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# Appeal Decision

Site visit made on 19 April 2016

**by Robert Mellor BSc DipTRP DipDesBEnv DMS MRICS MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 05 May 2016**

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**Appeal Ref: APP/X1735/W/16/3143489**  
**108-110 Elm Grove, Hayling Island PO11 9EN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Churchill Retirement Living against the decision of Havant Borough Council.
  - The application Ref APP/15/00950, dated 28 August 2015, was refused by notice dated 22 December 2015.
  - The development proposed is described on the decision notice and appeal form as: *'Demolition of retail unit and associated outbuildings and redevelopment to form 44 No sheltered apartments for the elderly including communal facilities, access, car parking, landscaping and substation. In addition, provision of 1 No retail unit with flat above and associated car parking and landscaping'*.
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## Decision

1. The appeal is dismissed.

## Policy Context

2. The appeal is required by statute to be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise. The development plan here includes the Havant Borough Core Strategy (2011) (the CS) and the Havant Borough Local Plan (Allocations) (2013) (the BLPA). The relevant policies are generally consistent with the National Planning Policy Framework (2012) and merit full weight.
  3. CS Policy DM7 is of specific relevance to elderly and specialist housing provision. It supports such provision in urban areas like this subject to criteria that include (in summary):
    1. appropriate accessible amenity space which provides a satisfactory outlook for all residents;
    2. a setting for the building in keeping with the surrounding area; and
    3. sufficient space for servicing.
  4. Part of the appeal site is allocated for residential development by BLPA Policy HY1. This indicated a site capacity of 14 dwellings. However the Council acknowledges that this figure is not prescriptive and that the site is larger than that allocated.
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## **Main Issues**

5. Having regard to the reasons for refusal and the representations from interested persons the main issues are considered to be:
- what effect the development would have on the character and appearance of the area;
  - whether the provision for parking and servicing would prejudice the safety and amenities of users of the development and of public parking space and the highway network;
  - whether the development would make satisfactory provision for affordable housing; and
  - whether the development would make satisfactory provision to mitigate its impacts on the Solent Coast Protection Area.

## **Reasons**

### *Character and Appearance*

6. The site fronts a busy main road within a linear district shopping centre in an otherwise mainly residential area. An adjacent Tesco Express convenience store shown on the submitted drawings has recently closed and that shop unit is vacant. The nearby Hayling Billy public house has also closed and its large car park is being used by other local businesses.
7. The area is characterised by modest suburban 2 storey 20<sup>th</sup> century development. I saw that there are also some modern 3 storey townhouses adjacent to the Hayling Billy.
8. Sheltered housing schemes necessarily require both that they are of sufficient scale to be viable and also that there is good level internal communication. That favours larger buildings and larger floor plans than other forms of residential development.
9. The existing large retail unit on the site frontage would be demolished and replaced by a smaller 2 storey building housing a retail unit with a flat above. That would be in keeping with the other frontage development. The mainly 3 storey sheltered housing building would occupy a backland site behind that shop. It would be the largest building in the locality. However its apparent bulk would be mitigated in part by the horizontal and vertical articulation of the elements and by the use of varied materials. The site adjoins allotments and other open land or gardens on 3 sides. Public views from Elm Grove and from Palmerston Road to the south would usually be only partial because of screening by the various frontage buildings.
10. Whilst the area mostly features 2-storey development, some variation in height can add interest and variety in an urban area. I consider that a 3-storey building could here be in keeping with the surrounding area. From most directions the design of the sheltered housing and its siting behind the frontage buildings and near open land would mean that its relatively large bulk and scale would be satisfactorily accommodated in the townscape. In particular the bulk of the building would be set well away from the southern boundary with private gardens and would stand to the north of them where it would avoid

significant shading. There is scope to use tree planting to soften its appearance. However at the western end of the building and particularly around the parking and entrance area I consider that there would be inadequate space with the consequence that the approach and setting would appear unduly cramped and the building would here appear oversized for its plot.

