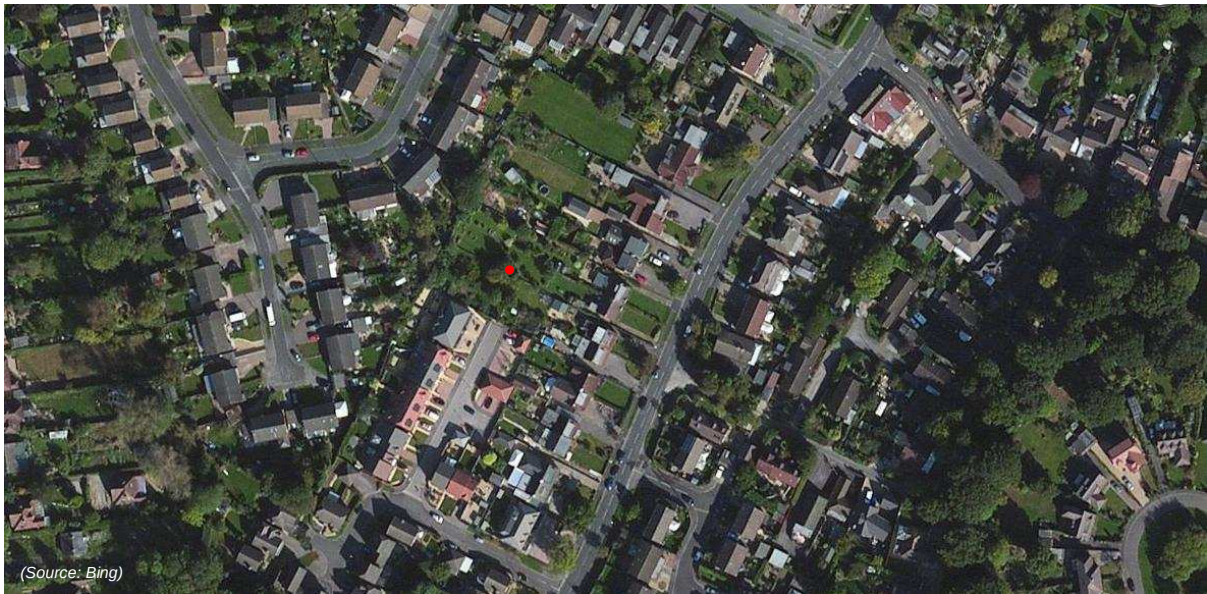


Planning, Energy, Design & Access Statement

***Land to rear of Nos.41-49 Frogmore Lane
Lovedean, Waterlooville, PO8 9QN***

***Proposed erection of four detached three-bedroomed
chalet-bungalows (Outline) (Resubmission).***



Prepared by
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on behalf of Driftstone Developments Ltd.

Introduction

This Statement supports the outline planning application for the aforementioned development. In accordance with the requirements of the Town and Country Planning (Development Management Procedure) (England) Order 2010, this statement explains the nature and extent of the proposal and how it responds to the local environment in its built and socio/economic contexts. It has regard to key national and local planning policies relating to new dwellings and design and seeks to address the Reasons for Refusal of application APP/15/00228.



The application site viewed from the southeast on Frogmore Lane.

Context

This irregular-shaped site of 0.187 hectare lies to the rear of Nos.41-49 Frogmore Lane and at the head of the 'Willowside' cul-de-sac in Lovedean; it is close to a wide range of local services. The residences that face east to Frogmore Lane and west to Yoells Crescent foil public views towards the site from those public highways; only from directly outside properties on Frogmore Lane are restricted views afforded between frontage dwellings of the rear elevations of houses in Yoells Crescent, beyond. A timber fence two metres in height defines the extent of the 'Willowside' development and further constrains local views towards the site from the southwest.



The approach towards the application site from the southwest, along Willowside.

Residents of this locality enjoy safe and convenient access to a 'Londis' supermarket (less than a minute's walk away to the north), a Tesco Express supermarket (4 minutes walk, to the south) and a range of services and facilities on Milton Road (4.75 minutes walk away, further to the south) that include a 'Costcutter' supermarket, a 'Rowlands Pharmacy', a hairdresser and several hot-food takeaways. Moorlands Infant and Junior Schools in Woodcroft Lane are just 7 minutes walk away to the southwest.

