

PLANNING APPLICATION RESPONSE OF PLANNING POLICY

Application No:	APP/17/00007
Site Address:	Land at Rook Farm, St Marys Road, Hayling Island
Development:	Outline planning application for the erection of up to 210 residential dwellings (including affordable housing) and 0.6ha for apartments with care (C2), structural planting and landscaping, informal public open space, children's play areas, sustainable drainage system (SuDS) vehicular access from St Mary's Road and associated ancillary works. All matters reserved with the exception of the main vehicular access.
Case Officer:	David Eaves
Comments by:	Sarah Hains
Date of Comments:	22 February 2017

Policy Status

The adopted Local Plan (Core Strategy), the Local Plan (Allocations) and the Hampshire Waste and Minerals Plan provide the development plan for the borough. The Local Plan Housing Statement was adopted on 7th December 2016 and is also a material consideration in the determination of this application.

Principle of development

The site currently lies outside the urban area, as defined by policy AL2 of the Havant Borough Local Plan (Allocations). Policy CS17 (Core Strategy) also applies and seeks to concentrate development within the urban areas.

Policy AL2 states that land outside the urban area on Hayling Island is defined as 'non urban'. Core Strategy Policy CS17 sets out the strategy for delivering development within the urban areas, while protecting the non-urban areas. The current proposal for residential development in the non-urban area is therefore contrary to the policies of the adopted Local Plan.

The Council adopted the Havant Borough Local Plan Housing Statement (LPHS) on the 7th December 2016. The LPHS is a clear position statement as to which sites the Council considers could deliver sustainable development to address the high housing need up to 2036. Nonetheless, the Housing Statement makes clear that development, even on these sites, can only be considered sustainable under the NPPF if it provides the necessary infrastructure alongside new housing to fully mitigate its impact on the infrastructure network. The LPHS relates specifically to sites which are not allocated in the Adopted Local Plan.

The Draft LPHS identified three sites at Rook Farm as having potential for residential development. The DRAFT LPHS consultation highlighted specific infrastructure issues on Hayling Island and as such, the Housing Statement thoroughly investigated whether development at Rook Farm would constitute sustainable development. It was concluded that until further detail is known about Hayling Island's infrastructure network and capacity, the development in question cannot be considered sustainable under the NPPF. The issues (further detail is available in paragraph 3.24 of the Housing Statement) are strategic in nature, relating to the island as a whole rather than this particular site. As such, they must be addressed on an island or borough wide basis. The only way to do this is through the Local Plan.

Havant Borough Council has made a commitment to consider the unique infrastructure requirements of Hayling Island as part of the Havant Borough Infrastructure Delivery Plan (IDP). The IDP will assess and examine the issues, the evidence and the solutions and form part of the Local Plan evidence base. Ahead of this work, the Housing Statement concludes

that Rook Farm (UE77) is a site with uncertain potential at this stage and is not included in Table 2, the list of sites considered suitable for early release outside of the urban areas. Guiding Principle 4 of the Housing Statement sets out that *“Development proposals on any sites not in the urban area...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 identification of key infrastructure concerns on Hayling Island and a lack of evidence to address these issues, means that at this stage, the Council does not support the applicant's view that the proposal would constitute sustainable development. Although the applicant states that they will be willing to enter into dialogue with relevant stakeholders and statutory providers (para 4.9.3 Planning, Affordable Housing and Infrastructure Statement), they have provided no solutions to wider infrastructure concerns on Hayling Island or evidence that these can be overcome outside of a Local Plan. The applicant claims that:

Whilst the accompanying Flood Risk Assessment demonstrates that the entirety of the application site is situated within Flood Zone 1 and at low risk of flooding from fluvial, surface water, tidal and artificial sources, it is recognised that there is an existing potential risk of flooding associated with the A3023/Langstone Bridge, as it passes on to the Island. However, it is anticipated that any perceived concerns in respect of this existing issue could not be satisfactorily addressed (para 4.8.2 Planning, Affordable Housing and Infrastructure Statement).

However, without appropriate mitigation, more housing on the island will potentially worsen the situation, putting even more people in a vulnerable position in cases of extreme flooding. While it is accepted that new development cannot be expected to address existing issues, it should not make the situation worse. Until a full infrastructure review is carried out and in the absence of evidence from the applicant, it is not considered that the impact of the proposed development can be appropriately mitigated.

