD STREET, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS	Supporting	7 (7) P/17/1451/OA Pg 111
Mr W Hutchison	Hill Head Residents Association	-Ditto-	Opposing	-Ditto-
Mr B Duffin		-Ditto-	-Ditto-	-Ditto-
Cllr P Hayre		-Ditto-	-Ditto-	-Ditto-
Mr J McDermott (Agent)		39 KNIGHTS BANK ROAD, FAREHAM, PO14 3HX – ERECTION OF DETACHED DWELLING	Supporting	7 (8) P/18/0059/FP Pg 127

6. FIVE YEAR HOUSING LAND SUPPLY POSITION

The Committee considered a report by the Director of Planning and Regulation which provided an update on the Council's current Five Year Housing Land Supply Position.

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

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

A letter has been received from Martin Hawthorne of WYG Planning Consultancy in regards to this item. WYG act as the planning agent for the applications at items 7(4) & 7(7) of this agenda.

The letter objects to the use of the Liverpool methodology being adopted. It is WYG's view that the Sedgfield methodology was followed by the Planning Inspector in determining the appeal at Cranleigh Road (PINS ref: APP/A1720/W/156244) leading to a substantial reduction in the Council's 5YHLS position.

The letter continues by emphasising the repeated failure of Welborne to deliver at the Council's predicted rates. Whilst an outline application has been submitted for Welborne there have been numerous objections including those from statutory consultees. As a result WYG consider that the delivery rate of 3,840 dwellings proposed within the emerging Local Plan is overly optimistic and that therefore the 5YHLS position is further reduced significantly.

RESOLVED that the Committee:-

- (i) noted the content of the report and the Council's current 5 Year Housing Land Supply Position; and
- (ii) note that 5 Year Housing Land Supply position, as outlined in the report (and which will be updated regularly) 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/17/1317/OA - LAND TO THE EAST OF BYE ROAD SWANWICK SO31 7GX

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:-

Following the completion of the report, the Agent has raised several additional points regarding the content of the Committee Report:

1. *The access road is located within the designated Urban Settlement Boundary.*

2. *In respect of the individual TPO's, they are not located within the application site itself, but are sited within the rear gardens of 11 and 15 Bye Road. The root protection areas extend within the site boundary, and have been considered by the Council's Tree Officer.*
3. *The laurel hedgerow along the northern boundary of the access is proposed to be retained and protected during the construction. However, the condition of the hedgerow, and any additional landscaping would be considered further at reserved matters stage.*

In addition, one further third party comment has been received, details of which have already been passed onto Members.

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

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be granted.

(2) P/17/1356/FP - 247 TITCHFIELD ROAD FAREHAM PO14 3EP

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

As there was no proposer for officer recommendation for planning permission, this was declared lost.

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 development would be contrary to Policies CS14, CS17 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP2 and DSP8 of the adopted Local Plan Part 2: Development Sites and Policies Plan and is unacceptable in that:

- (a) By virtue of the noise and disturbance generated by the use of the site, the proposed development would have a harmful effect on the living conditions of neighbours;
- (b) The development would harm the landscape character and appearance of the countryside and fails to respect or respond positively to the key characteristics of the surrounding area;
- (c) The development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements.

(3) P/18/0047/CU - 151 LOCKS ROAD LOCKS HEATH SO31 6LF

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:-

Further information has been received that Hampshire County Council are currently consulting (A1009/SL) on a Traffic Order which would restrict vehicles waiting at the junction of Locks Road and Meadow Avenue which is just south of the application site. In addition, it is proposed to create two uncontrolled pedestrian crossings (dropped kerbs) in the same area.

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

- (i) the conditions in the report;
- (ii) a correction to Condition 2 to be amended from 'the use' to 'the business use';
- (iii) an additional condition limiting the operation of the dog grooming business use to the converted garage only; and

(iv) temporary consent to be granted for a limited period of 12 months was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that subject to:-

- (i) the conditions in the report;
- (ii) a correction to Condition 2 to be amended from 'the use to 'the business use';
- (iii) an additional condition limiting the operation of the dog grooming business use to the converted garage only; and

(iv) temporary consent to be granted for a limited period of 12 months PLANNING PERMISSION was granted.

