

RESPONSE TO PLANNING POLICY COMMENTS DATED 10th SEPTEMBER 2020

APP/20/00441

RESIDENTIAL DEVELOPMENT ON LAND WEST OF HULBERT ROAD, HAVANT THE TRUSTEES OF THE GHM JACKSON 1972 SETTLEMENT

Introduction

WYG acts for The Trustees of the GHM Jackson 1972 Settlement in connection with the above site.

We would like to respond formally to the comments of the Council's Policy officer concerning the principle of the above development and the conflict with the adopted Development Plan and emerging Local Plan.

A summary of the comments, along with our formal response, are set out in the table below:

Key Policy Comments and WYG Response
<i>Comment - Status of the adopted development plan which comprises the Local Plan (Core Strategy) 2011 and the Local Plan (Allocations) 2014.</i> Response – The previously submitted Planning Statement (Section 7) addresses the status of the adopted Local Plan. On the basis that it is considered the Council cannot demonstrate a 5-year supply of deliverable housing, policies in the adopted development plan which would seek to guide or restrict housing development will be out of date. As such the tilted balance and the presumption in favour of sustainable development applies. These points are addressed in full in the Planning Statement and will not be repeated here. Notwithstanding the above comments, even if the development plan were considered to be up to date, both the NPPF and Section 38(6) of the Planning and Compulsory Purchase Act 2004 confirm that planning applications can be determined contrary to the development plan <u>if material considerations indicate otherwise</u> (emphasis added). The only material consideration mentioned by the Policy Officer is the identified need for a combined emergency services hub (discussed below) but no mention has been made of the material benefits that would result from the development. The Council needs to give due consideration and weight to the material considerations relevant to the proposed development including but not limited to delivery of a policy compliant (30%) level of affordable housing, delivery of additional housing to contribute to the Council's 5-year land supply (discussed in more detail below), delivery of a mix of housing to meet local need, provision of pedestrian and cycle connections along Havant Road facilitating connections between

the strategic employment site to the north and existing retail site to the south and to the adjacent existing residential areas, and management and enhancement of the SINC site to the south.

Comment - Status of the emerging Havant Borough Local Plan 'Pre-Submission version with changes' which was agreed by Full Council in September 2020 and is currently out for consultation until December 2020.

Response - In terms of the emerging Local Plan, the Policy officer states this must be afforded some weight having been approved by Full Council in September 2020. However, in accordance with the guidance set out in paragraph 48 of the NPPF, we consider the emerging Local Plan should be afforded only very limited weight because it is still undergoing consultation which may result in further changes being required. There are unresolved objections to the relevant settlement policies and emerging allocations and objections that the whole Plan is 'unsound' which is the Inspector agrees with, will render the Plan obsolete. The plan has yet to be submitted for examination to assess its consistency with the NPPF.

Further paragraph 49 of the NPPF is clear that an argument of prematurity would only justify a refusal of planning permission in very limited circumstances which we do not consider would apply in this case (the development proposal would not undermine the plan making process by predetermining decisions about the scale, location or phasing of development central to the emerging plan, and the emerging plan is not at a sufficiently advanced stage).

Therefore, for the purposes of the current proposal it is the adopted Core Strategy and Allocations document which are relevant, albeit noting our previous comments that the titled balance applies.

Comment - As you will be aware the site lies outside of the urban area as defined by policies CS17 and AL2 of the adopted plan. It would remain outside of the settlement boundary as defined by policy E3 in the emerging Local Plan. The policies in the adopted and emerging local plan seek to restrict development in these locations, except in exceptional circumstances. It is not considered that any of the exceptions for housing would apply here.

Response - With any policy it is the aims behind the policy that must be considered, and settlement boundaries are usually imposed to either prevent development taking place in unsustainable locations, to prevent adverse landscape visual impacts through the development of open land, or to protect strategic gaps (which are usually further defined through a green wedge or green gap policy).

By virtue of the proximity of the site to the Havant and its associated services and facilities and the opportunities for additional cycle, pedestrian, and bus connections which the development can facilitate, it is considered that development in this location would not result in unsustainable or isolated development (discussed further below).

In terms of landscape impact there is the strong urban feature of the A6 to the west and the adjacent woodland areas – which would be retained and enhanced– which provide a good level of screening to the site.

Thirdly, it cannot have been the intention that this area would remain free of any and all future development, because adopted Policy AL2 expressly allows future built development within this area. Further the strategic employment allocation to the north, together with the existing retail development to the south, will/has compromised the significance of this area in terms of preventing settlement coalescence and the further development of the proposed site will not add to this to any significant degree.

