

# FAREHAM

BOROUGH COUNCIL

## Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 16 December 2020

**Venue:** Microsoft Teams Virtual Meeting

**PRESENT:**

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

**Councillors:** T M Cartwright, MBE, P J Davies, K D Evans, M J Ford, JP,  
L Keeble, R H Price, JP and Mrs C L A Hockley (deputising for  
F Birkett)

**Also Present:** Councillor Mrs K K Trott (Item 6 (4))



**1. APOLOGIES FOR ABSENCE**

An apology of absence was received from Councillor F Birkett.

**2. MINUTES OF PREVIOUS MEETING**

RESOLVED that the minutes of the Planning Committee meeting held on 18 November 2020 be confirmed and signed as a correct record.

**3. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcement: -

*“Members will be aware that a judicial review claim has been brought on 8 grounds by Save Warsash and the Western Wards against the Council’s decision to grant planning permission for six detached dwelling houses on land adjoining 79 Greenaway Lane (planning reference P/18/0884/FP). This planning application was considered by the Planning Committee on 24 June 2020, and following the completion of a Section 106 legal agreement the formal decision notice was issued in 11 August 2020.*

*An order the High Court was made on 7 December 2020 refusing permission to bring the judicial review claim on all 8 grounds. The Court’s view was that officers had correctly interpreted and applied the Natural England guidance on achieving nitrate neutrality, had properly advised the Planning Committee, and that the Planning Committee had made a lawful decision.*

*The claimant, Save Warsash and the Western Wards, has the option to ask the Court to reconsider their claim at a hearing, on any or all of the 8 grounds of challenge. The deadline for asking the Court to reconsider their claim is 21 December 2020.”*

He then went on to inform the Committee how he intended to run the Virtual Planning Committee meeting.

The Head of Development Management was then invited to address the Committee and made the following announcement:

*A press release was issued by the Ministry of Housing, Communities and Local Government this morning titled ‘new measures to level up England’s cities and provide much needed new homes’. The press release states that a number of measures will be announced today including an updated method for calculating housing need.*

*As of this moment, no details have been published by the Ministry of Housing, Communities and Local Government about the updated method for calculating housing need including when it will be introduced.*

*On this basis my advice is that Members should determine the planning applications before them based on the information currently available in respect of this Council’s housing need requirements.*

*If it evolves once the details are published that this Council's housing need is materially changed, Officers will need to consider based on the prevailing circumstances, whether there is a need to bring any planning application back to the Planning Committee for further consideration.*

#### 4. DECLARATIONS OF INTEREST

In accordance with the Standing Orders and the Council's Code of Conduct the following Councillors declared an interest in the items identified:

Councillor I Bastable declared a non-pecuniary personal interest in item 6(1) – Land Adjacent to 125 Greenaway Lane as he has a friend who lives in a property which abuts the application site.

Councillor R H Price, JP declared a non-pecuniary personal interest in item 6(1) – Land Adjacent to 125 Greenaway Lane as one of the deputies is known to him.

#### 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	Item No/ Application No/Page No	Type of Dep
<b>ZONE 1 – 2.30pm</b>					
Mrs H Megginson (Lead Petitioner)		LAND ADJACENT TO 125 GREENAWAY LANE WARSASH – OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE CONSTRUCTION OF UP TO 100 RESIDENTIAL DWELLINGS, ACCESS FROM GREENAWAY LANE, LANDSCAPING, OPEN SPACE AND ASSOCIATED WORKS	<b>Opposing</b>	6 (1) P/19/0402/OA Pg 10	<b>Video</b>
Ms J Thakker		-Ditto-	<b>-Ditoo-</b>	-Ditto-	<b>Written</b>
Mr R Megginson		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Video</b>