Milton Road and Eagle Avenue (5 and 6 minutes walk away to the south, respectively) form part of the routes followed by two 'Emsworth & District' and 'First' bus services (Nos.300 and 7) that take passengers south to Portsmouth city centre via Waterloooville and Cosham town centres or north to Horndean and then southeast to Chichester city centre via Rowlands and Emsworth. While it is evident that residents of this locality do not *need* to use a private car to enjoy good access to services (ie. this is an accessible, sustainable location), the provision of secure on-site facilities for bicycle storage would help promote the use of that alternative to the private car as a sustainable transport mode (particularly for trips under five kilometres), as is recognised in paragraph 32 of the 'National Planning Policy Framework' (NPPF) 2012.

In his 'Written Ministerial Statement: Planning for Growth' of March 2011, Decentralisation Minister Greg Clark confirmed that the *'Government's clear expectation is that the answer to development and growth should wherever possible be 'yes' except where this would compromise the key sustainable development principles set out in national planning policy'*. Paragraph 14 of the NPPF reiterated that principle, by generating a presumption in favour of sustainable development and the approval without delay of proposals that accord with the development plan.

Paragraph 50 of the NPPF ('Delivering a wide choice of high quality homes') records the Coalition Government's view that the planning system should deliver a mix of housing that reflects local demand to support a wide variety of households in all areas that *'...create sustainable, inclusive and mixed communities'*. Paragraph 53 records that *'Local planning authorities should consider...[but not rule out]...the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.'* Paragraph 56 ('Requiring good design') records that *'Government attaches great importance to the design of the built environment' and 'Good design is a key aspect of sustainable development'*. Paragraph 60 stipulates that local planning authorities *'...should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'* but encourage *'...local distinctiveness.'*

While the Government's amendments to PPS3 in June 2010 *appeared* to generate a presumption against 'garden grabbing', Inspector Reid opined in South Croydon (APP/L5240/A/09/2117977) that *'Although private residential gardens are now excluded from the definition of previously-developed land, if they are in relatively sustainable and accessible locations, they are potentially suitable for housing development in policy terms, because they reduce the pressure for development on existing public and private open spaces, Green Belt land and the countryside'*. The NPPF provides for the appropriate development of residential gardens where no harm would be caused to the local area.

Section 38 of the 'Planning and Compulsory Purchase Act 2004' requires an application to be determined in accordance with the relevant policies of the development plan unless material considerations indicate otherwise; an element of flexibility is provided which enables decisions to be made which may disagree with the development plan. Map 1 of Havant Borough Council's 'Local Development Framework Proposals Map Booklet' identifies this site as *'CS17 Concentration and distribution of development within the urban areas'*, with no special designations; the site does not fall within a Flood Zone. Core Strategy Policy CS9 ('Housing') asserts that *'Planning permission will be granted for housing proposals that will...Contribute to achieving a net total of 6,300 new dwellings between 2006 and 2026....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....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.'* Core Strategy Policy CS17 ('Concentration of Development within the Urban Areas') records that *'Development will be permitted that makes the most effective use of land in the borough by granting planning permission that..'* concentrates new housing development within the Waterlooville urban area. Policy AL1 ('Presumption in Favour of Sustainable Development') of the adopted 'Havant Borough Local Plan (Allocations)' 2014 document (HBLPA) states that *'When considering development proposals, the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework (NPPF)...It will always work proactively with applicants to find solutions which mean that proposals can be approved wherever possible and to secure development that improves the economic, social and environmental conditions in the area' and 'Planning*

applications that accord with the policies in this local plan will be approved without delay, unless material considerations indicate otherwise. Core Strategy Policy CS16 ('High Quality Design') provides for the grant of planning permission for development that is designed to a high standard, which helps to create places where people want to live, work and relax and inter alia *'...does not cause unacceptable harm to the amenity of neighbours through smell, the loss of privacy, outlook, noise and overlooking.'*

Paragraph 5.05 ('Back-to-Back Distance') of the 'Borough Design Guide Supplementary Planning Document' (2011) states that *'In order to maintain a reasonable relationship between new dwellings and neighbouring properties...Where windows of the new development and an existing dwelling occur back-to-back there should be a minimum of 20 metres separation'* and *'Garden length should normally allow 10 metres between the dwelling and the boundary.'*

This locality is characterised by dwellings in a wide variety of styles, formats and plot sizes and the mix notably includes chalet-bungalows eg Nos.35, 37, 41, 43 and 47-51 Frogmore Lane that front the Lane, to the southeast of the site. Particular attention is also drawn to the 'Willowside' development that stands immediately to the southwest of this site and through which access is proposed to be achieved - it comprises ten three/four-bedroomed houses and four two-bedroomed flats. Planning permission 07/71455/002 for the 'Willowside' scheme was granted by Havant Borough Council in June 2007; as its layout and design were seen to accord with the character and appearance of this locality and fully satisfied the Borough Council's requirements, it has provided a useful model for this proposal.

