

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 16 February 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, R H Price, JP and S Dugan (deputising for Mrs C L A Hockley)

**Also
Present:**



1. APOLOGIES FOR ABSENCE

An apology of absence was received from Councillor Mrs C L A Hockley.

2. MINUTES OF PREVIOUS MEETING

RESOLVED that the minutes of the Planning Committee meeting held on 19 January 2022 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcement at this meeting:

Members will recall that on 28th May last year, the High Court dismissed a judicial review claim brought by Brook Avenue Residents Against Development (BARAD). This judicial review sought to challenge the grant of an outline planning permission for residential development at Egmont Nurseries in Brook Avenue, Warsash. The High Court Judge also refused BARAD permission to appeal his decision.

BARAD subsequently lodged an application with the Court of Appeal, seeking permission to appeal against the Judge's decision. On the 21st November the Court of Appeal granted permission for BARAD to appeal on four of their requested five grounds.

The Council has been advised by the Courts, that the Court of Appeal hearing will start on 5th April, and it is estimated that the hearing will last for 1 ½ days.

4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, Councillor T M Cartwright declared the following Personal Interests:

Item 6 (4) – Land East of Brook Lane and North of Warsash Road, as his son lives on Brook Lane next to the application site.

Item 6 (5) – Warsash FC, New Road, as he has previously sponsored Warsash Wasps when he was Mayor.

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					
Stephen Fallowfield		THE NURSERY LAND TO THE REAR OF 166 BOTLEY ROAD – CONSTRUCTION OF 1 NO. FIVE BEDROOM DWELLING INCLUDING ACCESS AND AMENITY AREAS FOLLOWING THE DEMOLITION OF EXISTING AGRICULTURAL BUILDING	Opposing	6 (1) P/20/1100/FP Pg 19	Written
Richard Colson		-DITTO-	-Ditto-	-Ditto-	Written
Dr & Mrs Hall		-DITTO-	-Ditto-	-Ditto-	Written
Ms Laura Harvell (Agent)		-DITTO-	Supporting	-Ditto-	In Person 3 mins
Bob Marshall	The Fareham Society	LAND TO THE REAR OF SEPTEMBER COTTAGE BROOK AVENUE – DEMOLITION OF EXISTING INDUSTRIAL AND STORAGE BUILDINGS AND CONSTRUCTION OF FOUR DETACHED DWELLINGS WITH ASSOCIATED GARAGES, PARKING AND LANDSCAPING	Opposing	6 (2) P/20/1138/FP Pg 40	Written
Ms Christine Wilkes-Holmes		-DITTO-	-Ditto-	-Ditto-	Written
James Moir		-DITTO-	-Ditto-	-Ditto-	Written
Thomas Roberts (Agent)		THE BADGERS 86 NEWTOWN ROAD WARSASH – ERECTION OF DETACHED 4-BED DWELLING ADJACENT TO EXISTING DWELLING/GUEST HOUSE AND USE OF VEHICULAR ACCESS ON TO NEWTOWN ROAD BY RESIDENTS OF BOTH PROPERTIES WITH GUESTHOUSE PARKING TO REAR	Supporting	6 (3) P/20/1594/FP Pg 71	In Person (3 mins)

Trevor Moody (Agent)		LAND EAST OF BROOK LANE AND NORTH OF WARSASH ROAD – RESERVED MATTER APPLICATION RELATING TO THE LAYOUT, SCALE, APPEARANCE AND LANDSCAPING FOR THE CONSTRUCTION OF 76 DWELLINGS (PHASE 1) TOGETHER WITH ASSOCIATED PARKING, OPEN SPACE, LANDSCAPING AND OTHER INFRASTRUCTURE PURSUANT TO OUTLINE PLANNING PERMISSION P/17/0752/OA	Supporting	6 (4) P/21/0300/RM Pg 96	In Person (3 mins)
Mark Gibson		WARSASH FC NEW ROAD – VARIATION OF CONDITION 5 OF P/09/0063/FP (TO ENABLE USE OF FLOODLIGHTING FOR ADDITIONAL HOURS UNTIL 10PM)	Supporting	6 (5) P/21/1777/VC Pg 115	In Person (3 mins)
ZONE 2 – 4.30pm					
Ronald Monger		3 KILN ROAD FAREHAM – GARDEN OUTBUILDING, MAXIMUM HEIGHT OF 3 METRES, FOR USE AS A GYM AND OFFICE WITH A TOILET	Opposing	6(6) P/21/1888/FP Pg 122	In Person (3 mins)
Lee Allen		-DITTO-	Supporting	-Ditto-	In Person (3 mins)
ZONE 3 – 4.30pm					

