

## OFFICER REPORT FOR COMMITTEE

DATE: 02/03/2022

P/20/1224/RM  
MR HANSLIP

WARSASH  
AGENT: PAUL AIREY PLANNING  
ASSOCIATES

APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE PLANNING PERMISSION REFERENCE P/18/0592/OA FOR DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF DRAINAGE FEATURES INCLUDING WETLAND AREA AND DETENTION BASINS

EGMONT NURSERIES, BROOK AVENUE, WARSASH

### **Report By**

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### **1.0 Introduction**

- 1.1 In October 2020 outline planning consent was granted for the construction of eight dwellings and the creation of drainage features including a wetland area and detention basins at this site (planning reference P/18/0592/OA).
- 1.2 A judicial review was subsequently brought by Brook Avenue Residents Against Development (BARAD) against the Council's decision to grant planning permission. The claim was brought on eight grounds of challenge and considered at a High Court hearing held on 11<sup>th</sup> & 12<sup>th</sup> May 2021. On the 28<sup>th</sup> May, the High Court judge dismissed the judicial review claim on all eight grounds and also refused BARAD permission to appeal his decision.
- 1.3 BARAD subsequently lodged an application with the Court of Appeal, seeking permission to appeal against the Judge's decision. On the 21<sup>st</sup> November the Court of Appeal granted permission for BARAD to appeal on four of their five requested grounds. This Council has been advised by the Courts, that the Court of Appeal hearing will start on 5<sup>th</sup> April 2022 and it is estimated that the hearing will last 1½ days.
- 1.4 The application now before Members seeks approval for reserved matters pursuant to the outline permission. A separate full planning application has also been submitted by the same applicant as an alternative to this scheme with a substantially similar proposal for eight houses but without the wetland area (planning reference P/21/1301/FP). That application is presented for

Members' consideration separately elsewhere on this Planning Committee agenda.

## **2.0 Site Description**

- 2.1 The application site is located outside of the defined urban settlement boundaries, is around 1.9 hectares in size and located on the northern side of Brook Avenue, Warsash. The site is partially covered by derelict buildings, glasshouses and hardstanding and was used up until the 1990s as a commercial nursery. A horse paddock forms a considerable portion of the site in its north-western corner. Adjacent to the northern site boundary is Holly Hill Woodland Park.
- 2.2 Residential properties fronting Brook Avenue lie close by as does the small housing development at Yorkdale (to the immediate west of the application site) and Cawtes Reach (a short distance to the east).

## **3.0 Description of Proposal**

- 3.1 This application seeks approval of reserved matters for access, appearance, landscaping, layout and scale of the development pursuant to the outline planning permission.
- 3.2 The proposed layout shows eight detached dwellings arranged fronting an access road leading from Brook Avenue. Three house types are proposed with a variety of elevational treatments. The houses are shown as having five bedrooms each and being two storeys high. Each house would benefit from parking space for three vehicles plus a double garage on the frontage. An area of natural greenspace comprising the wetland area and detention basins lie around the western and southern boundaries of the site whilst along the northern boundary of the site is an ecological buffer.

## **4.0 Policies**

- 4.1 The following policies apply to this application:

### **Adopted Fareham Borough Core Strategy**

CS2 – Housing Provision

CS4 – Green Infrastructure, Biodiversity and Geological Conservation

CS5 – Transport Strategy and Infrastructure

CS6 – The Development Strategy

CS14 – Development Outside Settlements

CS15 – Sustainable Development and Climate Change

CS16 – Natural Resources and Renewable Energy

CS17 – High Quality Design

### **Adopted Development Sites and Policies**

DSP1 – Sustainable Development

DSP2 – Environmental Impact

DSP3 – Impact on Living Conditions

DSP6 – New Residential Development Outside of the Defined Urban Settlement Boundaries

DSP13 – Nature Conservation

DSP15 – Recreational Disturbance on the Solent Special Protection Areas

DSP40 – Housing Allocations

### **Other Documents:**

Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015

Residential Car and Cycle Parking Standards Supplementary Planning Document 2009

National Planning Policy Framework (July 2021)

