



# **Appellant's Statement of Case**

APPEAL BY MR T. SINGH

AT

13-15 PARK PARADE

PO9 5AA

**LPA REF: APP/16/00630**

Prepared by:

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## 1.0 THE PROPOSAL

1.1 The proposal is for the redevelopment, extension and change of use to form two (2x) Use Class A1 units and four (4x) two bedroom flats and the re-siting of an external staircase at 13-15 Park Parade, Havant PO9 5AA ('The Site').

1.2 A full planning application ('The Application') was submitted on 17 June 2016 to the Local Planning Authority [Havant Borough Council] ('The LPA'). The LPA refused to grant permission on 14 September 2016. A copy of the associated LPA's decision notice is attached to Appendix GC-1.

1.3 The application was refused for the following three reasons:

1. *"The proposed development owing to its proximity to the service road and poor outlook and environment for future residents would not provide an acceptable level of amenity for residential development, and as such is unsuitable for residential development. The proposal is therefore contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework".*
2. *"The proposed development would constitute an undesirable over-intensive use of the site which would not provide satisfactory living conditions for the occupants. The proposal is therefore contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, the Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework".*
3. *"The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreational Mitigation Project, is contrary to the Council's Policy on contributions towards measures of mitigation adopted by the Local Planning Authority. These seek to ensure that the provision is made from new developments towards mitigating against increasing recreation pressure on the Solent SPA. The development is therefore contrary to policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011*

*and Policy DM24 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework”.*

- 1.4 After an assessment of local plan policies and the content of the decision notice, the appellant contends that the main determining issues, in this case, are the impact upon living conditions of future occupiers.

## **2.0 THE SITE AND ITS SURROUNDINGS**

- 2.1 The front of the appeal site is on Park Parade, which is a pedestrianised shopping street in the Leigh Park area of Havant. The rear of the site is accessed from Tidworth Road.

- 2.2 Although Park Parade is a shopping street, the retail element is established at ground floor level only. The upper floors are characterised by predominately residential uses. On the south side of Park Parade where the appeal site is situated, the upper floor residential units are accessed from Tidworth Road.

- 2.3 A large Lidl supermarket, a car dealership and a car park are also in close proximity to the appeal site.

- 2.4 It is of note that the appeal site is not within the curtilage of a listed building, nor is it situated within a conservation area.

## **3.0 PLANNING HISTORY**

### **13 Park Parade**

- 3.1 98/63834/000 – Change of use application from retail to a doctor's surgery. Permission was granted in January 1999.

### **15 Park Parade**

- 3.2 95/52832/002 – Change of use of premises from Use Class A1 (retail) to Use Class D1 (non-residential institution). Permission was granted in November 1995.

- 3.3 29792/1 – External alterations to convert existing shop into Building Society. Permission was granted in November 1981.

#### **4.0 PLANNING POLICIES**

In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, the appeal should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The LPA suggest that the development plan for this area consists of the Havant Borough Local Plan Core Strategy (2011) and the Havant Borough Local Plan Allocations Document (2014).

- 4.1 The Council has referred to the following policies in their decision notice:

##### **Havant Core Strategy (2012)**

##### **Policy CS11 Protecting & Enhancing the Special Environment & Heritage of Havant**

- 4.2 Planning permission will be granted for development that:
- Ensures the key landscape and built form principles are protected;
  - Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest;
  - Has particular regard to SPA, SAC, SSSI, SINC and LNR nature conservation designations;
  - Supports an ongoing programme of survey of habitats and species designation of Sites of Importance for Nature Conservation;
  - Incorporates partnership working with conservation organisations to improve public understanding of biodiversity and to manage public access to designated sites, particularly on the coast, to reduce harm to nature conservation interests;
  - Incorporates partnership working with landowners and developers to ensure land management practices restore, enhance and where appropriate create new valued landscapes, habitats and their soil structure, particularly the ancient woodland remnants of the Forest of Bere and coastal salt marsh;

- Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision of habitat adaptation e.g. coastal managed realignment and species migration;
- Protects the best and most versatile agricultural land that has the greatest potential for local food security;
- Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

#### **Policy CS16 High Quality Design**

4.3 Planning permission will be granted for development that is designed to a high standard, which helps to create places where people want to live, work and relax. All development should demonstrate that its design:

- 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 applied characteristic 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;
  - (d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian cycle routes and encouraging people to use public transport where possible; and
  - (e) The development does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.
- Produces a positive relationship between buildings, street and spaces both existing and proposed, where:
  - (a) The layout of the development reduced opportunities for crime and antisocial behaviour; contributes to improving community safety; and makes provision for the management and maintenance of the development;

(b) New streets are not dominated by vehicular traffic;

(c) The layout of the development is legible, meaning it is easy to orientate oneself and move through.

