

OFFICER REPORT FOR COMMITTEE

DATE: 16/08/2023

P/23/0102/VC

MR ROGER & MRS TANIA STEWARD

WARSASH

AGENT: ADP ARCHITECTS LTD

ALTERNATIVE SITING, LAYOUT AND DESIGN TO HOUSE AND GARAGE ON PLOT 5 (ALTERNATIVE SCHEME PROPOSED UNDER VARIATION OF CONDITION 2 OF APPROVED PLANNING PERMISSION REFERENCE P/21/1301/FP)

PLOT 5, EGMONT NURSERIES, BROOK AVENUE, SOUTHAMPTON, SO31 9HN

Report By

Richard Wright – direct dial 01329 824758

1.0 Introduction

- 1.1 This application is reported to the Planning Committee due to the number of third-party representations received.
- 1.2 In October 2020 outline planning permission 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). Approval of the reserved matters was granted on 14 March 2022 (planning reference P/20/1224/RM).
- 1.3 A judicial review was subsequently brought by Brook Avenue Residents Against Development (BARAD) against the Council's decision to grant outline planning permission. The claim was brought on eight grounds of challenge and considered at a High Court hearing held on 11th and 12th May 2021. On the 28th May the High Court judge dismissed the judicial review claim on all eight grounds and also refused BARAD permission to appeal his decision.
- 1.4 BARAD subsequently lodged an application with the Court of Appeal to appeal against the Judge's decision. On the 15th July 2022 the judgment of the Court of Appeal was handed down and the appeal dismissed.
- 1.5 A subsequent full planning application (planning reference P/21/1301/FP) for an alternative scheme (without the previously approved wetland area) was permitted on 7 October 2022 for eight detached dwellings arranged fronting an access road leading from Brook Avenue.

1.6 This report relates to an application made under Section 73 of the Town & Country Planning Act 1990 seeking permission for the alternative siting, layout and design to the house and garage on Plot 5 (alternative scheme proposed under variation of condition 2 of approved planning permission reference P/21/1301/FP).

2.0 Site Description

2.1 The broader development 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 was previously covered by derelict buildings, glasshouses and hard standing and was used up until the 1990s as a commercial nursery. Those buildings have now been demolished. 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).

2.3 This application relates to Plot 5, sited in the south-eastern corner of the site.

3.0 Description of Proposal

3.1 The approved development comprises three different house types (A, B & C). Plot 5 was shown to be developed with a House Type A. The landowner has indicated that some or all of the plots may be sold individually to allow purchasers to build the dwellings themselves (self-build). This application is made in relation to Plot 5 only, by the purchasers of that plot, seeking to construct a dwelling meeting their own specific aspirations.

3.2 The changes proposed to Plot 5 compared to the dwelling approved for this plot incorporate the following:

- Redesigned footprint – the overall floor area is increased by 1.6 square metres. The roof height is marginally lower than that previously approved, but the roof is reconfigured. The building will be approximately 2.5 metres further from the rear boundary shared with ‘Hollydene’ located to the south of the plot;
- Amended house design and improved internal layout;
- Changes to the footprint and design of the garage - the proposed garage would be wider than that previously approved but just under one metre lower with a fully hipped roof;

- Revised material schedule – to use Michelmersh bricks and a natural slate to the roof.

4.0 Policies

4.1 The following policies apply to this application:

Adopted Fareham Local Plan 2037

- DS1 Development in the Countryside
- DS3 Landscape
- H1 Housing Provision
- CC1 Climate Change
- CC2 Managing Flood Risk & Sustainable Drainage Systems
- NE1 Protection of Nature Conservation, Biodiversity and the Local Ecological Network
- NE2 Biodiversity Net Gain
- NE3 Recreational Disturbance on the Solent Special Protection Area (SPA's)
- NE4 Water Quality Effects on the SPA/SAC and Ramsar Sites of the Solent
- TIN2 Highway Safety & Road Network
- TIN4 Infrastructure Delivery
- D1 High Quality Design & Placemaking
- D2 Ensuring Good Environmental Conditions
- D4 Water Quality & Resources
- D5 Internal Space Standards

