

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 24 June 2020

Venue: Teams Virtual Meeting

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

Councillors: F Birkett, T M Cartwright, MBE, P J Davies, K D Evans,
M J Ford, JP and R H Price, JP

Also Present: Councillor J S Forrest (Items 7 (1) and 7 (2)) and Councillor
L Keeble (Item 6)



1. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor Mrs K Mandry.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 13 May 2020 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman used the Chairman's announcements to inform the Committee on how he intended to run the Virtual Planning Committee meeting.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct the following Councillors declared the following interest on the items identified.

Councillors I Bastable, T M Cartwright, P J Davies, K D Evans, M J Ford and N J Walker all declared a Personal Interest in item 7 (5) – Land adjoining 79 Greenaway Lane as the brother of the applicant is known to them through the Fareham Conservative Association.

Councillor R H Price also declared a Personal Interest in item 7 (5) – Land adjoining 79 Greenaway Lane as one of the deputies is known to him through the Fareham Liberal Democrats.

5. DEPUTATIONS

The Committee received a written or audio/video deputations (as identified below), which was either read out by the Committee Officer or played during the meeting, from the following in respect of the applications indicated.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application
1pm Start			
Caroline Dinenage MP		LAND AT NEWGATE LANE (NORTH) FAREHAM – OUTLINE APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR THE DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF UP TO 75 DWELLINGS, OPEN SPACE,	Opposing

		VEHICULAR ACCESS POINT FROM NEWGATE LANE AND ASSOCIATED AND ANCILLARY INFRASTRUCTURE	
Ms H Thomas		-Ditto-	-Ditto-
Mr R Marshall	The Fareham Society	-Ditto-	-Ditto-
Mr N John		-Ditto-	-Ditto-
Mrs A Roast	Lee Residents Association	-Ditto-	-Ditto-
Mr & Mrs White		-Ditto-	-Ditto-
Mr J Cullingham		-Ditto-	-Ditto-
Ms Z Aspinall (Video Dep)	Lead Petitioner	-Ditto-	-Ditto-
Caroline Dinenage MP		LAND AT NEWGATE LANE (SOUTH) – OUTLINE PLANNING PERMISSION FOR THE DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF UP TO 115 DWELLINGS, OPEN DWELLINGS, OPEN SPACE, VEHICULAR ACCESS POINT FROM NEWGATE LANE AND ASSOCIATED AND ANCILLARY INFRASTRUCTURE, WITH ALL MATTERS EXCEPT ACCESS TO BE RESERVED	Opposing
Ms N Coxwell		FAREHAM LEISURE CENTRE – TWO STOREY EXTENSION TO EXISTING LEISURE CENTRE, COMPRISING DOUBLE HEIGHT CLIMBING ZONE, STUDIO SPACE, EXTENSION TO EXISTING FITNESS SUITE, SOFT PLAY AREAS, PARTY ROOMS AND A MULTI-PURPOSE ROOM.	Opposing

		REFURBISHMENT OF EXISTING LEISURE CENTRE, SPLASH PAD ADDED TO POOL AREA. SUB-STATION WITHIN CAR PARK AND CAR PARK EXTENSION. ENTRANCE CANOPY ABOVE MAIN LEISURE CENTRE ENTRANCE. HARD LANDSCAPING WORKS TO CONNECT PROPOSED EXTENSION TO EXISTING PATHWAYS	
Mr P Burrard-Lucas		-Ditto-	-Ditto-
Mr A Bromilow		-Ditto-	-Ditto-
Mrs J Underwood		LAND EAST OF POSBROOK LANE TITCHFIELD – OUTLINE PLANNING APPLICATION FOR THE ERECTION OF UP TO 57 DWELLINGS, TOGETHER WITH ASSOCIATED PARKING, LANDSCAPING AND ACCESS FROM POSBROOK LANE	Opposing
Mr R Dunford		-Ditto-	-Ditto-
Mr D Phelan		-Ditto-	-Ditto-
Mr R Marshall	The Fareham Society	-Ditto-	-Ditto-
Ms A Mare		-Ditto-	-Ditto-
Ms A Stevenson		-Ditto-	-Ditto-
Mr W Rodger		-Ditto-	-Ditto-
Mrs H Megginson (Audio Dep)	Lead Petitioner	LAND ADJOINING 79 GREENAWAY LANE WARSASH – SIX DETACHED RESIDENTIAL UNITS AND ASSOCIATED DETACHED GARAGES INCORPORATING WETLAND CREATION	Opposing

