

Planning Application Response of Planning Policy

Application No:	APP/21/01071
Site Address:	Land south of Lower Road and west of Old Manor Farm, Havant
Development:	Outline planning application for up to 43 dwellings, with access from Lower Road and associated landscaping, open space and allotments, and all other matters reserved.
Case Officer:	Julia Mansi
Comments by:	Jade Ellis
Date of Comments:	23 November 2021

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 the borough. The [Havant Borough Local Plan](#) (HBLP) was submitted for Examination on the 12th February 2021 and must be afforded limited weight.

The following Adopted Local Plan policies are of particular relevance:

- CS17 – Concentration and Distribution of Development within Urban Areas
- AL2 – Urban Area Boundaries and Undeveloped Gaps between Settlements

- CS9 – Housing
- CS16 – High Quality Design
- CS19 – Effective Provision of Infrastructure
- CS21 – Developer Requirements
- DM10 – Pollution
- DM13 – Car and Cycle Parking in Residential Development

In the Submission Plan the following policies are of particular relevance:

- DR1 | Delivery of sustainable development
- E3 | Landscape and settlement boundaries

- IN1 | Effective provision of infrastructure
- IN3 | Transport and parking in new development
- IN5 | Future management and Management Plans
- E1 | High quality design
- E2 | Health and wellbeing
- E9 | Provision of open space in new development
- E12 | Low carbon design
- E13 | Historic environment and heritage asset
- E16 | Solent Special Protection Areas
- E17 | Brent Goose and Wader feeding and roosting sites
- H1 | High quality new homes
- H2 | Affordable housing
- H3 | Housing density
- H4 | Housing mix

Principle of Development:

As you will be aware, the site lies outside of the urban area as defined by policies CS17 and AL2 of the adopted plan. It would remain outside of the settlement boundary as defined by policy E3 in the emerging Local Plan. The policies in the adopted and emerging local plan 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.

Five year housing land supply

Following the receipt of the Inspectors' Interim Findings report, 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).

Significantly, it does not follow that planning permission should automatically be permitted for development which would boost housing supply. However— permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council adopted a [Housing Delivery Action Plan](#) in January 2021 which outlines the Council's response to the lack of a five year housing land supply.

It is noted that the proposed scheme is not in the five year supply in whole or part. As such, there would be a gain of 43 units to address the five year housing supply requirement.

Five year requirement with 20% buffer = 3,626 dwellings / 5 years = 725.2 dwellings a year

43 dwellings / 725.2 dwellings = 0.057 years

In this case, the scheme would contribute up to 0.06 years' supply of housing (rounded). This must be afforded great weight in the overall planning balance.

Nonetheless, it is noted that the current application is in outline form. With the significant headwinds noted in the Housing Delivery Action Plan now largely in the past and the Local Plan at examination, it is expected that the five year supply picture will improve. As such, whilst the principle of development is not supported in policy terms, if planning permission is granted, a condition should be attached requiring a shorter than standard timeframe for the submission of a valid reserved matters application.

Density

Policy H3 in the emerging Local Plan indicates that residential development must maximise its contribution to addressing housing need in the context of the finite undeveloped land in the Borough. The policy also requires development resulting in a net gain of 5 or more dwellings to provide for a minimum of 40 dwellings per hectare (dph). Any development providing an artificially lowered density will be refused.

Paragraph 6.35 of the supporting text indicates that site specific constraints and local character may justify a different approach having regard to the context of the site. In such cases, pre-application discussions are encouraged to determine whether there is a robust design justification which warrants a deviation from the density standard (emphasis added). In this case, it should be noted that there are specific heritage considerations which should be taken into account in the overall design response to the site. In addition, it is noted that Policy H20 which relates to the adjacent allocation specifically requires a full detailed planning application is submitted given the constraints on the site and the same approach would be relevant to this site as well.