(4) P/17/0841/FP - LAND TO THE EAST OF FURZE COURT WICKHAM ROAD PO16 7SH

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

At the invitation of the Chairman, Councillor Mrs K K Trott addressed the Committee on this item.

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

The Officer recommendation is hereby amended so that the suggested reason for refusal (d) reads:

(d) in the absence of a legal agreement to secure such, the development would fail to provide affordable housing at a level in accordance with Policy CS18 of the adopted Fareham Borough Core Strategy or an equivalent financial contribution towards off-site provision;

In addition it is recommended that a note for information be included to read:

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

Members were also provided with a verbal update by the case officer to say that the applicant has submitted further ecological information which has now satisfied Officers' concerns with regards to reptiles and great crested newts. However, the issue regarding outstanding information in relation to dormice still remains and as such the lack of sufficient ecological information still remains a reason for refusal as set out in the Officer report.

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

(Voting: 9 in favour; 0 against)

RESOLVED the PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policies CS4, CS14, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP2, DSP6, DSP13, DSP15 and DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and the Council's adopted Design Guidance (excluding Welborne) Supplementary Planning Document;

and is unacceptable in that:

- (a) the development would lead to the loss of existing open space without providing a better quality replacement site to be used as open space which is equivalent in terms of accessibility and size;
- (b) the development would be harmful to the landscape character, appearance and function of the countryside and would fail to respect or respond positively to the key characteristics of the surrounding area;
- (c) insufficient ecological information has been provided to demonstrate that protected species and their associated habitats would be protected and enhanced by the development;
- (d) the development would fail to provide affordable housing at a level in accordance with Policy CS18 of the adopted Fareham Borough Core

Strategy or an equivalent financial contribution towards off-site provision;

- (e) had it not been for the overriding reasons for refusal the council would have sought detail of the SuDS strategy including the mechanism for securing its long-term maintenance;
- (f) 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.

(5) P/18/0110/PC - UNIT 2, 95 HIGHLANDS ROAD FAREHAM PO15 6HZ

Upon being proposed and seconded the Officer Recommendation that Prior Approval be granted was voted on and CARRIED:

(Voting: 8 in favour; 0 against; 1 abstention)

RESOLVED that PRIOR APPROVAL be granted.

(6) P/17/0920/FP - LAND TO THE WEST OF SEAFIELD ROAD & MOURANT DRIVE; SOUTH OF TATTERSHALL CRESCENT PORTCHESTER

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

At the Invitation of the Chairman, Councillor R H Price, JP addressed the Committee on this item, he left room after he finished speaking and was not present for the debate or decision on this item.

At the Invitation of the Chairman, Councillor Miss S Bell addressed the Committee on this item. After she had finished speaking she left the room and was not present for the debate or decision on this item.

Councillor Walker declared a non-pecuniary personal interest in item 7 (6) – Land to the West of Seafield Road & Moraunt Drive; South of Tattershall Crescent in that he is the Chairman of the Parish Hall Trust Board of which 2 church wardens are also members who are also member trustees of the Churchlands Trust which owns part of the site.

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

Third Party Bat Survey

Members are advised that the bat recordings taken by a third party were sent by the third party to the Hampshire Bat Group to verify the findings, the Council's Ecology Officer has been consulted further and advises that due to the type of the habitats present on site and the location of the site, the sound analysis carried out by Hampshire Bat Group has confirmed the absence of lesser horseshoe bats, which are rare, from the site which is expected. She further commented that the applicant's ecologist (Ecosupport) recorded the

presence of more species and that the third party survey has under-recorded the bat species known to utilise the site for foraging or commuting. It is noted that Nathusius pipistrelle was not recorded by Ecosupport.

The Ecologist has confirmed that the very low use of the site by this species (only 2 passes over 15 nights) will not change the agreed mitigation for the site. The southern section of the site has been allocated as the 'Ecology Mitigation Area' which will be retained and enhanced through additional planting. Furthermore, addition of features such as water scrapes will create new habitats which are attractive to bats and the area will remain unlit and therefore avoiding any indirect impacts on bats using the site for foraging/commuting. Furthermore, the bat survey carried out by the third party is not in line with best practice guidelines. (Collins, 2016). It is understood that the recordings were collected over the course of 15 evenings in the period 3/7/17 to 19/7/17. Best practice guidelines which are used in assessing submitted documents as part of any planning application state that a bat transect survey (moderate habitat suitability for bats) should comprise "One survey visit per month, between April to October, in appropriate weather conditions for bats".