The Examiner into the Local Plan (Allocations) confirmed that access and environmental issues on Hayling Island are a constraining factor at paragraph 35 of her report:

It has been argued that the Plan fails to make adequate provision for housing land on Hayling Island. However development on Hayling Island is restricted by accessibility and environmental issues

While the Council accepts that there is new evidence to demonstrate a higher housing need in the form of the PUSH Strategic Housing Market Assessment, it also believes that at this stage, there is insufficient evidence to show that further development, in addition to that already identified, can be accommodated in a sustainable way on Hayling Island. Until the Council has completed the IDP and identified appropriate mitigation measures through the Local Plan, that an applicant can then deliver, further development over and above that already identified in the Local Plan (Allocations) is not considered sustainable in accordance with the provisions of the NPPF.

The applicant states in their Planning, Affordable Housing and Infrastructure Statement that there is a lack of a five year housing supply in Havant Borough, that the proposed development is sustainable and that permission should therefore be granted in accordance with the presumption in favour of sustainable development (NPPF). However, as the proposal is contrary to the adopted Havant Borough Local Plan and the adopted Local Plan Housing Statement, for the reasons set out above the principle of residential development in this location cannot be supported at this time.

Housing Density

The proposal is for up to 210 residential dwellings. Adopted Policy CS9(4) states that planning permission will be granted for housing proposals that will:

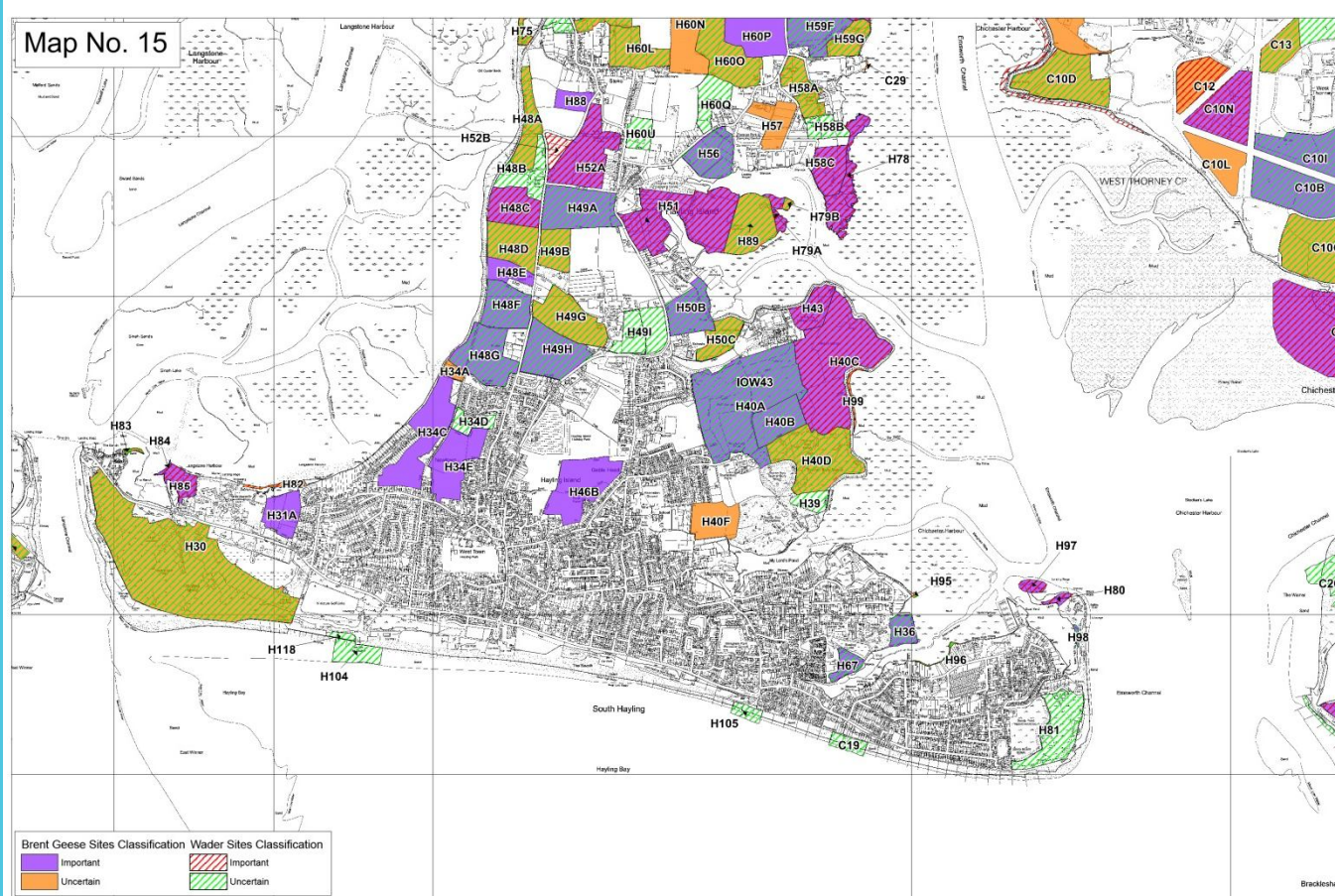
Achieve a suitable density of development for the location, taking into account accessibility to public transport and proximity to employment, shops and services in addition to respecting the surrounding landscape, character and built form.

