

Response to Havant Borough Council Statement of case

Application reference: APP/19/00020

Appeal reference: APP/X1735/W/19/3227404

Refusal of: Erection of 1No. one bedroom end of terrace dwelling.

101 St Albans Road, Havant, PO9 2JS



JAMES POTTER
A S S O C I A T E S

On behalf of Mr. And Mrs Gavin Spurway.

July 2019

Havant Borough Council Local Plan 2036 (pre-submission draft)

The Havant Borough Council Local Plan 2036 (pre-submission draft) is at pre-submission stage and has been subject to public consultation. It is considered that the plan has little, if any, weight in the determination of this application given the current stage of adoption, in addition, this document was not referred to within the case officer report and was not a consideration for the determination of the application. As such, the Appellant did not give any consideration to this document in the Statement of Case.

Notwithstanding the above, the Council has referenced the draft local plan within its statement of case within paragraph 3.1 and paragraph 3.19 advising this draft local plan sets out the direction of travel for the Council.

In response it is considered the following elements of the draft local plan are given consideration for the direction of travel for the proposed plan period:

Paragraph 6.30 recognises the finite amount of undeveloped land within the Borough with paragraph 6.31 advising that future development will (my emphasis) require a significant uplift in the average density of residential development with Policy H3 advising that a minimum density of 40dph will be required in the Borough, raising to 70dph elsewhere within the Borough.

The proposal, as submitted, proposes an additional smaller dwelling, making best use of land within a Borough with an extremely limited amount of immediately developable greenfield land.

It is considered that the direction of travel within the Borough is for smaller units at higher densities.

Natural England - water management

Within paragraph 3.27 the Council advises “Natural England are raising concerns with all housing development and the impact caused to the deterioration of the water environment”. This appears to be the Council providing an opinion for a statutory consultee and is wholly inappropriate and deceptive - the LPA should not be allowed to write formal comments within an Appeal Statement under the guise of a statutory consultee and is fundamentally against the spirit of the process. The Council has not produced any evidence or consultation response from Natural England to support this statement. To this end, the issue raised by the Council is not considered relevant in the determination of this appeal.

It is noted that the formal consultation response in relation to this application from Natural England raises no objection or concern. The Natural England comments referred to within the LPA statement of case appear to be standard wording and not specifically with regard to this application. It is not clear as to what applications these comments are made towards. The LPA Statement advises a draft methodology has been attached, it does not appear to have been done so.

If the Inspector is minded to give consideration to this matter, it is respectfully requested the Appellant is given the additional opportunity to respond to any comments made directly by Natural England in respect of this application in relation to water management.

Review of proposed planning conditions

The proposed conditions are considered acceptable unless commented otherwise indicated below:

Condition 3 - The planning drawings clearly show the relationship between the proposed dwelling and the adjoining dwelling and are sufficiently enforceable with the proposed approved plans condition. As such, this condition is not considered necessary and the Appellant is unsure what the requested information seeks to achieve.

Condition 4 - The Appellant considers that matters relating to drainage are a matters appropriately dealt with through statutory undertakers and the consents required under that regime rather than the planning system.

Condition 5 - This condition is considered highly onerous with no policy basis. The amenity of the area would be sufficient irrespective of landscaping. Given the plot size and taking the surroundings into account, it is not considered anything but lawn is required for visual amenity purposes.

Condition 6 - There is no reason this condition should be pre-commencement and can be agreed pre-DPC.

Condition 8 - There is no reason this condition should be pre-commencement and can be agreed pre-DPC.