- Contributes to the improvement of the public realm close to the development, particularly sites close to town, district and local centres and other priority regeneration areas by using high quality hard and soft landscape material and street furniture; and where development is of a significant scale or prominence makes provision for public art.
- Is inclusive by considering the needs of those with disabilities, ensuring safe and convenient access for all; and integrating affordable and supported housing with market housing through tenure blind design to minimise social exclusion and promote social integration;
- Maximises opportunities for mixed use developments, particularly in town and district centres; and encourage higher densities where appropriate.
- Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.
- Adapts to the changing needs of the users and the changing climate over the lifespan of the building.

#### **Policy CS21 Developer Requirements**

- 4.4 Development will be permitted if on-site and/or off-site infrastructure requirements are met.

Where new or improved infrastructure is essential for planning permission to be granted, the Council will require the on-site or off site provision and/or contributions through planning obligations, agreements or tariffs in accordance with the relevant legislation for off-site provision. The need for contributions will depend on information and advice from infrastructure providers on the expected impacts of the development on all the infrastructure types.

Where appropriate, the Council will seek on-site provision or financial contributions to ensure the timely off-site or on-site delivery of all types of infrastructure as detailed in Table 9.1 under the following headings:

Transport; Housing; Education; Health; Social Infrastructure; Green Infrastructure; Public Services; Utility Services; Flood Defences and Public Realm.

Where on-site provision or financial contributions are made, arrangements for the ongoing maintenance of facilities will be required.

Where the necessary contributions are not agreed by the developer, planning permission will be refused.

#### **Havant Borough Local Plan Allocations Document (2014)**

##### **Policy DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development**

- 4.5 Planning permission will be granted for residential developments that avoid or mitigate a likely significant effect on the SPAs, caused by recreational disturbance through the in-combination effect of net additional dwellings. This mitigation can be provided through:

- A financial contribution;
- A developer provided package of measures associated with the proposed development designed to avoid or mitigate any significant effect on the SPAs subject to meeting the tests of the Habitats Regulations;
- A combination of the measures above.

Where these measures cannot be provided, development proposals will be refused unless the applicant can show, subject to meeting the tests of the Habitats Regulations, that there would not be an adverse effect on the integrity of the SPAs.

The provisions of this policy do not exclude the possibility that some residential schemes, due to their size and/or location, may require individual assessment under the Habitats Regulations on advice from Natural England and additional site specific avoidance or mitigation measures.

## **Supplementary Planning Guidance**

### **SPD: Havant Borough Council Borough Design Guide (2011)**

- 4.6 This document provides detailed information that supplements Policy CS16 of the Havant Borough Core Strategy, to raise the standard of design.

### **SPD: Havant Borough Council Housing Supplementary Planning Document (2011)**

- 4.7 This document provides details on how the Council's housing targets will be met between now and 2026.

## **National Planning Policy Framework**

- 4.8 The Framework constitutes guidance for local planning authorities and decision-takers both in drawing up plans and as a material consideration in determining applications.
- 4.9 Paragraph 7 of the Framework stipulates the three dimensions to sustainable development: economic, social and environmental.
- 4.10 Paragraph 14 of the Framework sets out a presumption in favour of sustainable development with Paragraph 197 stating that in assessing and determining development proposals, local planning authorities should apply them presumption in favour of sustainable development.
- 4.11 Paragraph 17 sets out core planning principles. These include achieving a good standard of amenity of existing and future occupants of land and buildings, promoting the vitality of main urban areas, encouraging effective use of land by reusing land that has been previously developed, managing patterns of growth by making the fullest possible use of public transport, walking and cycling.
- 4.12 Paragraphs 56 to 68 address the requirement for good design. Paragraph 64 reiterates previous Government Policy that permission 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. However,

Paragraph 65 indicates that local planning authorities should not refuse planning permission for buildings or infrastructure which promotes high levels of sustainability because of concerns about incompatibility with an existing townscape.

