

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:	15 August 2018

Policy Status

The Adopted Local Plan:

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. In addition, the [Local Plan Housing Statement](#) (LPHS), adopted December 2016, and its guiding principles is also a material consideration.

The following policies and documents are of particular relevance:

- CS1 Health and Wellbeing
- CS9 Housing
- CS11 Protecting and Enhancing the Special Environment and Heritage of Havant Borough
- CS16 High Quality Design
- CS17 Concentration and Distribution of Development within the Urban Areas;
- CS21 Developer Requirements;
- DM6 Coordination of Development
- DM8 Conservation, Protection and Enhancement of Existing Natural Features;
- DM11 Planning for More Sustainable Travel;
- DM13 Car and Cycle Parking on Residential Development;
- DM24 Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development;
- AL2 Urban Area Boundaries and Undeveloped Gaps between Settlements;
- Guiding Principle 4 of the LPHS;
- Havant Borough Council Housing SPD (July 2011), and;
- Havant Borough Council Parking SPD (July 2016).

Havant Borough Local Plan 2036

The Council is preparing a new Local Plan and consulted on a Draft (Regulation 18) version of the [Havant Borough Local Plan 2036](#) (HBLP 2036) between 8 January to 16 February 2018. Whilst the Plan has limited weight in decision-making at this stage in the plan preparation, the Draft Local Plan and particularly the emerging site allocation at Sinah Lane (Policy H31) is of relevance in setting out the Council's direction of travel.

The Council's [Draft Havant Borough Local Plan 2036 Consultation Summary](#) indicates that consultation on a Pre-Submission Local Plan will take place in early 2019. The applicant signed a Planning Performance Agreement on 2 August 2018 to allow for an extended

determination period until at least the first practicably available committee after the Council approves a pre-submission local plan is approved for consultation on 31 January 2018.

As such, it is likely the following emerging policies will have some weight at determination of this application. The development proposals will therefore be expected to follow the emerging policy requirements in the Draft Local Plan including:

- IN1 | Effective Provision of Infrastructure
- IN3 | Transport and Parking in New Development
- IN4 | Future Management and Management Plans
- E1 | Health and Wellbeing
- E2 | Green Infrastructure
- E6 | High Quality Design
- E7 | High Quality New Homes – including space and accessibility standards
- E8 | Low Carbon Design
- E10 | Landscape and Townscape
- E13 | Drainage Infrastructure in New Development
- E15 | Ecological Conservation
- E16 | Solent Special Protection Area
- E17 | Brent Goose and Wader Feeding and Roosting Sites
- E18 | Protected Species
- E19 | Best and Most Versatile Agricultural Land – re. community growing provisions
- H1 | Housing need, supply and brownfield sites
- H2 | Affordable Housing
- H3 | Housing Mix and Density
- H31 | Sinah Lane

Members informally considered the [Consultation Summary Report](#) setting out a summary of responses to the Local Plan consultation and the proposed changes to the policies moving forward. A summary of the comments received for Policy H31 can be found on pages 176-178 (or pages 180-182 of the PDF).

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. I do not consider that any of the exceptions in the policy apply here, the proposal being a major scheme on greenfield land.

Nevertheless, the Council is in the process of reviewing its Local Plan. The first step of this review was the adoption of the Local Plan Housing Statement (LPHS) in December 2016. Guiding Principle 4 of the LPHS identifies UE18 Station Road (North of Sinah Lane/West of Furniss Way) as having uncertain potential for development. This is because of strategic infrastructure issues highlighted by stakeholders during the consultation. It states:

“Development proposals on any sites not in the urban area (as identified by Policies CS17 and AL2) and not identified in Table 2 of the Local Plan Housing Statement will be resisted. This is due to the presence of site constraints which mean the adverse impacts of development would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole.”

The comprehensive draft Infrastructure Delivery Plan which informed the Draft Local Plan has subsequently identified deliverable solutions for different types of infrastructure, with the notable exception of transport where evidence is still outstanding.

The site is proposed as an allocation in the Draft Havant Borough Local Plan 2036, nonetheless, a disclaimer to the policy states that it is *“a starting point for any subsequent site allocation included in the Pre-Submission Local Plan. It will be updated as necessary to reflect the findings of the (Hayling Island Transport Assessment)”*.

The Council has also published its analysis of the consultation on the Draft Local Plan. In relation to this proposed allocation, the report states *“there remains uncertainty as to whether strategic infrastructure issues may be an overriding constraint to sustainable development on Hayling Island and the Langstone area at this stage. No site-specific matters have been raised which indicate that the site is not deliverable or should not be allocated in the HBLP 2036. The policy as proposed in the regulation 18 draft should proceed, with minor wording changes, and revisions to reflect and incorporate the recommendations from the transport analyses.”*

The Council is preparing the Hayling Island Highway and Transport Infrastructure Assessment (hereafter referred to as the Hayling Island Transport Assessment). This will inform the Pre-Submission Local Plan and enable the Council to undertake a full Sustainability Appraisal of the site. The applicant has entered into a Planning Performance Agreement to allow the Council to approve the Pre-Submission Local Plan for consultation on this basis. As such, this response also highlights details contained in the 2036 Local Plan where the proposal currently does not comply or justify its approach to allow the applicant to amend the proposals as necessary.

