

OFFICER REPORT FOR COMMITTEE

DATE: 26/05/2021

**P/18/0625/OA
A J DEVELOPMENTS LTD**

**TITCHFIELD
AGENT: PURE TOWN PLANNING**

**OUTLINE PLANNING APPLICATION FOR UP TO EIGHT DWELLINGS, WITH
ACCESS AND PARKING FOLLOWING THE DEMOLITION OF 195
SEGENSEWORTH ROAD**

LAND TO THE REAR OF 195-205 SEGENSEWORTH ROAD, SEGENSEWORTH

Report By

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1.0 *Introduction*

- 1.1 The application was first presented to the Planning Committee in December 2018. At that meeting Members considered the proposal was too cramped with too many properties. Members resolved to defer the application to allow the applicant the opportunity to redesign the scheme taking on board the comments made by the Committee. The following changes have been made since the application was considered by the Planning Committee in December 2018:
- Number of units proposed reduced from 9 to 8;
 - Unit 3 has been repositioned to provide parking adjacent to the boundary with 203 Segensworth Road in turn moving the proposed property away from the site boundary;
 - The car parking arrangement has been altered to provide more side-by-side parking, rather than tandem parking;
 - The passing bay has been removed in lieu of additional landscaping along the boundary with 193 Segensworth Road; and,
 - Two visitors' parking spaces have been changed to a parking layby along the access road.
- 1.2 The remainder of the Report has been updated to reflect these changes and the Council's current Housing Land Supply Position.
- 1.3 The application is being presented to the Planning Committee as fourteen letters of objection have been received.

- 1.4 Members will have noted from the ‘Five Year Housing Land Supply Position’ report presented to the Planning Committee on 17th February 2021 that this Council currently has a housing land supply of 4.2 years.

2.0 Site Description

- 2.1 The application site is located on the southern side of Segensworth Road, outside but immediately adjacent to the Urban Settlement Boundary (Western Wards). The property 195 Segensworth Road itself lies within the designated Urban area. The site comprises the rear gardens of 195, 201 and 205 Segensworth Road, and a large area forming a paddock and stabling currently part of 195 Segensworth Road, that wraps around behind 195, 197 and 201 Segensworth Road. The extended area of rear garden to the rear of 205 Segensworth Road also extends beyond the rear elevation of 203 Segensworth Road.
- 2.2 The site is bounded by rear gardens to the northern, western and eastern boundaries, and countryside to the southern boundary. The southern and western boundaries comprise ribbons of mature trees, covered by a woodland order Tree Preservation Order, although most of the protected trees are located outside the proposed site boundary. To the south/southwest beyond these trees the Planning Committee has recently resolved to grant outline planning permission for the construction of six dwellings (our planning reference: P/20/0235/OA). There are also several individual Protected Trees within the front and rear garden of 193 Segensworth Road (to the east of the site).
- 2.3 The houses fronting Segensworth Road comprise a mixture of bungalows and chalet bungalows, all set back from the road frontage. Segensworth Road is an unclassified road, subject to a 30mph speed limit. The road is a long straight road connecting to Barnes Wallis Way to the east and the main Segensworth roundabout to the west. The road is mainly residential in character, although to the east of the site lies Segensworth Business Centre, which is set to the south of Segensworth Road.

3.0 Description of Proposal

- 3.1 The application, which is submitted in outline form with only access and layout for consideration, proposes the construction of eight detached dwellings, comprising a mix of 3-bedroom and 2-bedroom houses, chalet bungalows and bungalows, following the demolition of 195 Segensworth Road and its associated outbuildings. A new dedicated access would be created between 193 and 197 Segensworth Road

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
- CS6: The Development Strategy
- CS9: Development in the Western Wards & Whiteley
- CS14: Development Outside Settlements
- CS17: High Quality Design
- CS20: Infrastructure and Development Contributions

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 Parking Standards 2009

5.0 Relevant Planning History

5.1 The following planning history is relevant:

P/92/1228/OA	Erection of dwellings and the provision of associated access roads, open space and landscaping
NON-DETERMINED	21/04/1993
APPEALED	Dismissed: 19/11/1993
P/93/0322/OA	Erection of dwellings with the provision of associated access roads, open space and landscaping
NON-DETERMINED	21/04/1993
APPEALED	Dismissed: 19/11/1993
P/20/1190/OA	Replacement dwelling at 197 Segensworth Road and erection of 9 dwellings and access and parking
CURRENT	

6.0 Representations

6.1 Fourteen letters from nine households have been received objecting to this planning application. The main areas of concern relate to the following issues:

