

**TOWN AND COUNTRY PLANNING ACT  
1990 (AS AMENDED)**

**STATEMENT OF  
HAVANT BOROUGH COUNCIL**

**9 St. Albans Road  
Havant  
Hampshire PO9 2JP**

**Local Planning Authority Reference:  
APP/20/00470**

**Planning Inspectorate Reference:  
APP /X1735/W/21/3287626**

## **HAVANT BOROUGH COUNCIL**

### **TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)**

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**APPEAL BY Mr Andy Fry AGAINST REFUSAL to grant planning permission for Demolition of the existing single storey side extension to be replaced with a two storey side extension and the erection of 1No. 2 bed dwelling. Provision of four car parking spaces with the existing access widened to facilitate this off Dunhurst Close.**

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**Planning Inspectorate Reference: APP /X1735/W/21/3287626**

**Local Planning Authority Reference: APP/20/00470**

#### **1 Site Description**

- 1.1 The site is on the corner of St Albans Road and Dunhurst Close. 9 St Albans Road is an end of terrace property, with a single storey flat roof extension to the side. Vehicular access is to the rear of the property, where a flat roofed single storey garage is sited. The boundary treatment is mainly hedging, with a small section of 1m high wire fencing. The site drops down from St Albans Road.
- 1.2 The materials on the existing dwelling are red brick with a concrete tiled roof.
- 1.3 The site falls within Flood Zone 1, with a site area of approximately 0.04ha.
- 1.4 Borough Map and a location plan is attached as **Appendix A**.

#### **2 Planning History**

04/69949/000 - Construction of 2 No. 1 bedroom flats to south elevation of No.9 following demolition of single storey side extension, associated parking and new access to Dunhurst Close., WD,25/11/2004

05/69949/001 - Erection of 2no. 1 bedroomed dwellings, following demolition of single storey side extension, associated parking and access to Dunhurst Close., REF,13/01/2006

06/69949/002 - Demolish single storey side extension and garage. Erect 2 No. houses., REF,18/09/2006

06/69949/003 - Demolition of existing single storey extension and garage and erection of 1No. 4 bedroom dwelling., REF,08/02/2007

APP/13/00047 - Demolition of existing single storey side extension and garage. Construction of 1No. two storey end of terrace 3 bed house utilising existing vehicular access from Dunhurst Close; new pedestrian access from St Albans Road and creating new parking area and hardstanding to rear., WD,14/03/2013

APP/20/00470 - Demolition of the existing single storey side extension to be replaced with a two storey side extension and the erection of 1No. 2 bed dwelling. Provision of four car parking spaces with the existing - access widened to facilitate this off Dunhurst Close – subject of appeal.

### 3. THE APPEAL

- 3.1 The proposal demolishes the single storey flat roofed side extension on the existing dwelling which would be replaced with a two storey side extension to provide a dining area and a third bedroom for the existing dwelling. The new dwelling would be a two bed, two storey dwelling to the south of the host dwelling and the proposed two storey extension. The removal of a rear garage is also proposed.
- 3.2 Four car parking spaces would be provided off Dunhurst Close, with the existing access widen to facilitate this.
- 3.3 Landscaping is proposed along the southern boundary.

### 4. PLANNING POLICIES

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

Havant Borough Local Plan (Core Strategy) March 2011

- CS9 (Housing)
- CS16 (High Quality Design)
- CS17 (Concentration and Distribution of Development within the Urban Areas)
- CS20 (Transport and Access Strategy)
- CS21 (Developer Requirements)
- DM13 (Car and Cycle Parking on Residential Development)

Havant Borough Local Plan (Allocations) July 2014

- AL1 (Presumption in Favour of Sustainable Development)
- AL2 (Urban Area Boundaries and Undeveloped Gaps between Settlements)
- DM18 (Protecting New Development from Pollution)
- DM24 (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development)

#### Submission Havant Borough Local Plan 2036 (SHBLP)

As to the SHBLP, this was submitted for examination by the Secretary of State for Housing Communities and Local Government (now called Department for Levelling Up, Housing and Communities) on 12 February 2021. Stage 1 Hearings on the strategic matters took place in July 2021, and the Inspectors' Interim Findings report were subsequently received in November 2021. The findings recommend a withdrawal of the SHBLP from Examination. The Inspectors' initial findings highlight concerns in relation to the deliverability of a number of housing sites which means that the Borough's five year housing land supply has been further decreased (i.e. to 3.9 years). Significantly, additional housing sites beyond those identified in the SHBLP will be required to address the Borough's five year supply and the short term delivery of new homes. Following this advice, the Council's Planning Policy Committee (PPC) considered a paper on 22 February 2022 for a recommendation to Full Council on 16 March 2022 to formally withdraw the SHBLP from examination. The Inspector should note the PPC is not a decision making committee

At the same time the PPC considered the Housing Delivery Position Statement

prepared by the Council, (for adoption by Full Council) to ensure there is not a policy vacuum, which highlights the relevant material considerations for decision-making on planning applications for new housing. A copy of the Planning Policy Committee recommendation to Full Council is attached a **Appendix B**

The Planning Inspectorate will be notified of the Council's decision following Full Council on 16 March 2022.

The relevant two documents are:

Report on 'Update on the examination of the Havant Borough Local Plan, withdrawal of the Havant Borough Local Plan from examination and consideration of the housing delivery position statement

Housing Delivery Position Statement

These two documents are included in the Planning Policy Committee Agenda dated 22/2/22 attached as **Appendix C**.

Until such time as a decision is made by Full Council on the Submission Local Plan, the Submission Local Plan is a material consideration in the assessment of this planning application in accordance with paragraph 48 of the NPPF, which confirms that weight may be given to policies in emerging plans following publication unless other material considerations indicate otherwise.

The relevant planning policies of the Submission Local Plan are:

IN1 - Effective Provision of Infrastructure  
IN3 & 5 - Transport and New development  
Low Carbon Design

E1 High quality new homes  
E12 Low carbon design  
E13 Historic environment and heritage asset  
E14 The Local Ecological Network  
E16 and E17 - SRMS and SPA  
E22 – Amenity and pollution  
H1- High Quality Homes  
EX1 Water Quality Impact on the Solent European Sites

## 5.0 **PLANNING CONSIDERATIONS**

- 5.1 To avoid repetition, the attached Officer's report (**Appendix D**) sets out in detail the planning position of the Local Planning Authority (LPA) in respect of the appeal. As the Inspector will note from the Officer's report, the key issues are: the size and shape of this corner plot; its relation to adjoining dwellings and the highway; the development by virtue of its size, siting and bulk would be an unduly dominant and incongruous feature within the street scene to the detriment of the visual amenity of the area; and inadequate amenity space for both future occupiers and the retained property.
- 5.2 At **Appendix E** an aerial photograph of the appeal site is attached. The appeal site is part of a terrace of housing running north to south. The photograph shows the appeal site in context with this terrace, with a single storey building to the south of the 9 St Albans Road. The photograph also highlights the space around 9 St Albans Road, which adds to the spatial character of the street scene.



### **Five Year Housing Land Supply**

- 5.3 Since the refusal of planning permission the Council has published its 'Five Year Housing Land Supply Update November 2021' which is attached at **Appendix F**.
- 5.4 As to the current Five Year Supply Position the Council, is only able to demonstrate 3.9 years supply of housing with a 20% buffer applied.
- 5.5 The Framework directs in paragraph 11(d) that where a five-year supply of housing land cannot be demonstrated, the presumption in favour of sustainable development requires the application of the "tilted balance" in decision making.
- 5.6 In view of the change to the Council's 5-year land supply, the LPA has carried out a review of the appeal proposal, which is set out below under the heading 'The Planning Balance.'

### **Definitive Solent Recreation Mitigation Strategy**

- 5.7 As the Planning Inspectorate is now the Competent Authority under Regulation 63 of the Habitats Regulations, the LPA has sought to assist the Inspector by outlining the two key issues below regarding this appeal and the associated Appropriate Assessment.
- 5.8 The application site falls within the 5.6km zone of Chichester and Langstone Harbours Special Protection Area which are large estuarine basins that contain extensive intertidal mudflats and sandflats that support internationally and nationally important numbers of overwintering and breeding bird species. Please find additional information about the characteristics of the area, the reasons for its designation, interest features and conservation objectives on the link to Natural England's website below:

<https://designatedsites.naturalengland.org.uk/Marine/MarineSiteDetail.aspx?SiteCode=UK9011011>

- 5.9 Natural England's advice in regard to all new housing development within the 5.6km zone is that it is likely to have a significant effect on the SPA. Policy DM24 of the Allocations Plan covers this issue and allows for a financial contribution to be made towards mitigation measures. Additional information in relation to the Bird Aware Solent Strategy can be viewed via the following web address:

<http://www.birdaware.org/CHttpHandler.ashx?id=29372&p=0>

- 5.10 On 1st April 2018, the ('Definitive') Solent Recreation Mitigation Strategy (SRMS) replaced the 'Interim' and the 'Definitive' Strategy now applies to new residential development (this was as approved by Havant Borough Council's Cabinet on the 7th February 2018.) The updated Strategy uses a sliding scale to calculate the SRMS contribution for new residential development built within 5.6km of the coastline. As such, the contribution is now calculated based on the number of bedrooms per individual dwelling. In this case, the development would require a contribution of £671 plus 5% monitoring fee of £33.55 and Administration Fee of £23 such that the total contribution required would be £727.55.
- 5.11 A signed Undertaking (UU) was received by the LPA with the contribution of £727.55 received on 13/4/21. Therefore, the appropriate mitigation measure for the SRMS was discharged for this development, in accordance with the Appropriate Assessment and

policy DM24. (Signed Unilateral Undertaking at **Appendix G**)

## **Water Quality**

- 5.12 The European Court of Justice determined a case related to considering water quality in Appropriate Assessments. This is generally referred to as 'The Dutch Case' (Full reference is Cooperatie Mobilisation for the Environment UA and College van gedeputeerde staten van Noord- Brabant (Case C-293/17 and C294/17) available at:

<https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CA0293>

The judgement in this case refines the definition of plans and projects and effectively includes significantly more operations within the definition which have an impact on water quality, most notably runoff from agriculture.

- 5.13 Natural England began to issue revised advice regarding planning applications to Local Planning Authorities on 1 April 2019 as a result of the Dutch Case. Considering this advice and the implications of the case law, it can only be concluded that some forms of new development could increase nitrogen and phosphate deposition into the protected harbours above consented levels. This results in increased nutrients in the harbour which cause a dense growth in certain plants. This in turn leads to harm to the species which use them – a likely significant effect. The only way that a new scheme could prevent this likely significant effect is for there to be no increase in nutrients into the harbour, i.e. for it to be 'nutrient neutral'.
- 5.14 Havant Borough Council is committed to achieving sustainable development, including the relevant environmental protections. Part of the consideration of this is whether there would be a detrimental impact on the water quality of any European Designated Nature Conservation Sites.
- 5.15 In August 2020, Havant Borough Council's Cabinet approved a 'Position Statement and Mitigation Plan for Nutrient Neutral Development' available at :

<https://cdn.havant.gov.uk/public/documents/Position%20Statement%20on%20Nutrient%20Neutrality.pdf>

(This supersedes an earlier document which accepted a Grampian condition to secure the neutrality of the development, if permission was forthcoming.)

