

How much will it cost?

	Single	Return
All trips to Havant	£2.50	£3.50
All trips to Mengham	£1.50	£2.50

If you have a Hampshire County Council disabled person's bus pass you may travel free on this service. If you have a Hampshire County Council older person's bus pass you may travel for free on any journey departing after **09:30**. If you have a pass issued by any other English Local Authority you may travel for free on any journey departing after 09:30.

Children between 5 and 16 years of age may travel for half price and those under 5 may travel free.

Accessibility

Folding wheelchairs and pushchairs can always be accommodated.

Other transport information

Hayling Island Voluntary Services

Telephone Number: 02392 464730

Volunteers provide transport to medical appointments, visiting patients at hospitals and shopping. Passengers pay a suggested fare to the driver.



www.hants.gov.uk/taxishares

Revised 1st April 2015

The Hayling Island Carshare

A public transport service



The Hayling Island Carshare (32)

A public transport service for passengers travelling from Hayling Island into Havant or Mengham

What is the Hayling Island Carshare?

It is a public transport service for anyone who needs to travel from Hayling Island into Havant or Mengham who meets the criteria (see below).

The service is similar to a bus service, except that passengers will need to book in advance and the journey will be operated by a 'taxi' instead of a bus.

What are the criteria?

To use the service you must meet **one** or more of the following points;

- No buses travel at the time you need or to where you want to travel OR
- You live a long way from the bus stop
- You find it difficult getting on or off public buses

Where will I be picked up from?

You will be picked up from your home address.

Where can I travel to?

Pre-booked passengers will be dropped off/picked up:

- Havant Town Centre
- Havant Tesco
- Havant Health Centre
- Havant Leisure Centre
- Oak Park Community Clinic
- Mengham (in or just off Elm Grove)

When can I travel?

The service operates Monday to Saturday (excl. public holidays) at the following times (times may vary up to 5 minutes):

South-East Area	08:50	10:00	10:50	12:00	13:10*	14:00
South-West Area	09:00	10:10	11:00	12:10	13:17*	14:10
Mengham	09:10	10:20	11:10	12:20	13:22*	14:20
Northney	09:15	10:25	11:15	12:25	13:26*	14:25
Havant	09:25	10:35	11:25	12:35	13:30*	14:35

Havant	09:25	11:25	12:35	14:35	16:00
Northney	09:35	11:35	12:45	14:45	16:10
Mengham	09:40	11:40	12:50	14:50	16:15
South-West Area	09:50	11:50	13:00	15:00	16:25
South-East Area	10:00	12:00	13:10	15:10	16:35

*This journey runs on the **4th Thursday** of each month only.

What do I do next?

Firstly you must register with Hampshire County Council (this is free) by calling the number below.

You will then be sent a membership pack with the booking number to ring when you would like to travel.

Please call

Hampshire County Council
for more information on

01962 846786

(standard and local call rates apply to this number)

How do I use it?

To use the service you must book your seat by 9pm the day before you wish to travel.

You can book as far in advance as you like.



**Basingstoke
and Deane**

Basingstoke and Deane Borough Council

Civic Offices, London Road,
Basingstoke, Hampshire RG21 4AH

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REF:17/01418/FUL

Mr Robert Tutton
Robert Tutton Town Planning Consultants Ltd
23 Romsey Avenue
Fareham
PO16 9TR

NOTICE OF APPROVAL

Town & Country Planning Act 1990

Town & Country Planning (Development Management Procedure) (England) Order 2015

In pursuance of its powers under the abovementioned Act, the Council as Local Planning Authority hereby GRANTS planning permission for the:

Proposal: Erection of a three-bed detached house
Location: Land At 6 Sunnyside Cottages Aldermaston Road Sherborne St John
Hampshire
Applicant: Sunnyside Conversions Ltd

in accordance with your application, plans and particulars unless otherwise agreed in writing with the Local Planning Authority **and subject to compliance with the following conditions:**

1. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

Location Plan - LO1 REV B
Site Layout - 1765 - 01a
Proposed Plans - 1765-02
Proposed Elevations - 1765-03
Site Elevation - 1765-04

REASON: For the avoidance of doubt and in the interests of proper planning.

2. The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent an accumulation of unimplemented planning permissions.

Application 17/01418/FUL

Details of Application:	Full Planning Application Erection of a three-bed detached house Date Registered 18 April 2017 (Subject to three year condition)
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Location:	Address: Land At 6 Sunnyside Cottages Aldermaston Road Sherborne St John Hampshire
	Ward: Sherborne St. John
	Parish: SHERBORNE ST JOHN CP
	OS: 461820 155604

Applicant:	Sunnyside Conversions Ltd
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Case Officer:	Rob Sims 01256 845304
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RECOMMENDATION:

It is RECOMMENDED that the application be APPROVED subject to the conditions listed at the end of this report.

Planning Policy

The site lies outside of any settlement policy boundary and is therefore considered to lie in a countryside location. The site also lies within the Sherborne St John Conservation Area and within the Basingstoke – Sherborne St John Strategic Gap.

National Planning Policy Framework (NPPF) (March 2012):

Core Principles - Achieving Sustainable Development
Section 6 (Delivering a wide choice of high quality homes)
Section 7 (Requiring good design)
Section 11 (Conserving and enhancing the natural environment)
Annex A: Decision Taking

Basingstoke and Deane Local Plan 2011-2029

Policy SD1 (Sustainable Development)
Policy SS1 (Scale and Distribution of New Housing)
Policy SS6 (New housing in the countryside)
Policy CN1 (Affordable Housing)
Policy CN6 (Infrastructure)
Policy CN9 (Transport)
Policy EM1 (Landscape)
Policy EM2 (Strategic Gap)
Policy EM4 (Biodiversity, Geodiversity and Nature Conservation)
Policy EM5 (Green Infrastructure)
Policy EM6 (Water Quality)
Policy EM7 (Managing Flood Risk)
Policy EM9 (Sustainable Water Use)
Policy EM10 (Delivering High Quality Development)
Policy EM11 (Historic Environment)
Policy EM12 (Pollution)

Sherborne St John Neighbourhood Plan 2011-2029

SSJ Policy 2 – The Rural Character of the Parish

Supplementary Planning Documents and Guidance (SPD's and SPG's) and interim planning guidance

Design and Sustainability SPD Main Document

- Appendix 4 (Conservation Areas)
- Appendix 5 (Construction Statements);
- Appendix 6 (Storage and collection of waste and recycling);
- Appendix 7 (Places to Live);
- Appendix 14 (Countryside Design Summary)
- Appendix 16 (Residential Amenity Design Guidance)

Residential Parking Standards SPD (2012)

The Landscape and Biodiversity SPD

Landscape Assessment SPG

The Countryside Design Summary SPG

Other material documents

Community Infrastructure Levy (CIL) Regulations 2010

S106 Planning Obligations and Community Infrastructure Interim Planning Guidance

Description of Site

The existing site comprises of a 0.04ha site located to the south of 6 Sunnyside Cottages. Sunnyside Cottages comprise a row of cottages located to the west and on higher ground than the A340. The cottages have recently been renovated with parking areas created to the rear.

Proposal

The proposal is for the erection of one detached two storey dwelling on the application site. The proposed dwelling would measure 8.0m wide x 7.4m long x 7.0m high and would also include a single storey rear addition measuring 2.4m deep x 4.3m wide x 2.7m high. The proposed dwelling would have a footprint of approximately 69sqm and would comprise of a living room, kitchen and study on the ground floor and three bedrooms and a bathroom at first floor.

Consultations

Sherborne St John Parish Council - The Parish Council are concerned about this application as they think it might be on a greenfield site. Please can you let me know if this is so or if the site is classified as brownfield.

Conservation Officer - No objection subject to retention of the front hedge

Environmental Health Officer - No objection subject to conditions

Highways – Standing advice applies

Public Observations

Three letters of objection received:

- The land has not been previously developed and a three bed house would be out of context.
- Highway / grass verge parking would increase creating more obstruction and compromising highway safety.
- Turning provision inadequate for more dwellings
- Established mature bushes and trees in the Conservation Area should be preserved
- What are the proposed parking arrangements? Three dwellings already do not have designated parking bays.
- Access difficult as adjacent to a bus stop.
- Where will builders park and dust controlled?
- Want a sign saying private property.
- OS data inaccurate for the plot.
- Owners and builder previously burnt waste on site and left site untidy.

Planning History

No specific planning history for the site

Assessment

Principle of development

Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. In this case the development plan for the area is the adopted Basingstoke and Deane Local Plan 2011-2029. At a national level, the National Planning Policy Framework (NPPF) was introduced in 2012 and the NPPF constitutes guidance, which the LPA must have regard to. The NPPF does not change the statutory status of the development plan as the starting point for decision making, but is a material consideration in any subsequent determination.

The site is located outside of any Settlement Policy Boundary (SPB). It is therefore within the part of the borough which is designated as countryside as per Policy SS1 (Scale and distribution of new housing) of the Local Plan.

The Local Plan is explicit in its aims as stated in Paragraph 4.70: 'The aim of the Local Plan is to direct development to within the identified Settlement Policy Boundaries and specific site allocations. Within the countryside it is the intention to maintain the existing open nature of the borough's countryside, prevent the coalescence of settlements and resist the encroachment of development into rural areas. The countryside is therefore subject to a more restrictive policy'.

Policy SS1 sets out a spatial strategy for the Local Authority to meet its full housing need over the Plan period. The strategy is principally based upon the development of allocated Greenfield sites and the redevelopment of land in the towns and villages. Development in the countryside is generally restricted.

The most relevant Local Plan policy for the proposal is Policy SS6 (New Housing in the Countryside). The policy outlines the exceptional circumstances where it is appropriate to allow new housing development in the countryside.

Policy SS6 states that development in the countryside will only be permitted if the site is on previously developed land; is part of a rural exception scheme; is for the re-use of an existing building; involves the replacement of an existing dwelling; is small scale to meet a locally agreed need; is required to support an existing rural business; or is allocated by a Neighbourhood Plan.

The application site previously formed part of the garden area belonging to 6 Sunnyside Cottages. The applicant has provided details and evidence of how the site was previously enclosed with a boundary hedge and contained a vegetable garden and washing line. Therefore the site constitutes previously developed in accordance with the definition within the National Planning Policy Framework. On this basis criteria a) of Policy SS6 is most relevant to this development proposal, which states that development proposals for new housing outside Settlement Policy Boundaries will only be permitted where they are:

a) On 'previously developed land', provided that:

- i) They do not result in an isolated form of development; and
- ii) The site is not of high environmental value; and
- iii) The proposed use and scale of development is appropriate to the site's context.

Paragraph 4.72 of the Local Plan also states that: "The redevelopment of previously developed land in the countryside will generally be encouraged provided that the site is not of high environmental value and that the proposed use and scale of development is appropriate to the site's context".

Criterion SS6 (a) i) requires new residential development 'not to result in an isolated form of development.' The Basingstoke and Deane Local Plan defines 'isolated' in the glossary as:

'In the context of new residential development in the countryside where there is a significant separation between the proposed dwelling and the nearest settlement. Additionally, a dwelling is considered to be isolated if it is not well served by public transport (e.g. within 500 m of a bus stop or train station) or well served by services and facilities (e.g. within 1km of an SPB, which generally contains facilities such as schools, post offices, doctors surgery, etc)'

The term 'settlement' is also defined within the Development Plan:

'A settlement typically consists of a village, comprised of more than a group of houses, or farmstead, including at least one service or facility, such as a village hall, public house or school.'

In this instance, the site is located alongside a number of residential dwellings that line the southern side of the A340. Immediately outside of the site is a bus stop which provides a regular service between Basingstoke and Tadley and would be easily accessed from a public footpath by occupiers of the proposed dwelling. Therefore it cannot be said that the proposed dwelling would be 'isolated'. On this basis the proposal would comply with Policy SS6 a) i). Furthermore there are no policies within the Sherborne St John Neighbourhood Plan that would prevent the principle of development being considered acceptable.

Consideration of Policy SS6 (a) parts ii) and iii) will be discussed in the 'Design/Impact on the rural character and appearance of the area' section below.

Impact on the Basingstoke – Sherborne St John Strategic Gap

The site is located within the Strategic Gap (Basingstoke/ Sherborne St John) as defined within Policy EM2 (Strategic Gaps) of the adopted Local Plan. The supporting text of Policy EM2 explains that 'gaps have not been defined to protect the countryside or landscape, but to prevent coalescence of settlements and maintain the separate identity of settlement...A clear gap between settlements helps to maintain a sense of place for settlements on either side of the gap.' The Policy states development will only be permitted where:

- a) It would not diminish the physical and visual separation; and

- b) It would not compromise the integrity of the gap either individually or cumulatively with other existing or proposed development; or
- c) It is proposed through a Neighbourhood Plan.

Paragraph 6.16 states that: 'Small development that is in keeping with the rural nature of the gaps will not be prevented, provided that it appropriately sited and designed to minimise the impact on the openness of the gap.'

The application site is located between existing residential dwellings that also lie within the strategic gap. These dwellings coupled with the open countryside to the west contribute to the rural character of this part of the gap. It is considered that to erect a dwelling between the existing residential development within the gap and on previously developed land would not be out of keeping with the rural nature of this part of the gap or reduce its openness or compromise its integrity either cumulatively or individually. Furthermore the proposed development would not result in the coalescence of settlements. On this basis it is considered that the proposals would not be contrary to Policy EM2 of the adopted Local Plan.

Design and Impact on the Character and Appearance of the Conservation Area

The Policy EM11 (Historic Environment) states that all development must conserve or enhance the quality of the borough's heritage assets (a Conservation Area being a designated heritage asset). Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a statutory duty for all development to preserve or enhance the character and appearance of the Conservation Area.

This is an application for the construction of a new two storey dwelling adjacent to an existing row of cottages within the Conservation Area. These cottages are identified within the Conservation Area as 'notable buildings.' Whilst they are not specifically referenced within the Conservation Area Appraisal, their uniform design, materials and cohesive order is easily understood as is their contribution to the Conservation Area. The proposals would involve the erection of a two storey detached dwelling to the immediate south of these cottages. The dwelling would have a hipped roof and be symmetrical in appearance with a front canopy porch.

In terms of layout the proposed dwelling would be accessed an existing track serving the rear of the existing cottages. The proposed dwelling would sit level and alongside the existing cottages albeit slightly separate. Two designated parking spaces would be provided alongside the existing access track. The dwelling would have a rear of garden measuring approximately. It is not considered that the layout of the proposed development would sit disproportionately within the proposed development site and would relate appropriately yet separate from the existing row of cottages which would retain their historic interest, significance and contribution to this part of the Conservation Area. In addition the proposals would incorporate adequate parking provision and amenity space.

In terms of the visual relationship with the existing cottages and the Conservation Area, the proposed development would relate appropriately in height and scale with the existing row of cottages and would sit alongside the existing building line. The existing cottages comprise of red brick elevations slate roofs and flat frontages. The proposed dwelling is proposed to have brown roof tiles and red brick elevation and uPVC windows. In general these materials would be appropriate to this part of the Conservation Area and in terms of its relationship to the existing cottages. Details of the proposed materials would need to be secured through a condition.

The Conservation Officer requests that the existing hedgerow along the site frontage is retained. The front of the site is banked down to the roadside and the previous hedge

enclosing the site has largely been removed and damaged as result of storing materials on the application site. The proposed street scene submitted with the application indicates that new hedge will be erected along the frontage. This is considered to be achieve an enhancement to the existing site as well as create an appropriate sense of enclosure and landscaping in this part of the Conservation Area. A condition will be imposed to secure details of hard and soft landscaping.

It is considered that the proposed dwelling would be appropriate in the context in which it sits and in terms of its size, scale and design it would relate appropriately to the existing historic cottages and would preserve their contribution to the character and appearance of the Conservation Area. On this basis the proposals would comply with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy EM11 of the Local Plan.

Impact on the rural character and appearance of the area

The last two criteria of SS6 (a) are:

- ii) The site is not of high environmental value; and
- iii) The proposed use and scale of development is appropriate to the site's context.

These two criteria should be considered alongside Policies EM1 (Landscape), EM10 (Delivering High Quality Development) which seeks to protect the character and appearance of the local area from inappropriate development.

In addition Policy 2 (The Rural Character of the Parish) of the Sherborne St John Neighbourhood Plan (SSJ NP) states:

Development should ensure that the rural character and natural assets of the Parish are conserved and, if possible, enhanced.

Where development is acceptable in all other respects, it will be permitted where it:

- Conserves the rural character of the Parish; and
- Conserves the important habitats of the Parish; and
- Retains or enhances the network of green habitats within the Parish.

This applies to both the scale and location of development and to any additional impact caused by light or noise pollution.

Where development at the edge of the village or in open countryside is acceptable in all other respects, it should provide for sufficient landscaping and, where appropriate, screening to ensure that the character of the surrounding countryside is conserved and, if possible, enhanced.

Development should respect visual amenity by protecting important views out of the village or towards the village, as identified on Map 5.