- Loss of green space;
- Loss of wildlife/biodiversity;
- Flooding and drainage;
- Overdevelopment of the site;
- Overlooking and loss of privacy;
- Loss of trees;
- Noise disturbance;
- Impact on infrastructure and lack of local services;
- Inadequate car parking/highway safety

7.0 Consultations

INTERNAL

Ecology:

7.1 Following the submission of additional information, no objection, subject to conditions and habitat mitigation contribution

Transport Planner:

7.2 Following the submission of additional information, no objection, subject to conditions.

Tree Officer:

7.3 Following the submission of additional information, no objection.

Recycling Co-ordinator:

7.4 No objection subject to confirmation from the Transport Planner regarding refuse vehicle access.

EXTERNAL

HCC Highways

7.5 No objection, subject to conditions.

8.0 Planning Considerations

8.1 The following matters represent the key material planning considerations which need to be considered:

- a) Implication of Fareham's 5-year housing land supply position;
- b) Residential Development in the Countryside;
- c) Policy DSP40 (Housing Allocations);
- d) Other Matters;
- e) The Planning Balance

a) Implication of Fareham's 5-Year Housing Land Supply Position

8.2 A Report entitled 'Five year housing land supply position' was reported for Members' information to the February 2021 Planning Committee. That Report set out this Council's local housing need along with this Council's current housing land supply position. The report concluded that this Council has 4.2 years of housing supply against its five year housing land supply (5YHLS) requirement.

8.3 The starting point for the determination of this planning application is Section 38(6) of the Planning and Compulsory Purchase Act 2004:

"If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination much be made in accordance with the plan unless material considerations indicate otherwise".

8.4 In determining planning applications there is a presumption in favour of the policies of the extant Development Plan unless material considerations indicate otherwise. Material considerations include the planning policies set out in the NPPF.

8.5 Paragraph 59 of the NPPF seeks to significantly boost the supply of housing.

8.6 Paragraph 73 of the NPPF states that Local Planning Authorities should identify a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement including a buffer.

8.7 Paragraph 11 of the NPPF then clarifies what is meant by the presumption in favour of sustainable development for decision-taking, including where relevant policies are "out-of-date". It states (in part):

"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 no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, 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.”*

8.8 Footnote 6 to paragraph 11 reads:

“The policies referred to are those in this Framework (rather than those in development plans) relating to: habitat sites (and those sites listed in paragraph 176) and/or designated as Sites of Special Scientific Interest; and designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 63); and areas at risk of flooding or coastal change.”

8.9 Footnote 7 to paragraph 11 reads (in part):

“This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73);...”

- 8.10 This planning application proposes new housing outside the defined urban settlement boundaries. The Council cannot demonstrate a five-year housing land supply. Footnote 7 of the NPPF paragraph 11 is clear that in such circumstances those policies which are most important for determining the application are to be considered out-of-date meaning that the presumption in favour of sustainable development in paragraph 11(d) is engaged.
- 8.11 Taking the first limb of NPPF paragraph 11(d), as this report sets out, in this instance there are no specific policies in the NPPF which protect areas or assets of particular importance which provide a clear reason for refusing the proposed development. The key judgement therefore is that set out in the second limb of the paragraph, namely whether the adverse impacts of granting planning permission would significantly and demonstrably outweigh

the benefits, when assessed against the policies taken as a whole (the so called ‘tilted balance’).

- 8.12 Members will be mindful of paragraph 177 of the NPPF which states that:

“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”

- 8.13 In this particular case an appropriate assessment has been undertaken and concluded that the development proposal will not have an adverse effect on the integrity of the protected sites around The Solent subject to the proposed mitigation being secured. Officers consider that the presumption in favour of sustainable development set out in paragraph 11 applies.
- 8.14 The following sections of the report assesses the application proposals against the Council’s adopted Local Plan policies and considers whether it complies with those policies or not. Following this Officers undertake the Planning Balance to weigh up the material considerations in this case.

b) Residential Development in the Countryside

- 8.15 Policy CS2 (Housing Provision) of the adopted Core Strategy states that priority should be given to the reuse of previously developed land within the urban areas. Policy CS6 (The Development Strategy) goes on to say that development will be permitted within the settlement boundaries. The application site lies largely outside of the defined urban settlement boundary, although the host dwelling at 195 Segensworth Road (to be demolished to create the access) is located within the defined settlement boundary.
- 8.16 Policy CS14 (Development Outside Settlements) of the Core Strategy states that:

‘Built development on land outside the defined settlements will be strictly controlled to protect the countryside and coastline from development which would adversely affect its landscape character, appearance and function. Acceptable forms of development will include that essential for agriculture, forestry, horticulture and required infrastructure’.