Mr R Holford		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mrs A Chase		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Audio</b>
Mr & Mrs Taysom		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mrs V Wyatt		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Audio</b>
Mrs H Russell		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mrs J Tubbs		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr T Moody (Agent)		-Ditto-	<b>Supporting</b>	-Ditto-	<b>Video</b>
<b>ZONE 2 – 2.30pm</b>					
Mr S Wright		84 FAREHAM PARK ROAD FAREHAM – RESIDENTIAL DEVELOPMENT OF UP TO 28 UNITS INCLUDING THE PROVISION OF 8 AFFORDABLE HOMES, ALONG WITH PARKING, LANDSCAPING AND ACCESS ROAD	<b>Opposing</b>	6 (3) P/18/0363/OA Pg 68	<b>Written</b>
Mr B Mason & Mr D Cook		-Ditto-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr D Deacon (Agent)		-Ditto-	<b>Supporting</b>	-Ditto-	<b>Written</b>
Mr J Herring		FORMER MAGISTRATES COURT TRINITY STREET FAREHAM – DEMOLITION OF THE FAREHAM MAGISTRATES COURT AND REDEVELOPMENT OF THE SITE WHICH COMPRISES OF UP TO 45 APARTMENTS, SITE ACCESS, LANDSCAPING AND OTHER ANCILLARY INFRASTRUCTURE WORKS	<b>Supporting</b>	6 (4) P/18/1261/OA Pg 96	<b>Written</b>
Mr R Tutton (Agent)		PLOT 5 AMBERLEY GARDENS FORMERLY 90 GUDGE HEATH LANE – VARIATION OF	<b>Supporting</b>	6 (5) P/19/0697/VC Pg 115	<b>Written</b>

		<p>CONDITION 2 OF P/18/0511/FP; ERECTION OF TWO ADDITIONAL DETACHED 2-BED BUNGALOWS; ALTERNATIVE SCHEME FOR PLOT 5 INCLUDING RAISED FLOOR LEVEL TO REAR, ADDITION OF WINDOW TO REAR ELEVATION, REDUCED DOOR OPENING TO ACCESS STEPS &amp; ADDITION OF PRIVACY SCREEN, ALTERATIONS TO FENESTRATION ON EAST ELEVATION AND INCREASE HEIGHT OF BOUNDARY FENCE</p>			
<b>ZONE 3 – 2.30pm</b>					

**6. 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, including information regarding new appeals and decisions.

**(1) P/19/0402/OA - LAND ADJACENT TO 125 GREENAWAY LANE WARSASH SO31 9HT**

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: -

1. *Natural England have provided comments in response to being consulted on the Appropriate Assessment. Natural England advises that they concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given.*

*The Officer recommendation is hereby amended to remove the wording at 9.0 i) (that planning permission be granted subject to the receipt of comments from Natural England) given that comments have now been received and regard has been had to the advice contained.*

2. *3 additional objections raising concerns about; the impact on the highway, water consumption and air quality.*

*The Officer recommendation is hereby amended to include the following additional condition:*

*The Building Regulation Optional requirement of a maximum water use of 110 litres per day shall be complied with prior to occupation of any of the dwellings hereby approved. The water efficiency measures for each dwelling shall be retained for each dwelling for the lifetime of the property.*

*REASON: In the interests of preserving water quality and resources.*

3. *8.83 of the report states that "...the scheme is considered to satisfy four of the five criteria..." (of DPS40.) This is to be amended to state: "...the scheme is considered to satisfy all of the five criteria..." of DSP40 as explained earlier in the report.*
4. *8.63 of the report states that "The Trust indicate that the residents who will be living in the development at the Magistrates Court site are likely to use the hospitals and increase pressure on the hospital services as a result." This is to be amended to state: "The Trust indicate that the residents who will be living in the development are likely to use the hospitals and increase pressure on the hospital services as a result."*

A verbal update was also provided by the Planning Case Officer which was:

An amendment to the heads of terms for the planning obligation is proposed as follows:

9.0 ii)

*a) To secure the provision and transfer of the areas of open space of a minimum of 1.15 hectares to FBC including associated financial contributions for its future maintenance.*

*j) To secure the provision of a wildlife buffer of at least 5m wide along the south and west boundaries of the site in line with the indicative layout plan.*

Councillor I Bastable declared a non-pecuniary personal interest in this item as he has a friend who lives in a property which abuts the application site.