The proposals are considered to be acceptable in terms of its relationship with the key characteristics of the Conservation Area. The proposals, by way of their height, design and scale would also be appropriate to the character and appearance of this part of the rural landscape. A key requirement of Policy 2 of the SSJ NP is that sufficient landscaping should be incorporated to ensure the character of the countryside is conserved and enhanced. In this instance the existing site is currently an eyesore, however previously was enclosed with mature hedgerow to establish the garden of No. 6 Sunnyside Cottages. The proposals would

re-introduce a hedgerow along the frontage that would provide an enhancement to the existing site. This would be secured through a condition. Subject to compliance with the condition, the proposals would respect the qualities of the local landscape and they would be sympathetic to its character and visual quality, as required by Policy SS6 (a) part ii) and iii) and Policies EM1 and Policy EM10 of the Local Plan and Policy 2 of the Sherborne St John Neighbourhood Plan 2011-2029.

Impact on neighbouring amenities

The proposed dwelling would lie in and amongst existing development with No. 6 located immediately to the north and No. 7 located the other side of the access track. The siting of the proposed dwelling along the same building line of No. 6, coupled with the comparative height of the dwellings would ensure that any adverse impacts from overlooking, loss of light would be negated. The proposed dwelling lies directly south of No. 6 and would not protrude beyond the front or rear building line of No. 6. A window is proposed at first floor in the northern elevation which would serve a hallway. In the interests of privacy and overlooking on the neighbouring property a condition will be imposed to ensure that this window is obscured glazed.

With regards to the impact on No. 7 to the south, as the proposed dwelling would be sited to the north east and there would be significant separation between the rear of the proposed dwelling and front of the neighbouring dwelling, no adverse harm in terms of overlooking or loss of privacy to the neighbouring dwelling would result.

On this basis the proposals would not harm residential amenity in terms of overlooking, loss of privacy or loss of light and would comply with Policy EM10.

The proposed dwelling would have a rear garden depth of approximately 7m and would be slightly below the required 60sqm of amenity space required for a three bed dwelling as recommended by Appendix 16 - Residential Amenity Guidance Design and Sustainability Document. However the garden size is commensurate with neighbouring plots and the site is in close proximity to public open space in Sherborne St John. On this basis the proposal is considered to comply with Policy EM10 and the relevant criteria contained in Appendix 16 - Residential Amenity Design Guidance of the Design and Sustainability SPD.

Impact on the Highway

The proposals seek to utilise an existing access from the A340 and to create two parking areas for the dwelling along the southern boundary. It is considered that the addition of one dwelling utilising an existing access would not result in any adverse impacts on the existing highway network.

The provision of two parking spaces for the dwelling would achieve the required number of off road spaces for a three dwelling in this location. Furthermore the development would provide bin and cycle storage within the development, although further details would need to be secured through a suitably worded condition.

Third parties have raised concern regarding the ability to turn on site and that the proposed parking would conflict with existing parking at the rear of the cottages. The proposed parking for the dwelling would be sited along the southern boundary and would be suitably sized to accommodate a modern vehicle (requiring a 2.4m wide x 4.8m long parking space). In addition at the end of the access track at the rear of the proposed dwelling there appears to be unobstructed access for a vehicle to use the access track and to turn and park or exit onto the A340. On this basis the proposed development would have suitable ability to allow for exiting the site in a forward gear. On this basis the proposed parking and turning arrangements are considered to be acceptable.

A condition will be imposed to secure a construction method statement. On this basis the proposals would comply with Policy CN9 of the Local Plan.

Contaminated Land / Noise Impacts

The Environmental Health Officer (EHO) considers that assessments are required to assess the risks from contamination to future site users, which can be sought through a condition. The existing site was a garden, however it is evident that it has been used for the storage of materials during the recent renovation of the existing cottages and therefore could contain contaminants. On this basis the request for a contamination assessment and subsequent verification is considered to be necessary in order to comply with Policy EM12 of the Local Plan.

With regards to noise impacts, the EHO requests that a condition is imposed to secure a noise impact assessment and a scheme for protecting the proposed dwellings from road traffic noise from the A340. The site lies within 5m of the A340 albeit would be on higher ground. This distance and relationship with the A340 is likely to result in excessive noise impacts on future occupiers and therefore a Noise Impact Assessment and subsequent mitigation is considered to be necessary in this instance. Such an assessment and mitigation can be secured through a condition in this instance.

Conditions regarding securing construction hours to amenable hours will be imposed as recommended by the EHO. Subject to compliance with this condition the proposals would comply with Policy EM12 of the Local Plan.

Flood Risk

The proposed development is located in Flood Zone 1 (Low Probability), however the site lies Upstream of a Critical Drainage Area and therefore a Flood Risk Assessment (FRA) is required in order to satisfy part a) of Policy EM7 (Managing Flood Risk) of the Local Plan. An FRA has been submitted with the application, which refers to the site as being a 'greenfield' site as there is a small impermeable area of 38sqm. The FRA calculates that the existing run off rate is 'negligible' due to the small size of the site and greenfield volume is 1.685%. The FRA recommends that soakaways should inform foul and surface water drainage strategies. Although the site is considered to be 'previously developed land' for the purposes of interpreting planning policy, given the small area of 'impermeable surfacing' identified, it is considered appropriate to consider the site as 'greenfield' for calculating run off rates. Where the existing run off rates are negligible, the imposition of a condition to secure foul and surface water drainage strategy, is considered to be an appropriate way to secure the necessary flood risk mitigation in this instance.

Sustainable Water Use

Policy EM9 (Sustainable water use) of the Local Plan requires all new homes to meet a water efficiency standard of 110 litres per person per day. Whilst no information has been submitted by the applicant that demonstrates how compliance with this Policy will be achieved, such information can be secured by condition.

Section 106 agreement

The application has been scoped in line with the CIL Regulations 2015 and the following tests have been considered;

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

Through the Council's 'scoping' process, consideration has been given to whether would attract contributions to mitigate for the impact of additional residents.

In November 2014 the Government introduced national thresholds for seeking affordable housing and tariff-based contributions through a Written Ministerial Statement and changes to the Planning Practice Guidance. At that time the Council determined planning applications in accordance with this position. The changes were challenged and Reading Borough Council and West Berkshire Council won a judicial review into the introduction of these national thresholds in July 2015 at which point the Government withdrew their guidance.

However, the Government challenged the judicial review outcome and the judge's decision through the Court of Appeal. Their appeal was upheld on 11 May 2016, resulting in the Government re-introducing the relevant sections of the NPPG on 19 May 2016.

Tariff-based contributions as sought through the Council's Scoping Process cannot be sought for developments of 10 units or less, or less than 1000sqm in floorspace. The proposal is for 1 residential unit and would have a floorspace of less than 1000sqm therefore tariff based contributions cannot be requested or secured for this development.

In terms of Affordable Housing, notwithstanding the position set out in Policy CN1 of the Local Plan, as a result of changes to the NPPG in May 2016, an affordable housing contribution cannot be secured for the proposed development.

Other Matters

A number of other matters were raised by third parties during public consultation. These matters will be addressed below:

- Parking of construction vehicles and control of dust

The parking of construction vehicles, storage of materials and control of dust during the course of the development would be controlled through a condition to secure a construction method statement

- Want a sign saying private property

The Local Planning Authority does not have the ability to issue such signs and it is not a material issue to this application.

- OS data inaccurate for the plot.

The site location plan and site layout plan were checked on the Officer site visit and are considered to be accurate for the purpose of determining this planning application. A condition will be imposed to secure details of level changes, which should be based on a topographical survey.

- Owners and builder previously burnt waste on site and left site untidy.

The condition of the site has been noted by the LPA and the Environmental Health Team and contamination assessments are to be requested by condition. In addition the erection of a new dwelling itself would enhance and tidy up the existing site.

Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing with the Local Planning Authority:

Location Plan - LO1 REV B
Site Layout - 1765 - 01a
Proposed Plans - 1765-02
Proposed Elevations - 1765-03
Site Elevation - 1765-04

REASON: For the avoidance of doubt and in the interests of proper planning.

- 2 The development hereby permitted shall be begun before the expiration of 3 years from the date of this planning permission.

REASON: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004 and to prevent an accumulation of unimplemented planning permissions.

- 3 No development shall commence on site until details of the types and colours of external materials to be used, including colour of mortar, together with samples, have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out and thereafter maintained in accordance with the details so approved unless otherwise agreed in writing by the Local Planning Authority.

REASON: Details and samples are required prior to development in order to provide high quality development and in light of the level of information submitted and in the interests of the visual amenities of the area and in accordance with Policy EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029 and SSJ Policy 2 of the Sherborne St John Neighbourhood Plan 2011-2029.

- 4 Prior to the commencement of development full details of both hard and soft landscape proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include, means of enclosure, soft landscaping details, car parking layouts, circulation areas and hard surfacing materials. The soft landscape details shall include planting plan, specification (including cultivation and other operations associated with plant and grass establishment), schedules of plants, (including replacement trees where appropriate), noting species, planting sizes and proposed numbers/densities where appropriate, as well as any works to enhance wildlife habitats where appropriate. In addition, an implementation timetable shall be submitted to and approved in writing by the Local Planning Authority before development commences. All hard and soft landscape works shall be carried out in accordance with the approved details in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants which, within a period of five years after planting, are removed, die or become seriously damaged or defective, shall be replaced in the next planting season with others of species, size and number as originally approved, to be agreed in writing by the Local Planning Authority.

REASON: Details are required prior to commencement as insufficient information has been submitted with the application and to ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and in accordance with Policy EM1 and EM10 of the Basingstoke and Deane Local Plan 2011-2029 and SSJ Policy 2 of the Sherborne St John Neighbourhood Plan 2011-2029.

- 5 No development shall take place, including any works of demolition, until a Construction Method Statement that demonstrates safe and coordinated systems of work affecting or likely to affect the public highway and or all motorised and or non-motorised highway users, has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period.

The Statement shall include for:

- i. means of access (temporary or permanent) to the site from the adjoining maintainable public highway, including the associated traffic management arrangements;
- ii. the parking and turning of vehicles of site operatives and visitors off carriageway (all to be established within one week of the commencement of development);
- ii. loading and unloading of plant and materials away from the maintainable public highway;
- iv. storage of plant and materials used in constructing the development away from the maintainable public highway;
- v. wheel washing facilities or an explanation why they are not necessary;
- vi. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii. measures to control the emission of dust and dirt during construction;
- viii. a scheme for recycling and disposing of waste resulting from construction work; and
- ix. the management and coordination of deliveries of plant and materials and the disposing of waste resulting from construction activities so as to avoid undue interference with the operation of the public highway, particularly during the Monday to Friday AM peak (08.00 to 09.00) and PM peak (16.30 to 18.00) periods.
- x. the routes to be used by construction traffic to access and egress the site so as to avoid undue interference with the safety and operation of the public highway and adjacent roads, including construction traffic holding areas both on and off the site as necessary.

REASON: Required prior to commencement because detail absent from the application and to ensure that the construction process is undertaken in a safe and convenient manner that limits impact on local roads and the amenities of nearby occupiers, the area generally and in the interests of highway safety and in accordance with Policy CN9 of the Basingstoke and Deane Local Plan 2011-2029

- 6 No works pursuant to this permission shall commence until there has been submitted to and approved in writing by the Local Planning Authority:-

(a) a desk top study carried out by a competent person documenting all the previous and existing land uses of the site and adjacent land in accordance with national guidance as set out in Contaminated Land Research Report Nos. 2 and 3 and BS10175:2011, and a site investigation report documenting the ground conditions of the site and incorporating chemical and gas analysis identified as being appropriate by the desk study in accordance with BS10175:2011- Investigation of Potentially Contaminated Sites - Code of Practice;

and, unless otherwise agreed in writing by the Local Planning Authority,

(b) a detailed scheme for remedial works and measures to be undertaken to avoid risk from contaminants/or gases when the site is developed. The scheme must

include a timetable of works and site management procedures and the nomination of a competent person to oversee the implementation of the works. The scheme must ensure that the site will not qualify as contaminated land under Part IIA of the Environmental Protection Act 1990 and if necessary proposals for future maintenance and monitoring.

If during any works contamination is encountered which has not been previously identified it should be reported immediately to the Local Planning Authority. The additional contamination shall be fully assessed and an appropriate remediation scheme, agreed in writing with the Local Planning Authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR11'.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 7 The development hereby permitted shall not be occupied/brought into use until there has been submitted to the Local Planning Authority verification by the competent person approved under the provisions of condition 6(b) that any remediation scheme required and approved under the provisions of condition 6(b) has been implemented fully in accordance with the approved details (unless varied with the written agreement of the Local Planning Authority in advance of implementation). Unless otherwise agreed in writing by the Local Planning Authority such verification shall comprise;

as built drawings of the implemented scheme;

photographs of the remediation works in progress;

Certificates demonstrating that imported and/or material left in situ is free of contamination.

Thereafter the scheme shall be monitored and maintained in accordance with the scheme approved under condition 6(b), unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Policy EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 8 No development shall take place on site until a scheme for protecting the proposed dwelling from road traffic noise has been submitted to, and approved in writing by the Local Planning Authority. Any proposed mitigation scheme shall have regard to the Basingstoke & Deane 'Noise assessments and reports for planning applications – Guidance note for developers and consultants'. Mitigation proposals will consider and utilise where possible, reduction in noise exposure achieved by effective site layout, building orientation, the use of physical barriers, utilising open space as a buffer, internal room configurations and any other available mitigation strategies.

The following noise levels shall be achieved with mitigation in place.

- a) Internal day time (0700 - 2300) noise levels shall not exceed 35dB LAeq, 16hr for habitable rooms (bedrooms and living rooms with windows open*)
- b) Internal night time (2300 - 0700) noise levels shall not exceed 30dB LAeq with individual noise events not exceeding 45dB LAfMax (windows open*).
- c) Garden areas shall not exceed 55 dB LAeq, 16hr,

All works which form part of the approved scheme shall be completed prior to first occupation. The approved scheme shall be thereafter maintained, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that acceptable noise levels within the dwellings and the curtilages of the dwellings are not exceeded in the interests of residential amenity and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 9 No dwelling shall be occupied until a post completion noise survey has been undertaken by a suitably qualified acoustic consultant, and a report submitted to and approved in writing by the Local Planning Authority. The post completion testing shall assess performance of the noise mitigation measures against the noise levels as set in condition 8. A method statement should be submitted to and approved by the Local Planning Authority prior to the survey being undertaken, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of residential amenity, and to ensure acceptable noise levels are not exceeded within the dwelling and in accordance with Policies EM10 and EM12 of the Basingstoke and Deane Local Plan 2011-2029.

- 10 The development hereby permitted shall not be occupied or the use commence, whichever is the sooner, until provision for turning (enter, turn and leave in a forward gear), manoeuvring, loading and unloading of vehicles and the parking of 2 vehicles, together with unobstructed pedestrian access (minimum width 0.9 metres) to the primary entrance of each property, have been made within the curtilage of the property in accordance with the approved plans and the areas of land so provided shall be thereafter retained and maintained and shall not be used for any purposes other than the turning, manoeuvring, loading and unloading and parking of vehicles, and access for pedestrians, unless otherwise agreed in writing by the Local Planning Authority.

REASON: In the interests of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 11 No development shall commence on-site until details of the secure cycle parking with transit routes for bicycles to and from the public highway, have been submitted to and approved in writing by the Local Planning Authority, such details to include the position, design, materials and finishes thereof, and the method of independently securing and accessing each bicycle. The approved secure cycle storage facilities and transit routes shall be constructed and fully implemented before occupation or the approved use commences, whichever is the sooner, and the areas of land so provided shall thereafter be retained and maintained in accordance with the approved details and shall not be used for any purposes, unless otherwise agreed in writing by the Local Planning Authority.

REASON: Details are required prior to commencement because insufficient detail has

been submitted with the application and to improve provision for cyclists and discourage the use of the private car wherever possible and in accordance with Policy CN9 and EM10 of the adopted Basingstoke and Deane Local Plan 2011-2029.

- 12 No development hereby permitted shall commence until details of a scheme for the storage (prior to disposal) of refuse and recycling and details of the refuse/recycling collection point(s) provided not more than 15 metres carrying distance from a highway which is a carriageway plus details of the transit route between the storage and collection points and to and from the public highway, for each dwelling, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented before occupation or the use commences, whichever is the sooner, and shall be thereafter retained and maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: Details are required prior to commencement because insufficient detail has been submitted with the application and in the interests of general amenity, to ensure convenience of arrangements for refuse and recycling storage and collection and to ensure that no obstruction is caused on the adjoining highway, in the interest of highway safety and in accordance with Policies CN9 and EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 13 No work relating to the construction of the development hereby approved, including works of demolition or preparation prior to operations, or internal painting or fitting out, shall take place before the hours of 0730 nor after 1800 Monday to Friday, before the hours of 0800 nor after 1300 Saturdays nor on Sundays or recognised public holidays, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the amenities of the occupiers of nearby properties during the construction period and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 14 Within 3 months of the date of commencement a Construction Statement detailing how the new home shall meet a water efficiency standard of 110 litres or less per person per day has been submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing with the Local Planning Authority through a demonstration that this requirement for sustainable water use cannot be achieved on technical or viability grounds. The development shall be carried out in accordance with the approved details.

REASON: In the absence of such details being provided within the planning submission, details are required to ensure that the development delivers a level of sustainable water use in accordance with Policy EM9 of the Basingstoke and Deane Local Plan 2011-2029.

- 15 The first floor side window located in the northern elevation shall be glazed with obscure glass only and have no openable parts below 1.7 metres from finished floor level. The windows shall then be permanently maintained in that condition unless otherwise agreed with the Local Planning Authority.

