

LAND REAR OF CRANBROOK VILLA,
COPSE LANE,
HAYLING ISLAND,
PO11 0RJ



PLANNING STATEMENT

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SITE DESCRIPTION, CONTEXT AND PLANNING HISTORY

- 1.1 Cranbrook Villa is situated on the south side of Copse Lane, a short distance from where it dog-legs southwards leading to the A3023, and is slightly off-centre within the settlement of Tye. The boundary of Tye forms a generally triangular area defined by Copse Lane to the north-west, Woodgaston Lane to the north-east and a combination of commercial premises and open space to the south. To the east of the site lies 'Eventyde', a detached bungalow with rooms in the roof set within a similarly generous plot, while to the west is a detached two-storey house 'Northwood'.
- 1.2 The application relates to the rear part of the Cranbrook Villa site with an overall depth of some 37m and width of 22.3m served by a strip of land approximately 38m in length and between 5.6m and 6m in width adjacent to the western boundary. Whilst there are trees adjacent to the common boundaries with the adjoining plots, there is nothing of distinction within the application site. A separate Arboricultural Assessment has been prepared which examines the potential constraints that nearby trees would have on the development potential of the site. One of those is a Common Ash within Tree Preservation Order 0567 situated on the common boundary with 'Northwood'.
- 1.3 Although for the most part surrounded by fields a short distance to the south and south-east are a caravan/camping park and plant nursery/tea rooms respectively. Some 0.5km to the east are mudflats and the channel that separates Hayling Island from Thorney Island.
- 1.4 The Havant Borough Townscape, Landscape and Seascape Character Assessment states that the north-east part of Hayling Island, comprising Tye and Northney, perhaps more than any other in the Borough, retains much of its authentic rural settlement pattern. Farmland separates Northney and Tye from the semi-urban nature of the remainder of the Island, with pastures and arable fields meeting back gardens of all but a handful of houses.
- 1.5 The area of Tye, whilst low lying and near to the east coast of the island, does not fall with either Flood Plains 2 or 3, but is within close proximity to an SPA and SSSI.

Forming a small dispersed settlement of likely medieval origin it is, nevertheless, unlikely that the site would have any significant intrinsic archaeological value. In terms of heritage, the nearest recognised assets are situated to the south-west and comprise Grade II listed buildings; Barn at Lower Tye Farm and Lower Tye Farmhouse and attached outbuilding. Approximately 30 m further west is a Granary.

- 1.6 This site forms part of the curtilage to Cranbrook Villa, originally a part single-/part two-storey detached house. Under reference APP/15/00378 planning permission was granted on 13 April 2016 for the demolition of the existing building and the construction of a 5-bedroom detached house with a double detached garage. A further application was submitted under reference APP/16/00564 for the construction of two-storey side and rear extensions and a single-storey front extension. That application was granted conditional permission on 24 August 2016. A subsequent application under reference APP/17/00395 for a non-material amendment to convert the integral garage to form living accommodation was approved on 10 May 2017.

*POLICY BACKGROUND***Local Plan Policy**

- 2.1 The 'Development Plan' for this site consists of the Havant Borough Local Plan [Core Strategy], the Havant Borough Local Plan [Allocations] and associated Supplementary Documents.
- 2.2 The Core Strategy policies relevant to the proposed development are;-
- CS9 [Housing]
 - CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough
 - CS16 [High Quality Design]
 - CS17 [Concentration and distribution of development within the urban areas]
 - CS21 [Developer requirements]
 - DM8 [Conservation, protection and enhancement of existing natural features]
 - DM9 [Development in the coastal zone]
 - DM13 [Car and cycle parking on residential development]
- 2.3 In addition to the Core Strategy two policies within the Allocations document are material to the consideration of the proposal. They are;-
- AL1 [Presumption in favour of Sustainable Development]
 - AL2 [Urban area boundaries and undeveloped gaps between settlements]

Supplementary Planning Documents

- 2.4 The following SPD's are relevant to the consideration of a proposal for the development of the site;-
- Borough Design Guide
 - Housing
 - Parking

National Planning Policy Framework

- 2.5 Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate

otherwise. The National Planning Policy Framework is a material consideration in planning decisions. Planning decisions must reflect and where appropriate promote relevant EU obligations and statutory requirements.

2.6 The purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development;

- an economic role – contributing to building a strong, responsive and competitive economy
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

2.7 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. At para 9 the Framework indicates that pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life, including (but not limited to) widening the choice of high quality homes.

