

# FAREHAM

## BOROUGH COUNCIL

### Minutes of the Planning Committee

(to be confirmed at the next meeting)

**Date:** Wednesday, 15 June 2022

**Venue:** Collingwood Room - Civic Offices

**PRESENT:**

**Councillor** N J Walker (Chairman)

**Councillor** I Bastable (Vice-Chairman)

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

**Also Present:** Councillor Mrs K K Trott (Items 6 (2) and 6 (3))



## 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 25 April 2022 be confirmed and signed as a correct record.

## 3. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

The first announcement was:

*I would like to remind members that we have a Training Session for Planning Members arranged for 29 June at 6pm. This is a mandatory training session, and it is essential that all members attend this session to ensure that you are fully up to date with all planning related matters.*

The second announcement was:

*The Council has recently received the post hearing letter from the Planning Inspector who is carrying out the examination of the Fareham Local Plan 2037. The letter does not address all of the issues which arose during the Examination, but rather focuses on the areas where the Inspector has soundness or legal compliance concerns.*

*One of the issues raised by the Inspector within their letter, relates to the delivery rate of housing at Welborne. The Inspector considered the matter in detail as part of the Examination, receiving evidence from this Council, from planning consultants acting on behalf of the developers of Welborne, and other development interests.*

*Following consideration of all of this evidence the Local Plan Inspector concluded that 'Whilst I accept that efforts to bring the site forward are now gathering pace... I consider completions in 2023/24 to be overly ambitious. The site should be pushed back a year in the trajectory.'*

*The Local Plan Inspector has requested that the Council prepare a revised and updated Housing and Supply Topic Paper which reflects this and other amendments advised by the Inspector for further consultation. This matter will be considered by the Executive at their meeting on 4 July 2022.*

*Turning to development management matters, Members of the Planning Committee at their meeting on the 25<sup>th</sup> May received a report on the Council's Five Year Housing Land Supply Position. Members were advised that the Council had a Five Year Housing Land Supply of 5.08 years as at the 31<sup>st</sup> March 2022 (with the 0.8 years equating to 52 units).*

*The delivery of housing at Welborne provides a significant contribution towards the Council's Five Year Housing Land Supply. Moving the completions at*

Welborne back to 0224/25 as advised by the Local Plan Inspector, removes 240 units from the Council's Five Year Housing Land Supply as it stood at the 1<sup>st</sup> April 2022.

Following the detailed consideration of the evidence by the Inspector during the Local Plan Examination, Officers consider it would currently be very difficult to sustain the position (if challenged at appeal) that Welborne completions will take place on 2023/24.

Since the Five Year Housing Land Supply position was updated on the 1<sup>st</sup> April, further dwellings have been granted planning permission either by this Council or through planning appeals. This would not however offset the removal of the year's supply of dwellings at Welborne. Taking into account housing completions since the 1<sup>st</sup> April as well, Officers consider that the Council can demonstrate a Housing Land Supply of 4.95 years.

In the absence of a Five Year Housing Land Supply, Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies is now engaged on relevant planning applications.

#### 4. DECLARATIONS OF INTEREST

In accordance with Standing Orders and the Council's Code of Conduct, Councillors N J Walker and Mrs S M Walker declared a Personal Interest in Item 6 (5) – 61 Portchester Road, as the applicant and financial backer for the scheme are known to them. They both left the room for this item and took no part in the debate or vote on this application.

#### 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
<b>ZONE 1 –</b>					
<b>ZONE 2 – 2.30pm</b>					
Mr Collins		97-99 WEST STREET FAREHAM PO16 0AS - CHANGE OF USE OF FIRST FLOOR TO PLACE OF WORSHIP (USE CLASS F1) & ASSOCIATED FIRST FLOOR REAR	<b>Opposing</b>	6(2) P/22/0571/FP Pg 34	<b>In Person (3mins)</b>

		EXTENSION AND EXTERNAL ALTERATIONS TO FORM GROUND FLOOR ENTRANCES FROM WEST STREET & WESTBURY ROAD			
Mr R Ahmed (agent)		-DITTO-	<b>Supporting</b>	-Ditto-	<b>Written</b>
Mr Marshall	B The Fareham Society	LAND EAST OF NORTH WALLINGTON FAREHAM - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT FOR ACCESS) FOR RESIDENTIAL DEVELOPMENT OF UP TO 29 DWELLINGS, ASSOCIATED LANDSCAPING AND ACCESS OFF NORTH WALLINGTON	<b>Opposing</b>	6(3) P/19/0894/OA Pg 42	<b>Written</b>
<b>ZONE 3 – 4.00pm</b>					
Mr Marshall	B The Fareham Society	LAND EAST OF NEWGATE LANE EAST FAREHAM - OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED (EXCEPT ACCESS) FOR RESIDENTIAL DEVELOPMENT OF UP TO 375 DWELLINGS, ACCESS FROM NEWGATE LANE EAST, LANDSCAPING AND OTHER ASSOCIATED INFRASTRUCTURE WORKS	<b>Opposing</b>	6(4) P/22/0165/OA Pg 78	<b>Written</b>
Ms Dineage MP	C	-DITTO-	<b>-Ditto-</b>	-Ditto-	<b>Written</b>
Mr P Dudley (agent)		61 PORTCHESTER ROAD FAREHAM PO16 8AL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF A	<b>Supporting</b>	6(5) P/21/1602/FP Pg 114	<b>In Person (3mins)</b>