REASON: In the interests of residential amenity and privacy and in accordance with Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 16 No works shall take place on site until a measured survey of the site has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a

nearby datum point which shall be submitted to and approved in writing by the Local Planning Authority. The development shall be completed and thereafter maintained in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

REASON: To protect the privacy of the occupiers of adjacent properties in accordance Policy EM10 of the Basingstoke and Deane Local Plan 2011-2029.

- 17 No works shall commence on site until details of the proposed surface water and foul drainage and means of disposal have been submitted to and approved by the Local Planning Authority and no building shall be occupied until all drainage works have been carried out in accordance with such details as approved by the Local Planning Authority.

REASON: Details are required prior to development as inadequate information has been provided with the application and in order to ensure that the proposed development is satisfactorily drained in accordance with Policy EM7 of the Basingstoke and Deane Local Plan 2011-2029.

Informative(s):-

- 1.1 The applicant's attention is drawn to the fact that the above conditions (if any), must be complied with in full, failure to do so may result in enforcement action being instigated.
- 1.2 This permission may contain pre-commencement conditions which require specific matters to be submitted and approved in writing by the Local Planning Authority before a specified stage in the development occurs. This means that a lawful commencement of the approved development CANNOT be made until the particular requirements of the pre-commencement conditions have been met.
- 1.3 The applicant's attention is drawn to the fact that the Local Planning Authority has a period of up to eight weeks to determine details submitted in respect of a condition or limitation attached to a grant of planning permission. It is likely that in most cases the determination period will be shorter than eight weeks, however, the applicant is advised to schedule this time period into any programme of works. A fee will be required for requests for discharge of any consent, agreement, or approval required by a planning condition. The fee chargeable is £97 per request or £28 where the related permission was for extending or altering a dwelling house or other development in the curtilage of a dwelling house. A fee is payable for each submission made regardless of the number of conditions for which approval is sought. Requests must be made using the standard application form (available online) or set out in writing clearly identifying the relevant planning application and condition(s) which they are seeking approval for.
2. In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF) in dealing with this application, the Council has worked with the applicant in the following positive and proactive manner:-
 - offering a pre-application advice service;
 - seeking further information following receipt of the application;
 - seeking amendments to the proposed development following receipt of the application; and
 - considering the imposition of conditions and the completion of a s.106 legal agreement.

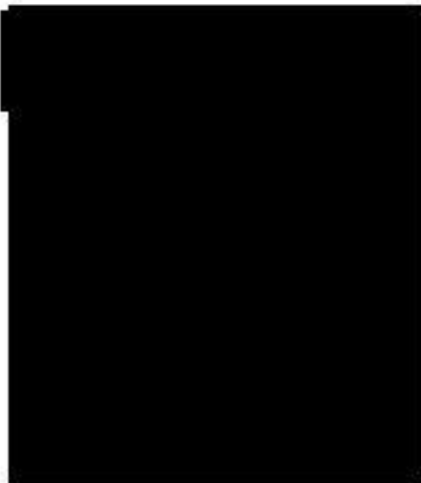
In this instance:

- the applicant was updated of any issues after the initial site visit; and
- was provided with pre-application advice.

In such ways the Council has demonstrated a positive and proactive manner in seeking solutions to problems arising in relation to the planning application.

3. Your application will determine whether the proposed development is acceptable in planning terms. Please be aware that this will not automatically override your responsibilities under other legislation and in particular your attention is drawn to the Wildlife and Countryside Act 1981 as amended, the Countryside and Rights of Way Act 2000 and the Conservation (Natural Habitats) Regulations 1994. These Acts and Regulations protect ALL wild birds, their nests (whether in use or being built) and eggs and other wild animals including bats and their roosts in or adjacent to trees. In simple terms, you should make sure that there are no wild birds nesting in or bats roosting in or adjacent to the tree(s) that you are proposing to work on. It is a criminal offence to recklessly or intentionally destroy any bird, its nest or its eggs or any bat or its roost (even if the roost is not occupied at the time).

4. In relation to the Noise Impact Assessment and subsequent mitigation, where it is predicted that the internal noise levels specified above will not be met with windows open despite mitigation strategies, an alternative method of mechanical ventilation must be specified to supply air to habitable rooms with windows closed, and relieve the need to open windows for thermal comfort and overheating. Background and passive ventilators are not considered adequate for this purpose. Methods may include a system 4 MVHR with cool air by-pass, or standalone mechanical units supplying each affected habitable room.



The Planning and Development Manager
Basingstoke & Deane Borough Council
Civic Offices
London Road
Basingstoke
Hampshire RG21 4AH

Your ref: 16/03719/EN28

13th April 2017

Dear Sir

**Land at 6 Aldermaston Road, Sherborne St John.
Erection of a three-bedroomed detached house.**

1. In light of the favourable comments recorded by Trevor Campbell-Smith on 30th November 2016, we have been instructed by Sunnyside Conversions Ltd to invite your Council's consent to erect a three-bedroomed house on land beside No.6 Aldermaston Road in Sherborne St John.
2. Inset 33 of the Basingstoke and Deane Local Plan (2011-2029) shows this land outside the 'Settlement Policy Boundary' of Sherborne St John but within a 'Conservation Area' (Policy EM11) and a 'Strategic Gap' (Policy EM2). Policy SD1 generates a presumption in favour of sustainable development and Policy SS6 sets down the requirements for new housing development outside a Settlement Policy Boundary - criterion (a) is particularly noteworthy, as it relates to a proposal on 'previously developed land' that would not result in an isolated form of development, the land is not of high environmental value and the proposal would be appropriate to the site's context. Policy CN3 re 'Housing Mix for Market Housing' calls for a mix of house types and sizes that is appropriate to the site and the neighbourhood. In our submission, our clients' proposal would satisfy those requirements.
3. The Stagecoach No.2 bus service passes along Aldermaston Road and Cranes Road and a bus stop is already in place just 100 metres away to the northeast of this site - as the service provides links to Tadley and Baughurst (to the north) and the North Hants Hospital, railway station and Basingstoke town centre (to the south), it affords a real alternative to use of the private car for residents of Sherborne St John. The Primary School, the Social Club, the Village Hall and recreation ground (with children's play equipment are all within comfortable walking/cycling distance of the site and Gales garage sells newspapers. We have come to the view that Sherborne St John has sufficient services and facilities to be considered a 'sustainable location', where a proposal for new housing would enjoy the support of Policy SD1.
4. To the north of our clients' site, Nos.2-6 Aldermaston Road are a terrace of two-storey houses (finished in red brick with hipped slate roofs) and two detached houses stand to the south - finished in red/brown brickwork, one has a gabled roof, the other is hipped. A shared right of way passes to the south of the site. The land between No.6 and the right of way is part of '*The enclosed space of grounds and buildings immediately surrounding a dwelling*', so it accords with the definition of 'previously developed land' set down in the Glossary of the Local Plan.

5. With terraced and detached houses close by, we hold to the view that a two-storey detached house (the front elevation of which would stand level with the terrace to the north) would reiterate and reinforce its local context and not look out-of-place. It is therefore proposed that a three-bedroomed detached house be erected on this land, served by two car parking spaces and accessed via the shared right of way.

6. We note that, although your Council adopted its new local plan in May 2016, it has not yet adopted a Community Infrastructure Levy. If our clients' proposal would generate a call for an off-site infrastructure contribution via s106 undertaking, we would welcome clarification of the amount required and the relationship of that infrastructure item to this development proposal.

7. Pursuant to the advice proffered in paragraphs 188-190 of National Planning Policy Framework, draft proposals for the erection of a semi-detached pair of houses were presented for your Council's consideration in October 2016. By letter dated 30th November, Trevor Campbell-Smith helpfully acknowledged that this site is previously-developed land and it is not in an isolated location; it does not have high environmental value; and the proposed development would not be harmful to the character of the site or the surrounding area. Our clients are therefore led to believe that their proposal will enjoy the benefit of the Officers' support. Thank you.

adp architects & interior designers

0845 365 1475
mail@adp-hd.co.uk
www.adp-hd.co.uk

Richmond Court, 14 Ashley Road, Park Gate, Southampton, SO31 1SA

project name/address:
**Land at 6 Aldermaston Road
Sherborne St. John
Basingstoke
RG24 9LA**

client:
Masbro Ltd

drawing title:
Location Plan

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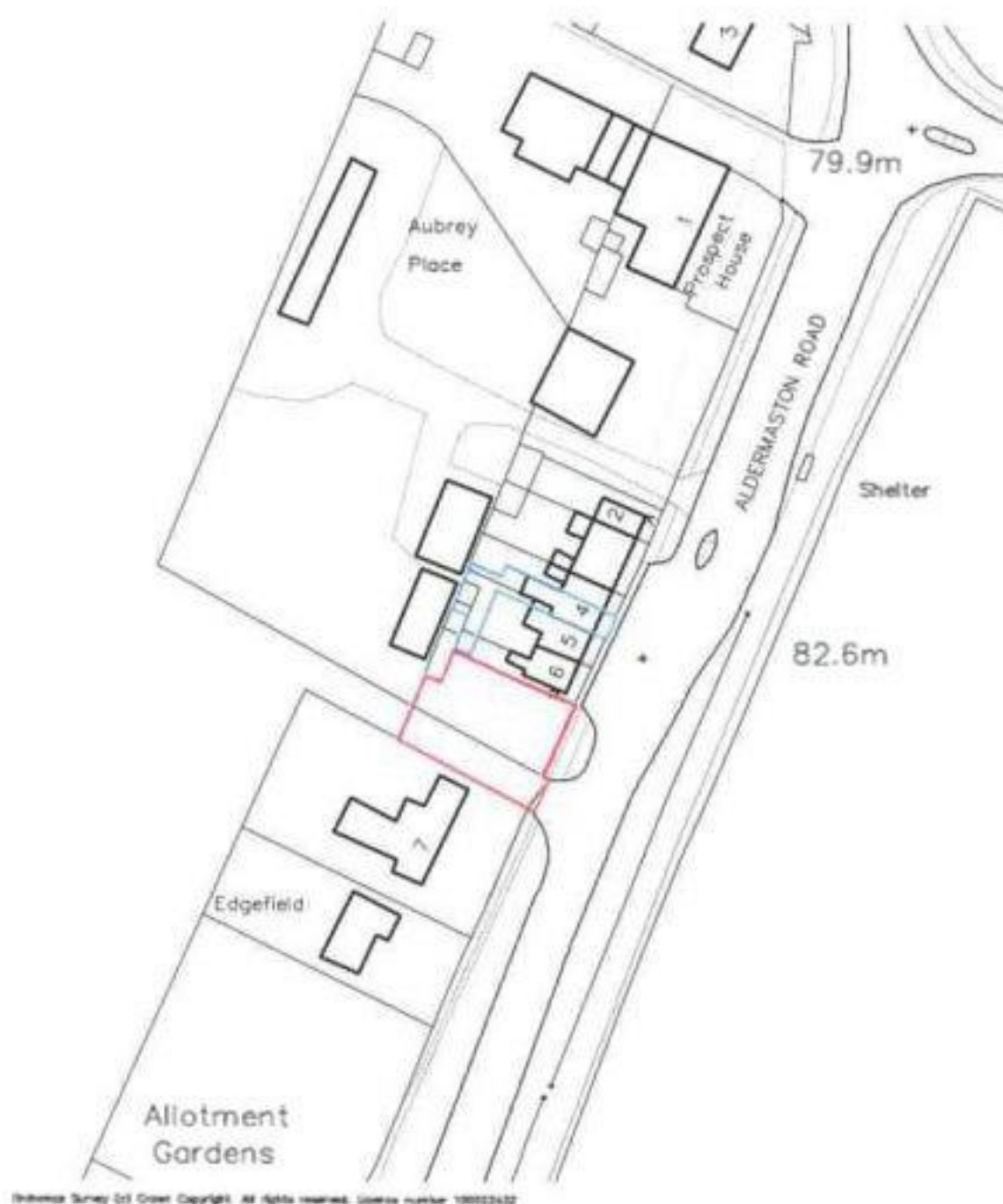
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drawing scale/s: 1:1250 (A4)	date: Feb 17	drawn:



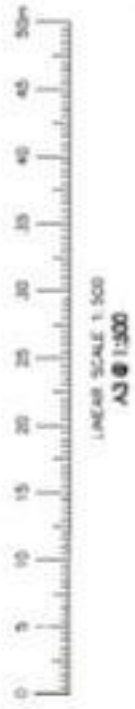
LINEAR SCALE 1:1250
A4@1250

Rev. Date: 18.02.17
Rev. Description: Red line update

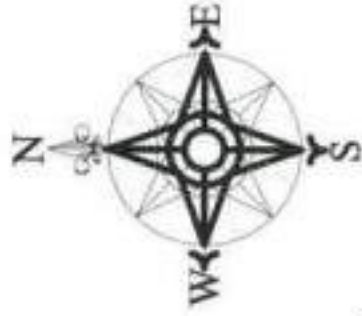
Rev. Date: 21.03.17
Rev. Description: Blue line



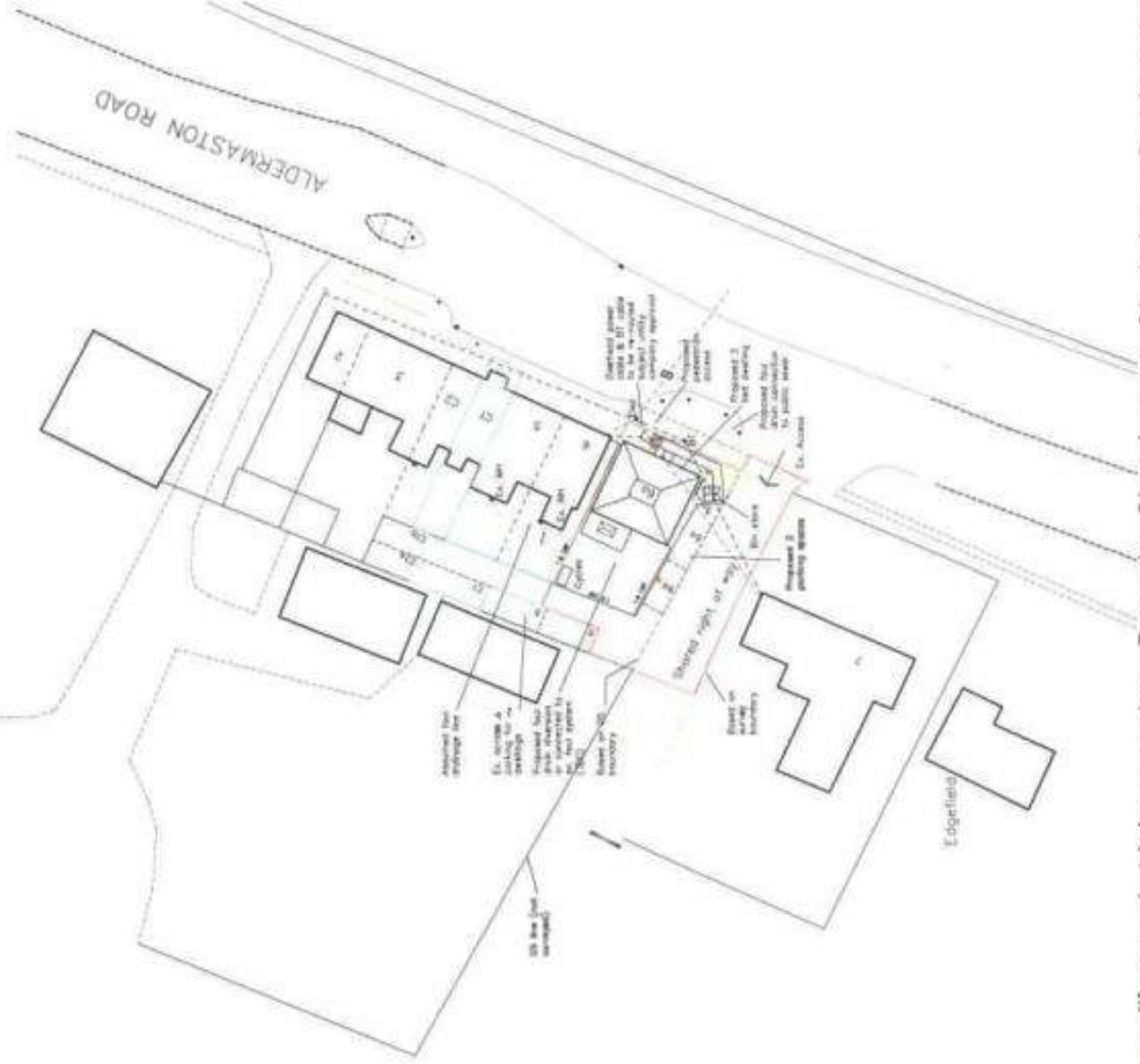
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SITE LAYOUT 1:500



Indicative



adp architect ltd
architects & interior designers

0943 345 1475
0943 345 1476
0943 345 1477

Richmond Court 14 Belsley Road, Park Gate, Southampton, SO31 1BA

The site is based on a topographical survey undertaken by Wards Baynes Land Surveys.
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SCHEDULE OF ACCOMMODATION		
		sqm
New dwelling	3 (3 bed house)	116.50sqm
Proposed ancillary buildings		1.40sqm
Existing buildings to remain		0.00sqm
Existing buildings to be demolished		0.00sqm
TOTAL NET GFA		117.90sqm

PARKING
2 car spaces for the 3 bed unit

CYCLES
2 secure & covered residents cycle spaces (provisionary store)
1 visitor cycle space near front entrance (will keep or similar)

SITE AREA/DENSITY
0.04 hectares = 25 DPH

- Existing trees
- Existing hedges/planting
- Existing trees to be removed
- Existing hedges/planting to be removed
- Proposed planting (subject to detailed landscape design)
- Proposed semi-mature trees (subject to detailed landscape design)
- Cycle store
- Bin storage (1400r wheeled bins)
- Visitor cycle
- Proposed four drainage
- Existing four drainage
- Orange is for garden access way & access to site investigation, etc. maps & documents, etc. & other necessary access



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England and Wales Court of Appeal (Civil Division) Decisions

4

You are here: [BAILII](#) >> [Databases](#) >> [England and Wales Court of Appeal \(Civil Division\) Decisions](#) >> Dartford Borough Council v The Secretary of State for Communities and Local Government & Ors [2017] EWCA Civ 141 (14 March 2017)
URL: <http://www.bailii.org/ew/cases/EWCA/Civ/2017/141.html>
Cite as: [2017] WLR(D) 181, [2017] PTSR 737, [2017] EWCA Civ 141

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Neutral Citation Number: [2017] EWCA Civ 141

Case No: C1/2016/1664

IN THE COURT OF APPEAL (CIVIL DIVISION)
ON APPEAL FROM THE HIGH COURT, QUEENS BENCH DIVISION
Mr Charles George QC
(sitting as a Deputy High Court Judge)
CO/4129/2015

Royal Courts of Justice
Strand, London, WC2A 2LL
14 March 2017

Before:

LADY JUSTICE GLOSTER
(VICE PRESIDENT OF THE COURT OF APPEAL, CIVIL DIVISION)
and
LORD JUSTICE LEWISON

Between:

DARTFORD BOROUGH COUNCIL Appellant
- and -
**THE SECRETARY OF STATE FOR
COMMUNITIES AND LOCAL
GOVERNMENT AND ORS** Respondent

MR A BOWES (instructed by Sharpe Pritchard LLP) for the Appellant

MR C BANNER (instructed by the Government Legal Department) for the Respondent
Hearing date : 9 March 2017

HTML VERSION OF JUDGMENT

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Lord Justice Lewison:

1. The sole issue on this appeal was the meaning of "previously developed land" (often called "brownfield land") as defined by the glossary forming part of the National Planning Policy Framework.

