

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Thursday, 8 August 2024

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor D G Foot (Chairman)

Councillor I J Bastable (Vice-Chairman)

Councillors: S Dugan, G Furnivall, S P Ingram, Mrs J Needham, P M Nother, Mrs K Mandry (deputising for Miss J Burton) and P W Whittle (deputising for K Wiltshire)

Also Present: Councillor Mrs P K Hayre (Item 5(1))



1. APOLOGIES FOR ABSENCE

Apologies of absence were received from Councillors Miss J Burton and K Wiltshire.

2. CHAIRMAN'S ANNOUNCEMENTS

There were no Chairman's announcements made at this meeting.

3. DECLARATIONS OF INTEREST

Councillor D G Foot declared a personal interest for item 5(1) as one of the deputies is known to him.

4. DEPUTATIONS

Name	Spokes person representing the persons listed	Subject	Supporting or Opposing the Application	Item No/ Application No/Page No	Dep Type
ZONE 1 – No items					
ZONE 2 – No items					
ZONE 3 – 1.30am					
Nick Carter		<p>P/20/0646/OA – LAND SOUTH OF LONGFIELD AVENUE, FAREHAM</p> <p>OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT ACCESS) FOR UP TO 1,200 NEW HOMES (C3); 80 BED CARE HOMES (C2); A NEW 2 FORM ENTRY PRIMARY SCHOOL (D1); A LOCAL CENTRE TO COMPRISE FLEXIBLE COMMERCIAL</p>	opposing	5(1) P/20/0646/OA	Written Statement

		FLOORSPACE (A1, A2, A3 AND A5 UP TO 800SQ.M) AND COMMUNITY CENTRE AND HEALTH CARE FACILITY (D1 USE UP TO 700SQ.M); THE FORMATION OF NEW MEANS OF ACCESS ONTO LONGFIELD AVENUE AND PEAK LANE; NEW OPEN SPACE INCLUDING THE LAYING OUT OF A NEW COUNTRY PARK AND SPORTS FACILITIES; DRAINAGE INFRASTRUCTURE; WALKING AND CYCLING INFRASTRUCTURE AND OTHER ASSOCIATED INFRASTRUCTURE WORKS.		Page 2	
Mary Thompson		-ditto-	opposing	-ditto-	Written Statement
Pearl Adams		-ditto-	opposing	-ditto-	Written Statement
Nick Morrill		-ditto-	opposing	-ditto-	In person
Ronald Charnock		-ditto-	opposing	-ditto-	Written Statement
Rose Christopherson		-ditto-	opposing	-ditto-	Written Statement
Jennifer Holgate		-ditto-	opposing	-ditto-	Written Statement
Neil McMonagle		-ditto-	opposing	-ditto-	Written Statement
Bob Marshall on behalf of The Fareham Society		-ditto-	opposing	-ditto-	Written Statement
Ed Tooley		-ditto-	opposing	-ditto-	In person

Dame Caroline Dinenage, MP		-ditto-	opposing	-ditto-	Written Statement
Paul Holmes, MP		-ditto-	opposing	-ditto-	Written Statement

(1) WRITTEN DEPUTATIONS

The Committee noted the content of the written deputations that had been published on the Council’s website prior to the meeting.

(2) ADDITIONAL WRITTEN DEPUTATION

The Committee noted the content of the written deputations that had been published on the Council’s website prior to the meeting.

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

The Committee noted a report by the Director of Planning and Regeneration on the development control matters.

(1) P/20/0646/OA - LAND SOUTH OF LONGFIELD AVENUE FAREHAM

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: -

P/20/0646/OA (Stubbington Ward)

Land South of Longfield Avenue, Fareham

Appeal Status

The Planning Inspectorate has confirmed that the appeal is valid and that the process will take the form of an Inquiry. The Inquiry will start at 10am on 29th October 2024 and is currently scheduled to take place over 8 days.

Amendments to the Report

For clarification, deletions to the report are ~~scored through~~ and additional text is in italics.