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/20/1100/FP - THE NURSERY, LAND TO THE REAR OF 166 BOTLEY ROAD, SO31 1BL

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: -

After further consideration of the committee report the below paragraphs have been superseded with the following:

Policy DSP40 (ii)

8.38 *This criterion seeks to ensure the proposal is sustainably located, well related to the existing urban settlement boundary and can be well integrated with the neighbouring settlement. The existing urban settlement boundary is located 21 metres to the east of the application site with an area of woodland in between. It is therefore considered that the proposal is reasonably well related to the neighbouring settlement but would be difficult to be integrated due to the woodland. The site is sustainably located however, within walking distance to local services and facilities in Park Gate. The building is not isolated and would be related to the neighbouring dwellings and therefore the settlement of Burrige. Due to the acknowledged difficulties of integration with the wider settlement of Whiteley (designated urban area), the proposal is considered to not fully comply with part (ii) of DSP40.*

The Planning Balance

8.73 *There is a conflict with development plan Policy CS14 which ordinarily would result in this proposal being considered unacceptable in principle. Ordinarily CS14 would be the principal policy such that a scheme in the countryside would be considered contrary to the development plan. However, in light of the Council's lack of 5YHLS, development plan policy DSP40 is engaged, and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy four of the five criteria with acknowledged conflict with DSP40 (ii) in part as the dwelling would not be capable of being integrated with the existing urban settlement of Whiteley. However, having regard to the previously developed nature of the site and the previous established residential use through the lapsed prior approval and given that there have been no changes to legislation or on-site conditions, Officers consider that a further prior approval is likely to be approved. Therefore, the level of harm arising as a result of the development would not be significant and Officers form the view that more weight should be given to Policy DSP40 than CS14 and that when considered against the balance of the development plan, the scheme is considered to accord with the development plan as a whole.*

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report and an additional condition requiring the installation of electric vehicle charging ports, was voted

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

RESOLVED that, subject to the conditions in the report and an additional condition requiring the installation of electric vehicle charging ports,
PLANNING
PERMISSION be granted.

**(2) P/20/1138/FP - LAND TO THE REAR OF SEPTEMBER COTTAGE
BROOK AVENUE SO31 9HR**

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: -

Since the publication of the planning committee report, seven additional letters, from existing third party objectors have written in re-emphasising their concerns about the application proposal.

Their concerns relate to impact from construction traffic on Brook Avenue impact on the TPO trees on the site, quality of the sewerage system serving Brook Avenue and the proximity of the overhead powerlines to the rear of the site.

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

- (i) The conditions in the report;
- (ii) An additional condition requiring that no development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicles (EV) charging points will be provided for each dwelling hereby permitted. The development shall be carried out in accordance with the approved details with the charging point(s) prior to first occupation of the dwelling to which it serves; and
- (iii) An additional condition requiring that no development relating to the construction of the permitted dwellings shall commence until the existing storage and business uses on the site have ceased, the structures accommodating these uses (as shown on Drawing: ENC/260117-9X3 (Topographical Survey)) have been demolished, and all materials arising from the demolition of the structures have been completely removed from the site.

Was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to: -

- (i) The conditions in the report;

(ii) An additional condition requiring that no development shall take place beyond damp proof course (dpc) level until details of how and where Electric Vehicles (EV) charging points will be provided for each dwelling hereby permitted. The development shall be carried out in accordance with the approved details with the charging point(s) prior to first occupation of the dwelling to which it serves; and

(iii) An additional condition requiring that no development relating to the construction of the permitted dwellings shall commence until the existing storage and business uses on the site have ceased, the structures accommodating these uses (as shown on Drawing: ENC/260117-9X3 (Topographical Survey)) have been demolished, and all materials arising from the demolition of the structures have been completely removed from the site.

PLANNING PERMISSION be granted.