		PAIR OF SEMI DETACHED DWELLINGS ON THE FRONTAGE AND A DETACHED BUNGALOW TO THE REAR			
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**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/21/1832/FP - LAND TO THE SOUTH OF 79 GREENAWAY LANE WARSASH SO31 9HT**

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

- 6.1.1 *The Council has recently received the post hearing letter from the Planning Inspector who is carrying out the examination of the Fareham Local Plan 2037. The letter does not address all of the issues which arose during the Examination, but rather focuses on the areas where the Inspector has soundness or legal compliance concerns.*
- 6.1.2 *One of the issues raised by the Inspector within their letter, relates to the delivery rate of housing at Welborne. The Inspector considered this matter in detail as part of the Examination, receiving evidence from this Council, from planning consultants acting on behalf of the developers of Welborne, and other development interests.*
- 6.1.3 *Following consideration of all of this evidence the Local Plan Inspector concluded that ‘Whilst I accept that efforts to bring the site forward are now gathering pace... I consider completions in 2023/24 to be overly ambitious. The site should be pushed back a year in the trajectory.’*
- 6.1.4 *Turning to development management matters, Members of the Planning Committee at their meeting on the 25<sup>th</sup> May received a report on the Council’s Five Year Housing Land Supply Position. Members were advised that the Council had a Five Year Housing Land Supply of 5.08 years as at the 31<sup>st</sup> March 2022 (with the 0.8 years equating to 52 units).*
- 6.1.5 *The delivery of housing at Welborne provides a significant contribution towards the Council’s Five Year Housing Land Supply. Moving the first completions at Welborne back to 2024/25 as advised by the Local Plan Inspector, removes 240 units from the Council’s Five Year Housing Land Supply as it stood at the 1<sup>st</sup> April 2022.*
- 6.1.6 *Following the detailed consideration of the evidence by the Inspector during the Local Plan Examination, Officers considered it would*

*currently be very difficult to sustain the position (if challenged at appeal) that Welborne completions will take place in 2023/24.*

- 6.1.7 *Since the Five Year Housing Land Supply position was updated on the 1<sup>st</sup> April, further dwellings have been granted planning permission either by this Council or through planning appeals. This would not however offset the removal of the year's supply of dwellings at Welborne. Taking into account housing completions since the 1<sup>st</sup> April as well, Officers consider that the Council can demonstrate a Housing Land Supply of 4.95 years.*
- 6.1.8 *In the absence of a Five Year Housing Land Supply, Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies is engaged.*
- 6.1.9 *Policy DSP40 is an important policy consideration in the determination of this planning application. The Officer's report does not currently undertake an assessment of the planning application against the five requirement of Policy DSP40.*
- 6.1.10 *In order to ensure fairness to planning applicants, agents and interested parties, Officers propose deferring this item from the Agenda, and reporting it back to the next meeting of the Planning Committee with an assessment of the proposal against the requirements of Policy DSP40.*

**(2) P/22/0571/FP - 97-99 WEST STREET FAREHAM PO16 0AS**

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

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

Upon being proposed and seconded, the officer recommendation to grant planning permission subject to the conditions in the report with the addition of a 'note to applicant' as below, was voted on and CARRIED.  
(Voting: 7 in favour; 2 against)

Note to applicant: Please can you ensure that the attending members are made aware of the available options for town centre parking so as to reduce the potential for indiscriminate car parking within the local area.