2. That definition reads as follows:

"Previously developed land: Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or has been occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill purposes where provision for restoration has been made through development control procedures; land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."

3. The context in which the issue arises is that on 23 July 2015 a planning inspector allowed an appeal against the refusal by  Dartford  BC to grant planning permission for a change of use of land to a private gypsy and traveller caravan site comprising one mobile home and one touring caravan. The site in question was within the residential curtilage of Shirehall Farm. Shirehall Farm is within the Green Belt, and is not in a built-up area.

4. The inspector decided that the site qualified as previously developed land because:

- i) It was within the curtilage of a permanent structure (namely Shirehall Farm) and
- ii) It was not excluded as "land in built-up areas such as private residential gardens, parks, recreation grounds and allotments".

5.  Dartford  does not challenge the first of those reasons: the challenge is to the second. The argument is that all private residential gardens are excluded from the definition of previously developed land, whether or not they are in a built-up area. Any other interpretation, so it is said, would give rise to conflicting policies within the NPPF. At the conclusion of the hearing we announced that the appeal would be dismissed with reasons to follow. These are my reasons for joining in that decision.

6. The approach to the interpretation of the NPPF is the same as the approach to the interpretation of a development plan document: *R (Timmins)  v  Gedling BC* [2015] EWCA Civ 19, [2015] PTSR 837 at [24]; *Hopkins Homes Ltd  v  Secretary of State for Communities and Local Government* [2016] EWCA Civ 168, [2016] PTSR 1315 at [24]. The correct approach to the interpretation of a development plan document was laid down by the Supreme Court in *Tesco Stores*

Ltd v Dundee CC [2012] UKSC 13, [2012] PTSR 983. In that case Lord Reed said at [18] that "policy statements" should be interpreted objectively in accordance with the language used, read as always in its proper context." He went on to make an important point at [19]:

"That is not to say that such statements should be construed as if they were statutory or contractual provisions. Although a development plan has a legal status and legal effects, it is not analogous in its nature or purpose to a statute or a contract. As has often been observed, development plans are full of broad statements of policy, many of which may be mutually irreconcilable, so that in a particular case one must give way to another. In addition, many of the provisions of development plans are framed in language whose application to a given set of facts requires the exercise of judgment. Such matters fall within the jurisdiction of planning authorities, and their exercise of their judgment can only be challenged on the ground that it is irrational or perverse... Nevertheless, planning authorities do not live in the world of Humpty Dumpty: they cannot make the development plan mean whatever they would like it to mean."

7. It is particularly that feature, namely that broad statements of policy may be irreconcilable, that differentiates a development plan document from a contract which one would expect to be internally consistent. Like a development plan document, the NPPF is also full of broad statements of policy; and it would be crying for the moon to start the process of interpretation with the idea that there is no tension between statements of policy pulling in different directions.

8. The starting point is, of course, the words themselves read as a matter of ordinary English. The critical words are:

"land in built-up areas such as private residential gardens, parks, recreation grounds and allotments"

9. In my judgment the words "such as" state clearly that what follows are examples of something. Examples of what? They can only be examples of the more general expression that precedes them, namely "land in built-up areas". As a matter of ordinary English I cannot see that any other meaning can be given to this sentence. "Land in built-up areas" cannot mean land *not* in built-up areas. It is argued that this interpretation means that other parts of the NPPF are in conflict with each other. Even if that were true it is not the business of an interpreter to go searching for possible ambiguities or conflicts in order to detract from the obvious meaning of the words to be interpreted.

10. The alleged conflict within the NPPF upon which Mr Bowes relied was the juxtaposition of two of the core planning principles in paragraph 17 of the NPPF, and a conflict between paragraphs 14, 55 and 111. I start with paragraph 17. This provides that twelve core principles should underpin both plan making and decision taking. Two of those principles are:

"take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;" and

"encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;"

11. There is in truth no conflict between these two core principles, as is demonstrated by the more detailed

policies about the Green Belt. Paragraph 87 of the NPPF **states** that:

"As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in **very** special circumstances."

12. Paragraph 89 goes on to say that a **local** planning authority should regard the construction of new buildings as inappropriate in the Green Belt. But that general policy is immediately qualified by exclusions, one of which is:

"limited infilling or the *partial* or complete *redevelopment of previously developed sites* (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development." (Emphasis added)

13. Accordingly, the NPPF accommodates the definition of previously developed land within the general policy about development in the Green Belt. If a new building is a partial redevelopment of a previously developed site it is not to be regarded as inappropriate redevelopment in the Green Belt, provided that it has no greater impact on the openness of the Green Belt than the existing development. The proviso also means that the encouragement of development on brownfield land is not, at least in the Green Belt, unqualified. So any possible tension is resolved.

14. Nor do I see any conflict between the definition and paragraphs 55 or 111 of the NPPF. Paragraph 55 **states** that:

"**Local** planning authorities should avoid new isolated homes in the countryside unless there are special circumstances..."

15. However, the definition of previously developed land, in the context of the present case, takes as its starting point that the proposed development is within the curtilage of an existing permanent structure. It follows that a new dwelling within that curtilage will not be an "isolated" home. There will already be a permanent structure on the site. Paragraph 111 **states**:

"Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental **value**."

16. This paragraph expressly adopts the expression "previously developed land" and I cannot see that there is any conflict in so doing.

17. Mr Bowes also relied on **statements** made by the Minister when introducing changes to previous **versions** of planning policy contained in PPS3. Before commenting on that argument it is worth recalling why Lord Reed said that development plan documents were to be objectively interpreted. His explanation also at [18] was:

"The development plan is a carefully drafted and considered **statement** of policy, published in order to inform the public of the approach which will be followed by planning authorities in decision-making unless there is good reason to depart from it. It is intended to guide the behaviour of developers and planning authorities."

18. The same is true of the NPPF. In the Foreword to the NPPF the responsible Minister **stated**:

"By replacing over a thousand pages of national policy with around fifty, written simply and clearly, we are allowing people and **communities** back into planning."

19. In *Timmins* at [24] Richards LJ said that the NPPF was "on the face of it a stand-alone document which should be interpreted in its own terms and is in certain respects more than a simple carry-across of the language in the guidance it replaced." In *Turner v Secretary of State for Communities and Local Government* [2016] EWCA Civ 466 at [21] Sales LJ said:

"The NPPF was introduced in 2012 as a new, self-contained **statement** of national planning policy to replace the **various** policy guidance documents that had proliferated previously. The NPPF did not simply repeat what was in those documents. It set out national planning policy afresh in terms which are at **various** points materially different from what went before."

20. However, in both *Timmins* and *Turner* the court accepted that, at least in the case of the Green Belt, previous policy guidance remained relevant. I do not, however, consider that previous policy guidance should be invoked in order to create ambiguities in the NPPF where the language of that document is clear. Nor do I consider that that was the process that the court sanctioned in *Redhill Aerodrome Ltd v Secretary of State for Communities and Local Government* [2014] EWCA Civ 1386, [2015] PTSR 274. The question in that case was whether "any other harm" should be given a restrictive meaning limited to what was described "Green Belt harm" as opposed to "non-Green Belt harm". In the result the court interpreted the words by giving them their ordinary meaning. "Any other harm" meant "any other harm"; not "some other harm". The reference to previous guidance was deployed in order to rebut an argument that there had been a policy shift which justified a more restrictive and unnatural interpretation.

21. Mr Bowes drew our attention to the decision of this court in *Adedoyin v Secretary of State for the Home Department* [2010] EWCA Civ 773, [2011] 1 WLR 564. That case concerned the Immigration Rules which, unlike ministerial **statements** of planning policy, must be placed before Parliament. The question was whether the word "false" meant "dishonest" or merely "incorrect". At [70] Rix LJ said:

"... in a situation where a word, such as here "false", has two distinct, and distinctively important, meanings, there is a genuine ambiguity which makes it legitimate, in construing Rules which are expressions of the executive's policy, to consider what the executive has said, publicly, about its rules. Clearly, what a minister says in Parliament, expressed as an assurance, and especially on the occasion of a debate arising out of the tabling of amended rules, is of particular, and may be of decisive, importance..."

22. I do not consider that he derives any help from that case. That was a case in which there was an ambiguity on the face of the rules. Here there is no ambiguity on the face of the NPPF. The Minister's **statement** relied on was not a **statement** about the NPPF, so it is not covered by Rix LJ's observations. Nor was there any ambiguity in PPS 3 itself. Mr Bowes does not in fact rely on previous policy guidance: so his reliance is not within what was contemplated by *Timmins* or *Turner*. The alleged ambiguity only arises if the Minister's **statement** in Parliament is literally interpreted without regard to the text of the revised policy that he was introducing. I do not regard that as a legitimate approach to the interpretation of the NPPF.

23. In my judgment it would be quite wrong to expect the public, for whose benefit the NPPF is published, or indeed a would-be developer, to have to undertake the investigation of previous iterations of **the**

government planning policy in order to understand the NPPF, let alone ministerial **statements** introducing previous iterations of policy. Indeed that would defeat one of the main purposes of promulgating the NPPF in the first place. If I may repeat something I have said before:

"The public nature of these documents is of critical importance. The public is in principle entitled to rely on the public document as it stands, without having to investigate its provenance and evolution." (*R (TW Logistics Ltd) v Tendring DC* [2013] EWCA Civ 9, [2013] 2 P & CR 9 at [15])

24. For these reasons I did not consider that **statements** made by ministers about previous iterations of policy could detract from the clear words of the definition of previously developed land.
25. I note that when Lindblom LJ granted permission to appeal he did not do so on the ground that the appeal had a real prospect of success, but because there was some other compelling reason for the appeal to be heard. I agree with his **view** on the merits of the appeal, which is why I agreed to its dismissal.

Lady Justice Gloster, Vice-President of the Court of Appeal, Civil Division:

26. I agree with the reasons given by Lord Justice Lewison for the dismissal of this appeal.

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URL: <http://www.bailii.org/ew/cases/EWCA/Civ/2017/141.html>

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DARTFORD BOROUGH COUNCIL -V- THE SECRETARY OF STATE FOR COMMUNITIES AND LOCAL GOVERNMENT

Posted by clp-admin 12th April, 2017 Gypsy and Traveller Cases, Traveller planning

Dartford Borough Council -v- SSCLG [2017] EWCA Civ 141, 14 March 2017

The sole issue on this appeal was the meaning of "previously developed land" (often called "Brownfield land") as defined in the National Planning Policy Framework (NPPF). The definition in NPPF reads as follows:-

"Previously developed land: land which is or was occupied by a permanent structure, including the curtilage of the developed land... and any associated fixed service infrastructure. This excludes:...land in built-up areas such as private residential gardens, parks, recreation grounds and allotments...

A planning inspector allowed an appeal against the refusal by Dartford BC to grant planning permission for the change of use of land to a private Gypsy and Traveller caravan site comprising one mobile home and one touring caravan. The site in question was within the residential curtilage of Shirehall Farm. Shirehall Farm is within the Green Belt and is not in a built-up area. The inspector decided that the site qualified as previously developed land because:

- i) It was within the curtilage of a permanent structure (namely Shirehall Farm) and
- ii) It was not excluded as "land in built-up areas such as private residential gardens, parks, recreation grounds and allotments".

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Site Address: 1 Northney Cottages, Northney Road, Hayling Island
 Proposal: Erection of a pair of 3bed semi-detached houses on former garden of number 1 Northney Road with new access and parking. (Resubmission of APP/17/00304).

Application No: APP/18/00593

Expiry Date: 13/08/2018

Applicant: Mr Wilson

Agent: Mr Tutton
 Robert Tutton Town Planning
 Consultants Ltd

Case Officer: Emma Chisnall

Ward: Hayling East

Recommendation: **REFUSE PERMISSION**

1 Site Description

- 1.1 The site lies to the north of Northney Road. The current dwelling has an amenity space to the west, rear and to the east in the shape of an L and is two storey in height, brick built and has a slate roof. A pair of semi-detached dwellings are proposed to be developed within the amenity space to the side of No 1 Northney Cottages which has a large amenity space surrounded with a curtilage boundary of thick foliage and hedging between 1.5-2.5m high.
- 1.2 To the east is a pair of semi-detached cottages, No 1 and No 2 Northney Cottages. To the west are residential two storey semi-detached properties with farmland to the north and south.
- 1.3 The site is located outside the urban area.

2 Planning History

APP/17/00304- Erection of a pair of semi detached 3 bed houses with new access and parking. Withdrawn 13.06.2018

3 Proposal

- 3.1 Erection of a pair of 3 bed semi-detached houses on former garden of number 1 Northney Road with new access and parking. (Resubmission of APP/17/00304).

4 Policy Considerations

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Northney & Tye Village Design Statement

Havant Borough Local Plan (Core Strategy) March 2011

CS11 (Protecting and Enhancing the Special Environment and Heritage of Havant Borough)

CS12	(Chichester Harbour Area of Outstanding Natural Beauty (AONB))
CS14	(Efficient Use of Resources)
CS15	(Flood and Coastal Erosion)
CS16	(High Quality Design)
CS17	(Concentration and Distribution of Development within the Urban Areas)
CS20	(Transport and Access Strategy)
CS21	(Developer Requirements)
CS9	(Housing)
DM11	(Planning for More Sustainable Travel)
DM13	(Car and Cycle Parking on Residential Development)
DM8	(Conservation, Protection and Enhancement of Existing Natural Features)
DM9	(Development in the Coastal Zone)

Havant Borough Local Plan (Allocations) July 2014

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

Building Control, Havant Borough Council
No comments

Chichester Harbour Conservancy

Recommendation: That Chichester District Council, as local planning authority be advised that Chichester Harbour Conservancy raises no objection in principle subject to review and consideration of the following comment/s and/or condition/s recommended:

Observation / Conditions / notes:

Observations:

a) It is noted that pursuant to Policy PP04 – *Creation of New Dwellings and Residential Institutions*, of the Chichester Harbour Planning Principles, the proposed development is not within an existing settlement boundary, does appear to have demonstrated that the existing wastewater treatment plant/s have capacity, and not demonstrated how recreational disturbance will be adequately or appropriately mitigated/addressed, and the sustainability of this location appears questionable. i.e. there are no shops and/or local amenities, is car reliant/dependent, extends the existing ribbon development along Northney Road and the resulting loss of trees, already taken place, has undermined the nature conservancy efforts of the AONB and its setting.

b) The location of the subject land is not within a defined urban area and is not brownfield land but rather open countryside and is considered as 'Non-urban'.

c) There are concerns with clarity and intent relating to the landscaping plan, no clarity is provided which demonstrates protection of the existing hedgerows and proposed tree planting within the site that would promote the conservation and enhancement of the special qualities of the AONB setting and its habitats and species.

d) Consideration being given to changing the windows from white UPVC to a more sustainable wood and be of a darker/subdued colour.

