

21 September 2016

Section 78 Town and Country Planning Act 1990

Written Representations Procedure

Construction of two semi-detached houses

Land adjacent to Park Lodge Hooks Lane Havant

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1. Introduction

1.1. This statement has been prepared following refusal of planning permission for the the following proposal:

Construction of two semi-detached houses

1.2. The site is located to west of Hooks Lane and on land between Park Lodge and the Havant Rugby Club Stadium. The site itself forms part of the former side garden of Park Lodge.

1.3. Planning permission is sought for the construction of two-semi detached houses with associated front and rear garden areas.

1.4. The application was refused planning permission on 2 September 2016 for the following reasons:

1.The proposed dwellings would due to their number, design and siting lead to a cramped form of development out of character with the established pattern of development which is dominated by sporting and recreational development. The proposal is therefore considered harmful to the character and appearance of the area and is contrary to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 together with the National Planning Policy Framework.

2. The proposed development would result in an unacceptable amount and quality of outside amenity space for the future occupiers of the proposed dwellings. The northern garden areas would be dominated by the existing Grandstand to the west of the site which would have an overbearing impact on these gardens and reduce light in particular to unit 1. Furthermore the siting of the dwellings adjacent to the Grandstand and Rugby pitch is likely to lead to an unacceptable relationship between uses by reason of noise and activity further detracting from the residential amenities of future residents. The proposal is therefore contrary to Havant Borough Local Plan (Core Strategy) 2011 policy CS16 together with Havant Borough Local Plan (Allocations) 2014 policy DM18 together with the National Planning Policy Framework.

3.The proposed development would result in additional car parking provision within the curtilage of Park View which would be remote from the two proposed dwellings and would have a harmful impact on the residential amenities of the occupants of Park View by reason of additional noise and activity adjacent to that property unconnected to its occupation. The proposals would also appear to result in the need for physical

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alterations to Park View to accommodate the car parking which would further detract from existing amenities. The proposal also fails to provide adequate car parking to meet the Council's adopted minimum parking standards which is likely to result in remote parking to the harm of the amenities of future occupants. The proposal therefore conflicts with Havant Borough Local Plan (Core Strategy) policies CS16 and DM13, Havant Borough Council Parking SPD 2016, Havant Borough Council Borough Design Guide SPD 2011 and the National Planning Policy Framework.

4. The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation 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 development towards mitigating against increasing recreational 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.

1.5. Having carefully assessed the proposed scheme it is considered that the development is sustainable and will not amount to a significant impact on the amenity of adjoining occupiers.

2. Site Context

2.1. Bedhampton is a former village, and now suburb, located in the Borough of Havant, Hampshire. It is located at the northern end of Langstone Harbour and at the foot of the eastern end of Portsdown Hill.

2.2. Early mentions of Bedhampton are recorded in the ninth century, and the village was mentioned in the Domesday Book.

2.3. Modern Bedhampton has a railway station, with regular services to Portsmouth, Brighton, and London, and less frequent services to Southampton, Bristol, and South Wales. The A27 and the A3(M) pass through the south-west part of Bedhampton.

3. Policy Framework

National Policy

3.1. The National Planning Policy Framework (NPPF) became the primary national planning policy guidance on 27 March 2012. It replaced the previous PPS/PPG system of guidance documents and deleted a significant proportion of planning policy including the

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Regional Spatial Strategies (RSS). The NPPF includes transitional arrangements for Local Authorities to either prepare a plan that would be NPPF compliant or adapt an existing post 2004 plan to be compliant.

Implementation of the NPPF

3.2. Paras 214 to 216 of Appendix 1 give relevant advice stating:

214. For 12 months from the day of publication, decision takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.

215. In other cases and following this 12 month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

216. From the day of publication, decision takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Sustainable Development

3.3. Paragraphs 6 and 7 of the NPPF sets out the Government's overriding objectives of securing sustainable development. Para 7 of the NPPF identifies the roles of the planning system in achieving sustainable development:

7. There are three dimensions to sustainable development: economic, social and environmental.

These dimensions give rise to the need for the planning system to perform a number of roles:

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- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- 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 wellbeing; 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.

3.4. Para 14 goes on to provide further emphasis on the focus towards sustainable development stating:

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking.

For plan making this means that:

- local planning authorities should positively seek opportunities to meet the development needs of their area;
- Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

For decision taking

this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out of date, granting permission unless:
 - 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; or
 - specific policies in this Framework indicate development should be restricted.