- 5.16 This puts in place mechanisms for development to achieve nutrient neutrality. For development on sites currently used for agricultural purposes, there must be an aim to achieve nutrient neutrality on-site. However, for development on non-agricultural sites, particularly brownfield sites, this is not possible. The Position Statement sets out how development proposals should consider the issue, and in terms of the implications for the development the subject of this appeal, Paragraphs 2.1 - 2.13 sets out the development schemes that are likely to result in a significant effect on the European Sites, with paragraphs 3.7 - 3.25 setting out the options available to achieve neutral nitrogen development, which cannot be achieved on site.
- 5.17 In this case, the development would require a contribution of £998 and Administration Fee of £23 such that the total contribution required would be £1,021
- 5.18 A signed Unilateral Undertaking (UU) was received by the LPA with the contribution of £1,021 received on 13/4/21. Therefore, the appropriate mitigation measure for nitrates

was discharged for this development, in accordance with the Appropriate Assessment and policy DM24. (Signed Unilateral Undertaking at **Appendix H**)

- 5.19 As the Planning Inspectorate is now the Competent Authority under Regulation 63 of the Habitats Regulations, it is hoped this information will assist the Inspector

### **The Planning Balance**

- 5.20 As a 5-year land supply cannot be demonstrated the LPA has reviewed the development the subject of the appeal to determine whether the weight to give to this planning considerations overrides the other material planning considerations pertaining to the proposal.
- 5.21 The proposal would provide 1 additional home, which would be a very modest addition to the Borough's housing supply, to which limited weight is given.
- 5.22 The proposal would bring some economic benefits through construction and through the additional spend generated by new residents, who would also help sustain local services, these benefits attribute moderate weight.
- 5.23 The proposal would erode the spatial quality of the locality to the detriment of the visual amenity of the area to which substantial weight is given.
- 5.24 The proposal would result in inadequate amenity space for both future occupiers and for those in the retained property, to which substantial weight is given.
- 5.25 Mitigation packages for recreation and water quality of the Solent European Sites have been secured, which is attributed modest weight.
- 5.26 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
- 5.27 The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be considered out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.
- 5.28 The harm that would arise to the locality and future and existing occupiers, would on balance, significantly and demonstrably outweigh the benefits of the scheme.
- 5.29 It is therefore necessary to consider whether there are material considerations that would determine the proposal otherwise in accordance with the development plan.

### **Public Benefits**

- 5.30 The Planning Practice Guidance advises that, 'public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework.
- 5.31 Amongst the benefits of the proposal would be the provision of a home in a Borough which does not currently have a 5 year supply of deliverable housing sites.
- 5.32 It is clear that the Council will not be able to significantly boost its supply of homes and meet its housing needs without the development of currently unallocated greenfield sites beyond existing development boundaries. The Housing Delivery Test results for 2021 mean that housing delivery in Havant Borough is below the

expectation in the Framework and the Borough's housing needs continue to not be met.

- 5.33 The Framework is clear that the Government's objective is to significantly boost the supply of homes to meet peoples' housing needs. The scheme would provide one unit of housing. Limited weight is given to the provision of one house on the site, when assessed against the housing need for the Borough.
- 5.34 The development would result in supporting direct and indirect jobs during construction, with additional contributions to the economy generally through the activity and spending of future occupiers. Although the economic benefits may be ones that would result from any residential development, they are nonetheless important and are ones to which moderate weight is attached.
- 5.35 The development would include water efficiency which would be secured by conditions, if permission is granted. Some weight is given to this measure given their support within paragraph 152 of the Framework which requires the planning system to support the transition to a low carbon future.
- 5.36 Overall, the delivery of the proposed housing would yield social, economic and environmental benefits, which have to be weighed against the impact the proposal would have on the locality and the lack of private amenity space for both the appeal proposal and the existing property. It is considered that the significant harm to the street scene and the inadequate amenity space for both the existing and proposed occupiers, outweigh the social, economic and environmental benefits.

#### Tilted Balance

- 5.37 By virtue of the absence of a 5 year housing land supply and the Council's most recent Housing Delivery Test result (i.e. 3.9 year housing land supply), the tilted balance under paragraph 11 d) of the Framework is engaged. Therefore, the policies most important for determining the application are out-of-date. The relevant approach is to consider the balance in accordance with paragraph 11d)ii). This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.38 Framework Section 12 'Achieving well-designed places' requires, amongst other matters, for planning decisions to be sympathetic to the local character and spaces, promotes health and wellbeing and high standards of amenity spaces for development. The appeal proposal is not considered to achieve these aims to which substantial weight is given to this significant harm.
- 5.39 Weighing against this negative impact, there is modest policy support for the development within the Framework given the economic, social and environmental benefits of the proposal as variously set out above.
- 5.40 To conclude, having regard to all material planning considerations, it is considered that the adverse impacts of granting planning permission in this instance would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole.

## **6 Overall Conclusions and Final Planning Balance**

- 6.1 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The proposal conflicts with Policy CS16 of the Havant Borough Local Plan 2011, Submission Havant Borough Local Plan 2036, the Havant's Design Guide SPD and the need to achieve well-designed developments, as promoted by the NPPF.
- 6.2 The need to significantly boost the supply of housing in Havant Borough is a material planning consideration, particularly in the absence of a five year supply of deliverable housing sites, with Paragraph 69 of the NPPF recognising that small sites can make an important contribution to meeting the housing requirements for an area and are often built out relatively quickly. The various economic, social and environmental benefits of the proposal set out above also weigh in favour of the proposal. However, in the balancing exercise, it is considered that the harm resulting from the impact of the development on the locality and existing and proposed residential amenity would significantly and demonstrably outweighs the benefits.
- 6.3 It is considered that there are no other material considerations of sufficient weight or importance to indicate that the decision should be made other than in accordance with the development plan and the Inspector is requested to dismiss the appeal.

#### 7.0 **Appellant's Statement**

- 7.1 The points raised in the Appellant's appeal statement, have either been covered in the Officer's report or within this statement.

#### 8.0 **Suggested Conditions**

- 8.1 Notwithstanding the LPA's continuing objection to the proposal, if the Inspector is minded to grant the appeal a list of suggested conditions is attached at **Appendix I**.

### **APPENDICES**

- (A) Borough Map and 1:1250 Location Plan
- (B) Planning Policy Committee Recommendation
- (C) Planning Policy Committee Agenda dated 22/2/22
- (D) Officer's delegated report for this application
- (E) Aerial photograph
- (F) Five Year Housing Land Supply Update November 2021
- (G) Signed Unilateral Undertaking
- (H) Signed Unilateral Undertaking
- (I) Suggested conditions

# APPENDIX A

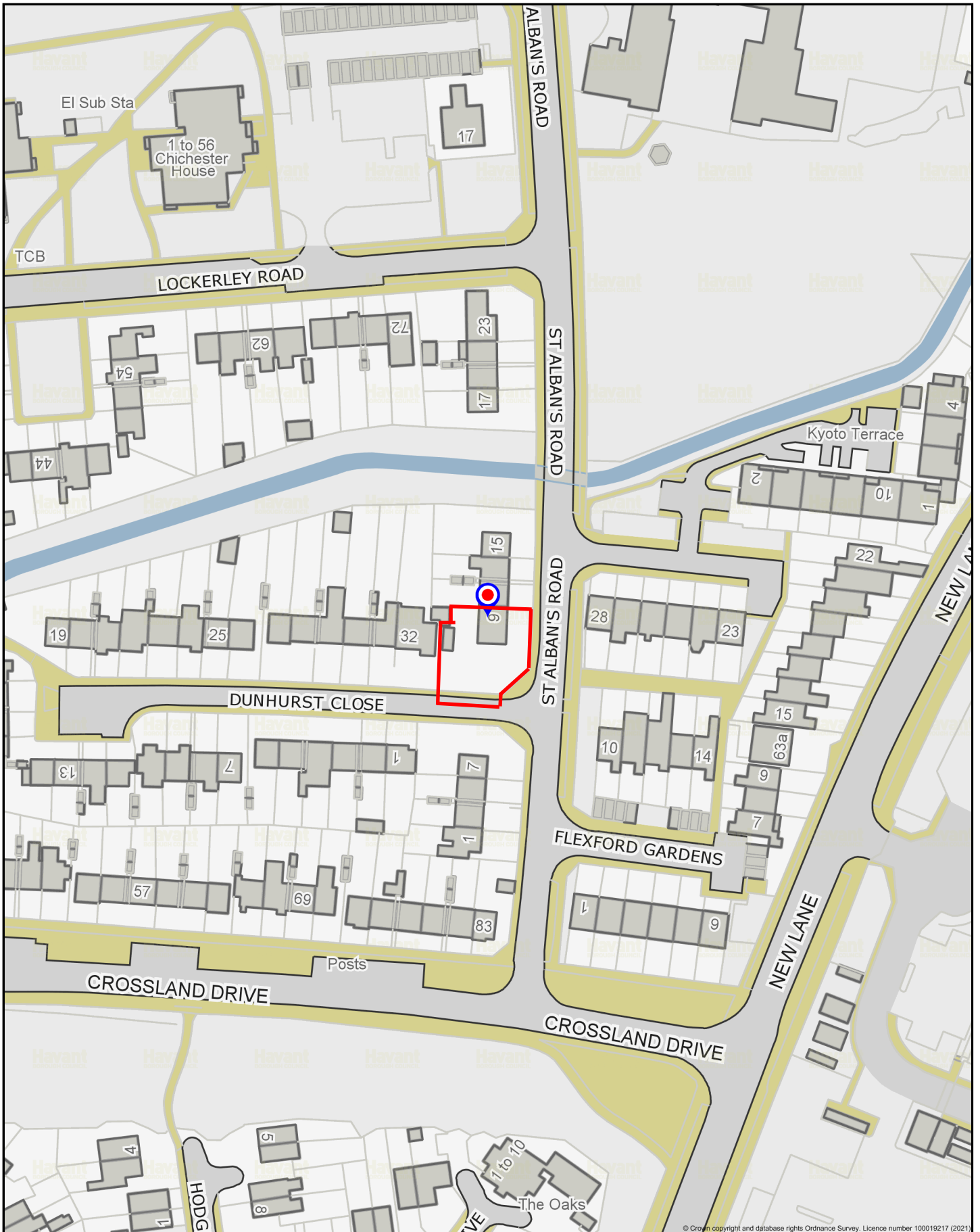


# Borough of Havant



- Main Retail/Commercial/Office Areas
- Urban Areas
- Industrial Areas
- Open Space/Recreation
- Borough Boundary