Planning appeal APP/X1735/A/11/2167404 (HBC ref: APP/11/00204) was dismissed by Inspector Robins in July 2012 for the erection of six 2/2.5-storey houses and two two-storey blocks of eight flats on land to the rear of Nos.41-55 Frogmore Lane (on 0.28 hectare of land). In his decision letter, Inspector Robins recognised the benefits that would accrue from the provision of housing in this sustainable location and *'...there is an element of precedent supported by Willowside'* but expressed concern at the prospective scale and mass of that proposal and came to the view that occupants of Nos.8-14 Yoells Crescent would experience some loss of privacy; the appeal was consequently dismissed.

Nos.41-49 Frogmore Lane comprise five semi-detached properties with long rear gardens. They stand on 0.382 hectare of land so they represent a net residential density of 13.09 dwellings per hectare (dph); paragraph 6.21 of the Core Strategy defines any development up to 45 dph as 'Low Density'. The houses which face northwest to Yoells Lane represent a net residential density of 25dph. The four chalet-bungalows would stand on a much smaller area than that the subject of the dismissed appeal. Driftstone Developments Ltd holds an interest in No.45 Frogmore Lane.

In accordance with the advice proffered at paragraph 188 ('Pre-application engagement and front loading') of the NPPF, the views of (Planning Officer) Rachael McMurray of Havant Borough Council were invited on preliminary proposals for the erection of four detached three-bedroomed chalet-bungalows on this site. By letter dated 23rd July 2014 (HBC ref: GEN/14/00614), Mrs McMurray helpfully accepted that *'...four dwellings on the site would achieve a density...which is considered to be low density...The back-to-back distance between the proposed dwellings and those located to the north west of the site in Yoells Lane are considered to be accordance with advice laid out in the Council's adopted design guidelines...The front-to-back distances with properties in Frogmore Lane are also acceptable...The proposed rear garden lengths exceed 10m, which is also considered acceptable in design terms.'* In light of that positive response, further consultation was unnecessary.

Notwithstanding the Officers' positive recommendation regarding our client's proposal to erect four detached three-bedroomed chalet-bungalows on this site (which followed the principles of the pre-application proposal), outline planning permission APP/15/00228 (for matters relating to 'Access' and 'Layout' only) was REFUSED by the Development Management Committee in May - the decision notice recorded these four reasons for withholding consent:

- 1) *The proposal would result in an undesirable form of backland development out of keeping with the character of the locality and detrimental to the amenities of the area. It is therefore contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*
- 2) *The proposal would result in backland development which is undesirable because of the unsatisfactory access and because of the adverse effect on the occupiers of neighbouring property. It is therefore contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*
- 3) *The proposed development would constitute an undesirable over-intensive use of the site which would have an adverse effect on the amenities of occupiers of adjoining properties. It is therefore contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and the National Planning Policy Framework 2012.*
- 4) *The proposed development would be likely to result in the loss of acknowledged ecological features, without appropriate mitigation measures having been identified. It is therefore contrary to Policy DM8 of the Havant Borough Local Plan (Core Strategy 2011) and the National Planning Policy Framework 2012.'*

It was apparent at the Development Management Committee meeting Mr Monk (who gave a deputation) and Members were under the impression that dormers in the rear roof-planes would lead to overlooking of the gardens of houses the face north to Yoells Crescent when, in fact, 'Appearance' and 'Scale' details did not form part of the submission – they were reserved for approval later. Notably, Core Strategy Policy CS16 ('High Quality Design') generates a presumption in favour of development of a high standard which does not adversely affect amenities of neighbours.

Notwithstanding the Borough Council's recent decision, it is respectfully submitted that the erection of four detached chalet-bungalows on this under-used land in a sustainable location within the urban area would accord with the character of its surroundings and not compromise any key sustainable development principles of national planning policy nor be detrimental to the amenities of neighbours.

Amount, Layout, Scale & Appearance

Inspector Robins' reasons for dismissing the earlier appeal, Havant Borough Council's reasons for withholding consent and the submitted third-party representations relating to the recently refused scheme have all been given detailed attention in the formulation of this proposal. In light of the favourable presumptions set down in Core Strategy Policies CS9 ('Housing'), CS16 ('High Quality Design') and CS17 ('Concentration of Development within the Urban Areas'), Local Plan Policy AL1 ('Presumption in Favour of Sustainable Development') and the Design Guide SPD, however, it is still proposed that this garden land

be cleared and four detached three-bedroomed chalet-bungalows erected; each would have a gross external floor area (GEA) of 76m², so there would be **304m²** in total. The proposal would reflect a net residential density of 23.5 dph, which would lie squarely within the 'Low Density' range and achieve an appropriate balance between accessibility and local character.

