



HAVANT BOROUGH COUNCIL

TOWN AND COUNTRY PLANNING ACT 1990

**TOWN AND COUNTRY PLANNING (APPEALS) (INQUIRIES PROCEDURE) (ENGLAND)
RULES 2000 SI 2000 No 1624**

Appeal by Barratt Homes against the refusal by Havant Borough Council for the erection of 195 dwellings, associated open space, pumping station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area on land north of Sinah Lane, Hayling Island, Hampshire, PO11 0HH

Planning Inspectorate Reference: APP/X1735/W/20/3253633

Havant Borough Council Reference: APP/18/00724

STATEMENT OF CASE ON BEHALF OF HAVANT BOROUGH COUNCIL

1 Introduction

- 1.1 The application that is the subject of this appeal was registered on 25th July 2018. It sought full planning permission for:

“Erection of 195No. dwellings, associated open space, pumping station, sub-station and formation of new vehicular access off Sinah Lane. Change of use of land from agricultural to a Wader and Brent Geese Refuge Area.”

on land at Sinah Lane, Hayling Island.

- 1.2 This appeal is against the failure of the Local Planning Authority to determine the application within the statutory period.
- 1.3 Following the lodging of the appeal the Local Planning Authority resolved at its Development Management Committee on 29th October 2020 that it would have been minded to **Grant** Planning Permission for Application APP/18/00724 subject a Section 106 Agreement and the conditions set out in the report as amended by the supplementary information.
- 1.4 The proposed residential development is for the erection of 195 dwellings (including a 30% provision of affordable homes i.e. 58 units), associated open space, pumping station, substation with vehicular access via Sinah Lane on the southern section of the site and on the northern part a change of use of land from agricultural to a permanent Wader and Brent Geese refuge. This area is currently used by these birds when the crop provides a suitable food source as required under a S106 agreement in respect to the nearby Oyster development.
- 1.5 The development will provide a variety of dwellings ranging from 2 to 4 bedrooms in size. The majority of the development will consist of 2 storey houses or maisonettes, with some 2.5 storey house and 3 storey flats.
- 1.6 Public Space provision is in the form of a community orchard, Locally Equipped Play Area, wild flower meadow and additional recreation areas providing for green corridors through the site and along the northern part of the eastern boundary. To the north of the proposed housing development the plans provide for drainage infrastructure including a SUDS pond.
- 1.7 The materials for the proposed development would comprise a mix of stock bricks, grey cladding and red and grey tile hanging with concrete grey and red roof tiles. Garden sheds would be provided for bike storage.
- 1.8 Vehicle access to the housing development would be taken off Sinah Lane between 6 and 10 Sinah Lane. Additionally, the proposal allows for a northern and southern link to the Hayling Billy Trail for pedestrians and cyclists.
- 1.9 Parking would be provided for 484 vehicles comprising 445 allocated spaces (on plot and off plot) and 39 visitor spaces, plus 2 service spaces adjacent the proposed sub station on the south-eastern part of the site.

- 1.10 The northern part of the site would be safeguarded for a Bird Refuge to provide and secure enhanced habitat for this use. The developer is currently negotiating with the RSPB to take on ownership of this area to provide permanent foraging for Brent Geese and other waders during the winter. A legal agreement will be necessary to secure this avoidance and mitigation package in perpetuity.

2 Site and Surroundings

- 2.1 The site is located on Hayling Island, within the southern area of the island, known as South Hayling; the site is located in the western part of the settlement known as West Town. Adjacent to the site is the former terminus of a railway line which once linked Havant with Hayling Island. This route now forms the Hayling Billy Trail. The site comprises a 12.64-hectare area of undeveloped agricultural land which is irregularly shaped and elongated along a north-south axis. The southern part of the site is transversed by an overhead power line. A second overhead power line crosses the central portion of the site on an east-west axis. There are no trees within the site, except for an area at the northernmost extent of the site.
- 2.2 The site, the southern part of which is currently in agricultural use and the northern part which provides over wintering for birds including Brent Geese, is relatively flat. The site lies in proximity to a number of identified environmentally sensitive sites including a SSSI and Langstone Harbour.
- 2.3 The southern boundary of the site borders residential development in Sinah Lane and the western boundary comprises the rear gardens of properties in North Shore Road with the northern section comprising a bank along the adjacent coastline. The Hayling Billy Trail (a former railway line) lies to the east. The northernmost extent of the site is bounded to the north by a stream.
- 2.4 The nearest collection of retail facilities is at West Town, a 500 metre walk from the site. This includes a supermarket and pharmacy. There are also two public houses in this area, as well as a church, community centre and park. A wider collection of retail facilities is available at Mengham, a 1.7km walk from the site. In this area there are two supermarkets, two pharmacies, a post office, a church, a health centre and dentist. Educational Facilities are located at Mengham Infant School and Hayling Island Library which are a 1.5 km walk from the site. Mengham Junior School sits at a walk of 1.7 km from the site. The nearest secondary school is Hayling College, which is a walk of 2 km from the site.