## 9 St Albans Road, Havant

**Havant**  
BOROUGH COUNCIL

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# APPENDIX B

## Appendix B

RESOLVED that Council be recommended to:

- a. Note the outcome of the examination of the Local Plan, the Inspectors Interim Findings Report (examination library document reference CR18), the response to it (CR19) and subsequent communications (CR20, CR21, CR22 and CR23);
- b. Note the correspondence between the Council Leader and the Secretary of State for Levelling Up, Housing and Communities regarding the need for the NPPF to recognise more strongly the relevance of a plan led approach to development and to not penalise communities whilst plans are being put in place (Appendix 1);
- c. Authorise the withdrawal of the Havant Borough Local Plan from Examination in line with Section 22 (1) of the Planning and Compulsory Purchase Act 2004 (as amended); Preparation of a new Local Plan and CIL Charging Schedule for Havant Borough
- d. Authorise the preparation of a Local Plan to replace the Havant Borough Local Plan (Core Strategy) and the Havant Borough Local Plan (Allocations Plan);
- e. Authorise the preparation of an updated Community Infrastructure Levy Charging Schedule for Havant Borough;
- f. Delegate authority to the Planning Policy Manager, or successor in similar or equivalent role, in discussion with the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management, or successor in similar or equivalent role, to prepare and publish a Local Development Scheme and keep this updated as necessary;
- g. Delegate authority to the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management, or successor in similar or equivalent role, to consider for approval, following scrutiny by the Planning Policy Committee, or any future scrutiny meeting of similar or equivalent role, an update to the Hayling Island Transport Assessment, to consider the impact of development on summer traffic conditions;
- h. Note the Borough's five year supply of 3.9 years and the implications that the delay in the local plan's examination have for this issue;
- i. Approve the publication of the Housing Delivery Action Plan (Appendix 2);
- j. Adopt the Housing Delivery Position Statement (Appendix 3);
- k. Delegate authority to the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management, or successor in similar or equivalent role, to consider for approval, following scrutiny by the Planning Policy Committee, or any future scrutiny meeting of similar or equivalent role, updates to the Housing Delivery Position Statement; and
- l. Delegate authority to the Planning Policy Manager, or successor in similar or equivalent role, to make any necessary minor amendments to the documents listed in this report. These shall be limited to the inclusion of page numbers, a contents page, a glossary, factual updates, correction of minor errors, typographical errors and other minor changes that do not change the meaning of the material.

# APPENDIX C

HAVANT BOROUGH COUNCIL  
PUBLIC SERVICE PLAZA  
CIVIC CENTRE ROAD  
HAVANT  
HAMPSHIRE PO9 2AX



Telephone: 023 9247 4174  
Fax: 023 9248 0263  
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## PLANNING POLICY COMMITTEE AGENDA

**Membership:** Councillor Branson (Chairman)

Councillors Wilson (Vice-Chairman), Guest, Howard, Lloyd, Moutray, Payter, Milne, Scott and Turner

Standing Deputies:

**Meeting:** Planning Policy Committee

**Date:** 22 February 2022

**Time:** 5.00 pm

**Venue:** Hurstwood Room, Public Service Plaza, Civic Centre Road,  
Havant, Hampshire PO9 2AX

The business to be transacted is set out below:

Kim Sawyer  
Chief Executive

14 February 2022

Contact Officer: Mark Gregory 023 9244 6232  
Email: [mark.gregory@havant.gov.uk](mailto:mark.gregory@havant.gov.uk)

### Public Attendance

Please note that the Hurstwood Room has very limited capacity to safely accommodate members of the public in a Covid secure manner. Please contact the named officer above if you wish to attend in person, otherwise we would encourage watching the meeting via the webcast on the Council's website.

**Can Councillors Please Submit Any Detailed Technical Questions On The Items Included In This Agenda To The Contact Officer At Least 4 Hours Before The Meeting Starts.**

|          |                                                                                                                                                                                                      |                |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------|
| <b>1</b> | <b>Apologies</b>                                                                                                                                                                                     |                |
| <b>2</b> | <b>Minutes</b>                                                                                                                                                                                       | <b>1 - 2</b>   |
| <b>3</b> | <b>Declarations of Interests</b>                                                                                                                                                                     |                |
| <b>4</b> | <b>Update on the Examination of the Havant Borough Local Plan,<br/>Withdrawal of the Havant Borough Local Plan from Examination<br/>and Consideration of the Housing Delivery Position Statement</b> | <b>3 - 68</b>  |
| <b>5</b> | <b>Community Infrastructure Levy (CIL) Spending Protocol</b>                                                                                                                                         | <b>69 - 88</b> |

## **PLANNING POLICY COMMITTEE**

### **1 Committee Form and Structure**

#### **Committee Scope**

- 1.1 The purpose of the Planning Policy Committee is to consider planning policy matters and to make recommendations to Planning Committee, Cabinet or Council, as appropriate on planning policy issues, particularly in connection with the Havant Local Plan.

#### **Composition**

- 1.2 The Planning Policy Committee will comprise 10 Councillors in **political balance**.
- 1.3 The Chairman will be appointed by **Full Council** annually.

#### **Quorum**

- 1.4 The Planning Committee quorum will be 6 Councillors.

#### **Reserves**

- 1.5 Reserve members are not permitted.

#### **Competency**

- 1.6 All members of the Planning Policy Committee must:
- 1.6.1 have undertaken mandatory training in the relevant law and procedures which relate to the committee's work; and
  - 1.6.2 undertake further mandatory training, on an ad hoc basis, when there are changes to procedure or relevant legislation that are deemed significant by the relevant Director; and
- 1.7 The Planning Policy Committee shall observe the Planning Protocol.

### **2 Matters reserved for the Planning Policy Committee**

- 2.1 To formulate the Havant Borough Council Local Plan for referral to the Planning Committee for consideration and approval for public consultation
- 2.2 To formulate the draft Havant Borough Council Supplementary Planning Documents for referral to the Planning Committee for consideration and approval for public consultation
- 2.3 To formulate the draft Havant Borough Council Community Infrastructure Levy (CIL) charging schedule and draft spending protocol for referral to the Planning Committee for consideration and approval for public consultation



- 2.4 To receive reports, expert advice and opinion on planning policy issues and to consider and make recommendations.

## **GENERAL INFORMATION**

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### **Internet**

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### **Public Attendance and Participation**

Please note that the Hurstwood Room has very limited capacity to safely accommodate members of the public in a Covid secure manner. Please contact the named officer above if you wish to attend in person, otherwise we would encourage watching the meeting via the webcast on the Council's website.

IP addresses will not be collected, however in order to function, Teams Live collects background data limited to when a user enters and leaves the meeting and the web browser version used. Data collected will be kept and recorded for the purposes of this meeting.

A Member of the Public may only address the Committee if a summary of the text has been received by the Democratic Services Team no later than 12 noon three working days before the meeting. The speech shall reflect the summary provided. Written deputations may be sent by email to the address set out below.

If there has been a deputation within six months of any previous appearance on the same or similar topic (irrespective of whether or not the member(s) of the deputation might be different) then no such new deputation will be received until that time limit has expired.

The Monitoring Officer may rule out of order any address that:

- Is vexatious, derogatory, defamatory, frivolous or offensive
- concerns a Council employment or staffing matter or sensitive personal information about a Councillor;
- is unrelated to functions of the Committee; or
- has been previously considered in the last 6 months.

All written deputations will be published on the Council's website at least 24 hours before the start of the meeting. There will be no opportunity to respond to a written deputation after it has been published, unless the response is to

correct a technical error and is received 4 hours before the start of the meeting.

Written Deputations may be sent to:

By Email to: [DemocraticServices@havant.gov.uk](mailto:DemocraticServices@havant.gov.uk)

By Post to :

Democratic Services Officer  
Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

Delivered at:

Havant Borough Council  
Public Service Plaza  
Civic Centre Road  
Havant, Hants P09 2AX

marked for the Attention of the “Democratic Services Team”

### **Who To Contact If You Wish To Know The Outcome Of A Decision**

If you wish to know the outcome of a particular item, please contact the Contact Officer (contact details are on page i of the agenda)



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## HAVANT BOROUGH COUNCIL

At a meeting of the Planning Policy Committee held on 19 July 2021

Present

Branson (Chairman), Payter, Scott and Turner

Also in attendance: Councillors Weeks and Gwen Robinson

### **5 Apologies for Absence**

Apologies for absence were received from Councillors Guest, Howard, Lloyd, Milne, Moutray and Wilson.

### **6 Minutes**

The Minutes of the meeting of the Planning Policy Committee held on 29 April 2021 were agreed as a correct record and signed by the Chairman.

### **7 Declarations of Interests**

There were no declarations of interests relating to matters on the agenda.

### **8 Community Levy Spending Protocol**

The Committee considered a report on the revised Community Infrastructure Levy ("CIL") for use in CIL spending decisions.

A member objected to a provision in the protocol which enabled the Council to match fund from other Council funds and argued that the applicants should be required to use other sources of funding to match the CIL amount to be allocated to a scheme. However, a majority of the Committee was satisfied that Council funds would only be used to match funds in exceptional circumstances and that this provision gave greater flexibility in the process.

RESOLVED that Council be Recommended to:

- a) approve the Community Infrastructure Levy (CIL) Spending Protocol in the Appendix of the submitted report for use in CIL spending decisions;
- b) agree, in accordance with section 3 of the Protocol and section 5 of this report, that an additional 10% of the CIL collected in Emsworth ward should be allocated specifically to Emsworth starting with the next spending round, provided that the Emsworth Neighbourhood Plan is 'made' following a successful referendum;

- c) grant delegated authority to the Head of Planning to amend the CIL Spending Protocol, in consultation with the Cabinet Lead for Housing, Communities & CIL (or any future Cabinet Lead responsible for Community Infrastructure Levy matters). Such changes shall be limited to the correction of factual errors and changes necessary to accommodate national or local changes in regulations, guidance or procedures and shall not otherwise alter the meaning of the protocol; and
- d) grant delegated authority to the Community Infrastructure Officer to approve interim Strategic CIL spends with a value of no greater than £10,000 (in consultation with the Head of Planning and the Cabinet Lead), and to the Cabinet Lead responsible for CIL to approve interim spends greater than this, in consultation with the S151 Officer, and, where the value exceed £50,000, after consideration by the Planning Policy Committee

(Councillor Turner voted against recommendation (a))

## **9 Emsworth Neighbourhood Plan**

The Committee considered a report on the adoption of the Emsworth Neighbourhood Plan as part of the statutory development plan, following its successful examination and referendum.

