

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 16 September 2015

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, R H Price, JP and L Keeble (deputising for D C S
Swanbrow)

**Also
Present:**



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor D C S Swanbrow.

2. MINUTES OF PREVIOUS MEETING

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that item 7 – Tree Preservation Order No 706 (2015) – 1 Highfield Avenue and Land to the West of 7 Highfield Avenue had been removed from the agenda for this meeting.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct the following members declared an interest in the applications referred to:-

Name	Application Number/Site	Minute Number
Councillor Price, JP	P/15/0718/CC – Stubbington By Pass Stubbington	6 (2)
Councillor Price, JP	P/15/0717/CC - Newgate Lane Fareham	6 (4)

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 No/ Application No/Page No	TIME (mins)
ZONE 1 – 2pm					
Mr N Crane		49 Home Rule Road, Locks Heath – Erection of a two storey rear extension	Opposing	Item 1 P/15/0671/FP Page 7	3
Mr M Cottam		-ditto-	Supporting	-ditto-	3
ZONE 2 – 2pm					

ZONE 3 – 2pm					

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

The Committee noted a report by the Director of Planning and Development on the development control matter applications and miscellaneous matters, including information on Planning Appeals. An Update Report was tabled at the meeting.

(1) P/15/0671/FP - 49 HOME RULE ROAD LOCKS HEATH SOUTHAMPTON SO31 6LH

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

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, subject to the conditions in the report, PLANNING PERMISSION be granted.

(2) P/15/0718/CC - STUBBINGTON BY PASS STUBBINGTON HAMPSHIRE

Councillor Price, JP declared a non-pecuniary interest in this item as he is a member of the Regulatory Committee at Hampshire County Council which is the Committee that will be deciding this application.

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

COMMENTS FROM THE APPLICANT

The Applicant has provided further commentary in response to the Director of Planning & Development (Highways) consultation. The matters raised are mostly detailed points that will be addressed through the detailed design stage.

CONSULTATIONS:

Director of Planning & Development (Ecology): No objection subject to conditions.

“I am satisfied that the thorough and professional survey work undertaken at the site has enabled the development of a function mitigation strategy which is appropriate for the identified impacts”.

Director of Community (Environmental Health – Pollution): No objection on noise grounds subject to conditions.

REPRESENTATIONS:

One further letter of objection received on behalf of the occupier of Newlands Farm. A copy has also been sent to HCC:

- The application submits that this is sustainable as defined by the NPPF, but we beg to differ.*
- So far as the occupants of Newlands Farm is concerned, the scheme is lacking creative detail and will not enhance and improve the place in which the occupants of the farm live their lives.*
- It is not sustainable development if a scheme, particularly one of this magnitude, does not provide a good standard of amenity for the occupants of the farm.*
- Reducing the traffic in Stubbington must not be at our expense.*
- The application is unclear at the actual acoustic fence and bund heights with differences in height referred to in the application.*
- The land around the farm is wet in winter and the road drainage should be designed to help.*
- A footpath around the farm has not been assessed or indicated for diversion.*

PLANNING CONSIDERATIONS:

The Ecology consultation response notes that the impact upon protected species is such that any harm can be mitigated through appropriate mitigation strategies.

However the detailed survey work that accompanies the application does indicate that the proposal will require the loss of bat roosts.

Local Planning Authorities are required to engage with the Habitats Regulations when considering planning applications affecting protected species. Planning permission should not be granted if:

- a) the development is likely to result in a breach of the EU Directive, and*
- b) is unlikely to be granted an EPS licence from Natural England to allow the development to proceed under a derogation from the law.*

The application is supported by detailed Ecological Assessments within the Environmental Statement which indicate that the proposal will result in the loss of bat roosts. The loss of the roosts would mean an offence under the Regulations is likely. Given that there is a breach of the EU Directive then the next consideration is that of will the development get a European Protected Species (EPS) licence?

An EPS licence can only be granted if the development proposal is able to meet three tests:

- 1. the consented operation must be for 'preserving public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment'; (Regulation 53(2)(e))*
- 2. there must be 'no satisfactory alternative' (Regulation 53(9)(a)); and*

3. the action authorised 'will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range' (Regulation 53(9)(b)).

Ultimately it is for the determining body (HCC) to ensure compliance with the three tests, however as the Local Planning Authority, it is also appropriate that the tests be considered in forming the Consultation response back to HCC.

"The Purpose Test":

This application will provide much needed and wanted local infrastructure that would help the Borough manage the heavy traffic flows through the area on to the strategic road network. The provision of the bypass is considered to be of overriding public interest for traffic management. The infrastructure requirements of the area are considered to address the first test.

"The No Satisfactory Alternative Test":

The roosts to be lost are within Hollam Cottages and stables which are to be demolished to construct the road. The buildings are in a poor condition already and if retained. The existing buildings will need some improvements in terms of efficiency and modernization with the result that the bat roosts may well be either disturbed, or destroyed in any event.

"The Favourable Conservation Status Test":

It is proposed to compensate for the bat roost loss through the incorporation of a good range of new roosting opportunities in the form of bat boxes integral to replacement built structures for Hollam Cottage and stables. Consultations with the Ecologist has confirmed that provided these mitigation proposals are secured by planning condition, the favourable conservation status of the bat population will be maintained and a EPS licence is likely to be granted.