Hedgerow

Since publication of the report, further questions have arisen over the status and age of the hedgerow to the western boundary of the site and the applicants submission that it does not qualify as an Important Hedge under the Hedgerows Regulations 1997. Concern has also been raised in respect of a need to ensure that there is a 15m buffer between the hedgerow and proposed development. These issues are referenced in the report to Members alongside the responses from the Council's Ecology officer and Tree officer. The Tree officer agreed with the findings of the applicant's report; the Ecology officer commented that the Hedgerow will be retained and that the provision of a 15m buffer as detailed in Natural England's standing advice only applies to Ancient Woodland and Veteran Trees and there is no statutory requirement in the current standing advice for a buffer distance related to Important Hedgerows.

Further information submitted via a third party indicates that the hedgerow is older than the date suggested within the applicant's report which officers commented on. The Council's Ecology officer has commented:

Having reviewed the various correspondence received, I refer to the Criteria for determining "important" hedgerows. The Regulations state that a hedgerow is "important" of it

- (a) has existed for 30 years or more; and*
- (b) satisfies at least one of the criteria listed in Part II of Schedule 1.*

The email from Pat Rook dated 16 March states that "This hedgerow is a field boundary shown on a map dated 1839 and therefore meets the criteria of being part of a field system that existed before the Inclosure Act (that is before 1845)." Based on this statement it satisfies point (a).

My understanding is that the email dated 16 march refers to one of the criteria listed under Part II of Schedule 1 (Archaeology and history Criteria, point 5)

and therefore concludes that the hedge is classified as an "important hedgerow". As the criteria used is "Archaeology & History" and clearly outside the remit of "Ecology", I have no comments.

However, I understand that the hedgerow will be retained as part of the proposals and not removed and therefore The Hedgerows Regulations 1997 would not be relevant (as stated before in my previous emails). In relation to a buffer to protect the hedgerow, the latest masterplan shows that there will be no development within the southern section of the site. There are however "gravel and grass paths" proposed to the east of the hedgerow for use by the residents/public. In terms of ecology, a gravel/grass path in the an area allocated as public open space and "Ecology Mitigation Area" is not considered to have any adverse impacts to the nearby hedgerow and therefore the inclusion of a buffer zone is not applicable. In relation to the northern section of the site, inclusion of a buffer is welcomed which could be secured through a planning condition. However, as mentioned before in my previous correspondence, a 15m buffer only applies to Ancient Woodlands and Veteran Trees (Natural England & Forestry Commission Standing Advice) not important hedgerows. Unfortunately there is no statutory requirement for a minimum buffer distance between an important hedge and a development.

Officer advice is that the Ecology officer and Tree officer are satisfied that the development could proceed with appropriate mitigation and on this basis, there would not be sustainable material planning reason to withhold consent on ecology or arboricultural grounds.

Ecology

Since publication of the report further concern has been raised about inaccuracies relation to ecology aspects; that the applicant's ecologist failed to adhere to best practice guidelines, and that within the officer committee report the Council has 'dismissed' submitted third party concern.

The third party also states that when undertaking her reptile surveys and report (submitted to the Council in January this year), best practice guidelines were adhered to. The Council's Ecology officer was consulted when the report was originally submitted and her comments are set out in the report to Members. The case officer has consulted the Council's Ecology officer further who has no further comments; she previously raised concern in relation to the third party reptile report (i.e. access limitations to the applications to the application site to carry out the surveys and including non-adult numbers in the population estimate) still stands.

Notwithstanding the above, an onsite receptor site (as opposed to an off-site receptor site is still considered the best option for this site as it has been demonstrated that the retained habitats could be enhanced and improved for reptiles.

