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|------|-------------------------------------------------------------------------|
| CS17 | (Concentration and Distribution of Development within the Urban Areas)  |
| CS20 | (Transport and Access Strategy)                                         |
| CS21 | (Developer Requirements)                                                |
| DM13 | (Car and Cycle Parking on Residential Development)                      |
| DM8  | (Conservation, Protection and Enhancement of Existing Natural Features) |

#### Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| DM20 | (Historic Assets)                                                                         |
| AL1  | (Presumption in Favour of Sustainable Development)                                        |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |
| AL2  | (Urban Area Boundaries and Undeveloped Gaps between Settlements)                          |

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

## **5 Statutory and Non Statutory Consultations**

### **Ancient Monuments Society, St Ann's Vestry Hall**

On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

### **Building Control, Havant Borough Council**

Bin storage locations to be provided for each dwelling

### **Engineering/Drainage, Havant Council**

No comments received

### **Conservation Officer, Development Control**

Cotterell Farmhouse is Grade II listed and dates from the 18th century. It formed part of a farmstead that was planned as a regular 'U-shaped' courtyard. This includes a Grade II listed Granary and converted barns.

The plan (including the barns and granary) adds to the historic significance of the Listed Building and its setting. Historically therefore Cotterell Farmhouse was a remote cluster of buildings. It is important that the sense of isolation from the surrounding urban expansion is retained. It should not be consumed by the expanding back land development and needs to retain its agricultural setting and changes and respect the key aspects of the unaltered plan form. The significance of Cotterell Farmhouse not only lies in its architectural value but also in its evidential value as a physical document of past agricultural practices and rural settlement. This allows the observer to properly appreciate the functional origins of the complex and its relationship with the surrounding agricultural land.

A traditional farmstead or farm building will have significance if it makes a positive contribution to local character and distinctiveness, whether it is designated as a heritage asset or not. It is clear in this case the Farmhouse, granary and barn make a positive contribution in their current form to the character of the area.

Policy Context

Before proceeding to consider the policy context of the NPPF, it is of primary importance that the correct weight should be attributed to the desirability of preserving the setting of the listed building from the outset, in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Area) Act 1990:

“In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses”

The need for the decision taker to attach considerable or special weight to the desirability of preserving the setting of listed buildings has been reinforced through two recent high court decisions of: *Barnwell Manor Wind Energy Limited vs. East Northamptonshire District Council et al* (2014); and *North Norfolk District Council vs. DCLG and Mack* (2014).

The above statute and its subsequent and consistent interpretation in recent high court decision emphasises the need for the policies of the NPPF to be implemented whilst always having regard to the need to give special or greater weight to the preservation of the setting of a listed building.

Where the impact on the setting of a listed building has been assessed in accordance with paragraphs 128 to 132 of the Framework, and has been found to fall within the category of ‘less than substantial harm’ (i.e. paragraph 134), then it is still important that when considering the balance exercise, and therefore the public benefits of any such proposal, that from the outset this is consciously weighed in favour of the need to preserve the setting of the listed building.

The National Planning Policy Framework (NPPF) was published in March 2012 and sets down the policies that the Council must take into account when determining planning applications. This supersedes PPS 5, however, English Heritage (web-site 23 April 2012) advises that the Practice Guide (HEPPG) remains a valid and Government endorsed document pending Government's review of guidance supporting national planning policy as set out in its response to the select Committee”.

The NPPF sets out, in paragraph 17, the 12 core planning principles that local planning authorities should consider in making planning decisions. One of these core principles relates directly to conserving heritage assets, as follows

“Planning should conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;”

Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It also goes on to state that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 133 provides guidance in relation to development proposals that cause 'substantial harm'. While, paragraph 134 of the National Planning Policy states that where a development will lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Paragraph 64 (Section 7 – Requiring Good Design) is also particularly relevant to this case in that development should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

At local level Policy CS11 of the adopted local plan applies. These policies are supplemented at national and local level by supplementary guidance. Most pertinent to the current application are:-

- The Setting of Heritage Assets (Historic England) 2011.
- Seeing the History in the View (Historic England) 2011 Assessment

The setting of a heritage asset is defined in the glossary to the Framework as the surroundings in which a heritage asset is experienced. In simple terms, setting embraces all of the surroundings from which the heritage asset can be experienced, or that can be experienced from, or with, the asset. The development proposed would be clearly visible from the listed buildings and there would be areas within, and outside, the site where the listed buildings and the proposed development would be seen in juxtaposition. On that basis, it is clear that the proposal would have an impact on the setting of the listed building concerned.