Other Documents

- National Planning Policy Framework (NPPF) 2021
- Fareham Borough Design Guidance Supplementary Planning Document (excluding Welborne) 2015

5.0 Relevant Planning History

5.1 The following planning history is relevant:

- | | |
|---------------------|---|
| P/21/1301/FP | EIGHT DETACHED HOUSES AT FORMER EGMONT NURSERIES, BROOK AVENUE, WARSASH (ALTERNATIVE SCHEME TO APPROVED DEVELOPMENT UNDER P/18/092/OA EXCLUDING THE WETLANDS TO THE WEST OF THE SITE AND PROVIDING NITRATE MITIGATION BY WAY OF OFF-SITE CREDITS) |
| PERMISSION | 7 OCTOBER 2022 |

P/20/1224/RM APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOLLOWING 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

APPROVE 14 MARCH 2022

P/18/0592/OA 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)

PERMISSION 1 OCTOBER 2020

6.0 Representations

6.1 Five representations (two from one household) have been received raising the following concerns:

- This is a countryside site and considerable comment has been made about the sensitivity of the site both ecologically and in terms of its surroundings;
- The development is against many planning policies and if FBC had their 5 year housing supply, the application would have been refused;
- Any attempts to increase the size and location of the buildings should be refused;
- Reference to other houses on the road is irrelevant;
- Triple garages were originally thought inappropriate and the application was granted with single storey double garages;
- This application wishes to increase the footprint of the garage by 33% and also increase the footprint of the property itself; this should be refused and as much green space should be retained as possible;
- The house is nearly 10% larger; if permission is given it will set a precedent;
- Moving the house away from Hollydene does not help, the eaves height has been increased making the building more dominant;

- The house is changed into a square block which all adds to its visual mass and intensification;
- It is inappropriate;
- Brook Avenue remains a private road, largely unlit, no pavements and is not of adoptable standard with no established right of way for residential use for any of these plots.

6.2 Two other representations have been received neither objecting or supporting the application but commenting as follows:

- The only positive element is the replacement of balconies with Juliette balustrading;
- Amended design makes no significant difference to the original plan;
- The principle is a good idea; redesigning the individual plots rather than them being identical;
- We are pleased the building will be further from the rear of our property (Hollydene), however the laurel hedge to the rear of the plot and the deer fencing on the boundary to the rear should remain and not be removed.

7.0 *Planning Considerations*

Principle of development

7.1 The principle of eight dwellings on this site has been established previously (see planning history above). This application seeks variation of planning condition 2 of the previous planning permission, seeking approval for design changes to the plans on Plot 5.

Character and appearance

7.2 Policy D1 of the Fareham Local Plan 2023 states that proposals should be of high quality design and respond to the positive elements of local character.

7.3 The proposed design, mass, scale and footprint will be similar to approved house type B on other nearby plots. The proposed changes to the design of the dwelling are modest; the eaves have been increased by 0.25 metres, however the overall ridge height will be marginally lower. The footprint will be increased by 1.6 square metres and moved forward on the plot, increasing the depth of the rear garden.

7.4 A triple garage is proposed, replacing a double garage previously approved. However, its roof will be lower and fully hipped, reducing its height, massing

and bulk. The fully hipped roof would complement the roof design of the dwelling.

- 7.5 The revised material schedule is considered appropriate for this sensitive countryside location.

Living conditions of neighbours

- 7.6 The revised footprint of the proposed dwelling does not materially change the relationship between it and neighbouring properties in terms of the effects on living conditions for those neighbours.

Biodiversity net gain

- 7.7 A scheme of measures has been submitted which provides for and secures 10% net gain for biodiversity in line with Policy NE2 of the adopted local plan. The Council's ecologist has confirmed that the measures are acceptable in this regard.