3 Planning History

3.1 No relevant planning history

4 Planning Policy

4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that planning applications should be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

4.2 The Development Plan:

Havant Borough Local Plan (Core Strategy) 2006- 2026 adopted March 2011

Havant Borough Local Plan (Allocations) adopted July 2014

4.3 The relevant policies were set out in the appeal questionnaire and the Statement of Common Ground.

Other material considerations:

4.4 Five Year Housing Land Supply Update – December 2019.

Whilst the table at paragraph 2.8 of the above document indicates that the Local Planning Authority (LPA) has a five year housing supply of 5.4 years, the Council considers that it is unable to demonstrate a five year housing land supply at present.

4.5 Pre-submission Havant Borough Local Plan 2036. The emerging Local Plan has been submitted for Examination.

4.6 Havant Borough Council Borough Design Guide SPD – December 2011

4.7 Havant Borough Council Parking SPD

4.8 National Planning Guidance (NPG) – in particular sections referring to calculation of five year housing land supply, historic environment and planning obligations.

4.9 National Planning Policy Framework (NPPF) – February 2019, in particular Sections 2, 3, 4, 5 and 16.

5 Case for the Local Authority – Reasons for Refusal

- 5.1 The Local Planning Authority has resolved that it would have been minded to grant planning permission subject to the completion of a S106 Agreement and the imposition of appropriate conditions.
- 5.2 The impacts of the proposed development on key infrastructure have been assessed and an Infrastructure Delivery Statement submitted. The infrastructure provision in respect to highways, education, flood risk/drainage, health, open space, leisure and utilities has been considered and mitigation for the potential impacts on infrastructure is proposed which would be the subject of a legal agreement as set out below.
- 5.3 The Council has a CIL Charging Schedule and the CIL liability for this site currently stands at £1,708,186 - this is net of Mandatory Social Housing Relief. Additionally, having regard to the consultation responses received and the planning considerations set out above a S106 Agreement will be required in respect of the following matters: -
1. Affordable Housing (30%)
 2. Provision of Bird refuge
 3. Provision of Open Space, including orchards, play area and associated infrastructure and arrangements for management including measures to ensure that the open space is managed in a Nutrient Neutral manner
 4. Solent Recreation Mitigation Strategy contribution currently £125,774.40 (subject to appropriate increase in the event that the decision is made on or after 1st April 2020)
 5. SUDS maintenance and bond
 6. A contribution towards Health of £31,2000
 7. Permissive paths
 8. A contribution towards a Community worker of £48,750
 9. Delivery of site access works via a S278 agreement, prior to commencement of development
 10. Off site Highways contribution of £679,000 towards improvements along the A3023 corridor up to, and including, the A27 roundabout
 11. Contribution payment of £35,000 towards improvements on the walking route from the development to Mengham Infant School and Mengham Junior School
 12. Hayling Billy connection and contribution of £8,800
 13. Travel Plan and payment (by developer) of HCC fees in respect of the approval (£3,000) and monitoring (£15,000) of the Framework Travel Plan plus bond.
 14. Skills and Employment Plan
 15. Education contribution of £872,320

16. Traffic Regulation Order contribution of £5,000

17. S106 monitoring fee

5.4 It is anticipated that the Local Planning Authority and the Appellant will complete a S106 Agreement in advance of the Inquiry.

6 List of Conditions

- 6.1 The Local Planning Authority will seek to agree a list of conditions with the appellant in advance of the Inquiry.