In addition to matters relating to 'Access' and 'Layout', details relating to 'Appearance' and 'Scale' are now offered for approval; 'Landscaping' details are still reserved for later approval.



Computer Generated Image (CGI) of the 'limited' view of the proposal from Frogmore Lane - this constrained view between Nos.39 & 41 Frogmore Lane is of the garage and dwelling on Plot 1.

Public views from Frogmore Lane and respect for the privacy of existing and future residents in the Lane and Yoells Crescent have been accorded priority in the formulation of this proposal, from concept stage. In accordance with paragraph 5.05 ('Back-to-Back Distance') of the Design Guide SPD, provision is made for gardens 10 metres long and for the new dwellings to be so sited as to ensure that at a separation distance of least 20 metres is achieved between the rear elevations of the new dwellings and the rear elevations of the existing houses in Yoells Crescent - the closest dwellings (Plots 3 and 4) would stand between 25.5 and 31.6 metres from the rear elevations of No.8 and 10 Yoells Crescent, respectively. As illustrated on the enclosed first-floor plan and rear elevation (drawing 08), first-floor windows serving bathrooms in the new dwellings would be obscure-glazed and their cills or rooflights would lie at least 1.7 metres above finished floor level; there would be no first-floor windows to side elevations. It is also proposed that a vertical-board timber fence 2 metres in height be erected along the common boundary with Nos.4-8 Yoells Crescent. Reasons 1-3 of the recent decision have also been addressed.



CGI of the 'limited' view of the proposal from Frogmore Lane - this constrained view between Nos.47 & 49 Frogmore Lane is of the garage and dwellings on Plots 3 and 4.

It is evident from the two enclosed Site Sections (drawing 06) and the Computer Generated Images that the proposed dwellings would be barely visible from Frogmore Lane. It is submitted that evidence to support Reason 1 of the recent decision is notable by its absence.

In these positions and finished with similar wall- and roof-finishes as the 'Willowside' dwellings (ie red/brown brick with half-hipped roofs of plain brown tiles), it is submitted that the proposed dwellings would make more efficient use of this sustainable site in a manner that would help create a more mixed and balanced

community that accords with the character of this locality, without detriment to the amenities of neighbours.

Access

In February 2007, Inspector Marshall commented that *'To the northeast of the appeal site is further rear garden land with the potential for new housing development...A logical way to develop the land to the northeast would be via a continuation of the access road in the proposed development'*. In light of suggestions made at the Committee meeting on 28th May alternative access arrangements have been examined, but discounted. In order to achieve satisfactory access to the site, it is again proposed that an entrance be formed at the southwest boundary and a new access road/drive laid of permeable tarmac. A turning head (in the southeastern sector) would provide for the manoeuvring of service vehicles within the site (as is demonstrated on the enclosed Vehicle Tracking Plan prepared by Archibald Shaw). In accordance with the Borough Council's 'Residential Parking and Cycle Provision Supplementary Planning Document' (2010), each dwelling would be served by two allocated car parking spaces – one on a laid forecourt area opposite and another within a garage. Provision is also afforded for two visitor spaces near the eastern corner of the site. Secure provision for bicycle storage would be afforded within timber sheds in rear gardens. Refuse and recycle bins would be stored near the rear elevations of the dwellings and taken to the frontage collection point on the requisite day.

The view is taken that pedestrian and vehicular traffic associated with these additional dwellings would not be materially harmful to the amenities of neighbouring residential properties (particularly those in 'Willowside' or Nos.41-49 Frogmore Lane) or cause danger or inconvenience to users of the public highway. The proposal would accord with Part 'M' of the Building Regulations (Access to Buildings), as provision is made for level access to main entrances, with a hard-surfaced connection to parking and amenity areas that is suitable for access by persons with impaired mobility. As the site enjoys unhindered access to Frogmore Lane via Willowside and Ash Copse, no difficulties are anticipated with emergency services reaching the proposed units or their gardens. In his consultation response on the previous proposal Development Engineer, Peter Marshall recorded *'...no adverse comment'*. It is respectfully submitted that the charge previously set down in Reason 2 – that the proposal *'...is undesirable because of the unsatisfactory access'* - has no foundation.

