

FAREHAM

BOROUGH COUNCIL

Minutes of the Planning Committee

(to be confirmed at the next meeting)

Date: Wednesday, 11 October 2023

Venue: Collingwood Room - Civic Offices

PRESENT:

Councillor N J Walker (Chairman)

Councillor I Bastable (Vice-Chairman)

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

Also Present: Councillor Mrs K K Trott (Item 6(5))



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 13 September 2023 be confirmed and signed as a correct record.

3. CHAIRMAN'S ANNOUNCEMENTS

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

4. DECLARATIONS OF INTEREST

There were no declarations of interest made at this meeting.

5. DEPUTATIONS

The Committee received a deputation from the following in respect of the applications indicated and were thanked accordingly.

Name	Spokesperson representing the persons listed	Subject	Supporting or Opposing the Application	Minute No/ Application No/Page No	Dep Type
ZONE 1 – 2.30pm					
Mr Michael Edwards		LAND ADJACENT 77 BURRIDGE ROAD – CONSTRUCTION OF A DWELLING HOUSE WITH DETACHED GARAGE, NEW ACCESS AND ASSOCIATED DEVELOPMENT	Supporting	6(1) P/21/2020/FP Pg 25	Written
Mr Nathaniel Green (Agent)		-DITTO-	Supporting	-Ditto-	In Person
Mr John Richards		EYERSDOWN FARM QUARANTINE KENNELS 285 BOTLEY ROAD – RESERVED MATTERS APPLICATION PROVIDING	Supporting	6(2) P/23/0915/RM Pg 46	In person 3 mins

		<p>DETAILS OF THE LAYOUT, SCALE, APPEARANCE, LANDSCAPING AND MEANS OF ACCESS FOR THIRTY-EIGHT DWELLINGS (FURTHER TO OUTLINE PLANNING PERMISSION GRANTED ON APPEAL UNDER APPLICATION REFERENCE P/20/0506/OA)</p>			
<p>ZONE 2 – 2.30pm</p>					
<p>Mrs Brigid Taylor (Agent)</p>		<p>LAND BETWEEN AND TO THE REAR OF 100 & 102 KILN ROAD – DEMOLITION OF EXISTING EQUESTRIAN STABLES AND ERECTION OF 1NO. SELF BUILD DWELLING TOGETHER WITH DETACHED GARAGE AND ASSOCIATED INFRASTRUCTURE AND LANDSCAPING</p>	<p>Supporting</p>	<p>6(3) P/23/1008/FP Pg</p>	<p>In Person 3 mins</p>
<p>Mr Dave Evans</p>		<p>-DITTO-</p>	<p>Opposing</p>	<p>-Ditto-</p>	<p>Written</p>
<p>ZONE 3 – 3.30pm</p>					
<p>Mr Robert Marshall</p>	<p>The Fareham Society</p>	<p>LAND TO THE EAST OF NEWGATE LANE EAST – RESERVED MATTERS APPROVAL (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR THE DEVELOPMENT OF 90 DWELLINGS TOGETHER WITH</p>	<p>Opposing</p>	<p>6(4) P/22/0841/RM Pg 89</p>	<p>Written</p>

		PUBLIC OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (PURSUANT TO OUTLINE PLANNING PERMISSION REFERENCE P/19/1260/OA)			
Mrs Patricia Goater		-DITTO-	-Ditto-	-Ditto-	Written
Mr Nicholas Whittington (Agent)		-DITTO-	Supporting	-Ditto-	In Person 3 mins
Mr Michael Townson		LAND SOUTH OF ROMSEY AVENUE – RESERVED MATTERS APPLICATION DETAILING THE APPEARANCE, LANDSCAPING, LAYOUT AND SCALE OF 225 NEW HOMES, INTERNAL ROADS, WITH ASSOCIATED INFRASTRUCTURE, OPEN SPACE AND BIRD CONSERVATION AREA FOLLOWING OUTLINE PLANNING PERMISSION GRANTED ON APPEAL (REF P/18/1073/FP)	Opposing	6(5) P/22/1864/RM Pg 109	In person 3 mins
Mr Robert Marshall	The Fareham Society	-DITTO-	-Ditto-	-Ditto-	Written
Mr Will Cobley (Agent)		-DITTO-	Supporting	-Ditto-	In Person 3 mins

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 on new appeals and decisions.