Mr R Wyatt (Video Dep)		-Ditto-	-Ditto-
Miss Dickinson & Mr Sayer		-Ditto-	-Ditto-
Mr R Megginson (Video Dep)		-Ditto-	-Ditto-
Mr P Airey (Agent)		-Ditto-	Supporting
Mr B Curd		22 BARTLETT CLOSE FAREHAM – DETACHED FRONT GARAGE	Opposing
Mrs S Baldwin		-Ditto-	-Ditto-
Mr K Hayter		-Ditto-	Supporting

6. FIVE YEAR HOUSING LAND SUPPLY POSITION UPDATE

The Committee considered a report by the Director of Planning and Regeneration on the Council's Five Year Housing Land Supply position.

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

Following the publication of this report, Officers have been made aware of a recent legal case involving East Northamptonshire Council (ENC), the Secretary of State for Housing, Communities and Local Government (SOS) and Lourett Developments Ltd.

ENC commenced legal action against the SOS for allowing a planning appeal at Thrapston in Northamptonshire. The case related to the Planning Inspector's decision to treat the definition of 'deliverable' within the Glossary of the NPPF as a 'closed list'.

The SOS conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework ("NPPF") as a 'closed list'. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available. The SOS considered that it was appropriate for the Court to make an Order quashing the decisions and remitting the appeal to be determined anew. The Court duly issued an order to this effect.

In light of the position taken by the SOS, it is reasonable to assume that Planning Inspectors will now follow the approach advocated in this case. In turn, it is appropriate for the 5 Year Housing Land Supply Report to be updated to reflect the most recent position of the SOS in respect of the definition of 'deliverable'.

The following changes are therefore made to the published report:

Introduction

Paragraph 5 should be deleted in its entirety.

Paragraph 6 should be substituted with the following:

Calculation of the Council's 5-Year Housing Land Supply Position based on an annual dwelling requirement of 514 and a 5% buffer gives a projected position of 4.03 years.

Paragraph 25 as currently written, should be deleted from the report and replaced with the following:

As highlighted at Paragraph 18, many Planning Inspectors have regarded the definition within the National Planning Policy Framework as a 'closed list' i.e. if a site does fall within the definitions at a) or b), set out within paragraph 12 of this report, it should not be included within the Council's 5 Year Housing Land Supply. In the recent case of East Northamptonshire Council, the Secretary of State for Housing, Communities and Local Government (SOS) and Lourett Developments Ltd, the SOS conceded that he erred in his interpretation of the definition of deliverable within the glossary of the National Planning Policy Framework ("NPPF") as a 'closed list'. The proper interpretation of the definition is that any site which can be shown to be 'available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years' will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of sites which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgement on the evidence available. On this basis planning applications with a resolution to grant planning permission are included within the Council's 5 year housing land supply. In light of the current market conditions, Officers have applied a precautionary approach the commencement of development in respect of those sites with a resolution to grant. For detailed planning permissions this means that Officers have put the commencement of development as falling within 2021/22, and outline planning permissions being implemented during 2022/23.

In Paragraph 34, insert a further bullet point:

- *Dwellings with a resolution to Grant Planning Permission that are expected to be built by 30th March 2025.*

FIVE-YEAR HOUSING LAND SUPPLY POSITION

The table within the current report should be deleted and replaced with the following:

The following table provides a summary of the Council's current 5YHLS position as per the date of this paper.