11. Whilst the application description includes landscaping, no details are included of how the scarce available planting space to the west would be used. Nevertheless I agree with the Council's landscape architect that the minimal space available for landscaping would not provide a high quality landscape setting. Neither would it provide the satisfactory outlook for residents that is sought by the CS Policy DM7. Moreover there would be insufficient space to provide the 'safe and intuitive' pedestrian access recommended by the landscape architect.
12. There would be no path leading to the main entrance door. Instead, visitors would need to make their way between parked cars and service vehicles, as would residents using mobility scooters to reach a store tucked behind the opposite side of the building. I note that the design was amended to provide a continuous (but narrow) path to a secondary entrance. But that would be out of sight behind the building and is intended to be used only by residents. The arrangements for access to the main entrance would be inconvenient and potentially hazardous and they would provide poor legibility, particularly for those approaching the building for the first time.
13. It is concluded that the cramped layout of the development at the western end of the sheltered housing and the associated lack of space for landscaping, the poor outlook for residents, and the unsuitable access arrangements would all result in a poor design that would harm the character and appearance of the area and the amenity of residents and their visitors, contrary to CS Policy DM7.
14. Other consequences of the lack of space around the building are considered below in relation to parking and servicing.

#### *Parking and Servicing*

15. CS Policy DM13 is listed in the Officer Report and requires compliance with the Council's adopted parking standards in the Havant Borough Residential Parking and Cycling Provision Supplementary Planning Document (2010) (the Parking SPD).
16. The Parking SPD itself is not referred to in the Officer Report but has been referred to in the Appellant's Transport Statement. The standards for sheltered housing are not clearly expressed but would seem to normally require 1 parking space per sheltered unit. It is not clear in the documents whether any reduced allowance is to be made for more accessible locations or for shared unallocated spaces, and if so, what. The standards also require provision for storage of mobility scooters and cycles and the provision of parking spaces for the disabled in larger residential developments (which I would take to include the appeal proposal).
17. The Parking SPD is it not relied upon by the Council's Development Engineer in his consultation response. He refers instead to a '*historic standard*' of 0.25 spaces per unit but does not explain its source or confirm that it is in any

adopted document. If not then it can only have the status of an informal policy to which little weight may be accorded. In this scheme the parking provision would have a ratio of 0.32 spaces per unit (14 spaces for 44 units). That would appear to be below the Parking SPD requirement but above the Council's 'historic standard'.

18. On-street parking is very scarce locally. Interested persons are concerned that overflow parking by residents or visitors would reduce the availability of parking space to service local shops and businesses. These concerns have been amplified by the anticipated loss of the car park of the former Hayling Billy pub which could displace business-related parking to the public car park. It is likely that some other unauthorised private parking also occurs there whilst the pub is vacant. Most spaces were occupied at the time of my visit. Whilst the Transport Statement suggests that use could also be made of the Coop supermarket car park, that is a private car park for customers only and would not be suitable.
19. The Appellant has submitted a Transport Statement and additional parking evidence. In particular the Appellant has surveyed usage of car parking at other sheltered housing schemes. The surveyed schemes have higher parking ratios than the appeal scheme and they range from 0.35 to 0.52. Moreover the surveys show that parking demand at 5 of the 8 surveyed schemes would exceed the appeal scheme's 0.32 parking ratio for at least part of the day. One would exceed a ratio of 0.40. The additional evidence shows that parking ratios of 0.33 to 0.38 have been agreed for Churchill schemes at another 5 Hampshire locations but does not demonstrate how successful these are in operation and whether they avoid any adverse off-site effects.
20. It is well established that car ownership amongst the elderly occupiers of sheltered housing schemes is lower than the wider population. Minimum age restrictions on occupation would be needed to take account of that. The Appellant's survey results indicate that the normal Parking SPD ratio of 1 space per flat would be excessive in this situation. Nevertheless the appeal scheme is unlikely to provide sufficient parking spaces to meet all the needs that it generates for parking for residents, visitors and support staff. Some of whom can be therefore expected to seek parking space elsewhere in the locality.
21. On street parking is scarce in the area and there is competition for that space from the shops and other businesses. The main off-street public car park is at St Mary's which is currently free and without time restrictions.
22. Use of St Mary's car park was surveyed by the Appellant on 2 days in November 2015. Usage varied from 31% to 71% of the available spaces; peaking at the start and end of the school day because there are nearby schools. Whilst that would appear to leave space for some additional use by visitors to the sheltered housing, it does not take account of any displacement of cars from the Hayling Billy car park should that cease to be available to local business and their customers, as seems likely if the pub site is redeveloped for another purpose.
23. As a lack of parking could have adverse consequences for the vitality of the district centre (and also for congestion on local roads should it encourage illegal on-street parking that may be difficult to enforce against), I consider

