

Planning Compliance Statement

Land at Fathoms Reach and Southleigh Grove,
Hayling Island PO11 0RR

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Prepared for:

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1 Introduction

- 1.1. Vail Williams LLP has been instructed by Taylor Wimpey UK Ltd to prepare a Compliance Statement in support of a planning application under reference APP/22/00001 for 51 dwellings at Land at Fathoms Reach and Southleigh Grove, Hayling Island PO11 0RR.
- 1.2. This application seeks permission for:

Demolition of Nos 61-69 Fathoms Reach (inclusive) and development of 51 dwellings, to include 19 No. 2 bed, 18 No. 3 bed, 4 No. 4 bed, 3 No. 1 bed apartments and 6 No. 2 bed apartments, with play area and associated infrastructure; new vehicular and pedestrian access to Fathoms Reach and footpath link to Southleigh Grove; includes works to trees the subject of Tree Preservation Order No.1249
- 1.3. This Compliance Statement is to be read in conjunction with the Planning Statement submitted as part of the above planning application and serves to provide an update on additional policies adopted following the submission of the above planning application.

2 Background

- 2.1. Havant Borough Council submitted the emerging Havant Borough Local Plan to the Secretary of State in February 2021. The Inspector issued their Interim Findings Report which directed that the Council should undertake further work and resubmit the plan following further consultation. When the application was submitted, the Council were considering the next steps for the Local Plan.
- 2.2. Planning application reference APP/22/00001 was submitted to the Council on 4 January 2022 and validated on 21 February 2022. Following validation of the planning application, Havant Borough Council resolved to formally withdraw the emerging Local Plan from Examination and adopted a Housing Delivery Position Statement on 16 March 2022.
- 2.3. The Position Statement sets out how housing proposals which are not in accordance with the Development Plan will be considered by the Council in the context of the tilted balance in Havant Borough. The Statement does not replace the Development Plan for decision making purposes. However, the Statement has been adopted by the Council and will form a material consideration in the determination of planning applications until such time a new Local Plan is in place.

3 National Planning Policy

National Planning Policy Framework (NPPF) Adopted 2021

- 3.1. Paragraph 8 of the NPPF details the three dimensions of sustainable development which are as follows:-
 - **An economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure;

- **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities’ health, social and cultural well-being; and
 - **An environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.
- 3.2. Paragraph 10 states that at the heart of the NPPF is a presumption “in favour of sustainable development”.
- 3.3. Paragraph 11 states that plans and decisions should apply a presumption in favour of sustainable development. For decision-making this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
 - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.4. Paragraph 11 goes on to state that where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
- the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 3.5. Footnote 8 clarifies that policies are considered out of date in situations where the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 74); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous 3 years.
- 3.6. It is noted that Havant Borough Council’s December 2020 Five Year Housing Land Supply Update identifies a supply of only 4.8 years. a report was heard at Full Council on 16th March 2022, confirming the following:

“A result of the Inspectors’ initial findings is that the Borough’s five year housing land supply has further decreased. As of September 2021, the Council’s Five Supply Housing Update sets out the Borough has a 4.3 year supply. As a result of the removal of some sites from supply from the

Inspector's interim report, this position has fallen to 3.9 years supply, which is substantially below the five year housing land supply threshold".

- 3.7. Therefore, Paragraph 11(d) is engaged and that the policies which are most important for determining the application are out-of-date
- 3.8. It is also noted that the Housing Delivery Test 2021 Measurement identifies that the Council have delivered 74% of their housing target over the last 3 years. Therefore, the presumption in favour of sustainable development is engaged.
- 3.9. Paragraph 47 states that planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 3.10. Paragraph 60 states that to support the government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.
- 3.11. Section 9 of the NPPF promotes sustainable travel through decreased reliance on the car and limiting the need to travel.
- 3.12. Paragraph 105 of the NPPF identifies how parking provisions should be calculated and this process will be completed through a parking assessment accompanying the planning application.
- 3.13. Paragraph 110 states that in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:
 - appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
 - safe and suitable access to the site can be achieved for all users;
 - the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
 - any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 3.14. Paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.
- 3.15. Paragraphs 117 and 122 promote effective use of land. This can be explained through making sure developments are in locations that are best for their use and paragraph 121 goes further to state that local planning authorities should take a positive approach to applications for alternative uses of land which are currently developed but not allocated for specific purpose in plans where this would help meet unidentified development need. In particular is the need to provide new homes.