## **5.0 *Relevant Planning History***

5.1 The following planning history is relevant:

<b>P/18/0592/OA</b>	DEMOLITION OF EXISTING BUILDINGS, CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF DRAINAGE FEATURES INCLUDING WETLAND AREA AND DETENTION BASINS (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
<b>APPROVE</b>	1 OCTOBER 2020
<b>P/17/0651/OA</b>	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
<b>WITHDRAWN</b>	
<b>P/16/0243/OA</b>	DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION WITH ALL MATTERS RESERVED)
<b>REFUSE</b>	28 JUNE 2016
<b>P/15/0540/OA</b>	INSTALLATION OF 2820 PHOTOVOLTAIC PANELS AND USE OF EXISTING OFFICE BUILDING FOR

	INSTALLATION OF INVERTER & CONTROL EQUIPMENT (OUTLINE APPLICATION)
<b>APPROVE</b>	19 NOVEMBER 2015
<b>P/15/0529/OA</b>	CONSTRUCTION OF EIGHT DETACHED HOUSES AND CREATION OF Paddock (OUTLINE APPLICATION)
<b>WITHDRAWN</b>	3 NOVEMBER 2015
<b>P/06/0982/CU</b>	CHANGE OF USE OF BUILDING TO OFFICE (NON AGRICULTURAL)
<b>APPROVE</b>	19 OCTOBER 2006
<b>P/02/0417/OA</b>	ERECTION OF TWO DWELLINGS (OUTLINE APPLICATION)
<b>REFUSE</b>	27 MAY 2002 APPEAL DISMISSED 6 DECEMBER 2002

## **6.0 Representations**

- 6.1 A total of 3 letters of support have been received in response to this application.
- 6.2 A total of 77 letters of objection have been received in response to this application from 29 different residents. The following issues have been raised which are relevant to consideration of this reserved matters application:

### In relation to environmental matters:

- Air quality
- Drainage concerns
- Water supply issues (low pressure, etc)
- Impacts on Holly Hill Nature Reserve and nearby habitats sites
- Nitrates solution not appropriate
- Flaws in biodiversity net gain assessment
- Light pollution
- Construction noise and traffic
- Damage to private road (Brook Avenue)

### In relation to the visual impact of the development:

- Harmful visual impact
- Not in keeping with surrounding area

- Developable area has increased and houses are closer to Brook Avenue compared to illustrative layout submitted for previous outline application
- Scale of development – houses and garages are very large
- Poor quality design
- Not comparable with Yorkdale or Cawtes Reach
- Removal of hedgerow

In relation to traffic and highways:

- Increased traffic
- Risk to safety of other users of Brook Avenue (pedestrians, cyclists, horse riders, etc)

## **7.0 Consultations**

### EXTERNAL

#### **Natural England**

7.1 Further information required to determine impacts on designated sites

7.2 The following information is required:

- An assessment of New Forest recreational impacts with details of suitable mitigation
- Clarification regarding the nutrients budget for the development. This information should inform an updated Habitat Regulations Assessment (HRA).

### INTERNAL

#### **Hampshire County Council - Ecology**

7.3 No objection.

7.4 The soft landscaping plans are appropriate as they will result in the creation of different types of native habitats such as reedbed, pond and meadow grassland, along with native tree planting.

7.5 It is understood that the previously submitted Biodiversity Net Gain Metric has been revised. The calculations are correct and the proposals will result in an overall net gain in biodiversity in both habitat and hedgerow units and therefore no concerns are raised.

### **Trees**

- 7.6 No objection. The submitted landscaping and tree planting plan and management plan will provide a suitably diverse mixture of trees and shrubs throughout the scheme and associated amenity space.

### **Highways**

- 7.7 No objection subject to condition relating to access provision.

### **Refuse & Recycling Co-ordinator**

- 7.8 No objection. A detailed Sweep Plan to show access for the refuse vehicle, including turning and reversing must be provided and approved by the Transport Planner [highways]. Alternatively, a Bin Collection Point for residents to bring their bins out for collection can be provided and shown on the plans. This should be adjacent to the highway.

## **8.0 *Planning Considerations***

### ***a) Design & layout***

- 8.1 The final drawings submitted by the applicant follow extensive work undertaken with Officers to deliver a satisfactory layout to this scheme. The layout shows eight large dwellings set in generous sized plots arranged around a cul-de-sac. The arrangement of dwellings is informal and in keeping with the general character of other similar developments in Brook Avenue nearby at Cawtes Reach and Yorkdale.
- 8.2 The dwellings are proposed to be two storey in scale and traditional in terms of their architecture, in keeping with the prevailing character of the area. The submitted materials schedule proposes using a mixture of good quality bricks, timber cladding and render for facing elevations whilst the roofs would be covered with handmade red clay tiles.
- 8.3 Officers are satisfied that the proposal would deliver a high-quality design which would be in keeping with the character and appearance of residential development in the nearby area.