- 8.17 Policy DSP6 (New Residential Development outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies states – there will be a presumption against new residential

development outside of the defined urban settlement boundary (as identified on the Policies Map).

- 8.18 The site is predominantly located outside of the defined urban settlement boundary and the proposal is therefore contrary to Policies CS2, CS6, and CS14 of the adopted Core Strategy and Policy DSP6 of the adopted Local Plan Part 2: Development Sites and Policies Plan.

c) Policy DSP40 (Housing Allocations)

- 8.19 Local Plan Policy DSP40 states that:

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

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

- 8.20 Each of these five points are considered further below.

Policy DSP40(i)

- 8.21 The proposal for 8 (7 net) dwellings is relative in scale to the 5YHLS shortfall and therefore point (i) of Policy DSP40 is satisfied.

Policy DSP40(ii)

- 8.22 The planning application site is located both within and immediately adjacent to the defined urban settlement boundary of the Western Wards (Segensworth), with good accessibility to local services, facilities and employment provision.
- 8.23 The nearest bus stops are located a few metres away to the east along Segensworth Road connecting the site to both Whiteley Shopping Centre and Park Gate (to the northwest) and Fareham Town Centre (to the east). This

provides good quality access to a wider bus network and Fareham Railway Station.

- 8.24 Existing dwellings within the urban area are located to the immediate north, fronting Segensworth Road, and to the east along Titchfield Park Road. Officers therefore consider that the proposals can be well integrated with the neighbouring settlement, in accordance with point (ii) of Policy DSP40.

Policy DSP40(iii)

- 8.25 The site is within an area of countryside which is not designated as Strategic Gap. The Fareham Landscape Assessment (2017) identifies that the site falls within the Titchfield Corridor – 05.1a Wooded Valley: Heath Associated character. It sets out that the defining characteristics comprise linear gardens and small-scale pasture bounded by hedging with abundant mature trees closing the land. The Assessment highlights that the area can absorb some built form, provided it does not impact on the intrinsic character of woodland and Site of Importance for Nature Conservation (SINC) areas.
- 8.26 Given the enclosed nature of the land, fronted by existing properties along Segensworth Road, by the SINC and protected woodland to the south and west of the site, views of the site would be limited to those along the access road. The Landscape Assessment highlights that development within the Titchfield Corridor area would have limited visibility impact due to these prevailing features, ensuring the development of this site would not have an adverse impact on the surrounding countryside.
- 8.27 There are other examples of ‘backland’ developments nearby that have infilled the land to the rear of properties fronting Segensworth Road. It is considered by Officers that the proposal has been appropriately designed and laid out to integrate with the character of the neighbouring settlement and would ensure the retention of the protected boundary trees. The proposal would therefore satisfy point (iii) of Policy DSP40 and comply with policies CS17.

Policy DSP40(iv)

- 8.28 In terms of delivery, the applicant has confirmed that should permission be granted that the site could be deliverable in the short term and has agreed that a reduced 12 month limit on the submission of reserved matters would be acceptable. It is therefore considered that point (iv) of Policy DSP40 is satisfied.

Policy DSP40(v)

- 8.29 The final test of Policy DSP40 requires that proposals would not have any unacceptable environmental, amenity or traffic implications. These are discussed in turn below.

Environmental/Ecology

- 8.30 The application has been supported by a Phase 1 Bat Survey and Ecological Survey, which has been assessed by the Council's Ecologist, who has raised no objection to the proposals, subject to appropriate conditions. The Ecologist raises no concerns regarding the potential impact of bats or reptiles on the site, and sufficient information has been provided to demonstrate that the off-site woodland would be protected.
- 8.31 The Council's Tree Officer has also reviewed the proposals due to the relative proximity of the woodland order Tree Preservation Order located on the southern and western boundary of the site, raising no objection to the proposals.
- 8.32 The Solent is internationally important for its wildlife. Each winter it hosts over 90,000 waders and wildfowl including 10 percent 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.
- 8.33 In light of their importance, areas within The Solent have been specifically designated under UK law. The site is located within 5.6km of The Solent, and therefore the development is likely to have a significant effect on the Protected Sites around The Solent (Solent and Southampton Water Special Protection Area and Ramsar site, Portsmouth Harbour Special Protection Area and Ramsar site, Solent and Dorset Coast Special Protection Area, Chichester and Langstone Harbour Special Protection Area and Ramsar site, the Solent Maritime Special Areas of Conservation and the Solent and Isle of Wight Special Area of Conservation). Policy CS4 sets out the strategic approach to biodiversity in respect of sensitive sites and mitigation impacts on air quality. Policy DSP13 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.
- 8.34 To fulfil the requirement under the Habitat Regulations, Officers have carried out an Appropriate Assessment to consider the likely significant effects on the Protected Sites around The Solent.
- 8.35 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 the designated Protected Sites, 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 Protected Sites. This is done following a process known as an Appropriate Assessment. The Competent Authority is responsible for carrying out this process, although they must consult with Natural England and have regard to their representations. The Competent Authority in this case is the Local Planning Authority.