Brent Geese and Waders

A third party has suggested that officers have 'dismissed' the site and not used due diligence as one of National importance for Brent Geese and Waders and that she has documented the site as 'teeming' with Red List waders. The

Ecology officer comments and officer comments in respect of policy DSP14 are set out in the officer report. In response to the third party concern, the Ecologist has been further consulted: The Ecology officer has responded:

- 1. The new classification by Natural England shows that the site is not of any value for Brent geese and waders. The new Solent Brent Geese and Waders Strategy by Natural England which the LPA's have reviewed and are in the process of submitting feedback is due to be published imminently. The main changes from the old strategy is the complete removal of the term 'uncertain'. Notwithstanding this, the overgrown nature of the habitats on site makes the site unsuitable for BG&Ws. BG&Ws rely on the short grass (e.g. amenity grassland or grazed fields) and arable fields growing winter cereals.*

The statement from third party emails "Natural England cannot be expected to comment with any accuracy on fundamentally flawed or outdated information which can be further proven to be invalid and unfair." Is incorrect. Natural England do not necessary rely on the submitted ecology reports. They are the governing body in developing mitigation strategies in relation to BG&Ws and therefore have access to their own most up to date data. They are the consultee which are expected to comment on designated sites and the issues of BG&Ws. It is evident from the correspondence received from Natural England that they had not raised any concerns in relation to site's suitability or survey requirement, which HCC supports. Natural England has welcomed the measures such as creation of water scrapes, areas or open grassland and limited public accessibility in the "Ecology Mitigation Area" which is likely to increase the suitability for the site for BG&Ws.

- 2. Badgers – The inclusion of a mesh wire is necessary to protect the "Ecology Mitigation Area" from dog walkers and has been agreed with Natural England. This is to encourage BG&Ws to the area. This will not fragment badger habitat as badgers are capable of digging under the fencing. Furthermore, where necessary badger access could comprise gaps at the base of the mesh wire which are approx. 220mm wide by 360mm high. As mentioned before on a number of occasions, it is common and acceptable practice for LPAs to stipulate a condition whereby on sites where badgers are present, a pre-construction badger check will be carried out to ensure no new setts have been created. This takes into account the mobile nature of the badgers and the risk of the badgers and the risk of missing setts during the original surveys.*

The third party concerns and discussion between them and officers is documented and careful consideration has been given to these issues. In taking account of these issues, it is necessary overall to consider whether the issues raised and level of concern fundamentally alter the officer recommendation in this case. Officer advice is that the Ecology officer and Tree officer are satisfied that the development could proceed with appropriate mitigation and on this basis, there would not be a suitable reason to withhold consent on ecology or arboricultural grounds.

An additional late representation has been received – the points raised are covered in the third party representations set out within the officer report.

As there was no proposer or seconder for the officer recommendation for permission 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 development would be contrary to Policies CS5, CS17, CS18 & CS20 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP13, DSP15 and DSP40 of the adopted Local Plan Part 2: Development Sites and Policies Plan and the Council's adopted Design Guidance (excluding Welborne) Supplementary Planning Document;

And is unacceptable in that:

- (a) Moraunt Drive is inadequate as a means of access to serve the proposed number of dwellings;
- (b) The erection of 2 storey houses adjoining bungalows in Seafield Road would result in a poor transaction of the built form which would be harmful to the character of the area;
- (c) The Council is not satisfied with the proposed future management and maintenance arrangements for the southern part of the site and is not in turn satisfied that all relevant ecological interests would be fully safeguarded;
- (d) 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;
- (e) In the absence of a legal agreement to secure the provision of open space, the ecological enhancement area and associated management and maintenance, the recreational needs of residents and ecological enhancement of the proposed development would not be met;
- (f) In the absence of a legal agreement to secure provision of a financial contribution towards education, the educational needs of residents of the proposed development would not be met; and
- (g) Had it not been for the overriding reasons for refusal the Council would have sought to secure on-site affordable housing provision at a level compliant with the adopted local plan.

(7) P/17/1451/OA - LAND WEST OF OLD STREET STUBBINGTON

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

At the invitation of the Chairman, Councillor Mrs K Mandry addressed the Committee on this item.

(Councillor Davies was not present for this item and therefore took no part in the debate or decision on this item)

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

COMMENTS FROM HAMPSHIRE COUNTY COUNCIL – COUNTRYSIDE SERVICES

Revised comments from Hampshire County council Countryside Service have been received as follows:

“[It has been indicated that FBC Officers consider] that only the first of our five below conditions would be necessary for the development to be acceptable in planning terms.