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

**(3) P/19/0894/OA - LAND EAST OF NORTH WALLINGTON FAREHAM**

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

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

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

- 6.3.1 *The Council has recently received the post hearing letter from the Planning Inspector who is carrying out the examination of the Fareham Local Plan 2037. The letter does not address all of the issues which arose during the Examination, but rather focuses on the areas where the Inspector has soundness or legal compliance concerns.*
- 6.3.2 *One of the issues raised by the Inspector within their letter, relates to the delivery rate of housing at Welborne. The Inspector considered this matter in detail as part of the Examination, receiving evidence from this Council, from planning consultants acting on behalf of the developers of Welborne, and other development interests.*
- 6.3.3 *Following consideration of all of this evidence the Local Plan Inspector concluded that 'Whilst I accept that efforts to bring the site forward are now gathering pace... I consider completions in 2023/24 to be overly ambitious. The site should be pushed back a year in the trajectory.'*
- 6.3.4 *Turing to the development management matters, Members of the Planning Committee at their meeting on 25h May received a report on the Council's Five Year Housing Land Supply Position. Members were advised that the Council had a Five Year Housing Land Supply of 5.08 years at the 31<sup>st</sup> March 2022 (with the 0.8 years equating to 52 units).*
- 6.3.5 *The delivery of housing at Welborne provides a significant contribution towards the Council's Five Year Housing Land Supply. Moving the first completions at Welborne back to 2024/25 as advised by the Local Plan Inspector, removes 240 units from the Council's Five Year Housing Land Supply as it stood at the 1<sup>st</sup> April 2022.*
- 6.3.6 *Following the detailed consideration of evidence by the Inspector during the Local Plan Examination, Officers consider it would currently be very difficult to sustain the position (if challenged at appeal) that Welborne completions will take place in 2023/24.*
- 6.3.7 *Since the Five Year Housing Land Supply position was updated on the 1<sup>st</sup> April, further dwellings have been granted permission either by this Council or through planning appeals. This would not however offset the removal of the year's supply of dwellings at Welborne. Taking into account housing completions since the 1<sup>st</sup> April as well, Officers consider that the Council can demonstrate a Housing Land Supply of 4.95 years.*
- 6.3.8 *In the absence of a Five Year Housing Land Supply, Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies is engaged.*
- 6.3.9 *Policy DSP40 states:*
- "Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core*

*strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:*

- i) The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
- ii) The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with neighbouring settlement;*
- iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv) It can be demonstrated that the proposal is deliverable in the short term; and,*
- v) The proposal would not have any unacceptable environmental, amenity or traffic implications.”*

*6.3.10 The purpose of this update sheet is to consider the five criteria of Policy DSP40 and update the applied Planning Balance from Section 8(i) (paragraphs 8.61 – 8.70) of the Committee Report.*

*6.3.11 In summary, the proposal conflicts with criteria ii, iii & v of Policy DSP40 as explained in the following paragraphs.*

***Policy DSP40 (i)***

*6.3.12 The resultant shortfall from moving the Welborne trajectory forward one year is a 4.95 year Housing Land Supply Provision. The proposed development would result in approximately 29 dwellings being constructed. The scale of the proposal is relative to the identified shortfall and as such criterion (i) of Policy DSP40 is passed.*

***Policy DSP40 (ii)***

*6.3.13 The site is located approximately 35 metres from the nearest part of the urban settlement boundary. There are residential properties fronting the road along the whole extent of North Wallington to the south-west of the proposed access to the site. However, the stretch of road between the site and Riverside Avenue retains its rural character with properties behind well-established, mature planting meaning the road does not have an urbanised appearance of a continuous built-up frontage. The site is not located adjacent to the urban settlement boundary.*

*6.3.14 Section 8c), paragraphs 8.20 – 8.29 of the Officer report explains that, in the absence of improvements to North Wallington to facilitate safe and convenient pedestrian journeys to and from the site, the development is not considered to be sustainably located.*

*6.3.15 The site is located on the corner of North Wallington and Standard Way with no connections with or physical relationship with the existing urban area. The development would therefore fail to be well related to and integrated with the urban settlement boundary.*

*6.3.16 In summary, the proposed development fails to meet criterion (ii) of Policy DSP40.*



**Policy DSP40 (iii)**

6.3.17 Section d), paragraph 8.30 -8.33 of the Officers report considers the landscape and visual impacts of the proposed development. In that assessment, the relatively enclosed nature of the landscape parcel in which the site lies is acknowledged as is potential for existing and proposed planting around the northern boundary of the site to further mitigate the localised visual impacts that would result. It is noted that, since the application is in outline form, details of how the site would be landscaped would be an issue for the reserved matters stage. However, based on the applicant's submitted illustrative site plan it appears that there would be potential for the existing mature tree planting along the northern site boundary to be reinforced and supplemented by additional planting to reduce the visual impact of the development.

6.3.18 Based on the above assessment, Officers consider that, had the application been considered acceptable in all other regards, the applicant would have been invited to provide a landscape strategy or illustrative landscape proposals to demonstrate that the adverse visual impacts of the development could indeed be minimised so as to accord with criterion (iii) of Policy DSP40.