Off-Site Pedestrian and Cyclist Provision

8.60 The Local Highway Authority also refer to several interventions identified within the Infrastructure Delivery Plan that supports the Local Plan and Fareham’s Local Cycling and Walking Infrastructure Plan (LCWIP) that contributions are required towards. ~~that would improve pedestrian and cyclist routes close to the site and between the site, Fareham Town Centre and the train station.~~

- 8.61 *The interventions that are in close proximity to the site together with those that are required to improve pedestrian and cycle links from the site to: the Rapid Transit bus services; existing PROW; Fareham Town Centre and the rail station, are required by policy HA55 and Officers consider satisfy the tests set out under the NPPF and the CIL Regulations.*
- 8.62 *There are however also financial contributions sought by the Local Highway Authority towards improvements within the Town Centre as part of the LCWIP route 270 that are not required by policy HA55 (a review of the West Street / Trinity Street signalised junction, a review of the West Street / Osborne Road South / Kings Road signalised junction and the provision of walking and cycling facilities within East Street) that are considered by Officers to not satisfy the aforementioned tests.*
- 8.63 *The applicant argues that the interventions identified within the Infrastructure Delivery Plan that supports the Local Plan and Fareham's Local Cycling and Walking Infrastructure Plan are strategic and should be funded by the Community Infrastructure Levy rather than by separate financial contributions secured within the legal agreement. Officers however consider the financial contributions sought by the Local Highway Authority to be:*
-
- 1) necessary to make the development acceptable in planning terms;*
- 2) directly related to the development; and*
- 3) fairly and reasonably related in scale and kind to the development.*
- 8.64 *The financial contributions are necessary to ensure the development accords with policies TIN2 and HA55. The financial contributions also satisfy the tests set out in the NPPF and the CIL regulations and should be secured within the S106 legal agreement as without these contributions, the development would not be acceptable in planning terms.*

Conclusion Regarding Recreational Disturbance

- 8.124 *The Council agrees with the conclusions of the shadow Appropriate Assessment that provision of on-site high quality open space will fully mitigate the impacts of the development upon the Habitats Sites both alone and in ~~contribution~~ combination with other plans and projects.*

Recommendation

- 9.1 *Members confirm that had they been able to determine the planning application they would have resolved to:*
- (A) *GRANT OUTLINE PLANNING PERMISSION, subject to conditions and the completion of a planning obligation with the applicant pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:*
- *To secure the delivery of 40% of the permitted dwellings as affordable housing;*
 - *To secure the delivery of an extra care facility;*
 - *To secure the delivery housing built to adaptable or accessible standards (15% at category 2 of Building Regulations and 5% to category 3);*

- *To secure the delivery of serviced plots for 10% of the housing to be either self or custom build;*
- *To secure the delivery of sustainable mode improvements;*
- *To secure the delivery of mitigation and safety schemes to off-site local and strategic highway;*
- *To secure the delivery, management and maintenance of publicly accessible open space to include;*
- *To secure the delivery, management and maintenance of 10 hectares of publicly inaccessible open space (the bird reserve);*
- *To secure the delivery of a community facility;*
- *To secure the delivery of the local centre;*
- *To secure the provision of a financial contribution towards off-site healthcare provision;*
- *To secure the delivery of sports pitches;*
- *To secure the delivery of early years provision;*
- *To secure the delivery of a primary school on site;*
- *To secure the provision of a financial contribution towards the production and monitoring of a school travel plan;*
- *To secure the provision of a financial contribution towards places for pupils with special educational needs and disabilities;*
- *To secure the provision of a financial contribution to increase off-site secondary school capacity;*
- *To secure an employment and skills training plan;*
- *To secure the provision of a financial contribution towards upgrading and maintaining Public Rights of Way;*
- *To secure the provision of a monitoring fee in line with the obligations*

AND

(B) DELEGATE authority to the Head of Planning to make (1) any necessary changes to proposed heads of terms for the section 106 legal agreement and (2) any other changes to the Council's case where this is considered necessary as a consequence of detailed negotiations and/or the production of further evidence during the course of the appeal.

Representations

Two further objections to the application have been received. They do not contain any new material considerations beyond those stated in the Committee Report

At the invitation of the Chairman, Councillor Mrs P Hayre addressed the Committee on this item.

Councillor D Foot, declared a personal interest in this item as one of the deputies is known to him. He remained present in the meeting for the debate on the application and took part in the vote.

Members carefully considered all relevant planning matters and policies and acknowledged the site's allocation within the adopted Fareham Local Plan 2037.

