

**TOWN AND COUNTRY PLANNING
ACT 1990 (AS AMENDED)**

**STATEMENT OF
HAVANT BOROUGH COUNCIL**

**Land to rear of 8 Highfield Parade,
Waterlooville, HAMPSHIRE, PO7 7QH**

**Local Planning Authority Reference:
APP/19/00019**

**Planning Inspectorate Reference:
APP/X1735/W/19/3231252**

HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY T WARE DEVELOPMENTS Ltd AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR ERECTION OF 1No. 1BED DWELLING WITH ASSOCIATED REFUSE AND CYCLE STORAGE, LANDSCAPING AND PARKING WITH PROVISION OF NEW REFUSE STORE FOR COMMERCIAL USE ON LAND TO REAR OF 8 HIGHFIELD PARADE, WATERLOOVILLE, HAMPSHIRE, PO7 7QH

Planning Inspectorate Reference: APP/X1735/W/19/3231252

LPA REF: APP/19/00019

1.0 INTRODUCTION

1.1 The application was validated on 29th January 2019 and sought permission for “Erection of 1No. 1bed dwelling with associated refuse and cycle storage, landscaping and parking with provision of new refuse store for commercial use.”

1.2 This application followed 2 previous applications for two storey dwellings on approximately the same site. The first, APP/18/00681 was Withdrawn on 27/07/2018 and the second, APP/18/00822 was Refused on 24/10/2018. The Inspector can find the details of each on the Council’s website as follows:

APP/18/00681

https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_243964

APP/18/00822

https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=documents&keyVal=DCAPR_244264

1.3 The revised application the subject of this appeal proposed a bungalow. The application was determined under delegated powers on 29th March 2019 where it was resolved to refuse permission for the following five reasons:

1. Having regard to the size and shape of the plot and its relation to adjoining development, the proposed bungalow would result in a contrived form of development, detrimental to the visual amenities and character of the area. The forward siting of the proposed bungalow would be at variance with the more spacious linear setting of surrounding two storey development and would result in an incongruous and prominent development, detrimental to the visual amenities of the street scene. The proposal is therefore contrary to policy CS 16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2019.
2. By virtue of the site being adjacent a commercial rear service yard, the proposed development would not provide satisfactory living conditions for future occupants. The close proximity of the proposed dwelling to the service yard would result in a poor relationship with noise and disturbance that would

have an adverse effect on the amenities of future occupiers contrary to policy DM18 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2018.

3. The proposed car parking space would displace existing parking provision for the shops and flats and would not therefore provide adequate provision of car parking in accordance with the Local Planning Authority's adopted standards and would therefore encourage the parking of vehicles on the public highway, leading to indiscriminate parking, detrimental to highway amenity. The proposal is therefore contrary to policies CS 16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, the adopted Parking SPD 2016 and the National Planning Policy Framework 2018.
 4. The proposed layout, including realignment of the Meadway access, would result in the loss of parking within the service yard and narrowing of this two-way access point which is considered harmful to the amenity and safety of users of the service yard. Part of this land is adopted highway and without the appropriate legal agreement with Hampshire Highways the works to the highway cannot be undertaken. The proposal is therefore considered contrary to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework 2019.
 5. The proposed design and layout including bungalow sited close to existing garages and the flat roofed replacement commercial refuse store, would provide opportunity for crime. The proposed scheme does not satisfactorily design out opportunities for crime and would leave residents vulnerable to antisocial behaviour. The proposal is therefore contrary to clause 2.a) of policy CS 16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2018.
- 1.4 It is considered that the Delegated Officer Report is sufficiently detailed to form the basis of the LPA's Statement of Case. Therefore, the Inspector is respectfully requested to first refer to this document that has already been forwarded with the appeal questionnaire.
- 1.5 This Appeal Statement will not duplicate, but will provide an update on the current policy situation and relevance of new case law with regard to the Habitats Regulations, and consider the appellants statement of case as follows:

2.0 PLANNING POLICY UPDATE

- 2.1 The decision, dated 29 March 2019, was made having regard to the updated NPPF 2018 with February 2019 update, (though it is noted that the appellants statement of case refers to the outdated 2012 NPPF).

2.2 NPPF, 2018

It is noted that paragraph 9 states that "*Planning policies and decisions should play an active role in guiding development towards sustainable solutions, but in doing so should take local circumstances into account, to reflect the character, needs and opportunities of each area*". In accordance with Paragraph 11, it is agreed that the principle of housing is supported, but sub-paragraph d) ii) is considered relevant that states:

"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."

- 2.3 Chapter 12 on Achieving well designed places makes high quality buildings a fundamental target with good design that is acceptable to communities a key aspect of sustainable development. Paragraph 127 notes that decisions should ensure that developments “....will function well and add to the overall quality of the area.....are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.....are sympathetic to local character...establish a strong sense of place, using the arrangement of streets, spaces, .to create attractive, welcoming places.....optimise the potential of the site...create places that are safe, inclusive and accessible.....with a high standard of amenity for existing and future users and where crime and disorder, and the fear of crime, do not undermine the quality of life...”.
- 2.4 Paragraphs 174-177 relate to Habitats and Biodiversity and paragraph 177 confirms that: *The presumption in favour of sustainable development does not apply where development requiring appropriate assessment because of its potential impact on a habitats site is being planned or determined.* This is relevant in relation to recent case law and potential impacts on coastal Special Protection Areas (SPA) from the additional residential development on water quality, which will be detailed below.

Draft Local Plan

- 2.5 With respect to the Local Plan, the Pre-Submission Havant Borough Local Plan 2036 was approved by full Council on 30 January 2019 and consulted on between 1 February and 18 March 2019. A copy of this version can be found here [Pre-Submission Havant Borough Local Plan 2036](#). Whilst the Draft Local Plan has limited weight in decision-making at this stage, it is of relevance in setting out the Council's direction of travel and the policies will attract increasing weight as it progresses towards examination.
- 2.6 Para 7.3 of the Delegated report refers to the key emerging policies, namely H1, E1, E2 and E22. These draft policies are copied in full in **Appendix B**.