2.8 Para 47 states that in delivering on the primary objective of Section 6 to boost significantly the supply of housing, local planning authorities should, inter alia, (a) use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area; (b) identify and update annually a supply of specific deliverable sites sufficient to provide five years'

worth of housing against their housing requirements with an additional buffer of 5% ... to ensure choice and competition in the market for land, and (c) for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target.

- 2.9 This group of provisions provides the context for paragraph 49, central to these appeals and quoted at the beginning of this judgment; and in particular for the advice in para 14 that “relevant policies for the supply of housing” should not be considered “up-to-date”, unless the authority can demonstrate a five-year supply of deliverable housing sites.
- 2.10 To promote sustainable development in rural areas, para 55 states that housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances.
- 2.11 Having regard to the location of heritage assets in relation to the application site the provisions of section 12 of the NPPF would be material to the proposed development.

Non-statutory guidance

- 2.12 Northney & Tye Village Design Statement was prepared over a three year period culminating in the publication of the document in 2008. The VDS is generally descriptive in nature, identifying three distinct character areas of which the hamlet of Tye is one. The aim of the document would appear to be based on the presumption that the character areas are preserved and further ribbon development, which could infill the gaps and thereby dilate the globular settlement pattern, is discouraged.

THE PROPOSED DEVELOPMENT

- 3.1 The applicant proposes to construct an access drive running adjacent to the common boundary with 'Northwood' serving a car parking court surfaced in a permeable material that would wrap around the new rear boundary of Cranbrook Villa. Situated centrally within the site would be a pair of bungalows designed with twin mono-pitch roofs separated by a central flat roof section incorporating lantern lights. The proposed bungalows would have north-facing bedrooms fronting the parking court while the rear part would comprise a kitchen/breakfast area and living room with a southerly aspect across 10m deep rear gardens. The southern elevation would comprise extensive full height glazing, part of which would be recessed under the eaves of the mono pitch roof.
- 3.2 Each of the bungalows would have an area of 103sqm and incorporate a study, ensuite and family bathroom. The flank walls of each bungalow would sit approximately 1.8m off the common boundaries with the adjoining properties. The gap between the bungalows would be 3m at the front narrowing to 1m at the rear. In terms of external appearance the bungalows would have a contemporary character with painted render facades with feature natural stone black slate infill panels to the front and rear elevations, a natural stone black slate chimney column and anthracite coloured window and door frames. The south facing roof slope of the bungalows would incorporate a pv array.
- 3.3 Refuse storage and cycle storage facilities would be provided within the curtilage of each proposed bungalow. The ^{proposed} parking court would be able to accommodate three vehicles or each plot arranged so that vehicles can turn on site and exit the drive in a forward gear. Given the degree to which this section of Copse Lane is used by traffic, adequate forward visibility can be provided in the interests of highway safety.

PLANNING CONSIDERATIONS

4.1 The determining issues in this case can be divided into six distinct areas;-

- (a) principle
- (b) design/character of area
- (c) amenity
- (d) transport
- (e) ecological impacts
- (f) trees

The Community Infrastructure Levy would not amount to a determining factor as indicated in the recent pre-application response to a proposal for the construction of a large detached house to the rear of Cranbrook Villa.

Principle

- 4.2 Whilst this site falls centrally within the hamlet of Tye, bounded on its south side by 'farm buildings' and on its north-east and north-west sides by Copse Lane and Woodgaston Lane, Havant Borough Council did not recognise this collection of buildings as a settlement for the purposes of policy AL2, instead drawing tight boundaries around Northney to the north and an area of housing to the south-west where Copse Lane meets the A3023. Policy CS17 of the Core Strategy aims to concentrate development to within urban areas and defined settlement boundaries. In these circumstances the provision of new housing, whether that is by subdividing an existing plot or by bringing forward previously undeveloped land, would normally be discouraged notwithstanding that the former could be argued to be less harmful.
- 4.3 However, this general presumption against new development is predicated on the local planning authority being able to demonstrate a five year supply of housing as required by the NPPF. At para 5.18 the Council's Annual Monitoring Report 2016 states "Based on the figures ... once the flexibility of a buffer is added as required by the NPPF, the council cannot demonstrate a five year supply of housing when judged against the OAN."