HOUSING REQUIREMENT		
A	<i>Local Housing Need: Dwellings per annum 2019-36</i>	514
B	<i>Local Housing Need: Total requirement for 1st April 2020 to 30th March 2025 (A x 5)</i>	2,570
C	<i>5% buffer to ensure choice and competition in the market for land (B x 5%)</i>	129
D	Total housing requirement for period from 1st April 2020 to 30th March 2025 (B+C)	2,699
E	<i>Annual requirement for period from 1st April 2020 to 30th March 2025 (D/5)</i>	540
HOUSING SUPPLY		
F	<i>Net outstanding planning permissions for small sites (1-4 units) expected to be built by 30th March 2025 (discounted by 10% for lapses)</i>	155
G	<i>Net outstanding full planning permissions for large sites (5 or more units) expected to be built by 30th March 2025</i>	371
H	<i>Net outstanding outline planning permissions for large sites (5 or more units) expected to be built by 30th March 2025</i>	99
I	<i>Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 30th March 2025</i>	709
J	<i>Dwellings allocated in Adopted Local Plan (LP2) that are expected to be built by 30th March 2025</i>	624
K	<i>Dwellings from emerging brownfield sites (Adopted Local Plan - LP1 & LP2) that are expected to be built by 30th March 2025</i>	145
L	<i>Small site windfall allowance (years 4 – 5) (37 dwellings x 2 years)</i>	74
M	Expected housing supply for the period from 1st April 2020 to 30th March 2025 (F+G+H+I+J+K+L)	2,177
N	Housing Land Supply Position over period from 1st April 2020 to 30th March 2025 (M – D)	-522
O	Housing Supply in Years (M / E)	4.03

DETAILS OF PROJECTED HOUSING SUPPLY FOR THE 5-YEAR PERIOD (1ST APRIL 2020 – 31ST MARCH 2025)

The table within the current report should be deleted and replaced with the following:

Site Address	2020/21	2021/22	2022/23	2023/24	2024/25	Totals
Outstanding Planning Permissions - Small (1-4 dwellings) (10% discount)						
Total across Borough	50	50	55			155
Outstanding Full Planning Permissions - Large (5+ dwellings)						
3-33 West Street, Portchester (07/0042/FP)		16				
New Park Garage, Station Road, Park Gate (09/0672/FP)	14					
100 Wickham Road, Fareham (14/1252/FP)			13			
Swanwick Marina, Bridge Road (15/0424/VC)			25	25		
4-14 Botley Road, Park Gate (16/0295/FP)	23					
Land to rear of 184 Bridge Road (P/17/0697/FP)	3					
1 Station Industrial Park, Duncan Road, Park Gate (P/17/1219/PC)			15			
Willows End, 312 Old Swanwick Lane (P17/1390/FP)		6				
Cranleigh Road, Portchester (Appeal allowed, reserved matters application P/17/1170/RM)		37				
Wykeham House School (P/17/0147/FP)	15					
Hampshire Rose, Highlands Road, Fareham (P/17/0956/FP)	17					
HA3 Southampton Road (Land at Segensworth Roundabout) (P/18/0897/FP)		41				
123 Barnes Lane, Sarisbury Green (P/18/0690/FP)				41		
Land to south of Rookery Avenue, Swanwick (P/18/0235/FP)			6			
94 Botley Road, Park Gate (19/0321/PC)			8			
24 West Street, Fareham (19/0654/PC)			7			
Land North of Funtley Road, Funtley (P/17/1135/OA) (P/19/0864/RM)	10	17				
42 Botley Road (P/19/1275/PC) Prior Approval Granted		5				
Stubbington Lane, Hill Head (LP2 H12)		11				
Corner of Station Road, Portchester (LP2 H20)		16				
Sub-total						371
Outstanding Outline Planning Permissions - Large (5+ dwellings)						
Land to the East of Brook Lane & South of Brookside Drive, Warsash - Taylor Wimpey (P/16/1049/OA)		50	35			
Former Scout Hut Coldeast Way Sarisbury Green (P/17/1420/OA)			7			
Land to East of Bye Road (self/custom build) (P/17/1317/OA)			4	3		
Sub-total						99
Resolution to Grant Planning Permission - Large (5+ dwellings)						
Land at Brook Lane, Warsash - Foreman Homes (P/17/0845/OA)			40	70	70	
Land East of Brook Lane (South), Warsash – Bargate Homes (P/17/0752/OA)			20	40	40	
Land South of Greenaway Lane, Warsash - Land &			25	60	60	