RESOLVED that Council be recommended to adopt the Emsworth Neighbourhood Plan with immediate effect, so that it becomes part of the statutory development plan for the area.

## **10 Work Programme 2021/22**

The Committee considered its work programme for 2021/22. The Committee noted that due to the number of items included in the programme, the Chairman would discuss an order of priority with the officers.

**The meeting commenced at 5.00 pm and concluded at 5.46 pm**

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NON-EXEMPT

## HAVANT BOROUGH COUNCIL

PLANNING POLICY COMMITTEE (22 FEBRUARY 2022) FOR RECOMMENDATION TO  
FULL COUNCIL (16 MARCH 2022)

### UPDATE ON THE EXAMINATION OF THE HAVANT BOROUGH LOCAL PLAN, WITHDRAWAL OF THE HAVANT BOROUGH LOCAL PLAN FROM EXAMINATION AND CONSIDERATION OF THE HOUSING DELIVERY POSITION STATEMENT

#### FOR DECISION

Portfolio Holder: **Cllr Clare Satchwell**

Key Decision: Yes

Report Number: *HBC/443/22*

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#### 1. Purpose

- 1.1. This paper is submitted to the Planning Policy Committee for consideration and to Full Council for decision.
- 1.2. This paper updates members on the submission and examination of the Havant Borough Local Plan following the approval by Full Council of the changes to the Havant Borough Local Plan in September 2020.
- 1.3. This paper follows the receipt of the Inspectors' Interim Findings Report regarding the Examination of the Havant Borough Local Plan. The findings recommended a withdrawal of the local plan, which inevitably results in a longer period before a new local plan is in place. As a result, there is also a significant reduction in the Council's anticipated land supply which has further reduced the Council's five year housing land supply.



- 1.4. An up-to-date local plan is the only way to ensure that development takes place in a coordinated way, providing the necessary infrastructure and environmental safeguards. As such, the Full Council is recommended to authorise the preparation of a new plan as a matter of priority.
- 1.5. Nonetheless, whilst there will inevitably be a delay in getting an up-to-date local plan in place, the result of the Interim Findings Report and the Borough's Five Year Housing Land Supply will be an increase in development pressure.
- 1.6. Planning Policy Committee are recommended to consider and approve the Housing Delivery Position Statement, which highlights the relevant material considerations for decision-making on planning applications for new housing.
- 1.7. The purpose of the Housing Delivery Position Statement is therefore to provide the Borough's residents and the development industry with certainty as to how planning applications for housing proposals will be considered until such time a Local Plan has successfully passed through Examination. In particular, the Position Statement sets out what the Council considers to be 'sustainable development' in assessing proposals on sites which are not in the adopted or emerging local plans.

## **2. Recommendations**

- 2.1. Members are requested to:

### **Update regarding the Havant Borough Local Plan examination**

- a. Note the outcome of the examination of the Local Plan, the Inspectors Interim Findings Report (examination library document reference CR18), the response to it (CR19) and subsequent communications (CR20, CR21, CR22 and CR23);
- b. Note the correspondence between the Council Leader and the Secretary of State for Levelling Up, Housing and Communities regarding the need for the NPPF to recognise more strongly the relevance of a plan led approach to development and to not penalise communities whilst plans are being put in place (Appendix 1);

- c. Authorise the withdrawal of the Havant Borough Local Plan from Examination in line with Section 22 (1) of the Planning and Compulsory Purchase Act 2004 (as amended);

### **Preparation of a new Local Plan and CIL Charging Schedule for Havant Borough**

- d. Authorise the preparation of a Local Plan to replace the Havant Borough Local Plan (Core Strategy) and the Havant Borough Local Plan (Allocations Plan);
- e. Authorise the preparation of an updated Community Infrastructure Levy Charging Schedule for Havant Borough;
- f. Delegate authority to the Planning Policy Manager<sup>1</sup>, in discussion with the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management<sup>1</sup> to prepare and publish a Local Development Scheme and keep this updated as necessary;
- g. Delegate authority to the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management<sup>1</sup> to consider for approval, following scrutiny by the Planning Policy Committee<sup>2</sup>, an update to the Hayling Island Transport Assessment, to consider the impact of development on summer traffic conditions;

### **Decision making on planning applications for new housing**

- h. Note the Borough's five year supply of 3.9 years and the implications that the delay in the local plan's examination have for this issue;
- i. Approve the publication of the Housing Delivery Action Plan (Appendix 2);
- j. Adopt the Housing Delivery Position Statement (Appendix 3);
- k. Delegate authority to the Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management<sup>1</sup> to consider for approval, following

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<sup>1</sup> Or successor in similar or equivalent role

<sup>2</sup> Or any future scrutiny meeting of similar or equivalent role

scrutiny by the Planning Policy Committee<sup>2</sup>, updates to the Housing Delivery Position Statement

### **Other**

- I. Delegates authority to the Planning Policy Manager<sup>1</sup> to make any necessary minor amendments to the documents listed in this report. These shall be limited to the inclusion of page numbers, a contents page, a glossary, factual updates, correction of minor errors, typographical errors and other minor changes that do not change the meaning of the material.

## **3. Executive Summary**

- 3.1. The Havant Borough Local Plan has been in preparation since 2016, consistently being considered as a key corporate priority for the Council. The plan entered its final stage in February 2021 when it was submitted to the Secretary of State for examination.
- 3.2. The Interim Findings Report produced by the inspectors following stage 1 of the examination raises a number of matters which require addressing. The inspectors recommend that the Local Plan is withdrawn and a new one developed. This is regrettable in that it will increase the amount of time which it will take to get a local plan for the Borough in place. This in turn means that the development quality will invariably be lower than that expected through the plan.
- 3.3. Nonetheless, the need for housing does not diminish in this situation – there is a clear need to significantly boost the supply of housing in line with the National Planning Policy Framework (NPPF). Due to lower than required levels of housing delivery over the last few years due to a number of circumstances outside of the Council's control, the Borough has scored below 75% in the Housing Delivery Test for two consecutive years, meaning that the 'tilted balance' under the NPPF is in effect.
- 3.4. As a result, to ensure that there is not a policy vacuum following any withdrawal of the Local Plan from examination, a Housing Delivery Position Statement is proposed.

- 3.5. The Housing Delivery Position Statement will provide residents and the development industry with a clear statement of intent about how the Council will consider planning applications for housing proposals in advance of the Local Plan's adoption.

#### **4. Additional Budgetary Implications**

- 4.1. Additional budgetary implications are set out in the table below:

|                             | <b>2021/22<br/>(budget)</b> | <b>2021/22<br/>(likely)</b> | <b>2022/23<br/>(proposed)</b> |
|-----------------------------|-----------------------------|-----------------------------|-------------------------------|
| Planning Policy Consultancy | <b>£246,000</b>             | <b>£236,000</b>             | <b>£220,000</b>               |

#### **5. Background and relationship to Corporate Strategy and/or Business Plans**

- 5.1 The preparation of an up-to-date local plan for the Borough has been a key corporate priority since its first consultation in 2016. Whilst there have been extensive changes to the planning system in recent years, this has only emphasised the role of the Local Plan in the development process in the UK and increased the necessity of having an up-to-date Local Plan.
- 5.2 The Local Plan is intrinsically linked to the Corporate Strategy and, together with the Regeneration Strategy, constitute the key Council strategies related to place-making. It is a key mechanism for moving development sites forward to delivery by setting out the principles for the development of the sites and reinforcing the message to the investment market that Havant Borough is open for business.
- 5.3 The National Planning Policy Framework (NPPF) sets out Government's policies and priorities regarding development and the planning system. This is the first Local Plan the Council has prepared in line with the NPPF. The NPPF includes a requirement for Local Authorities to produce local plans meet the need for development in their area, which was not the case when the Adopted Local Plan was prepared.
- 5.4 The need for housing in the Borough, as defined by Government, is significant. In the adopted Local Plan, there is a target of 315 dwelling per year. This rose to 450

at the start of the preparation of the Havant Borough Local Plan, culminating at 504 dwelling per year when the Local Plan was submitted.

- 5.5 The sharp increase in the amount of housing to be provided within a constrained Borough changes the question before the Council and the Borough's communities. It is no longer a question of whether development should happen. It is instead whether the benefits that the development can bring should be grasped. If development is to take place, it should be of a high quality and stand the test of time, it should include the infrastructure necessary to mitigate its impact and it should preserve and enhance our built and natural environments.
- 5.6 This approach intrinsically informed the Havant Borough Local Plan – which allocated sufficient sites to meet the need for housing but also included environmental safeguards, infrastructure requirements and quality standards which are not part of the Adopted Local Plan.

#### **An update on the examination of the Havant Borough Local Plan**

- 5.7 The Havant Borough Local Plan was submitted for examination on 12 February 2021. The examination takes place in a completely open and transparent way, with all correspondence and documents available on the Council's website in the examination library. Several of these documents are referred to by their references in this report and are available at [www.havant.gov.uk/examination-library](http://www.havant.gov.uk/examination-library).
- 5.8 The Council has now received the Inspector's Interim Findings report (CR18) following the Stage 1 Hearings which took place in July 2021. The letter does not set out all the Inspectors' findings on all of the issues discussed during the Stage 1 hearings, and instead focuses on areas of concern.
- 5.9 The Inspectors highlight that further information or updates to evidence base studies are needed in relation to the deliverability of a number of housing sites which mean that the Council is unlikely to be able to meet its housing need over the plan period. The letter is clear that not all of the Plan has been examined.
- 5.10 The inspectors concerns cover a variety of matters, set out within the report and are not repeated in detail in this report. Many of the concerns raised would be

possible to reach a conclusion on with further evidence, which would often need to be provided by site promoters<sup>3</sup>. Some of the issues can be addressed through further assessments.

- 5.11 Since this point, further correspondence has been sent to and received from the inspectors (documents CR19-CR23) which has provided useful clarifications on a number of points. Nonetheless, on the principal matter of how to get a local plan in place as swiftly as possible, the inspectors reiterate their view that a withdrawal of the Havant Borough Local Plan and the preparation of a new plan is necessary.
- 5.12 The Leader has also written to Secretary of State for Levelling Up, Housing and Communities in order to highlight the hurdles which the Council has overcome in recent years and seek reassurance that Government will support Local Planning Authorities to get Local Plans in place.
- 5.13 As a result, it is recommended that the appropriate course of action at this point is that the Havant Borough Local Plan is withdrawn from examination.