- 4.4 It is contended that if a planning authority that was in default of the requirement of a five-years supply were to continue to apply its environmental and amenity policies with full rigour, the objective of the Framework could be frustrated. The purpose of paragraph 49 of the NPPF is to indicate a way in which the lack of a five-year supply of sites can be put right. It is reasonable for the guidance to suggest that in such cases the development plan policies for the supply of housing, however recent they may be, should not be considered as being up to date. If the policies for the supply of housing are not to be considered as being up to date, they retain their statutory force, but the focus shifts to other material considerations. That is the point at which the wider view of the development plan policies has to be taken into account in the context of the provisions of the NPPF.
- 4.5 Paragraph 49 merely prescribes how the relevant policies for the supply of housing are to be treated where the planning authority has failed to deliver the supply. The decision-maker must next turn to the general provisions in the second branch of paragraph 14. That takes as the starting point the presumption in favour of sustainable development, as being the “golden thread” that runs through the Framework in respect of both the drafting of plans and the making of decisions on individual applications. The decision-maker should therefore be disposed to grant the application unless the presumption can be displaced. It can only be displaced on two grounds both of which involve a planning judgment that is critically dependent on the facts. The first is that the adverse impacts of a grant of permission will “significantly and demonstrably” outweigh the benefits of the proposal. The second ground is that specific policies in the Framework indicate that development should be restricted.
- 4.6 In relation to housing, the objective of the Framework is clear. Section 6, “Delivering a wide choice of high quality homes”, deals with the national problem of the unmet demand for housing. The purpose of paragraph 47 is “to boost significantly the supply of housing”. To that end it requires planning authorities (a) to ensure inter alia that plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in

the Framework, including the identification of key sites that are critical to the delivery of the housing strategy over the plan period; and (b) to identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements, with an additional buffer of 5% to ensure choice and competition in the market.

- 4.7 It is therefore considered that, in this particular case, the presumption against the proposed development within the development plan would not apply. On a point of principle the proposed development would accordingly need to be assessed against other material considerations.

Design/character of area

- 4.8 In response to a pre-application submission for the construction of a comparatively large two-storey house to the rear of Cranbrook Villa the Council had expressed the informal view that such a development would be unlikely to be considered acceptable in terms of scale and design. The Council did suggest that a smaller scale development more reflective of the forward developments along Copse Lane would be more likely to receive officer support.
- 4.9 The hamlet of Tye is generally characterised by a loosely knit assemblage of chalet bungalows and houses when viewed from the public realm. The predominance of hedgerow and trees to plot boundaries has the effect of limiting the public view of buildings and, more crucially, how development to the rear of those buildings is perceived.
- 4.10 This proposal would entail the provision of a pair of bespoke designed bungalows, without rooms in the roof, set some 54m back from the frontage to Copse Lane. Whilst the western bungalow would be visible at distance, the eastern of the two bungalows would be screened by the existing two-storey house [as extended] and tree/shrub planting to boundaries. Distance views of the bungalows from the south-west would similarly be screened by tree and shrub planting along the southern boundary.

- 4.11 In principle the formation of the access along the western boundary of the site was considered acceptable in the pre-application submission, the case officer noting that “it could be accommodated within the curtilage boundary with an acceptable buffer”. With an appropriate treatment to edges and surfacing to reflect the more rural setting it would amount to an acceptable visual feature. The siting of the proposed bungalows would satisfy the requirements of the Design Guide in relation to garden lengths and proximity of new buildings to boundaries.
- 4.12 It is, therefore, contended that the proposed development, as perceived from the public realm, would respond to local character¹, have very little impact visually on the character or appearance of the hamlet and represent an acceptably high standard of design². The applicant would accordingly contend that the proposed development is capable of support.

Amenity

- 4.13 The proposed development has been designed to ensure that the occupiers of the adjoining properties would not be significantly affected in terms of outlook, sunlight/daylight, and loss of privacy or visual impact. Furthermore, the proposed development would be considered to meet the needs of future occupiers. The proposed accommodation would satisfy the requirements of the Nationally Described Space Standards, and provide a standard of private amenity area for both the proposed bungalows and retained house.

Transport

- 4.14 The Council’s SPD ‘Parking’ sets out the minimum car parking requirements for residential developments. Table 4A of the document stipulates that a 2-bedroom dwelling should be provided with a minimum of 2 spaces. The proposed development would incorporate three parking spaces thereby including an allowance for visitor parking to minimise indiscriminate car parking on the highway.

¹ Para 58 of the NPPF

² Para 56 of the NPPF

The proposed car parking arrangement would, in the interests of highway safety, facilitate vehicles leaving the site in a forward gear.