### ***b) Landscaping***

- 8.4 The proposed landscaping and planting scheme will provide an appropriate landscaped setting to the development in keeping with its location. This includes areas of lowland meadow planting to enhance biodiversity, formal native hedgerows to the frontages of properties and an appropriate level of new tree planting.

**c) Parking and highways**

- 8.5 As already set out earlier in this report, each of the proposed dwellings would have three parking spaces on the driveway. This is sufficient to meet the expectations set out in the Council's adopted Residential Car & Cycle Parking Standards SPD. A further two visitor car parking spaces are proposed near to the site entrance from Brook Avenue which again accords with the standards (0.2 visitor spaces per dwelling with allocated parking).
- 8.6 The access from Brook Avenue is shown on the submitted drawings as being a bellmouth junction with achievable visibility splays of 2.4m x 45m. The internal road would have a minimum carriageway width of 4.8m. The highway authority HCC have raised no objection to the proposals.

**d) Living conditions**

- 8.7 The proposed dwellings exceed the minimum space standards set out in the Government's Nationally Described Space Standards. Each dwelling has an ample sized private garden to meet the needs of future occupiers.
- 8.8 Officers have considered the proposals to ensure that residents living in the proposed dwellings in the future would have acceptable living conditions when it comes to light, outlook and privacy. There is a generous degree of space around each dwelling to ensure there should be no harmful overshadowing or overbearing impact from any building on neighbouring properties. Similarly, subject to certain windows on side elevations being obscure glazed and fixed shut up to a certain height, there would be no unacceptable overlooking.
- 8.9 Officers have assessed the impact the proposal would have on the living conditions of neighbours. The most important directly affected properties to consider in this regard are those existing frontage properties, Raynor and Hollydene, which lie immediately to the south of the application site and whose rear gardens would abut the rear gardens of plots 5, 6 & 8. In particular Officers have considered the back-to-back relationship of the dwellings proposed at plots 5 & 6 with Hollydene and Raynor respectively.
- 8.10 The Council's Design Guidance SPD 2015 advises that, to ensure adequate levels of privacy:
- "First floor windows should be at least 11 metres from boundaries they look towards and no less than 22 metres from facing windows in neighbouring houses. In the case of more spacious areas a greater distance is likely to be required".*
- 8.11 Planning permission was granted in February 2020 for a replacement dwelling at Raynor (planning reference P/19/1305/FP). Construction of the dwelling is

understood to be complete. According to the approved drawings, the closest part of the rear elevation of Raynor is 13.7 metres from the northern boundary. The corresponding proposed dwelling on plot 6 would be located a further 17.9 metres north from that boundary meaning there would be in excess of 31 metres separation between the two. Hollydene would be located approximately 35 metres from the rear elevation of the dwelling proposed for plot 5. Even allowing for the fact that neither Raynor or Hollydene are currently overlooked by properties to their north, the separation distances are considerable and therefore acceptable.

***e) Impact on Protected Sites***

- 8.12 Core Strategy Policy CS4 sets out the strategic approach to Biodiversity in respect of sensitive European sites and mitigation impacts on air quality. Policy DSP13: Nature Conservation of the Local Plan Part 2 confirms the requirement to ensure that designated sites, sites of nature conservation value, protected and priority species populations and associated habitats are protected and where appropriate enhanced.
- 8.13 The Solent is internationally important for its wildlife. Each winter, it hosts over 90,000 waders and wildfowl including 10 per cent of the global population of Brent geese. These birds come from as far as Siberia to feed and roost before returning to their summer habitats to breed. There are also plants, habitats and other animals within The Solent which are of both national and international importance.
- 8.14 In light of their importance, areas within The Solent have been specially designated under UK/ European law. Amongst the most significant designations are Special Protection Areas (SPA) and Special Areas of Conservation (SAC). These are often referred to as 'Protected Sites' (PS).
- 8.15 Regulation 63 of the Habitats and Species Regulations 2017 provides that planning permission can only be granted by a 'competent authority' if it can be shown that the proposed development will either not have a likely significant effect on designated PS or, if it will have a likely significant effect, that effect can be mitigated so that it will not result in an adverse effect on the integrity of the designated PS. This is done following a process known as an Appropriate Assessment. The competent authority, in this case the Council, is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations.
- 8.16 Officers undertook an Appropriate Assessment prior to the outline planning application being determined. Notwithstanding, Officers have undertaken another Appropriate Assessment in relation to these reserved matters application and formally consulted Natural England once again (comments are

awaited). The main impacts of the development on PS which were assessed are:

