

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 15 March 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: Miss J Burton, D G Foot, M J Ford, JP, Mrs C L A Hockley, S Ingram, P Nother and Mrs S M Walker

Also Present: Councillor Ms C Bainbridge (Item 6(7)) and Councillor Mrs K K Trott (Item 6(6))



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 15 February 2023 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

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

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

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	Dep Type
ZONE 1 – 2.30pm					
Mr & Mrs Pearson		ANDARK DIVING LAKE 256 BRIDGE ROAD – CHANGE OF USE OF LAND ADJACENT TO DIVING LAKE TO A MOTORHOME AND CAMPING SITE FOR UP TO 7 MOTORHOMES & SIX TENTS (EXCLUDING CARAVANS) & CONSTRUCTION OF TOILET/SHOWER FACILITIES	Opposing	6 (2) P/21/1417/FP Pg 26	Written
Andrew Goddard		-DITTO-	Supporting	-Ditto-	In Person (3 mins)

ZONE 2 – 3.45pm					
Stephen Clark		LAND AT PINKS HILL – OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE DEVELOPMENT OF UP TO 109 RESIDENTIAL DWELLINGS (C3 USE) WITH ACCESS FROM PINKS HILL, INFORMAL & FORMAL OPEN SPACE & ASSOCIATED LANDSCAPING, DRAINAGE INFRASTRUCTURE, ACOUSTIC BUND/FENCE & OTHER ASSOCIATED WORKS INCLUDING DEMOLITION OF EXISTING BUILDINGS & ASSOCIATED HIGHWAY/PEDESTRIAN IMPROVEMENT WORKS TO PINKS HILL & MILITARY ROAD	Supporting	6(6) P/22/0363/OA Pg 73	In Person (3 mins)
Nick Billington (Agent)		-DITTO-	Supporting	-Ditto-	In Person (3 mins)
Bob Marshall	The Fareham Society	-DITTO-	Opposing	-Ditto-	In Person (3 mins)
Eleanor Crick		-DITTO-	Opposing	-Ditto-	In Person (3 mins)
Arthur Hackney	Wallington Village Association	-DITTO-	Opposing	-Ditto-	Written
ZONE 3 – 3.45pm					

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/22/0567/FP - 12-14 SOUTHWOOD GARDENS LOCKS HEATH SO31 6WL

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

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 BD 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 foot path 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 path and landscaping adjacent to the path*
- d) Installation of motorcycle prevention barrier*

Upon being proposed and seconded the office recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to:

- (a) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the Section 106 legal agreement; and
 - (b) make any necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;
- (ii) GRANT planning permission, subject to: -
- (a) The applicant/owner first entering into a planning obligation 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:
 - 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;
 - (b) The conditions in the report; and
 - (c) The amended conditions 2 and 7 as set out in the update report.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) AUTHORITY BE DELEGATED to the Head of Development Management to: -
 - (a) make any necessary modification, deletion or addition to the proposed conditions or heads of terms for the Section 106 legal agreement; and
 - (b) make an necessary changes arising out of detailed negotiations with the applicant which may necessitate the variation, addition or deletion of the conditions and heads of terms as drafted to ensure consistency between the two sets of provisions;
- (ii) PLANNING PERMISSION be granted, subject to: -
 - (a) The applicant/owner first entering into a planning obligation 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:
 - 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;

(b) The conditions in the report; and

(c) The amended conditions 2 and 7 as set out in the update report.

(2) P/21/1317/FP - ANDARK DIVING 256 BRIDGE ROAD SWANWICK S031 7FL

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

[The meeting was adjourned for 5 minutes after the debate on this application to allow officers time to confer on some points of clarity]

A motion to refuse the application was proposed and seconded and voted on and CARRIED.

(Voting: 5 in favour; 4 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reason for Refusal:

Oslands Lane is of limited width, with an unmade surface and limited opportunities for vehicles to pass. The increased vehicular movements along Oslands Lane generated by the proposal (which would include larger vehicles in the form of motorhomes), along with the increased prospect of vehicles meeting on the Lane requiring vehicles to reverse, would have a significant adverse impact upon the living conditions of neighbouring residential properties in terms of noise, disturbance and inconvenience. The development is contrary to Policy DSP2 of the Adopted Local Plan Part 2: Development Sites and Policies and Policy D2 of the emerging Fareham Local Plan 2037.

(3) P/22/0167/FP - 47 FLEET END ROAD WARSASH SO31 9JH

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

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 provisions;

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 26th 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 the suitable mitigation has been secured in relation to the effect that nitrates from the development has on European protected sites.

Upon being proposed and seconded the officer recommendation to: -

- (i) DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) GRANT planning permission, subject to: -
 - (a) The conditions in the report; and
 - (b) The amended Conditions 9 and 14 as set out in the Update Report.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) AUTHORITY BE DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions; and
- (ii) PLANNING PERMISSION be granted, subject to: -
 - (a) The conditions in the report;
 - (b) The amended conditions 9 and 14 in the Update Report.

(4) Q/0230/23 - LAND TO THE SOUTH OF 79 GREENAWAY LANE (PHASE 20)

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

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

Upon being proposed and seconded the officer recommendation to DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to complete a legal agreement to ensure that the obligations set out within the Section 106 dated 16 September 2022 also apply to any subsequent Section 73 application granted pursuant to the full permission and make any other amendments necessary, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that DELEGATION be given to the Head of Development Management in consultation with the Solicitor to the Council to complete a legal agreement to ensure that the obligations set out within the Section 106 dated 16 September 2022 also apply to any subsequent Section 73 application granted pursuant to the full permission and make any other amendments necessary.