Habitats Regulations

- 2.7 It should also be noted that since the determination of the planning application the subject of this appeal, a European Court of Justice case has concluded that an Appropriate Assessment is required when a proposal would result (alone or in combination) in a likely significant effect on a European Site such as a Special Protection Area before taking account of any proposed mitigation.
- 2.8 The case related to considering water quality in Appropriate Assessments. This is generally referred to as The Dutch Case (Full reference is *Coöperatie Mobilisatie for the Environment UA and College van gedeputeerde staten van Noord-Brabant* (Case C-293/17 and C294/17) available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CA0293>). The judgement in this case refines the definition of plans and projects and effectively includes significantly more operations within the definition which have an impact on water quality, most notably runoff from agriculture.
- 2.9 Natural England began to issue revised advice regarding planning applications to Local Planning Authorities on 1 April 2019 as a result of the Dutch Case. Considering this advice and the implications of the case law, it can only be concluded that new development could increase nitrogen and phosphate deposition into the protected harbours above consented levels. This results in increased nutrients in the harbour which cause a dense growth in certain plants. This in turn leads to harm to the species which use them – a likely significant effect. The only way that a new housing

scheme could prevent this likely significant effect is for there to be no increase in nutrients into the harbour, i.e. for it to be 'nutrient neutral'.

- 2.10 Havant Borough Council is committed to achieving sustainable development, including the relevant environmental protections. Part of the consideration of this is whether there would be a detrimental impact on the water quality of any European Designated Nature Conservation Sites.
- 2.11 On 26 June 2019, Havant Borough Council's Cabinet approved a 'Position Statement on Nutrient Neutral Development' (copy can be found at: www.havant.gov.uk/nitrogen). This puts in place mechanisms for development to achieve nutrient neutrality. For development on sites currently used for agricultural purposes, there must be an aim to achieve nutrient neutrality on-site. However, for development on non-agricultural sites, particularly brownfield sites, this is not possible. The Position Statement sets out how development proposals should consider the issue, and in particular suggests the use of a planning condition to secure an appropriate avoidance and mitigation package – Paragraphs 57-67 refer. For new planning applications a European Site Avoidance and Mitigation Checklist is now offered to applicants - see above link.
- 2.12 In this case, the development is located within a zone of influence of an SPA, and the Local Planning Authority undertook an HRA screening which included the requirement for avoidance and mitigation measures in terms of the Interim Solent Recreation Mitigation Project (now Definitive Solent Recreation Mitigation Strategy). On this recreational pressure issue alone, Natural England then agreed – see paras 7.17 and 7.18 of Delegated report.
- 2.13 However, as a result of the above judgement and consequent update in case law, an Appropriate Assessment is also now necessary in accordance with Regulation 63 of the Habitats Regulations to consider the impacts on water quality. Natural England are a statutory consultee on the Appropriate Assessment stage. As the Inspectorate are now the competent determining authority in relation to this appeal, it will be necessary for the Inspectorate to determine a Habitats Regulations Assessment taking into account the impacts of development on the internationally designated sites and the likelihood of significant effects.

3.0 COMMENTS ON APPELLANTS STATEMENT OF CASE

- 3.1 The Appellants statement of case describes the application as forming part of the rear service area and notes that it would not result in any change to the parking layout. The LPA contend this is inaccurate as the red line site boundaries include part of the adopted highway verge and include the realignment of the access to the parking service yard from Meadway. Please see copy of a GIS plan showing the extent of the adopted highway at **Appendix C**. The realignment of the access to the west would result in the parking spaces outside 8 Highfield Parade being unusable as vehicles would project and block the new access.
- 3.2 The Appellant indicates at paragraph 2.01 and 6.08 of his statement that the proposed development would help screen an unattractive and poorly used rear service area. It is however noted that the existing grass verge, wall and landscaping in the form of two memorial trees, provides a visually pleasing setting to the site that currently fulfil this role. From Meadway the rear service yard and garages are already screened with a spacious and verdant setting to the pavement. It is not considered that the service area needs any further screening, and this is not considered an adequate justification for the development.

- 3.3 There is also considerable reference within the Appellants statement to the fact that the site is under-used. The application site boundaries straddle the grass verge, vehicular belmouth, rear service yard and waste area serving the flats. It is certainly not considered to be under-used and has a mixed function that contributes to the urban area as a whole.
- 3.4 Whilst only 1 third party representation was received in connection with the planning application the subject of this appeal, there were 7 letters of objection received in connection with the previous application, (APP/18/00822) and these referenced the area being busy with parked vehicles and the footpath well used. The Inspector can view these comments on the following link:
https://planningpublicaccess.havant.gov.uk/online-applications/applicationDetails.do?activeTab=neighbourComments&keyVal=DCAPR_244264
- 3.5 With respect to crime prevention, the NPPF 2018, seeks to promote safe communities “so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion” and encourages design to create safe places. The fear of crime is therefore a valid material consideration. The proposed layout would enable the flat roofs of the adjacent garages to be used to gain access to the rear of the proposed curtilage and dwelling in a dark area with no natural surveillance. This could lead to a fear of crime for future occupiers, in direct conflict with the aims of the NPPF.
- 3.6 With respect to parking issues the Appellant has still not provided an overview of the parking spaces within the service yard as a whole with the allocation of spaces to the ground floor commercial units and upper floor flats. Para 6.05 of the Appellants statement does not explain how all existing spaces will be retained whilst also providing an *additional* space for the proposed development – the land available is finite and the allocation of an area to the proposed dwelling must result in the loss of a space for an existing user. Together with the loss of useable spaces from the realignment of the access to the west, then overall there would be a loss of available parking within the service yard for existing users. Without an accurate overview of the change to parking arrangements information, the LPA remain of the view that the isolated parking space outside unit 7 does not represent a new space to serve the proposed development, and with the loss of useable spaces outside unit 8, existing users would be displaced resulting in additional demand for on street parking. It is considered that the appeal proposal is therefore not provided with adequate parking, contrary to policies CS16 and DM13.
- 3.7 Overall the site is acknowledged as being within the urban area where the principle of further development is accepted. Within the Appellant’s statement there is a reliance on housing need and it is not disputed that the provision of a single dwelling would make a small contribution to the Borough’s housing targets. However, the policy advice contained within paragraph 11 of the NPPF sets out that developments should only be approved if there are no adverse impacts that would outweigh the benefits. Policy CS16 of the Adopted Core Strategy also requires developments to respect local context and use the characteristics of the locality to inform the design. It is considered that the detailed considerations highlight adverse impacts to the character of the area from the development of this small and contrived plot, that outweigh the benefits of a new dwelling, and the application should not be supported.