REQUEST FOR CONSIDERATION SHOULD APPROVAL BE GRANTED

In the event that Havant District Council consider approval of the proposed development the Chichester Harbour Conservancy request that the following conditions are considered:

Conditions:

1. Demolition/ building works are restricted (e.g. piling) is restricted to Mar-Sept to avoid noise leading to bird disturbance.
2. That the developer contributes the appropriate per dwelling rate in respect to recreational disturbance of the Solent SPAs and SAC.
3. Prior to the commencement of any site works, an amended landscaping plan is submitted to and approved by the local authority.

Advice Note: In relation to condition 3 the landscaping plan should include a species legend, annotation/s that surrounding hedge and trees to north, south and west boundaries are to be retained to ensure some screening and that established habitats survive. Additionally, consideration to be given to native tree planting to front car bays and more substantial species to the rear of the site that would enhance and conserve the AONB and its native wildlife. This should be demonstrated on a landscaping plan and an associated condition included to ensure planting is carried out and maintained as such in perpetuity.

Notes:

- i) Consideration being given of a design, internally, to be inclusive and accessible for those living with disability i.e. wider door entries etc.
- ii) The resulting one (1) car bay arrangement at No.1 Northney Cottages and lack of vehicle manoeuvrability within the site may benefit from a review.
- iii) Vegetation / trees – It is noted that between June 2011 and June 2016 significantly large mature trees appear to have been systematically removed along the western and southern boundaries. It is further noted that No.1 Northney Cottages has created a single access driveway for one vehicle and no on-site maneuvering and lack of sight lines, having potential to create a road safety issue, further to this another tree has subsequently been removed to make way for this access and the remaining vegetation in the front garden has become gravel

Planning Officer Comment: Informatives shall be included with any decision.

Community Infrastructure, Planning Policy & Urban Design

CIL Liable.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, now based on the number of dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateral-undertaking-solent-recreation-mitigation-strategy>. There was no contribution collected under the previous application.

Crime Prevention

No comment

Highways Engineer, Development Engineer

The development will require the construction of a new long vehicular access and a informative should be placed on any future planning permission. The two parking spaces shown for each property require turning on site and this is provided by a joint turning area. I would suggest that this parking and turning area is covered by a condition that it must be constructed and retained. Also a condition should be added that no sheds fences, planting plot or garden furniture should be allowed in this area.

Natural England Government Team

No objection subject to appropriate mitigation being secured.

Public Spaces

No comment

Waste Services Manager

I have no concerns over waste collection regarding this planning application thank you

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: 5

Number of site notices: 1

Statutory advertisement: 29/06/2018

Number of representations received: 2

Comment	Officer Comment
Concern raised from No 38 Northney Road: We refer to the above re-submission of the application for the erection of a pair of semi detached 3 bed houses, to include new access and parking. We can see no substantial changes in the plans (apart from bike stores for each property and a joint dropped kerb and access at the front) and so our objections remain the same. To clarify, we set these out again as, although some of them were raised in our previous objection, we assume that there is a new Planning Officer considering this application. We are concerned about our privacy, the two houses will overlook our back garden, patio-breakfast area, the side aspect of our house (and so into our kitchen, bedroom and conservatory) and also at the front. We note Mr Wilson's letter to Havant Borough Council dated 4th May 2017 in which he stated that the houses have been "deliberately set on the far side of the plot to minimise any effect on number 38". Comparing the plans for the previous application and the resubmitted application, it appears that the houses are a little more central on the plot, and so nearer to our property. However, we do not know how accurate the drawing is, so this may not be correct. The Design and Access Statement states "the hedge along the northern side to the field will be retained" and "no trees will be affected". There is a large tree at the rear of the plot and if the build goes ahead this should not be removed at the retention of the tree will assist with our privacy concerns. The next issue is the principle of the development in the countryside.	See section 7

The site is located within the designated countryside for which new housing development does not accord with the Government's agenda of achieving sustainable development. Paragraph 55 of the National Planning Policy Framework 2012 (NPPF) highlights that the provision of new housing the countryside must be limited to specific reasons, namely for agricultural/forestry/fishing workers where there is an essential need to provide new housing in the countryside, or where the houses are affordable housing.

The proposal does not accord with either of these requirements and therefore there should be an overarching 'in principle' objection to the provision of these houses in this location. The proposal is therefore contrary to Policies CS16, CS17 and DM9 of the Adopted Core Strategy, and Policy AL2 of the Adopted Local Plan (Allocations) document.

Another main issue is the location of the site within the Chichester Harbour AONB. The run of properties along this part of Northney Road is characterised by ribbons of semi-detached dwellings inter dispersed with breaks along the line of properties offering longer distance views and glimpses to the open countryside and Harbour beyond. The proposal would result in a loss of this important break in the ribbon of development, and would therefore be harmful to the character and appearance of this part of the AONB, and is therefore contrary to Policy CS12 of the Adopted Core Strategy and the advice in the Harbour Conservancy Design Guidance.

Also referring to the North East Hayling Residents Association Village Design:

"the existing situation is recognised by the Havant Borough.....which states that this area, perhaps more than any other in the Borough, retains much of its authentic rural settlement pattern....". Two new builds are not authentic or rural.

Further:

"Infill or backland development within rural settlements should be resisted as this would fundamentally alter the authentic irregularity and density of settlement here. Further development to the north or south of the village should be resisted...." Northney Road is the north of the village.

Within the Village Design Statement, design considerations include:

The open characteristics of the settlement edges with views of agricultural land and the harbour environs.

The size of the extensions and replacement dwellings, in relation to plot size and location within each character area, in order to maintain the appropriate open space around each building.

The building of two semi detached houses (so not an extension or a replacement dwelling but a new build) on the small plot of land, which was previously a garden attached to No 1 Northney Cottages, is completely against the Village Design. It does not appear to comply with NPPF, the Harbour Conservancy Design Guidance nor the Chichester Harbour Conservancy AONB. It appears that the previous application was to be likely to be refused before Mr Wilson withdrew his application, although the reasons for this are not available. As mentioned the re-submission does not appear significantly different so we wonder why this submission is more likely to be successful. We note that NEHRA has lodged a "neutral" response and no other Northney Residents have commented. This is not surprising but is disappointing. We will await the decision in due course.	
NEHRA: The proposed property has been designed to reflect the character and identity of the existing buildings in Northney Road, and hence is in keeping. Northney villagers are committed to the ethos of the Village Design Statement (VDS) ' To help guide, change, to conserve and enhance. There is concern that whilst smaller developments, on their own may not seem to amount to much, their cumulative affect can alter the appearance of an area considerably. The VDS requests that in order to maintain the spatial character of the village, any infilling should be carefully considered and new housing is of necessity achieved by replacement dwellings. Nevertheless there is an understanding that affordable housing is required. NEHRA	See section 7

7 **Planning Considerations**

7.1 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) Nature of the development
- (iii) Impact upon the character and appearance of the area
- (iv) Impact upon residential amenity
- (v) Developer Contributions
- (vi) Highways
- (vii) Effect on Protected Species

(i) **Principle of development**

7.2 The site lies outside the built up area where new residential development is not normally acceptable. Policy CS17 relates to the need to concentrate new development (including housing) in the urban areas. Policy AL2 defines land outside the defined

urban area of Hayling Island as 'non-urban' and again restricts development within such areas. The principle of residential development is therefore not considered to be acceptable in this location.

(ii) Nature of the development

- 7.3 The proposal is a full application for the development of No 2, semi-detached three bedroom dwellings in the amenity space to the west side of No 1 Northney Cottages. The description includes the vehicular access from Northney Road to serve the two dwellings and the submitted plans show the proposed position and design of the units including parking and amenity spaces.

(iii) Impact upon the character and appearance of the area

- 7.4 The area is outside the built up area and has a rural character with fields and boundary hedgerows and trees interspersed by a row of dwellings and farmland. The landscape is relatively flat and the site is immediately adjacent to Chichester Harbour Area of Outstanding Natural Beauty. To the west beyond Northney Road is a continuation of housing and farmland with a fairly uniform pattern of semi-detached dwellings to the east. To the south is open farmland.
- 7.5 The application site itself is located in a small group of semi-detached cottages to the east end of Northney Road which benefit from a generous amenity space to the side rather than the typical form of to the rear. To the east of No 1 semi-detached two storey dwellings are present and are situated in generously sized plots to the rear in a narrow form. The proposed plot is partly screened from the highway by thick hedging at various heights and appears to serve No 1 and provide a garden/amenity space to benefit the cottage. It also provides an un-developed aspect when viewed from Northney Road and whilst it is appreciated that there are existing dwellings either side of the plot when viewed from Northney Road, the development of the site would lead to an intensification of the existing residential development detracting from the remaining rural character of the area.
- 7.6 Within such areas new residential development without specific justification (for example a farm workers dwelling) is normally refused. The provision of two No. two storey dwellings would consolidate development on the north side of the road and lead to an unacceptable intensification of residential development having a harmful impact on the semi-rural character of the area. Furthermore the area is isolated from schools, employment and other facilities and would result in an over reliance on the private car, resulting in an unsustainable development in a relatively isolated location.
- 7.7 The development would result in the loss of this important gap and views to the Chichester Harbour AONB and open land fronting the harbour by the provision of the two storey dwellings. This would effectively consolidate a line of ribbon development to the west to the harm of the existing semi-rural character. The development would also result in the removal of the frontage and part side hedging and the provision of a parking and turning area. This would further detract from the semi-rural character and appearance of the area. This character is recognised in the Northney and Tye Village Design Statement.

(iv) Impact upon residential amenity

- 7.8 The development has the potential to impact No 1 Northney Cottages and the adjacent neighbour to the west No 38 Northney Road.

- 7.9 The proposal consists of a pair of semi-detached two storey dwellings to be positioned in the west side amenity space of No 1 Northney Cottages. This shall create an approximate distance of 2.3m between the proposed development and shared boundary to the east and approximately 4.25m between the proposed dwelling and No 1. Although this is a fairly modest distance between the proposed development no objection has been made by the neighbour who is also the applicant. Following a site visit it was noted that No 1 only had three windows present within the west side elevation towards the rear of the property and approximately 7m away from the proposed development. These were two at ground floor and one at first floor. Although these do have the potential to be impacted by the works the development is considered to be set a sufficient distance away by approximately 7m which coupled with the design of the dwellinghouse and being hipped away to the west is considered, on balance, to not create an oppressive outlook from No 1 nor significantly restrict light levels reaching the neighbouring dwelling. Therefore the works are considered to result in an acceptable relationship between the neighbouring dwellings.
- 7.10 No 1 is positioned in a large plot with amenity to the side, rear and to the east in the form of an L shape and therefore although it would be losing a large proportion of available amenity space to the dwellinghouse it is still considered to retain a large enough provision in which to serve No 1 and comply with the Borough Design Guide. The works are therefore considered to be acceptable.
- 7.11 Concern has been raised by the neighbouring dwelling to the west No 38 in regards to the works and the impact this would have in relation to a loss of privacy. The principle of the development has also been raised however this is considered to have been addressed under point 7.2. The proposed dwellinghouse would be set approximately 7m away from No 38 and would have an eaves height of 5m and a ridge height of 7.4m which is proposed to be fully hipped to the east. Three windows are proposed within the west side elevation, one at first floor serving a stairway which is not considered to cause significant over-looking and two at ground floor to serve a hallway and W/C. As the windows do not serve primary rooms the potential cause of over-looking is reduced significantly. Although it is acknowledged that No 38 has a window in the east side elevation at first floor it is considered, on balance, that due to the proposed windows serving rooms which do not have a regular activity within them, coupled with the distance the works are set away from the neighbour and that the proposed screening between the neighbours would reduce this impact further that the development would not warrant a refusal in this regard and is considered to be acceptable.

(v) Developer Contributions

- 7.12 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the council on the 20th February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiners Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £100 per square metre on new floorspace plus indexing for Hayling Island. The development is CIL liable to the total of £28,471.59 and the applicants have completed the necessary Assumption of Liability form accepting this amount.
- 7.13 The Council has conducted a Habitats Regulations Assessment (HRA) of the proposed development under Regulation 63 of the Conservation of Habitats and

Species Regulations 2017, this includes an Appropriate Assessment under Regulation 63. This is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on Chichester and Langstone Harbours Special Protection Area due to the increase in recreation as a result of the development. However the applicant has not provided a package of avoidance or mitigation measures aimed at removing this significant effect. As a result, the HRA concludes that the planning application would be likely to lead to a significant effect on the Chichester and Langstone Harbours Special Protection Area. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. As such, the planning application must be refused.

(vi) Highways

- 7.14 The Development Engineer has been consulted in regards to the proposal and it was highlighted that the development will require the construction of a new long vehicular access and that an informative should be placed on any planning permission. It was also commented on that the two parking spaces shown for each property require turning on site and this is provided by a joint turning area. It was suggested that this parking and turning area is covered by a condition that it must be constructed and retained. Also a condition should be added that no buildings or structures should be erected in the site without approval from the Local Planning Authority. It is considered that an informative should be included with the decision so that in the event of an appeal these conditions are included accordingly to ensure that this would be an acceptable part of the proposal.

(vii) Effect on Protected Species

- 7.14 The site is located adjacent to SINC's and close to the international and national designations of Chichester Harbour (SSSI, RAMSAR, SPA etc) and adjacent to Brent Goose strategy sites. The application has been assessed by Natural England who have confirmed that subject to the imposition of conditions and SPA disturbance mitigation requirements the proposal would have an acceptable impact on nature conservation interests. However, as this contribution has not been paid the application shall be refused accordingly.

8 Conclusion

- 8.1 In conclusion, the principle of residential development in this non-urban area in the absence of an overriding justification would be contrary to the policies of the development plan, result in unsustainable development and detract from the character and appearance of the area.

9 **RECOMMENDATION:**

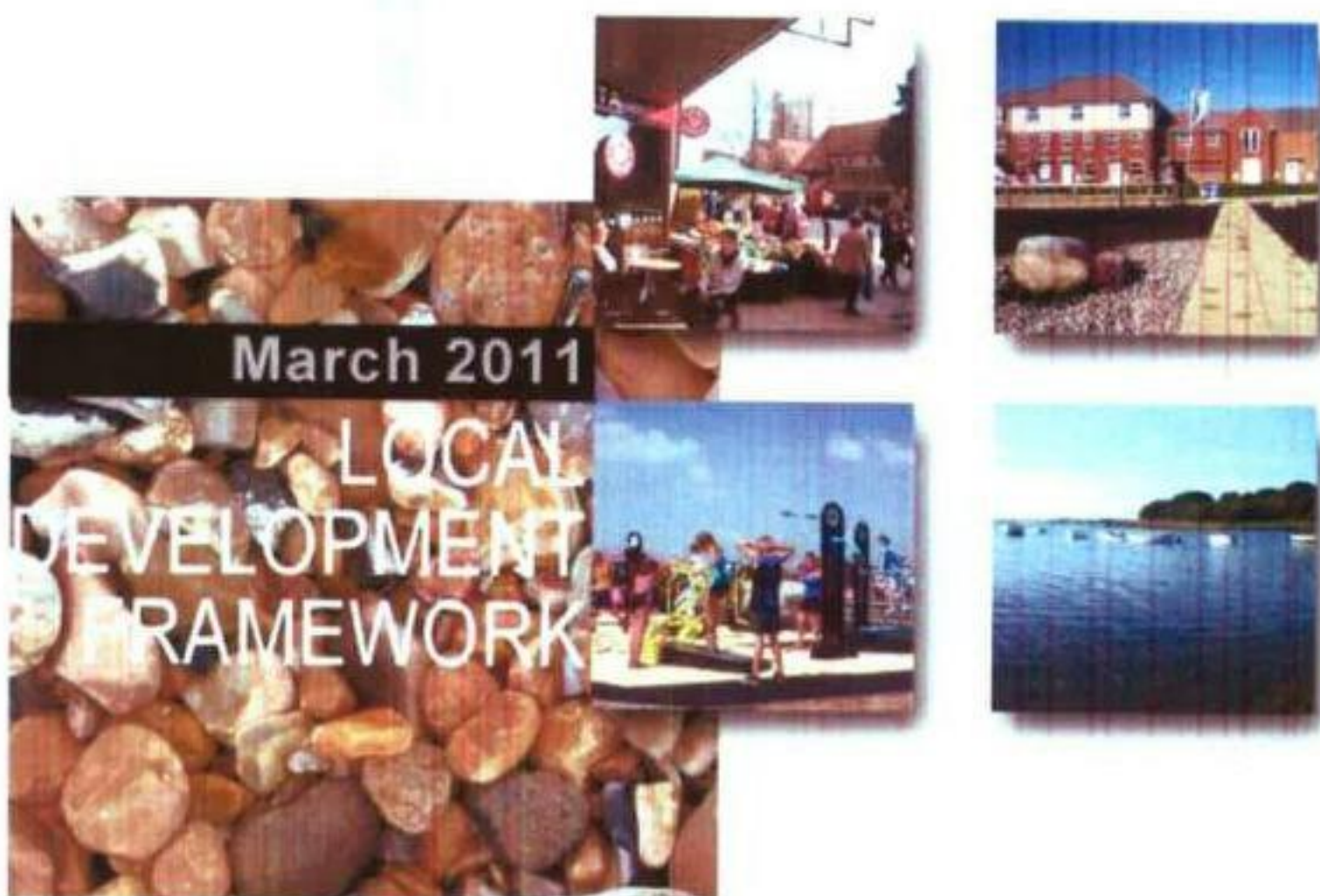
That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/18/00593

(A) for the following reasons

- 1 The proposal represents the undesirable addition of two dwellings in a location outside the built up area for which there is no special justification. Furthermore the dwellings would be located in an unsustainable location where the occupiers of the dwellings would be likely to have an over reliance on the private car to access employment, education, retail, entertainment and health facilities. It is therefore contrary to policies CS17, DM11 and DM12 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 of the Havant Borough Local Plan (Allocations) 2014 and the National Planning Policy Framework 2018.
- 2 The dwellings and associated access, parking and turning would be sited to the west side of No 1 Northney Cottages removing an important visual gap between residential buildings and consolidating and extending linear development. This is considered to be harmful to the attractive semi-rural character of the area. The development would therefore conflict with policies CS11, CS16, CS17 and DM9 of the Havant Borough Local Plan (Core Strategy) 2011, policy AL2 Havant Borough Local Plan (Allocations) 2014, The Northney & Tye Village Design Statement and the National Planning Policy Framework 2018.
- 3 In the absence of a suitable agreement to secure appropriate mitigation measures, the development would be likely to have a significant effect on the Solent Special Protection Areas and so is contrary to Policies CS11 and CS21 of the Havant Borough Local Plan (Core Strategy) 2011, DM24 of the Havant Borough Local Plan (Allocations) 2014 and the Conservation of Habitats and Species Regulations 2017 and the National Planning Policy Framework 2018.



