

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 2 March 2022

Venue: Council Chamber - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: F Birkett, Miss J Bull, T M Cartwright, MBE, P J Davies,
M J Ford, JP, Mrs C L A Hockley and R H Price, JP

**Also
Present:**



1. APOLOGIES FOR ABSENCE

There were no apologies of absence.

2. CHAIRMAN'S ANNOUNCEMENTS

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

3. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, Councillors I Bastable, Miss J Bull, T M Cartwright, M J Ford, Mrs C L A Hockley and N J Walker all declared a Personal Interest in Items 5(2) and 5(3) – Egmont Nurseries as the applicant is known to them as a previous Chairman of the Conservative Association.

Councillor M J Ford, also declared a Personal Interest in Items 5(2) and 5(3) – Egmont Nurseries as his daughter's parents-in-law live in a property next to the application site.

4. 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 | | | | | |
| Bob Marshall | The Fareham Society | LAND OFF ROOKERY AVENUE WHITELEY – RESIDENTIAL DEVELOPMENT OF 32 DWELLINGS, PARKING, AND A MEANS OF ACCESS FROM ROOKERY AVENUE FOLLOWING DEMOLITION OF 2 DWELLINGS, GLASSHOUSES AND ASSOCIATED OUTBUILDINGS | Opposing | 5 (1) P/19/0870/FP Pg 4 | Written |
| Katherine Richards (Agent) | | -DITTO- | Supporting | -Ditto- | In Person 3 |

| | | | | | Minutes |
|-----------------------|--|---|-------------------|--------------------------------|--|
| Fiona Earle | | EGMONT NURSERIES BROOK AVENUE – APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION REFERENCE P/18/0592/OA FOR DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF DRAINAGE FEATURES INCLUDING WETLAND AREA AND DETENTION BASINS | Opposing | 5 (2) P/20/1224/RM Pg 34 | In Person 3 minutes |
| Ron Wyatt | | -DITTO- | -Ditto- | -Ditto- | In Person 3 Minutes |
| Patrick Riley | | -DITTO- | Supporting | -Ditto- | Written |
| Nick Ellis | | -DITTO- | -Ditto- | -Ditto- | Written |
| Paul Airey (Agent) | | -DITTO- | -Ditto- | -Ditto- | In Person 2 Minutes |
| Fiona Earle | | EGMONT NURSERIES BROOK AVENUE – EIGHT DETACHED HOUSES AT FORMER EGMONT NURSERIES, BROOK AVENUE, WARSASH, SO31 9HN (ALTERNATIVE SCHEME TO APPROVED DEVELOPMENT UNDER P/18/0592/OA EXCLUDING THE WETLANDS TO THE WEST OF THE SITE AND PROVIDING NITRATE MITIGATION | Opposing | 5 (3) P/21/1301/FP Pg 52 | In Person 3 Minutes |

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|----------------------------|--|---|------------|---------------------------------|---------------------------|
| | | BY WAY OF OFF-SITE CREDITS) | | | |
| Ron Wyatt | | -DITTO- | -Ditto- | -Ditto- | In Person 3 Minutes |
| Shaun Dunning | | -DITTO- | Supporting | -Ditto- | In Person 2 Minutes |
| Alexander Bezance | | -DITTO- | -Ditto- | -Ditto- | Written |
| Paul Airey (Agent) | | -DITTO- | -Ditto- | -Ditto- | In Person 2 Minutes |
| ZONE 2 – 2.30pm | | | | | |
| ZONE 3 – 4.15pm | | | | | |
| Robert Tutton (Agent) | | 89 HILL HEAD ROAD PO14 3JP – SIDE EXTENSION TO EXISTING ANNEX AND USE OF THE EXTENDED BUILDING AS A ONE-BEDROOM DWELLING | Supporting | 5 (4) P/20/1525/FP Pg 85 | In Person 3 Minutes |
| Stephen Andrews (Agent) | | LAND TO THE REAR OF 52 CASTLE STREET PORTCHESTER – CONSTRUCTION OF TWO DETACHED, TWO BEDROOM DWELLINGS WITH ASSOCIATED BIN, CYCLE STORE, PARKING AND ACCESS | Supporting | 5 (5) P/21/1903/FP Pg 104 | In Person 3 Minutes |

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, including information regarding new appeals and decisions.

