

Planning Application Response of Planning Policy

Application No:	APP/21/00893
Address:	Land north of Long Copse Lane, Emsworth, PO10 7UN
Development:	Outline planning application for demolition of the existing buildings and the erection of 210 dwellings and associated landscaping, access and supporting infrastructure (all other matters reserved)
Case Officer:	AE
Comments by:	JB
Date of Comments:	11 April 2022

NB Policy comments were previously provided in October 2021. The position with regard to the emerging Local Plan has since changed, with the Havant Borough Local Plan being withdrawn in March 2022. The following comments are written to address this material change in the local policy position.

Policy status and five year housing land supply position:

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 Emsworth Neighbourhood Plan](#) was made in September 2021 and now forms part of the development for the Emsworth area, where this site is located.

Comments provided in October 2021 with regard to the development plan remain relevant.

Following withdrawal of the emerging Local Plan, the Council has adopted a [Housing Delivery Position Statement](#). It does not form part of the development plan but is relevant to this application.

The Council's [Five Year Housing Land Supply Update \(November 2021\)](#) indicates that the Council has 3.9 years supply with a 20% buffer applied. This is below the five year supply threshold. The lack of five year supply triggers a presumption in favour of sustainable development (habitats regulations considerations excepted by NPPF para 182 - see further below), in line with paragraph 11d of the NPPF. The scheme's potential contribution to the 5 year supply must be afforded weight in the overall planning balance.

The Housing Delivery Position Statement explains further how the Council intends to apply the presumption and is referenced in detail throughout these comments.

Principle of development:

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. It is not considered that any of the exceptions for housing would apply here.

However, Decision Making Principle 2 of the Housing Delivery Position Statement also applies to this site. This principle concerns sites which are not in accordance with the Development Plan, but where the Council accepts the principle of development. Given the need to significantly boost housing supply in Havant Borough, the Statement gives support in principle to housing development on emerging site allocations that were proposed for allocation in the now withdrawn Havant Borough Local Plan. The application site is one such site (formerly subject to draft allocation H8 for 260 dwellings) and is included in Table 1 of the HDPS under site reference EM7.

While the principle of development on this site is therefore acceptable, this is subject to meeting a number of requirements. The development is

- Required to meet the remaining requirements of the Development Plan; and
- Expected to comply with the Decision Making Principles set out in the Housing Delivery Position Statement.

Development Quality

Decision Making Principle 5 makes clear that Council expects development of high quality, and in order to be considered sustainable development, the criteria in this principle must be met. A checklist has been provided at <https://www.havant.gov.uk/housing-delivery-position-statement>, and the applicant should be encouraged to complete this to assist in the assessment of the acceptability of this application, insofar as relevant to the outline stage.

In addition to these standards, while the Local Plan containing site allocation policy H8 has been withdrawn and therefore has no material weight, it nevertheless provides useful background regarding what might constitute sustainable development on this site, in particular through the list of opportunities and constraints. It is noted from the applicants' submission that they are fully aware of this policy and its contents, as well as development requirements arising from other policies in the emerging local plan.

It is acknowledged that some of the matters covered by this principle relate to the reserved elements of this scheme. Nevertheless, the matters it is possible to address at outline stage should be justified, while an indication of the proposed strategy to satisfy any detailed points through the reserved matters is also expected.

Habitats Matters

It must also be noted that paragraph 182 of the NPPF provides that the presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.

It is noted that the applicant has provided new material to inform a habitats regulations assessment. The outcome of that assessment remains fundamental with regard to the acceptability of this proposal. Until an appropriate assessment concludes that the plan or project will not adversely affect the integrity of the habitats site, the presumption in favour of sustainable development cannot be applied to this site.

Summary

It is acknowledged that the Council is not currently able to demonstrate an up-to-date five year housing land supply position. While the 5 year supply position must be weighed in the planning balance, the development plan remains the starting point in decision making. Under the adopted local plan there is an 'in principle' policy objection to the proposal, the site being located outside of the urban area/settlement boundary. However, in order to maintain a supply of housing sites, the Council has set out in its Housing Delivery Position Statement that it accepts the principle of development on certain sites, including the application site. This is subject to the proposal meeting the requirements of the development plan and the Housing Delivery Position Statement to demonstrate that it constitutes sustainable development, importantly, including satisfactorily addressing the requirements of the Habitats Regulations.