Havant Borough Core Strategy



Cleaner, Safer,
More Prosperous

Sam Wilson

Niall Tutton <nialltutton@msn.com>

Fri 08/02/2019 10:57

To: Bob Tutton <roberttutton@msn.com>

EE 4G

10:52 am



havant.gov.uk

**Promoting Havant Borough's Economy (CS5)**

(CS4) (AL3.1) Town, District and Local Centres



(AL3.3) Primary Frontages



(AL3.4) Secondary Frontages

Protecting and Enhancing the Special Environment and Heritage of Havant Borough (CS11)

(AL8) Local Green Spaces

(CS11.3) Sites of Special Scientific Interest (SSSI), Special

The Natural Environment and Our Heritage

Policy CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough

Planning permission will be granted for development that:

1. 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.
2. Protects and where possible enhances the borough's statutory and non-statutory designated landscape, habitats and features of biological, hydrological or geological interest. Protection and enhancement will be achieved by appropriate adaptation and mitigation measures including wardening, education and information and the creation of new habitats, water bodies/courses planting of new trees and woodland.
3. Has particular regard to the following hierarchy of nature conservation designations within the borough (as identified on the Proposals Map):
 - (i) Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar [International].
 - (ii) Sites of Special Scientific Interest (SSSI) and National Nature Reserves [National].
 - (iii) Sites of Importance for Nature Conservation (SINC), Local Nature Reserves (LNR), other Ancient Woodland not identified in (ii) above [Local].
4. Protects and where appropriate enhances the borough's statutory and non-statutory heritage designations by appropriately managing development in or adjacent to conservation areas, listed buildings, scheduled ancient monuments, historic parks and gardens, archaeological sites, buildings of local historic or architectural interest.
5. Supports an ongoing programme of survey of habitats and species and designation of Sites of Importance for Nature Conservation.
6. 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.
7. 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.
8. Protects wildlife habitats and wildlife corridors to prevent the fragmentation of existing habitats and to allow species, for example Brent Geese, to respond to the impacts of climate change by making provision for habitat adaptation e.g. coastal managed realignment and species migration.
9. Maintains undeveloped gaps between the settlements of Emsworth/Havant; Havant/Waterlooville; Havant/Portsmouth; Emsworth/Westbourne and Leigh Park/Rowlands Castle as shown on the Proposals Map.
10. Protects the best and most versatile agricultural land that has the greatest potential for local food security.
11. Responds to the emerging evidence from the Solent Disturbance and Mitigation Project, the published recommendations, and future related research.

- 7.03 The borough has a rich and varied landscape which sustains habitats for a wealth of biodiversity and wildlife. This unique natural environment has been internationally and nationally designated for its importance to biodiversity (over 2,500 hectares of nature designations, see map Appendix 3). In 2009 the borough had 243 buildings listed grade I, II* or II, a number of locally listed buildings, an Area of Outstanding Natural Beauty, 14 conservation areas and a range of ancient monuments and listed gardens which contribute to our culture and heritage. A significant amount of new development is planned for the borough up to 2026 and it is fundamental to the achievement of the council's vision that the borough's natural and built environment assets are central to the delivery of this development. The council will seek ways of ensuring that new development not only protects the borough's environmental assets but also uses them to generate higher quality development, to bring environmental enhancement benefits and put the assets at the centre of the regeneration of the borough. This idea is referred to by English Heritage as a 'win, win, win' and is strongly supported by the council.



- 7.04 A primary objective of both the Sustainable Community Strategy Forward Together and the Core Strategy is the preservation and enhancement of the borough's natural landscape, open space, its biodiversity and built heritage. However, the council must still seek growth and appropriate development in order for the borough to become a vibrant place to live providing opportunity and facilities for its residents. It is vital to find a balance between these objectives without harming the natural and built environment which forms the borough's identity.

- 7.05 The internationally designated habitats in the borough, the Special Protection Areas (SPAs); Special Areas of Conservation (SACs) (collectively called 'Natura 2000' sites) and Ramsar sites have high levels of protection. Development will not be permitted that would cause harm to their designated interests. Nationally designated Sites of Special Scientific Interest (SSSIs) and the National Area of Outstanding Natural Beauty (AONB) designations enjoy protection as set out in government guidance. The government's guidance on nature and heritage is contained in PPS1, PPS5, PPS7 and PPS9, PPG15 and PPG16 and other legislation. The South East Plan also contains policies that add regional detail to national policy. The national and regional policies provide a clear framework of protection for the borough's environmental assets. The Core Strategy provides the next level of detail, identifying what is special about the borough and how the council will protect and enhance the environmental assets of the borough.



Where else to look:



PPS1: Delivering Sustainable Development: Encourages sustainable development that seeks to protect and enhance the natural and historic environment, the character and quality of the countryside and existing communities.

PPS7: Sustainable Development in Rural Areas: Sets out guidance on landscape designations.

PPS9: Biodiversity and Geological Conservation: Sets the requirement to

7.39 The value of good design is also recognised by government at a national and regional level. Planning Policy Statement 1 Delivering Sustainable Development (PPS1) requires all local authorities to include policies that promote high quality design in their Core Strategies. Good design is important because it helps to improve quality of life, by providing economic, social and environmental benefits. Together well designed buildings, streets and spaces help to create attractive appealing places where people want to live, work and enjoy themselves. Well designed places can encourage social integration, equal access to opportunities, services and facilities, by reducing opportunities for crime and promoting management and maintenance of open spaces and public realm through natural surveillance.



7.40 The borough has a diverse townscape character and built heritage, which is linked to the borough's historic relationship to the sea, waterways, agriculture and connections to larger urban areas including Portsmouth. The council recognises that certain places have a value that should be protected and enhanced and therefore there are a number of designated conservation areas; listed buildings; buildings of local interest; and historic parks and gardens. However, well designed buildings, places and spaces should not just be things we associate with the past or pleasures to be enjoyed by a few. Therefore it is important that good design is secured through all new developments including housing, retail, community, education, office or industry to ensure that every member of the community enjoys the benefits.



7.41 Whilst it is acknowledged that many parts of the borough are undoubtedly attractive, many others, particularly some of our suburban areas, are not well designed and in many cases they lack local identity, suffer from neglect, are vulnerable to crime and have poor connections to surrounding areas. The HBLDF's planned growth and regeneration of the borough up to 2026 offers a unique opportunity to turn this around and secure the highest design standards and quality in new developments to deliver attractive, inclusive, safe and sustainable communities for the future. The council therefore requires all new development is designed to a high quality through Policy CS16.

7.42 In accordance with PPS1 and the South East Plan, the design of developments should consider and respond to local context. By understanding the local context it is possible to determine positive elements of local character that helps to distinguish one place from another. This can include the materials used, typical plot widths and heights of buildings. In addition, development sites often have their own distinguishing features or character to take into account. This could include the form and layout of existing buildings and/or trees, plants and wildlife, which could be considered an asset. It is also important that new development sits well with its neighbours and does not have an adverse effect on their existing uses and amenity. These elements should influence the design of new development to ensure it integrates with its surroundings and either enhances areas of existing quality or introduces a more distinctive character to areas of weaker character. This does not restrict the style of the building; innovative contemporary designs may also be acceptable providing they have been inspired by the local context and make a positive contribution to the local area.



7.43 When streets and spaces are well overlooked, well used, well managed and they are not dominated by vehicular traffic they are perceived as safe, secure and attractive places. This can be achieved by ensuring buildings, streets and spaces relate well to one another; spaces are well located and have a definite role and purpose; streets and spaces are well overlooked by buildings and passing vehicular and pedestrian traffic; and the amount of dead frontage, such as blank gable walls or high rear boundary walls, is kept to a minimum. The layout of traditional streets and perimeter blocks produces a more favourable development pattern where properties are secure, the public realm is overlooked by active street frontages and the number of dead facades can be kept to a minimum. The Urban Design Compendiums, Manual for Streets and By Design provide more information. The principles set out in Secure by Design should also be referred to for guidance on how good design can help reduce opportunities for crime and antisocial behaviour and can help improve perceived community safety.



Havant Park-a valued space



Hermitage Stream

- 7.44 The public realm includes all the public space between and around buildings. This includes footpaths, roads, open space, hard and soft landscape and public art. The quality of the public realm helps to create a perception of a place. If the quality is poor then people have a poor perception of a place, it is considered a less attractive area to live, work and enjoy and this can in turn result in negative economic, social and environmental effects. These negative effects are most apparent in places like Market Parade, Havant and Leigh Park centre, which have been identified as priority regeneration areas. Wherever possible it is important to maximise any opportunities to invest and improve the public realm in and around development areas, particularly targeting improvement for our town, district and local centres most in need.
- 7.45 It is essential that new developments are designed to be inclusive places that can be used by everyone, regardless of age, gender or disability. Inclusive design considers people's diversity and breaks down unnecessary barriers and exclusions and provides solutions that enable all of us to participate in mainstream activities equally, independently, with choice and with dignity. Planning and Access for Disabled People: a Good Practice Guide 2003 should be referred to for advice on how to ensure development is designed to be inclusive. Planning Policy Statement 3 Housing (PPS3) states that developments should promote sustainable, inclusive and mixed communities. Mixed communities include a variety of housing, in terms of tenure, affordability and a mix of different households such as families with children, single person households and older people. To ensure affordable housing is fully integrated with market housing to produce a sustainable, inclusive mixed community, the council will require residential developments to be tenure blind from their external appearance; so it is not possible to tell the difference between social rented, intermediate and private homes.
- 7.46 Mixed use developments help to produce sustainable patterns of living when close to transport hubs and town, district and local centres where services and facilities are concentrated. A range of uses close to each other helps to reduce the need to travel by vehicle and helps to encourage active streets and spaces in urban areas at all times of the day. This approach is supported by Planning Policy Statement 4 Planning for Sustainable Economic Growth (PPS4).
- 7.47 Sustainable design is a vital tool in addressing the sustainability and climate change agenda. It helps to reduce the impact of new development on the environment for us and for future generations by ensuring that the design of buildings takes into account the efficient use of resources, both during the construction of the building and in the future. Developments should

8. Spatial Distribution and Strategic Sites

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.

- 8.01 The overall character of the borough is largely urbanised. There are less developed parts of the borough on Hayling Island and between the main settlements on the mainland, some of which are still actively farmed. The Core Strategy identifies the most suitable areas for growth and development to meet the requirements set out for the borough in the South East Plan. The priority for locating new development is in the existing urban areas where there are existing facilities to use and new development would have least impact on the range of highly protected biodiversity designations.
- 8.02 The South East Plan defines built up and urbanised places as the urban areas. There is a national presumption that development should be concentrated in these areas. The areas beyond the urban areas (previously countryside) are now defined as non-urban areas. The boundary definition for the urban and non-urban areas is identified on the Proposals Map.
- 8.03 The council has undertaken a number of assessments to understand and evaluate the development capacity of the borough's urban areas. The assessments included the Strategic Housing Land Availability Assessment (SHLAA), the Employment Land Review (ELR), the Open Spaces Plan, the Landscape Sensitivity Assessment and the Sustainability Appraisal. Despite prioritising future developments within the existing urban areas, it is clear that these areas cannot fully accommodate the housing and employment growth targets. As a result, the council has concluded that the urban areas must be extended in order to meet the South East Plan development requirements. The urban areas identified on the Proposals Map incorporate the strategic site urban extensions. Additional urban extensions will be identified in the Development Delivery (Allocations) Plan. The urban area will therefore be revised as part of that plan.
- 8.04 The Spatial Distribution Map (Key Diagram) Figure 8.1 shows the five areas of the borough and how the housing and employment development required by the South East Plan will be distributed. The housing numbers are shown as a range in order to comply with the requirements of PPS3 for a flexible supply of housing land and ensure that the South East Plan target of 6,300 homes is met. These potential sites have been identified in the Strategic Housing Land Availability Assessment (SHLAA). The housing figures do not include windfalls.
- 8.05 The spatial distribution has taken account of a wide variety of research evidence, stakeholder comments and the actual availability of sites. The Core Strategy sets out the overall distribution

Where else to look:



Havant Borough Townscape, Landscape and Seascape Character Assessment: The council requires all development proposals to include a landscape scheme which should be incorporated into the layout design from the start using the guidance in the Havant Borough Townscape, Landscape and Seascape Character Assessment.

The Havant Borough Council Landscape Checklist for New Development: Explains what is expected of developers submitting proposals to the council to meet the relevant landscaping conditions.

Havant Borough Council Landscape Assessment Sensitivity Report: Is an integrated landscape sensitivity approach used to inform the settlement expansion in Havant Borough.

Tree preservation orders and trees within conservation areas: Trees can define spaces, routes or views, screen out noise or unsightly development, provide shelter on a site and improve local air quality. Existing trees, woodlands and hedgerows are significant to the overall landscape quality of an area, both as landscape features and as individual habitats. Some of these features have protection under the Hedgerow Regulations, Tree Preservation Orders or by being situated in a conservation area. The council will introduce tree preservation orders as necessary to protect existing trees. If the removal of one or more trees is permitted as part of a development a condition may require that replacement trees be planted on or near the site. Developers will be required to protect existing trees to be retained during site clearance and building operations.

DM9 Development in the Coastal Zone

Planning Permission will only be granted for development in the coastal zone which addresses all of the relevant criteria as set out below as shown on the Proposals Map:

1. **Has no harmful effects on nature conservation within the Chichester and Langstone Harbour SSSIs and SPA, Solent Maritime SAC and Ramsar site, or any SINCs and Local Nature Reserves.**
2. **Maintains and enhances the appearance and distinctiveness of existing settlements and landmarks along the coast.**
3. **Contributes positively to the landscape and has regard to best practice on the design of new buildings in coastal locations.**
4. **Upgrades existing footpaths and ensures that public access is retained and provided to connect existing paths along the waterfront where appropriate.**
5. **Would result in improvements to or redistribution of moorings, marine berths or launch on demand facilities (dry berths) in the harbours.**
6. **Would not be detrimental to infrastructure for, and quality of, water-based recreation, or be detrimental to the safety of navigation.**
7. **Provides recreational opportunities that do not adversely affect the character and appearance of the coast.**

Waterlooville Urban Design Framework: Provides supplementary planning guidance for new development in Waterlooville.

Safer Places: The Planning System and Crime Prevention (2004): Considers crime prevention and prompting community safety through the planning system.

Infrastructure - Transport

DM11 Planning for More Sustainable Travel

The council will seek to ensure that every opportunity is taken to increase integration of sustainable travel modes and availability of non-motorised modes by appropriate measures including:

1. Securing on-site and/or off-site interventions that promote integrated travel and access by non-motorised modes.
2. Requiring safe and secure vehicular and cycle parking and turning facilities to adopted standards.
3. Securing appropriate improvements to public and community transport (including infrastructure requirements) in accordance with the Hampshire Local Transport Plan and (where applicable) the relevant sub-regional transport strategy.
4. Proposals for reducing opportunities for informal parking in the area surrounding the development where this would impact on the capacity, operation and safety of the local highway network and/or the amenity of the locality.
5. Ensuring that new developments are located and designed at the outset to encourage lower vehicle speeds and safe, permeable, inclusive layouts that integrate with existing pedestrian, cycle and public transport routes. This will facilitate and encourage short distance trips by cycle and walking, including to public transport interchanges.

DM12 Mitigating the Impacts of Travel

New developments will be required to mitigate their travel impact, including the environmental impacts of travel (such as noise, air and visual pollution) and impacts on amenity, health and climate change by ensuring that, where relevant, the following criteria are met:

1. Adequate provision is made for integrated and improved transport infrastructure or appropriate mitigation measures, through direct improvements and S106 contributions in accordance with the Hampshire County Council Transport Contributions Policy.
2. The submission of a transport assessment and travel plan alongside any planning application on proposals for major development or where a proposal is likely to have significant transport implications.
3. The submission of a transport statement must accompany planning applications to explain changes to travel demand.
4. A bond is provided which will be used to mitigate negative travel impacts of the development, should the travel plan fail to achieve its targets. This bond will be held by the relevant local transport authority.
5. In relation to outline planning applications, a framework for the preparation of travel assessments and travel plans will be submitted with the planning application proposals.