- 4.15 On-site cycle storage requirements are set out in table 4D of the document. It is proposed that dedicated cycle storage for two cycles will be provided within the rear garden to each of the proposed bungalows. It is suggested that the delivery and retention of those facilities can be achieved by an appropriately worded planning condition.

Ecological impacts

- 4.16 The proposed development would result in the creation of two new dwellings. In the context of policy DM8 of the Core Strategy the proposed dwellings would be expected to give rise to a significant effect on the SPA's for which mitigation would be a pre-requisite of planning permission being granted. To assist the Local Planning Authority in its role as competent authority in undertaking a Habitats Regulations Assessment for the proposal, the applicant has expressed a willingness to complete the S111 pro forma and make a direct payment of $2 \times £181 = £362$ on the basis that the proposals are recommended for planning permission. The applicant would appreciate timely notification of the requirement for the completed S111 forms and associated payment so that it would not delay the determination of the application.
- 4.17 It is considered that the application site has limited ecological value, and that the construction of the proposed bungalows would ^{not} adversely affect any protected species. This is evidenced by a Phase 1 Habitat Survey and Phase 2 targeted protected species survey work undertaken by CC Ecology Ltd in August and September 2015. That survey work concluded that the existing building was most likely to support a small transitional roost for *Myotis* sp., although no trees within and adjacent to the site had potential to support roosting bats. A reptile survey was undertaken of the site following best practice guidelines and although the habitats within the garden of Cranbrook Villa were considered to have high potential to support the more common and widespread species of reptile, those were found to be absent. It is thought that the absence of reptiles was likely to be due to past

management practices within the garden and the isolated nature of the site from patches of suitable reptile habitat in the wider landscape.

- 4.18 It was considered that whilst the majority of habitats within the site boundary are considered to have no intrinsic nature conservation value. However, to avoid impacts on protected species a biodiversity mitigation and enhancement strategy has been prepared and has been submitted separately.

Trees

- 4.19 The application site comprises the narrow strip of land adjacent to the western boundary before widening out to include a 37m deep section of the rear garden to Cranbrook Villa. The boundaries comprise a combination of hedgerow and trees, the latter being close to or part of the common ditched boundaries. Only one tree, situated on the common boundary with 'Northwood', is included within Tree Preservation Order No.0567. The tree [T44] is a *Fraxinus excelsior* [Common Ash]. Other than the protected tree only two other trees are notable; a *Fraxinus excelsior* [Common Ash] and a *Cupressus macrocarpa* [Monterey Cypress] that are located adjacent to the eastern boundary. Although these are not considered worthy of being included within a Tree Preservation Order, the Common Ash would be in close proximity to the eastern of the two proposed bungalows.
- 4.20 The impact of the proposed development on those trees are dealt with in the Arboricultural Report. The proposed development would not require the removal of those trees, and neither would the retention of those trees preclude the development of the site in the manner proposed subject to safeguarding works being carried out. The proposed development would also provide an opportunity to carry out further tree planting in the interests of enhancing screening and ecology.

CONCLUSIONS

- 5.1 As evidenced by the Annual Monitoring Report the Council is unable to demonstrate a 5-year supply of housing as required by the NPPF. As such the relevant policies that relate to the provision of housing in the Development Plan cannot be considered up to date. In those circumstances there would not be a presumption against the proposed development in principle.
- 5.2 When considered in the context of, inter alia, the overarching objective of the NPPF to deliver a wide range of housing, the proposed development must therefore be considered on its individual merits.
- 5.3 The proposed development would not, in terms of how the hamlet of Tye is perceived from the public realm, significantly affect its character or otherwise affect its appearance.
- 5.4 The proposed layout of the site would accord with the Council's design guide and NDSS, and furthermore would not have an adverse impact on the living conditions of the occupiers of the adjoining properties.
- 5.5 On-site parking would be provided that minimises demand for on-street visitor parking and the development would provide cycle storage.
- 5.6 Ecological impacts can be addressed and mitigation secured through a s111 agreement.
- 5.7 The applicant believes there is a compelling argument for the proposed development to be looked upon favourably. Aside from the above mentioned factors the applicant also points to the Council's Housing Constraints and Supply Analysis 2016 in which it is suggested that land outside of areas of high level constraint should be explored for potential development opportunity.
- 5.8 It is therefore requested that the local planning authority support the proposed development.