AMENDED RECOMMENDATION:

Additional conditions to those in the main agenda as a result of the consultation responses now received:

15) Post construction noise monitoring shall be completed within 3 months of the scheme coming into use (the scope and duration of the monitoring to be agreed with the LPA)

16) A detailed ecology mitigation strategy is to be submitted and approved in writing in line with the outline measures proposed within Chapter 9 of the Environmental Statement. The ecology statement will provide mitigation for:

- reptiles*
- badgers; and*
- nesting birds;*

17) The development shall be carried out in accordance with the detailed Water Vole Mitigation Strategy.

18) The development shall be carried out in accordance with the outline method statement provided in Appendix 9.5b and Chapter 9 of the Environmental Statement to ensure bats are not disturbed, killed or injured,

together with new roosting opportunities to be provided in the form of bat boxes integral to replacement built structures for Hollam Cottage and stables.

19) Landscape Management Scheme to ensure planting establishes and functions as a screen but also as an ecological resource.

Upon being proposed and seconded, the officer recommendation to support the application, subject to the following:-

- 1) That the bypass will not be lit other than at junctions;
- 2) Measures are put in place to ensure that the bypass will not increase surface water flooding problems to neighbouring land and land in Stubbington;
- 3) That the Stubbington Residents and Borough Council are fully consulted and appraised on any traffic calming measures to be implemented in the village.

And the imposition of suitably worded planning conditions as per the main agenda and update paper, was voted on and CARRIED.

(Voting: 7 in favour; 2 against)

RESOLVED that, subject to the following:-

- 1) That the bypass will not be lit other than at junctions;
- 2) Measures are put in place to ensure that the bypass will not increase surface water flooding problems to neighbouring land and land in Stubbington; and
- 3) That the Stubbington Residents and Borough Council are fully consulted and appraised on any traffic calming measures to be implemented in the village;

And the imposition of suitably worded planning conditions as per the main agenda and update paper, SUPPORT be given for the planning application.

(3) P/15/0771/FP - CASTLE TRADING ESTATE EAST STREET

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, subject to the conditions in the report, PLANNING PERMISSION be granted.

(4) P/15/0717/CC - NEWGATE LANE FAREHAM HAMPSHIRE

Councillor Price, JP declared a non-pecuniary interest in this item as he is a member of the Regulatory Committee at Hampshire County Council which is the Committee that will be deciding this application.

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

COMMENTS FROM THE APPLICANT:

The Applicant has provided further commentary in response to the Director of Planning & Development (Highways) consultation. The matters raised are mostly detailed points that will be addressed through the detailed design stage.

The Applicant has also indicated that discussions have taken place with the MOD with regard to the replacement of the formal sports provision lost as a consequence of the road alignment.

REPRESENTATIONS:

Two letters have been sent to HCC and copied to FBC from two land owners affected by the new road:

- The application for the new road is supported in principle*
- But an objection is raised in the absence of any meaningful discussion between HCC and the land owners regarding the provision of access to the adjoining land. Any decision should be stopped until these discussions are concluded.*
- The Land in question is being promoted as housing site to FBC through the Local Plan Review.*

CONSULTATIONS:

Director of Planning & Development (Ecology): No objection subject to conditions. "I am satisfied that the thorough and professional survey work undertaken at the site has enabled the development of a function mitigation strategy which is appropriate for the identified impacts".

Director of Community (Environmental Health – Pollution): No objection on noise grounds subject to conditions.

AMENDED RECOMMENDATION:

Additional conditions to those in the main agenda as a result of the consultation responses now received:

14) Post construction noise monitoring shall be completed within 3 months of the scheme coming into use (the scope and duration of the monitoring to be agreed with the LPA)

15) A detailed ecology mitigation strategy is to be submitted and approved in writing in line with the outline measures proposed within Chapter 9 of the Environmental Statement. The ecology statement will provide mitigation for:

- reptiles;*
- badgers; and*
- nesting birds.*

16) Landscape Management scheme to ensure planting establishes and functions as a screen but also as an ecological resource.

Upon being proposed and seconded, the officer recommendation to support the application, subject to the conditions in the report and update report, was voted on and CARRIED.

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

RESOLVED that, subject to the conditions in the report and update report, the Committee SUPPORT the application.

(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.

7. TREE PRESERVATION ORDER NO 706 (2015) - 1 HIGHFIELD AVENUE AND LAND TO THE WEST OF 7 HIGHFIELD AVENUE

This item was withdrawn from the agenda.

8. TREE PRESERVATION ORDERS

The Committee considered the confirmation of the following Fareham Tree Preservation Order(s), which had been made by officers under delegated powers and to which no formal objections had been received.

Fareham Tree Preservation Order No 707 (2015) – Locks Heath Service Station, 79 Bridge Road, Park Gate.

Order made on 26 June 2015 for which there were no objections.

RESOLVED that Fareham Tree Preservation Order No be confirmed and made and served.

(The meeting started at 2.30 pm
and ended at 4.10 pm).