(1) P/19/0870/FP - LAND OFF ROOKERY AVENUE WHITELEY

The Committee received the deputations referred to in Minute 4 above.

Upon being proposed and seconded the officer recommendation to grant planning permission, 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 to secure:

- Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water and Portsmouth Harbour Special Protection Areas;
- Hampshire County Council Reptile translocation contribution;
- Traffic Regulation Order (TRO) for parking restriction works to junction of site with Rookery Avenue and Shetland Rise; and
- The delivery of 40% of the permitted dwellings as a mixture of 12 on-site affordable housing and an off-site financial contribution equivalent to 0.8 of a unit.

(ii) And the conditions in the report.

Was voted on and CARRIED.

(Voting: 6 in favour; 3 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 to secure:

- Financial contributions to provide for satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on the Solent and Southampton Water and Portsmouth Harbour Special Protection Areas;
- Hampshire County Council Reptile translocation contribution;
- Traffic Regulation Order (TRO) for parking restriction works to junction of site with Rookery Avenue and Shetland Rise; and
- The delivery of 40% of the permitted dwellings as a mixture of 12 on-site affordable housing and an off-site financial contribution equivalent to 0.8 of a unit.

(ii) And the conditions in the report.

PLANNING PERMISSION be granted.

(2) P/20/1224/RM - EGMONT NURSERIES BROOK AVENUE SO31 9HN

The Committee received the deputations referred to in Minute 4 above.

Councillors I Bastable, Miss J Bull, T M Cartwright, M J Ford, Mrs C L A Hockley and N J Walker all declared a Personal Interest in this item as the applicant is known to them as a previous Chairman of the Conservative Association.

Councillor M J Ford, also declared a Personal Interest in this item as his daughter's parents-in-law live in a property next to the application site.

Before debating this application the Committee took a vote on whether or not to defer the determination of this application pending the outcome of the Court of Appeal case. A motion was proposed but not seconded to defer determination of the application, therefore the Committee took a vote on not deferring the application, which was CARRIED.

(Voting 8 in favour; 1 against)

The Committee, having taken the decision not to defer the application, continued to debate and determine this application.

Upon being proposed and seconded the officer recommendation to approve the reserved matters, subject to: -

- (i) Delegation to the Head of Development Management in consultation with the Solicitor to the Council to consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions or any other subsequent minor changes arising as a result of Natural England's comments regarding the Appropriate Assessment; and

- (ii) The conditions in the report.

Was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that, Subject to: -

- (i) Delegation to the Head of Development Management in consultation with the Solicitor to the Council to consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions or any other subsequent minor changes arising as a result of Natural England's comments regarding the Appropriate Assessment; and

- (ii) The conditions in the report.

The RESERVED MATTERS be APPROVED.

**(3) P/21/1301/FP - FORMER EGMONT NURSERY BROOK AVENUE
SO31 9HN**

The Committee received the deputations referred to in Minute 4 above.

Councillors I Bastable, Miss J Bull, T M Cartwright, M J Ford, Mrs C L A Hockley and N J Walker all declared a Personal Interest in this item as the applicant is known to them as a previous Chairman of the Conservative Association.

Councillor M J Ford, also declared a Personal Interest this item as his daughter's parents-in-law live in a property next to the application site.

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

Final comments have been received from Hampshire County Council Flood and Water Management team raising no objection.

The wording of suggested condition 6 at paragraph 9.6 of the Officer report is therefore revised accordingly to insert after f) the following wording:

“g) Details for the long-term maintenance arrangements for the surface water drainage system including maintenance schedules for each drainage feature type and ownership, and details of protection measures.”

Before debating this application the Committee took a vote on whether or not to defer the determination of this application pending the outcome of the Court of Appeal case. A motion was proposed but not seconded to defer the application, therefore the Committee took a vote on not deferring the application, which was CARRIED.