Housing

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3.5. Section 6 Paragraph 50 of the NPPF sets out the objectives of obtaining a sustainable mix of dwellings in communities:

1. To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand;

Local Policy

3.6. The Havant Borough (Core Strategy) is the principal document in the council's Local Plan. It covers the Borough of Havant, setting out the spatial planning strategy for the area up to 2026.

3.7. The following policies are pertinent to this decision:

Policy CS9 Housing

Planning permission will be granted for housing proposals that will: -

1. Contribute to achieving a net total of 6,300 new dwellings between 2006 and 2026.
2. Deliver on average 30-40% affordable housing on sites of 15 dwellings (gross) or more and secure a suitable contribution, or on-site provision, equivalent to on average 30-40% on smaller housing developments between 5 and 14 dwellings (gross), unless a lesser requirement has been transparently justified on viability grounds.
3. Ensure mixed communities are created through the planned distribution and avoidance of a concentration of affordable housing.
4. Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.
5. Provide a mix of dwelling types, sizes and tenures which help meet identified local housing need and contribute to the development of mixed and sustainable communities.
6. Provide accommodation for the ageing population in sustainable locations, taking account of the need to provide for a variety of care needs and flexibility to accommodate differing requirements of ageing care.

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7. Contribute to achieving 450 extra-care dwellings between 2006 and 2026.
8. Ensure housing development is delivered in a phased manner with an appropriate proportion of previously developed land so as to avoid unnecessary development on greenfield urban extension sites.

Policy CS16 High Quality Design

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:

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;
 - d) Is well connected to and integrates with the immediate local area and the wider area by linking to existing pedestrian and 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.
2. Produces a positive relationship between buildings, street and spaces both existing and proposed, where:
 - a) The layout of the development reduces 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.
3. 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.
4. 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.
5. Maximises opportunities for mixed use developments, particularly in town and

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district centres; and encourage higher densities (50+ dwellings per hectare) where appropriate.

6. Mitigates negative environmental impacts through sustainable design and construction methods, resource efficiencies, particularly water and the provision of facilities for waste recycling.

7. Adapts to the changing needs of the users and the changing climate over the lifespan of the building.

Policy CS17 Concentration and Distribution of Development within the Urban Areas

Development will be permitted that makes the most effective use of land in the borough by granting planning permission that:

1. Concentrates new housing, employment, retail, leisure and other development within the five urban areas of Havant, Leigh Park, Waterlooville, Emsworth and Hayling Island, as shown on the Proposals Map.

2. Prioritises development on previously developed land, including redundant, derelict or underused land and buildings within the urban area.

3. Broadly distributes the new housing and employment development in the five areas of the borough as indicated on the Spatial Distribution Map (Key Diagram).

Development in the non-urban areas will only be permitted if it is consistent with the policies for the countryside set out in national policy.

4. Grounds of Appeal

4.1. The reasons for refusal are set out at para 1.4 of this statement. I shall address each in turn.

The proposed dwellings would due to their number, design and siting lead to a cramped form of development out of character with the established pattern of development which is dominated by sporting and recreational development.

4.2. The site is located within a mixed use area comprising Havant Rugby Club and residential development, the closest dwelling at present to the Rugby Club is Park Lodge.

4.3. The site is within the developed area of Bedhampton and as such, the proposed development is acceptable in principle, subject to other policy considerations.

4.4. The principal of intensive residential development are accepted by the requirements of policy CS17.

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4.5. There is no overriding policy objection to the provision of new housing development in this location and therefore the question as to whether new residential development is acceptable rests with an assessment of the key material considerations in this case.

4.6. The planning use of the land does not alter. The proposal retains a residential use on the site and provides two new dwellings that go some way to meet the needs for family housing within the borough as a whole.

4.7. Taking into account the Technical housing standards – nationally described space standard for two bedroom dwellings the following standards have been applied

Space Schedule

National Standard 2 Bedroom, 4 Person, 2 Storey Dwelling 79sqm

Proposed Development 2 Bedroom, 4 Person, 2 Storey Dwelling 85.14sqm

4.8. It is therefore submitted that the amount of development on this site does not amount to an overdevelopment of the site and now accords fully with the requirements of the Local Plan.

4.9. The layout of the site has been carefully considered and reflects the existing layout of the dwellings within Park Lodge. Front and rear elevations are orientated accordingly in order to take advantage of substantial parkland to the north.