4.0 CONCLUSION

- 4.1 The LPA remains of the view that the appeal proposal, by virtue of its small size and siting adjacent a commercial rear service yard, would not result in an appropriate form

of development. It is considered that the loss of the highway grassed verge and forward siting of the dwelling would be harmful to the spacious linear character of the area; the relationship with the adjacent service yard would not result in suitable quiet amenity for future occupiers; the proposed parking would displace an existing space; the realigned access would also result in the loss of useable parking spaces, resulting in further pressure for on street parking; and the layout would result in a fear of crime for future occupiers.

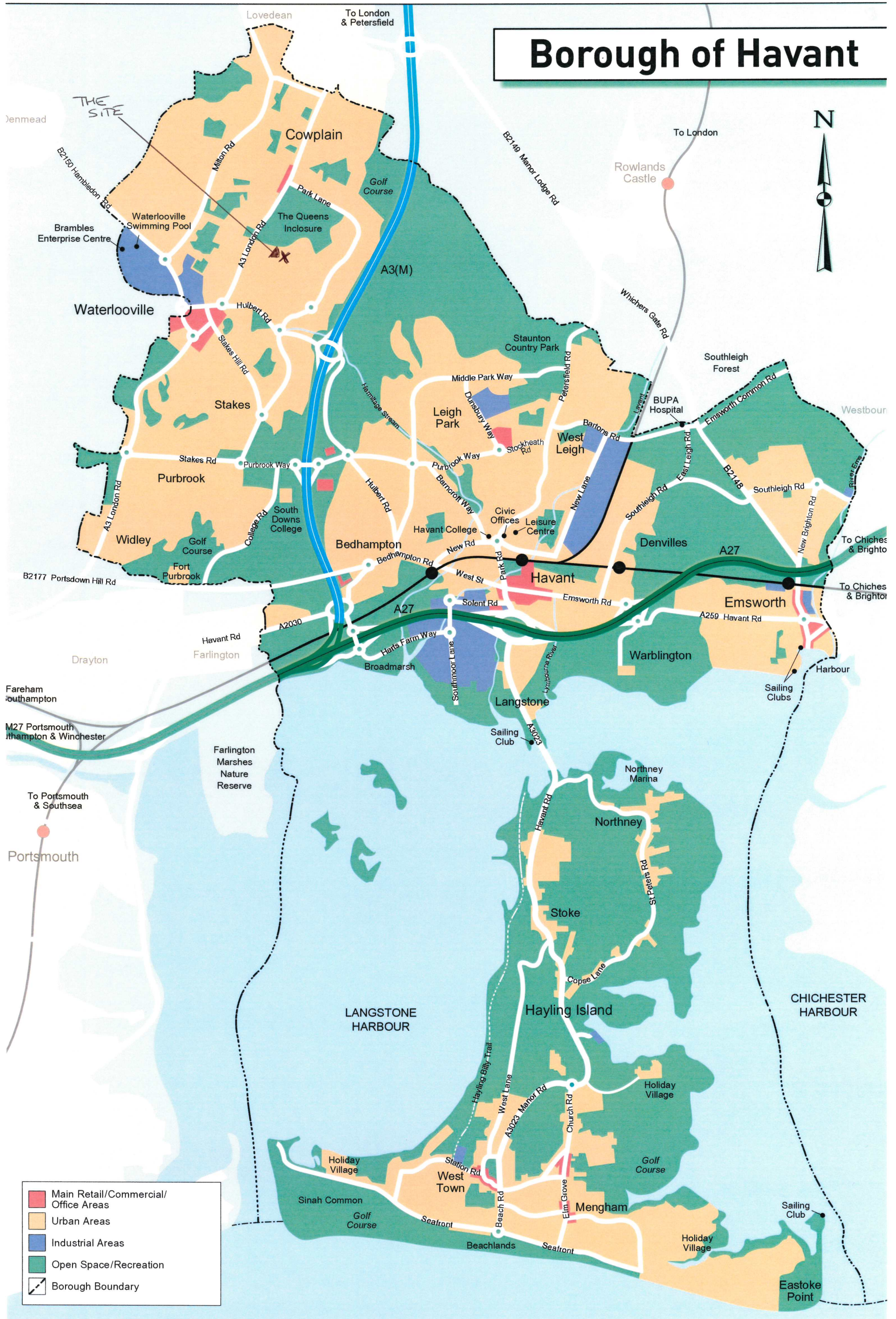
- 4.2 Accordingly, whilst the proposed bungalow would in principle provide a further sustainable dwelling, contributing towards the Borough's housing needs, the benefits of its provision are not sufficiently offset by the harm caused: harm to the visual character of the area; harm to parking convenience and amenity; and unsatisfactory living conditions for future occupiers from unneighbourly siting adjacent a service yard and fear of crime.
- 4.3 With respect to compliance with the Habitats Regulations it is noted that the appropriate financial contribution to mitigate against the impact on the SPA from additional recreational pressure has been received. The original Habitats Regulations Assessment and Appropriate Assessment screening were undertaken and at the time Natural England raised no objection. However, since the decision date European case law has introduced the need to consider the impact of development on water quality issues, with new development needing to be nutrient neutral. This application has not yet been subject to this screening process and the Inspectorate as competent authority in relation to this appeal should undertake a Habitats Regulations Assessment taking into account all the impacts of development on the internationally designated sites and the likelihood of significant effects.
- 4.4 Overall the appeal proposal, without an up to date HRA is considered to have an adverse effect on water quality and the integrity of the Chichester and Langstone Harbours SPA, and the detailed layout and proposal is considered to be contrary to policies CS16, DM18 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, and the National Planning Policy Framework, 2018. The Inspector is therefore respectfully requested to dismiss this appeal.