Councillor R H Price, JP declared a non-pecuniary personal interest in this item as one of the deputees is known to him.

A motion was proposed and seconded, to include an additional head of term for the section 106 Agreement in the officer recommendation for permission securing a contribution to the University of Southampton NHS Foundation Trust in the sum of £15,861 to provide services needed by the occupants of the new homes, and was voted on and LOST.

(Voting: 2 in favour; 7 against)

The Officer recommendation to grant planning permission, subject to the conditions in the report and amended conditions in the update report and amended head of terms for the Section 16 Agreement in the verbal update, was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that subject to:

- i) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
  - a) To secure the provision and transfer of the areas of open space of a minimum of 1.5 hectares to Fareham Borough Council, including associated financial contributions for its future maintenance;
  - b) A financial contribution towards the delivery of a play area and associated maintenance;
  - c) To secure a financial contribution towards the Solent Recreation Mitigation Partnership (SRMP);
  - d) To secure 40% of the proposed units as on-site affordable housing; the type, size mix and tenure to be agreed to the satisfaction of Officers;
  - e) To secure pedestrian and cycle connectivity access to adjoining land for members of the public through the site perpetuity and a financial contribution towards the maintenance and associated lighting of the pedestrian and cycle link;
  - f) To secure a financial contribution towards education provision;
  - g) Financial contribution towards education provision;
  - h) Financial contribution towards highway impacts at the following junctions' A27/Barnes Lane Barnes Lane/Brook Lane, A27/Station Road roundabout;
  - i) Travel Plan and related monitoring cost and bond;
  - j) A sustainable travel contribution to be used towards offsite improvements;
  - k) To secure the provision of a wildlife buffer of at least 5m wide along the south and west boundaries of the site in line with the indicative layout plan.
- ii) The conditions in the report; and
- iii) The conditions in the Update Report

PLANNING PERMISSION be granted.

**(2) P/19/0121/FP - 9-11 FLEET END ROAD WARSASH SO31 9JH**

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

*Officers are seeking written confirmation from the HLOWWT that the purchase of nitrates mitigation to off-set the impact of this development has been completed. In the event that this confirmation is received planning condition 16 (submission of Notice of Purchase prior to commencement of development) will not be imposed on any subsequent planning permission granted.*

A Verbal Update was provided to the Committee by the Planning Case Officer who confirmed that written confirmation has now been received from HLOWWT regarding the purchase of nitrates credits and therefore Condition 16 of the Officer's report will now be removed.

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to the conditions in the report and the removal of Condition 16, was voted on and CARRIED.

(Voting: 5 in favour; 4 against)

RESOLVED that, subject to the conditions in the report and the removal of Condition 16. PLANNING PERMISSION be granted.

**(3) P/18/0363/OA - 84 FAREHAM PARK ROAD PO15 6LW**

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: -

*Natural England have provided comments in response to being consulted on the Appropriate Assessment.*

*Natural England have recommended a Construction Environmental Management Plan (CEMP) be imposed as a planning condition to any permission granted.*

*In regards to surface water drainage, Natural England have said:*

*"The development is situated close to watercourses feeding into The Solent and Dorset Coast SPA, and Solent and Southampton Water SPA. There is potential for poor water quality in surface drainage to negatively impact on these watercourses and the features for which the protected sites are designated such as, hydrocarbons, oils, grit salts and other chemical pollutants associated with traffic, garden chemicals such as enriching fertilisers or herbicides/insecticides, and household detergents etc.*

*Therefore it is our advice that best practice SuDS are designed in accordance with the requirements in the CIRIA SuDS Manual (C753) for this development. It should be noted that Step 3 under Section 26.7.1. of the SuDS manual outlines that the requirement for extra treatment should be considered in relation to discharge to environmentally protected sites. It states that 'an*



*additional treatment component (i.e. over and above that required for standard discharges), or other equivalent protection, is required that provides environmental protection in the event of an unexpected pollution event or poor system performance.'*