- 8.36 The impact of increased recreational disturbance as a result of new residential developments has long been established, and the Solent Recreational Mitigation Strategy, sets out how developers can mitigate the impact of their development on the likely significant effect on the Protected Sites.
- 8.37 Natural England has also 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 Protected Sites.
- 8.38 Natural England has further advised that the effects of emissions from increased traffic along roads within 200 metres of the Protected Sites also have the potential to cause a likely significant effect. The Council's Air Quality Habitat Regulations Assessment highlights that developments in the Borough would not, in combination with other plans and proposals, have a likely significant effect on air quality on the Protected Sites up to 2023, subject to appropriate mitigation.
- 8.39 The Council has completed an Appropriate Assessment to assess the likely significant effects of the development on the Protected Sites. The key considerations for the Assessment of the likely significant effects are set out below.
- 8.40 Firstly, in respect of Recreational Disturbance, the development is within 5.6km of the Solent and Southampton Water SPA and is therefore considered to contribute towards an impact of the Protected Sites as a result of increased recreational disturbance in combination with other development around The Solent area. The applicant has acknowledged the need to make the appropriate financial contribution in accordance with the adopted Solent Recreational Mitigation Strategy, which would be secured via a Section 111 agreement. This forms part of the recommendation to this application. The Appropriate Assessment concludes that subject to the payment of the contribution to fund the mitigation identified in the Solent Recreation Mitigation Strategy, the proposals would not have an adverse effect on the integrity of the Protected Sites as a result of recreational disturbance either in isolation, or in combination with other plans or projects.

- 8.41 Secondly, in respect of the impact of the development on water quality, a nitrogen budget has been calculated in accordance with Natural England's 'Advice on Achieving Nutrient Neutrality for New Development in the Solent Region' (June 2020) which confirms that the development will generate 5.25kg TN/year. Due to the uncertainty of the effect of the nitrogen from the development on the Protected Sites, adopting a precautionary approach, and having regard to NE advice, the Council will need to be certain that the output will be effectively mitigated to ensure at least nitrogen neutrality before it can grant planning permission.
- 8.42 The applicant has entered into a contract (conditional on the grant of planning permission) to purchase 6.75kg of nitrate mitigation 'credits' from the Hampshire and Isle of Wight Wildlife Trust (HIWWT). The increased number of credits purchased by the applicant is to also off-set the impact of another application for the site (currently under consideration) for slightly more houses (our reference: P/20/1190/OA).
- 8.43 Through the operation of a legal agreement between the HIWWT, Isle of Wight Council and Fareham Borough Council dated 30 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, and therefore providing a corresponding reduction in nitrogen entering The Solent marine environment. A condition will be imposed to ensure that the development does not commence on site until confirmation of the purchase of the credits from the HIWWT has been received by the Council.
- 8.44 In addition to the above mitigation, and in order to ensure compliance with the Natural England methodology, a condition would be required to ensure the development meets the Building Regulations optional requirement of a water consumption limit of 110 litres per person per day. With these mitigation measures secured, the Council has carried out an appropriate assessment and concluded that the proposed mitigation and condition will ensure no adverse effect on the integrity of the Protected Sites either alone or in combination with other plans or projects.
- 8.45 Natural England has been consulted on the Council's Appropriate Assessment, and they have raised no objection to the conclusions.
- 8.46 The proposal is therefore considered to accord with the Habitat Regulations and complies with policies CS4, DSP13, DSP15 and criteria (v) – environmental issues, of Policy DSP40 of the adopted Local Plan.