APPENDICES

- (A) Borough Map and 1:1250 Location Plan
- (B) Emerging Policies H1, E1, E2 and E22 from the pre-Submission Draft Havant Borough Council Local Plan 2036
- (C) GIS extract showing extent of adopted highway

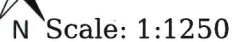
APPENDIX A

Borough of Havant





Havant
BOROUGH COUNCIL



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APPENDIX B

H1 | High quality new homes

Why this policy is needed

- 6.1 The NPPF highlights that high quality design and a good standard of amenity should be sought in new development. This policy sets out the quality standards that new housing in the Borough are expected to achieve and how the needs of different groups will be met.
- 6.2 National policy also recognises that local planning authorities should address barriers to improving health and wellbeing through a high standard of housing design. This policy therefore builds on Policy E2 (Health and Wellbeing) to provide opportunities for people to live healthier lives. It requires new homes to have appropriate space for occupants to enable them to have a good quality of life and healthy lifestyle.

H1 | High quality new homes

Planning permission will be granted for new homes that meet the following criteria:

- a. New homes are designed to meet appropriate internal space standards¹²⁰ to provide sufficient private and/or communal space for basic daily activities and needs; and
- b. Developments of 10 houses or more (gross) meet enhanced accessibility and adaptability standards on 30% of the proposed dwellings across all tenures to ensure that new homes are suitable for a wide range of occupants¹²¹; and
- c. Developments of 50 homes or more (gross) meet wheelchair accessibility standards¹²² on 2% of the total proposed dwellings as part of the affordable housing provision; and
- d. Sufficient private and/or communal outdoor amenity space is provided.

Private outdoor amenity space should be:

- e. Of a sufficient and functional size to meet the needs of the likely number of occupants; and
- f. Designed to provide a good level of amenity by maintaining a reasonable degree of separation between the new dwellings and the surrounding properties.

How this policy works

Housing Space Standards

- 6.3 Building to appropriate space standards will ensure new homes provide sufficient space for basic daily activities and needs. The Council will therefore require all residential development to meet the nationally described space standard (or any subsequent Government standard). The Council's starting point will be for all new homes, including subdivisions of larger properties and conversions, to meet the appropriate space standards, unless it can be shown that the standards are not practicable in the face of other material considerations and policy requirements. For example, an exception may be made where works needed to achieve the standards would adversely affect the significance of a heritage asset or would require unachievable changes to a building earmarked for conversion.

¹²⁰ Appropriate space standards are achieved by meeting the nationally described space standard, or any subsequent Government standard.

¹²¹ Enhanced accessibility and adaptability standards are achieved by meeting M4(2) of the Building Regulations 2015, or any subsequent Government standard.

¹²² M4(3) of the Building Regulations 2015, or any subsequent Government standard.

- 6.4 The Council recognises that innovative housing solutions such as the emerging 'build for rent' sector have a role in addressing specific housing needs in the Borough. These types of housing models can involve the development of high density housing in town centre locations though there are other types of housing that can be developed through a 'build for rent' approach as well. To ensure a good standard of living accommodation and to support the health and wellbeing of occupants, the same space standards will be required as mainstream housing. Where developers wish to deliver an alternative approach, this will need to be fully justified. Referring to, for example, good design practice and case studies, applicants must demonstrate how the proposed operating models can be successful in providing residents with a high quality of life.

Accessible and adaptable homes

- 6.5 Housing should offer functional and adaptable spaces for different groups including families, children, older people and disabled people. On major housing developments of 10 dwellings or more, 30% of new houses will be required to meet as a minimum Part M4(2) of the Building Regulation to ensure that new homes are suitable for a wide range of occupants. For the M4(2) standard, part b of this policy makes particular reference to houses as it is understood this housing type is more suitable for the delivery of this requirement.
- 6.6 To address a locally identified need, the Council expects 2% of the overall housing provision on larger housing developments (50 dwellings or more) to be designed to meet the wheelchair accessible homes standard. Nonetheless, wheelchair accessible homes must only be provided as part of the affordable housing provision where the local authority is able to allocate or nominate a person to live in that dwelling. This should be discussed with the Council as part of the pre-application process. However, it is acknowledged that there may be site-specific practical reasons why it may not be feasible to meet this requirement.
- 6.7 Favourable consideration will be given to development proposals where at least 50% of homes meet the enhanced accessibility and adaptability standards. This could include wheelchair accessible dwellings (over and above the 2% policy requirement) as part of the affordable housing provision where there are locally identified needs. Applicants are encouraged to explore how best to meet locally identified needs in consultation with the Council accordingly.
- 6.8 New houses designed to the enhanced accessibility and adaptability standards should be proportionally distributed across all tenure types, evenly spread across the site, and integrated with the rest of the development in line with Policy E1 (High Quality Design). For major housing schemes, developers should submit a schedule of accommodation which identifies the specific standard under M4 of the Building Regulations that each home in the proposed development will meet.
- 6.9 To ensure compliance with the specific standards, the Council expects to be provided with plans certified for compliance and/or written confirmation from an appointed building control body that the specifications for each dwelling meet the relevant standard. Where necessary, this will be secured through a performance-based condition prior to occupation.