(3) P/20/1594/FP - THE BADGERS 86 NEWTOWN ROAD SO31 9GB

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

Upon being proposed and second the officer recommendation to grant planning permission, subject to the conditions in the report, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

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

(4) P/21/0300/RM - LAND EAST OF BROOK LANE AND NORTH OF WARSASH ROAD

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: -

Update to Report

Paragraph 3.1 of the committee report incorrectly refers to the provision of 78 dwellings. The amended plans propose 76 dwellings as stated at the start of the report. The access referred to in the description was also approved as a dull plans application reference P/20/0539/FP as listed in section 5.

Updated Consultee Response from Natural England

No objection subject to the receipt of appropriate mitigation.

Updated Recommendation

In light of the response from Natural England the recommendation is amended as follows:

Recommendation

APPROVE RESERVED MATTERS, subject to the following conditions (as listed in the report).

The following additional plans are to be added to condition 1:

- Road Vertical Alignment 2 of 2 (1802 rev F)
- Road Horizontal Alignment Sheet 1 of 3 (1811 rev F)
- Road Horizontal Alignment Sheet 2 of 3 (1812 rev F)
- Road Horizontal Alignment Sheet 3 of 3 (1813 rev F)

And the following plans updated with the revisions shown in bold:

*Coloured site layout drawing CSL.02 updated to Rev **J K***

*House Type 3.5-A Floor Plans Rev **B A***

Councillor T M Cartwright declared a Personal Interest in this item as his son lives on Brook Lane next to the application site.

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

- (i) The conditions in the report;
- (ii) The conditions in the update report; and
- (iii) Condition 12 to be amended to “None of the buildings hereby approved shall be first occupied until details of a suitably robust replacement retaining structure along the western boundary of the site (north of 28 Brook Lane), which is designed to ensure the existing earth bund and trees growing in it are securely retained, has been submitted to and approved by the Local Planning Authority in writing. The approved retaining structure shall be fully implemented in accordance with the approved details prior to the occupation of the first dwelling, and thereafter retained at all times.”

Was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that, subject to: -

- (i) The conditions in the report;
- (ii) The conditions in the update report; and
- (iii) Condition 12 to be amended to “None of the buildings hereby approved shall be first occupied until details of a suitably robust replacement retaining structure along the western boundary of the site (north of 28 Brook Lane), which is designed to ensure the existing earth bund and trees growing in it are securely retained, has been submitted to and approved by the Local Planning Authority in writing. The approved retaining structure shall be fully implemented in

accordance with the approved details prior to the occupation of the first dwelling, and thereafter retained at all times.”
RESERVED MATTERS be approved.

(5) P/21/1777/VC - WARSASH WASPS FOOTBALL GROUND NEW ROAD SO31 9UH

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

Councillor T M Cartwright declared a Personal Interest in this item as he has previously sponsored Warsash Wasps when he was Mayor.

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.

(6) P/21/1888/FP - 3 KILN ROAD FAREHAM PO16 7AU

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: -

Suggested condition 1 is amended as follows:

“The development shall be carried out in accordance with the following approved documents:

- 1. Garden Room sizes from South Elevation*
- 2. Garden Room sizes from East Elevation*
- 3. Garden Room sizes from North Elevation*
- 4. Position of Windows and Doors*
- 5. Site Plan*
- 6. Location Plan*

REASON: To avoid any doubt over what has been permitted.”

Suggested condition 2 is amended as follows to omit the wording “...unless otherwise agreed in writing with the Local Planning Authority”.

“The outbuilding hereby permitted shall be used only for purposes incidental to the enjoyment of the main dwellinghouse.

REASON: To protect the living conditions of the occupants of neighbouring properties and to ensure Local Planning Authority retains control over the use of the building.”

Upon being proposed and seconded the officer recommendation to grant planning permission, subject to the conditions in the report and amended conditions in the update report, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

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

(7) Planning Appeals

The Committee noted the information in the report.

(8) UPDATE REPORT

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

7. TREE PRESERVATION ORDER NO. 773 2021 -78 EAST HOUSE AVENUE, STUBBINGTON

The Committee considered a report by the Director of Planning and Regeneration on Tree Preservation Order No. 773 2021 at 78 East House Avenue. The report detailed two objections to the making of a provisional order in September 2021.

RESOLVED that the Tree Preservation Order No. 773 is confirmed.

(The meeting started at 2.30 pm
and ended at 6.35 pm).