Amenity

- 8.47 In terms of the consideration of the amenity impact, the layout shown on the site plan is part of the consideration of the outline application proposal, and demonstrates how eight new detached dwellings can be accommodated on the site in compliance with the requirements of the Council's adopted Design Guidance SPD. Each property would have gardens 11 metres in length, and in many cases, with generous garden widths.
- 8.48 A distance of 28 metres would be achieved between the rear elevation of the proposed property on Plot 1 and 197 Segensworth Road (this Council normally seeks a minimum of 22 metres in such relationships). Plot 2 would be located over 32 metres away from the rear elevation of 199 Segensworth Road. Finally, the roof slope of Plot 3 would be located over 33 metres away from the rear elevation of 203 Segensworth Road (the built form for Plot 3 has been re-sited further away from the rear elevation of 203 Segensworth Road since the application was first submitted). Any windows within the northeast facing roof planes of plots 2 and 3 would be high level with a sill height of at least 1.7 metres above internal floor level to prevent overlooking.
- 8.49 It is therefore considered that the proposals would not have an unacceptable adverse impact on the living conditions of the occupiers of neighbouring properties fronting Segensworth Road. A condition is proposed to ensure that Plots 1, 2 and 3 have low eaves and ridge lines to ensure a limitation on the usability of the roof space and to ensure the outlook from the existing properties is not unacceptably adversely affected.
- 8.50 In terms of the future living conditions of occupiers of the development proposal, each of the proposed properties would have a garden size in accordance with the Design Guidance, therefore providing a suitable area of private amenity space for each of the proposed dwellings. It is noted that the southern and western boundaries of the site are bounded by a mature belt of protected trees. A daylight and sunlight report has been provided to support the application, demonstrating the levels of daylight and sunlight that would be provided in the rear gardens of those proposed properties that back onto the trees. This Report has been assessed by the Council's Tree Officer who is content that the level of light entering the gardens would be unlikely to result in added pressure to cut back or remove the adjacent protected trees. Officers are content that the level of light likely to enter the gardens is sufficient not to warrant an objection to the proposal.
- 8.51 With the reduction in number of units from 9 to 8, the overall spaciousness within the site has been improved, in line with the comments raised by Members at the December 2018 Committee. Many of the properties include front gardens, measuring between 2.5m to 8m in length, and with a road width

of 5m or more throughout the development, the scheme would provide a spacious and well landscaped setting for the future occupiers.

- 8.52 It is therefore considered that the proposed dwellings would result in a high quality of environment for future occupiers. It is therefore considered that the proposal complies with policies CS17, DSP2, DSP3 and DSP40 (point (v) – amenity impact) of the Local Plan.

Traffic

- 8.53 The application, submitted in outline includes consideration of the access arrangements, and proposes the creation of a new vehicular access onto Segensworth Road following the demolition of 195 Segensworth Road. The access onto Segensworth Road, which has a restricted 30mph speed limit achieves the required visibility splays to enable safe egress onto the road, and the Council's Transport Planner raises no objection to the proposal.
- 8.54 The access road would measure 5 metres in width along most of its length, whilst also providing a passing place along the main length of the roadway between 193 and 197 Segensworth Road. The overall width of the land accommodating the accessway measures approximately 13 metres in width. In addition to the 5-metre-wide running surface of the access road, a 5 metre wide landscaping buffer will be created one side and a 3 metre landscape buffer to the other, in order to limit the potential impact on the neighbouring properties. Further details regarding landscaping would be considered at the reserved matters stage.
- 8.55 The proposed site layout includes car parking provision in accordance with the Council's adopted Residential Car Parking Standards for each of the proposed dwellings. Visitors' parking is also provided. The road within the proposal measures a minimum of 5 metres wide throughout, which is wide enough for 2 vehicles to pass, and with the current layout, provides ample space for vehicles to pass refuse vehicles which will access the site.
- 8.56 There has been no objection from the Council's Waste and Recycling Co-ordinator. Vehicle tracking shown on the proposed Site Layout Plan indicates the suitability of refuse vehicles to enter and exit the site in a forward gear. This would also be suitable for emergency services vehicles. The construction of the road will need to be sufficient robust to ensure it can withstand the weight of such vehicles.
- 8.57 It is considered that the proposed access arrangements would not cause unacceptable harm to other road users or pedestrians. Details regarding secure cycle storage and bin storage areas would be considered as reserved

matters, although adequate spaces on site have been provided to ensure these can be accommodated.

- 8.58 It is therefore considered that the proposal complies with policy CS17 and DSP40 (point (v) – traffic impact) of the Local Plan.
- 8.59 It is therefore considered that overall, the proposed development fully accords with the requirements of Policy DSP40 of the Adopted Local Plan and would make a valuable contribution to overcoming the current shortfall in housing supply in the Borough.

d) Other Matters

- 8.60 **Affordable Housing:** Whilst the adopted Core Strategy sets out that affordable housing should be provided on sites over 5 dwellings (Policy CS18), this has been superseded by the revised National Planning Policy Framework 2019, which only requires affordable housing provision for major development, comprising 10 or more dwellings. Therefore, there is no requirements for this development proposal to provide any affordable housing.

e) The Planning Balance

- 8.61 Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out the starting point for the determination of planning applications, stating:

'If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.'

- 8.62 Paragraph 11 of the NPPF clarifies the presumption in favour of sustainable development in that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, permission should be granted unless:
 - The application of policies in the Framework that protect areas of assets of particular importance provides a clear reason for refusing the development proposed; or
 - 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.