The principle of development is not supported by currently adopted policy, although this could change in the future through the preparation of the Havant Borough Local Plan 2036. However, at this stage in the plan's preparation, there is not the necessary certainty that the site is suitable for housing nor that strategic infrastructure issues are not an overriding constraint to sustainable development. On this basis, there is the policy objection in the context of Policies CS17 and AL2 of the Adopted Local Plan and Guiding Principle 4 (GP4) of the LPHS.

Infrastructure Delivery Statement

Nevertheless, the applicant has provided an Infrastructure Delivery Statement (IDS) (which follows the Council's suggested approach) in accordance with the remaining requirements of GP4 which requires a planning application to be accompanied by an IDS to show how the impact of development would be completely mitigated. Commentary in relation to various aspects of the IDS are provided as follows:

Transport and Highways – The statement acknowledges the Hayling Island Transport Assessment is not yet available, and there is a need for the IDS to be updated once this is available.

Pending the results of these studies, it is recommended that further engagement takes place with the local planning authority and Hampshire County Council as the local highway authority in respect of mitigation measures to determine whether the highway impacts can be satisfactorily mitigated.

Improvements to the Hayling Billy Trail

The IDS and Planning Statement suggests: *“The development would provide a financial contribution towards improving the Hayling Billy Trail, located 60m from the proposed site access. This route forms part of the NCN Route 2 and with improvements, should help to reduce the number of residents travelling by car.”*

However, the [CIL Regulation 123 list](#) includes local and strategic transport improvements, except for site specific matters needed to mitigate the impact of the development and to make it acceptable in planning terms. As such, if a separate financial contribution is to be secured through S106, this would need to be justified in terms of a site-specific matter.

Healthcare - There is no evidence the applicant has engaged with the South East Hampshire Clinical Commissioning Group to assess the capacity of the Elms Practice and the Waterside Medical Practice. This is of relevance given the higher demand for primary care and acute healthcare needs of the older population in this part of the borough.

Water supply – The statement does not address the likely need for offsite water mains reinforcement. It is recommended that the Portsmouth Water are consulted accordingly. Criteria d. of Policy H31 reflects the need for off-site water mains reinforcements to be installed to Portsmouth Water's design and approval.

Ecology

The site is identified as a Primary Support Area for Solent Waders and Brent Geese under emerging policy E17 of the Draft Local Plan, and within the forthcoming Brent Goose and Wader Strategy. The Solent's Special Protection Areas are designated¹ in part due to the assemblages of Brent Geese. As such, a project level Habitat Regulations Assessment (HRA) will need to be carried out² 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 a report which provides information to inform the Council's HRA.

Emerging Policy E17 indicates that development proposals on Primary Support Areas must provide mitigation for the impact on the Solent SPAs through a refuge area either on-site or extremely close to the site. Planning permission will be granted where the refuge area:

- i. Continues to provide the ecological function of the Brent Goose and wader network*
- ii. Is suitable for at least the number of Brent Geese and waders recorded on the site in terms of habitat type and area, timing and availability of habitat and quality of habitat*
- iii. Is as close to the area to be off-set as possible, taking into account likely impact on the replacement habitat or species likely to use it.*

In addition to the above, the refuge habitat should be provided upfront with evidence to show it works prior to development taking place. It must also be supported by an agreed costed Habitat Management Plan and fully secured for 80 years by a legal agreement.

The submitted Planning Statement indicates that a mitigation area would be reverted and managed as wet 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. It is noted that a Winter Bird Mitigation Strategy has been submitted in support of the application, and it is recommended that the Council's Ecologist is consulted accordingly and that an HRA is prepared and Natural England are consulted on this.

¹ Protected under Directive 2009/147/EC of the Conservation of Wild Birds

² Under Regulation 63 of the Conservation of Habitats and Species Regulations 2017

Design and layout

Policy E1 of the Draft Local Plan requires development proposals to promote active and healthy lifestyles through good urban design through the provision of high quality footpaths and maximising opportunities for increased walking and cycling. This policy is reinforced by paragraph 81 of the NPPF (2018) which promotes street layouts which allow for easy pedestrian and cycle connections within and between neighbourhoods; and supports healthy lifestyles through layouts which encourage walking and cycling.

Specific to the proposed site allocation, criteria e) of emerging Policy H31 in the Draft Local Plan requires the design and layout to retain and enhance the Hayling Billy Trail for pedestrians and cyclists and provides pedestrian and cycle routes through the site, and from the site onto the Hayling Billy Trail. However, the proposed site layout does not show any walking or cycling routes from the northern part of the development link to the Hayling Billy Trail, nor any permeability from the southern part of the site which lies adjacent the route.

On this basis, it is recommended the submitted site layout is revisited, to fully explore opportunities to achieve permeability to and from the Hayling Billy Trail, as well as throughout the site layout.