- that a higher parking ratio of at least 0.40 would be necessary to reduce the risk of such impacts at this location.
24. The layout of the submitted scheme lacks the space that would be needed to provide either additional parking spaces or the wider disabled parking spaces which are lacking in the submitted scheme. Thus additional spaces could not be required by condition.
  25. CS Policy DM7 also requires sufficient space for servicing. No dedicated service area is proposed and all parking spaces in the submitted scheme are of standard minimum dimensions for cars and they would not accommodate larger vehicles. Service vehicles (including those up to 3.5 tonnes) could include home shopping deliveries including food, furniture, and carpets and also maintenance vehicles used by gardeners, plumbers and electricians. All would seek access close to the building and are therefore likely to need to wait in positions in the car park where they would necessarily obstruct access to other parking spaces for significant periods.
  26. The Appellant's swept path analysis suggests that it would just be possible for a car, taxi or 3.5 tonne van to turn round when all the parking spaces are occupied. However the dimensions are very tight and would require the exercise of some skill. There would be a potential hazard for any pedestrians or mobility scooters passing behind the vehicle. Moreover some vehicles such as ambulances are likely to be larger than a standard 3.5 tonne panel van. Any vehicles that could not turn or which were denied entry at the proposed gate (or simply deterred by its presence) would need to reverse a significant distance to the main road. That would be hazardous for vehicles and pedestrians as well as inconvenient.
  27. The servicing arrangements make no provision on site for refuse vehicles to enter or turn. It is proposed instead that the operators would arrange for the refuse bins to be wheeled to the highway for collection. Whilst that may be acceptable to the collection authority in principle, there are 2 practical impediments. Firstly the narrow path from the refuse store past the parked cars does not appear suitable for moving large eurobins. Secondly, no location has been identified near the road to accommodate these large bins whilst they are awaiting collection. As such they are likely to obstruct either the footway or the entrance drive causing further hazards or inconvenience.
  28. The shortfall in car parking provision against likely demand, the lack of disabled spaces, the lack of parking or turning areas for larger service vehicles and the inadequate provision for refuse servicing are further consequences of the restricted space available around the building because of its large footprint. Neither do the submitted drawings identify any location for short or long term secure cycle storage as required by the Parking SPD. The Appellant's Transport Statement draws particular attention to the levels of cycle usage in this notably flat urban area.
  29. In conclusion on this issue, whilst the evidence indicates that the Parking SPD requirement of 1 parking space per flat is unnecessary, it also suggests that a ratio as low as 0.32 would be inadequate. The lack of provision for disabled parking or cycle storage contravenes other provisions of the Parking SPD. That and the inadequate servicing arrangements would prejudice the safety and

amenities of users of the development and of the highway network, contrary to relevant provisions of CS Policies CM7 and CM13.

#### *Affordable Housing*

30. CS Policy CS9(2) requires the provision of 30% affordable housing unless a lesser requirement has been transparently justified on viability grounds. Planning permission was refused in part because of the lack of provision for affordable housing. The Appellants, the landowners and the Council have since concluded a Section 106 agreed planning obligation whereby a contribution of £304,605 would be made towards off-site provision. The Council has accepted that its preference for on-site provision would not be viable notwithstanding the need for affordable sheltered units. The Council does not dispute that the contribution is appropriate. CS Policy CS21 allows for off-site provision of housing and infrastructure in appropriate cases. The lack of on-site provision would not warrant dismissal of the appeal.

#### *Solent Coast Protection Area*

31. In relation to nature conservation, BLPA Policy DM24 requires that significant effects on special protection areas are avoided or mitigated. Planning permission was refused in part because no contribution had been made to mitigate additional recreational pressures on the Solent Coast Protection Area. A suitable contribution has since been included in the completed planning obligation such that this would not be a reason to dismiss the appeal.

#### **Other Matters**

32. Account has been taken of all other matters raised in representations and in particular the claimed social benefits of the development. The development would also have some economic benefits both in its construction and also the local business that would be generated by the residential use and the replacement shop. The Appellant has submitted extensive evidence supporting the principle of sheltered housing provision and the local need for such provision. That is not disputed by the Council.

#### **Conclusions**

33. For the above reasons this would be a poor design resulting in environmental harm and some potential for economic harm to the district centre. The harm would outweigh the social and economic benefits of the housing and retail development such that this would not be a sustainable development in terms of either the development plan or the National Planning Policy Framework.
34. The benefits of the development do not outweigh the design defects of the submitted scheme and its resultant conflict with the development plan. In any case most of the benefits should be capable of achievement in a scheme with a better design and layout albeit that this may require a reduction in the number or size of the units of accommodation.

*Robert Mellor*

INSPECTOR