#### **A new Local Plan for Havant Borough**

- 5.14 The need for an up-to-date local plan for the Borough has not changed due to recent events, it is still as necessary as ever. Government has a target for all local planning authorities to have an up-to-date Local Plan in place by December 2023. Whilst failure to achieve this target will be assessed on a case-by-case basis, there are powers in place for Government to intervene in the plan-making process, taking this away from local authorities. As such, it is critical that swift progress is made on a new local plan for the Borough.
- 5.15 The Council also has an ambitious regeneration and economic development agenda set out in the Corporate Strategy. This involves bringing a number of key sites forward for development. However, this cannot be delivered by the Council in isolation and so involves creating and maintaining an open for business approach to ensure that private sector schemes come forward.
- 5.16 Alongside a new local plan, a new Community Infrastructure Levy (CIL) Charging Schedule will also need to be prepared. A new CIL charging schedule was

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<sup>3</sup> it should be noted that for some sites, the site owner is Havant Borough Council.

prepared in tandem with the Havant Borough Local Plan. This was examined in 2021 and found to be sound. However, the proposals within the charging schedule are intrinsically linked to the Havant Borough Local Plan and it also relies on the same evidence base. As such, given that this evidence, particularly the viability study, will need to be updated, it will also be necessary to prepare a new CIL Charging Schedule.

- 5.17 A great deal of the evidence which supports the Havant Borough Local Plan will be relevant to the new local plan as well. However, there are also a number of workstreams and studies which will need to be prepared in order to address the inspectors concerns with the Havant Borough Local Plan through the new plan.
- 5.18 Chief amongst these will be working with neighbouring local authorities in order to assess whether there is any capacity to be able to accept any unmet housing need from Havant Borough.
- 5.19 Related to this workstream will be the ongoing work through the Partnership for South Hampshire (PfSH) to establish an updated Joint Strategy for the sub-region. Substantial workstreams regarding this are due to report to the PfSH Joint Committee by quarter three 2022.
- 5.20 Another workstream that officers have started considering the response to is the Hayling Island Transport Assessment<sup>4</sup>. As part of this, a proposed methodology was provided to the inspectors through CR22, which was received positively. This workstream is being taken forward as a matter of priority in order to provide certain to residents and the development industry, given current planning applications on Hayling Island and in Langstone which will need to be determined.

#### **Decision making on planning applications for new housing**

- 5.21 Whilst there is now a further delay in getting an up-to-date local plan in place for the Borough, the national requirements to ensure a continuous supply of new housing do not fall away in the meantime.
- 5.22 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 Year

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<sup>4</sup> See paragraphs 3-10 of CR18 in particular.

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.

- 5.23 In the absence of a five year housing land supply and in the context of the Council's Housing Delivery Test measurement (74%)<sup>5</sup>, the 'tilted balance' under paragraph 11 d) of the NPPF is engaged. In these circumstances, the policies most important for determining the application are considered out of date. This means granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 5.24 Without having an up-to-date Local Plan in place, these provisions have significant implications for the Borough both in the short and medium term. Whilst the development plan remains the starting point for decision-making, the NPPF is clear that both the need to significantly boost the supply of housing and the tilted balance should be afforded substantial weight in the planning balance.
- 5.25 This was shown to the case in a recent appeal decision for 'Land South of Lower Road'<sup>6</sup> where the urban area boundaries in the Adopted Local Plan could only be afforded very limited weight as they were predicated on out-dated levels of housing need. In contrast, the substantial deficit in the Borough's Five Year Supply was afforded substantial weight in the overall planning balance, leading to the appeal being allowed and planning permission granted. A similar pattern can also be seen in a recent appeal decision in Fareham Borough Council<sup>7</sup> where the appeal was upheld and planning permission granted, despite the local planning authority's concerns regarding design and layout.
- 5.26 These matters were noted extensively in the officer report which accompanied a recent planning application at Land West of Hulbert Road, Havant (APP/20/00441). The site in question was not identified in either the Adopted

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<sup>5</sup> A result of less than 75% indicates which indicates that housing delivery was substantially below the housing requirement over the previous three years (footnote 8 of the NPPF).

<sup>6</sup> Appeal reference APP/X1735/W/20/3259067

<sup>7</sup> Appeal reference APP/A1720/W/21/3275237



Local Plan or in the Havant Borough Local Plan where it is an omission site.

Housing supply was highlighted extensively in the officer's report as a matter of substantial weight in the planning balance. The Planning Committee resolved to grant planning permission in this instance. Moving forward, there will inevitably be many similar cases of sites which are contrary to the Adopted Local Plan which would need to be determined.

- 5.27 In the short term, it is essential that the Borough is able to determine planning applications and that this is done in a clear way. This is necessary both in terms of maintaining its current position, and where possible improving the supply deliverable housing sites. Such a statement would provide a clear statement of how the Council intends to consider planning applications for housing proposals until such time the Local Plan has successfully passed through Examination.
- 5.28 In light of the above, in order to manage the development pressure prior to a new local plan being in place, it is proposed to adopt a Housing Delivery Position Statement (Appendix 3). This would:

- a) Provide a clear statement of intent of how the Council will consider planning applications for housing development until such time the Havant Borough Local Plan has successfully passed through Examination.
- b) Confirm that the principle of residential development on proposed allocations in the emerging Local Plan is acceptable where they meet the other requirements in the Adopted Local Plan and the Position Statement.
- c) Identify where the principle of development might be otherwise be acceptable where proposals can be shown to constitute 'sustainable development'
- d) Indicate the standards expected from housing development which the Council considers necessary in order to justify a departure from the Adopted Local Plan.
- e) Identify the need to comply with the Habitats Regulations in terms of ensuring that all likely significant effects on European Sites are appropriately mitigated.
- f) Confirm the Council's position that it will only accept the comprehensive development of the Southleigh Strategic Site; and any development proposals that would prejudice the delivery of the junction will be refused.

g) Confirm the approach to planning applications for new homes on Hayling Island and Langstone prior to the conclusion of the additional work on the Hayling Island Transport Assessment.

- 5.29 For transparency, it is intended that a comprehensive table of emerging allocations in Submission Plan is included in the statement. Those sites have been subject to a rigorous site assessment which provides high level assurance of their suitability. Whilst it is acknowledged that the Interim Findings Report outlines additional work needed in order to demonstrate the deliverability of a number of sites, this would need to be provided as part of the application process anyway.
- 5.30 Illustrative material would also be provided alongside the Position Statement in the form of an expanded flow chart on the tilted balance, maps of sites in table 1 of the Position Statement and a map of environmental designations. These are provided at appendices 3a – 3d of this report.
- 5.31 It should also be acknowledged that the Council has already granted for many of the sites allocated in the Submission Local Plan. As there are live planning applications for over 1,000 homes on site allocations in the Submission Local Plan, it is considered essential that the Council is able to continue securing high quality development. Though five year supply has substantial weight in decision-making, there is also a clear necessity that new housing creates sustainable places which supports the health and wellbeing of the Borough's residents.
- 5.32 Recognising that the Housing Delivery Position Statement would provide for housing to come forward on sites like West of Hulbert Road not supported by either the adopted local plan or the Havant Borough Local Plan, the statement would also require evidence from the developer to show that the site would be deliverable within the first five years. This would include the use of conditions to require a shorter than standard timeframe for the submission of a valid reserved matters application (in the case of an outline planning application) or for the commencement of development (in the case of a detailed planning application).
- 5.33 The Housing Delivery Position Statement would not be the first statement of its kind to be adopted by the Council for decision-making purposes. Indeed, the 2016

Local Plan Housing Statement identified a number of housing sites suitable for 'early release' in advance of the adoption of the Local Plan.

## **6. Options considered**

- 6.1 There are alternatives to each of the sets of recommendations at the start of this report.

### **Update to the Havant Borough Local Plan examination**

- 6.2 The main alternative to withdrawing the Havant Borough Local Plan from examination would be to continue to seek to address the issues raised by the inspectors through the examination of the Havant Borough Local Plan, with the inspectors making any necessary changes to the plan in order for it to be found sound.
- 6.3 Whilst attractive as a means of achieving a local plan as swiftly as possible, on balance this is not recommended.
- 6.4 The inspectors are clear in their advice recommending a withdrawal. It would be possible to undertake the additional work which is necessary and return to the examination swifter than withdrawing the plan. However, the inspectors are correct to highlight that the subsequent examination would invariably be more complex with three sets of Regulation 19 representations on different versions of the plan.
- 6.5 Extensive communication has taken place with the inspectors in order to explore whether this represents a viable means to getting a local plan in place. The inspectors are clear in their view across several letters that it is not.

### **Preparation of a new Local Plan and CIL Charging Schedule for Havant Borough**

- 6.6 The main alternative to preparing a new local plan following a withdrawal, would be a 'do nothing' approach of not preparing a local plan. This is not considered an appropriate option. This is principally due to the fact that development will ultimately come forward, however without a local plan there will be no coordination of development or minimum standards to achieve. Furthermore, it is

likely that if the Council were intransigent in putting together a local plan, eventually, Government would intervene and put one in place regardless.

### **Decision making on planning applications for new housing**

- 6.7 The main alternative to adopting the Housing Delivery Position Statement would be a 'do nothing' approach. Nonetheless, without the position statement, the 'tilted balance' would still apply. The recent appeal decision for Land South of Lower Road clearly shows the substantial weight which must be applied to the delivery of new housing. As such, the tilted balance would apply regardless of the presence of a Position Statement. However, with a Position Statement in place, there is a clear message to the development industry of the standards which the Council would look for them to achieve in order to move forward.

## **7. Resource Implications**

- 7.1 Financial Implications – the response to the inspectors Interim Findings Report and the preparation of the Housing Delivery Position Statement have all been achieved within budgets for the 2021/22 year. The implications for the 2022/23 year have fed into the budget setting process. The preparation of a new local plan will also have financial implications across the medium term which will need to feed into future budget setting processes.

### **Section 151 Officer comments**

Date: 4 February 2022

The additional revenue required to support the delivery of the revised Local Plan are included within the budgetary framework for 2022/23.

- 7.2 Human Resources Implications – there are no additional staffing requirements from the proposed course of action.
- 7.3 Information Governance Implications – none.

7.4 Links to Shaping our Future Programme.

**Shaping our Future Lead comments/sign-off**

Date: 20 January 2022

This decision does not have a direct impact on the Shaping Our Future Programme.