Outdoor amenity space

- 6.10 All new homes should benefit from private outdoor amenity space solely for the use of the occupants of a sufficient size and quality to support physical and mental health and wellbeing. It should be designed to ensure there is no undue loss of privacy or overlooking of adjoining and neighbouring properties in line with Policy E1 (High Quality Design) and Policy E22 (Amenity and Pollution).

- 6.11 In terms of the functionality of garden spaces, external amenity space should be of a sufficient size to accommodate a storage shed (including a cycle store where no garage provision is possible), space to facilitate the drying of clothes (rotary or washing line), table and chairs suitable for the size of the dwelling, an area for children to play in and circulation space. External private amenity or communal space does not include car parking or turning areas.
- 6.12 In addition to the above, the Council expects that occupiers will be able to enjoy a reasonable degree of amenity and privacy in their gardens by maintaining reasonable relationship with neighbouring properties. A guideline depth of at least 10m is considered appropriate to preserve the amenity and privacy of residents.
- 6.13 For flatted developments, the Council's Healthy Borough Assessment¹²³ sets out that this should be a minimum of 1.5 sqm of private amenity space per bedroom or 1 sqm of communal space per bedroom.

¹²³ Havant Healthy Borough Assessment – Havant Borough Council (November 2018)

E1 | High quality design

Why this policy is needed

- 5.1 The NPPF makes clear that good design is a key aspect of sustainable development. Planning and development should create “high quality buildings and places”, and “create better places in which to live and work”⁴⁵. This policy sets out the Borough’s expectations in achieving high quality design, enhancing connections between people and places and integrating new development with the Borough’s high quality natural, built and historic environment.
- 5.2 The Borough has a diverse built environment, and in many cases, it will be appropriate to forge new places particularly where areas suffer from neglect and lack of identity. Havant and Waterlooville Town Centres and Hayling Island Seafront are in need of regeneration and have poor connections to the surrounding areas. The Council recognises the importance of good design for place shaping, including responding to and enhancing its natural assets and more attractive built features.
- 5.3 Safe and convenient connections for walking and cycling within and around development can also help people to take responsibility for their own health and wellbeing. Policy E2 (Health and Wellbeing) indicates how appropriate supporting infrastructure can be integrated as part of new development to support physical activity and meet the needs of different users. Policy H1 (High Quality New Homes) also sets out how new dwellings will be expected to contribute towards improved health and wellbeing of occupants by setting internal space and accessibility standards.

E1 | High quality design

Planning permission will be granted for development that:

- a. Is designed to a high standard, which helps to create places where people want to live, work, visit and enjoy;
- b. Demonstrates that neighbourhood plans, local design statements, and the design elements of conservation area appraisals which identify local character and distinctiveness have been taken into account;
- c. Demonstrates that it:
 - i. Responds to, and draws inspiration from its local context and where appropriate, forges a new sense of place through design;
 - ii. Considers characteristics such as height, massing, existing building lines, plot widths and depths and proportions of building features such as windows and doors;
 - iii. Identifies and positively responds to existing natural and built features including listed buildings, conservation areas and other heritage assets within or close to the development;
 - iv. Makes a positive contribution to the overall appearance of the street scene and wider area by use of good quality materials of appropriate scale, profile, finish, colour and durability;
 - v. Produces a positive relationship with and between existing and proposed buildings, streets and spaces;
 - vi. Avoids over-dominance and does not cause unacceptable harm to the amenity of neighbours through overshadowing, massing, the loss of privacy, outlook, overlooking, and through odour, noise or disturbance;

⁴⁵ NPPF paragraph 124.

- vii. Reduces opportunities for crime and anti-social behaviour and contributes to the creation of safe and inclusive communities; and
- viii. Integrates with existing local landscape and biodiversity features and characteristics of the area, by using high quality landscaping.
- d. Demonstrates that any adverts, signage, lighting and other security features are fit for purpose, fully integrated with the design, and do not adversely affect the visual amenity of the street scene or the amenity of neighbours.

In addition, and where appropriate to the scale and nature of the development, all non-householder development which will create new floorspace is expected to:

- e. Provide a variety of design styles and types to create interest and a sense of place;
- f. Ensure the layout is appropriate in density, scale, and appearance, and provides safe and convenient access for all users;
- g. Incorporate new technologies and construction methods as part of building design, taking into account sustainability and resource efficiency;
- h. Be well connected to and fully integrated with the local area by linking existing pedestrian and cycle routes and encourage people to use public transport where possible;
- i. Make optimal use of land and does not undermine the development potential of adjacent sites;
- j. Include public realm and landscaping which is well designed, durable and consistent across the extent of the development site or key project area; and
- k. Incorporate safe, secure and convenient provision for cycle storage and refuse and recycling facilities which is integrated within the overall design.

How this policy works

5.4 The policy criteria under sections a - c. of the Policy E1 will generally apply to all types of development, including:

- Extensions;
- Garages, car ports, outbuildings, sheds and greenhouses;
- Boundary walls, fences or gates;
- Porches;
- Satellite dishes/radio aerials;
- Dormer windows or other alterations to the roof;
- Conversions and changes of use;
- Shopfronts;
- Signage;
- Lighting.

5.5 In addition, the criteria e. – k. are relevant to developments which include the creation of one dwelling or more and any new commercial floorspace. Criteria e. – k. are a guide and development will not be expected to fulfil requirements which are not relevant to the scheme in question.

5.6 The Council recognises that it is important to ensure that new signs do not result in a cluttered appearance on an individual building or on the wider street scene. Signs must also be of an appropriate size and scale for the building and its surroundings. Security shutters and other features can also create significant visual intrusions in the street scene. It is important that proposals are fit-for-purpose and are fully integrated within the design.