**Policy DSP40 (iv)**

6.3.19 The development of 29 dwellings by the applicant, a well-established regional housebuilder with a substantial track record of housing delivery, is considered deliverable in the short term to satisfy criterion (iv) of Policy DSP40.

**Policy DSP40 (v)**

6.3.20 This section of Policy DSP40 looks at environmental, amenity and traffic implications.

6.3.21 In terms of environmental implications, the Officer committee report explains the likely adverse effects on the integrity of Habitat Sites. There are no amenity implications which are likely to be unresolvable at reserved matters stage. Finally, with regards traffic implications, the report sets out the outstanding concerns over the applicant's proposed improvements to provide a footway connection along North Wallington and that this would adversely affect the safety and operation of the highway.

6.3.22 As a result, there are held to be environmental and traffic implications generated by the development which would result in conflict with criterion (v) of Policy DSP40.

**Updated Planning Balance**

6.3.23 Officers have carefully assessed the proposals against Policy DSP40: Housing Allocations which is engaged as this Council cannot demonstrate a 5YHLS. In weighing up the material considerations and conflicts between policies; the development of a greenfield site weighted against Policy DSP40, Officers have concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall (DSP40(i)) and can be delivered in the short-term (DSP40(iv)). There

would however be conflict with criterion (ii) of that policy in that the development would not be sustainably located adjacent to, nor well related or well integrated with, the urban settlement boundary. The applicant has not done enough to demonstrate that the visual impact of the development on the countryside would be minimised and so there is also conflict with criterion (iii). Finally, there are environmental and traffic implications arising contrary to criterion (v).

6.3.24 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage in housing supply, Officers acknowledge that the proposal could deliver 29 dwellings, as well as providing affordable housing on site, in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would be modest but is still a material consideration in the light of this Council's current 5YHLS.

6.3.25 There is a clear conflict with development plan policy CS14 as this is development in the countryside. Ordinarily, Officers would have found this to be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a 5YHLS, development plan policy DSP40 is engaged and Officers have considered to satisfy just two of the five criteria and, in the circumstances, Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme fails to accord with the development plan. Had Members been able to determine the application, Officers would have recommended it be refused.

6.3.26 In summary, in undertaking a detailed assessment of the proposals throughout this report, and assuming that the 'tilted balance' is applied to those assessments (the Inspector having carried out an Appropriate Assessment concluding there would be no adverse effects on the integrity of the Habitats sites) Officers consider that in respect of NPPF Paragraph 11(d):

- (i) there are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed; and
- (ii) any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

6.3.27 In light of this assessment, and taking into account all other material planning considerations, had the Council be able to determine this application, Officers would have recommended that planning permission should be refused.

#### **Updated Recommendation**

6.3.28 The following recommendation would replace that set out in Section 9 of the published Committee Report, and recommend the following:

6.3.29 Members confirm that had they been able to determine the planning application they would have resolved to REFUSE PERMISSION for the following reasons:

*The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18 and CS20 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP6, DSP13, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan and is unacceptable in that:*

- a) The proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need;*
- b) The proposal fails to demonstrate that proposed improvements to provide a footway connection along North Wallington would be deliverable and viable and would not adversely affect the safety and operation of the highway. In the absence of such improvements, the proposal is not considered to sustainable development in that its location is poor in relation to access on foot or cycle to local services and facilities meaning future residents would rely heavily on use of the private motor car;*
- c) The proposed development would be harmful to the landscape character, appearance and function of the countryside and fail to respect or respond positively to the key characteristics of the surrounding area;*
- d) The proposal would have likely adverse effects on the integrity of habitat sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation;*
- 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 habitat 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 make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;*
- g) In the absence of a legal agreement to secure such, the proposal fails to secure a financial contribution towards a school travel plan and cycle/scooter storage at Harrison Primary School.*

Upon being proposed and seconded the Officer recommendation that should Members had the opportunity to determine this application, they would have resolved to refuse planning permission, was voted on and CARRIED.  
(Voting: 9 in favour; 0 against)

RESOLVED that, had Members had the opportunity to determine this application, they would have resolved to REFUSE PLANNING PERMISSION.