- 1. The buffer to be designed in consultation with HCC, with further exploration of its long-term management options, with HCC having first refusal on its ownership. Should HCC take on ownership/management of the buffer we would expect a commuted sum covering an in-perpetuity period (80 years), or the provision of a suitable annual contribution from the site's management company.*
- 2. A development contribution towards providing a significantly biodiversity gain within Titchfield Haven Nature Reserve. We will be able to provide further details of this contribution in due course, but we would expect it cover an in-perpetuity period (80 years).*
- 3. A development contribution towards enhancing access provision in the local area, to draw residents away from sensitive areas. We will be able to provide further details of this contribution in due course.*
- 4. The provision of a pedestrian crossing across Marsh Lane to create a more attractive on-site path, with an appropriate gate solution to prevent unauthorised access onto the reserve.*
- 5. The applicant engages the future residents in the sensitivities of the site's location, including through the provision of a welcome pack (to include an annual membership to the reserve), funding for staff time to liaise with and engage new residents, and a developer contribution towards replacing one of the hides on the reserve.*

We would expect any development at this location – adjacent to a National Nature Reserve – to provide a net gain in biodiversity to the reserve. Indeed this appears to be the approach taken by the applicant, supported by Natural England. In proposing the green space to the west to be an 'extension' to the NNR. As it stands however, we do not consider that the proposed extension could effectively form part of the NNR which we manage, and therefore would only perform a buffer role. The proposal would also reduce the size of the existing buffer, so would therefore need to be of sufficient quality to mitigate for this. Our conditions aimed to ensure that this quality be achieved, alongside a number of other conditions which would help minimise any adverse impacts upon the NNR that 150 dwellings could generate, as well as delivering a significant net gain in biodiversity at the NNR.

In addition, we requested that the applicant provide a further assessment regarding the potential impact of the development upon the NNR, to help us better develop any suitable mitigation. The submitted 'Assessment of Likely Significant Effects' however considers the impacts upon the SPA, and not the NNR directly (paragraph 5.1).

Due to this lack of information, and without all of our prerequisite conditions being taken forward, we would like to make it clear that we maintain our objection to this proposal."

Officers have considered these comments against the limitations set out at Regulation 122 of The Community Infrastructure Levy Regulations 2010 and, with the exception of details of the long-term management of the nature reserve buffer/extension and associated costs, do not consider the suggested contributions can be justified in this instance. The advice set out in the Officer report therefore remains the same with regards these issues.

COMMENTS FROM HAMPSHIRE COUNTY COUNCIL – CHILDREN'S SERVICES

Hampshire County Council Children's Services have commented on the application as follows:

"The proposed development lies within the catchment area of Crofton Hammond Infant and Junior Schools. These schools are full as are the other primary phase schools in this area. As such the development will create additional pressure for primary school places.

In line with HCC's Children's Services Developers' Contributions Policy the development should contribute to provision of infrastructure at local schools due to the additional pressure that will be placed on school places locally. Further investigation is necessary to identify what provision should be made so no details can be provided at this stage.

The pupil yield is likely to be 48 primary age pupils based on 160 dwellings of two beds or more. In line with the policy a contribution of £14,539 per pupil place should be made. This totals £697,872. This amount should be able to be used flexibly to respond to the proposed strategy for delivering any additional facilities that may be required or to assist with home to school transport costs.

Even when there is apparently sufficient capacity to cater for all, or part, of the additional demand, there may still be a need for additional facilities at a school. The reason for this is that the method of assessing capacity does not take full account of the need for schools to have dedicated space for specialist facilities, such as ICT (Information and Communications Technology). Also, the inclusion of children with special educational needs in mainstream schools means that schools need spaces which can be used for individual or small group teaching, which is unlikely to have been provided in the original room allocations. In other words, schools which have theoretical spare capacity will be using those spaces for legitimate educational uses, which will need to be rehoused before those teaching spaces can be brought back into use for general teaching purposes. There may also be factors, such as an undersized

hall, which would mean that it would be difficult to meet present day educational requirements if the school was full to its assessed capacity. These can be referred to as “suitability” issues.”