- 3.16. Section 12 of the NPPF expects new developments to be of high quality design and to respect local character whilst also achieving local aspirations. Well designed developments and achieving the aspirations of Section 12 is described in detail within paragraph 127 which sets out the criteria by which development should be assessed. This criteria will be responded to in the Design and Access Statement produced by the architect.
- 3.17. Paragraph 131 states that trees can make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning policies and decision should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards) and that appropriate measures are put in place to ensure that new trees are maintained.
- 3.18. Section 14 focusses on ensuring that new development is protected from climate change whilst also not adding to the climate crisis.
- 3.19. Paragraph 167 states that when determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment.
- 3.20. Paragraph 169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:
- take account of advice from the lead local flood authority;
 - have appropriate proposed minimum operational standards;
 - have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
 - where possible, provide multifunctional benefits.
- 3.21. Section 15 focusses on conserving and enhancing the natural environment through increased biodiversity, preventing new development from contributing to unacceptable levels of pollution and enabling development to mitigate degraded derelict and contaminated land.

4 Housing Delivery Test

- 4.1. Following the submission of planning application reference APP/22/00001, the Government published the Housing Delivery Test 2021 results. This demonstrates that the Council delivered 74% of their housing requirement in the last three years, triggering the presumption in favour of sustainable development.
- 4.2. This is a slight increase in delivery from the 2020 measurement (up from 72%), however the outcome of the Housing Delivery Test has not been changed.

5 Local Planning Policy

Havant Borough Council Housing Delivery Position Statement, March 2022

- 5.1. Section 2 of the Housing Delivery Position Statement introduces the interim policies within the Statement. Paragraph 2.3 states that the Council's five-year housing land supply position and Housing Delivery Test measurement are material considerations which may be afforded substantial weight in the overall planning balance.
- 5.2. Decision Making Principle 1 (Application of the Tilted Balance and the Habitat Regulations) states that the Development Plan forms the starting point for the determination of planning applications and appeals. This policy seeks to comply with Paragraph 11 of the NPPF and the application of the 'tilted balance' in decision making. Planning permission will be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken as a whole.
- 5.3. In addition, Development Principle 1 highlights that Housing proposals will be expected to be subject to detailed pre-application discussions, including public consultation undertaken by the developer prior to the submission of any formal planning application. In particular, proposals will need to address any concerns raised in the Inspector's Interim Findings Report which are material to the site in question. Housing proposals which have a likely significant effect on the Solent European sites will be required to undertake a project level Habitat Regulations Assessment and, if necessary, and an Appropriate Assessment which is agreed in consultation with the competent authority.
- 5.4. Decision Making Principle 2 (Sites not in accordance with the Development Plan where the Council accepts the principle of development) identifies the site as being not in accordance with the Development Plan, however the Council accepts the principle of residential development on the site. Proposals coming forward on the site will be:
 - 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.
- 5.5. Decision Making Principle 2 also states that if relevant, development proposals will also need to demonstrate how any concerns raised in the Interim Findings Report of the Examination of the Havant Borough Local Plan which are material to the site in question have been assessed and overcome as part of the development proposals.
- 5.6. Decision Making Principle 3 (Assessment of summertime transport implications of development on Hayling Island and in Langstone) applies to all development sites on Hayling Island and Langstone, other than those where the principle of development is supported by the Development Plan. In summary The Inspector's Interim Findings regarding summer traffic impact of development constitute a material consideration and will be afforded weight in the planning balance accordingly. Site specific Transport Assessments will be expected to address the concerns raised by the Inspector.
- 5.7. Decision Making Principle 5 (Development Quality) states that residential development will be expected to:

- Provide infrastructure which is needed to make the development acceptable in planning terms, in line with the Council's Infrastructure Delivery Plan and Developer Contributions Guide; and
 - Are designed to a high standard, and, where relevant, demonstrate that design codes and guides which identify local character and distinctiveness have been taken into account; and
 - Provide a minimum of 40 dwellings per hectare based on a net developable area, or where relevant, an alternative density based on the site capacity set out in Table 1; and
 - Create new and improve existing pedestrian and cycle route linkages which connect to all parts of the development and facilitate easy and safe access to education, employment, and the natural environment for all users; and
 - Incorporate a comprehensive ecological strategy, which achieves biodiversity net gain, and includes, but is not limited to:
 - The retention and integration of any protected trees and hedgerows.
 - The retention and enhancement of any local nature conservation designations on or affected by the development;
 - Mitigation for any protected species, including appropriate buffers;
 - The creation of green linkages and wildlife corridors within and through the site, making the best use of existing natural features; and
 - The retention and integration of any protected trees and hedgerows.
 - The retention and enhancement of any local nature conservation designations on or affected by the development;
 - Mitigation for any protected species, including appropriate buffers;
 - The creation of green linkages and wildlife corridors within and through the site, making the best use of existing natural features; and
 - Provide a drainage strategy suitable to the site which incorporates appropriate Sustainable Drainage Systems (SuDS) to an adoptable standard; and
 - Provide for the sustainable management and maintenance of any new 'common parts' through a legal agreement.
- 5.8. In addition to the above, Decision Making Principle 5 states that developments of 10 dwellings or more will be expected to:
- Provide 30% affordable housing outside of Havant, Waterlooville and Leigh Park town centres; and 20% affordable housing on sites within Havant, Waterlooville and Leigh Park town centres (as defined by TC1, TC2 and TC3 on the Position Statement Maps); and
 - Deliver 30% of homes designed to meet Part M4(2) of the Building Regulations; and

- Provide a range of dwelling types and sizes to meet local housing need, including 35% of the overall housing mix as two bedroom homes unless locally identified need evidence indicates an alternative approach should be taken.
- 5.9. In addition to the above, developments of 20 dwellings or more will be expected to contribute towards a community officer, to help new residents in the development integrate into existing communities.
- 5.10. Decision Making Principle 5 also states that developments of 50 dwellings or more will be expected to:
- Provide high quality on-site open space to a standard of 1.5ha per 1,000 population; and an element of play where the open space requirement exceeds 0.5ha. On greenfield sites, part of this requirement will be provided in the form of community food growing space, to a standard of at least 0.2ha per 1,000 population; and
 - Deliver 2% of homes designed to meet Part M4(3) of the Building Regulations as part of the affordable housing provision.

6 Development Considerations

- 6.1. This section provides a summary of the proposed development's compliance with the material changes in policy contained within the Housing Delivery Position Statement. It is noted that some requirements (particularly from Decision Making Principle 5) mirror those from the withdrawn Emerging Local Plan and therefore the previous commentary from the Planning Statement still applies.

Principle of Development

- 6.2. Paragraphs 12.1-12.13 of the Planning Statement submitted with the application considered the principle of the development prior to the adoption of the Housing Delivery Position Statement. This assessed both the (now withdrawn) Emerging Local Plan and adopted Local Plan and considered the 'presumption in favour'.
- 6.3. In addition to the commentary in the Planning Statement, the applicant notes that the Housing Delivery Position Statement identifies the site as 'a site which is not in accordance with the adopted Development Plan where the Council accepts the principle of development'. This is reflected by previous pre-application discussions where officers had supported the principle of development in the absence of a Five Year Housing Land Supply and prior to the publication of the withdrawn Emerging Local Plan, within which it was proposed to allocate the site for residential development.
- 6.4. As summarised in Paragraphs 12.2-12.9 of the Planning Statement, the Council's Five Year Housing Land Supply position and Housing Delivery Test measurement carry significant weight in decision making.
- 6.5. The site is very deliverable and the approval of this site for residential development would go some way to mitigate the under-delivery of housing as identified in the Housing Delivery Test; a significant benefit of the scheme. The site is owned by Taylor Wimpey, a residential house builder,

who specialise in delivering residential developments of this type and can be delivered to the market swiftly.

- 6.6. The site is required to feed into the on-going requirement of the Borough for deliverable housing land to address the Borough's housing need which is now more pressing given that the housing supply position has fallen below the five year requirement set out in the NPPF. Therefore, the proposed development is acceptable in principle.

Highways

- 6.7. Decision Making Principle 3 indicates that prior to the eventual adoption of a new Local Plan (and its Strategic Transport Assessment), the summertime traffic impact is a "material consideration" and a standard assessment is required to demonstrate that the development will not have an unacceptable impact on highway safety and the residual cumulative impact on the road network will not be severe. It also requires applications for sites on Hayling Island to assess the development's impact on seasonal impact.
- 6.8. The Transport Statement submitted with the application addresses seasonality as part of the analysis. Paragraphs 12.24-28 of the Planning Statement are provided below which summarise these findings:

"The Transport Statement submitted with the application assesses the overall impacts of the proposed development and has found that it would generate limited trip generation and no significant impact on the local highway network. The development would only represent 5% of the dwelling mix resulting in new development at Hayling Island.