- 8.63 The approach detailed within the preceding paragraph, has become known as the 'tilted balance' in that it tilts the planning balance in favour of sustainable development against the Development Plan.

- 8.64 The site lies predominantly outside of the defined urban settlement boundary and the proposal does not relate to agriculture, forestry, horticulture or required infrastructure. The principle of the proposed development of the site would be contrary to Policies CS2, CS6 and CS14 of the Core Strategy and Policy DSP6 of the Local Plan Part 2: Development Sites and Policies Plan.
- 8.65 Officers have carefully assessed the proposals against Policy DSP40 (Housing Allocations) which is engaged as this Council cannot demonstrate a 5YHLS. Officers have also given due regard to the updated 5YHLS position report presented to the Planning Committee in February 2021 and the Government steer in respect of housing delivery.
- 8.66 Officers have weighed up the material considerations and conflict between policies and the development of a greenfield site weighed against Policy DSP40. It has been concluded that the proposal is relative in scale to the demonstrated 5YHLS shortfall and would be well related to the existing urban settlement boundary such that it can be integrated with the adjacent settlement. The proposal has been sensitively designed to reflect the existing character of the area and would minimise any adverse impact on the wider countryside.
- 8.67 It is acknowledged that the proposal would have an urbanising impact through the introduction of housing and related infrastructure onto a site which is at present largely undeveloped. However, that impact would be localised and merely extend the existing built form. Officers consider that the change in character of the site and the resulting visual effect would not cause any substantial harm.
- 8.68 In respect of environmental, amenity and traffic issues (including ecological mitigation), Officers are satisfied that these issues have been appropriately addressed in the submitted application, subject to appropriate conditions and habitat mitigation. Subject to the payment of the habitat mitigation contribution, and following completion of the Appropriate Assessment, it is considered that the likely significant effect on the Protected Sites around The Solent would be appropriately mitigated.
- 8.69 In balancing the objectives of adopted policy which seeks to restrict development within the countryside alongside the shortage of housing supply, Officers acknowledge that the proposal could deliver a net increase of 7 dwellings in the short term. The contribution the proposed scheme would make towards boosting the Borough's housing supply would make a material contribution in light of the Council's current 5YHLS.

- 8.70 There is a conflict with development plan policy CS14 which ordinarily would result in this proposal being considered unacceptable. Ordinarily CS14 would be the principal policy such that a scheme in the countryside should be refused. However, in light of the Council's lack of a five-year housing land supply, development plan policy DSP40 is engaged and Officers have considered the scheme against the criterion therein. The scheme is considered to satisfy the five criteria and in the circumstances, Officers consider that more weight should be given to this policy than CS14 such that, on balance, when considered against the development plan as a whole, the scheme should be approved.
- 8.71 In undertaking a detailed assessment of the proposals throughout this report and applying the 'tilted balance' to those assessments, Officers consider that:
- (i) There are no policies within the National Planning Policy Framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposal, particularly when taking into account that any significant effect upon Special Protection Areas can be mitigated through a financial contribution towards the Solent Recreation Mitigation Strategy and the impact of nitrogen loading on The Solent can be adequately mitigated; and,
 - (ii) Any adverse impacts of granting planning permission would not significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework taken as a whole.
- 8.72 Having carefully considered all material planning considerations, Officers recommend that planning permission should be granted subject to the imposition of appropriate planning conditions and the payment of the appropriate habitat mitigation contribution.

9.0 *Recommendation*

9.1 GRANT OUTLINE PLANNING PERMISSION, subject to:

- the prior completion of a Section 111 Agreement and the payment of the appropriate Habitat Mitigation Contribution; and,
 - the following conditions:
1. Application for approval of details of the appearance and scale of the building(s) and the landscaping of the site (all referred to as the 'reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.

2. Applications for approval of all reserved matters shall be made to the Local Planning Authority not later than 12 months from the date of this permission.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
3. The development hereby permitted shall be begun before the expiration of 12 months from the date of the approval of the last of the reserved matters.
REASON: To comply with the procedures set out in Section 91 of the Town and Country Planning Act 1990.
4. The development hereby permitted shall be constructed in accordance with the following approved documents:
 - a) Site, Block and Location Plans (Drawing: 9041/100 Rev S);
 - b) Indicative Floor Plans and Elevations (Drawing: 9041/101 Rev A);
 - c) Existing Floor Plans (Drawing: 9041/102); and,
 - d) Visibility Plan (Drawing: 9041/103 Rev C).
REASON: To avoid any doubt over what has been permitted.
5. The development hereby permitted shall proceed in accordance with the measures set out in Section 4 'Conclusions and Recommendations' of the Phase 1 Bat Survey and Ecological Appraisal report by ABR Ecology Ltd (November 2018). Thereafter, the reptile receptor area in the southwest and enhancements in the form of bat tubes and bird boxes shall be permanently retained in accordance with the approved details.
REASON: To conserve and enhance biodiversity in accordance with the Wildlife & Countryside Act 1981 (as amended).
6. No dwelling hereby approved shall be first occupied until detailed plans and proposals have been submitted to and approved by the Local Planning Authority for:
 - (i) Refuse bin storage (sufficient for 2no. 140 litre wheeled bins);
 - (ii) Secure cycle storage;

and the approved bin storage and secure cycle storage areas have been provided and made available.