The setting of Cotterell Farmhouse contributes to its significance by placing it in a rural context similar to that in which it was constructed and operated. Changing the hinterland of the listed buildings from undeveloped garden land with trees and hedgerows, to three new four bed dwellings, would reduce the ability of the observer to appreciate the origins of the complex, and its relationship with the land. This would have a harmful impact on the setting of the listed buildings.

On the basis of the information submitted, any development along these lines would impact negatively on the strong visual and spatial relationship between Cotterell Farmhouse and the surrounding land. Introducing a development, particularly one of this scale and in such proximity to a Grade II listed building is fundamentally at odds with its rural environment. For these reasons, the proposal in its current form will be harmful to the significance of these designated and locally prominent Grade II listed building through the impact on their setting.

In accordance with the NPPF I believe the degree of harm to this listed building would be significant, but on balance, less than substantial. In this context, the NPPF requires such harm to be weighed against the public benefits of the proposal.

#### **Environmental Health Manager, Community Group**

I have reviewed the re-submitted / revised application, and note that there are no material changes with respect to Environmental Issues. Comments as for original application - briefly summarised below:

##### ***Drainage / Flooding / Pollution***

Local Policy CS15 requires that developed land must not result in a net increase in surface water run off. To achieve this, surface water storage /attenuation and controlled release may be necessary. Due to the sensitivity of the receiving environment, it may be both necessary & appropriate to seek to prior approval of a detailed scheme of surface drainage, subject to the advice of the LLFA as the appropriate authority to advise on flood risk.

##### ***Air Quality***

I have no adverse comments as regards air quality. *Contamination Potential*  
There are potential sources of contamination associated with the site. The proposed

use is contamination sensitive, comprising family homes with private garden areas. The degree of sensitivity would apply irrespective of development density. No objection to the development on ground of contamination potential subject to conditions.

No objection in principle to the development. Conditions and informatives requested.

### **Landscape Team, Technical Services**

HBC Landscape Team objects to the above application because the proposals are deemed contrary to Havant Borough Core Strategy Policies CS11 and CS16.

Similar to the previously submitted application for this site, the proposed suburban style cull-de-sac within an existing garden curtilage diminishes:

- the established landscape setting of Grade II Listed Buildings
- the distinctive, linear settlement pattern of Stoke

The 3no proposed dwellings are disproportionately large for each attributed plot setting - a distinctly suburban characteristic, which is further compounded by a uniformity of architectural style, oblique building orientation and a proliferation of garages and poorly screened boundary fencing that are deemed inappropriate to the local character.

I note the existing northern and eastern site boundaries comprise dense, established vegetation that is not reflected within the site plans or visuals provided. The topographical survey lacks sufficient scope to encompass the whole site and the submitted application lacks any arboricultural or ecological appraisal. It is not clear if this perimeter vegetation is to be retained or removed?

Given the close proximity of 2no garages to the eastern boundary and dwelling directly abutting the northern boundary, however, it is unlikely this established linear landscape feature will remain intact. Loss of this boundary vegetation is not deemed acceptable from a landscape character or visual impact perspective. I further anticipate concerns would be raised on ecological grounds.

The proposed vehicular access will afford view into the site of the development, with only limited scope for remedial soft landscape planting to mitigate views. The hard margin alongside the access road is only a metre in width is this an intended footway? The driveway access for the two rear garden garages (abutting the eastern site boundary) appear too narrow for vehicular access and lack required provision for turning.

The application proposes a substantial increase of built-form and hard surfacing to an area known to have a high water table that comprises clay soil. The implications for surface water drainage will require appropriate investigation and provision for mitigation.