Partners (P/17/0998/OA)						
East & West of 79 Greenaway Lane, Warsash (P/18/0107/OA)			15	9		
East & West of 79 Greenaway Lane, Warsash (P/18/0884/FP)		6				
Land South of Funtley Road, Funtley (P/18/0067/OA)			15	30	10	
Land South West of Sovereign Crescent, Locks Heath (P/18/0484/FP)		24	14			
Moraunt Drive, Portchester (P/18/0654/FP)		16	32			
Southampton Road (Reside) (P/18/0068/OA)			35	50	20	
Egmont Nurseries, Brook Avenue (P/18/0592/OA)			8			
<i>Sub-total</i>						709
Local Plan Policy Compliant Brownfield Sites						
Warsash Maritime Academy				50	50	
Fareham Magistrates Court				45		
<i>Sub-total</i>						145
Local Plan Adopted Housing Allocations						
Wynton Way, Fareham (LP2 H3)			10			
335-337 Gosport Road, Fareham (LP2 H4)				8		
East of Raley Road, Locks Heath (north) (LP2 H6)				20	30	
33 Lodge Road, Locks Heath (LP2 H10)					10	
Land off Church Road				26		
Heath Road, Locks Heath – Hampshire County Council (LP2 H11) (P/17/1366/OA)				35	35	
Welborne (LP3)			30	180	240	
<i>Sub-total</i>						624
Windfall						
Small (1-4 dwellings)				37	37	
<i>Sub-total</i>						74
Total						2,177

At the invitation of the Chairman, Councillor L Keeble addressed the Committee on this item.

RESOLVED that the Committee note:

- (i) the content of the report, and the Update Report;
- (ii) the current 5-Year Housing Land Supply position; and
- (iii) that the 5-Year Housing Land Supply Position set out in the attached report, and Update Report (which will be updated regularly as appropriate) is a material consideration in the determination of planning applications for residential development.

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

The Committee noted a report by the Director of Planning and Regeneration on development control matters, including information regarding new appeals and decisions.

(1) P/18/1118/OA - LAND AT NEWGATE LANE (NORTH) FAREHAM

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

At the Invitation of the Chairman, Councillor J Forrest addressed the Committee on this item.

(During the presentation on this item Councillor F Birkett lost his connection to the meeting, and, as he was unable to take part in the full debate on this item he took no further part in this item and did not vote on the application)

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

The update to the Five Year Housing Land Supply report is included above. As a result of that update, Members are advised that references in the Officer report in relation to Land at Newgate Lane North to the current 5YHLS being 2.72 years should be replaced with the figure of 4.03 years.

The recommendation at section 9 of the report is revised as follows to include policies omitted from the original recommendation, revised wording in relation to reason for refusal j) and an additional reason for refusal related to the lack of affordable housing provision (now reason for refusal n).

REFUSE PERMISSION for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS16, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 103, 109, 110 and 175 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 fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;*
- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;*
- d) The application site is not sustainably located adjacent to, well related to or well-integrated with the existing urban settlement boundaries;*
- e) The proposal would result in the loss of best and most versatile agricultural land;*
- f) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;*

- g) *The proposed access is inadequate to accommodate the development safely;*
- h) *The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;*
- i) *The proposed development provides insufficient support for sustainable transport options;*
- j) *In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site in the absence of a legal agreement to appropriately secure such mitigation, the proposal would have a likely adverse effect on the integrity of European Protected Sites;*
- k) *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 impacts of recreational disturbance;*
- l) *In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;*
- m) *In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;*
- n) *In the absence of a legal agreement to secure the on-site provision of affordable housing, the housing needs of the local population would not be met;*
- o) *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 the provision of 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;*

Note 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 k – o) 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.