(1) P/21/2020/FP - LAND ADJACENT TO 77 BURRIDGE ROAD SO31 1BY

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

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

Following receipt of the financial payment towards the Solent and New Forest SPA's paragraphs 8.63-8.65 are superseded to the following:

8.63 *The applicant has paid the necessary contributions towards the Solent Recreational Mitigation Partnership Strategy (SRMP) and the New Forest SPA and therefore the Appropriate Assessment concludes that the proposal would not have an adverse effect on the integrity of the Habitat Sites as a result of the recreational disturbance in combination with other plans or projects on the Solent and New Forest SPAs.*

8.64 *Natural England were consulted on the Council's Appropriate Assessment and raised no objection in respect of recreational disturbance on the Solent and New Forest SPAs or on water or air quality implications. It is therefore considered that the development accords with Policies NE3 and NE4 of the Fareham Local Plan 2037.*

As the payments have been received and Natural England raises no objection, the following reasons for refusal have been addressed:

iv) *The site lies within 5.6km of The Solent and Special Protection Areas. The proposal fails to provide appropriate mitigation against the impact of increased recreational disturbance created from the provision of additional residential accommodation within this area.*

v) *The site lies within 13.8km of the New Forest Special Protection Area. The proposal fails to provide appropriate mitigation against the impact of increased recreational disturbance created from the provision of additional residential accommodation within this area.*

Officers provided a verbal update to Members before consideration of the Planning application which is detailed below:

"As detailed in the update sheet the habitat mitigation payment has been paid. Therefore, paragraph 11 of the NPPF now applies.

Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For Decision-taking this means:

- c) *Approving development proposals that accord with an up-to-date development plan without delay; or*
- d) *Where there are relevant development plan policies, or the policies which*

are most important for determining the application are out-of-sate (see footnote

7 below) granting planning permission unless:

- i. The application of policies in this Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
- ii. Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Officers have undertaken an Appropriate Assessment which concludes that the development would not result in an adverse impact on the integrity of the protected Habitat sites due to the adverse effects arising through recreational disturbance on the Habitat Sites.

However, when weighing up the material considerations the recommendation remains unchanged and the harm to the SINC site and the unsustainable location demonstrably outweigh the benefits of granting planning permission.”

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

The development would be contrary to Policies, HP1, HP2, NE1, NE2 and NE3 of the Fareham Borough Local Plan 2037 and is unacceptable in that:

- i) The provision of a dwelling within this location would not be within reasonable walking distance to a good bus service route or train station or provide safe walking and cycling routes that connect to a local, district or town centre.
- ii) The proposed development would result in the partial loss of a Site of Importance of Nature Conservation and the development would therefore fail to protect or enhance the local site of nature conservation and fail to reflect the status in the hierarchy of nature conservation designations.
- iii) Insufficient information has been provided to demonstrate that the proposal could provide onsite provision of 10% net gain in biodiversity.

(2) P/23/0915/RM - EYERSDOWN FARM QUARANTINE KENNELS 285 BOTLEY 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: -

The applicant has amended the proposals to extend the 2.0 metre wide footway at the entrance to the site beyond plot 8, where it previously was shown to end, further into the site up to the driveway to plot 10. This amendment will provide a dedicated pedestrian footway around the bend where plot 9 is located before the arrangement changes to a shared surface south of plot 10 onwards.

Final comments have been received from the Highway Authority Hampshire County Council who have raised no objection to the proposals. They have made the following comments in relation to the shared surface arrangement:

“As stated previously within the first HA (Highway Authority) response, concerns regarding the shared surface layout approach within the development were raised and that it was requested a 2.0-metre-wide footway be introduced along the main spine road to provide that separation between pedestrians and vehicles.

The HA has been in contact with Fareham as the Local Planning Authority who have explained the difference in the approach being applied here with this development being located on an edge of settlement location.