The Draft LPHS identified the site for 394 (indicative) houses. Although this site was not taken forward in the Housing Statement for the reasons set out above, it does provide an indication of the density which could be accommodated at this site. It is recommended that justification is sought for the number of dwellings proposed, to establish whether the proposal represents the most efficient use of the site in the event that planning permission is granted contrary to the policy objection set out above.

Sites for Brent Geese and Waders (Policy DM23)

The site has recently been identified as an Important Site for Brent Geese and Waders and Policy DM23 of the Havant Borough Allocations Plan applies. An updated map showing Important and Uncertain Brent Goose and Wader sites is in figure 1.

Figure 1: Important and Uncertain Brent Goose and Wader sites on southern Hayling Island



Policy DM23 states that:

Planning permission will be granted for developments that avoid important sites for Brent Geese and/or waders outside of the statutory designated areas, identified on the Policies Map.

Where this cannot be avoided, development proposals on or adjacent to an important Brent Goose and/or wader site outside of the statutory designated areas will need to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations. Where a negative impact upon a site cannot be avoided or satisfactorily mitigated, and the tests of the Habitats Regulations are met as necessary, replacement feeding/roosting habitat, on a no net loss basis, will be sought.

Where a negative impact upon an important site cannot be avoided or mitigated and replacement feeding/roosting habitat is not or cannot be provided on a no net loss basis, the proposal will be refused.

The applicant has addressed the issue of Brent Geese based on the previous “uncertain” designation. Paragraph 3.4.20 of the applicant's Ecological Assessment notes that a desk study identified dark bellied Brent Geese on sites in Chichester and Langstone harbours, but not on the core count areas of Hayling Island. Paragraph 3.4.23 of the assessment goes on to state that the current land use and proximity to development means that the fields are of low potential for Brent Geese. The report concludes at paragraph 5.3.10, that six visits are recommended to conduct wintering bird watches, to allow an up to date evidence base for the status of the site in relation to Brent Geese and Waders.

However, these conclusions and recommendations do not satisfy the requirements of policy DM23, as the applicant has not provided any evidence to demonstrate levels of impact, alone and in combination with other proposals subject to the tests of the Habitats Regulations. Furthermore, no mitigation is proposed to address the presence of an SPA species on the site.

It is worth noting that sites at Rook Farm were considered at the Local Plan (Allocations) Examination in 2014. In her report, the Inspector noted at paragraph 75 that:

The landowner has objected to the omission of these sites from the Plan on the grounds that additional housing is needed on Hayling Island and that the classification under Policy DM23 is not supported by robust evidence. However the housing restraint on Hayling Island is justified by evidence... The classification of these sites under Policy DM23 is supported by evidence and whilst it does not preclude development, it is a matter that would need to be addressed through further study and potentially through mitigation in any future plans for development.

It is therefore evident that the presence of Brent Geese has been a consideration on this site since at least 2014, providing an opportunity for thorough consideration of this matter prior to the submission of this application.

Other policy considerations

Despite an objection to the principle of development in this location, should the application be approved, consideration should also be given to the following policies at the Reserved Matters Stage:

Local Plan (Core Strategy)

CS1	Health and Wellbeing
CS9	Housing (including affordable housing requirements)
CS11	Protecting and Enhancing the Special Environment and Heritage of Havant Borough
CS13	Green Infrastructure
CS15	Flood and Erosion Risk
CS16	High Quality Design
CS20	Transport and Access Strategy
CS21	Developer Requirements
DM1	Recreation and Open Space
DM7	Elderly and Specialist Housing Provision
DM11-14	Transport

Local Plan (Allocations)

DM24	Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development
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The applicant should also be aware of guidance published by Sport England, to maximise opportunities for active design. Given the site's proximity to existing walking and cycling routes, opportunities for integration with existing features and new facilities, should be maximised: <https://www.sportengland.org/facilities-planning/planning-for-sport/planning-tools-and-guidance/active-design/>

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 to Special Protected Areas (SPAs) from Residential Development.

S106 developer contributions may be required in respect of site specific mitigation such as highway or flood defence measures.