Reasons for Refusal:

The development is contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18 and CS20 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP6, DSP13, DSP15 & DSP40 of the Adopted Local Plan Part 2: Development Site and Policies Plan and is unacceptable in that:

- a) The proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need;
- b) The proposal fails to demonstrate that proposed improvements to provide a footway connection along North Wallington would be deliverable and viable and would not adversely affect the safety and operation of the highway. In the absence of such improvements, the proposal is not considered to be sustainable development in that its location is poor in relation to access on foot or cycle to local services and facilities meaning future residents would rely heavily on use of the private motor car;
- c) The proposed development would be harmful to the landscape character, appearance and function of the countryside and fail to respect or respond positively to the key characteristics of the surrounding area;
- d) The proposal would have likely adverse effects on the integrity of habitat sites in combination with other developments due to the additional generation of nutrients entering the water environment and the lack of appropriate and appropriately secured mitigation;
- 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 habitat 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 make on-site provision of affordable housing at a level in accordance with the requirements of the local plan;
- g) In the absence of a legal agreement to secure such, the proposal fails to secure a financial contribution towards a school travel plan and cycle/scooter storage at Harrison Primary School.

**(4) P/22/0165/OA - LAND EAST OF NEWGATE LANE EAST FAREHAM**

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: -

- 6.4.1 *The Council has recently received the post hearing letter from the Planning Inspector who is carrying out the examination of the Fareham Local Plan 2037. The letter does not address all of the issues which arose during the Examination, but rather focuses on the areas where the Inspector has soundness or legal compliance concerns.*
- 6.4.2 *One of the issues raised by the Inspector within their letter, relates to the delivery rate of housing at Welborne. The Inspector considered this matter in detail as part of the Examination, receiving evidence from this Council, from planning consultants acting on behalf of the developers of Welborne, and other development interests.*
- 6.4.3 *Following consideration of all of this evidence the Local Plan Inspector concluded that 'Whilst I accept that efforts to bring the site forward are now gathering pace... I consider completions in 2023/24 to be overly ambitious. The site should be pushed back a year in the trajectory.'*
- 6.4.4 *Turning to development management matters, Members of the Planning Committee at their meeting on the 25<sup>th</sup> May received a report on the Council's Five Year Housing Land Supply Position. Members were advised that the Council had a Five Year Housing Land Supply of 5.08 years as at the 31<sup>st</sup> March 2022 (with the 0.8 years equating to 52 units).*
- 6.4.5 *The delivery of housing at Welborne provides a significant contribution towards the Council's Five Year Housing Land Supply. Moving the first completions at Welborne back to 2024/25 as advised by the Local Plan Inspector, removes 240 units from the Council's Five Year Housing Land Supply as it stood at the 1<sup>st</sup> April, 2022.*
- 6.4.6 *Following the detailed consideration of the evidence by the Inspector during the Local Plan Examination, Officers consider it would currently be very difficult to sustain the position (if challenged at appeal) that Welborne completions will take place in 2023/24.*
- 6.4.7 *Since the Five Year Housing Land Supply position was updated on the 1<sup>st</sup> April, further dwellings have been granted planning permission either by this Council or through planning appeals. This would not however offset the removal of the year's supply of dwellings at Welborne. Taking into account housing completions since the 1<sup>st</sup> April as well, Officers consider that the Council can demonstrate a Housing Land Supply of 4.95 years.*
- 6.4.8 *In the absence of a Five Year Housing Land Supply, Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies is engaged.*

#### 6.4.9 Policy DSP40 states:

*“Where it can be demonstrated that the Council does not have a five year supply of land for housing against the requirements of the Core Strategy (excluding Welborne) additional housing sites, outside the urban area boundary, may be permitted where they meet all of the following criteria:*

- i) The proposal is relative in scale to the demonstrated 5 year housing land supply shortfall;*
- ii) The proposal is sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement;*
- iii) The proposal is sensitively designed to reflect the character of the neighbouring settlement and to minimise any adverse impact on the Countryside and, if relevant, the Strategic Gaps;*
- iv) It can be demonstrated that the proposal is deliverable in the short term; and,*
- v) The proposal would not have any unacceptable environmental, amenity or traffic implications.”*

*6.4.10 The purpose of this update sheet is to consider the five criteria of Policy DSP40 and update the applied Planning Balance from Section 8(j) (paragraphs 8.78 – 8.88 of the Committee Report.*

#### **Policy DSP40 (i)**

*6.4.11 The resultant shortfall from moving the Welborne trajectory forward one year is a 4.95 Housing Land Supply Provision. The proposed development would result in approximately 375 dwelling being constructed, which would make a significant contribution towards achieving a 5-year housing land supply provision. It is therefore considered at criteria (i) of Policy DSP40 is passed.*

#### **Policy DSP40 (ii)**

*6.4.12 The site is located immediately adjacent to and well related to the existing defined urban settlement boundary of Woodcot and Bridgemary within Gosport Borough and lies immediately to the south of the Fareham Urban Settlement Boundary. Consideration of the accessibility of the site to the neighbouring settlements was set out in Section 8(c) paragraphs 8.20 – 8.29 of the Committee Report. Section 8(c) highlights that on balance the site would be sustainably located. However, having regard to the comments raised by the Appeal Inspector for Appeal A (to the south of the site) criteria (ii) of DSP40 should also be considered from a landscape and visual impact perspective (paragraph 26 of the Appeal Decision). Despite its location, and connectivity to the north and proposed development to the south, the proposed development would remain largely cut off and isolated*