7.5 Other resource implications – none.

**8. Legal Implications**

- 8.1 The preparation, examination and adoption of a Local Plan is governed by the Planning and Compulsory Purchase Act 2004 and the Town and Country Planning (Local Planning) (England) Regulations 2012, the NPPF, and planning policy guidance.
- 8.2 The duty of the inspector appointed to examine the plan is to determine (i) whether it is "sound" and (ii) whether the local authority have complied with the legislative requirements (including the duty to co-operate).
- 8.3 "Sound" is not a term defined in the legislation. The Government has provided what it considers to be criteria for soundness at para.182 NPPF namely that a plan is: (i) positively prepared, (ii) justified, (iii) effective and (iv) consistent with national policy. However, soundness is a matter for the examining inspector and he may depart from the NPPF guidance with reasons.
- 8.4 If the inspector is not satisfied the local plan (as drafted) is sound he must not recommend adoption and give reasons. However, if requested by the authority to recommend main modifications to make the plan sound, he must publish recommendations. The proposed main modifications to the plan would have to be approved by full council.
- 8.5 There is a requirement for the local authority to consult on any proposed main modifications to the local plan. The inspector then will consider any further representations on the papers or at a further hearing.

- 8.6 The inspector has indicated in his preliminary findings that the modifications required are likely to be extensive and has suggested the plan is withdrawn rather than modified. The Planning Policy guidance states “where the changes recommended by the Inspector would be so extensive as to require a virtual re-writing of the local plan, the Inspector is likely to suggest that the local planning authority withdraws the plan”.
- 8.7 If the authority were to decide to withdraw the local plan then there is a requirement to publish a notice to this effect and the reasons for doing so.

#### **Monitoring Officer comments**

Date: 8 February 2022

The Constitution places the Local Development Plan and Development Plan Documents as part of the Policy Framework reserved to full Council for approval/determination (paragraph 3.2.2 (c) of Part 2 Section B). The recommendations contained within this report are accordingly for Planning Policy Committee to consider and for Full Council to determine.

### **9. Risks**

- 9.1 The Borough’s Housing Delivery Test measurement and absence of an up-to-date five year housing land supply position mean that the Council is in a weakened position to defend speculative developments and negotiate some of the development quality standards included in the Submission Local Plan. However, the Housing Delivery Position Statement provides a clear statement of intent as to how the Council will consider such applications, and the requirements of them as a departure from the Adopted Local Plan.

### **10. Consultation**

- 10.1 There is no requirement for the Housing Delivery Position Statement to be subject to public consultation as a non-statutory document.
- 10.2 The Housing Delivery Position Statement sets out how a national policy will be applied in Havant Borough, bearing in mind the particular circumstances present

at this time. The application of these national policies is not a matter which can be consulted on.

- 10.3 There would need to be consultation on a new local plan in accordance with the pertinent regulations.

## **11. Communication**

- 11.1 Throughout the preparation of the Havant Borough Local Plan, there has been extensive communication, both within formal consultation periods and outside them, with stakeholders. It is proposed that the same ethos be taken towards the preparation of a new local plan.

## **12. Appendices**

Appendix 1 – Correspondence with the Department for Levelling Up, Communities and Housing

Appendix 2 – Housing Delivery Action Plan

Appendix 3 – Housing Delivery Position Statement

Appendix 3a – Environmental designations map

Appendix 3b – Tilted balance flow chat

Appendix 3c – Position Statement Map (north)

Appendix 3d – Position Statement Map (south)

## **13. Background papers**

None

### **Agreed and signed off by:**

Portfolio Holder: Cllr Clare Satchwell (Cabinet Lead for Planning, Hayling Seafront Strategy and Coastal Management), 8 February 2022

Director: Simon Jenkins (Director of Regeneration and Place), 8 February 2022

Monitoring Officer: Alan Harrisson on behalf of Daniel Toohey, 8 February 2022

Section 151 Officer: Lydia Morrison, 4 February 2022

### **Contact Officer**

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By email to Rt Hon Michael Gove  
MP & Rt Hon Christopher Pincher  
MP

**Enquiries to:** Elspeth Tucker  
**Direct line:**  
**Email:** [Elspeth.Tucker@havant.gov.uk](mailto:Elspeth.Tucker@havant.gov.uk)  
**My reference:**  
**Your reference:**  
**Date:** 8 December 2021

Dear Mr Gove & Mr Pincher

## HAVANT LOCAL PLAN

I am writing to you following the receipt of an Interim Findings Report into the Havant Borough Local Plan in order to seek your support in bringing forward a pragmatic and meaningful local plan which reflects Havant's constraints.

It is absolutely essential that a local plan is in place in Havant and indeed every local authority across the country. A local plan is fundamental in meeting the need for development and making sure that at the same time, infrastructure investment is coordinated and environmental protections are put in place. Havant is a responsible and pragmatic local planning authority. We fully acknowledge that there is a need for housing and that everywhere needs to play its part in meeting that. We are proud to support new housing schemes that meet the need for homes and have put in place innovative approaches which contribute to this, most notably our approach to 'nutrient neutrality' which was needed following case law in 2018. Our 'first of its kind' mitigation scheme at Warblington Farm was opened by Rt Hon Rebecca Pow MP, Parliamentary Under Secretary of State at DEFRA, in September 2020 and I am extremely proud to say that it has worked successfully to enable hundreds of homes since then and received national acclaim.

Havant Borough Council has been preparing the Havant Borough Local Plan since 2016. In doing so, the Council has embraced the obligations on it by Government, through the National Planning Policy Framework to aid in achieving the national target of 300,000 new homes being built per year. Through the standard method, this means 504 homes per year for the Borough.

In preparing a local plan, the Council has looked carefully at the characteristics of the borough – which are significant and wide reaching. These include various international nature conservation designations on our shores, heritage designations inland and all in a small and already built up Borough where values are far lower than our neighbours. All of this means that development is challenging and meeting the need for housing in full is extremely difficult.

The Council has recently received the Interim Findings Report of your inspectors into the Havant Borough Local Plan. This has concluded that 2,230 homes which are in our plan need to be removed from the supply. This in turn means that the plan will not be able to meet the need for housing by a wide margin.



Council officers are already speaking to our neighbours in order to explore whether any of the unmet need can be accommodated elsewhere. However due to the extensive work that has already taken place through the Partnership for South Hampshire, it is extremely unlikely that the full need for housing can be met prior to the preparation of a new Joint Strategy for the sub-region, which is in the process of being prepared.

As such, I fully expect that the Havant Borough Local Plan will be presenting a housing supply which does not meet the full need for housing. We are committed to setting out that reality in detail through constraints mapping and a thorough narrative. I am looking for your support, and the support of your inspectors, in looking at this evidence, and crucially making sure that a plan can be put in place as swiftly as possible.

Nonetheless, Havant Borough Council is also looking to bring forward sites which can be developed and overcome constraints where it is possible to do so. As a local planning authority, we are committed to bringing forward a positively prepared local plan. However it is considered appropriate for the plan to be supported by a proportionate evidence base rather than 'gold plating' the evidence requirements. Our conclusion at this point is that the level of evidence required to demonstrate deliverability is excessive. As an example, Havant Borough Council is committed to the regeneration of our two main town centres. We have a Regeneration Strategy in place, setting out the Council's ambitions and have assembled a team of dedicated, specialised officers to bring forward proposals. There are some individual schemes at an advanced stage and I'm pleased to say that the inspectors acknowledged this.

However, it is disappointing that the full level of housing for those town centres could not be included in the supply. Whilst town centre sites are more complex to bring forward to the market compared to greenfield sites, there are mechanisms to do so, including compulsory purchase and the Local Plan makes provision for this if needed. These are the most suitable, sustainable sites for development in the Borough and an ambitious strategy and planning framework is needed to bring them forward. Government have stated a clear ambition to bring forward additional brownfield development in the coming years. As Leader, I welcome and support the Prime Minister's Conference Speech that stated we need to focus on building "beautiful homes on brownfield sites" to protect greenfield sites in the South East. Our regeneration plans as set out in the Local Plan would wholeheartedly be in line with the Prime Minister's ambitions and would not have housing "just jammed in the south east".

Unfortunately, the inevitable consequence of the Inspectors Interim Findings Report is that the Borough will be subject to speculative development due to the legacy of the Dutch Case. It will not be plan led, it will not proceed with the support of communities and it will not result in coordinated infrastructure delivery. The Borough is already in receipt of such planning applications and more are expected in the coming weeks and months. This situation is due to a number of factors, including the inability of the Council to permit most housing developments for nearly 18 months due to the Dutch Case. This has resulted in a shortfall of housing delivery, which obviously has a direct impact on the Borough's Housing Delivery Test and Five Year Supply. Positively though, whilst the Dutch Case affected the Borough for nearly 18 months, the shortfall is equivalent to only 12 months of supply. Nonetheless, this effectively turns a Five Year supply requirement into a six year supply requirement – which is simply impossible to meet.

My predecessor, Cllr Michael Wilson, wrote to the Ministry of Housing, Communities and Local Government regarding this and specifically requested an extension to the transitional arrangements for the Housing Delivery Test. In the response, received on 9 March 2020, the Minister for Local Government and Homelessness stated *“We recognise that authorities may face challenges, so we will continue to monitor the impact of the Housing Delivery Test by engaging with those local authorities who are facing challenges **as it is vital that homes are built with the support of communities as part of a plan-led system**”* (my emphasis). The relaxation of the Housing Delivery Test by a one month period was clearly insufficient to reflect the scale of the issue that the Dutch Case presented or the scale of the legacy that it leaves behind. As such, it is necessary to again look at the measures needed to reflect the legacy of this wide-reaching case law. My officers can of course make available the documents and analysis required to illustrate this in detail.

I would like to specifically request that Planning Practice Guidance in relation to five year supply is updated to be clear that those local authorities affected by the Dutch Case do not need to include the shortfall of past under-delivery in five year supply calculations, even if part-way through a plan period. Such shortfalls are clearly not of a Local Planning Authorities' making but will hamper the ability to deliver plan-led development. I am also asking that the Housing Delivery Test is updated so that local authorities affected by the Dutch Case are exempted from the need to apply paragraph 11d of the NPPF for a period of five years from the receipt of Natural England guidance on the matter.

I would appreciate your comments and response on the following key questions:

- Do the Secretary of State and the Minister agree that regeneration sites such as Havant and Waterlooville town centres should maximise their development, given that they are the most sustainable kind of site?
- Do the Secretary of State and the Minister agree that getting local plans in place as swiftly as possible is a key national priority and that planning inspectors should be specifically required to work with local planning authorities to achieve this aim?
- Do the Secretary of State and Minister agree that the Planning Practice Guidance regarding the Housing Delivery Test and Five Year Supply should be amended to reflect the Dutch Case as suggested?
- Do the Secretary of State and Minister agree that local authorities such as Havant should in the future be specifically exempt from the standard method of calculating housing need or that the standard method in and of itself needs reform in order to bring in a constraints analysis into the equation?

Yours sincerely

Leader  
Havant Borough Council

Copied to:

Alan Mak MP (Havant)  
Flick Drummond MP (Meon Valley)

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**Department for Levelling Up,  
Housing & Communities**

**Rt Hon Christopher Pincher MP**  
*Minister of State for Housing*

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Our Ref: 13836216

 January 2022

Councillor Alex Rennie  
Leader  
Havant Borough Council  
Public Service Plaza  
Havant  
PO9 2AX



Thank you for your letter of 8 December addressed to both Rt Hon Michael Gove MP and myself about the Havant Local Plan. I am replying as Minister of State for Housing.