*Therefore, in line with a precautionary approach in respect of the European site, it is advised further cleaning/filtration treatment features/steps may be required for incorporating into any surface drainage strategy. It is also advised details are provided with regards to the long-term (in perpetuity) maintenance/replacement and funding of SuDS, and which authority will have responsibility for this, for incorporation into your authority's appropriate assessment."*

*Having had regard to these comments, the Council's Appropriate Assessment has been updated to include reference to the additional treatment component requires in the SuDS system for the site.*

*The Officer recommendation is hereby amended to remove the wording at 9.1 i) (that planning permission be granted subject to the receipt of comments from Natural England) given that comments have now been received regard has been had to the advice contained.*

*At 9.1 iv) of the Officer recommendation;  
Condition 6 is amended as follows (additional wording inserted shown underlined):*

*6. No development shall commence on site until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The CEMP shall address the following matters:*

- a) how provision is to be made on site or the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;*
- b) the measures the developers will implement to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;*
- c) the measures for cleaning the wheels and underside of all vehicles leaving the site;*
- d) a scheme for the suppression of any dust arising during construction or clearance works;*
- e) the measures for cleaning Fareham Park Road to ensure that it is kept clear of any mud or other debris falling from construction vehicles;*
- f) the areas to be used for storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development;*
- j) Measures to control vibration in accordance with BS5228:2009;*

- k) Provision for storage, collection, and disposal of rubbish from development during construction period;
- g) a construction-phase drainage system which ensures all surface water passes through three stages of filtration to prevent pollutants from leaving the site;
- r) Safeguards for fuel and chemical storage and use, to ensure no pollution of the surface water leaving the site.

The development shall be carried out in accordance with the CEMP and areas identified in the CEMP for specified purposes shall thereafter be kept available for those users at all times during the construction period, unless otherwise agreed in writing by the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and underside of vehicles have been cleaned.

REASON: In the interest of safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period. In the interests of protecting protected species and their habitat; In the interests of protecting nearby sites of ecological importance from potentially adverse impacts of development. The details secured by this condition are considered essential to be agreed prior to the commencement of the development on the site to ensure appropriate measures are in place to mitigate the effects of construction works from the outset.

Condition 7 is hereby amended as follows (additional wording inserted shown underlined):

7. No development hereby permitted shall commence until details of the means of surface water drainage from the site have been submitted to and approved by the LPA in writing. The details shall include the detailed design of Sustainable Urban Development Systems (SUDS) in accordance with CIRIA SuDS Manual (C753) to be used on the site as well as details on the delivery, maintenance and adoption of SUDS features. The SUDS design shall include an additional treatment component as set out under Section 26.7.1, Step 3 of the CIRIA SuDS Manual (C753) unless otherwise first agreed in writing by the local planning authority. The development shall be carried out in accordance with the approved details unless otherwise agreed with the local planning authority in writing.

REASON: To ensure the development provides for the satisfactory disposal of surface water.

Upon being proposed and seconded the officer recommendation to grant planning permission, and was voted on and LOST.  
(Voting: 4 in favour; 5 against)

*(Between the first vote and the second vote, Councillor Ford lost his connection to the meeting and therefore did not take part in the second vote on this application)*

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

(Voting: 5 in favour; 3 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policies CS2, CS5, CS6, CS24, CS5, CS17, CS8, CS20 & CS22 of the adopted Fareham Borough Core Strategy 201 and Policies DSP, DSP6, DSP13, DSP15 & DSP40(iii) of the adopted Local Plan Part 2: Development Sites and Policies Plan, and Paragraph 170 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. The proposal represents development for which there is no justification or overriding need and would adversely affect its landscape character, appearance and function;
- (b) The proposals would extend residential development into the Meon Strategic Gap significantly affecting the integrity of the Gap;
- (c) In the absence of a legal agreement to secure such, the proposal fails to provide a financial contribution towards enhancements to bridleways 82 & 83b. As a result the proposal fails to provide for, priorities and encourage safe and reliable journeys by walking;
- (d) In the absence of a legal agreement to secure such, the proposal fails to provide affordable housing at a level in accordance with the adopted local plan;
- (e) In the absence of a legal agreement to secure such, the proposal fails 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;
- (f) In the absence of a legal agreement to secure such, the proposal fails to provide a financial contribution towards a school travel plan;
- (g) In the absence of a legal agreement to secure such, the proposal fails to provide details of the maintenance and management arrangements for areas of the site not within the defined curtilage of any of the residential units.