Further, the Council propose the allocation of comparable sites in their local plan. One such example is site H22, at Scratchface Lane allocated for 50 houses. That site is surrounded by trees, is similarly located to the A3(M) and is further from the majority of local facilities and services than our site.

The exclusion of our site is therefore not consistent with the approach to other comparable sites and its location, outside of a defined area should not prevent its development, particularly given the 'exceptional circumstances' warranted by the lack of a 5-year housing supply (see below).

Comment - The Council's Five Year Housing Land Supply Update (December 2019) indicates a 5.4 year supply, with a 5% buffer. As such, it should be noted the Council's housing policies can be considered up to date.

Response – The above figure is disputed, as set out in the previously submitted Planning Statement (para. 7.1-7.16) and this analysis will not be repeated. Even if the above figure was correct, this is now almost a year old so will need to be updated for the current year and it would not be entirely unreasonable to assume that the modest 0.4% buffer identified would be at risk given the impacts of the coronavirus on construction rates over the summer. Indeed, the temporary impact of the first lockdown on housebuilding rates was accepted by the Inspector in the Nine Mile Ridge appeal (reference APP/X0360/W/19/3238048) where the Inspector discounted 168 homes from the trajectory.

It is also understood that as published, the Standard Methodology v2 significantly increases the housing requirement for Havant which could not be met by current or emerging allocations (reference Havant Borough Council representations on the White Paper Planning for the Future consultation dated 26 October 2020). This gives further support for the development of the site to meet the Council's current/future housing need, notwithstanding the recent announcement that the methodology will be reviewed further as it can still be anticipated to result in increased housing figures to meet the Government's national targets. This would also comply with the stated objective in the NPPF to significantly boost housing supply (paragraph 59).

Comment - The site is identified in the Council's Strategic Housing Land Availability Assessment under site reference LP127. It is discounted in Appendix 2 for the following reason:

"Site is not suitable for residential development due to its isolated nature. It is better suited for other uses."

In terms of the matter of isolation, the site is located away from the existing built up area and would not relate to the existing community to the south or west of the site. Furthermore, the site could not accommodate development of a sufficient scale to constitute a community in its own right. Indeed, the application description does not include any community facilities or economic development reflecting the scale of housing development proposed.

Response – The adequacy of the previous SHLAA assessment is addressed in the Planning Statement submitted with the application and is a reasonable component of a cogent assessment of the planning merits of the site (see next section) particularly when that original assessment appears to have been 'rolled forward' without being reassessed in light of local and national changes. The first SHLAA assessment on the site dated 2016 simply concludes the site is not suitable due to its isolated nature but this is not analysed in terms of walking, cycling, or driving distances to facilities within the locality or proximity to the existing built form of the adjacent residential areas. This assessment is then simply repeated in the subsequent SHLAA's and indeed by the policy comments on the current application. Despite the physical proximity – albeit buffered by the existing woodland areas – to the dense built forms of the adjacent residential areas and that key services and facilities and future employment site are/will be within the guideline 400m (5 min walk), 800m (10 min walk), and 1,000m (12min walk) distances, the Council maintain a position that the site is isolated which we do not consider is justified by the above factual analysis. Furthermore, if the site were to be assessed against the Building for Life 12 criteria - <https://www.designcouncil.org.uk/resources/guide/building-life-12-third-edition> - particularly the criteria relating to 'Integrating into the neighbourhood', it is considered the development would score

highly through 1) reinforcing existing connections and creating new ones, 2) being close to community facilities, such as shops, schools, workplaces, parks, play areas, pubs or cafes, 3) having good access to public transport to help reduce car dependency, and 4) offering a mix of housing types and tenures that suit local requirements.

In determining whether or not a site is isolated a review of recent appeals where development has been allowed outside of the defined development limits, shows that Inspectors have placed weight on the physical proximity to existing built form (for example Squires Farm Industrial Estate, Palehouse, Common Framfield – DCS reference 400-027-655, and Land at Junction of Chatburn Road & Pimlico Link Road, Clitheroe Easting – DCS reference 400-028-431) and the accessibility within a reasonable distance of key facilities and services (for example Land opposite 12 West View Road, Norley, Norwich – DCS reference 400-027-312, and Land to the east of Memorial Hall, Bundall, Norfolk - DCS reference 200-009-664). In the Squires Farm appeal the development would have resulted in a small group of 9 houses (5 existing and 4 proposed) physically separated from the main village by an existing industrial estate, but this was considered a sufficient number of units to form a hamlet and provide the potential for shared car trips and social interaction. While the policy officer does not consider the current scheme is of a sufficient scale to constitute a community, we considered a development of 120 dwellings which would generate 200 plus occupants on the site would have a sense of community and identity both as its own site and as part of Havant. To facilitate this the masterplan provides for a central area of public open space which would provide opportunities for social interaction and the three apartment blocks, being by their very nature a more communal form of living, would also generate a sense of community.