Impact upon protected sites

- 7.8 The impact of the development of eight houses on Habitat sites has previously been considered when permission was granted in October 2022 and mitigation was secured to address the likely significant effects in terms of increased recreational disturbance (Solent & New Forest) and the impact on water quality (nitrates).
- 7.9 The land owner purchased 26kg TN nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust to mitigate the impact of development on the site. Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30th September 2020, the purchase of the credits will result in a corresponding parcel of agricultural land at Little Duxmore Farm on the Isle of Wight being removed from intensive agricultural use in perpetuity, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment.
- 7.10 The Council has concluded within an Appropriate Assessment that the proposed mitigation and planning conditions will ensure no adverse effect on the integrity of the Habitat Sites either alone or in combination with other plans or projects. Natural England has been consulted on the Council's Appropriate Assessment and raised no objection.

8.0 Summary

- 8.1 In summary, notwithstanding the comments received, the proposed changes to the dwelling and its garage are considered acceptable and meet the requirements set out in the Policies in the Fareham Local Plan 2037.
- 8.2 Having carefully considered all material planning matters and assessing the proposal against the development plan, it is considered that the proposal is acceptable.
- 8.3 Because of the nature of this application being made under Section 73, the approval results in the grant of a fresh planning permission. With that in mind the schedule of conditions below recommends reimposing conditions relating to the eight dwellings approved under reference P/21/1301/FP with updated wording to reflect details subsequently submitted and approved wherever relevant.

9.0 Recommendation

9.1 **GRANT PLANNING PERMISSION**, subject to the following conditions:

1. The development hereby permitted shall be begun before 7th October 2024.
REASON: To allow a reasonable time period for work to start, to comply with Section 91 of the Town and Country Planning Act 1990, and to enable the Council to review the position if a fresh application is made after that time.
2. The development hereby permitted shall be carried out strictly in accordance with the following drawings/documents permitted under reference P/21/1301/FP:
 - 1) LOCATION PLAN A pdf - received 13th October 2021
 - 2) COLOUR SITE LAYOUT-FA - revB - received 13th October 2021
 - 3) FIRE & REFUSE STRATEGY-FA - revA - received 13th October 2021
 - 4) SITE LAYOUT-FA - revM - received 13th October 2021
 - 5) 18-132-106 Swept Path Analysis - Max Legal Artic and Construction Traffic[1]
 - 6) GARAGES-FA - revE - received 13th October 2021
 - 7) HOUSE TYPE A-FA - revF - received 13th October 2021
 - 8) HOUSE TYPE B-FA - revF - received 13th October 2021
 - 9) HOUSE TYPE C- revG[2]
 - 10) Tree Protection Plan
 - 11) 18-132-100B Swept Path Analysis - Fire Tender[1] - received 13th October 2021
 - 12) 18-132-101B Swept Path Analysis - Large Refuse[1] - received 13th October 2021

- 13) 18-132-102B Proposed Levels and Exceedance Pathway[3] - received 13th October 2021
- 14) MATERIALS SCHEDULE - Rev B - received 13th October 2021
- 15) DD430L06A_Detailed Planting Plan 1 of 10_No Reed Bed - received 13th October 2021
- 16) DD430L07A_Detailed Planting Plan 2 of 10_No Reed Bed - received 13th October 2021
- 17) DD430L08A_Detailed Planting Plan 2 of 10_No Reed Bed - received 13th October 2021
- 18) DD430L09A_Detailed Planting Plan 4 of 10_No Reed Bed - received 13th October 2021
- 19) DD430L10A_Detailed Planting Plan 5 of 10_No Reed Bed - received 13th October 2021
- 20) DD430L11A_Detailed Planting Plan 6 of 10_No Reed Bed - received 13th October 2021
- 21) DD430L12B Detailed Planting Plan 7 of 10_No Reed Bed
- 22) DD430L13A_Detailed Planting Plan 8 of 10_No Reed Bed - received 13th October 2021
- 23) DD430L14A_Detailed Planting Plan 9 of 10_No Reed Bed - received 13th October 2021
- 24) DD430L15B Detailed Planting Plan 10 of 10_No Reed Bed
- 25) DD430L05B Landscape General Arrangement Plan_No Reed Bed
- 26) 180430/SL/PP Site Layout Phasing Plan
- 27) Nitrate Mitigation Proposal – dated 3rd August 2022

And the following drawings/documents permitted under reference P/21/1301/DP/A:

- 28) Construction Environmental Management Plan (CEMP) REV A 1 to satisfy Condition 3
- 29) Construction Management Site Plan REV A to satisfy Condition 3
- 30) Ecological Mitigation, Compensation and Enhancement Plan to satisfy Condition 4
- 31) Private Road Long Sections & Construction Details to satisfy Condition 6 - 18 132 104
- 32) Proposed Drainage Layout to satisfy Condition 6 - 18 131 102 B
- 33) Proposed Levels and Exceedance Pathways to satisfy Condition 6 -18 132 102 B
- 34) Soak Test Technical Notes to satisfy Condition 6
- 35) Surface Water Catchments to satisfy Condition 6 - 18 132 105
- 36) Flood Risk Assessment to satisfy Condition 6
- 37) Pollution Mitigation Index Assessment to satisfy Condition 6
- 38) SDS Limited mitigation indices for stormwater treatment devices to satisfy Condition 6

- 39) Drainage Maintenance & Management Plan to satisfy Condition 6
- 40) SDS Aqua-Swirl Data Sheet to satisfy Condition 6
- 41) Phase 3 Remediation Strategy REV 4 (b) to satisfy Condition 7
- 42) Part G2 Compliance Report to summarise water efficiency measures as required by Condition 10
- 43) Details of glass privacy screening at Pilkington privacy level 5 for House Type A as required by Condition 13
- 44) Details of glass privacy screening at Pilkington privacy level 5 for House Type B as required by Condition 13
- 45) Details of glass privacy screening at Pilkington privacy level 5 for House Type C as required by Condition 13
- 46) Details of EVone Stop Charging Units to satisfy Condition 15
- 47) Site plan showing location of Car Charging Points to satisfy Condition 15
- 48) Details of Wall Mounted Chargers to satisfy Condition 15

And the following drawings/documents permitted under reference P/21/1301/MA/A:

- 49) Proposed drainage (Drawing: 6986.001 rev B)
- 50) Drainage Maintenance and Management Plan dated December 2022
- 51) Technical Note – Surface Water Drainage Strategy dated December 2022
- 52) Porous road calculations
- 53) Plot 1 soakaway calculations dated February 2023
- 54) Plot 2 soakaway calculations dated February 2023
- 55) Plot 3 soakaway calculations dated February 2023
- 56) Plot 4 soakaway calculations dated February 2023
- 57) Plot 5 soakaway calculations dated February 2023
- 58) Plot 6 soakaway calculations dated February 2023
- 59) Plot 7 soakaway calculations dated February 2023
- 60) Plot 8 soakaway calculations dated February 2023

And as subsequently amended by the following drawings/documents relating to Plot 5 submitted with this application reference P/23/0102/VC and hereby approved:

- 61) Location plan drawing number LO1 rev A
- 62) Site Plan drawing number 01
- 63) Proposed floor plans drawing number 02
- 64) Proposed elevations drawing number 03 rev Bx
- 65) Garage details drawing number 04 rev A
- 66) Material schedule rev D
- 67) Detailed Planting Plan 1 of 10 No Reed Bed - DD430L06 C

- 68) Detailed Planting Plan 2 of 10 - No Reed Bed - DD430L07 C
- 69) Detailed Planting Plan 3 of 10 - No Reed Bed - DD430L08 C
- 70) Detailed Planting Plan 4 of 10 - No Reed Bed - DD430L09 C
- 71) Detailed Planting Plan 5 of 10 - No Reed Bed - DD430L10 C
- 72) Detailed Planting Plan 6 of 10 - No Reed Bed - DD430L11 C
- 73) Detailed Planting Plan 7 of 10 - No Reed Bed - DD430L12 D
- 74) Detailed Planting Plan 8 of 10 - No Reed Bed - DD430L13 C
- 75) Detailed Planting Plan 9 of 10 - No Reed Bed - DD430L14 C
- 76) Detailed Planting Plan 10 of 10 - No Reed Bed - DD430L15 C
- 77) Biodiversity Net Gain Area Calculations - Non Reed Bed - DD430L26 D
- 78) Biodiversity Net Gain Area Calculations - Non Reed Bed - DD430L26 D
- 79) Landscape General Arrangement Plan - DD430L05 D
- 80) Landscape Management Plan - DD430R01 F
- 81) Biodiversity Net Gain Metric - Rev 11 pdf

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

3. The development shall be carried out in accordance with the Construction Environmental Management Plan (CEMP) REV A 1 approved on 28th November 2022 (under reference P/21/1301/DP/A) unless otherwise agreed in writing with the Local Planning Authority.
REASON: In the interests of highway safety and to ensure that the occupiers of nearby residential properties are not subjected to unacceptable noise and disturbance during the construction period.