Through further consideration of the submitted Stage 1 Road Safety Audit (RSA1) and after being in consultation with Hampshire County Council (HCC) road safety auditors that shared surface approach is considered acceptable. It is thought that residents would prefer a dedicated footway than use grass verges to walk on as well as the carriageway, however, forward visibility is good, and the risk of collisions is likely to be low.

As a compromise the applicant has updated site plan no. PL03 Rev 10 and will now provide a footway that continues around the inside of the bend opposite plot 9 up to the driveway of plot 10. This allows separation of pedestrians/vehicles and cyclists around a corner where conflicts are more likely to occur. The HA consider the proposal to be acceptable.”

Drawings have been updated and so the proposed wording of condition 1 at paragraph 9.2 of the Officer report is hereby amended as follows (changes underlined for emphasis only in this update report):

1. *The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:*
 - a) *Site Location Plan – 7333 PL01 P1*
 - b) *Detailed Site Layout – Sheet 1 – 7333 PL04 P7*
 - c) *Detailed Site Layout – Sheet 2 – 7333 PL05 P9*
 - d) *Proposed Tenure Layout – 7333 PL08 P9*
 - e) *Building Types Plan – 7333 PL10 P8*
 - f) *Boundary Treatment Plan 1 of 3 – DD608L06 D*
 - g) *Boundary Treatment Plan 2 of 3 – DD608L07 D*
 - h) *Boundary Treatment Plan 3 of 3 – DD608L08 C*
 - i) *External Levels Sheet 1 – 00408-FRH-XX-XX-DR-C-2100 P08*
 - j) *External Levels Sheet 2 – 00408-FRH-XX-XX-DR-C-2101 P08*

- k) External Levels Sheet 3 – 00408-FRH-XX-XX-DR-C=2102 P08
- l) Building Materials Plan – 7333 PL06 P11
- m) Landscape Strategy – DD608L01 F
- n) Planting Strategy Sheet 1 of 3 – DD608L02 C
- o) Planting Strategy Sheet 2 of 3 – DD608L03 E
- p) Planting Strategy Sheet 3 of 3 – DD608L04 C
- q) Planting Lists & Planting Bed Matrix – DD608L05 B
- r) Self Binding Gravel Footpath – DD608D02
- s) Proposed Access Arrangements – ITB18493-GA-001 rev D within the Transport Statement
- t) Internal site layout visibility analysis and street geometry – ITB18493-GA-006 rev G within the Transport Statement Addendum
- u) Priority Signage and Narrowings Plan – ITB18493-GA-019 within the Transport Statement Addendum
- v) Arboricultural Impact Assessment
- w) Arboricultural Review – Levels Strategy
- x) Section through Ecological Buffer – DD608I01
- y) Proposed Plans and Elevations – Type G1 – 7333 PL25 P4
- z) Proposed Plans and Elevations – Type F1, I1 – 7333 PL26 P3
- aa) Proposed Plans and Elevations – Type E2,F2,H1 – 7333 PL24 P3
- bb) Proposed Plans and Elevations - Type E1 – 7333 PL23 P3
- cc) Proposed Plans and Elevations – Type D1, D2 – 7333 PL22 P4
- dd) Proposed Plans and Elevations – Type B1, B2, C1 – 7333 PL21 P3
- ee) Proposed Plans and Elevations – Type A1,A2,A3 – 7333 PL20 P5
- ff) Proposed Plans and Elevations – Garages – 7333 PL29 P4
- gg) Proposed Plans and Elevations – Double Garage, Car Port, Garage, Hybrid – 7333 PL028 P3
- hh) Proposed Plans and Elevations – Apartments – 7333 PL27 P5
- ii) REPTILE SURVEY REPORT AND MITIGATION STRATEGY (Hankinson Duckett Associates, July 2023)
- jj) BAT SURVEY REPORT (Hankinson Duckett Associates, September 2023)
- kk) REPTILE SURVEY REPORT AND MITIGATION STRATEGY (Hankinson Duckett Associates, July 2023)
- ll) Technical note (Hankinson Duckett Associates, 7th September 2023), in relation to badgers.