### **Development Engineer**

My concerns with this application is that service vehicles must be able to enter the site and then emerge in a forward gear. Any parking or stopping on Havant Road will cause traffic problems. It is important to see details of the swept paths into and out of the site and the turning circles overlay for vehicles to determine what vehicles (including fire appliances and emergency vehicles) are capable of servicing the proposed site.

I have talked to the consultant and I am now happy with the veracity of the information he has given me. The sight lines meet the standard for a 30mph road, it is possible for a service vehicle to turn in and out of the site and there is turning on site to allow a

delivery vehicle to leave the site in a forward gear. Given the guidance in the National Planning and Policy Framework (NPPF) the application can not be refused on the grounds of Highway Safety as the proposed development will not result in a material impact on the local highway network and therefore can not be prevented or refused on transport grounds as the effect on the residual cumulative impacts of the development on the surrounding highway network can not be defined as severe

The Highway Authority has no adverse comment to the application providing that the following condition should be placed on any subsequent permission

- 1) Prior to occupation the area shown on the approved plan for the parking and turning of vehicles shall be provided and reserved for these purposes at all times.
- 2) The dropped kerb vehicular access shown on the application shall be constructed before the development is started
- 3) A plan must be submitted showing the location of storage materials, operative parking and site huts

Also an informative should be placed on any permission

**Hampshire Constabulary, Tasking & Co-Ordination Directorate**

No comments received

**Hampshire County Council, Planning and Development**

No comments received

**Historic England, South East**

No comments received

**Local Lead Flood Authority HCC, Hampshire County Council**

As this application relates to a site which is less than 0.5 hectare in size (residential) and under 1000 Sq.m floor space, (fewer than 10 dwellings) or under 1 hectare in size (commercial) there is no need for us to comment on it at this time. However, please direct the applicant to our website

<http://www3.hants.gov.uk/flooding/hampshireflooding/drainagesystems.htm> for further information on recommended surface water drainage techniques.

Also, please note that if the proposals include works to an ordinary watercourse, under the Land drainage Act 1991, as amended by the Flood and Water Management Act 2010, prior consent of the Lead Local Flood Authority is required for this work. This consent is required as a separate permission to planning. Details can be found <http://www3.hants.gov.uk/flooding/hampshireflooding/watercourses.htm>

**Operations Director**

Bin storage locations to be provided for each dwelling.

**Natural England**

No objection subject to appropriate mitigation being secured and a condition re percussive piling and works

**Traffic Management, HBC**

From the application there appears to be no traffic management or parking related issues with this development, as long as the proposed 12 on site parking spaces are provided.

Following the HBC parking standards each 4 bedroom unit should be provided with 3 on site parking spaces as a minimum. The application does not detail the individual allocation, however, it is assumed the proposed 12 parking spaces are divided equally between the 3 units

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 8

Number of site notices: one

Statutory advertisement: 07/04/2017

Number of representations received: 5

| <b>Comment</b>                                                                                                                                                                                          | <b>Officer Comment</b> |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|
| Greenfield development contrary to national and local planning policy                                                                                                                                   | see section 7          |
| An additional junction close to existing drive onto the A3023 on a bend is clearly dangerous and will inevitably lead to increased risk of road traffic accidents involving both vehicles and cyclists. | see section 7          |
| Infrastructure not in place and not a sustainable location                                                                                                                                              | see section 7          |
| The suburban form and quantity of the development is detrimental to the rural setting of the Listed Building and the character of the area.                                                             | see section 7          |
| The quality of the housing design is extremely poor and detrimental to the setting of the Listed Building                                                                                               | see section 7          |
| The proposals risk the loss of a significant number of trees                                                                                                                                            | see section 7          |
| The proposals do not quantify the potential harm to the local biodiversity or the potential for nesting sites                                                                                           | see section 7          |
|                                                                                                                                                                                                         |                        |

## **7 Planning Considerations**

Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area

- (iii) Impact on the setting of the Listed Building
- (iv) Impact upon residential amenity
- (v) Highway Implications
- (vi) Contributions and CIL

(i) Principle of development

The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. Policies CS9, and CS17 of the Core Strategy together with Policies AL1 and AL2 support residential development within the built up area and the need to provide small units to meet housing demand, which is also identified in the Annual Monitoring report.