4. The development shall be carried out in accordance with the Ecological Mitigation, Compensation and Enhancement Plan approved on 28th November 2022 (under reference P/21/1301/DP/A) unless otherwise agreed in writing with the Local Planning Authority.
REASON: To ensure that protected species are not harmed and that habitat is enhanced as a result of the proposed development.

5. The development shall be carried out in accordance with the approved tree protection plan. The tree and hedgerow protection shall be retained throughout the development period until such time as all equipment, machinery and surplus materials have been removed from the site.
REASON: To ensure that the trees, shrubs and other natural features to be retained are adequately protected from damage to health and stability during the construction period.

6. The development shall be carried out in accordance with the surface water drainage scheme approved on 28th November 2022 (under reference P/21/1301/DP/A) and subsequently amended and approved on 9th March

2023 (under reference P/21/1301/MA/A) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure the satisfactory disposal of surface water.

7. The development shall be carried out in accordance with the Phase 3 Remediation Strategy REV 4 (b) approved on 28th November 2022 (under reference P/21/1301/DP/A) unless otherwise agreed in writing with the Local Planning Authority.

REASON: To ensure that any contamination of the site is properly taken into account before development takes place.

8. No work on site relating to the construction of the development hereby permitted (Including works of demolition or preparation prior to operations) shall take place before the hours of 0800 or after 1800 Monday to Friday, before the hours of 0800 or after 1300 Saturdays or at all on Sundays or recognised bank and public holidays, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the occupiers of nearby residential properties against noise and disturbance during the construction period.

9. The landscaping scheme hereby approved shall be implemented and completed within the first planting season following the commencement of the development or as otherwise agreed in writing with the Local Planning Authority and shall be maintained in accordance with the agreed schedule. Any trees or plants which, within a period of five years from first planting, are removed, die or, in the opinion of the Local Planning Authority, become seriously damaged or defective, shall be replaced, within the next available planting season, with others of the same species, size and number as originally approved.

REASON: To ensure the provision, establishment and maintenance of a standard of landscaping.

10. The development shall be carried out in accordance with the water efficiency measures approved on 28th November 2022 (under reference P/21/1301/DP/A) unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interests of preserving water quality and resources

11. 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.

12. 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.

13. With the exception of the dwelling on Plot 5 which is hereby amended to exclude any external balconies, the development shall be carried out in accordance with the privacy screen details approved on 28th November 2022 (under reference P/21/1301/DP/A) unless otherwise agreed in writing with the Local Planning Authority. The screening shall be subsequently retained at all times.

REASON: In the interests of preserving water quality and resources

14. 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.

15. The development shall be carried out in accordance with the electric vehicle car charging point details approved on 28th November 2022 (under reference P/21/1301/DP/A) unless otherwise agreed in writing with the Local Planning Authority.

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.

16. No development shall commence unless the council has received the Notice of Purchase in accordance with the legal agreement between FBC, IWC and HIWWT dated 30 September 2020 in respect of the Credits Linked Land identified in the Nitrates Mitigation Proposal dated 3rd August 2022.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on protected sites.

17. The development shall be carried out in accordance with the approved Biodiversity Net Gain measures and those measures shall be provided prior to the first occupation of the development hereby permitted. Thereafter the approved Biodiversity Net Gain measures shall be managed, maintained, monitored and funded in accordance with the approved details.

REASON: To secure at least 10% net gains for biodiversity.

10.0 Background Papers

- 10.1 Application documents and all consultation responses and representations received as listed on the Council's website under the application reference number, together with all relevant national and local policies, guidance and standards and relevant legislation.

FAREHAM

BOROUGH COUNCIL