Housing Density

Policy CS9 of the Core Strategy indicates that housing proposals should achieve a suitable density of development for the location. As set out above, though the application proposals propose a slightly greater quantum of development than the Draft Local Plan, the submitted Planning Statement indicates the proposed development equates to 41 dwellings per hectare (see paragraph 4.52). Taking the site's constraints into account, it is considered the application proposals would therefore make an efficient use of land.

Affordable Housing and Housing Mix

The overall amount of affordable housing proposed is in conformity with policy CS9. Guidance should be sought from the Council's Housing Officer regarding the current tenure and mix required for the affordable housing element of the site. In this respect, a large proportion of the affordable housing provision would comprise 1/2 bed maisonettes.

Policy H3 of the Draft Local Plan requires 35% of the overall housing mix to be provided as 2-bedroom homes. Excluding the 1/2 bed maisonettes, only about 15% of the market element would comprise 2-bedroom properties and would therefore fall somewhat short of this emerging requirement. Whilst it is acknowledged that the Draft Local Plan holds only limited weight at this stage, it does provide an indication of the Council's direction of travel.

High Quality New Homes

Policy E7 of the Draft Local Plan identifies that the Borough is promoting housing that meets the future needs of residents. The developer should be encouraged to confirm that 30% of dwellings on the site will meet standard M4(2) of the building regulations 2015, with 2% meeting standard M4(3), and that the new homes will meet the nationally described space standards.

Open space

The overall quantum of public open space provided would broadly confirm with the emerging public open space standard set out in Policy E2 of the Draft Local Plan which requires new open space to be provided to a standard of 1.5 ha per 1,000 population. However, guidance

should be sought from the Council's Landscape Team to ensure that a high standard is achieved in the design, specification and layout of public open space in line with paragraph 5.34 in the supporting text.

Community food growing provisions

The submitted Planning Statement indicates that the on-site open space would include an orchard for community growing provisions, which would be required in line with emerging Policy E19 and criteria e) i) of the emerging site allocation H31. The Council has specifically identified which allocations it believes should provide community food growing provisions. In this respect, the Thorpe Report recommended that the standard level of provision should be 0.2 ha per 1,000 population.

The emerging Open Space Assessment indicates that there is a shortfall of 13 ha in the supply of allotments, which will increase to 15 ha by 2036 with the projected increase in population in the Borough. It is also a key recommendation of the emerging Open Space Assessment that access to allotments on Hayling Island should be improved, with little provision in this part of the borough apart from Gable End.

On this basis, we would request that the community food growing provisions are provided in the form of allotments as opposed to the orchard.

Contamination

The applicant has not provided a Contaminated Land Assessment to include gas monitoring in line with the validation requirements of the emerging site allocation in the Draft Local Plan. It is recommended that the applicant seek advice on the scope of such an assessment from the Environmental Health Team accordingly.

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 submitted Planning Statement indicates that a total of 450 parking spaces for the general housing would be provided with 411 spaces for residents and 39 parking bays for visitors. Based on the standards in the Parking SPD, the proposed development would generate the need for a minimum of 339 spaces, of which 68 spaces (20%) should be provided as unallocated visitors parking. In this respect, note 1 indicates that:

"In larger developments with no allocation of spaces, a lower visitor space allowance may be acceptable provided it can be shown that sufficient resident cars will likely be absent when visiting takes place."

Appropriate justification from the applicant should be provided for the lower number of visitor spaces accordingly. It is recommended that the Council's Highway Engineer is consulted accordingly, with regard to the overall requirements, and the overall design and layout.

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.

The Planning Policy Team also wishes to highlight that it is expected for each new home with private off-street parking to provide an Electric Vehicle charging point in line with emerging Policy IN3 in the Draft Local Plan.

Community Infrastructure Levy and S106

The proposed development is CIL liable. CIL rates are set out in the Council's adopted Charging Schedule: <http://www.havant.gov.uk/planning-and-environment/planning-policy/community-infrastructure-levy>

Developer contributions will be required in accordance with Policy DM24 Recreational Disturbance and the Solent Recreation Mitigation Strategy to Special Protected Areas (SPAs) from Residential Development.

S106 developer contributions may be required in respect of site specific mitigation including off-site highway improvements.

Summary

In the absence of the necessary certainty that the site is suitable for housing and that strategic infrastructure issues are not an overriding constraint to sustainable development, there would remain a policy objection in the context of the Adopted Local Plan and Guiding Principle 4 (GP4) of the LPHS.

Nevertheless, the applicant has entered into a Planning Performance Agreement to delay determination until after the publication of the Pre-Submission Havant Borough Local Plan 2036 which will be informed by the Hayling Island Transport Assessment.

It will likely be necessary to revisit the advice set out in these comments to reflect the up-to-date policy position at the time of determination, and any subsequent amendments to the submitted site layout to improve the overall permeability throughout the site and to/from the Billy Trail.

It is recommended that further engagement takes place with the local planning authority and Hampshire County Council with regard to any mitigation measures pending the publication of these studies, and the submission of any additional information application is publicised in the usual way.

With these timings, it should be drawn to the applicant's attention that the Council intends to publish a Pre-Submission Local Plan for public consultation in February 2019. The above consultation response has highlighted various emerging policy requirements and standards reflecting the weight the plan will hold at this point in its preparation.