Based on a net developable area of 1.46 hectares, the site would have a density of 29 dwellings per hectare (dph). It is noted that this would be below the minimum density standard of 40 dph. However, it is also relevant to consider whether the design response is appropriate in the context of site-specific constraints and local character. In this respect, the Council's Conservation Team will be able to offer further advice, particularly in the context of heritage assets within the vicinity of the site. The Council's Environmental Health team would similarly be able to advise further, particularly in the context of nearby noise sources, notably the railway to the south and the A3(M).

Best and most versatile agricultural land

As the proposal relates to a greenfield site outside the settlement boundary defined by Policy E3, Policy E6 is of relevance. In such cases, development proposals will need to be supported by an appropriate soil survey to demonstrate whether the site is (in whole or part) BMV agricultural land.

It is noted that such a survey has not been submitted as part of the application. In the absence of such information, a policy objection in the context of this policy would be likely to arise.

High Quality Design and Heritage:

The north eastern extent of the site would lie in close proximity to the Old Manor Farm buildings which form part of the Old Bedhampton Conservation Area. As such, the development proposals would be expected to address the nearby heritage assets and their setting, and conserve and enhance them. As set out above, Policy H20 relates to the adjacent allocation specifically requires the submission of a full detailed planning application to ensure the impacts on heritage assets are minimised. It is noted that this application has been submitted in outline form.

The Council's Conservation Team will be able to advise whether these have been satisfactorily addressed as part of the applicant's Heritage Statement.

Ecology:

The site is identified as a Secondary Support Area for Solent Waders and Brent Geese (SWBG) within the [Brent Goose and Wader Strategy \(October 2018\)](#) (SWBGS). Development proposals on, or adjacent to, sites which are used by Solent waders and/or Brent Geese need to be assessed in line with the appropriate regulations. The proposals will, therefore, require a project level Habitats Regulations Assessment (HRA) and, if necessary, an Appropriate Assessment (AA).

Policy E17 states that development proposals on Secondary Support Areas will only be permitted where:

g. A suitable replacement habitat is provided on a like for like basis on or within the locality of the site which is agreed and secured through a costed Habitat Management and Monitoring Plan; or

h. Where it can be demonstrated that criterion g) is not practicable, a smaller suitable replacement area is agreed and secured through a costed Habitat Management and Monitoring Plan and a financial contribution is provided consistent with the SWBG Strategy.

In this respect, the submitted Planning Statement notes that in the appeal decision the potential impact on the habitat was allowed to be mitigated through a contribution to an alternative habitat project nearby, and that the same could be applied to the application site. Clarification should therefore be sought that the applicant would be willing to contribute to appropriate mitigation measures through a Section 106 agreement.

The western extent of site also lies in an Opportunity Area as defined by the Local Ecological Network Map where there are opportunities to recreate or restore habitats. The Council's Ecologist will be able to provide further advice on this matter.

Source Protection Zones:

The site is located close to, but outside of a Source Protection Zone 1. It is noted that there are multiple mapped 'solution features' within 500m of the site. The Environment Agency and Portsmouth Water will be able to provide further advice in terms of where solution features are present, and if any conditions should be imposed.

The site also lies close to, but outside a Principal Aquifer and the developer should be aware of the possible constraints to construction methods with regard to protection of the water environment in line with policy E21 and/or further advice from Portsmouth Water.

Developer Requirements:

The submitted plan does include a number of new provisions, such as requirements for housing mix, space and accessibility standards, open space and food growing provision, and expectations for electric vehicle charging points as well as the future management of the site. It is noted that the scheme has been submitted in outline form, and that the proposals include open space, play space and community growing provisions. However, a compliance checklist is requested from the applicant to assist with the assessment of compliance with these new provisions, which will assist with how much weight should be afforded to these in the overall planning balance.

Conclusion

As you are aware, there is an 'in principle' policy objection to the application proposals in the context of both the adopted and emerging local plans. The site is located outside of the urban area/settlement boundary, and there would be no exceptional circumstances here which would apply to housing.

Whilst the Council is not currently able to demonstrate an up-to-date five year housing land supply position, the development plan remains the starting point in decision making. In the context of the tilted balance, permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the scheme would contribute 0.06 years' supply of housing and would therefore have the potential to increase the Borough's housing land supply. This must be afforded great weight in the overall planning balance.