

## PLANNING POLICY RESPONSE

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|--------------------------|-------------------------|
| <b>Application No:</b>   | APP/22/00669            |
| <b>Site Address:</b>     | Land at Kingscroft Farm |
| <b>Development:</b>      | 140 dwellings           |
| <b>Case Officer:</b>     | LW                      |
| <b>Comments by:</b>      | JB                      |
| <b>Date of Comments:</b> | 3 October 2022          |

### 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 Havant Borough. The Council has also adopted a [Housing Delivery Position Statement](#), which is a material consideration in the determination of applications.

### Principle of development

In the adopted Local Plan, the north eastern parcel of land is allocated for employment uses by policy HB2 (site ref BD19). The remainder of the site lies outside of the urban area as defined by policies CS17 and AL2, which seek to concentrate development within the defined urban area. Residential development on both of these parcels is therefore contrary to adopted policy.

However, the Housing Delivery Position Statement (HDPS) 2022 recognises that sites not yet identified through local policy will be needed in order to meet housing need and significantly boost housing supply in the short term.

Decision Making Principle 4 of the HDPS confirms that development proposals not in accordance with the Development Plan and not in Table 1, which is the case for this site, will be considered in line with paragraph 11 d) of the NPPF. However, even in this context, proposals will need to demonstrate that they constitute 'sustainable development' in accordance with the NPPF, by showing that:

- The remaining requirements of the Development Plan and decision making principles set out in the Statement are complied with; and
- There will not be a significant and demonstrable adverse effect from the development where mitigation is provided to the satisfaction of the local planning authority, taking into account advice from statutory consultee(s).

Proposals will also need to demonstrate that they are deliverable in line with the definition in Annex 2 of the NPPF.

### Five year housing land supply

The Council's Five Year Housing Land Supply Update (November 2021) indicates the Council has 3.9 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF).

The proposed scheme would contribute 140 units to address the five year housing supply requirement.

*Five year requirement with 20% buffer = 3,629 dwellings / 5 years = 725.8 dwellings a year*

*140 dwellings / 725.8 dwellings = 0.193 years*

The scheme has the potential to contribute up to 0.19 years' supply of housing (rounded). This must be given some weight in decision making, while noting that the lack of 5 year supply does not indicate that planning permission should automatically be granted for development which would boost housing supply. Rather, permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

Noting this, even in the context of the 5 year supply position, a number of matters will have to be carefully addressed to support a departure from the development plan. Key points are discussed below:

### **Flood Risk**

The applicant has considered flood risk in their submission – a site specific Flood Risk Assessment and a Drainage Strategy accompany the application.

It is noted that the applicant has drawn the red line of the site in such a way as to avoid the present day tidal and fluvial flood risk zones. However, the proposal does include some buildings within the Climate Change flood outline, as defined by the applicant's own modelling work.

(NB The acceptability of this modelling work has been the subject of previous discussions with the applicant. The applicant has shown at Appendix G of their FRA that the Environment Agency has accepted the modelling as suitable for use in an FRA, and it is therefore suggested that the future fluvial flood outlines resulting from the work should be accepted as the most up to date information.)

The applicant proposes to address the future risk by increasing the finished floor levels and providing floodplain compensation. Whether this solution is likely to be acceptable should be explored with the EA before outline permission is granted. It should also be carefully considered whether outline permission can be granted in advance of this matter being fully resolved through the detailed design stage.

The acceptability of the mitigation solution aside, it is noted that the applicant has not sought to avoid future flood risk, and has not submitted a Sequential Test. They state that they have not done so on that basis that the site is not at risk in the present day. This ignores the risk in future during the lifetime of the development, and a sequential test is required on the basis of the future risk. The Council's Sequential Test Guide (section 3.3) makes this clear, and paragraphs 159 and 162 of the NPPF confirm that future risk is relevant to the sequential approach. Further, the recent national update

to Planning Guidance on Flooding <https://www.gov.uk/guidance/flood-risk-and-coastal-change> confirms that future flood risk is relevant to the application of the sequential test.

A sequential test will need to be submitted before the application can be determined. It should be noted that it appears that the new national guidance, at paragraph 028 defines what alternative sites should be considered 'reasonably available', which sets a very high bar for passing the sequential test.

In this context, it is also noted that the applicant considers, in paragraph 7.6 of their Planning Statement, that none of the NPPF footnote 7 designations are relevant to this application. That is not considered to be correct, given the future flood risk on the site. Given the status of these designations in the context of the NPPF paragraph 11d, the full and detailed assessment of flood risk is pertinent to whether this proposal may be considered to be sustainable development. Again, the new national guidance confirms this clearly at paragraph 001, which specifically refers to the NPPF Paragraph 11 in the context of defining flood risk.

#### **Other Detailed considerations:**

Decision Making Principle 5 of the HDPS seeks particular development quality standards. The applicant recognises this, has set out their approach to some matters (eg affordable housing and rights of way) and notes that many points are for the reserved matters stage. While this point is accepted in principle, in determining this outline application, it should be considered whether sufficient information has been provided to determine whether the standards are likely to be achievable in this scheme (see paragraph 2.35, which expect a strategy to be presented at outline stage). The development quality standards checklist, available at <https://www.havant.gov.uk/housing-delivery-position-statement> will be helpful in this regard and should also guide the applicant in drawing up the reserved matters scheme should outline permission be granted.

#### **Deliverability**

If outline planning permission is granted, it is recommended that there is a shorter period for the submission of a valid reserved matters application and commencement of the development (i.e. 2 years, normally 3 years), in line with Decision Making Principle 4.

#### **Conclusion**

Overall, while development in this location is not supported by the adopted local plan, the national framework and local policy may support development of this site, so long as key matters as outlined above are addressed to show that the proposal would constitute sustainable development. The question of flood risk remains key, in the context of footnote 7 of the NPPF, and taking particular note of the updated national guidance that was published in August 2022.