- 4.13 Paragraph 196 confirms that the planning system is plan led and that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. One such material consideration is the NPPF.

## **5.0 ANALYSIS**

- 5.1 After an assessment of local plan policies and the content of the decision notice, the appellant contends that the main determining issue in this case is the impact of the proposal upon living conditions of future occupiers.
- 5.2 It is noteworthy that the Officer's report raises no objection to the principle of residential development here, or to the loss of commercial floor space. There would be no harm to the character and appearance of the area, the living conditions of neighbours or highway safety.

### Living Conditions of Future Occupiers

- 5.3 The first reason for refusal states that the proposed development would not provide an acceptable level of amenity, owing to its proximity to the service road and poor outlook and environment for future residents. The appellant argues that the service road would not be heavily used and therefore would not cause harm in terms of noise and disturbance.
- 5.4 Whilst, outdoor amenity areas would not be provided this is not unusual in town centre locations such as this. A cycle storage area, the refuse storage area and the visitor/delivery parking space would be provided. An external staircase would be re-sited for the existing upper floor residential units on Park Parade.

- 5.5 Although an outdoor amenity space is not proposed, this is not atypical in such town centre locations. The appeal site is situated in close proximity to large areas of public amenity space. Indeed, the nearby Stockheath Common and Front Lawn Recreation Park are just 200m and 250m away from the appeal site respectively. Moreover, the appeal site benefits from being situated in a highly sustainable location next to the Greywell Shopping Centre and other local facilities including a supermarket, a bingo hall, a community centre, a library, a snooker hall and a gym, as well as having excellent transport links to central Havant and the surrounding areas. The outlook would be no different from mews court developments in high value areas of central and west London. However the appeal proposal would be affordable.
- 5.6 The second reason for refusal states that the proposal would constitute an undesirable over-intensive use of the site which would not provide satisfactory living conditions for occupants. The design, layout and dimensions of the proposed dwellings have been influenced by the existing site constraints, particularly in relation to the existing single-storey off-shoot to the rear of No. 13, coupled with the need to provide the service road/access area and the other elements discussed in paragraph 5.2.
- 5.7 The proposal would provide modest housing units. However, the Council does not have any adopted guidance or policies requiring outdoor amenity space or minimum dwelling and flat sizes. Whilst the development would fall short of the minimum gross internal floor areas outlined in Table 1 of the DCLG's Technical Housing Standards guidance, this document confirms it carried no weight in the absence of locally adopted standards and has no other statutory meaning or use.
- 5.8 The appellant contends that by virtue of the fact that each dwelling would promote an efficient internal layout with few corridor areas; each dwelling would still be able to provide a good level of living accommodation for future occupiers in a highly sustainable location. The proposed dwellings would be particularly attractive to young first time buyers. In addition, the Havant Borough Council Housing Supplementary Document (adopted July 2011) identifies the need for affordable housing, particularly in the form of one and two bedroom units (paragraph 120) and

the proposed scheme would offer this type of housing in the form of four (4x) two-bedroom dwellings. These dwellings would contribute towards meeting the Council's housing targets.

#### Financial Contribution

- 5.9 With regard to the third reason for refusal, and notwithstanding the requirements of Regulations 122 and 123 of the Community Infrastructure Levy Regulations, the appellant provided a completed and signed agreement for a financial contribution in respect of the Solent Recreation Mitigation Partnership at a late stage in the application process after the case officer had already made a recommendation. In relation to this appeal, the appellant considers that the reason for refusal has been adequately dealt with.

## **6.0 CONCLUSION**

- 6.1 In conclusion, the principle of the proposal would be acceptable. The proposed flat units would provide a good standard of living conditions for future occupiers in a the form of low cost housing in a highly sustainable location close to services and facilities in Havant town centre, and public open spaces.
- 6.2 There would be no harm to the character and appearance of the area or highway safety. The living conditions of neighbours would not be harmed.
- 6.3 In this connection, permission should be granted.