I note that the Local Plan remains at examination. I am unable to comment.

The Government's priority for getting plans in place by 2023 has not changed. After the consultation on the White Paper last year, I reiterated the importance of having up to date plans in place in my Written Ministerial Statement of 19 January 2021. Plan makers should continue to prioritise getting up to date plans in place under the relevant National Planning Policy Framework (NPPF) by this date. Having an effective, up to date plan in place is essential to planning for and meeting housing requirements; in ways that make good use of land and result in well-designed and attractive places to live. The Government expects local authorities to work together to plan for and deliver the housing and infrastructure our communities need.

I am aware the Inspectors' Interim Findings Report concluded that withdrawal of the plan and a return to the regulation 19 stage 'would be the most efficient, cost effective and likely quickest route to the adoption of a sound and legally compliant plan'. I do accept that you are disappointed by the conclusions in this report but, for the reasons I have stated above, it would not be appropriate for me to comment on that. The independent Inspectors play an important role in examining plans impartially to ensure that they are legally compliant, and sound and it is for your Council to respond to the Inspectors' letter as you see fit.

I recognise the challenges that this poses to local planning authorities and the effects of this for development and the local economy. Together with DEFRA, my department has set up a monthly cross-Government task force to ensure a clear action plan is in place, focusing on solutions for permitting housebuilding to resume without compromising the condition of Protected Sites. I chair this alongside Minister Pow, and draw on input from across Government, including Natural England and the Environment Agency. Through this, we are exploring the range of short-, medium-, and longer-term options, from practical support and guidance for LPAs, through to considering the role of wastewater treatment and the water industry, through to regulation of agricultural practices. Alongside this, we are continuing to support Local Planning Authorities through the work of the Planning Advisory Service.

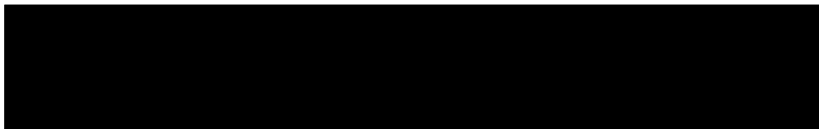
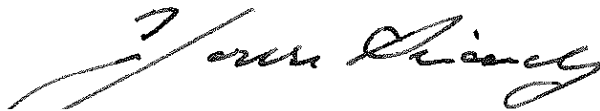
I appreciate that the rapid changes in advice from Natural England are unhelpful for you as the Local Planning Authority. Due to the requirement to act in a precautionary manner, if there are any indications of adverse effects in the Habitat Regulations, Natural England cannot forewarn of forthcoming issues. As competent authority, you would be required to factor in the harm to the site

as soon as you were notified of any potential for development to do harm, which would include such a warning. I understand Minister Pow is writing to you separately in more detail on this matter and am reassured by NE that there are workable solutions available to mitigate any potential effects and that these mechanisms are comparatively well-established in other parts of the country facing similar pressure (for example, around the Thames Basin Heaths Special Protection Area).

I note your concerns about meeting the requirements of the 5-year land supply and the Housing Delivery Test under current circumstances. However, it is important to keep the planning system moving to enable it to play its full part in the economic recovery to come. As you note, we have made an adjustment to reflect the effects of COVID-19 on housebuilding and we will continue to monitor the situation by engaging with those local authorities who are facing challenges. Where the presumption in favour of sustainable development is applied, this will not be at the expense of important protected areas, such as the Green Belt, Ancient Woodland, and Areas of Outstanding Natural Beauty. They will continue to be protected through policies in the National Planning Policy Framework.

Finally, should you decide - in line with the Inspectors' recommendation – to withdraw the Local Plan and return to the Regulation 19 stage of the process, I will ask my officials to contact your planning team to see how we can best offer to support you, for example through utilising the Planning Advisory Service.

Thank you again for your letter. I hope you find this information helpful.



**RT HON CHRISTOPHER PINCHER MP**

# Housing Delivery Action Plan

March 2022

# Housing Delivery Action Plan

|                       |                                                                                                                                                                                                                                                                                                             |
|-----------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Purpose of this paper | To identify the reasons for housing under-delivery, explore ways to reduce the risk of further under-delivery and set out measures the authority intends to take to improve levels of delivery. To provide an annual update based on the Council's latest position and Housing Delivery Test (HDT) results. |
| Why?                  | A Housing Delivery Action Plan is required to be published where the Housing Delivery Test indicates that delivery has fallen below 95% of the Council's housing requirement over the previous three years.                                                                                                 |
| Objectives            | <ul style="list-style-type: none"><li>• To assess the causes of under-delivery.</li><li>• To identify actions to increase housing delivery in future years.</li></ul>                                                                                                                                       |

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# Contents

|                                    | Page |
|------------------------------------|------|
| 1. INTRODUCTION .....              | 1    |
| 2. THE EMERGING LOCAL PLAN .....   | 4    |
| 3. HOUSING DELIVERY ANALYSIS ..... | 5    |
| 4. KEY ACTIONS AND RESPONSES ..... | 14   |
| 5. MONITORING.....                 | 16   |



# 1. Introduction

- 1.1 The Housing Delivery Test (HDT) is an annual measurement of housing delivery for plan-making authorities. Paragraph 76 of the National Planning Policy Framework (NPPF) states that:

*“Where the Housing Delivery Test indicates that delivery has fallen below 95% of the local planning authority’s housing requirement over the previous three years, the authority should prepare an action plan in line with national planning guidance, to assess the causes of under-delivery and identify actions to increase delivery in future years.”*

- 1.2 This action plan identifies reasons for housing under-delivery and sets out measures the Council is taking to reduce further under-delivery and improve delivery going forwards. It follows the publication of the 2021 Housing Delivery Test measurement for Havant Borough in January 2022.

## Background

- 1.3 As a pro-development authority, the Council started preparation of the Havant Borough Local Plan to update the housing requirement since 2016. In doing so, the Council has embraced the obligations by Government, through the NPPF to aid in achieving the national target of 300,000 new homes being built per year. Through the standard method, this meant 504 homes per year for the Borough at the date of the submission of the Havant Borough Local Plan (HBLP).
- 1.4 The HBLP was submitted for Examination on 12th February 2021. Stage 1 Hearings on the strategic matters took place in July 2021, and the Inspectors’ Interim Findings report was subsequently published in November 2021. The findings recommend a withdrawal of the HBLP from Examination, which will obviously result in a longer period before a new Local Plan is in place.
- 1.5 The adopted housing requirement of 315 dwellings per annum set out by the Core Strategy (2011) is now more than five years old. A step change in housing delivery is therefore needed to deliver the scale of housing need under the standard method, particularly in the context of the under-delivery of housing in Havant Borough in recent years.
- 1.6 In late 2018, the Dutch Case<sup>1</sup> resulted in the Council being unable to permit most housing developments for nearly 18 months. this had direct implications for the Borough’s Housing Delivery Test measurement and the Five Year Housing Land Supply. Whilst the 2021 Housing Delivery Test (HDT) measurement includes a relaxation to the ‘number of homes required’ during 2019/20 and 2020/21, this is insufficient relative to the scale of the issue the Dutch Case presented or the scale it leaves behind.

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<sup>1</sup> Cooperatie Mobilisation for the Environment UA and College van gedeputeerde staten van Noord-Brabant (Case C-293/17 and C294/17) available at <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:62017CA0293>

# The Housing Delivery Test

- 1.7 The HDT was introduced following the publication of the 2017 Housing White Paper<sup>2</sup> and was designed to hold local authorities to account in terms of ensuring the delivery of new homes in their area. This was to counterbalance the suite of measures given to local authorities to ensure developers build homes quickly.
- 1.8 Depending on the measurement of housing delivery under the HDT, a different set of policies from the National Planning Policy Framework (NPPF) apply:
- The authority is required to publish an 'action plan' if housing delivery falls below 95%;
  - Together with an action plan, a 20% buffer is required to be added to the five-year housing land supply requirement if delivery falls below 85%; and
  - Together with an action plan and 20% buffer, there is a presumption in favour of sustainable development if housing delivery falls below 75%.
- 1.9 This action plan is updated annually following the publication of the Government's Housing Delivery Test results where housing delivery falls below 95%. 2021 has generated a HDT result of 74% and therefore a presumption in favour of sustainable development applies in Havant borough.

## The measurement

- 1.10 A summary of HDT measurements to date can be seen below. As the 2021 HDT falls below 95%, an action plan is required.

| Year | Housing Delivery Test Results |
|------|-------------------------------|
| 2018 | 147%                          |
| 2019 | 101%                          |
| 2020 | 72%                           |
| 2021 | 74%                           |

- 1.11 Housing delivery is complex and whilst this action plan sets out what the Council is doing to increase housing delivery, there is only so much within its control. It is the Council's opinion that it is also incumbent on landowners and developers to ensure housing sites come forward in a timely manner and are built out swiftly once planning permissions are granted.

## Decision taking

- 1.12 The NPPF indicates that the presumption in favour of sustainable development (paragraph 11d) applies to applications involving the provision of housing, and suggests that policies which are "most important" (usually housing policies), for determining the application are out of date where:

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<sup>2</sup> [Department for Communities and Local Government – Fixing our broken housing market – February 2017](#)

- The local planning authority cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or
- Where the Housing Delivery Test indicates that housing delivery is less than 75% over the previous three years.

1.13 The Five Year Housing Land Supply Update (November 2021) indicates the Council is not currently able to demonstrate a five-year supply of deliverable sites.