Havant Borough Local Plan (Allocations) Adopted Version

July 2014

Havant
BOROUGH COUNCIL

Cleaner, Safer,
More Prosperous

as Sites of Special Scientific Interest, Local Green Spaces, Chichester Harbour Area of Outstanding Natural Beauty, designated heritage assets and locations at risk of flooding or coastal erosion.

Policy AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements

The urban area boundaries for Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville are defined on the Policies Map.

The Borough's undeveloped gaps are those areas between the urban area boundaries of Waterlooville, Leigh Park, Havant, Emsworth; together with the undeveloped gaps between them and neighbouring boundaries with Portsmouth, Winchester, East Hampshire and Chichester.

Planning permissions will be granted for developments within the undeveloped gaps that help to define the separate identity of settlements and prevent their coalescence, and meets any of the following:

1. Relates to small scale householder development.
2. Meets an overriding public need e.g. For community or recreation use, that cannot be accommodated elsewhere in the Borough.
3. Meets the policies for exceptional development in 'rural areas', set out in the NPPF.

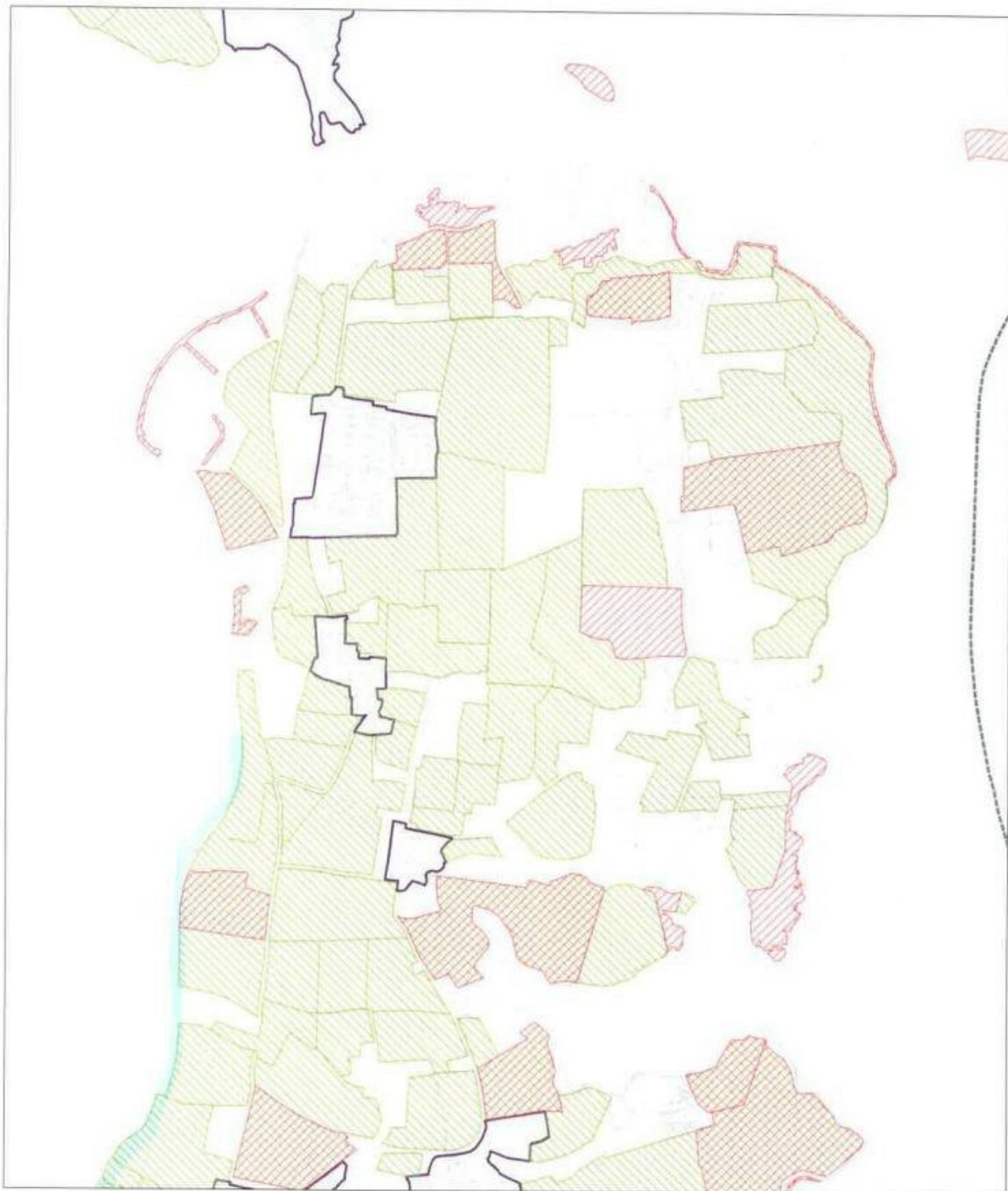
Land outside the defined urban area on Hayling Island is 'non-urban' rather than undeveloped gap. Development of exceptional affordable housing in the non-urban areas of Hayling Island is not considered appropriate or necessary and is likely to be refused planning permission.

- 2.06 The principle of concentrating development within the five urban areas of the Borough; Emsworth, Havant and Bedhampton, Hayling Island, Leigh Park and Waterlooville was established in Policy CS17 of the Core Strategy. Concentrating development within the boundaries of the urban areas is a key component of sustainable development in Havant Borough. The built up areas shown on the Policies Map have been adjusted as part of the process of preparing this Allocations Plan to reflect the present extent of the built-up areas, strategic sites allocated in the Core Strategy and allocations in this plan. The smaller settlements to the north of Hayling Island; Fleet, Stoke and North Hayling have established urban area boundaries, as shown on the Policies Map. The boundaries have not changed as future growth is being accommodated more sustainably in the main settlements.
- 2.07 Protecting and enhancing the special environment of Havant Borough is a core element of the local plan and is rooted in the need to balance the economic, social and environmental roles of sustainable development. The undeveloped gaps form an important part of the Borough's special environment, as they separate larger settlements from one another creating distinctive identities. The undeveloped gaps also contain a number of important nature conservation designations such as the Chichester and Langstone Harbours Special Protection Areas. The undeveloped gap between Havant and Emsworth is partially designated as Chichester Harbour Area of Outstanding Natural Beauty, which is given the highest status of protection in the NPPF, along with National Parks and the Norfolk Broads, in relation to landscape and scenic beauty.
- 2.08 Policy CS11.9 of the Core Strategy establishes the principle of undeveloped gaps between the 'mainland' settlements of Emsworth/Havant, Havant/Waterlooville, Havant/Portsmouth, Emsworth/Westbourne and Leigh Park/Rowlands Castle. The Core Strategy states that land with a gap function will be identified in the Allocations Plan. The main study supporting Policy AL2 is 'The Formation of Strategic and Local Gaps in Havant Borough' report produced for the Council by Kirkham Landscape Associates in 2008. This was updated in the Havant Borough

Gaps Review (2012), which assessed the impact of potential housing and employment allocations, incorporating detailed analysis of the gaps for their landscape qualities and value in separating settlements.

- 2.09 Planning applications to develop land within an undeveloped gap will need to demonstrate clearly that the proposal will not undermine the separate identities of mainland settlements or result in their coalescence. This still allows small scale householder development to come forward, which is defined as an extension or alteration of a building that does not result in disproportionate additions over and above the size of the original building. The Council is aware that a number of the Borough's sports and leisure clubs are exploring opportunities to improve, extend or relocate their existing facilities in the Borough. In light of this criterion 2 of the policy has been included to sensitively enable the provision of appropriate facilities for sport, recreation and for cemeteries in the undeveloped gaps where these cannot be accommodated elsewhere in the Borough. Development that meets criterion 2 of the policy, an overriding public need or interest that cannot be accommodated elsewhere in the Borough will need to be carefully designed so as not to significantly affect the separate identities of settlements and to prevent their coalescence. The NPPF also allows for development in the non-urban areas in special circumstances, for example to meet the needs of rural workers and to reuse redundant or disused buildings.
- 2.10 The undeveloped areas of Hayling Island are not a designated gap in accordance with Core Strategy Policy CS11, however these areas help to define the Borough's special environment and identity. Core Strategy Policy CS17 sets out the strategy for delivering development within the urban areas, while protecting the non-urban areas. Proposals for development in the non-urban areas need to be considered on the basis of the local plan policies and also the NPPF policies on rural areas. There are a number of established developments outside the urban area on Hayling Island. These include established holiday centres, which make a significant contribution to the Borough's tourism offer and local economy. Proposals that would enhance these facilities will be encouraged providing that they comply with all other Local Plan policies particularly with regard to flood risk and nature conservation. The NPPF policies allow authorities to consider exception development for affordable housing in the non-urban area. However, Havant Borough Council does not consider it necessary or appropriate to allow rural exception sites for affordable housing on Hayling Island. The Council and the Government Inspector who examined the Core Strategy considered 'that growth on Hayling Island should be limited/restricted' because of local circumstances. Clearly there is a need for affordable housing on Hayling Island. The Council is satisfied that the housing needs of the local community and the rest of the Borough can be met through the allocated sites and sites within the urban area boundaries on the island and in the rest of the Borough. The predominantly urban and compact nature of the Borough means that the distances between settlements are relatively small, and therefore the need for small scale affordable housing to serve remote rural settlements does not apply. Decision on planning applications will be determined in accordance with the NPPF, Core Strategy and Allocations Plan including Policy AL2. The Council's Landscape Architect will advise the Council's Development Management Team on the impact of relevant developments in the undeveloped gaps. The Council has given due regard to these impacts in the selection of sites in the Allocations Plan. It is considered appropriate to assess these developments against the criteria and impact threshold as set out in the Havant Borough Gaps Review, November 2012.

Hayling Island North Policies Map



-  Borough Boundary
-  AL2 Urban Area Boundaries and Undeveloped Gaps Between Settlements
-  AL4 Coastal Change Management Areas
-  DM23 Uncertain Sites Brent Geese and/or Waders
-  DM23 Important Sites Brent Geese and/or Waders

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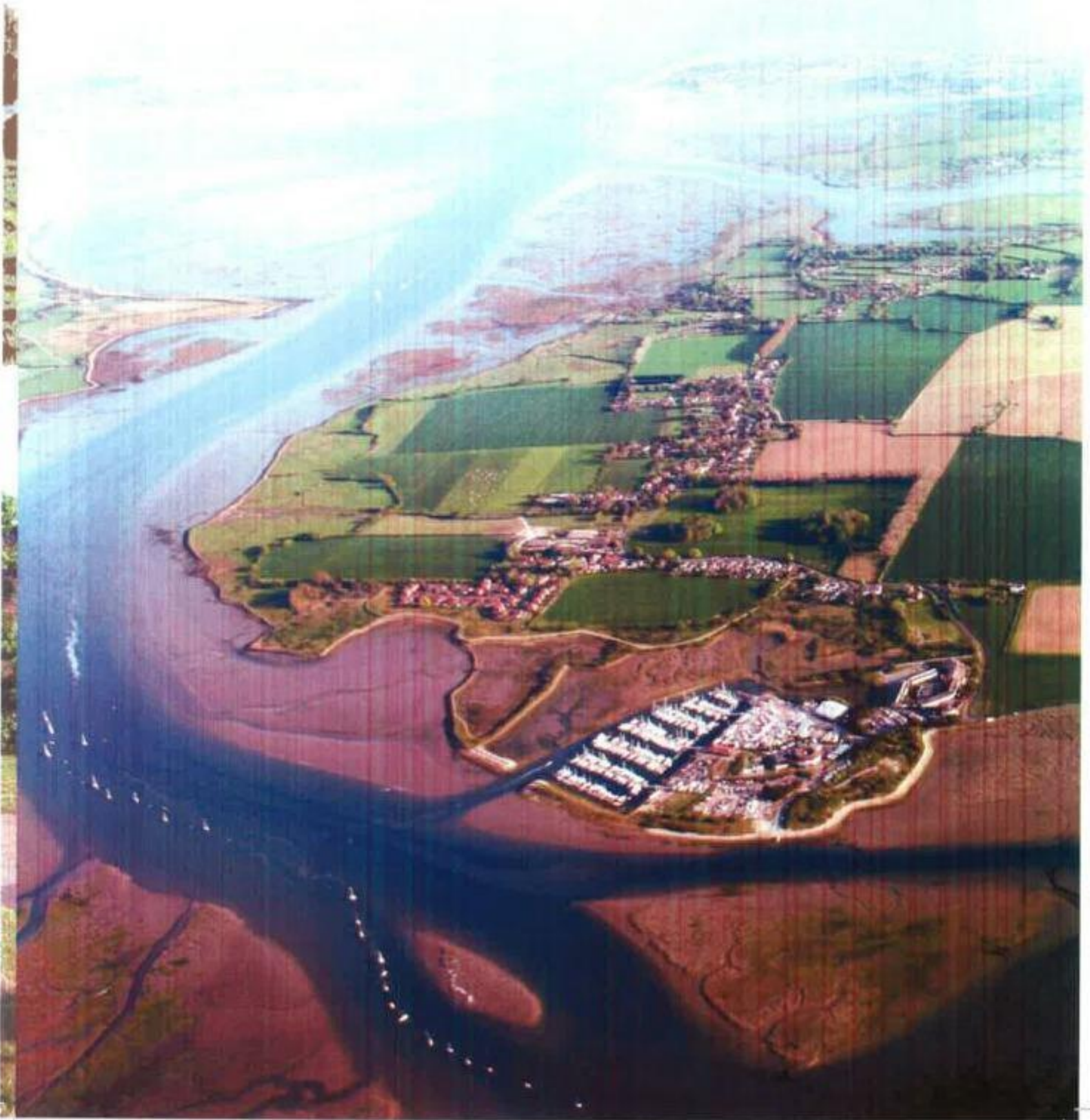
Solent Waders and Brent Goose Strategy 2010 Mapping Layers
 used by permission created using OS OpenData
 Ref: King, D. (2010) Solent Waders and Brent Goose Strategy 2010:
 Importance and Role of Wight Wildlife Trust



Havant
 BOROUGH COUNCIL

NORTHNEY & TYE

Village Design Statement



Village Design Statement

Purpose and Aim

This Village Design Statement (VDS) is the result of extensive consultation, under the auspices of the North East Hayling Residents' Association, which began in 2005, and included a questionnaire that was distributed to every household at the start of the project. This was followed by well-attended public workshops, meetings, discussions and an exhibition. Publicity about the project was carried out through posters, fliers to each household, the Hayling Islander newspaper and our website. The VDS represents the considered and collective opinion of the people of Northney and Tye and is a statement about the local characteristics which the residents value in this beautiful area.

The purpose of this VDS is to help guide change and to conserve and enhance the historic and natural legacy of North East Hayling. It offers local guidance to all those making planning and development decisions for Northney and Tye and is intended for use by local householders, businesses and farmers, planners, engineers, architects, designers, developers, builders, statutory bodies and utility companies.

Change occurs not only by the creation of large developments but also by the smaller, sometimes less obvious, alterations to homes and gardens, commercial buildings, farmland and green spaces. On their own they may not seem to amount to much but their cumulative affect can alter the appearance of an area considerably.

Our VDS documents this community within its historic and landscape setting by highlighting the pattern of settlement, the style and location of buildings, and the views and green spaces. Each section is accompanied by Design Considerations to be applied to any future development or building modification. These Design Considerations should be read together with the relevant current planning policies and design guidelines that apply (See Appendix 1 for details). During the course of the VDS project a number of issues arose through the questionnaire, workshops and public consultation which although are not Design Considerations are, nevertheless, very important to the area (See Appendix 3 for details).

The production of this VDS has been aided by grants from Hampshire County Council, Chichester Harbour Conservancy and North East Hayling Residents' Association and their support is acknowledged with gratitude. The VDS Steering Group also appreciates the support and help from the people of Northney and Tye.

The Executive and the Full Council of Havant Borough Council have approved the Northney and Tye Village Design Statement and the Design Considerations it contains as non-statutory planning guidance and is to be used as material consideration in Development Control.

Our website is www.nehra.org.uk



Introduction

Northney and Tye, the area covered by this Village Design Statement, lies in the north east corner of Hayling Island, Hampshire and is recognised by Havant Borough Council as a character area which should be respected by any new development. St Peter's Conservation Area sits at the heart of Northney village with the church at its centre.

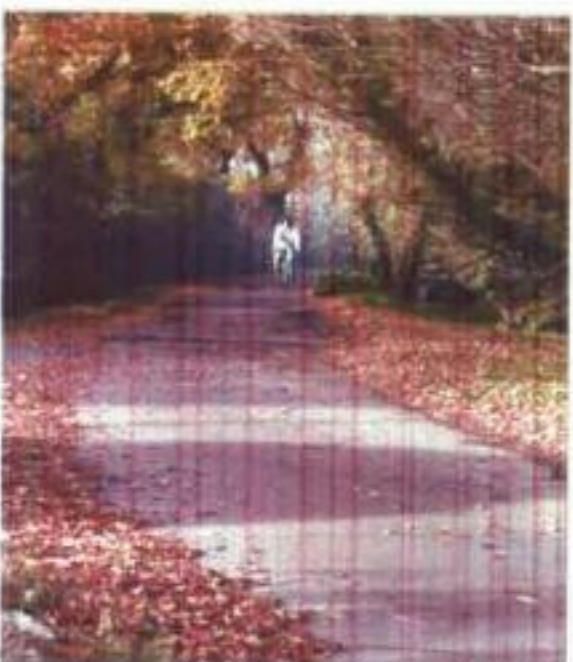
Parts of the VDS area fall within the Chichester Harbour Area of Outstanding Natural Beauty (AONB), and are designated either as a Site of Special Scientific Interest (SSSI), a Special Protection Area (SPA) or a Ramsar site for protected wetlands (see Appendix - Sources websites); these designations often overlap. Much of the VDS boundary is the shoreline of Chichester Harbour and this gives the area its distinctive character and appeal.