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

The references to drawings in the proposed wording to conditions 5, 6, 7, 8, 9, 11, 12, 15 and 18 are to be updated accordingly to be consistent with the list above at condition 1.

In addition the recommendation at paragraph 9.4 of the Officer report is hereby amended to read as follows (additional text underlined):

“That Members authorise the completion of a Deed of Variation to the Section 106 along the following lines:

- a) To vary the obligation relating to affordable housing provision so as to be consistent with this Reserved Matters approval;

- b) To vary the obligation to allow the timing of the delivery of the affordable housing to be amended at the discretion of Officers.”

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Upon being proposed and seconded the officer recommendation to: -

- (i) APPROVE reserved matters, subject to: -
- (a) The conditions in the report; and
 - (b) The amended condition 1 as set out in the Update Report and subsequent amendments to drawing references in other conditions so as to be consistent with condition 1.

Then

- (ii) DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

Then

- (iii) That Members authorise the completion of a Deed of Variation to the Section 106 along the following lines:
- (a) To vary the obligation relating to affordable housing provision so as to be consistent with this Reserved Matters approval;
 - (b) To vary the obligation to allow the timing of the delivery of the affordable housing to be amended at the discretion of Officers.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) Reserved matters be APPROVED, subject to: -
- (a) The conditions in the report; and
 - (b) The amended condition 1 as set out in the Update Report and subsequent amendments to drawing references in other conditions so as to be consistent with condition 1.

Then

- (ii) Authority be DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

Then

- (iii) The completion of a Deed of Variation to the Section 106 BE AUTHORISED along the following lines:
 - (a) To vary the obligation relating to affordable housing provision so as to be consistent with this Reserved Matters approval;
 - (b) To vary the obligation to allow the timing of the delivery of the affordable housing to be amended at the discretion of Officers.

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(3) P/23/1008/FP - LAND BETWEEN AND TO THE REAR OF 100 & 102 KILN ROAD

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

Upon being proposed and seconded the officer recommendation to refuse planning permission was voted on and CARRIED.
(Voting: 9 in favour; 0 against)

RESOLVED that PLANNING PERMISSION be REFUSED.

Reasons for Refusal

1. The development would be contrary to Policies WEL1, WEL3, WEL5, WEL6, WEL30, WEL37 and WEL42 of the adopted Local Plan Part 3: The Welborne Plan and Welborne Design Guidance Supplementary Planning Document and is unacceptable in that:
 - i. The principle of a dwelling in this location would be contrary to policies WEL5 and WEL6 of the Welborne Plan which seeks to retain the area as a settlement buffer between the new community of Welborne and northern edge of Fareham. The proposal would physically and visually harm the integrity of the settlement buffer.
 - ii. The development of the application site would result in the loss of land safeguarded by policy WEL42 for future Welborne green infrastructure and ecological mitigation. To redevelop the land with the proposal would prejudice the future comprehensive development of Welborne in accordance with the Strategic Framework within The Welborne Plan.
 - iii. In the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation to address the 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.
 - iv. 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 protected habitat sites along The Solent and within the New Forest which, in combination with other developments, would arise due to the impacts of recreational disturbance.

- v. The plans are inaccurate in showing the extent of the fall in the land, the changes in ground levels which are required along with the proposed floor levels of proposed buildings, and therefore do not accurately show the impact of the proposed development.
2. This decision has been made in accordance with the following documents:
- i. Drawing No: P01 Rev B – Location Plan
 - ii. Drawing No: P05 Rev A – Proposed Site
 - iii. Drawing No: P10 Rev C – Plans
 - iv. Drawing No: P11 Rev B – Elevations
 - v. Drawing No: P20 Rev A – Detached Garage Plans & Elevations
- REASON: To avoid any doubt over what has been refused.

