

PLANNING APPLICATION RESPONSE OF PLANNING POLICY

Application No:	APP/19/00623
Site Address:	Fowley Cottage, 46 Warblington Road, Emsworth, PO10 7HH
Development:	Retain the existing 'Fowley Cottage' dwelling and construction of 6No. 5 bed detached dwellings, two on the Warblington Road frontage and four to the rear garden area. Access to Plot 5 to be taken off Warblington Road, access to Plots 1-4 and 6 to be taken off Curlew Close
Case Officer:	Daphney Haywood
Comments by:	Jade Ellis
Date of Comments:	24 July 2019

Policy Status:

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the [Hampshire Minerals and Waste Plan](#), provide the development plan for the borough. The [Pre-submission Havant Borough Local Plan 2036](#) (HBLP 2036) was approved by the Council on 30 January 2019 and can be afforded limited weight.

In addition, the [Emsworth Neighbourhood Plan \(ENP\)](#) has reached an advanced stage of preparation, and was submitted to the Local Planning Authority in April 2019. It therefore also carries limited weight in decision making.

The following policies are of particular relevance:

- CS9 – Housing
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 – Car and Cycle Parking in Residential Development
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

In the Pre-submission Plan the following policies are of particular relevance:

- E1 | High quality design
- E2 | Health and wellbeing
- E3 | Landscape and settlement boundaries
- E11 | Sports and recreation
- H1 | High quality new homes
- H3 | Housing density
- E1 | High quality design
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- E22 | Amenity and pollution

- H13 | Fowley Cottage

The following policies from the Emsworth Neighbourhood Plan are also of relevance:

- D1 – General Design Policy
- D2 – Height, Mass & Materials
- D3 – Layout, Form & Density
- D4 – Design of Public Spaces & External Areas
- D5 – Integration & Strong Connections
- D6 – Resource Efficiency
- D7 – Mitigate Light Pollution
- L1 – General Housing Policy
- L2 – Housing Mix
- WF1 – Public Enjoyment of the Waterfront

Principle of Development:

The site lies within the urban area as defined by Policies CS17 and AL2 of the adopted local plan and emerging E3 of the Pre-Submission Local Plan. Therefore, development is supported in principle, subject to other relevant considerations.

The site is allocated for about 40 dwellings under Policy H13 in the emerging Local Plan which can be afforded limited weight at this stage. However, the application proposals seek to provide a significantly reduced quantum of development and this is considered in further detail below.

Housing Density:

National Policy Context

Paragraph 123 of the NPPF is clear that planning policies and decisions avoid homes being built at low densities and seeks to ensure that developments make optimal use of the potential of each site, especially where there is an existing or anticipated shortage of land for meeting identified housing needs. In such cases, the use of minimum density standards should be considered.

In addition, local planning authorities should refuse applications which they consider fail to make efficient use of land, taking into account the policies in this Framework.

Local Policy Context

Policy H3 in the emerging Local Plan requires development to provide for a minimum of 40 dph outside of town and district centres and defined opportunity areas. This increases to 55dph within defined 'opportunity areas'. Figure 23 of the plan confirms that the site is partly within the Emsworth opportunity area and partly outside it.

Policy D3 in the emerging Neighbourhood Plan also indicates that development proposals should make the most efficient use of land and be developed at the optimum density. The optimum density should result from a design-led approach to determine the capacity of the site, with particular consideration given to:

- the site context
- its connectivity and accessibility to surrounding areas by walking, cycling and public transport.

It also confirms that residential development that does not demonstrably optimise the density of the site should be refused.

The development proposals would retain the existing dwelling and tennis courts to provide a gross site area of 0.82ha (when compared in 1.1ha identified in the Pre-Submission Draft Local Plan), which would provide a significantly lower density (about 14 dph) than envisaged by the emerging Local Plan (a mix of 40-55dph).

Paragraph 6.33 of the supporting text indicates that site-specific constraints and local character may justify a different approach having regard to the site context. In such circumstances, a detailed Design and Access Statement must fully explain the rationale to the proposed approach to the design and layout of the scheme. In this respect, Section 5 of the submitted Design and Access Statement provides some detail and explanation of the constraints affecting the site, including the extent of flood plan; the existing TPOs on site; a foul sewer and a restrictive covenant (which would not be a material consideration) on Curlew Close which allows a maximum of 6 dwellings to the south of the existing house. Further details of the latter are required to understand whether this would restrict the development potential of the southern extent of the site.

There has however, been a limited quantitative assessment has been made of the developable area available across the overall site. For the purposes of the policy, residential density is taken as dwellings per hectare across the developable area. The applicant may therefore wish to refer to Figure 1 of the [Residential Density Evidence Paper](#) which indicates the development elements which should be included for gross and net area calculations. No such calculation has been made of the net developable area available for development.

