

## SUPPLEMENTARY AGENDA PLANNING COMMITTEE

**Date:** Wednesday, 15 March 2023  
**Time:** 2.30 pm  
**Venue:** Collingwood Room - Civic Offices

**6. Planning applications and Miscellaneous Matters including an update on Planning Appeals**

To consider a report by the Director of Planning and Regeneration on development control matters, including information regarding new planning appeals and decisions.

**(9) UPDATE REPORT (Pages 1 - 3)**



P GRIMWOOD  
Chief Executive Officer  
Civic Offices  
[www.fareham.gov.uk](http://www.fareham.gov.uk)  
14 March 2023

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## UPDATES

**for Committee Meeting to be held on 15/03/2023**

### **ZONE 1 – WESTERN WARDS**

(1) P/22/0567/FP LOCKS HEATH

**LAND TO THE REAR OF 12-14 SOUTHWOOD GARDENS, LOCKS HEATH, SO31 6WL**

Following receipt of further comments from the Designing Out Crime Officer raising concerns regarding the 2m width path and the proposed bollard lighting. The plans have been amended to increase the width of the path by 3m and a street light has been included. This addresses the concerns raised by the Designing out Crime Officer.

As a result of these amended plans the following conditions have been superseded with the following:

2. The development hereby permitted shall be constructed in accordance with the following approved documents:
  - a) Site Location Plan AIM.CPM.PLN.022 Sheet 1 Issue 7
  - b) Plan View of Plot AIM.CPM.PLN.022 Sheet 2 Issue 7
  - c) Isometric View of Plot AIM.CPM.PLN.022 Sheet 3 Issue 7
  - d) Tree Plan AIM.CPM.PLN.022 Sheet 4 Issue 7
  
7. No development shall proceed until details of the proposed street lighting or other means of external illumination to a standard BS 5489-1:2020 have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and any lighting thereafter retained in the approved form.  
REASON: In order to prevent light disturbance to occupiers of nearby residential properties and control light pollution.

An additional head of term has also been added to the S106 agreement which is revised as follows:

- a) Timescale for delivery of the footpath and landscaping
- b) Once the footpath and landscaping has been completed to the reasonable satisfaction of Fareham Borough Council, transfer of the footpath and landscaping belt to Fareham Borough Council
- c) Payment of the necessary commuted maintenance sum for the path and landscaping adjacent to the path
- d) Installation of motorcycle prevention barrier

(3) P/22/0167/FP

WARSASH

47 FLEET END ROAD, WARSASH, SOUTHAMPTON, SO31 9JH

Conditions 9 and 14 are re-worded to the following:

- 9) No development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicle (EV) charging points will be provided at the following level:

At least one Electric Vehicle (EV) charging point per dwelling with allocated parking provision;

The development shall be carried out in accordance with the approved details with the charging point(s) provided prior to first occupation of the dwelling to which it serves.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

- 14) No development shall take place until the Council has received evidence that the required nitrate mitigation capacity has been allocated to the development pursuant to the allocation agreement dated 26<sup>th</sup> August 2022 between (1) William Northcroft Butler and James Nicholas Butler (2) HN Butler Farms Limited and (3) JHE Global Limited.

Reason: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

(4) Q/0230/23

WARSASH

79 GREENAWAY LANE, WARSASH

The report header is corrected to remove Mr R Hanslip as the applicant and substitute with Mrs L Hanslip

## **ZONE 2 – FAREHAM**

(6) P/22/0363/OA

FAREHAM EAST

LAND AT PINKS HILL, FAREHAM

Officers were advised by Mr Stephen Clark (representing the Vistry Group) on 10 March 2023 that it was intended to seek Counsel advise regarding the officer report on this agenda which would be shared with the Council prior to the Planning Committee meeting. It was requested that determination of the planning application be deferred until April to enable consideration of this advice.

The Counsel advice was submitted to the Council on 14 March 2023 which provides advice on a number of areas of concern in respect of the officer report including;

- i) The starting point for considering nutrient neutrality in the planning balance, and the way in which para 11 of the NPPF has been disapplied;
- ii) The absence in the report of a number of perceived public benefits associated with the development;
- iii) The lack of weight attributed to the benefits arising from the development in the planning balance, and the failure to provide guidance to members towards a balanced recommendation;
- iv) The robustness of reasons for refusal relating to nutrient neutrality, ecology and heritage impact;
- v) Prospect of success at appeal.

In addition, it has been indicated by Mr Clark that a shadow HRA will be submitted to the Council in the week commencing 20 March 2023 and evidence that nitrates mitigation has been reserved at Warnford Park has been provided.

Mr Clark again requested that the determination of the application be deferred and offered an extension of time to determine the application until 21 April 2023.

Officers have considered the Counsel advise and are of the opinion that the approach to decision making set out within the officer report is sound. The report refers to the public benefits offered by the proposal to which officers have attributed weight in the planning balance. The weight to be attributed to those benefits is a matter for the decision maker. Officers have given their view as to weight, but it is a matter for members as to what weight to ascribe to the degree of conflict with the development plan and other material considerations including the NPPF. It is not considered that there is any basis to defer determination of the planning application.

### **ZONE 3 – EASTERN WARDS**

(no.) [Reference] [Ward]

[Location]

[Update Notes]