Upon being proposed and seconded the officer recommendation that had members had the opportunity to determine the planning application, they would have refused it, was voted on and CARRIED.

(Voting: 7 in favour; 0 against)

RESOLVED that had Members had the opportunity to determine this application PLANNING PERMISSION would have been REFUSED for the following reasons.

Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, CS6, CS4, CS15, CS16, CS17, CS8, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site ad Policies Plan, paragraphs 103, 109, 110 and 175 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 fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;
- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;
- d) The application site is not sustainably located adjacent to, well related to or well-integrated with the existing urban settlement boundaries;
- e) The proposal would result in the loss of best and most versatile agricultural land;
- f) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;
- g) The proposed access is inadequate to accommodate the development safely;
- h) The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;
- i) The proposed development provides insufficient support for sustainable transport options;
- j) In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site and in the absence of a legal agreement to appropriately secure such mitigation, the proposal would have a likely adverse effect on the integrity of European Protected Sites;
- k) 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 impacts of recreational disturbance;

- l) In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- m) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- n) In the absence of legal agreement to secure the on-site provision of affordable housing, the housing needs of the local population would not be met;
- o) 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 the 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.

Note 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 k – o) 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.

(2) P/19/0460/OA - LAND AT NEWGATE LANE (SOUTH) FAREHAM

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

At the invitation of the Chairman, Councillor J Forrest addressed the Committee on this item.

(During the presentation on this item Councillor F Birkett lost his connection to the meeting and, as he was unable to take part in the full debate on this item he took no further part in this item and did not vote on the application.)

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

The update to the Five Year Housing Land Supply report is included above. As a result of that update, Members are advised that references in the Officer report in relation to Land at Newgate Land South to the current 5YHLS being 2.72 years should be replaced with the figure of 4.03 years.

The recommendation at section 9 of the report is revised as follows to include policies omitted from the original recommendation, revised wording in relation

to reason for refusal j) and an additional reason for refusal relating to the lack of affordable housing provision (now reason for refusal n).

REFUSE PLANNING PERMISSION, for the following reasons:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 103, 109, 110 and 175 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 fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;*
- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation of settlements;*
- d) The application site is not sustainably located to, well related to or well-integrated with the existing urban settlement boundaries;*
- e) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;*
- f) The proposed access is inadequate to accommodate the development safely;*
- g) The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;*
- h) The proposed development provides insufficient support for sustainable transport options;*
- i) The proposal provides insufficient information to protect and enhance the biodiversity interests of the site which includes a substantial population of Chamomile;*
- j) In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site and in the absence of a legal agreement to appropriately secure such mitigation, the proposal would have a likely adverse effect on the integrity of European Protected Sites;*
- k) 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 impacts of recreational disturbance;*

- l) *In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;*
- m) *In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;*
- n) *In the absence of a legal agreement to secure the on-site provision of affordable housing, the housing needs of the local population would not be met;*
- o) *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 the 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.*

Note 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 k – o) above by inviting the applicant to enter into a legal agreement with Fareham Borough Council under Section 106 of the Town and Country Planning Act 1990.

Upon being proposed and seconded, the officer recommendation that had members had the opportunity to determine the planning application they would have refused it, was voted on and CARRIED.

(Voting: 7 in favour; 0 against)

RESOLVED that had Members had the opportunity to determine this application PLANNING PERMISSION would have been REFUSED for the following reasons.

Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18, CS20, CS21 and CS22 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP6, DSP13, DSP14, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan, paragraphs 103, 109, 110 and 175 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 fails to respond positively to and be respectful of the key characteristics of the area and would be harmful to the character and appearance of the countryside;

- c) The provision of development in this location would significantly affect the integrity of the strategic gap and the physical and visual separation off settlements;
- d) The application site is not sustainably located adjacent to, well related to or well-integrated with the existing urban settlement boundaries;
- e) Insufficient information has been submitted to adequately assess the highways impacts arising from the proposed development;
- f) The proposed access is inadequate to accommodate the development safety;
- g) The proposed development would have an unacceptable impact on the junction of old Newgate Lane / Newgate Lane East resulting in a severe impact on the road safety and operation of the local transport network;
- h) The proposed development provides insufficient support for sustainable transport options;
- i) The proposal provides insufficient information to protect and enhance the biodiversity interests of the site which includes a substantial population of Chamomile;
- j) In the absence of appropriate mitigation for the loss of a low use Brent geese and wader site and in the absence of a legal agreement to appropriately secure mitigation of the likely adverse effects on the integrity of European Protected Sites;
- k) 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 impacts of recreational disturbance;
- l) In the absence of a legal agreement to secure contributions to open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met;
- m) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- n) In the absence of a legal agreement to secure the on-site provision of affordable housing, the housing needs of the local population would not be met;
- o) 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 the 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.

Note 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 k) – o) 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.

(3) P/20/0212/FP - FAREHAM LEISURE CENTRE PARK LANE FAREHAM PO16 7JU

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: 7 in favour; 1 against)

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

(4) P/19/1193/OA - LAND EAST OF POSBROOK LANE TITCHFIELD

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:-

The Update to the Five Year Housing Land Supply report is included above. As a result of that update, Members are advised that references in the Officers report in relation to the Land East of Posbrook Lane to the current 5YHLS being 2.72 years should be replaced with the figure of 4.03 years.

Since the publication of the committee agenda the Council has been notified that a non-determination appeal has been lodged with the Planning Inspectorate. That being the case, Members of the Planning Committee are no longer able to determine the application. Instead, Members are asked to confirm that had they had the opportunity to determine the application they would have REFUSED it for the reasons set out at section 9 of the Officer report.

Upon being proposed and seconded the officer recommendation that had members had the opportunity to determine the planning applications they would have refused it, was voted on and carried.

(Voting: 8 in favour; 0 against)

RESOLVED that had Members had the opportunity to determine this application PLANNING PERMISSION would have been REFUSED for the following reasons.

Reasons for Refusal

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17 & CS18 of the Adopted Fareham Borough Core Strategy 2011 and Policies DSP5, DSP6, DSP13 & DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies Pan,

And paragraphs 170 & 196 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 application site lies outside of the defined urban settlement boundary on land which is considered to form part of a valued landscape. As a result the proposed development would result in a range of significant adverse landscape and visual effects, harmful to the landscape character, appearance and function of the countryside and failing to respect or respond positively to the key characteristics of the surrounding area;
- c) The proposal would result in less than substantial harm to, and fail to preserve and enhance, the setting of nearby Grade II* Listed Buildings;
- d) The proposal would result in the loss of best and most versatile agricultural land;
- e) 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 impacts of recreational disturbance;
- f) 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 would arise as a result of the loss of part of a Primary Support Area for Brent geese and waders;
- g) 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;
- h) 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;
- i) 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;

- j) In the absence of a legal agreement to secure contributions to education, the needs of residents of the proposed development would not be met;
- k) In the absence of a legal agreement to secure a financial contribution towards improvements to the local public rights of way network, the proposal fails to mitigate the harm from the increased usage of public rights of way as a direct result of the development.

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 e) – k) 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.

(5) P/18/0884/FP - LAND ADJOINING 79 GREENAWAY LANE WARSASH S031 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:-

5 Year Housing Land supply

Paragraph 8.4 The 5-year housing land supply has been updated to 4.03 years.

Measures to be secured by legal agreement within the recommendation

Point g: 'unforeseen circumstances' amended to 'misconnections'

Further Comments from Natural England

Following consultation with Natural England regarding the Appropriate Assessment, Natural England advised that additional details needed to be secured regarding the long-term monitoring and management of the wetlands in order to conclude that there would be no likely significant effect on the European Protected Sites. The additional details (included at the end of the committee report) were subsequently agreed with the applicant and will be secured by legal agreement.