As a result, the proposed development forms a very small part of the cumulative impacts assessed by the Council's Transport Assessment and would not make the baseline situation any worse. The Transport Assessment also finds that when the network is busy, people are more likely to walk and cycle for local journeys. In addition, that development trips will likely be travelling in the opposite direction to the tidal seasonal flows with visitors to Hayling Island travelling south into the Island in the morning when the development's residents are likely leaving the Island for work or other purposes.

In summary, there is no evidence to suggest that development flows would increase due to seasonal factors. In fact, at times when the highway network is busy, local residents are more likely to undertake local journeys by non-car modes. The site travel plan will also seek to facilitate and promote non-car mode use for local trips. The impact of the development on trips during peak holiday seasons will continue to be negligible and not severe.

Given the negligible impacts of the development (even considering seasonal impacts), the proposed development is acceptable in highways terms. It is considered that the development can take place and there is not a need to delay delivery of the development (resulting from the Interim Findings Report), which would go some way to secure the Council's housing land supply and housing delivery targets."

- 6.9. It is considered that seasonal impacts have been addressed by the application in line with Decision Making Principle 3. The applicant is engaging with the Local Highways Authority to confirm that this position is sufficient to demonstrate the impact of seasonality for a development of this scale.

Affordable Housing

- 6.10. As highlighted in Paragraph 12.19 of the Planning Statement, the proposed development proposes 30% affordable homes dispersed in clusters within the site, to ensure that they are appropriately placed and integrated into the overall site. 40% of these homes are for shared ownership tenure. This is in accordance with Development Principle 5 of the Housing Delivery Position Statement.

Density

- 6.11. Development Decision Making 5 requires sites to achieve a minimum density of 40 dph, or an alternative density if the site is identified in Table 1. Table 1 identifies development on the site for 55 dwellings.
- 6.12. In pre-application discussions the Council were concerned about the proposed density of the scheme, which was approximately 40 dwellings at pre-application stage. The applicant has revised the site layout to provide 51 dwellings to increase the overall density as required by the Council.
- 6.13. The proposed density is only slightly below the 40 dph figure or the 55 dwelling figure in Table 1. This slight reduction in density is to facilitate the requirements for ecology, achieving appropriate levels of biodiversity and tree retention as required by other policies within the Local Plan (and other points mentioned in Development Principle 5.)
- 6.14. Therefore, considering the Development Plan as a whole, the proposed development remains acceptable in terms of density.

Open Space

- 6.15. Development Decision Making 5's requirements on public open space are the same as those contained in the withdrawn Emerging Local Plan. Therefore, the previous commentary contained in Paragraphs 12.36-12.38 still applies.
- 6.16. The proposed development is compliant with the Housing Delivery Position Statement.

Developer Contributions

- 6.17. Decision Making Principle 5 sets out that development should provide and contribute towards infrastructure required to facilitate the proposed development. Section 11 of the Planning Statement contains a S106 Obligation Statement which summarises potential planning obligations, subject to consultee responses.
- 6.18. The proposed development is compliant with the Housing Delivery Position Statement.

7 Conclusions

- 7.1. This Compliance Statement should be read alongside the Planning Statement submitted with application reference APP/22/00001. It demonstrates that the proposed development is acceptable in terms of Local and National Policy and the updated requirements set out in the Housing Delivery Position Statement.
- 7.2. The proposed development is acceptable in principle, a position which is confirmed by Decision Making Principle 2. In addition, the development's contribution of housing in absence of a Five Year Housing Land Supply and the Housing Delivery Test 2021 measurement results carries significant weight in decision-making; this view is supported by the Housing Delivery Position Statement.
- 7.3. The Transport Statement submitted with the application contains an assessment of seasonal traffic impacts on Hayling Island and concludes that there would be no significant impact on highways safety as a result of the proposed development. This is in line with the requirements Decision Making Principle 3 and the applicant is engaging with the Local Highways Authority to confirm this position within the context of the emerging strategic Transport Assessment.
- 7.4. In addition, the proposed development meets the requirements of Decision Making Principle 5, including on affordable housing, developer contributions, open space and density. The supporting information submitted with the application demonstrates that the site forms sustainable development and that no other material considerations would outweigh the significant benefits of the scheme.
- 7.5. Overall, the proposed development is acceptable in terms of national and local policy. It would help secure the Council's Housing Land Supply / housing delivery rate. The applicant has considered in detail the content of the Housing Delivery Position Statement and has concluded that the proposed development accords with the interim policies and should therefore be granted planning consent.

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