- Disturbance to The Solent Special Protection Areas (SPAs) and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to the sites;
- Impact upon water quality at the PS resulting in increased nitrates carried in water from the proposed development;
- Hydrological changes from potential pollution due to increased flood risk or accidental pollution events.

8.17 Each of these impacts on the PS are set out below in turn.

Disturbance to Solent Special Protection Areas (SPAs) and New Forest SPA, SAC and Ramsar sites through increased recreational use by visitors to the sites

8.18 Disturbance to habitats through increased recreational use by visitors to the sites can be mitigated by securing appropriate financial contributions towards mitigation schemes.

8.19 With regards the Solent SPAs, the mitigation is deliverable through The Solent Recreation Mitigation Strategy which provides a strategic solution by pooling contributions to fund and implement a variety of mitigation measures. The Section 106 legal agreement entered into by the applicant when outline planning permission was granted already secures a financial contribution towards this mitigation.

8.20 Since the grant of outline permission, research undertaken by Footprint Ecology has identified that planned increases in housing around the New Forest's designated sites, will result in increased visitors to the sites, exacerbating recreational impacts upon them. It was found that the majority of visitors to the New Forest's designated sites, on short visits/day trips from home, originated from within a 13.8km radius of the sites referred to as the 'Zone of Influence' (ZOI). The western side of the Borough of Fareham falls within this 13.km radius, measured on the basis of 'how the crow flies'.

8.21 This Council's Interim Mitigation Solution to address this likely significant effect, was approved by the Council's Executive on 7<sup>th</sup> December 2021. The Interim Mitigation Solution has been prepared in consultation with Natural England. The mitigation comprises a financial contribution from the developer to mitigate against any impacts through improvements to open spaces within Fareham Borough and a small financial contribution to the New Forest National Park Authority. The applicant has made this financial contribution

which has been secured by an agreement under Section 111 of the Local Government Act 1972.

- 8.22 The appropriate assessment concludes that the proposed development, by virtue of the mitigation set out above, would not have an adverse effect alone or in combination with other plans on the integrity of the PS in terms of recreational disturbance.

Impact upon water quality at the European Protected Sites resulting from increased nitrates carried in water from the proposed development

- 8.23 Natural England has highlighted that there is existing evidence of high levels of nitrogen and phosphorus in parts of The Solent with evidence of eutrophication. Natural England has further highlighted that increased levels of nitrates entering The Solent (because of increased amounts of wastewater from new dwellings) will have a likely significant effect upon the PS.
- 8.24 Natural England's advice is that achieving nutrient neutrality is one way to address the existing uncertainty surrounding the impact of new development on designated sites. Natural England has provided a methodology (v5 June 2020) for calculating nutrient budgets and options for mitigation should this be necessary. The nutrient neutrality calculation includes key inputs and assumptions that are based on the best-available scientific evidence and research, however for each input there is a degree of uncertainty. Natural England advise local planning authorities to take a precautionary approach when addressing uncertainty and calculating nutrient budgets.

Nutrient budget

- 8.25 The applicant has submitted a nutrient budget for the development. The budget shows that the development would result in mitigation being required to address a surplus of 10.7 kg/N/yr. Information is also available to Officers on the existing use of the land over a period of time including information submitted with the earlier outline planning application. The following paragraphs set out the key inputs and assumptions used in the nutrient budget. These relate to i) the existing use of the land, ii) the assumed occupancy rate used in the budget and iii) the assumed water consumption figure used.

i) Existing land use

- 8.26 The nutrient budget submitted by the applicant is precautionary in its treatment of the former horticultural site in relation to the existing use of the land.