- 5.7 Illumination, particularly in or adjacent to conservation areas, heritage assets and in or adjacent to or visible from Chichester Harbour AONB, can detract from the overall appearance of a building or area. Signage in or close to the AONB should also have regard to the Policy E5 and the Chichester Harbour AONB Supplementary Planning Document (SPD) (July 2017).
- 5.8 Constructive pre-application advice is a valuable tool in guiding and progressing development proposals, prior to their submission. The Council's procedure for pre-application advice is set out under the planning pre-application advice guidance note which can be found on the Council's web site. For major proposals, developers will also be expected to engage with councillors, key stakeholders and the public on major proposals through the Council's Development Consultation Forums. Where appropriate, the Council will also consult the Design Review Panel on development proposals.
- 5.9 At pre-application stage, consideration will be given to the site's opportunities and constraints in light of the policies in the Adopted Local Plan; identifying any aspects which may need to be resolved, and relevant material planning considerations and constraints. Advice will be provided on planning obligations and the appropriate documents which would need to be submitted.
- 5.10 The Borough Design Guide SPD⁴⁶ complements this policy and provides detailed guidance to raise the standard of design across the Borough. The SPD sets out what developers are expected to deliver in terms of the design of new development, and how the distinctive character and qualities of the Borough could be enhanced through development. Designated Conservation Areas within the Borough also have Character Appraisals and Management Plans, which provide detailed information on these areas which should be given regard when proposing development in line with Policy E13 (Heritage).
- 5.11 The Council is supportive of new technologies and construction methods integrated as part of new development, including Passivhaus design principles in line with Policy E12 (Low Carbon Design). The sustainability and resource efficiency will be considered in the overall design and layout of schemes, including ensuring that, where appropriate schemes maximise solar gain and minimise the need for energy heating.

⁴⁶ The Borough Design SPD (December 2011) will be revised in line with this new policy.

E2 | Health and wellbeing

Why this policy is needed

- 5.12 The link between planning and health has long been established. As such, the NPPF recognises that supporting healthy communities is fundamental to the social role of planning in delivering sustainable development. The Government has published an evidence resource for planning and designing healthier places⁴⁷. The planning system can help promote public health by promoting environments, facilities and initiatives which enable people to live a healthy lifestyle and take responsibility for their own wellbeing.
- 5.13 Addressing health inequalities and improving the health and wellbeing of the local population, both physical and mental, are key priorities for Havant Borough Council and Hampshire County Council as the public health authority. Health and wellbeing are influenced by many factors including, although not exhaustive to, transport, open space, housing, employment, food and environmental quality including air pollution.
- 5.14 Havant Borough is one of the most deprived areas in Hampshire with the areas of focus in the Borough being Eastoke, Leigh Park and Wecock. The strong association between deprivation and poor health is captured in the Index of Multiple Deprivation (IMD) which assesses deprivation across a range of indicators, these include: education; skills and training; employment; crime and disorder; income; health, disability; living environment; and barriers to housing and services. The Havant Health Profile 2018⁴⁸ demonstrates that important health issues, and therefore local priorities, include increasing physical activity, reducing obesity and improving mental health and wellbeing.
- 5.15 Through the provision of accessible and appropriate facilities in well-designed communities, opportunities for people to live healthier lives will be maximised. More importantly, people will remain healthier for longer if they are encouraged to take responsibility for their own health and wellbeing. However, this can only be achieved if the right infrastructure is in the right place to enable people to make positive choices to shape their own health. Walkable neighbourhoods encourage people to walk and cycle more and drive less, and thereby produce less air pollution than those living in car dominated environments. Many of the measures set out by this policy will also help to sustain and secure incremental improvements in air quality through the design of new developments.

E2 | Health and wellbeing

Planning permission will be granted for development proposals that:

- a. Promote and facilitate an inclusive community through the maintenance and, where possible, enhancement of the Borough's built, natural and historic environment to create a sense of place and community belonging;
- b. Promote and facilitate active and healthy lifestyles through good urban design and co-location of community facilities to ensure easy access and encourage linked trips to local services, facilities and the Borough's environment;
- c. Facilitates easy and safe access to education and employment;
- d. Enhance existing and facilitate new opportunities for active travel (walking and cycling), informal play and social interaction by:

⁴⁷ [Spatial planning for health: an evidence resource for planning and designing healthier places – Public Health England \(June 2017\)](#)

⁴⁸ See Public Health England [Local Authority Health Profiles](#) for Havant Health Profile 2018

- i. Creating and improving pedestrian and cycle route linkages within the Borough and to surrounding areas, particularly along stream corridors, along the coast, into woodland and into the countryside;
- ii. Enhancing the public realm with high-quality surface treatments, landscaping, signage and street furniture (such as seating) that is accessible to all; and
- iii. Improving the Borough's network of good quality, accessible and safe open spaces with multi-functional recreation value.

How this policy works

- 5.16 Partnership working within local government plays a key role in the effective delivery of health and wellbeing services and this links to making sure that the infrastructure of proposed development is fit for the future growing population and its needs. Havant Borough Council works closely with Hampshire County Council, individual agencies and the voluntary sector to achieve shared outcomes and goals to benefit the health and wellbeing of the local community.
- 5.17 The health needs of the Borough can be split into two broad categories: the needs associated with clinical health and the needs associated with public health. The clinical health needs of the Borough are addressed through the Council's Infrastructure Delivery Plan (IDP) and Policy IN1. This policy focuses on public health and how the planning system can help promote health and enable people to live a healthy lifestyle.

