

MATTER 6.5 Housing Allocation 32 Egmont Nursery, Brook Avenue**HEARING STATEMENT - RONALD WYATT**

I have known Brook Avenue since moving to this area in 1979 and been a co-owner of our property here for nearly 30 years. I am pleased to have this opportunity to write this statement on behalf of our group of residents of 22 households in Brook Avenue many of whom have lived here much longer. We all value the semi rural character of Brook Avenue and appreciate the vital contribution it makes to the local ecological network as its properties are bounded on three sides by important habitats - the Holly Hill Local Nature Reserve, the SPA/ SAC /Ramsar sites and the Brook Wood SINC. Together we are trying to preserve this environment for future generations and are certain that, without robust protection from our local council's plan, the open green spaces will be lost.

Update as of 18th February 2022

You will be aware that the original outline permission (P/18/0592/OA) for HA32 is the subject of a legal challenge which is ongoing. The case is listed to be heard in the Court of Appeal on the 5th-6th April 2022. In spite of this, FBC have just scheduled the Reserved Matters application to be heard by the Planning Committee on 2nd March 2022. There is also another, almost identical, application for Egmont Nursery (P/21/1301/FP) that was received by FBC on 27th July 2021 and this will also be heard on 2nd March 2022. I wrote to FBC on 5th January 2022 asking for both applications to be deferred but it seems that FBC prefer to continue even if such action appears to be disrespectful to the judicial process.

Appendix 3: Regulation 19 Summary of Responses

I would like to address the responses made by FBC to comments made by residents of Brook Avenue in the plan consultation process in relation to HA32 (pp.107-118)

ASLQ

Although Egmont Nursery is located in countryside, away from the urban settlement boundary, FBC say that it has not been included in the ASLQ

as it already had planning permission (resolution to grant from August 2020) before the Technical Review of Areas of Special Landscape Quality and Strategic Gaps was published (September 2020).

However, in that same document in *Figure 3.6 'Plan of Fareham Borough showing proposed Areas of Special Landscape Quality'* and *Figure 3.14 'Plan showing proposed ASLQ 2: Lower Hamble Valley'* there is no cut out where the site is located and no evidence provided to demonstrate that this piece of land is any different to the surrounding landscape. Why should a piece of land be excluded because it has planning permission on it? Following FBC's reasoning, all properties with planning permission granted before September 2020 would be excluded from the ASLQ. In the Local Plan submitted there is now a hole cut out of the ASLQ (see Fig. 3.3 page 31) for HA32.

Right of Way

FBC also say

The site has benefit of a private right of way over Brook Avenue and the proposed development would generate significantly less traffic than the previous commercial use of the Site therefore there is nothing to indicate that the proposed access would not enable suitable vehicular, cycle and pedestrian access to the proposed development.

FBC are wrong to say that the traffic associated with 8 large dwellings would be less than that for the 'commercial' nursery. Local residents have told FBC many times that it generated very little traffic and even that operation ceased 20 years ago. Changing the use of the land, however, would entail an increase in traffic, both during the construction phase and in the future, and this would intensify the wear on the road as it is not made to adoptable standards. This would be to the detriment of the frontagers who have an obligation to repair it. There is case law that supports the view of residents that the developed site's right of way is not automatic and is open to challenge where there is a change of use. This would lead to the allocation not being deliverable as indicated in the Council's trajectory.

Judicial Review

Local residents believe that the decision was not in accordance with the extant development plan and was therefore unlawful. I have attached a copy of the permission. Should the Court of Appeal quash the planning permission on which this allocation is based then local residents would ask that the Local Plan is modified and HA32 is removed.

HA 32 and Policies in the Local Plan

You, as the Inspector, ask

Are the sites allocated for housing in Policies FTC3-9, HA1-HA56 and BL1 soundly based; are the site-specific requirements set out in the relevant policies justified and effective and is there evidence that the development of the allocations is viable and deliverable in the timescales indicated in the Council's trajectory?

Strategic Priorities and Development Strategy

I have looked at Housing Allocation HA32 in relation to two of the Strategic Priorities set out at para. 2.12 on page 14 of the Local Plan. These are as follows:

2. In the first instance maximise development within the urban area and away from the wider countryside, valued landscapes and spaces that contribute to settlement definition.

