

PLANNING APPLICATION RESPONSE OF PLANNING POLICY

Application No:	APP/18/00724
Site Address:	Land at Sinah Lane, Hayling Island
Development:	Erection of 195 No. dwellings, associated open space, pumping station, sub-station and formation of a new vehicular access off Sinah Lane. Change of use from agricultural to a Wader and Brent Geese Refuge area
Case Officer:	Daphney Haywood
Comments by:	Jade Ellis
Date of Comments:	16 March 2020

Policy Status: The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough. The [Pre-Submission Havant Borough Local Plan 2036](#) (HBLP 2036) was approved by the Council on 30 January 2019 and must be afforded limited weight.

The following Adopted Local Plan policies are of particular relevance:

- CS9 – Housing
- CS16 – High Quality Design
- CS17 – Concentration and Distribution of Development within the Urban Areas
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 – Car and Cycle Parking in Residential Development
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

In the Pre-submission Plan the following policies are of particular relevance:

- DR1 | Delivery of Sustainable Development
- DR2 | Regeneration
- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- IN4 | Future management and Management Plans
- H1 | High quality new homes
- H2 | Affordable housing
- H3 | Housing density
- H4 | Housing mix
- E1 | High quality design
- E2 | Health and wellbeing
- E3 | Landscape and settlement boundaries
- E9 | Provision of public open space in new development
- E12 | Low carbon design
- E16 | Solent Special Protection Areas
- E17 | Solent Wader and Brent Goose feeding and roosting sites
- E22 | Amenity and pollution
- H29 | Land north of Sinah Lane

This response consolidates policy comments dated 15 August 2018, 24 July 2019 and 4 October 2019 respectively.

Principle of Development:

In the adopted local plan, the site lies outside of the urban area as defined by policies CS17 and AL2 of the adopted plan. These policies seek to restrict development in these locations, except in exceptional circumstances. None of the exceptions in the policy apply here, the proposal being a housing development on greenfield land.

The site is however, identified as a proposed allocation in the Pre-Submission Local Plan under Policy H29 which can be afforded limited weight at this stage.

Whilst the adopted Local Plan resists the principle of development in this location, the emerging plan clearly supports the principle subject to more detailed transport work and other matters related to the quality of the development.

Five Year Housing Land Year Supply

The Council's Five Year Housing Land Supply Update (December 2019)¹ indicates the Borough was able to demonstrate a housing supply position of 5.4 years with a 5% buffer applied. Following Development Management Committee's decision to refuse planning permission for the development at Lower Road, Bedhampton, the Council's supply would be reduced to 2,886 dwellings equivalent to 5.28 years' supply.

The provision of 195 dwellings is equivalent to 0.36 years supply. As such, without the proposed development at Sinah Lane, the Borough would only be able to demonstrate a housing land supply of 4.92 years with a 5% buffer. This is below the five year supply threshold.

Hayling Island Transport Assessment

The Hayling Island Transport Assessment was published in January 2019 alongside the Pre-Submission Havant Borough Local Plan. The Council determined in January 2019, as part of the consideration of the Pre-Submission Havant Borough Local Plan that further work on the Transport Assessment was necessary. This has taken the form of an addendum to the Hayling Island Transport Assessment.

The addendum to the Hayling Island Transport Assessment was published on 16 March 2020. It sets out the mitigation package needed to ensure that a cumulatively severe impact on the highway network can be avoided in line with paragraph 109 of the NPPF.

Hampshire County Council's response from the Highways Development Planning Team is noted, following the extensive discussions which have taken place with the applicant. It is also noted that the applicant would provide a direct contribution to the implementation of the TA mitigation package which will supplement the development's contribution through CIL.

Development Requirements

Development proposals should be designed to meet the requirements in the Pre-Submission Havant Borough Local Plan which can be afforded limited weight.

¹www.havant.gov.uk/sites/default/files/documents/Five%20Year%20Housing%20Land%20Supply%20Update_December%202019_0.pdf

The full set of developer considerations can be found in the emerging allocation policy; please see Policy H29 in the Pre-Submission Draft Local Plan.