Ecology

In his 'Reptile Survey Report' of October 2014 that formed part of planning application APP/15/00228, Brian Masterton of Haven Communication recorded the presence of slow worms in the rear gardens of No.43 and 47 Frogmore Lane late in the Summer of 2014. In accordance with subsequent advice proffered by Tristan Norton (Senior Ecologist) of Hampshire County Council, provision is now to be made for a reptile corridor (with composting areas) along the northwest boundary of the application site that is defined on its 'garden' side by a chain-link fence one metre in height. It is submitted that this arrangement would satisfactorily address Reason for Refusal 4 of the recent decision.

Trees

In their 'Arboricultural Impact Appraisal and Method Statement' of 13th February 2015 (copy enclosed), Barrell Tree Consultancy recorded its view that the groups of trees that are to be removed are of low category due to their poor condition and/or size and that the proposed development would not be detrimental to retained trees. In his (undated) representation with regard to the previously refused proposal, the Borough Council's Arboriculturalist, Jamie Gargett, stated that he had *'...no objections...'* to the proposal.

Landscaping

The approval of 'Landscaping' matters are not invited in the context of this application for outline consent but the applicants are able to confirm their intention to reinforce existing boundary planting with new hedges and trees, especially along the northwest common boundary with Nos.4-8 Yoells Crescent. Future occupiers of the new dwellings would undoubtedly wish to plant private garden areas to their own taste, to soften the appearance of the development yet further.

Noise

While there would be a negligible increase in day-time noise levels from the proposed development and there *may* be occasional vehicles at night, night-time vehicle movements are unlikely to cause disturbance in bedrooms with windows open or closed. The view is held that there would be no significant loss of amenity derived from noise.

Energy

In accordance with Core Strategy Policy CS14 ('Efficient Use of Resources'), this proposal would incorporate environment-friendly features to achieve a minimum Code-level 3 rating for Sustainable Homes, or the contemporary equivalent:

- The orientation of the dwellings maximises passive solar gain and the levels of day- and sun-light reaching habitable rooms.
- High-efficiency condensing boilers would heat the new dwellings.
- Low-energy fittings will be utilised throughout.
- Permeable surfaces will be laid throughout, to allow percolation through external surfaces to subsoil levels and minimise surface-water discharge.
- Locally-sourced materials will be used.
- A 'heavyweight' construction would produce dwellings with a high thermal mass and stable internal environments; the building fabric would be 'long-life' and allow flexible use.

Crime & Anti-social behaviour

Vehicular and pedestrian access to the proposed dwellings could only be achieved via the proposed access and habitable-room windows would afford a high standard of informal supervision, so no special measures are considered necessary for the prevention of crime or anti-social behaviour.

Site Waste Management

Top-soil 'scraped-off' following the setting-out of the site is to be retained on the site, for re-use in soft landscaping. Timber will be salvaged where possible and inert waste material would be disposed of to a licensed Hampshire County Council site. Any other waste will be segregated into skips and removed by licensed collectors.

Working Practice

To protect the amenities of neighbours, the operation of construction machinery on the site will be restricted to 8.00am-6.00pm Monday-Friday, 8.00am-1.00pm on a Saturday, with no working on a Sunday or Bank Holiday. All materials and plant will be kept within the curtilage of the application site. Any trees not removed under previous permissions are to have

protective fencing around. Provision will be made for all vehicles entering and leaving the site to have wheels cleaned before exiting, to ensure disturbance is kept to a minimum.

Solent Disturbance Mitigation Project Contribution

The applicant recognises that it is the Borough Council's customary practice to seek a contribution of **£696** (ie 4 x £174) towards the 'Solent Disturbance Mitigation Project' (SDMP) whenever new residential development is proposed and would welcome clarification of the facilities on which the monies from this proposal would be expended, to pave the way for the requisite arrangement to be entered.

Community Infrastructure Levy

The applicant recognises that the Borough Council applies a Community Infrastructure Levy (CIL) of £80/m² whenever new residential development is proposed and would be prepared to enter the requisite arrangement upon submission of the outstanding detailed matters.

Conclusion

It is submitted that the requirements of the development plan are *satisfied* by this proposal since it would not detract from the existing (mixed) street-scene; would be in keeping with the (mixed) character of its surroundings; is of a high standard of design; incorporates materials and design elements sympathetic to local character; provides safe access for pedestrians, cyclists and vehicular traffic; provides satisfactory cycle and car parking; respects privacy, outlook and sunlight; and the prospect of criminal activity and anti-social behaviour has been taken into account.

Development of this site in the manner proposed would achieve more efficient use of this underused, sustainable urban land without causing demonstrable harm to the character or appearance of the locality or the amenity of neighbours. It would play a modest yet valued part in the provision of family dwellings and thereby broaden the choice of housing accommodation in this northwestern sector of Havant Borough and provide an acceptable form of development that accords with the development plan; no other material considerations indicate otherwise.

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