Whilst it is noted that the street scene character is predominantly large, detached dwellings, with the information available, the proposed development (five x 5 no. bedroom detached dwellings) would not make an efficient use of the available land. As such, it cannot be concluded that the proposed form of development would fully maximise the potential of the site to address housing needs and would be contrary to the aims and objectives of emerging Policy H3 and paragraph 123 of the NPPF.

Housing mix and affordable housing

It is considered, with the available evidence, that the site has the potential to accommodate more development than is proposed. Emerging policies on affordable housing (H2 of the HBLP and L1 of the ENP) and mix (H4 of the HBLP and L2 of the ENP) have a threshold of ten dwellings and so would not apply to the proposal as currently designed. However, the supporting text to Policy H2 (para 6.28) sets out that *“Housing proposal will be expected to make efficient use of land in line with Policy E1 (High Quality Design). Any proposals that appears to have an artificially lower density in order to avoid the affordable housing requirement may be refused planning permission”*.

The Neighbourhood Plan also recognises that the neighbourhood plan area may wish to encourage the provision of more flats and terraced housing which would complement the large number of existing larger detached houses. In this respect, the provision of a proportion of smaller dwellings (1-2 bedrooms) is encouraged, for which there is evidenced demand.

Design

More generally, both the adopted and emerging local plan require high quality design in all development under policies

- CS16 High Quality Design (Core Strategy)
- E1 High Quality Design (HBLP 2036)

These considerations are reinforced through the Design Policies (D1 to D7 + design checklist) in the Emsworth Neighbourhood Plan.

Health and wellbeing

The Pre-Submission Local Plan (E2 and E11)) and the NPPF (paras 96-101) promote achieving health gains through planning decisions. Both (E11 and para 97) set put a presumption against the loss of sports provision. Whilst a private and not public facility, ensuring that it would not be lost through development is considered appropriate in that it would serve to boost healthy living for the proposed occupants. However, there is an opportunity to allow public use of the facility. The removal of the tennis courts from the available site area for housing development is supported, subject to the public availability of this facility.

The site also includes common parts, including vehicular and pedestrian access to the southern properties from Curlew Close. At the south of the site there is an access to Chichester Harbour and Footpath 56 (Wayfairers Way), which runs along the coast from Emsworth to Langstone. However, this is private access for use by residents only. Policy E2 of the Pre-Submission Local Plan highlights the need to enhance existing and facilitate new opportunities for active travel (walking and cycling) ...by...creating and improving pedestrian and cycle routes linkages within the Borough and to surrounding areas, particularly...along the coast. The need for a safe and convenient access to Footpath 56 is also highlighted in the allocation for the site (H13).

The emerging Neighbourhood Plan refers to access to the waterfront and recognises the health and leisure benefits that residents can gain from the coastal path. Emerging Policy WF1 is clear that any new development on any waterfront site shall provide public right of access to the waterfront. It is also indicates that applications should include an appraisal of options for the provision of public spaces and leisure facilities, and must clearly explain how the proposals have taken account of this appraisal.

Development Requirements:

The full set of developer considerations can be found in the emerging allocation policy; please see Policy H13 in the Pre-Submission Draft Local Plan. The applicant should ensure these are satisfactorily addressed through assessments of these site issues as part of any planning application.

In addition to the above, emerging policies which are of particular relevance to the proposed development are summarised below:

- **Internal Space Standards** - Emerging Policy H1 includes a requirement for dwellings to meet the nationally described internal space standards.
- **Private Amenity Space** – Policy H1 also requires sufficient private and/or communal outdoor amenity space to be provided.
- **Low Carbon Design** – Residential development is expected to achieve a 19% reduction in Dwelling Emission Rate in accordance with emerging Policy E12.
- **EV Charging Infrastructure** – Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking in line with emerging IN3.
- **Management Plans** – A management plan is likely to be required through a legal agreement to establish the whole life management and maintenance of the common parts within the development.

Parking:

The proposals would need to ensure that appropriate parking provision is provided in accordance with Policy DM13, emerging policy IN3 and the Council's Parking SPD.

Summary:

Emerging policy H3 must be afforded some weight particularly given the clear direction in national policy to optimise the use of land.

The development proposals would provide for a significantly lower density than set out by emerging policies H3 and H13. As such the development proposals would not be capable of support in their current form. Further information is needed to understand the net site area calculation. Nevertheless, the proposed form of development would artificially lower the density of the site, and thereby circumvent the requirements for housing mix and affordable housing.

On this basis, the current development form would fail to make an efficient use of land, though site-specific constraints and local character may justify a different approach.