A motion to approve the officer recommendation that had Members been able to determine the planning application they would have resolved to:

- (i) GRANT outline planning permission, subject to conditions and the completion of a planning obligation with the applicant pursuant to Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
- To secure the delivery of 40% of the permitted dwellings as affordable housing;
 - To secure the delivery of an extra care facility;
 - To secure the delivery housing built to adaptable or accessible standards (15% at category 2 of Building Regulations and 5% to category 3);
 - To secure the delivery of serviced plots for 10% of the housing to be either self or custom build;
 - To secure the delivery of sustainable mode improvements;
 - To secure the delivery of mitigation and safety schemes to off-site local and strategic highway;
 - To secure the delivery, management and maintenance of publicly accessible open space to include;
 - To secure the delivery, management and maintenance of 10 hectares of publicly inaccessible open space (the bird reserve);
 - To secure the delivery of a community facility;
 - To secure the delivery of the local centre;
 - To secure the provision of a financial contribution towards off-site healthcare provision;
 - To secure the delivery of sports pitches;
 - To secure the delivery of early years provision;
 - To secure the delivery of a primary school on site;
 - To secure the provision of a financial contribution towards the production and monitoring of a school travel plan;
 - To secure the provision of a financial contribution towards places for pupils with special educational needs and disabilities;
 - To secure the provision of a financial contribution to increase off-site secondary school capacity;
 - To secure an employment and skills training plan;
 - To secure the provision of a financial contribution towards upgrading and maintaining Public Rights of Way;
 - To secure the provision of a monitoring fee in line with the obligations

Then

- (ii) DELEGATE authority to the Head of Planning to make (1) any necessary changes to proposed heads of terms for the section 106 legal agreement and (2) any other changes to the Council's case where this is considered necessary as a consequence of detailed negotiations and/or the production of further evidence during the course of the appeal.

Was proposed and seconded, and voted on and declared LOST.

(Voting: 4 in favour; 5 against)

The Chairman adjourned the meeting to allow Officers time to prepare advice for Members prior to their consideration of a further proposal.

When the meeting was reconvened Officers drew Members' attention to paragraph 8.222 of the Officer's report which requires that they consider the titled balance in paragraph 11(d) of the NPPF as a material consideration.

Members carefully considered all relevant planning policies and matters, including the site's allocation within the adopted Fareham Local Plan 2037 and that the extent and amount of financial contributions towards necessary infrastructure was still ongoing and yet to be agreed. A further motion that had members had been able to determine the planning application they would have resolved to REFUSE the application, was voted on and CARRIED.
(Voting: 5 in favour; 0 against; 4 Abstained)

RESOLVED that had Members had the opportunity to determine the application;

- (i) The application would have been REFUSED.

Reasons for Refusal:

The development would be contrary to policies HP5, HP7, HP8, R4, NE1, NE3, NE5, TIN1, TIN2, TIN4 and D1 of the Fareham Local Plan 2037, and is unacceptable in that it fails:

- To secure the delivery of 40% of the permitted dwellings as affordable housing;
- To secure the delivery of an extra care facility;
- To secure the delivery of housing built to adaptable or accessible standards (15% at category 2 of Building Regulations and 5% to category 3);
- To secure the delivery of serviced plots for 10% of the housing to be either self or customer build;
- To secure the delivery of sustainable mode improvements;
- To secure the delivery of mitigation and safety schemes to off-site local and strategic highway;
- To secure the delivery, management and maintenance of publicly accessible open space;
- To secure the delivery, management and maintenance of 10 hectares of publicly inaccessible open space (the bird reserve);
- To secure the delivery of a community facility;
- To secure the delivery of the local centre;
- To secure the provision of a financial contribution towards off-site healthcare provision;
- To secure the delivery of sports pitches;
- To secure the delivery of early years provision;
- To secure the delivery of a primary school on site;
- To secure the provision of a financial contribution towards the production and monitoring of a school travel plan;
- To secure the provision of a financial contribution towards places for pupils with special educational needs and disabilities;

- To secure the provision of a financial contribution to increase off-site secondary school capacity;
- To secure an employment and skills training plan;
- To secure the provision of a financial contribution towards upgrading and maintaining Public Rights of Way;
- To secure the provision of a monitoring fee in line with the obligations.

And to also:

(ii) DELEGATE authority to the Head of Planning to make: -

- (1) Any necessary changes to proposed heads of terms for the Section 106 Legal Agreement;
- (2) Any other changes to the Council's case where this is considered necessary as a consequence of detailed negotiations and/or the production of further evidence during the course of the appeal.

(2) UPDATE REPORT

The Update Report was circulated prior to the meeting and considered alongside the relevant agenda item.

(The meeting started at 1.30 pm
and ended at 4.03 pm).

..... Chairman

..... Date