*from the remainder of the built-up area to the east. It is therefore considered that the proposals would not be well related to the existing urban settlement boundaries or well integrated with the neighbouring settlement, and would therefore fail to fully comply with criteria (ii) of Policy DSP40.*

***Policy DSP40 (iii)***

*6.4.13 The site is located within the open, undeveloped countryside which presently form part of the important Fareham/Gosport/Stubbington Strategic Gap. Criteria (iii) recognises that any development in the countryside is likely to have an impact due to the nature of urban expansion; however, that harm should be minimised. The scale and extent of the proposed development, and its resultant coalescence and loss of openness would be significant. Detailed consideration of the impact of the development on this landscape setting and the Strategic Gap have been set out in Section 8(d), paragraphs 8.30 – 8.39 and Section 8(e), paragraphs 8.40 – 8.47 of the Committee Report. The Committee Report, which includes detailed consideration of the impact from the Council's Landscape and Visual Impact consultants would result in significant harm to local landscape character and the physical and visual coalescence of settlements. The development would fail to comply with criteria (iii) of Policy DSP40 as it fails to minimise the impact on the countryside and Strategic Gap, in addition to the other policies outlined in the Committee Report.*

***Policy DSP40 (iv)***

*6.4.14 The supporting Planning Statement submitted with the application highlights that the two developers (Miller Homes and Bargate Homes) are major housebuilders and are committed to the early delivery of the proposals. They anticipate the delivery of between 250 and 300 houses within a five year period, with an immediate commencement on site if permission was granted. The scheme is therefore considered to be deliverable in the short term, and criteria (iv) of Policy DSP40 is therefore passed.*

***Policy DSP40 (v)***

*6.4.15 This section of Policy DSP40 looks at environmental, amenity and traffic implications. Matters regarding environmental implications are set out in Section 8(g), paragraphs 8.53 – 8.73 (Impact on Habitat Sites), Section 8(h), paragraphs 8.74 – 8.75 (Ecology and Protected Species) and Section 8(i), paragraph 8.77 (loss of agricultural land) of the Committee Report. The Committee Report identifies conflict with various policies of the Local Plan, and subsequently there are significant identified environmental implications as a result of the development which would result in conflict with this part of Policy DSP40 (v) Environmental Implications.*

6.4.16 As the application has only been submitted in outline, a detailed assessment of amenity implications has not been fully considered in the Committee Report. The indicative masterplan provided with the application shows a good level of separation between the existing houses in Gosport Borough and the location of the allowed scheme at Appeal A to the south of the site to ensure that the living conditions of these occupiers would not be adversely impacted by the development proposal. Additionally, the applicants have highlighted that there would be a 2 storey height limit for the proposed housing, and with the proposed green infrastructure, it is likely that the scheme could be acceptable in amenity terms in order to comply with this criteria of Policy DSP40 (v) Amenity Implications.

6.4.17 The final aspect of DSP40 (v) is consideration of Traffic Implications. Matters regarding Highway Impacts have been set out in Section 8(f), paragraphs 8.48 – 8.52 of the Committee Report. The proposal includes a number of pedestrian and cycle links to surrounding developments, although impact for future school pupils regarding accessibility for catchment area schools has been raised as a concern by the Local Education Authority. Further, as set out in the Committee Report, the Highway Authority has raised objection to the proposal, and it has therefore been concluded that the proposal would conflict with this part of Policy DSP40 (v) Traffic Implications.

6.4.18 Having regard therefore to the overall consideration of Policy DSP40, the development proposal would fail to accord with Parts (iii) and (v) of the Policy.

#### **Updated Planning Balance**

6.4.19 The Planning Balance in the published Committee Report reflects the consideration that the Council has an identified 5-year Housing Land Supply provision, and accordingly applies the appropriate weight to the relevant policies of the adopted Local Plan, together with the implications of paragraph 182 of the NPPF regarding the impact on protected Habitat Sites. Paragraph 8.86 then considers that by virtue of the Housing Delivery Test results that the application must be determined in accordance with paragraph 11(d) of the NPPF, with paragraph 8.88 concluding that taking into account all material considerations, had the Council been in a position to determine the application, Officers would have recommended refusal of planning permission.