Building Healthy Communities and Permeable Design

- 5.18 Development should contribute to building healthy communities through the creation of an inclusive built, natural and historic environment. Inclusive design means providing for all people regardless of age or ability. Healthy communities address the challenges that society faces, including being adaptable to the needs of an increasingly elderly population and those with dementia and other sensory or mobility impairments. The Council will continue to work with Hampshire County Council as Public Health Authority to improve the design of the built environment.
- 5.19 To accomplish the above, development is expected to promote and facilitate active and healthy lifestyles through the pattern of development, good urban design and good access to local services and facilities. The Town and Country Planning Association's (TCPA) guidance on Planning Healthy Weight Environments⁴⁹ and Sport England's Active Design Guidance⁵⁰ are excellent resources when considering the design and layout of a development scheme. More specifically, the latter builds on the original objectives of improving accessibility, enhancing amenity and increasing awareness (the "3As") and sets out 10 principles of active design.
- 5.20 As part of these, active travel (walking and cycling) should be prioritised over other modes of transport as it provides the greatest opportunity for people to be physically active in their day to day lives, while at the same time, reducing air pollution⁵¹. The distance to facilities as well as a route's quality and security all influence how likely people are to choose to walk or cycle. As such, new developments must be permeable incorporating walking and cycling routes that are safe, well lit, overlooked, welcoming and link up to existing pathways and cycle routes wherever possible.

⁴⁹ [Planning Healthy Weight Environments – TCPA \(December 2014\)](#)

⁵⁰ [Sport England Active Design](#)

⁵¹ NB Air quality, and specifically air pollution, is considered in Policy E22.

- 5.21 The management and maintenance of permeable routes, public realm and open spaces provided on new developments will need to be outlined in a management plan in line with Policy IN5.

Access to Nature

- 5.22 Access to the coast can provide many opportunities for formal and informal recreation for residents. However, it is essential that access does not cause an adverse effect on the Chichester & Langstone Harbours Special Protection Area (SPA).
- 5.23 Access to the surrounding natural environment can provide local communities with recreational opportunities such as walking, dog-walking, cycling, horse-riding, outdoor education and orienteering, on their doorstep. This can be achieved through the creation of, as well as connection and upgrade of existing, walking and cycling routes. In doing so, an opportunity is provided for additional tree planting to help expand the Borough's green infrastructure network.
- 5.24 It is important that the creation, connection and upgrade of such routes are also suitable for wheelchairs and pushchairs to ensure that all residents and visitors can enjoy the natural environment and remain active.
- 5.25 Nevertheless, when considering how access can be achieved, it is essential that applicants are aware of the ecology and populations which co-exist within nearby woodland areas. More specifically, access must not impact on protected species (see Policy E15), but instead should be used to encourage residents and visitors away from protected roost and feeding habitats; in particular, Bechstein's bat maternity roosts. New interpretation can also be used to raise awareness of the Borough's ecology.
- 5.26 The above is incorporated in Sport England's 10 design principles for active design, which also includes good examples of how access to the natural environment.

E22 | Amenity and pollution

Why this policy is needed

- 5.285 The purpose of the policy is to control the adverse effects which could occur as a result of new development on existing occupiers, as well as through the inappropriate location of new development close to sources of pollution or other threats to amenity.

E22 | Amenity and pollution

Development proposals will be permitted where:

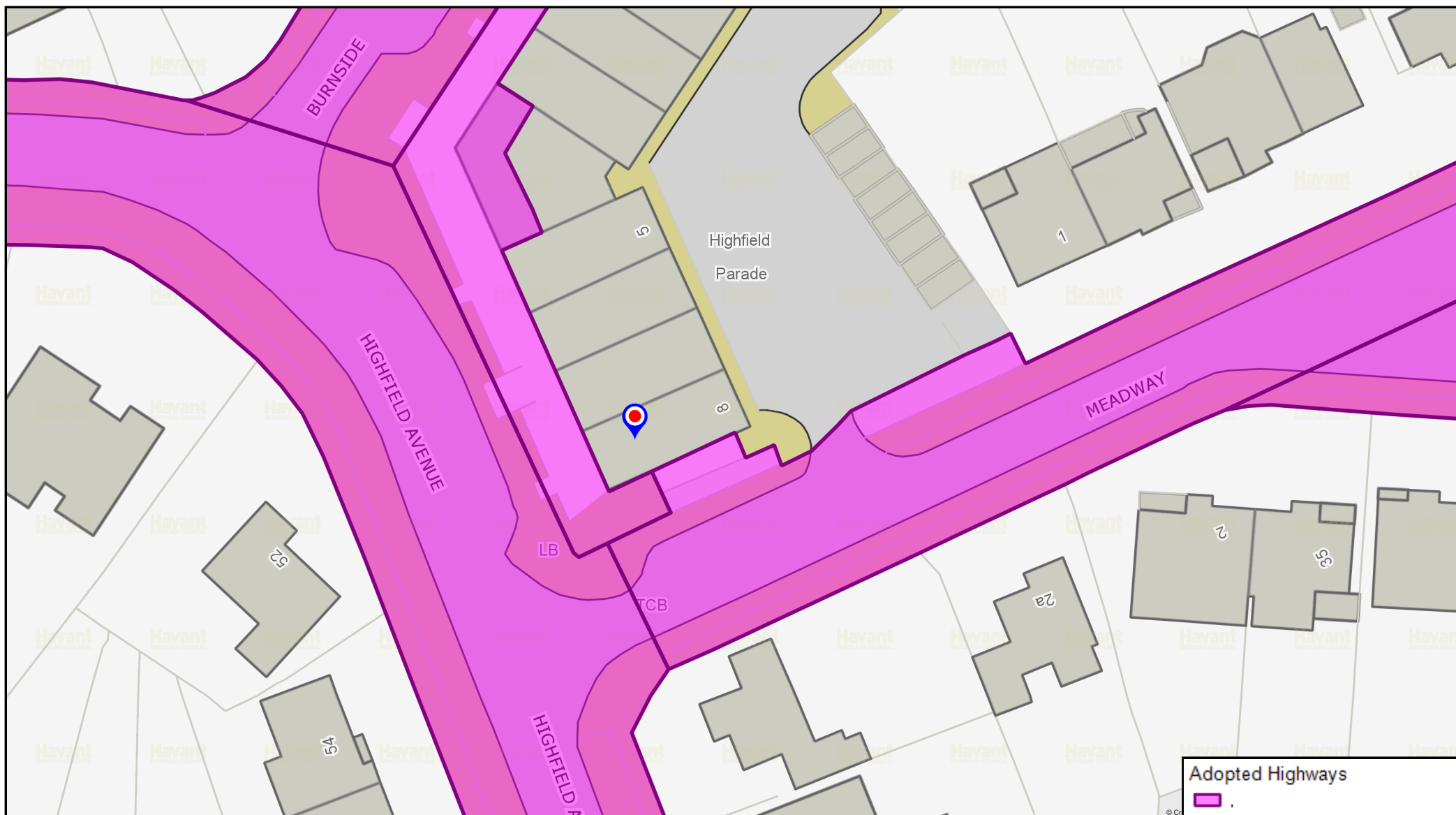
- a. Projected levels of noise, odour, vibration, light, water or air pollution do not have a likely significant negative effect on the amenity of existing and future users of the site, nearby occupiers or the wider environment; or
- b. Measures are provided which are suitable for the purposes intended and will ensure that any likely significant negative effect on receptor(s) are mitigated to an acceptable level.