The cycle storage required shall take the form of a covered building or other structure available on a 1 to 1 basis for each dwellinghouse hereby permitted. The storage shall be thereafter be retained and kept permanently available for the stated purpose.

REASON: To encourage non-car modes of transport and to ensure proper provision for refuse disposal.

7. No work on site relating to the construction of any 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.

8. None of the development hereby approved shall be occupied until a plan of the position, design, materials and type of boundary treatment to be erected to all boundaries has been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatment has been fully implemented. It shall thereafter be retained at all times unless otherwise agreed in writing with the Local Planning Authority.

If boundary hedge planting is proposed, details shall be provided of planting sizes, planting distances, density, and numbers and provisions for future maintenance. Any 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 protect the privacy of the occupiers of the neighbouring properties, to prevent overlooking, and to ensure that the development harmonises well with its surroundings.

9. No development shall commence on site until a Construction Management Plan (CMP) has been submitted to and approved in writing by the Local Planning Authority (LPA). The Construction Management Plan shall address the following matters:
 - a) How provision is to be made on site for the parking and turning of operatives/contractors'/sub-contractors' vehicles and/or construction vehicles;
 - b) the measures the developer will be implementing to ensure that operatives'/contractors/sub-contractors' vehicles and/or construction vehicles are parked within the planning application site;
 - c) the measures for cleaning the wheels and underside of all vehicles leaving the site;

- d) a scheme for the suppression of any dust arising during construction or clearance works;
- e) the measures for cleaning Segensworth Road to ensure that they are kept clear of any mud or other debris falling from construction vehicles, and
- f) the areas to be used for the storage of building materials, plant, excavated materials and huts associated with the implementation of the approved development.

The development shall be carried out in accordance with the approved CMP and areas identified in the approved CMP for specified purposes shall thereafter be kept available for those uses at all times during the construction period, unless otherwise agreed in writing with the LPA. No construction vehicles shall leave the site unless the measures for cleaning the wheels and underside of construction vehicles are in place and operational, and the wheels and undersides of vehicles have been cleaned.

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. The details secured by this condition are considered essential to be agreed prior to the commencement of development on the site so that appropriate measures are in place to avoid the potential impacts described above.

10. No works shall commence on site above damp proof course level until details of the proposed surface water and foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.
REASON: To ensure that the proposed development is satisfactorily drained.

11. No development of the dwellings hereby permitted shall commence until the means of vehicular access has been constructed in accordance with the approved plans.
REASON: In the interests of highway safety.

12. No development shall take place until details of the type of construction proposed for the roads and access(es) and the method of disposal of surface water have been submitted to and approved in writing by the Local Planning Authority.
REASON: To ensure that the roads are constructed to a satisfactory standard.

13. The visitors parking spaces marked on the approved plans shall be kept available for parking at all times.

REASON: In the interests of highway safety.

14. No dwelling shall be occupied until the approved parking and turning areas 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 made for that purpose.

REASON: In the interests of highway safety.

15. The existing accesses to the site shall be stopped up and footway crossings shall be reinstated to the requirements of the Local Planning Authority, immediately after completion of the new access and prior to the occupation of any dwelling hereby permitted.

REASON: In the interests of highway safety.

16. No building on plot no's 1-3 (as shown on the layout plan hereby approved) shall exceed an eaves height of 2.5 metres and a ridge height of 6.8 metres.

REASON: To protect the amenities of neighbouring occupiers.

17. Any rooflight windows proposed to be installed in the first floor northeast facing roof slope of Plots 2 and 3 shall be set no lower than 1.7 metres above the internal finished floor level.

REASON: To protect the amenities of neighbouring occupiers.

18. None of the residential units hereby permitted shall be occupied until details of water efficiency measures to be installed in each dwelling have been submitted to and approved in writing by the Local Planning Authority. These water efficiency measures should be designed to ensure potable water consumption does not exceed an average of 110 litres per person per day. The development shall be carried out in accordance with the approved details.