**(4) P/18/1261/OA - FORMER MAGISTRATES COURT TRINITY STREET**

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

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

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

*Natural England have provided comments in response to being consulted on the Appropriate Assessment raising no objection subject to the appropriate mitigation being secured.*

*The Officer recommendation is hereby amended to remove the wording at 9.1 i) (that planning permission be granted subject to the receipt of comments from Natural England) given that comments have now been received and regard has been had to the advice contained.*

Upon being proposed and seconded, the officer recommendation to grant planning permission, subject to the conditions in the report and update report, and completion of Section 106 planning obligations was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, subject to:-

- i) The applicant/owner first entering into a planning obligation under Section 106 of the Town and Country Planning Act 1990 on terms drafted by the Solicitor to the Council in respect of the following:
  - a. To secure a financial contribution towards the Solent Recreational Mitigation Strategy (SRMS);
  - b. To secure the provision of a policy-compliant financial contribution towards off-site provision of affordable housing based on the increase in floorspace arising from the proposed development over the existing gross internal floorspace of 2,736 square metres;
  - c. To secure the removal of specified agricultural land from agricultural use for the lifetime of the development in order to achieve nutrient neutrality for the development;

ii) The conditions in the report; and

iii) The conditions in the Update Report

PLANNING PERMISSION be granted.

**(5) P/19/0697/VC - 90 GUDGE HEATH LANE FAREHAM PO15 5AY**

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

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

*Officers are seeking written confirmation from the HLOWWT that the purchase of nitrates mitigation to off-set the impact of this development has been completed. In the event that this confirmation is received planning condition 16 (submission of Notice of Purchase prior to commencement of development) will not be imposed on any subsequent planning permission granted.*

The Committee received a verbal update from the Planning Case Officer which informed them that the Notice of Purchase has now been received and therefore Condition 16 will no longer be imposed.

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, subject to the conditions in the report, and the removal of Condition 16, PLANNING PERMISSION be granted.

### **(6) Planning Appeals**

The Committee noted the information in the report.

### **(7) UPDATE REPORT**

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

## **7. INTRODUCTION CHARGES FOR HERITAGE ADVICE AND DESIGN CODES AND THE USE OF PLANNING PERFORMANCE AGREEMENTS**

The Committee considered a report by the Director of Planning and Regeneration on the introduction of charges for heritage advice and design codes, and the use of Planning Performance Agreements, which will be considered by the Executive at its meeting on 4 January 2021.

Members requested that Officers undertake some investigations into the charging of VAT where there is a set fee, and consider the introduction of fees exclusive of VAT.

RESOLVED that the Committee:-

- (i) Notes the proposals the Director of Planning and Regeneration is making to the Executive in respect of charges for heritage advice and design codes, and the use of planning performance agreements; and
- (ii) Advises the Executive that it supports the proposals set out in the report, with the recommendation that the proposed fee set out in paragraph 11 of the report is exclusive of VAT.

## **8. LOCAL INFORMATION REQUIREMENTS**

The Committee considered a report by the Director of Planning and Regeneration on Local Information Requirements which was originally presented to the Committee on the 14 October 2020.

RESOLVED that the Committee agrees to the proposed changes to the Local Information Requirements which have been carefully considered in the context of the consultation responses received. The proposed changes to the Local Information Requirements should take effect on the 1<sup>st</sup> January 2021 and will be applied to all applications received on or after that date.

(The meeting started at 2.30 pm  
and ended at 7.20 pm).