6.4.20 Given the identified shortfall in HLS provision, Policy DSP40 is now engaged and should be weighed into consideration as the principal policy for the consideration and determination of this planning application. The preceding paragraphs in this Update Report highlight the conflict with Policy DSP40, namely criteria (ii), (iii) and (v).



6.4.21 Officers have carefully weighed the benefits which would be delivered by the proposals, having regard to the Council's updated 5 year housing land supply position, against the conflict with adopted Local Plan policies. In Officer's view, the poor relation and integration with the wider urban area to the east, together with the harm to the character and appearance of the countryside, coalescence of settlements and environmental and highway implications would outweigh the benefits arising from the scheme.

6.4.22 In summary, in undertaking a detailed assessment of the proposals throughout the report, and assuming that the 'tiled balance' was applied to those assessments (Officers consider that in respect of NPPF paragraph 11(d):

- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed; and
- (ii) Any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole.

6.4.23 In light of this assessment, and taking into account all other material planning considerations, had the Council been able to determine this application, Officer's would have recommended that planning permission should have been refused.

#### **Updated Recommendation**

6.4.24 The following recommendation would replace that set out in Section 9 of the published Committee Report, and recommend the following:

6.4.25 Members confirm that had they been able to determine the planning application they would have resolved to **REFUSE PLANNING PERMISSION** for the following reasons:

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17, CS18, CS20 and CS22 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies 2015, and paragraphs 110 and 111 of the National Planning Policy Framework 2021 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 within the open countryside. 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 proposed development would physically and visually reduce the separation between settlements significantly adversely affecting the integrity of the Strategic Gap;*
- d) *The proposal would have likely adverse effects on the integrity of Habitat Sites alone and in combination with other developments due to additional nutrients entering the water environment of The Solent and the absence of appropriate and appropriately secured mitigation;*
- e) *In the absence of appropriate and appropriately secured mitigation, the proposal would have likely adverse effects on the integrity of Habitat Sites alone and in combination with other developments due to additional recreational disturbance arising from residents of the development;*
- f) *The proposal would have likely adverse effects upon the integrity of Habitat Sites and the wider Solent Waders and Brent Goose network due to the unacceptable loss of functionally linked Special Protection Area habitat. Insufficient information has been provided to demonstrate that adequate mitigation for the loss of Secondary Support Area and Low Use Areas is being provided;*
- g) *The applicant has failed to provide sufficient evidence to demonstrate that the development would not result in unacceptable harm to protected species that may be present on site or affected by its development;*
- h) *The proposal would result in the loss of best and most versatile agricultural land;*
- i) *The applicant has failed to demonstrate the development would not result in an unacceptable impact on highway operation and safety, nor that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users, including those travelling by sustainable modes. On this*

*basis the proposed development would result in a severe impact on the road network;*

- j) Had it not been for the overriding reasons for refusal, the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long-term maintenance through an appropriate legal agreement;*
- k) In the absence of a legal agreement to secure such, the proposal fails to secure on-site provision of affordable housing at a level in accordance with the requirements of the Local Plan;*
- l) In the absence of a legal agreement to secure provision of the 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 the submission and implementation of a full Travel Plan, payment 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;*
- n) In the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.*

Upon being proposed and seconded the Officer recommendation, that should Members had the opportunity to determine this application they would have resolved to refuse planning permission, was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that, had Members had the opportunity to determine this application they would have resolved to REFUSE PLANNING PERMISSION.

#### Reasons for Refusal

The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS16, CS17, CS18, CS20 and CS22 of the Adopted Fareham Borough Core Strategy 2011, Policies DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2: Development Sites and Policies 2015, and paragraphs 110 and 111 of the National Planning Policy Framework 2021 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 within the open countryside. 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 proposed development would physically and visually reduce the separation between settlements significantly adversely affecting the integrity of the Strategic Gap;
- d) The proposal would have likely adverse effects on the integrity of Habitat Sites alone and in combination with other developments due to additional nutrients entering the water environment of The Solent and the absence of appropriate and appropriately secured mitigation;
- e) In the absence of appropriate and appropriately secured mitigation, the proposal would have likely adverse effects on the integrity of Habitat Sites alone and in combination with other developments due to additional recreational disturbance arising from residents of the development;
- f) The proposal would have likely adverse effects upon the integrity of Habitat Sites and the wider Solent Waders and Brent Goose network due to the unacceptable loss of functionally linked Special Protection Area habitat. Insufficient information has been provided to demonstrate that adequate mitigation for the loss of Secondary Support Area and Low Use Areas is being provided;
- g) The applicant has failed to provide sufficient evidence to demonstrate that the development would not result in unacceptable harm to protected species that may be present on site or affected by its development;
- h) The proposal would result in the loss of best and most versatile agricultural land;
- i) The applicant has failed to demonstrate the development would not result in an unacceptable impact on highway operation and safety, nor that the development can be accommodated in a manner that would not cause increased danger and inconvenience to highway users, including those travelling by

sustainable modes. On this basis the proposed development would result in a severe impact on the road network;

- j) Had it not been for the overriding reasons for refusal, the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long-term maintenance through an appropriate legal agreement;
- k) In the absence of a legal agreement to secure such, the proposal fails to secure on-site provision of affordable housing at a level in accordance with the requirements of the Local Plan;
- l) In the absence of a legal agreement to secure provision of the 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 the submission and implementation of a full Travel Plan, payment 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;
- n) In the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision.