Finally, in terms of the guidance provided by the NPPF, isolation is only referenced in respect of the need to avoid isolated homes in the countryside (paragraph 79). The proposed development of 120 homes in such close proximity to the built area of Havant and its range of facilities would not fall within this meaning.

Comment – It is noted that paragraph 7.22 of the Planning, Design and Access Statement contests the Council's assessment of the site. However, it is not for a planning application to highlight concerns or an objection to this assessment. Similarly, the submitted PDAS highlight inconsistencies with regard to the assessment of sites through the Sustainability Appraisal process. Such objections will be considered by the Local Plan Inspector through the Examination process in due course.

Response – While the merits of the above two assessments will be considered further by the Inspector in any future Local Plan enquiry, it is also perfectly reasonable for the Council's previous assessment of the site to be scrutinised and challenged through the planning process. For the reasons set out above, we do

not consider the assessment carried out by the Council to date has been robust as it has not taken into the account the physical proximity of the site to the built form of Havant or the range of facilities and future employment opportunities within an acceptable walking / cycling distance.

Comment - Without prejudice to the omission of the site in the Local Plan, paragraph 103 of the NPPF indicates that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in plan-making and decision-making.

Comment – We consider the development is able to provide adequate and attractive pedestrian and cycle connections to the extensive retail facilities to the south and the wider facilities offered by Havant and that the resulting walking and cycling distances – as evidenced in the submitted Planning Statement – are within relevant guidelines. Further opportunities for additional bus services more closely related to the site can also be explored.

Comment - Whilst the Council does not consider any part of the Borough to be 'rural' (in the context of justifying rural exceptions for commercial or housing development – see paragraph 5.35 of the Pre-Submission), it should be noted that the Council's Residential Density Evidence Paper does assess the relative varying accessibility within the Borough, which is informed by the public transport options in Appendix 1.

Response – This is noted but as set out above the site is considered capable of being served / providing for a range of public transport and non-car based travel options. The site also provides for new foot and cycle links from the site to the north and south which has set out in the planning statement (paras 7.18 – 7.24), mean the site is demonstrably highly accessible. Indeed, its access to existing facilities and services will be better than several of the sites proposed for allocation in the emerging plan.

Comment – Proposal conflicts with safeguarding of the site in the emerging Local Plan for a Combined Emergency Services Hub identified in the Council's Infrastructure Delivery Plan (site for a new fire station, including combined facilities for the police and ambulance services of 0.4 hectares, within the A3(M) corridor)".

Response – As set out above the emerging Local Plan can only be given very limited weight at this stage and therefore a refusal of planning permission on these grounds would not be reasonable or defensible. The parameters required for this facility are reasonably broad and therefore there are likely to be other sites that would be suitable, including within the strategic employment allocation to the north.

Further, and notwithstanding the Fire and Rescue Services representation, the applicant has tried to engage positively with the Hampshire Fire and Rescue Service over an extended period of time (reference section 7.28 of the Planning Statement) but these discussions did not result in any commitment from the Fire and Rescue Service to the site. We have not been supplied with any evidence to justify the need for the emergency services hub in this location, despite asking on many occasions and we have tried to explore a solution positively with the Emergency Services but had little positive engagement from either them or the Council. Therefore, the likelihood of the identified emergency hub coming forward in a reasonable time is unlikely and would provide a further reason that refusing appropriate and viable alternative proposals on the site would not be reasonable.

Comment - Impact on Water Quality (Nutrient neutrality) on Solent European Sites

Response - It is recognised that the development will need to provide adequate mitigation to achieve nutrient neutrality. This is addressed in more detail in the accompanying technical submissions. HBC have adopted a Nitrogen Mitigation strategy which could be utilised by the site and the applicant is also exploring their own options for providing mitigation.

Conclusions

While recognising there is some conflict with policy, for the reasons set out in the submitted Planning Statement and this further response we do not consider the proposed development does conflict due to the tilted balance being applied. Further there are important material considerations which would justify any departure from the development plan should it be found to be up to date.

The site can in no way be considered isolated based on its physical proximity to the built urban areas of Havant, Leigh Park, and Waterlooville and a number of key services and facilities which are within a 5 to 12-minute walking distance.

The proposals to safeguard the site for an emergency services hub are noted but the emerging Local Plan has very limited weight at this stage and would not justify the refusal of the proposed development on this site.

The scheme is therefore considered to be acceptable and should be supported.

We trust the above will be given due consideration to assist in the determining of the applications. We would be happy to discuss these comments further.