(5) Q/0261/23 - LAND EAST OF BROOK LANE WARSASH

Upon being proposed and seconded the officer recommendation to delegate to the Head of Development Management in consultation with the Solicitor to the Council to complete a deed of variation to the existing section 106 legal agreement to:

- a) remove the obligations requiring the transfer of the public open space to the Council;
- b) secure details of robust and appropriate management and maintenance measures relating to the public open space for the lifetime of the development in lieu of the land being transferred to the Council, including details on the formation, funding and governance of the body responsible for doing so;
- c) delegate to the Head of Development Management authority to agree suitable revised and additional obligations in respect of the above, and any other matters deemed necessary, in relation to Schedule Three of the original legal agreement.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that DELEGATION be given to the Head of Development Management in consultation with the Solicitor to the Council to complete a deed of variation to the existing section 106 legal agreement to:

- a) remove the obligations requiring the transfer of the public open space to the Council;
- b) secure details of robust and appropriate management and maintenance measures relating to the public open space for the lifetime of the development in lieu of the land being transferred to the Council, including details on the formation, funding and governance of the body responsible for doing so;

- c) delegate to the Head of Development Management authority to agree suitable revised and additional obligations in respect of the above, and any other matters deemed necessary, in relation to Schedule Three of the original legal agreement.

(6) P/22/0363/OA - LAND AT PINKS HILL FAREHAM

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

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

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

Officers were advised by Mr Stephen Clark (representing the Vistry Group) on 10 March 2023 that it was intended to seek Counsel advice 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 now considered the Counsel advice 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 the 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.

A motion not to defer the application and to accept the officer recommendation to refuse planning permission, for the reasons set out in the report along with an additional reason for refusal relating to the impact of noise disturbance upon proposed dwellings from nearby commercial traffic and industrial uses (especially the Suez waste recycling and transfer station), was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, CS14, CS17, CS18, CS20 and CS21 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP1, DSP5, DSP6, DSP13 & DSP15 of the Adopted Fareham Borough Local Plan Part 2: Development Site and Policies and Policies DS1, DS2, D2, HP1, HP5, NE1, NE2, NE3, NE4, NE10, HE1, HE3, TIN1, TIN2 & TIN4 of the emerging Fareham Borough Local Plan 2037.

And paragraphs 175 and 108a of the NPPF and is unacceptable in that:

- a) The provision of residential development in this location would be contrary to adopted Local Plan policies which seek to prevent additional residential development in the countryside;
- b) The proposed development would be harmful to the landscape character, appearance and function of the countryside;
- c) The proposal would erode the visual and physical relationship between the Grade II listed Fort Wallington and its surrounding landscape resulting in harm to the setting of Fort Wallington (Grade II Listed) and its significance as a heritage asset;
- d) The proposal fails to protect and enhance biodiversity by adhering to the principals of the mitigation hierarchy and would result in harm to biodiversity and the unacceptable loss of priority habitat without adequate mitigation and/or compensation;
- e) The proposal's location in close proximity to the Suez Recycling and Recovery Facility would result in an unacceptable level of noise disturbance to the proposed properties that are nearest to this site;
- f) On the basis of the information available it has not been demonstrated that the proposal would provide at least 10% net gain for biodiversity in an accepted manner which would thereafter be maintained for a minimum of 30 years;
- g) In the absence of a legal agreement to secure such, the proposal fails to make on site provision of affordable housing at a level in accordance with the requirements of the local plan;

- h) In the absence of a legal agreement to secure such, the proposal fails to mitigate against the adverse effects of the development on the safety and operation of the strategic and local highway network in the form of a financial contribution towards off-site highway improvements;
- i) 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;
- j) In the absence of a legal agreement to secure the provision of public open space and contributions towards the associated management and maintenance of the open space, the recreational needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- l) 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 Protected Areas;
- m) In the absence of a legal agreement to secure such, the proposal fails to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites which, in combination with other developments, would arise due to the additional generation of nutrients entering the water environment.

In light of the close proximity of proposed housing to commercial traffic and industrial uses (especially the Suez waste recycling and transfer station/ logistics depot to the north), future occupants of the proposed development would be unacceptably adversely impacted from existing activities in the surrounding area.

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 points f)-l) 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.

(7) P/22/1824/AD - LAND TO THE WEST OF SEAFIELD ROAD/MORAUNT DRIVE AND SOUTH OF TATTERSHALL CRESCENT PO16 6BX

At the invitation of the Chairman, Councillor Mrs C Bainbridge addressed the Committee on this item.

Members expressed no concerns over the information boards, or the proposed stack board at the entrance to the site. However, they raised concerns to the stack board that is proposed alongside Wicor Path. They felt that it would be harmful to amenity and was otherwise unnecessary.

Upon being proposed and seconded the officer recommendation to grant advertisement consent, subject to: -

- (i) The conditions in the report; and
- (ii) The receipt of satisfactory amended plans showing the removal of the stack board from the location along Wicor Path within 21 days from the date of this Planning Committee meeting.

Was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

In the event that satisfactory amended plans are not submitted within 21 days of the date of the Planning Committee. Members also voted on and carried authorisation for the Head of Development Management to refuse the application as the stack board alongside Wicor Path would be harmful to the amenity of the area.

RESOLVED that, subject to: -

- (i) The conditions in the report; and
- (ii) The receipt of satisfactory amended plans showing the removal of the stack board from the location along Wicor Path within 21 days from the date of this Planning Committee meeting.

ADVERTISEMENT CONSENT be granted.

In the event that satisfactory amended plans are not submitted within 21 days of the date of the Planning Committee, the Head of Development Management be authorised to refuse the application as the stack board alongside Wicor Path would be harmful to the amenity of the area.

(8) Planning Appeals

The Committee noted the information in the report.

(9) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 5.22 pm).