(4) P/22/0841/RM - LAND EAST OF NEWGATE LANE EAST

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 Site Layout Plans have all been updated to reflect minor changes requested by the Highway Authority – manoeuvring space outside Plot 32:

- a) *Site Layout (Drawing: SL. Rev-S-T)*
- b) *Parking Strategy Layout (Drawing: PSL.01 Rev H-J)*
- c) *Boundary Materials Layout (Drawing: BML.01 Rev H-J)*
- d) *Dwelling Materials Layout (Drawing: DML.01 Rev H-J)*
- lll) *General Arrangement – Overview (Drawing: 2373-TFC-XX-00-DR-I-1001 Rev P07-P08)*
- mmmm) *General Arrangement – 1 of 5 (Drawing: 2373-TFC-XX-00-DR-L-1002 Rev P07-P08)*
- nnnn) *General Arrangement – 2 of 5 (Drawing: 2373-TFC-XX-00-DR-L-1003 Rev P03-P04)*
- oooo) *General Arrangement – 3 of 5 (Drawing: 2373-TFC-XX-00-DR-L-1004 Rev P03-P04)*
- pppp) *General Arrangement – 4 of 5 (Drawing 2373-TFC-XX-00-DR-L-1005 Rev P03-P04)*
- qqqq) *General Arrangement – 5 of 5 (Drawing 2373-TFC-XX-00-DR-L-1006 Rev P03-P04)*
- rrrr) *Proposed Levels Layout Plan Whole Site (Drawing: 1300 Rev D-E)*
- ssss) *Proposed Levels Layout Plan Sheet 1 of 4 (Drawing: 1301 Rev D-E)*
- tttt) *Proposed Levels Layout Plan Sheet 2 of 4 (Drawing: 1302 Rev D-E)*

- uuuu) *Proposed Levels Layout Plan Sheet 3 of 4 (Drawing: 1303 Rev D-E)*
- vvvv) *Proposed Levels Layout Plan Sheet 4 of 4 (Drawing: 1304 Rev D-E)*

Further comments have also been received from the Highways Authority (Hampshire County Council). No objections to the proposals have now been raised.

Upon being proposed and seconded the officer recommendation to: -

- (i) APPROVE reserved matters, subject to; -
 - a) The conditions in the report; and
 - b) The updated plans referred to in the Update Report.

Then

- (ii) DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

Was voted on and CARRIED.

(Voting: 8 in favour; 1 against)

RESOLVED that: -

- (i) RESERVED MATTERS be APPROVED, subject to: -
 - (a) The conditions in the report;
 - (b) The amended plans as per the Update Report.

Then

- (ii) Authority be DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

(5) P/22/1864/RM - LAND SOUTH OF ROMSEY AVENUE FAREHAM

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

Upon being proposed and seconded the officer recommendation to; -

- (i) APPROVE reserved matters, subject to: -
 - (a) The conditions in the report;
 - (b) An additional condition requiring the parking spaces shown on the plan be retained as parking spaces at all times;

- (c) An additional condition removing permitted development rights to the proposed parking spaces to prevent the erection of garages or car ports; and
- (d) An additional condition requiring the erection of 1.8 metre high close board fencing on the north boundary of the site prior to any works commencing on site to protect the privacy of the residents of Romsey Avenue.

Then

- (ii) DELEGATE authority to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

Was voted on and CARRIED.

(Voting: 9 in favour; 0 against)

RESOLVED that: -

- (i) RESERVED MATTERS be approved, subject to: -
 - (a) The conditions in the report;
 - (b) An additional condition requiring the parking spaces shown on the plan to be retained as parking spaces at all times;
 - (c) An additional condition removing permitted development rights to the proposed car parking spaces to prevent the erection of garages or car ports; and
 - (d) An additional condition requiring the erection of the 1.8 metre high close board fencing on the north boundary of the site prior to any works commencing on site to protect the privacy of the residents of Romsey Avenue.

Then

- (ii) Authority be DELEGATED to the Head of Development Management to make any necessary modification, deletion or addition to the proposed conditions.

(6) Planning Appeals

The Committee noted the information in the report.

(7) UPDATE REPORT

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

7. TREE PRESERVATION ORDER 780 - 9-11 BERRY LANE

The Committee considered a report by the Director of Planning and Regeneration on Tree Preservation Order No. 780 9 – 11 Berry Lane.

RESOLVED that Tree Preservation Order 780 be confirmed.

(The meeting started at 2.30 pm
and ended at 5.40 pm).

..... Chairman

..... Date