

KF Planning Consultancy

Adam Hill
The Planning Inspectorate
3C
Temple Quay House
2 The Square
Bristol
BS1 6PN

8 West Road
Woolston
Southampton
Hampshire
SO19 9AJ

t: 07973 859088
e: kerry@kfpc.co.uk

Our Ref: KFPC/NK/WOOD/002

Your Ref:

Date: 15 August 2019

Dear Sir / Madam,

PLANNING APPEAL APP/X1735/W/19/3230318: 108 WOODGREEN AVENUE, HAVANT, PO9 3EE

I set out below some final comments in relation to the issues raised in the Council's Appeal Statement.

The majority of issues raised have already been addressed with the Appellant's Appeal Statement but we wish to clarify the following points:

Paragraph 4.7

The Havant Local Plan Pre Submission Draft is at such an early stage that it can have no weight in this appeal decision but notwithstanding this, as detailed in the appeal statement, the scheme responds to local context and living and amenity space appropriate to the provision of 2 no. 1-bed dwellings.

Paragraphs 4.11 to 4.19

The issue of nutrient / nitrate neutrality has arisen since the application was refused. The Appellant acknowledges the guidance from Natural England and Havant Borough Council's Position Statement on Nutrient Neutral Development.

The appeal proposals represent a small scale residential scheme of 2 no. 1-bed dwellings on land forming the curtilage of an existing dwelling.

To ensure this issue can be addressed within the Appeal, advice has been obtained from David West, Ecologist at WYG. The required calculation has been undertaken for the proposals in accordance with the Natural England methodology and is attached. This establishes the impact and in accordance with the Council's Position Statement a Grampian style condition is proposed as follows:

The development hereby permitted shall not be occupied until:

- a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority;*
- b) A mitigation package addressing the additional nutrient input arising from the development has been submitted to, and approved in writing by, the Local Planning Authority. Such mitigation package shall address all of the additional nutrient load imposed on protected European Sites by the development when fully occupied and shall allow the Local Planning Authority to ascertain on the basis of the best available scientific evidence that such additional nutrient loading will not have an adverse effect on the integrity of the protected European Sites, having regard to the conservation objectives for those sites; and*
- c) All measures forming part of that mitigation package have been provided to the Local Planning Authority.*

Reason: There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation for is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy E14 of the Pre-Submission Havant Borough Local Plan 2036.

As confirmed in the attached report, following the application of this planning condition, it is considered that there is no potential for an adverse effect upon the integrity of any European site as a result of increased nitrogen discharge.

Paragraph 5.1

As stated, there has been no objection or comment raised from any local residents including those on Woodgreen Avenue or Fraser Road. As such, the scheme can be seen to be considered acceptable and to not raise any concerns with regard to how the new development will sit within the residential area.

Paragraph 6.2

The Council quote the requirements of Policy CS16 and it is important to note that this makes reference at part (c) to using the characteristics of the locality "to help inform design" but does not require new development to replicate it.

Paragraph 6.9 to 6.10

It is acknowledged that the design guidance states that developments should "normally allow" a garden depth of 10 metres. For a larger family dwelling this is generally acknowledged as a minimum garden depth. However, the proposal is for 2 no. 1-bed dwellings and the appeal submission has already shown that the gardens provided officer private amenity space for each 1-bed dwelling and that this is not out of keeping with the local area.

Paragraph 6.11

The proposals will provide two good quality 1-bed homes for this area. It is noted that there are no space standards set out for private dwellings within Havant guidance or in the Core Strategy or Allocations Plan. The Ministerial Statement on the technical standards (2015) suggests the standards should apply where council's have an existing adopted policy. As such not all councils depend on the technical standards.

In this appeal, it is considered that the issue should not be that the proposed floorspace falls below the technical standard for a 1-bed 2 storey dwelling but that the proposed accommodation in an urban housing area is of good quality and layout.

Also, as raised in our statement, gives no response to examples highlighted in our statement where council have allowed smaller 1-bed dwellings.

Paragraph 6.14 to 6.18

It remains the appellants view that the Council has to take into account the character and type of parking in this area including at neighbouring properties and parking it has approved on other sites. The proposals respond to this in addition to proving that there is more than sufficient on road parking capacity to serve the development.

A parking survey was submitted as previously suggested by the Council. The council have queried the original parking survey submitted with the application and given it no weight. Whilst the appellant does not agree with this, they have therefore instructed an independent further survey by a survey specialist and to the most widely recognised parking survey methodology.

Indeed, in the process of instructing the survey, the consultant queried whether one was reasonably required given the amount of space on the roads around these dwellings.

Notwithstanding this, it has been provided and confirms that there is more than sufficient on road parking capacity as set out in the submitted report (appended to the Appellant's Appeal Statement).

Paragraph 6.23

The Council has had complete disregard to the examples highlighted which are material and, more importantly, form part of the context to this housing area which policy CS16 requires design to respond to and be informed by. This includes the grant of planning permissions which contradict their approach / response to the current appeal proposals.

Paragraph 6.24

Please see comments above re Paragraph 6.19.

Paragraph 6.25

As stated above in relation to Paragraph 6.14-6.18, the parking survey was undertaken by a specialist and to the most widely recognised and robust parking survey methodology.

As such, the Appellant maintains that the proposals represent a good quality of development which respond to the existing local character and design context. The Inspector is therefore respectfully requested to allow the appeal.

Yours sincerely,

A black rectangular box redacting the signature of Kerry Futter.

**Kerry Futter BA(Hons) MSc DipUD MRTPI
Planning Consultant**