4.10. The development provides two semi-detached dwellings with their own private amenity spaces. Commentary in respect of appearance will be addressed below however the development provides a high quality layout which works well with the surrounding vernacular.

4.11. Separation distances have been maximised to exceed a minimum of 20m front to front and front to rear separation between dwellings.

4.12. As such it is submitted that the development does not result in a cramped built form and meets the requisite standards outlined within the Local Plan and the National Space Standards.

The proposed development would result in an unacceptable amount and quality of outside amenity space for the future occupiers of the proposed dwellings.

4.13. All of the proposed dwellings include safe and accessible amenity space. Paras 5.12 and 5.13 of the Design Guide SPD state:

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Private Residential Amenity

5.12 All residents should have access to private amenity space whether that is the back garden of a house, a private shared space, or balcony of an apartment.

Houses

5.13 As stated, the garden of a two storey home should be a minimum of 10 metres in length to provide appropriate daylight and to minimise overlooking, with an additional 4 metres for every storey added. Clearly there may be exceptions to this rule, depending on the local context, for example in urban areas there may be a historic pattern of development that dictates otherwise, such as three storey townhouse served by small courtyards of 10 metres rather than large gardens of 14 metres plus.

4.14. Para 5.13 is tempered somewhat by the PUSH standard. The PUSH target for two bedroom (non-family) dwellings for sufficient space for a table and two chairs. It is submitted that the development exceeds this target and the presence of substantial parklands to the immediate north of this mitigates against any need for larger garden areas.

4.15. Overall the arrangement has no significant demonstrable harm to the proposed occupiers.

The northern garden areas would be dominated by the existing Grandstand to the west of the site which would have an overbearing impact on these gardens and reduce light in particular to unit 1.

4.16. Contrary to the suggestion made by the Council the adjoining grandstand is not a monolithic mass dominating the area but is instead an open sided roofed structure that allows a significant amount of light to penetrate into the land, the subject of this appeal.

4.17. Notwithstanding this the development would benefit from open views over the parklands to the north and east of the appeal site to the extent that outlook and usability of the garden would be unaffected.

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Furthermore the siting of the dwellings adjacent to the Grandstand and Rugby pitch is likely to lead to an unacceptable relationship between uses by reason of noise and activity further detracting from the residential amenities of future residents.

4.18. It is noted that Park Lodge, the appellant's former home, has existed adjacent to the rugby pitch and grandstand for a substantive period of time. In that time the owners or the tenants of the property have made no statutory noise complaint against the Rugby Club.

4.19. Having regard to the Noise Statement for England it is submitted that less than a significant effect would be felt by the proposed new dwellings and as such noise from the club would not amount to demonstrable harm requiring the refusal of planning permission.

The proposed development would result in additional car parking provision within the curtilage of Park View which would be remote from the two proposed dwellings and would have a harmful impact on the residential amenities of the occupants of Park View by reason of additional noise and activity adjacent to that property unconnected to its occupation.

4.20. The maximum car parking requirement is 2 spaces per dwelling. This site does not have road access and as such is unable to provide car parking on-site.

4.21. Notwithstanding this the appellant seeks to provide car parking for Park Lodge and the Appeal site within the grounds of the wider development and the spaces proposed meet the Council's design specification for car parking spaces.

4.22. It is noted that the site is, however, in a highly sustainable location close to Bedhampton Station and there is significant opportunity for on-street car parking nearby. It is therefore surmised that the parking needs of the site can be accommodated on the wider development site or within the surrounding area.

4.23. As part of a wider development the proposal is not anticipated to result in an impact to the amenity of Park Lodge.

The proposals would also appear to result in the need for physical alterations to Park View to accommodate the car parking which would further detract from existing amenities.

4.24. The physical alteration is the demolition of a dilapidated brick built shed the removal of which would result in a substantive improvement to the appearance of Park Lodge.

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The proposal, without completion of the appropriate binding arrangements to secure a contribution towards the Solent Recreation 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 development towards mitigating against increasing recreational pressure on the Solent SPA.

4.25. These requirements are duly noted and may be secured by a pre-commencement condition requiring compliance under Regulation 75 of the Habitats Regulations.

5. Conclusion

5.1. It is considered that the proposed development would comply with the relevant policies within the Local Development Framework.

5.2. It is respectfully requested that the Inspector allow this appeal and grant planning permission for the proposed development.