9. Protect and enhance the Borough's landscape features, valued landscapes, biodiversity, green infrastructure networks and the local, national and international sites designated for nature conservation.

In the chapter 'Development Strategy' in the Local Plan the Council expands on their commitment to conserving landscape character in the Fareham Borough. In para. 3.9 on page 18 they say:

Recent planning appeal decisions in the Borough have highlighted the need to consider the designation of valued landscapes as part of the Local Plan. Previous Local Plans have included the demarcation of 'Areas of Special Landscape Quality' in the Borough which were used to help shape planning strategy and decisions on planning applications. These areas were the Meon, Hamble and Hook valleys, Portsdown Hill and the Forest of Bere. Both the Landscape Assessment (2017), and the more recent 'Technical Review of Areas of Special Landscape Quality and the Strategic Gaps' (2020) still recognise the intrinsic character and distinctiveness of these relatively undeveloped areas of the Borough and so their locations have been used to shape the development strategy. There is a presumption against major development in these areas, unless it can be demonstrated through a landscape assessment that the quality and distinctiveness of the landscape character can be conserved. For these reasons there remain no development allocations in these areas.

Local residents support the Council's vision for Fareham but would point out the inconsistency between the above and their current position on the proposed development on Egmont Nursery, Brook Avenue. In spite of numerous professional opinions regarding the character of this area of Brook Avenue they are treating it as though it were part of the urban settlement.

Planning Inspector Edward Hitchings dismissed an appeal (APP/A1720/A/02/1095534) for two dwellings on Egmont in 2002 saying

I conclude that the proposal would be detrimental to the character and appearance of the countryside of the Lower Hamble Valley, and does not comply with the Development Plan, in particular SP Policies C2 & H10 and LP Policies C9, C2, H11 & H14.

I understand that the plan referred to (adopted in March 2000) has been superseded but Mr. Hitchings included descriptions of these policies and they are very similar to those in the extant plan and in the plan before you now.

Planning Inspector Simon Rawle dismissed an appeal (APP/A1720/A/10/2120181) for one dwelling on land opposite Egmont in 2010 saying

Moreover, the fact that under more recent planning policies there is a requirement to develop more housing does not justify harmful development that would harm the character and appearance of an attractive countryside location.

Each person will have their own view of the value of a particular landscape or location but it would appear that these two inspectors shared the view of local residents and upheld the decision of FBC to refuse permission for development here.

Indeed in 2016 when FBC refused outline permission for 8 dwellings on Egmont Nursery (P/16/0243/OA) the officer dealing with the application wrote in his report

the proposal represents development outside the defined urban settlement boundary for which there is no justification or overriding need. Furthermore development of this site by the erection of eight detached dwellings would be harmful to the character of this countryside location;

Again in 2017 the same FBC planning officer wrote in his report for the planning committee on the next Egmont Nursery application for 8 dwellings (P/17/0651/OA)

Furthermore, the nature of the proposed development would harm the character of the landscape and visual amenity. The proposal would urbanise the existing site and adversely affect the countryside's landscape character, appearance and function.

I conclude that the inclusion of Housing Allocation 32 is neither justified nor soundly based as it does not accord either with FBC's Strategic Priorities or the stated aim in their Development Strategy that *'there should be a presumption against major development'* in the areas listed in para. 3.9 . This list includes the Lower Hamble Valley.

Strategic Policy DS3:Landscape

HA32's geographical location places it outside the urban settlement boundary and within the countryside surrounded by, and therefore directly connected to, an Area of Special Landscape Quality, the 'Strategic Policy DS3: Landscape' would apply to any development of this size in this location. It states that:

Areas of Special Landscape Quality have been identified in the Borough and are shown on the Policies map. Development proposals shall only be permitted in these areas where the landscape will be protected and enhanced.