Analysis of the scheme's compliance with various emerging policies is set out in the table below:

Policy	Requirement	Comment
Regeneration (Policy DR2)	A requirement for financial contributions towards accessing employment and skills training; and a community officer to help new residents integrate into existing communities.	The applicant agrees to a financial contribution towards a community officer and they will provide an Employment Skills Plan through a S106 agreement in line with the requirements of the policy.
EV Charging Infrastructure (Policy IN3)	Electric Vehicle charging infrastructure should be provided for each new residential unit with private off-street parking.	A charging point would be provided for each dwelling with a garage. The Design and Access Statement indicates there would be 31 dwellings with on plot or integral garages, representing about 16.4% of the overall scheme.
Internal Space Standards (Policy H1)	A requirement for dwellings to meet the nationally described internal space standards	Only 10% (14 units) of the private dwellings comply with NDSS. Whilst 80% of affordable units comply with NDSS, around 21% (12 units) of the affordable units would fail to comply.
Enhanced Accessibility Standards (Policy H1)	30% of proposed dwellings to meet enhanced accessibility standards (M4(2)) and 2% of the total proposed dwellings to meet wheelchair accessible standards (M4 (3))	It is noted that the applicant's Compliance Statement does not address this particular requirement.
Private Amenity Space (Policy H1)	Requires sufficient private and/or communal outdoor amenity space to be provided. A minimum of 1.5 sqm of private amenity space per bedroom, or sqm of communal space per bedroom should be provided for flatted developments.	The submitted information indicates the applicant does not wish to include balconies for the flats above ground floor level. It is however noted that a number of the apartment blocks are closely located in relation to public open space within the site.
Housing Density (Policy H3)	Policy H3 in the Pre-Submission HBLP 2036 sets out that any residential development outside of the town centres and defined opportunity areas and provide for a minimum of 40 dph.	Based on a net developable area of 4.73ha (excluding the refuge), the development proposals would provide a density of 41 dph and so fully complies.
Housing Mix (Policy H4)	Development proposals should provide a range of dwelling types and sizes to meet identified housing.	Approximately 35% (69 units) of the overall housing mix would be provided as two-bedroom homes (both market and affordable) and so the scheme fully complies.

Policy	Requirement	Comment
Low Carbon Design (Policy E12)	Residential development is expected to achieve a 19% reduction in Dwelling Emission Rate.	The submitted information indicates that the applicant wishes to follow a 'fabric first' approach to building design. The submitted Energy Statement demonstrates that across the house types proposed for the site, these exceed the Target Emission Rate by between 0.67% and 9.68%. These improvements are achieved through fabric measures with the overall betterment against Target Fabric Energy Efficiency of between 3.53% and 15.53%. However this also means that the scheme does not comply with this emerging policy.
Provision of open space in new developments (Policy E9)	Requires new open space to be provided to a standard of 1.5 ha per 1,000 population (equivalent to 15 sq. m per person), and where the open space requirement exceeds 0.5ha, an element of play.	Based on the proposed housing mix, the development would generate a population of 466 people. The submitted Open Space Plans indicate that a total of 0.73ha of open space would be provided, of which 0.25ha would form an orchard which would represent a slight overprovision when compared to the emerging policy requirements (0.69ha for public open space, and 0.09ha for community growing provision).
Management Plans (Policy IN5)	A management plan is likely to be required through a legal agreement to establish the whole life management and maintenance of the common parts within the development.	The submitted Highway Layout Review Plan(s) shows all sections of the site which are to be formally adopted and maintained by a Management Company. It is also noted that this will be secured through a S106 legal agreement as part of the application. Hampshire County Council will be able to advise further on whether the design and construction meets the adopting authority's standards. It is noted that there are other common parts e.g. SUDS, refuge, foul drainage systems, landscaping and trees and green open spaces which should be similarly covered by a legal agreement which provides for their sustainable management and maintenance.

Brent Geese and Waders:

The site is identified as a Primary Support Area for Solent Waders and Brent Geese (SWBG) under emerging policy E17 in the Pre-Submission HBLP 2036, and in the [Solent Waders and Brent Goose Strategy \(October 2018\)](#) (SWBGS).