The National Planning Policy Framework (NPPF) establishes a presumption in favour of sustainable development however this should not be to the detriment of the local area.

Paragraph 6 makes it clear that regard must be had to the document as a whole in determining what the Government's view of sustainable development means in practice. It promotes the effective use of land through the re-use of previously developed land. With paragraph 49 stating that *"housing applications should be considered in the context of the presumption in favour of sustainable development."*

However, paragraph 56 makes it clear that *"Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."* Paragraph 58, bullet 4 seeks to ensure that development responds to local character, with bullet 6 requiring good architecture.

Paragraph 59 seeks to ensure the sustainable construction of the dwellings, whilst paragraphs 60 and 61 seek to ensure the development is designed well accounting for local context. Paragraph 64 however, requires development of poor design to be refused.

Policy CS16 of the Havant Borough Core Strategy Local Development Framework 2011 seeks to reflect the requirements of the NPPF at a local level. It and the local plan policies encourages the principle of development within the settlement area, provided that any new development pays proper regard to the character and appearance of the area, design and neighbour amenity.

(ii) Impact upon visual amenities and character of the area.

Stoke is a distinctly linear settlement, with dwellings of traditional construction and perpendicular orientation to the Havant Road. The application site proposes residential development infill to the side and rear garden curtilage associated with a Grade II Listed building. The three proposed plots comprise large dwellings of suburban architectural style and orientation, which will erode the identified linear settlement pattern and adversely impact the attractive landscape setting currently associated with the Listed Farmhouse.

Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough states that:-

Planning permission will be granted for development that ensures the key landscape and built form principles set out in the Havant Borough Townscape, Landscape and

Seascape Character Assessment are protected and where possible enhanced by partnership working with developers, groups and the wider community.

The site lies within Landscape Character Type I: Enclosed Lower Harbour Plain and Landscape Character Area 30: Stoke and north-west Hayling (Havant Borough Townscape, Landscape, and Seascape Character Assessment). The guidelines for these areas advise that regard should be had to the character of the existing development and the setting of historic building should be protected. The proposed development would not respect the existing semi-rural character with extensive built form, hardsurfacing and harsh boundary treatment, resulting in a visually intrusive form of development to the detriment of the character and visual appearance of the area. Overall, the proposed development would be harmful to the character and appearance of the area, and contrary to Policy CS11 of the HBLP (Core Strategy) and the supplementary guidance.

Additionally Policy CS16 High Quality Design seeks to encourage good design and amongst other things development should:-

1. Responds to, draws inspiration from and respects local context and:
  - a) Identifies and responds positively to existing features of natural, historic or local character within or close to the proposed development site;
  - b) Integrates with existing local landscape features, promotes wildlife and biodiversity and/or applies characteristics of the local area into the design of a scheme wherever possible to create variety and interest;
  - c) Uses the characteristics of the locality to help inform the design of the new development including heights, massing, existing buildings lines, plot widths and depths, materials and proportions of windows and doors

The application whilst reducing the number of dwellings proposed to 3 still proposes a substantial increase of built-form and hard surfacing in a form that does not respond to the local context, nor use the characteristics of the area or respect the landscape setting of Stoke, resulting in a visually intrusive form of development to the detriment of the character and visual amenities of the area. Overall, the proposed development would be harmful to the character and appearance of the area contrary to the provisions of Policy CS16 of the HBLP (Core Strategy).

(iii) Impact on the setting of the Listed Building

The setting of a heritage asset is defined in the glossary to the Framework as the surroundings in which a heritage asset is experienced. In simple terms, setting embraces all of the surroundings from which the heritage asset can be experienced, or that can be experienced from, or with, the asset. The development proposed would be clearly visible from the listed buildings and there would be areas within, and outside, the site where the listed buildings and the proposed development would be seen in juxtaposition. On that basis, it is clear that the proposal would have an impact on the settings of the listed buildings concerned.

The setting of Cotterell Farmhouse contributes to its significance by placing it in a rural context similar to that in which it was constructed and operated. Changing the hinterland of the listed buildings from undeveloped garden land with trees and hedgerows, to 3 new dwellings of substantial size, would reduce the ability of the observer to appreciate the origins of the complex, and its relationship with the land. This would have a harmful impact on the setting of the listed buildings.