- 8.27 The paddock in the north-western corner of the application site measures 0.747 ha and is afforded a lowland grazing value in the nutrient budget. The remainder of the site (1.23 ha) is given treated as having a lower baseline average nitrate loss value equivalent to natural greenspace. This includes the areas of the site where glasshouses stood and horticultural uses took place.
- 8.28 Officers have examined the evidence available as to the current and recent use of the various areas of the site. The comments made and further evidence provided by local residents and third parties has also been taken into account. Natural England recommend that evidence of existing land uses is provided for the last ten years and professional judgement used as to what the land would revert to in the absence of a planning application. Taking all of this into account, Officers consider the submitted nutrient budget to take a reasonable and suitably precautionary approach.
- ii) Assumed occupancy rate
- 8.29 Natural England recommends that, as a starting point, local planning authorities should consider using the average national occupancy rate of 2.4 persons per dwelling as calculated by the Office for National Statistics (ONS), as this can be consistently applied across all affected areas. However competent authorities may choose to adopt bespoke calculations where they are satisfied that there is sufficient evidence to support this approach.
- 8.30 Concern has been raised by third parties over the use of the average occupancy rate of 2.4 for this development of eight houses. Some have expressed the view that a higher occupancy rate ought to be applied since the five-bedroom houses proposed are larger than average dwellings.
- 8.31 It is acknowledged that some houses will have more than the average number of occupants. It is also of course the case that some will have less. The figure of 2.4 is an average based on a well evidenced source (the Office of National Statistics) and which has been shown to be consistent over the past ten years. As stated above the Natural England methodology allows bespoke occupancy rates however to date the Council has only done so to lower, not raise, the occupancy rate and where clear evidence has been provided to demonstrate that the proposed accommodation has an absolute maximum rate of occupancy. In the case of sheltered housing which is owned and managed by the Council, for example, it has previously been considered appropriate to apply a reduced occupancy rate accordingly.
- 8.32 In all instances it is the case that the Natural England methodology is already sufficiently precautionary because it assumes that every occupant of every new dwelling (along with the occupants of any existing dwellings made available by house moves) is a new resident of the Borough of Fareham.

There is also a precautionary buffer of 20% applied to the total nitrogen load that would result from the development as part of the overall nutrient budget exercise.

- 8.33 Taking the above matters into account, Officers do not consider there to be any specific justification for applying anything other than the recommended average occupancy rate of 2.4 persons per dwelling when considering the nutrient budget for the development.

*iii) Assumed water consumption*

- 8.34 The nitrogen budget has been based on an assumption that water usage within the new dwellings would be at a level of 110 litres per person per day. This figure is recommended by Natural England in the published methodology and is also a feature of the Council's emerging local plan policies to address water efficiency. Officers consider this to be a reasonable assumption and note that, like the assumption for occupancy rates, the uncertainty of adopting this figure is addressed in the overall 20% precautionary buffer applied in the methodology.

Nitrate mitigation through wetland creation

- 8.35 To assess the impact of nitrogen on the PS the appropriate assessment considers all of the ways in which nitrogen from the development could enter The Solent. There are three ways in which water from development can enter the PS: directly via hydrological pathways, via foul water drainage and from run-off during flood events.
- 8.36 The proposed development would not require any deep excavations such as might be required for major infrastructure, therefore there are no hydrological surface water pathways identified that could result in groundwater pollution.
- 8.37 Foul water drainage from the site will be discharged to the existing public foul sewer and treated at the sewage treatment plant. Without mitigation the proposed development would result in an increased level of nitrates entering The Solent.
- 8.38 To counter the potential for increased levels of nitrates to enter The Solent, the applicant has proposed on site wetland provision. Details of the wetland to be created were provided as part of the outline planning application. The proposed wetland would remove nitrates from surface water and roof water drainage through a combination of physical, chemical and biological processes via interactions between the water, substrate and micro-organisms such as algae. When the outline application was considered, the applicant demonstrated to Natural England's satisfaction that the proposed wetland

would result in an overall decrease in the amount of nitrates entering The Solent from this site. The nutrient budget submitted with this current application has shown that 10.7 kg/N/yr would be generated by the development. It has been shown that the wetland would in turn provide a reduction of 11.51 kg/N/yr meaning there would be an overall reduction in nitrates being discharged from the site.