Officers note that the comments refer to the number of dwellings proposed as being 160 as opposed to the revised figure of 150 units for which outline permission is now sought. Notwithstanding, the requirement is for a financial contribution from the applicant towards education provision. Had the application been considered acceptable in all other regards Officers would have sought to agree this contribution with the applicant and it being secured through an appropriately worded Section 106 legal agreement. In the absence however of the means to secure such, the lack of a financial contribution towards education provision if considered by Officers to constitute an additional reason for refusal.”

The Officer recommendation is therefore amended to include an additional reason for refusal as follows:

(m) in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.
(Voting: 8 in favour; 0 against)

RESOLVED that PLANNING PERMISSION was REFUSED.

Reasons for Refusal

The development would be contrary to Policies CS4, CS5, CS14, CS16, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14 and DSP15 of the adopted Local Plan Part 2: Development Sites and Policies Plan;

And, Paragraphs 32 and 109 of the National Planning Policy Framework;

and is unacceptable in that:

- (a) the application site lies outside 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 long term major and moderate 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 to the proposed development would adversely affect the integrity of the strategic gap and the physical and visual separation of settlements;
- (b) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality design which respects and responds positively to the key characteristics of the area;

- (c) by virtue of the inadequate access arrangements from Old Street into the northern section of the application site, the development would be harmful to the safety of highway users;
- (d) by virtue of the insufficient provision of, or support for; sustainable transport options, the development would result in a material increase in vehicle movements to and from the site which would have a severe impact on the safety and operation of the local highway network;
- (e) the development would result in a material increase in vehicle movements to and from the site which cannot be accommodated adequately on, and would have a severe impact on the safety and operation of, the existing local highway network;
- (f) 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;
- (g) 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;
- (h) 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;
- (i) 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 extension to the nature reserve. 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) and adjacent Site of Special Scientific Interest (SSSI);
- (j) 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 in the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas;
- (k) 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;
- (l) 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;

- (m) in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.

Notes 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 f) above through the imposition of a suitably worded planning condition and points g) – m) 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.

(8) P/18/0059/FP - 39 KNIGHTS BANK ROAD FAREHAM PO14 3HX

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

(Councillor Davies was not present at the meeting for this item and took no part in the debate or decision)

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.
(Voting: 8 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The proposed development is contrary to Policy CS17 of the adopted Fareham Borough Core Strategy and Policy DSP15 of the Fareham Borough Local Plan Part 2: Development Sites Policy and the Fareham Borough Design Guidance SPD and is unacceptable in that:

- i) the proposal would result in a cramped and unsympathetic form of development which would fail to respond positively to and be respectful of the key characteristics of the area including scale, form and spaciousness;
- ii) on the basis of the information provided the local planning authority are not satisfied that the protected Monterey Pine tree on the site frontage would not be harmed during the construction process;
- iii) in the absence of a financial contribution or a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed net increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.

Notes for Information

The decision relates to the following plans and documents;

- i) Location Plan drwg No. L01
- ii) Site Layout drwg No.01 Rev A
- iii) Street Elevation – drwg No.1471 A-02
- iv) Proposed Floor Plans – drwg No. 1471 A-03
- v) Proposed Elevations – drwg No. 1471 A-04
- vi) Preliminary Ecological Appraisal (ecosa Jan 2018)
- vii) Tree Survey, Arb Impact Assessment & Tree Method Statement (N J Trowell Nov 2017)

(9) Planning Appeals

The Committee noted the information in the report.

(10) UPDATE REPORT

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

8. INFORMATION REQUIREMENTS FOR VALIDATION

The Committee considered a report by the Director of Planning and Regulation regarding the information requirements for validation of planning applications.

The Committee requested that the following additions be made to the Council's Local Information Requirements:

- That a consultation response be sought from the Clinical Commissioning Group (CCG) on relevant applications; and
- To have a great community involvement and for more detail of how this can be achieved to be provided to Members when this report comes back to the Committee at a future date, following the public consultation.

RESOLVED that, subject to the amendments listed above, the proposed changes to the Fareham Borough Council's Local Information Requirements are agreed for public consultation.

(The meeting started at 2.30 pm
and ended at 8.01 pm).