The Solent's Special Protection Areas are designated² in part due to the assemblages of Brent Geese. As such, a project level Habitat Regulations Assessment (HRA) will need to be carried out³ and inform any package of avoidance and mitigation measures for Solent Waders and Brent Geese, to determine levels of impact, alone and in combination with other plans and projects. In this respect, the applicant has submitted revised information to inform the Council's HRA.

Emerging policy E17 (Solent Wader and Brent Goose feeding and roosting sites) in the Pre-Submission HBLP 2036 indicates that development proposals at Land north of Sinah Lane (H29), will only be permitted where a suitable replacement habitat is provided, which:

- d. Contributes to a biodiversity net gain to the SWBG network;*
- e. Are suitable in terms of habitat type and quality for at least the number of SWBG recorded on the site being lost; and*
- f. Is secured through a costed Habitat Management and Monitoring Plan.*

The submitted Planning Statement indicates that a mitigation area would be managed as grassland to provide a nutrient-rich food source for foraging geese, including the creation of six wader scrapes within the mitigation area to the north of the development.

Whilst the Council's Ecologist has raised concerns in relation to the deliverability and maintenance of the refuge, it is noted that the replacement habitat can be secured by legal agreement and its maintenance in perpetuity in line with Policy E17. It is noted that a Habitats Regulations Assessment has been undertaken and Natural England concur with its conclusions.

Design and layout:

Policy E2 (Health and wellbeing) of the Pre-Submission Local Plan requires development proposals to promote active and healthy lifestyles through good urban design through the provision of high quality pedestrian and cycle routes.

As previously highlighted, it is noted the submitted site layout shows the provision of a path adjacent to plots 83 and 87 to provide pedestrian and cyclist access to and from the development, as well as additional pedestrian and cycle connections throughout the site.

Affordable Housing:

Policy CS9 of the Core Strategy together with emerging policy H2 in the Pre-Submission HBLP2036 set out the affordable requirement for the site. Of particular relevance is the need for 10% of the total number of new homes (gross) should be provided as shared ownership (as part of the overall affordable home ownership).

A total of 58 units of affordable housing would be provided, of which 40 would be affordable rent, and 18 as shared ownership which would equate to 29.7% of the overall housing site. It

² Protected under Directive 2009/147/EC of the Conservation of Wild Birds

³ Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017

is recommended that an off-site affordable housing contribution should be sought for the balance (0.3%). The response from the Council's Housing Officer is also noted.

Parking:

Policy DM13 and the [Havant Borough Parking SPD \(July 2016\)](#) set out the parking standards for new development in the Borough. The minimum standards for unallocated residential parking can be found in Table 4B of the SPD.

The revised Design and Access Statement indicates that a total of 445 parking spaces for general housing would be provided, with 406 spaces for residents, 39 spaces for visitors. However, based on the standards in the Parking SPD, the proposed development would generate the need for a minimum of 416 spaces, of which 83 spaces (20%) should be provided as unallocated visitors parking.

In this case the scheme is seeking to provide a greater proportion of residents' allocated spaces, and a reduced amount of visitors parking. However, given it would be possible for visitors to use residents' allocated parking, a policy objection could not be sustained on this basis.

The cycle parking/storage provision can be found in Table 4D of the SPD. The Planning Statement indicates that for every house provided with a garage, the dimensions would be at least 3m x 6m (internal) to accommodate the cycle parking requirements. All other houses would be provided with a secure shed within the rear garden of the property. In this respect, it should be noted that 2 spaces per unit should be provided for all units with 2 Beds or more, and short-term visitor cycle parking will be expected at 20% of these standards.

Summary:

To reiterate, the principle of the development of this site is broadly supported in policy terms, based on the emerging policy position in the Pre-Submission HBLP which can only be afforded limited weight at this stage. The Adopted Local Plan does resist the principle of development in this location.

Nevertheless, there has been extensive transport discussions which means that the applicant would provide a direct contribution to the implementation of highways mitigation measures identified through the Hayling Island Transport Assessment Addendum. The Borough's five year housing land supply position is a key matter to be borne in mind in the determination of this application in that, whilst there is a five year supply at this point, it relies on the development in question. Without the scheme, the Borough would not be able to demonstrate a five year housing land supply. Whilst the applicant is not proposing to address a number of the emerging requirements, it is noted that the development proposals do comply, and exceed a number of the emerging plan requirements.