How this policy works

- 5.286 Some forms of development result in pollutants but are necessary to meet the economic and social needs of the Borough. This includes industrial uses which, although needed, may be detrimental to amenity. Adverse effects can also occur as a result of the inappropriate location of new development close to sources of pollution or other amenity impacts.
- 5.287 Developers must submit sufficient information to establish whether a significant negative effect is likely to result from development. The latest body of authoritative guidance will inform what amounts to a “significant effect” or an “acceptable level” in each case, but the definitions may refer to specific emissions or exposure standards, or to change relative to pre-development conditions. The level of information required will vary depending on the scale and nature of the development proposed. Where appropriate, this should include an assessment of the likely cumulative impact of development. Any significant negative effect should be mitigated to an acceptable level to the satisfaction of the Council. Planning permission will be refused for development which either individually or cumulatively leads to an unacceptable material deterioration in environmental quality.
- 5.288 Mitigation measures should minimise any detrimental impact on the local amenity of the area and thus avoid constituting a “statutory nuisance”¹¹⁵ or exceeding relevant environmental quality standards. Appropriate mitigation measures must be visually acceptable in design terms in line with Policy E1.
- 5.289 As well as Policy E22, applicants should refer to separate policies with reference to the wider natural environment; groundwater and surface water within Source Protection Zones; and lighting particularly for schemes within and adjoining the Chichester Harbour AONB. Applicants should also consult Policy E23 with regard to the Council’s approach to air quality.

¹¹⁵ “Statutory nuisance” is defined in part 1 of Section 79 of the Environmental Protection Act (1990).

APPENDIX C



APP/X1735/W/19/3231252- r/o 8 Highfield Parade, Waterloo - Plan showing extent of adopted highway

Havant
BOROUGH COUNCIL



N Scale: 1:500

Printed on: 2019-07-29 11:33:47

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HAVANT BOROUGH COUNCIL

TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)

APPEAL BY T WARE DEVELOPMENTS Ltd AGAINST THE DECISION OF HAVANT BOROUGH COUNCIL TO REFUSE TO GRANT PLANNING PERMISSION FOR ERECTION OF 1No. 1BED DWELLING WITH ASSOCIATED REFUSE AND CYCLE STORAGE, LANDSCAPING AND PARKING WITH PROVISION OF NEW REFUSE STORE FOR COMMERCIAL USE ON LAND TO REAR OF 8 HIGHFIELD PARADE, WATERLOOVILLE, HAMPSHIRE, PO7 7QH

Planning Inspectorate Reference: APP/X1735/W/19/3231252

LPA REF: APP/19/00019

List of Suggested Conditions

- 1 The development must be begun not later than three years beginning with the date of this permission.
Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location; Layout Plan and Commercial Waste Plan Drawing No Full/02 dated 21/12/18
Proposed Dwelling Drawing No BS rev 01 dated 29/12/18
Reason: To ensure provision of a satisfactory development.
- 3 Notwithstanding any description of materials in the application no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the buildings and the hardsurfaced areas, have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
- 4 No part of the development shall be first occupied until details of the type, siting, design and materials to be used in the construction of all means of enclosure including boundaries, screens or retaining walls, have been submitted to and approved in writing by the Local Planning Authority and the approved structures have been erected in accordance with the approved details. The structures shall thereafter be retained.
Reason: To safeguard the amenities of the locality and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.

5. No development shall take place until the realignment of the Meadway access has been fully implemented and laid out in accordance with layout plan Drawing number Full/02 dated 21/12/18.
Reason: In the interests of highway safety to provide adequate alternative access to the service yard, having due regard to policies CS16 and CS20 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
6. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extension, building or structure (other than those shown on the hereby approved plans) permitted by Part 1, Classes A, B, C and E of The Town and Country Planning (General permitted Development) Order 2015, as amended, shall be erected within the curtilage of the site without the prior written approval of the Local Planning Authority.
Reason: To enable the Local Planning Authority to maintain control of such additions in the interests of the amenity of neighbouring residents, to ensure an adequate amount of amenity space and having due regard to policies CS11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.
7. The commercial refuse building and car parking, shown on the approved plans to serve the development hereby permitted shall be completed and made fully available for use prior to the development being first occupied and shall be retained thereafter for their intended purpose.
Reason: In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework.
8. No above ground development shall take place until details of the refuse and cycle store to serve the dwelling has been submitted to an approved in writing by the Local Planning Authority. Such details shall include height, design and materials. The approved details shall be implemented in full prior to first occupation and shall be retained thereafter for their intended purpose.
Reason: To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework
9. The development hereby permitted shall not be occupied until:
 - a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;
 - b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and

c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.