Officers updated the Appropriate Assessment to include details of the long-term monitoring and management of the reedbed wetland and consulted with Natural England. Natural England have confirmed that they endorse the Local Planning Authority's Appropriate Assessment:

"Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation measures are appropriately secured in any planning permission given."

Additional representations have been received since the committee report was published.

The representations raise the following issues:

-The evidence submitted does not prove that all the land had been used for grazing or that it has been used consistently for grazing during the last 10 years.

-Documents relating to the application were not previously made available to the public online. These include the applicant's evidence used to establish the existing land use, the Local Planning Authority's most recent Appropriate Assessment and the Local Planning Authority's calculation of the site's nitrogen budget.

Comment:

Natural England's guidance (4.51) states: "It is important that farm type classification is appropriately precautionary. It is recommended that evidence is provided of the farm type for the last 10 years and professional judgement is used as to what the land would revert to in the absence of a planning application. In many cases, the local planning authority, as competent authority, will have appropriate knowledge of existing land uses to help inform this process."

The representations submitted state that because only part of the land has been used for grazing during the last 10 years, the land use should be categorized as open space which has a lower nitrogen level of 5 kg/ha.

The evidence submitted demonstrates that some of the land has been used for grazing and that the remainder has been used for producing hay during the past 10 years. In the absence of a planning application Officers are satisfied that the land could continue to be used for grazing or for growing hay in light of past use, road frontage and enclosed boundaries.

The most recent land use (or the levels that would be produced at the site if planning permission is not granted) informs the levels of nitrogen produced by the site. Natural England's guidance advises that lowland grazing has an average nitrate-nitrogen loss level of 13 (kg/ha) and 25.4 kg/ha for general cropping (growing hay.)

As explained in the report, in order to be nutrient-neutral the proposed development must produce no more nitrogen than the current land use.

Given that the site has been used for grazing horses and growing hay, the Local Planning Authority has taken a precautionary approach to establish the existing land use in line with Natural England's guidance and has calculated the levels of nitrogen based on if the site was used solely used for grazing. This approach is precautionary because it results in a lower level of nitrogen than if the site was used for growing hay. The proposed development (which will produce increased levels of nitrogen) must provide more mitigation to be nutrient neutral than if the higher level associated with growing hay was used to inform the calculation.

Officers have liaised with Natural England regarding the evidence the applicant has provided and are satisfied that the categorisation of the land as

lowland grazing rather than general cropping is a suitably precautionary approach in line with Natural England's guidance.

Councillors I Bastable, T M Cartwright, P J Davies, K D Evans, M J Ford and N J Walker all declared a Personal Interest in this item as the brother of the applicant is known to them through the Fareham Conservative Association.

Councillor R H Price also declared a Personal Interest in this item as one of the deputies is known to him through the Fareham Liberal Democrats.

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

(Voting: 7 in favour; 1 against)

RESOLVED that, subject to the conditions in the report and completion of a Section 106 agreement securing the planning obligations set out in the report, PLANNING PERMISSION be granted.

(6) P/20/0295/FP - 22 BARLETT CLOSE FAREHAM PO15 6BQ

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: 6 in favour; 2 against)

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

(7) Planning Appeals

The Committee noted the information in the report.

(8) UPDATE REPORT

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

8. TREE PRESERVATION ORDERS

The Committee considered the confirmation of the following Fareham Tree Preservation Order(s), which have been made under delegated powers and to which no formal objection has been received.

Fareham Tree Preservation Order No. 765 2020 – 229A Highlands Road & 17 Napier Crescent, Fareham West.

Order served on 6 March 2020 for which there were no objections.

RESOLVED that Fareham TPO 765 is confirmed as made and served.

(The meeting started at 1.00 pm
and ended at 5.15 pm).