- 8.39 Nitrate pollution in the event of a flood has been addressed by ensuring that the proposed sustainable urban drainage system, swale and wetland have been designed to cater for future flood events (with an allowance for increased levels of rainfall due to climate change). The proposed development would therefore not result in increased levels of nitrates entering The Solent in the event of a flood.
- 8.40 Natural England has already agreed with the principle of using a reedbed wetland to remove nitrogen from water and therefore decreasing the level of nitrates entering The Solent. Details relating to the long term monitoring and management of the wetlands have been secured in the Section 106 legal agreement completed as part of the outline planning permission. Those details secured within the Section 106 are sufficient to conclude there would be no adverse impact on the integrity of the PS within The Solent.

Hydrological changes from potential pollution due to increased flood risk or accidental pollution events

- 8.41 During occupation (and to some extent during construction), developments may have effects on the wider area during flood events when runoff rates from the development site are above current levels and where that results in pollutants becoming entrained and transmitted to sensitive water ecosystems. To avoid and mitigate this increased risk, surface water runoff from the application site is proposed to be managed through permeable paving and cellular soakaways which will allow the surface water to soak into the ground. Furthermore, a wetland area and detention basins are proposed.
- 8.42 A planning condition imposed on the outline consent (condition 6 of planning reference P/18/0592/OA) secures details of a surface water drainage scheme for the site based on the principles within the submitted Flood Risk Assessment & Outline Surface & Water Foul Water Drainage Strategy (May 2018). This Condition ensures the implementation of the approved drainage system with evidence of sufficient attenuation on site and the detailed design, as well as details on its future management are secured and the surface water will continue to be discharged from the site at the existing greenfield runoff rate. Therefore, it is concluded that the provision of an appropriate surface

water drainage scheme will avoid any adverse effects on the integrity of the PS.

- 8.43 Habitats within the designated sites that are essential for supporting relevant qualifying features/ reasons for selection of the sites, can be adversely affected though water-borne (ground or surface-water) pollution from development sites generated either during construction or operation / occupation, if there are any known hydrological pathways linking the application site to the designated sites. To avoid accidental pollution events a Construction Environmental Management Plan (CEMP) has already been secured through the outline consent (condition 3 of planning reference P/18/0592/OA). It is concluded that any adverse effects on the integrity of the PS will be avoided.

***f) On site ecology***

- 8.44 To support the proposal the applicant has submitted an updated ecological walkover survey (July 2021) and a biodiversity net gain assessment (including an enhancement plan). The Council's Ecologist has reviewed those documents and raised no objection. Notwithstanding, a planning condition imposed on the outline consent requires an ecological mitigation, compensation and enhancement plan to be submitted and approved prior to commencement of the development (condition 4 of planning reference P/18/0592/OA).

***g) Deferral***

- 8.45 A request has been received from the chairman of BARAD to defer consideration of this application and its determination until after the outcome of the Court of Appeal case referred to in the introduction to this report above.
- 8.46 Officers do not believe there is any legal necessity to defer making a decision on this application until the Court of Appeal decision has been received. The Council has a statutory duty to determine the application and, in doing so, the Planning Committee cannot revisit points of principle determined at the outline stage. Whatever the decision of the Court of Appeal it does not necessarily mean that it will be the conclusion of the legal process and, if the conclusion of the legal process is that the outline permission is quashed, then any subsequent reserved matters approval would cease to be of any effect in any case.
- 8.47 Notwithstanding the above, because of the unusual circumstances of this application, Members are advised to formally consider the deferral request.

### ***h) Summary***

- 8.48 The proposed means of access, scale, layout and appearance of the development and landscaping of the site are considered acceptable and to accord with the relevant policies of the adopted Local Plan. There are no concerns relating to onsite biodiversity or ecological matters. The proposals would not adversely affect the integrity of Protected Sites.

### **9.0 Recommendation**

- 9.1 **DECIDE** whether or not to defer the determination of this application pending the outcome of the Court of Appeal case;

*then*, if the decision is made to decline to defer the determination of this application,

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

*then*

**APPROVE**, subject to the following Conditions:

1. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents:
  - a) LOCATION PLAN A pdf - received 13th October 2021
  - b) COLOURED SITE LAYOUT RM rev B - received 13th October 2021
  - c) FIRE REFUSE PLAN RM rev C - received 13th October 2021
  - d) SITE LAYOUT RM pdf - received 13th October 2021
  - e) 18-132-208 Swept Path Analysis - Max Legal Artic and Construction Traffic
  - f) GARAGES-RM - revE - received 13th October 2021
  - g) HOUSE TYPE A-RM - revF - received 13th October 2021
  - h) HOUSE TYPE B RM revF - received 13th October 2021
  - i) HOUSE TYPE C- revG[2][1]
  - j) 18 132 200B Swept Path Analysis Fire Tender[1] - received 13th October 2021
  - k) 18 132 201B Swept Path Analysis Large Refuse - received 13th October 2021
  - l) 18 132 202B Proposed Levels and Exceedance Pathway - received 13th October 2021