**(5) P/21/1602/FP - 61 PORTCHESTER ROAD FAREHAM PO16 8AL**

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

Councillor N J Walker (Chairman) and Councillor Mrs S M Walker both declared a personal interest in this item as the applicant and the financial backer for the scheme are known to them. They both left the room and took no part in the debate or vote on this application.

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

*6.5.1 Para 8.28 should read;*

*A nitrogen budget has been calculated in accordance with Natural England's 'National Generic Nutrient Neutrality Methodology' (Feb 2022) ('the NE Advice') and the updated calculator (20 April 2022) which confirms that the development will generate 1.59kgTN/yr.*

*6.5.2 Para 8.269 should read;*

*The applicant has purchased 2kgTN/yr of nitrate mitigation ‘credits’ from a wetland scheme at Whitewool Farm and provided the Council with the completed allocation agreement to confirm.*

Upon being proposed and seconded the Officer recommendation to grant planning permission, subject to the conditions of the report, was voted on and CARRIED.

(Voting: 7 in favour; 0 against)

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

**(6) P/22/0338/FP - TURRET HOUSE HOSPITAL LANE PORTCHESTER  
FAREHAM PO16 9LT**

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

- 6.6.1 *The Council has recently received the post hearing letter from the Planning Inspector who is carrying out the examination of the Fareham Local Plan 2037. The letter does not address all of the issues which arose during the Examination, but rather focuses on the areas where the Inspector has soundness or legal compliance concerns.*
- 6.6.2 *One of the issues raised by the Inspector within their letter, relates to the delivery rate of housing at Welborne. The Inspector considered this matter in detail as part of the Examination, receiving evidence from this Council, from planning consultants acting on behalf of the developers of Welborne, and other development interests.*
- 6.6.3 *Following consideration of all of this evidence the Local Plan Inspector concluded that ‘Whilst I accept that efforts to bring the site forward are now gathering pace... I consider completions in 2023/24 to be overly ambitious. The site should be pushed back a year in the trajectory.’*
- 6.6.4 *Turning to development management matters, Members of the Planning Committee at their meeting on the 25<sup>th</sup> May received a report on the Council’s Five Year Housing Land Supply Position. Members were advised that the Council had a Five Year Housing Land Supply of 5.08 years as at the 31<sup>st</sup> March 2022 (with the 0.8 years equating to 52 units).*
- 6.6.5 *The delivery of housing at Welborne provides a significant contribution towards the Council’s Five Year Housing Land Supply. Moving the first completions at Welborne back to 2024/25 as advised by the Local Plan Inspector, removes 240 units from the Council’s Five Year Housing Land Supply as it stood at the 1<sup>st</sup> April, 2022.*

- 6.6.6 *Following the detailed consideration of the evidence by the Inspector during the Local Plan Examination, Officers consider it would currently be very difficult to sustain the position (if challenged at appeal) that Welborne completions will take place in 2023/24.*
- 6.6.7 *Since the Five Year Housing Land Supply position was updated on the 1<sup>st</sup> April, further dwellings have been granted planning permission either by this Council or through planning appeals. This would not however offset the removal of the year's supply of dwellings at Welborne. Taking into account housing completions since the 1<sup>st</sup> April as well, Officers consider that the Council can demonstrate a Housing Land Supply of 4.95 years.*
- 6.6.8 *In the absence of a Five Year Housing Land Supply, Policy DSP40 of the adopted Local Plan Part 2: Development Sites and Policies is engaged.*
- 6.6.9 *Policy DSP40 is an important policy consideration in the determination of this planning application. The Officer's report does not currently undertake an assessment of the planning application against the five requirements of Policy DSP40.*
- 6.6.10 *In order to ensure fairness to planning applicants, agents and interested third parties, Officers propose deferring this item from the Agenda, and reporting it back to the next meeting of the Planning Committee with an assessment of the proposal against the requirements of Policy DSP40.*

## **(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.

(The meeting started at 2.30 pm  
and ended at 5.15 pm).