The proposed development would impact negatively on the strong visual and spatial

relationship between Cotterell Farmhouse and the surrounding land. Introducing a development, particularly one of this scale and in such proximity to Grade II listed buildings is fundamentally at odds with its rural environment. For these reasons, the proposal in its current form will be harmful to the significance of these designated and locally prominent Grade II listed buildings through the impact on their setting, contrary to the provisions of Policy CS11 of the HBLP (Core Strategy).

The previous scheme proposed the relocation of the granary divorcing the structure from its former agricultural setting to its detriment. The current application does not relocate the granary and maintains it in its current position.

(iv) Impact upon residential amenity

With regard to the impact on neighbouring residents, the neighbouring properties comprise 70, 72 and 78a Havant Road and 99-105 Havant Road on the opposite side of Havant Road. In respect to nos. 99 to 105, the development would impact views from these properties but Havant Road provides separation and the impact would not be over dominant and is considered to be limited and acceptable, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

Regarding 70, and 78a the proposed development has been designed to satisfy the Borough Design Guide in respect to separation distances and amenity space, and the access would be sited adjacent the garage to 78a away from the dwelling and the amenity area. Consequently, it is considered that the proposal is unlikely to appear overbearing or lead to overlooking and would have limited and acceptable impact on the residential amenities of these properties, meeting the requirements of Policy CS16 of the HBLP (Core Strategy).

No 72 has a large first floor window in the side elevation and the proposed dwelling facing this elevation has a number of first floor bedroom windows which would be approx 17m distance. This falls well below the guidance in the Borough Design Guide and there would be some loss of privacy to 72 contrary to the requirements of Policy CS16 of the HBLP (Core Strategy).

(v) Highway Implications

Visibility splay and surveyed drawings together with details of on site turning for service vehicles has now been submitted and assessed by the Development Engineer. The proposal is not considered to result in a material impact on the local highway network and the Development Engineer has raised no objection subject to conditions.

(vi) Contributions and CIL

In relation to developer contributions, should permission have been recommended for approval it would be CIL liable. . An informative will be added in relation to CIL in the Decision Notice.

This development would increase the number of dwellings within the 5.6km zone identified as significant in potentially increasing recreational pressure on the Solent SPA. Natural England's advice in regard all new housing development within this zone is that it is likely to have a significant effect on the SPA. The measures of mitigation adopted by the LPA at the end of June 2014 require a payment to the Solent Recreation Mitigation Project and the required deed and payment have been received.

## 8 **Conclusion**

In terms of the impact on the setting of the listed building the Conservation Officer advises that the degree of harm to this listed building would be significant, but on balance, less than substantial. In this context, the NPPF requires such harm to be weighed against the public benefits of the proposal. In economic and social terms, the provision of additional dwellings within the urban area would accord with the objectives of the NPPF and make a contribution to the Council's housing requirements as set out in the development plan and therefore should be given weight. Whilst some form of residential development in this area may be acceptable in principle, the development of the site with 3 substantial dwellings would be harmful to the character and appearance of the area and the setting of the Listed Building.

## 9 **RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/17/00320 for the following reasons

- 1 The proposed dwellings with associated garages and hardstanding would by reason of their number, siting, height, mass, bulk and design lead to a cramped and visually intrusive form of development at this prominent corner location. This would be harmful to the established pattern of development and the character and appearance of the area. The development is therefore considered contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the Havant Borough Design Guide Supplementary Planning Document 2011 together with the National Planning Policy Framework 2012.
- 2 The proposed development by reason of its scale, height, siting and overall appearance would adversely affect the character of the area and in particular would be detrimental to the setting of the adjacent buildings which are listed as being of special architectural or historic interest. It is therefore contrary to policies C11 and CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy DM20 of the Havant Borough Publication Local Plan (Allocations) and the National Planning Policy Framework 2012.
- 3 The proposed first floor windows on the south elevation of the plot backing onto 72 Havant Road are likely to give rise to direct overlooking of the adjacent property at 72 Havant Road to the detriment of the amenities of the occupants of that property. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.