- m) MATERIALS SCHEDULE Rev B - received 13th October 2021
- n) DD430L16A\_Detailed Planting Plan 1 of 10 - received 13th October 2021
- o) DD430L17A\_Detailed Planting Plans 2 of 10 - received 13th October 2021
- p) DD430L18A\_Detailed Planting Plans 3 of 10 - received 13th October 2021
- q) DD430L19A\_Detailed Planting Plans 4 of 10 - received 13th October 2021
- r) DD430L20A\_Detailed Planting Plans 5 of 10 - received 13th October 2021
- s) DD430L21A\_Detailed Planting Plans 6 of 10 - received 13th October 2021
- t) DD430L22B Detailed Planting Plans 7 of 10
- u) DD430L23A\_Detailed Planting Plans 8 of 10 - received 13th October 2021
- v) DD430L24A\_Detailed Planting Plans 9 of 10 - received 13th October 2021
- w) DD430L25B Detailed Planting Plans 10 of 10
- x) DD430L01G Landscape General Arrangement Plan

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

2. No dwelling hereby permitted shall be first occupied until the access, including any footway and/or verge crossing, has been constructed and lines of sight of 2.4 metres by 45.0 metres provided in accordance with the approved plans. The lines of sight splays shown on the approved plans shall be kept free of any obstruction exceeding 0.6 metres in height above the adjacent carriageway and shall be subsequently maintained so thereafter.

REASON: To provide satisfactory access and in the interests of highway safety.

3. The windows proposed to be inserted into the following locations of the approved development shall first be:

- a) glazed with obscured glass; and
- b) Of a non-opening design and construction to a height of 1.7 metres above internal finished floor level;

and shall thereafter be retained in that condition at all times;

- 1) The first floor windows set in the north-eastern side elevation of the dwelling on plot 1;
- 2) The first floor windows set in the western and eastern side elevations of the dwelling on plot 2;
- 3) The first floor windows set in the south-western and north-eastern side elevations of the dwelling on plot 3;
- 4) The first floor windows set in the western and eastern side elevations of the dwelling on plot 4;
- 5) The first floor windows set in the south-western and north-eastern side elevations of the dwelling on plot 5;
- 6) The first floor windows set in the eastern and western side elevations of the dwelling on plot 6;

- 7) The first floor windows set in the southern side elevations of the dwelling on plot 7;
- 8) The first floor windows set in the southern and northern side elevations of the dwelling on plot 8.

REASON: To prevent overlooking and to protect the privacy of the occupiers of the adjacent properties.

4. No dwelling hereby approved shall be first occupied until details of privacy screening to be erected to the sides of first floor balconies, and no less than 1.8 metres in height from the finished level of each balcony, have been submitted to and approved in writing by the Local Planning Authority and the agreed screening fully implemented. The screening shall be subsequently retained at all times.

REASON: To protect the privacy of the occupiers of the neighbouring property and to prevent overlooking

5. No dwelling hereby approved shall be first occupied until the approved parking and turning areas (where appropriate) for that property have been constructed in accordance with the approved details and made available for use. These areas shall thereafter be kept available for the parking and turning of vehicles at all times unless otherwise agreed in writing by the Local Planning Authority following the submission of a planning application for that purpose.

REASON: In the interests of highway safety.

6. No development shall take place beyond damp proof course (dpc) level until details of how and where at least one Electric Vehicle (EV) charging point per dwelling will be provided.

The development shall be carried out in accordance with the approved details with the charging points provided prior to first occupation of the dwelling to which it serves.

REASON: To promote sustainable modes of transport, to reduce impacts on air quality arising from the use of motorcars and in the interests of addressing climate change.

## **10.0 Background Papers**

P/18/0592/OA; P/20/1224/RM

# FAREHAM

BOROUGH COUNCIL



Egmont Nurseries  
Brook Avenue, Warsash  
Scale 1:2500



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