The importance of the area shown by these bio-diversity and nature conservation designations arises from the tidal waters of Chichester Harbour, which provide internationally-known feeding grounds for a wide variety of birds. The outlook from the shore changes with the ebb and flow of the tide from a wide seascape to one of mudflats reaching out to Sweare Deep and Emsworth Channel. The land is protected from the tidal waters of Chichester Harbour by sea walls, mainly earth embankments, with some constructed by Napoleonic prisoners of war.

Northney and Tye lies on the old coach road that crossed the harbour by the Wadeway until it was replaced by a wooden toll bridge in 1824. This one road connects Langstone Bridge with Stoke in a semi-circular sweep through farmland. However, the road's narrow and meandering form remains a significant feature of Northney and Tye but is not well suited to the current heavy traffic usage. The majority of the 260 residential dwellings in the area are found on this route, the others front a number of short side roads.

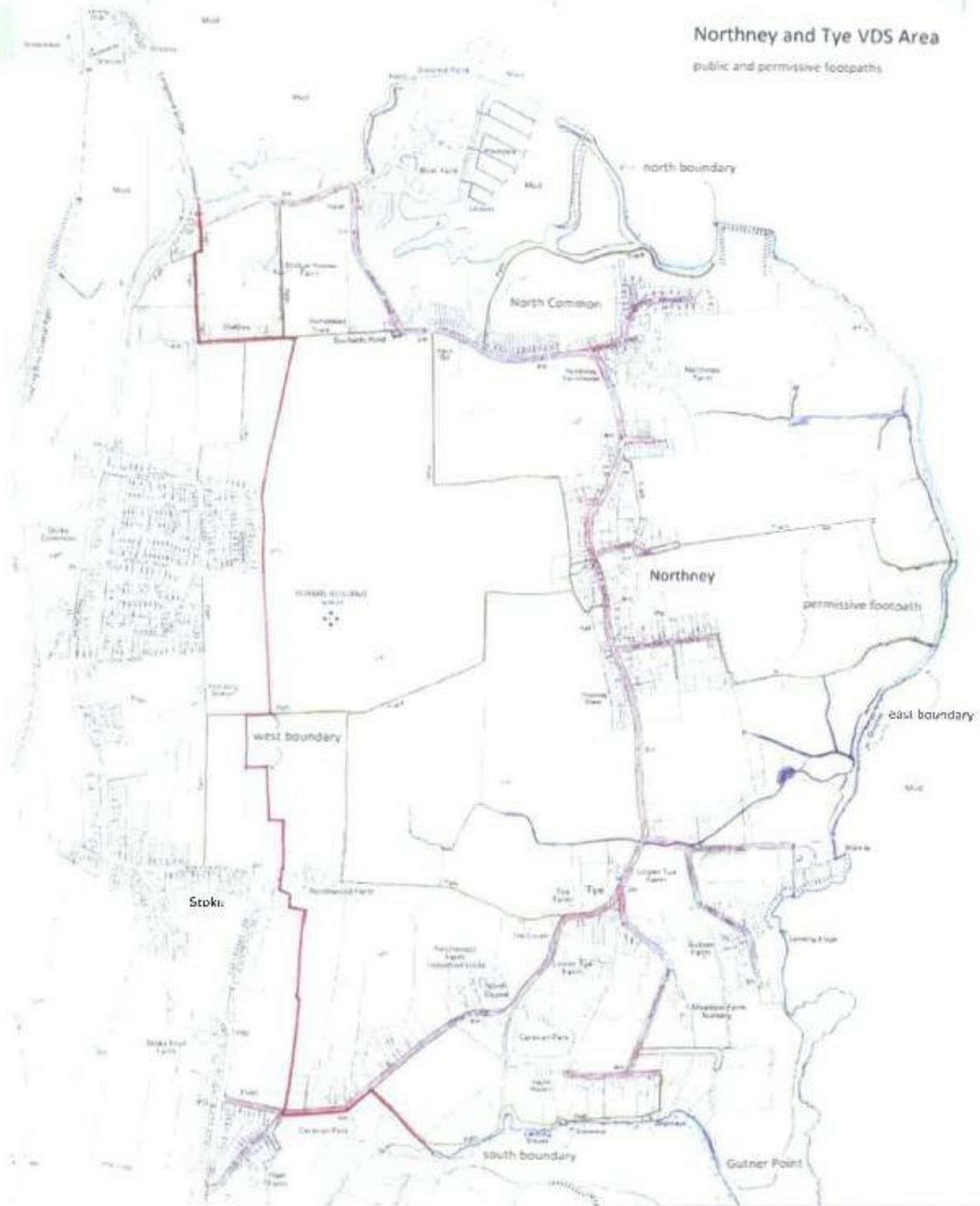
There are about 25 commercial buildings, ranging from small specialist suppliers, such as the timber fencing and chandlery businesses, to the larger yacht sales and repair firms of Northney Marina. The Langstone Hotel and a few bed and breakfast establishments provide accommodation for visitors locally. Both Northney Farm and Lower Tye Farm and their land are of paramount importance to the character of the whole VDS area, providing much of the open green spaces.

Within this VDS area there is no public house, food/convenience shop or school and it is not served by any regular bus service. There is, however, a school bus which residents may use and a responsive taxi share scheme subsidised by Hampshire County Council Passenger Transport Department. The nearest petrol station cum convenience shop is situated on the Havant Road just south of the Langstone Bridge. Otherwise, shops, Post Offices, banks and schools, are to be found further south on Hayling Island or in Havant, on the mainland.

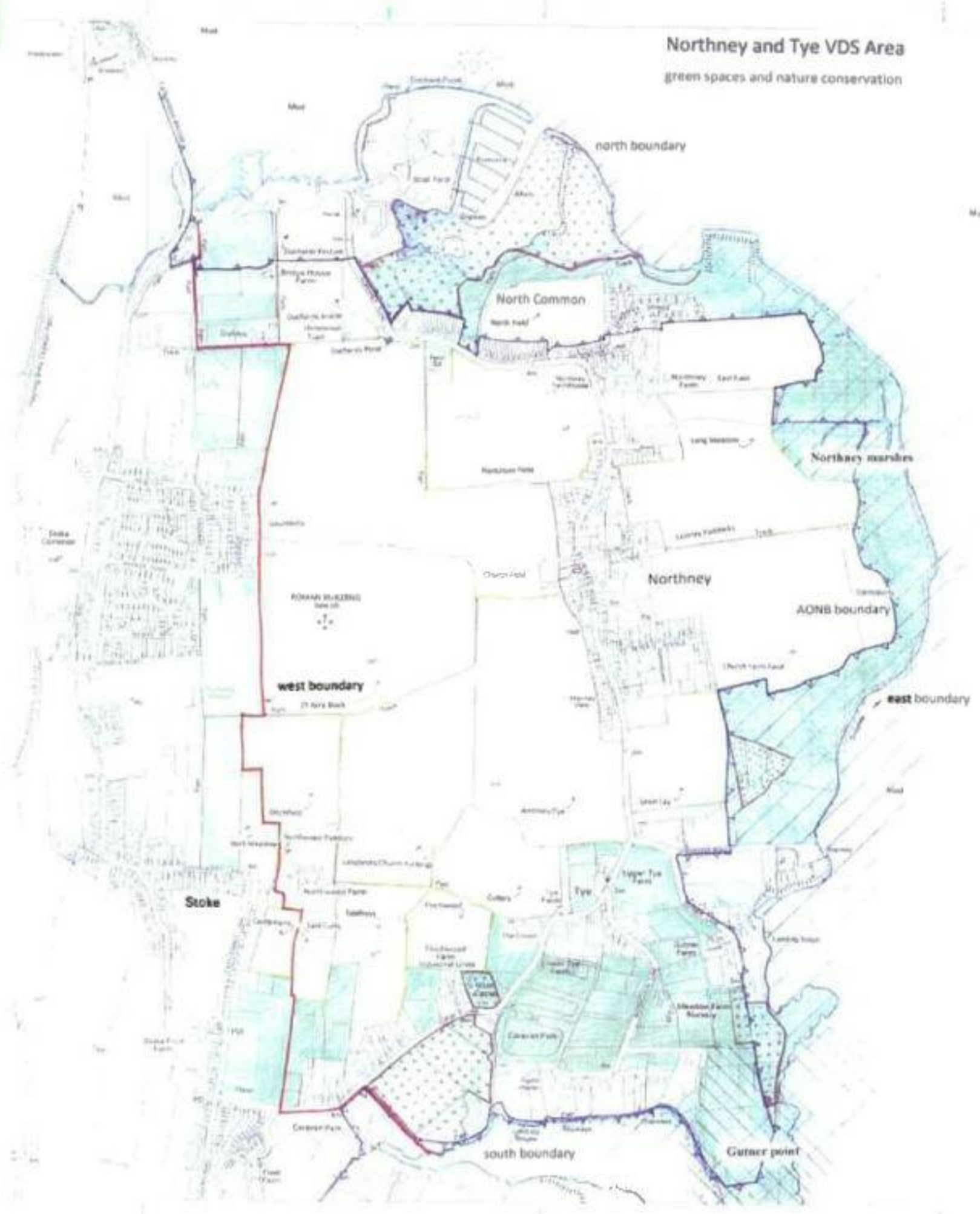


Northney and Tye VDS Area

public and permissive footpaths



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- Chichester Harbour Area of Outstanding Natural Beauty
- Site of importance for nature conservation
- Nature reserve
- Site of Special Scientific Interest, Special Protection Area, and Ramsar
- Northney farm fields with water
- Green open spaces, marshes, small farm runways and water ways

Map of Green Spaces and Nature Conservation

Havant Borough Council Borough Design Guide Supplementary Planning Document

December 2011



Cleaner, Safer,
More Prosperous



Executive Summary



The aim of the Havant Borough Council Design Guide Supplementary Planning Document (SPD) is to provide detailed information that supplements Policy CS16 of the Havant Borough Core Strategy, to raise the standard of design across the Borough and set out what the Council expects developers to deliver in terms of the design of new developments and how the distinctive character and qualities of the Borough should be respectfully improved and enhanced through development.

The SPD has been prepared for use by both planning and design professionals and the public.

The SPD forms part of Havant Borough Council's Local Development Framework (LDF) and is a material planning consideration in the determination of planning applications in the Borough.

Public Consultation

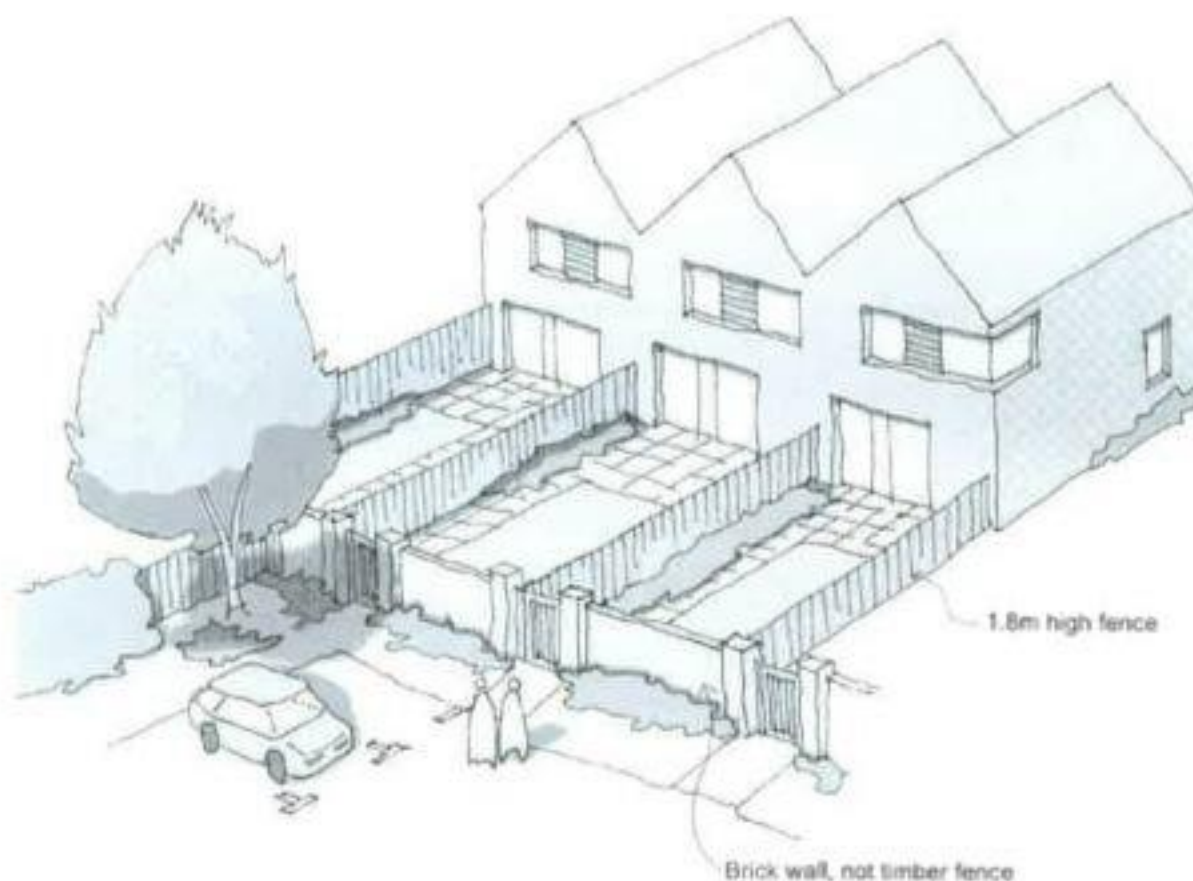
Havant Borough Council consider it vital that local people are involved in the plan making process and have an opportunity to make their views known. A draft version of this SPD was issued for consultation from 27 May until 8 July 2011. The comments received were assessed and where appropriate the document was amended to make the final Havant Borough Design Guide SPD a more accurate and useful document. The Council would therefore like to thank the community for their vital contribution.

The Council's response to the public consultation and the adoption documentation is available to view at www.havant.gov.uk, at the Public Service Plaza and libraries throughout the Borough.

If you have any queries please contact the Planning Policy and Urban Design Team at policy.design@havant.gov.uk or telephone 023 92446539.

This document is available in many other formats such as Braille, large print and on CD. Other languages are also available. To request any of these formats please contact 023 9244 6609.

Figure 5.6: Appropriate boundary structures for rear private gardens



Services and Waste

- 5.23 All developments should provide adequate communal facilities for the storage of domestic waste prior to collection. These can be arranged and designed in a variety of ways including, designated communal storage areas on the ground floor of buildings and detached storage buildings.
- 5.24 These facilities should not have an adverse visual impact on the street. Where a bin store is proposed as a separate building it needs to be designed with the same care and detail as the rest of the development. The facilities should have convenient access for residents and collection vehicles. The maximum distance that residents should have to carry refuse to a bin store should be no more than 30 metres. The collection point should be reasonably accessible for collection and within a distance of 30 metres of the adopted highway. The design should allow for sufficient space around the container for movement and cleaning. The facility should also be permanently ventilated at high and low levels.

5.2 Residential Backland and Infill Developments

- 5.25 Havant Borough Council acknowledges that backland and infill developments have a role to play in delivering the council's housing and development targets. However, many of these sites are situated amongst existing neighbours and can create an adverse impact. Development of backland and infill sites should not have an adverse effect on neighbouring properties, should maintain and enhance the existing character and quality of an existing area and should create pleasant and attractive places to live.

be of an adoptable standard as agreed by Hampshire County Council. A private road serving five dwellings or less must take account of the servicing requirements of refuse collection and emergency vehicles. Shared drives can be a solution for particularly constrained sites, the suitability of this solution would need to be assessed on a case-by-case basis. The bin collection areas need to be carefully sited and designed so as not to have a detrimental effect on the streetscene or create amenity issues.

Infill Development

- 5.33 Infill development should look to the immediate site context for reference and respect the layout and character of the surrounding area, looking to immediate neighbouring properties in the first instance. Where perimeter block development predominates, rear garden infill breaks the perimeter block structure and may reduce the security of internal areas and therefore may be unacceptable.

Figure 5.9 An example of acceptable and unacceptable types of infill



5.3 Extensions and Additions to Existing Residential Properties

- 5.34 With regard to the need for planning permission for works, applicants should note that not all extensions and alterations require planning permission. Some extensions of dwellings are covered by permitted development. Applicants are strongly advised to obtain written confirmation as to whether planning permission is required. Building Regulations approval is also required for most building works and therefore it is important that applicants check with the council before beginning any work. More information and useful contacts are contained in Section 6: The Planning Application Process, Design Review and Neighbourhood Plans.