Development in the countryside shall recognise the intrinsic character and beauty of the countryside, paying particular regard to:

- a) Intrinsic landscape character, quality and important features;*
- b) Visual setting, including to/from key views;*
- c) The landscape as a setting for settlements, including important views to, across, within and out of settlements;*
- d) The landscape's role as part of the existing Local Ecological network;*
- e) The local character and setting of buildings and settlements, including their historic significance;*
- f) Natural landscape features, such as trees, ancient woodland, hedgerows, water features and their function as ecological networks; and*
- g) The character of the Borough's rivers and coastline, which should be safeguarded.*

When assessed against 'Strategic Policy DS3: Landscape' this development should fail on points a,b,c,d,e and f.

a)The proposed dwellings and their large separate garages will dominate and urbanize the street scene of Brook Avenue. They are much bulkier than neighbouring dwellings and, in the latest iteration (P/21/1301/FP), even 10 metres closer to the road than on the illustrative layout that was given permission. The new estate would harm the semi rural character of the road enjoyed by many people in the vicinity who use it to access Holly Hill and the River Hamble footpath.

b)Views of the trees in Holly Hill Woodland Park will be lost except for a small vista near the entrance. This is the space to the west of the housing where the SuDS drainage system will be located. It is now to be 30% narrower than on the illustrative layout that was given permission.

c)The public path and bridleway through the adjoining area in Holly Hill will be detrimentally affected as a row of 4 of the proposed houses will be around 30 metres from the boundary in an elevated position. Any views through will be only of their garages and the other 4 large houses and their garages.

d)The urbanization of this land will negatively impact the Local Ecological Network as shown on the map on page 332 of the Local Plan. Part of the Egmont site is coloured green which shows it as a 'Network Opportunity'. Sadly this will be a missed opportunity if

houses are built here. The site is currently used by deer and foxes as they move through the wildlife friendly, green spaces between Holly Hill and the SINC of Brook Wood which is less than 250 metres to the south. It also provides a habitat for flora and fauna and foraging for bats. As more sites are lost to wildlife to the east of Brook Lane these remaining areas of countryside are becoming even more necessary.

e)The design of this development in no way reflects the character of the existing settlement. Nearby there are two pairs of semi detached properties from the late 19th/early 20th century, a couple of bungalows and detached dwellings of various designs from different eras. The proposed estate of 8 houses has 3 very similar house types with the same roof tiles, brick and windows with 8 identical garages. The house walls have 3 different combinations of brick/render/cladding finishes but this is a minor detail. There is no doubt that they would be out of keeping with everything else in the countryside area of Brook Avenue.

Even the two recent developments in Brook Avenue are very different to what is proposed here. Yorkdale, built on the site of a concrete garden products manufacturing and retail site, is set well back from the road with 5 individually designed houses in generous, well treed plots and 1 house by the entrance in Brook Avenue. Cawtes Reach also has just 6 individually designed properties in large plots set well back from the road; it was built on the site of a nursery that was adjacent to the urban boundary.

f)One third of the existing hedgerow along the front of the development will be removed to enlarge the entrance, another third will need to be reduced to 600mm (and kept at that height) for the visibility splay and only the final third will be retained. Ancient woodland in Holly Hill is only 34 metres from the site and therefore vulnerable to harm. The negative environmental impact this development would cause is totally at odds with FBC's stated aim to protect and enhance the landscape.

You will be assessing the robustness of the policy as a separate matter but I would conclude that this housing allocation would not be permitted if it were assessed against the criteria in DS3:Landscape.

Strategic Policy DS1: Development in the Countryside

Even if you take the view that Egmont Nursery has been taken out of the ASLQ then when looking at 'Strategic Policy DS1: Development in the Countryside' it appears to me that none of the criteria apply to this site anyway. At para. 3.37 it states:

Policy DS1 establishes the principles of the types of development that may be deemed acceptable within the countryside (i.e. outside of urban areas), so that only the developments that can demonstrate no harm to the intrinsic character and beauty of the countryside will be supported. These proposals may include developments which support small-scale residential development, sites solely for affordable housing, employment uses or countryside recreation, leisure and tourism uses.

I see no justification for this housing allocation in this location when assessed against this policy.

Deliverable

Local residents have been supportive of positive change in Brook Avenue over the last 30 years but will continue to strive to protect the area from unsuitable development. We have

opposed applications for 8 houses on Egmont Nursery since 2015 and are hoping that our actions will make the delivery of these properties in the 2022/3 trajectory undeliverable.

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