REASON: In the interests of preserving water quality and resources

19. The development hereby permitted shall not 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 Proposals Pack.

REASON: To demonstrate that suitable mitigation has been secured in relation to the effect that nitrates from the development has on the Protected Sites around The Solent.

INFORMATIVES:

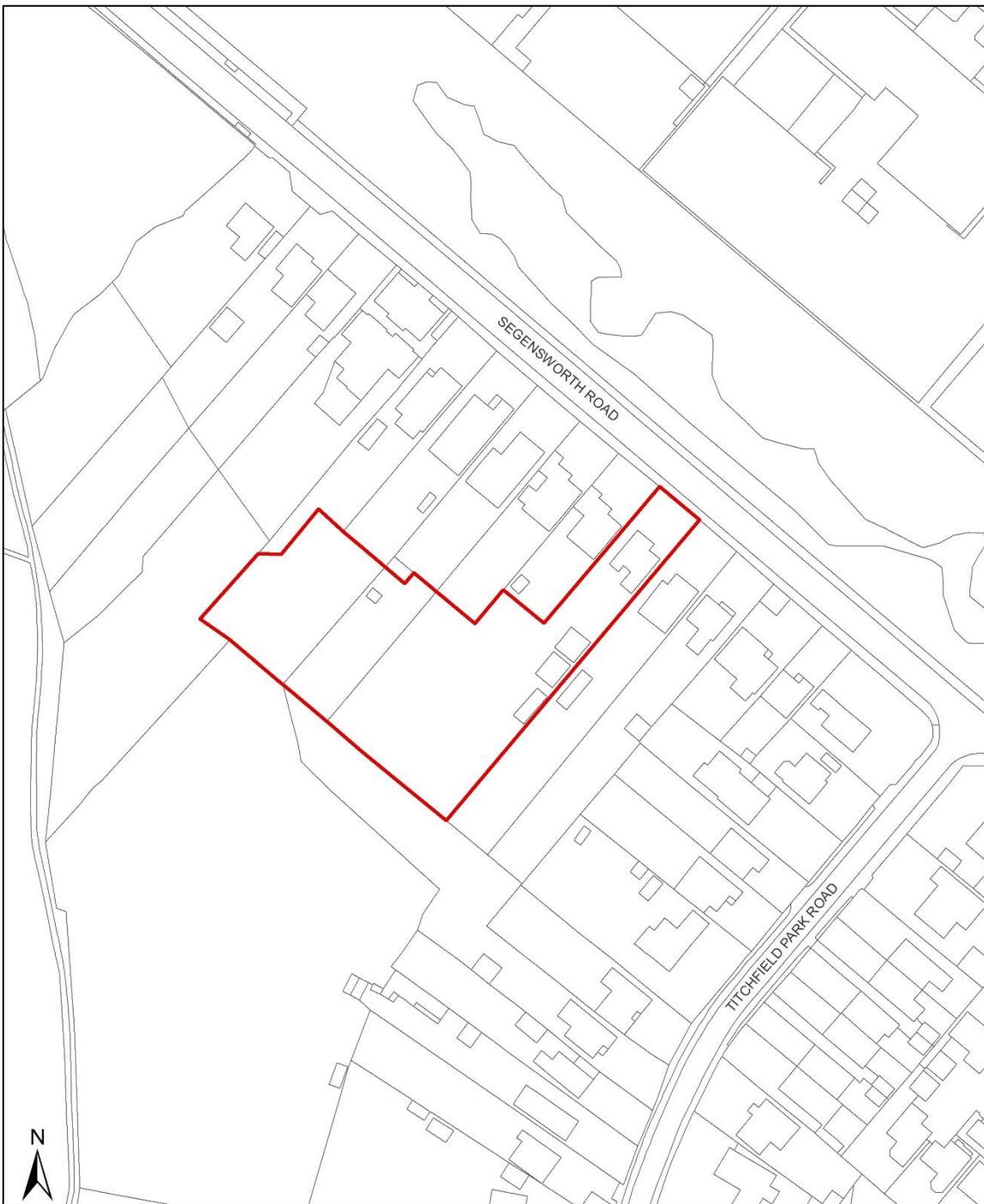
- a) Applicants should be aware that, prior to the commencement of the development, contact must be made with Hampshire County Council, the Highway Authority. Approval of this planning application does not give approval for the construction of vehicular access, which can only be given by the Highway Authority. Further details regarding the application process can be read online via <http://www3.hants.gov.uk/roads/apply-droppedkerb.htm>. Contact can be made either via the website or telephone 0300 555 1388.

10.0 *Background Papers*

P/18/0625/OA

FAREHAM

BOROUGH COUNCIL



Land to Rear of 195-205 Segensworth Road

Scale 1:1,250

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