(Voting 8 in favour; 1 against)

The Committee, having taken the decision not to defer the application, continued to debate and determine this application.

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to: -

- (i) DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, minor amendments to the Section 106 agreement or any other subsequent minor changes arising as a result of Natural England's comments regarding the Appropriate Assessment;
- (ii) Subject to the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:
 - a) A financial contribution to secure satisfactory mitigation of the 'in combination' effects that the increase in residential units on the site would cause through increased recreational disturbance on The Solent Coastal Special Protection Areas;

- b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;
- (iii) DELEGATE to the Head of Development Management to make any necessary modification or addition to the proposed heads of terms and/or conditions;
- (iv) The conditions in the report; and
- (v) The amended Condition 6 in the Update Report with the addition of criterion g) as follows:

“g) Details for long-term maintenance arrangements for the surface water drainage system including maintenance schedules for each drainage feature type and ownership, and details of protection measures.”

Was voted on and CARRIED.
(Voting: 8 in favour; 1 against)

RESOLVED that, Subject to: -

- (i) DELEGATE to the Head of Development Management in consultation with the Solicitor to the Council to consider any comments received from Natural England relating to the consultation on the Appropriate Assessment and to make any minor modifications to the proposed conditions, addition of conditions, minor amendments to the Section 106 agreement or any other subsequent minor changes arising as a result of Natural England’s comments regarding the Appropriate Assessment;
- (ii) Subject to the prior completion of a legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990 to secure:
 - a) A financial contribution to secure satisfactory mitigation of the ‘in combination’ effects that the increase in residential units on the site would cause through increased recreational disturbance on The Solent Coastal Special Protection Areas;
 - b) A financial contribution towards the off-site provision of affordable housing in accordance with Core Strategy Policy CS18;
- (iii) DELEGATE to the Head of Development Management to make any necessary modification or addition to the proposed heads or terms and/or conditions;
- (iv) The conditions in the report; and
- (v) The amended Condition 6 in the Update Report with the addition of criterion g) as follows:

“g) Details for the long-term maintenance arrangements for the surface water drainage system including maintenance schedules for each drainage feature type and ownership, and details of protection measures.”

PLANNING PERMISSION be granted.

(4) P/20/1525/FP - 89 HILL HEAD ROAD FAREHAM PO14 3JP

The Committee received the deputation referred to in Minute 4 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.

(5) P/21/1903/FP - 52 CASTLE STREET PORTCHESTER PO16 9PU

The Committee received the deputation referred to in Minute 4 above.

Councillor P J Davies, left the meeting at the start of this item and was not present for the debate or vote on the application.

Upon being proposed and seconded the officer recommendation to refuse planning permission, was voted on and CARRIED.

(Voting: 7 in favour; 1 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policy CS4 and CS15 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP3, DSP13 and DSP15 of the Adopted Local Plan Part 2: Development Sites and Policies Plan 2015, and paragraphs 159-164 of the NPPF and the Planning Practice Guidance and is unacceptable in that:

- i) The development would result in an unacceptable adverse impact on the living conditions of occupiers of neighbouring residential properties, namely 24 The Keep, due to the scale, bulk and massing of Plot Two on the rear garden area. The siting of Plot Two would result in an overbearing and oppressive impact, result in loss of outlook and sunlight for their rear garden;
- ii) The proposal fails to provide a sequential test that demonstrates that there are no other reasonably available sites appropriate for the proposed development in areas or low risk flooding;
- iii) The proposal would have likely adverse effects on the integrity of the Protected Sites around The Solent in combination with other

developments due to the additional generation of the nutrients entering the water environment and the lack of appearance and appropriately secured mitigation; and

- iv) The proposal fails to provide appropriate mitigation of the likely adverse effects on the integrity of the Solent Water Special Protection Areas which, in combination with other developments, would arise due to the impacts of recreational disturbance.

(6) Planning Appeals

The Committee noted the information in the report.

(7) UPDATE REPORT

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

(The meeting started at 2.30 pm
and ended at 6.00 pm).