1.14 In the context of the titled balance, planning permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. Furthermore, the NPPF is clear that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. In Havant Borough, this comprises of:

- The Havant Borough Local Plan (Core Strategy) adopted March 2011
- The Havant Borough Local Plan (Allocations Plan) adopted July 2014
- The Hampshire Minerals and Waste Plan adopted October 2013
- The Emsworth Neighbourhood Plan 'made' September 2021

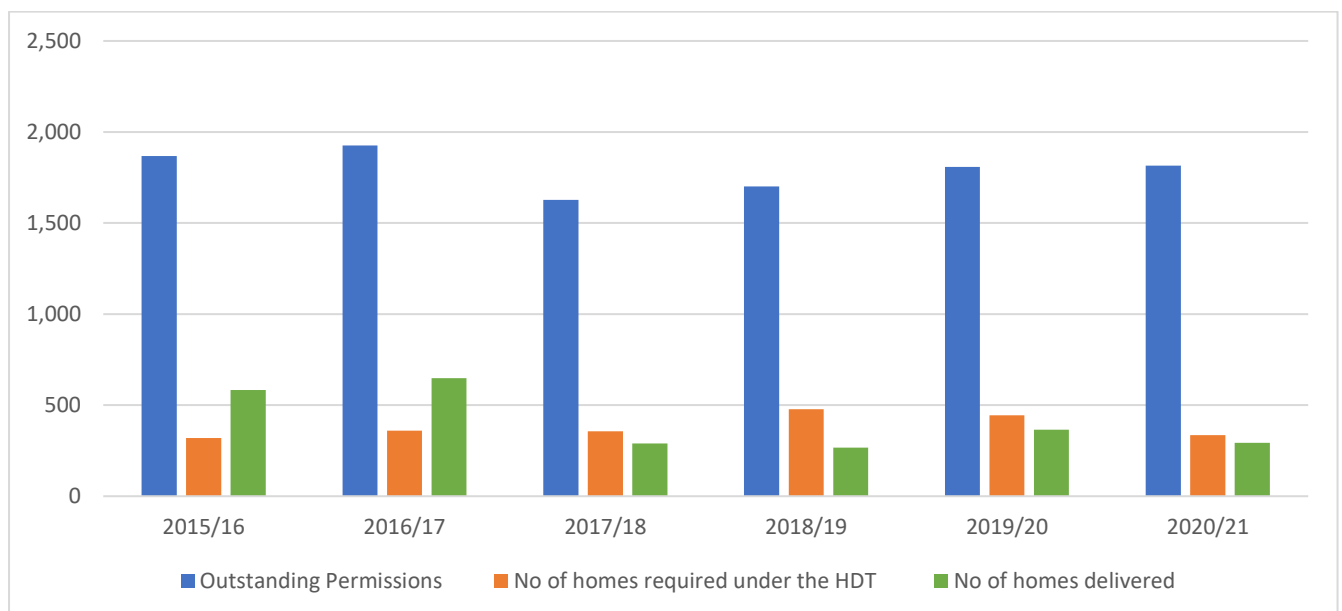
## 2. The emerging Local Plan

- 2.1 The Council started preparation of the Havant Borough Local Plan (HBLP) in 2016. In doing so, the Council embraced the need to update the housing requirement in line with the Government's standard method. This also involved the adoption of a [Local Plan Housing Statement](#) in December 2016 which took an innovative approach by identifying sites the Council considered suitable for 'early release' in advance of the HBLP.
- 2.2 The Local Plan Housing Statement made clear where the Council would accept the principle of high quality development on sites outside of the development plan whilst the Local Plan was being reviewed. As a result, planning permission was granted on two of the sites identified within it, in addition to pre-application engagement and application submissions on several more. The Council continued to take a similar approach to proposed allocations in the emerging HBLP whilst it was in production.
- 2.3 However, the small, constrained and heavily urbanised nature of Havant Borough means it was necessary to assess the suitability of land throughout the preparation of the HBLP. The Council's [Constraints and Supply Analysis](#) provides some on the context of the finite amount of undeveloped land available for development in Havant Borough. At the time the HBLP was submitted, the Plan demonstrated the Council's commitment to meet the Borough's objectively assessed need in full.
- 2.4 The HBLP was submitted for Examination on 12th February 2021. Stage 1 Hearings on the strategic matters took place in July 2021, and the Inspectors' Interim Findings report were subsequently published in November 2021. The Inspectors' Interim Findings raise concerns in relation to the deliverability of a number of housing sites and highlight the Council may not be able to meet its housing need as a result. The Inspectors highlighted that further information or updates to evidence base studies are needed in relation to the deliverability of a number of housing sites which mean the Council may not be able to meet its housing need over the plan period.
- 2.5 Following the withdrawal of the HBLP from Examination, the Council is preparing a new Local Plan, which will address the concerns raised by the Inspectors' Interim Findings report in the context of the NPPF. This will include updating the Hayling Island Transport Assessment and further information in relation to the deliverability of housing sites including evidence to show that mitigation can be provided for a number of housing sites.
- 2.6 In the interim, the Council has adopted a Housing Delivery Position Statement which sets out how planning applications for housing not in accordance with the development plan will be considered. Significantly, it recognises that the 'titled balance' will apply to most planning applications for housing under the presumption in favour of sustainable development.

# 3. Housing Delivery Analysis

- 3.1 Havant Borough Council has an established reputation as an ‘open for business’ local authority. It engages positively with the development industry and local communities to realise the benefits that sustainable development can bring. Despite this, of the 1,816 dwellings with outstanding planning permissions on 1st April 2021, only 293 dwellings (16%) were completed during 2020/21.
- 3.2 The following bar chart summarises the number of outstanding planning permissions as of 1 April relative to the ‘number of homes required’ under the Housing Delivery Test and completions that monitoring year (1 April – 31 March). It shows that in all three years, the Council granted sufficient planning permissions far in excess of the ‘number of homes required’ under the Housing Delivery Test (HDT), but ‘number of homes delivered’ fell short in all three years.

**Figure 1: Outstanding planning permissions relative to the number of homes required under the Housing Delivery Test results and the number of completions that monitoring year**



- 3.3 Figure 1 illustrates that completions were particularly suppressed in years 2017/18 and 2018/19. 2019/20 saw a slight upturn in completions, but completions were down again in 2020/21 potentially as a result of the disruption caused by the national lockdowns.

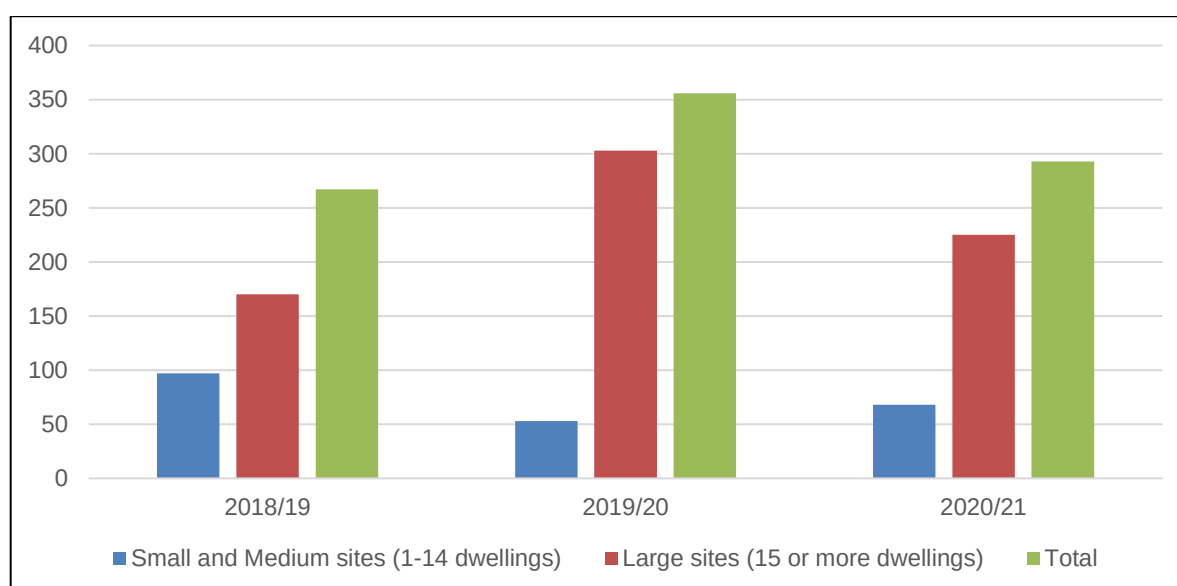
## Sites contributing to housing supply

### Analysis of housing completions 2017/18-2020/21

- 3.4 For the purposes of this exercise, sites have been broken down into small (0-10 dwellings), medium (11-14 dwellings) and large (15 or more dwellings) categories.

**Figure 2: Analysis of completions according to contribution from site size**

| Number of Completions        | 2018/19      | 2019/20      | 2020/21      |
|------------------------------|--------------|--------------|--------------|
| Small (1-10 dwellings)       | 84           | 53           | 68           |
| Medium (11-14 dwellings)     | 13           | 0            | 0            |
| Large (15 or more dwellings) | 170          | 303          | 225          |
| <b>Total</b>                 | <b>267</b>   | <b>356</b>   | <b>293</b>   |
| Percentage of smaller sites  | 31.5%        | 14.9%        | 23.2%        |
| Percentage of medium sites   | 4.9%         | 0.0%         | 0.0%         |
| <b>Total</b>                 | <b>36.3%</b> | <b>14.6%</b> | <b>23.2%</b> |



- 3.5 The analysis shows that small sites have continued to make a significant contribution to the housing completions across the three year period. Whilst there has been no contribution from medium sites during the last two years, there has been a significant upturn in the proportion of completions from large sites.
- 3.6 The nutrient neutrality issue presented by the Dutch Case stalled most housing development during 2018/19 and 2019/20 particularly on non-agricultural sites. By implication it would appear that large sites (15 dwellings or more) have made a greater contribution to housing delivery in the last few years. Evidence of this is reduced during 2020/21 where there has been a resurgence in the amount of development coming forward on small sites.

## Sites identified through the Housing Statement

- 3.7 The Housing Statement (December 2016) identified a need for 11,250 homes between 2011 and 2036, based on the relevant objectively assessed need figure at the time. Taking completions,

outstanding planning permissions, windfall, and site allocations in the Allocations Plan (2014) into account, the Housing Statement recognised a need to find further sites to deliver 4,809 homes.

- 3.8 In order to address this gap, further sites on greenfield and previously developed urban extension sites were considered, and subsequently identified as being suitable for 'early release' through the Housing Statement.
- 3.9 Table 1 of the Housing Statement (re-produced below) shows the ten sites which the Council indicated that it would support the principle of residential development ahead of the adoption of the Havant Borough Local Plan, subject to compliance with the remainder of the policies in the Adopted Local Plan and the Guiding Principles in the Housing Statement.

**Table 1: Sites that would supported in principle ahead of the HBLP being adopted**

| Site reference               | Site                                   | Indicative No. of dwellings |
|------------------------------|----------------------------------------|-----------------------------|
| <b>Emsworth</b>              |                                        |                             |
| UE67                         | Land to the rear of Redlands House     | 5                           |
| UE76                         | Land North of Long Copse Lane          | 260                         |
| UE02b                        | Land North and West of Selangor Avenue | 154                         |
| <b>Havant and Bedhampton</b> |                                        |                             |
| UE28                         | Littlepark House, Bedhampton           | 47                          |
| UE30                         | Land South of Lower Road, Bedhampton   | 50                          |
| UE53                         | Land East of Castle Ave                | 60                          |
| UE55                         | Southleigh Park House                  | 35                          |
| UE68                         | Forty Acres                            | 300                         |
| <b>Waterlooville</b>         |                                        |                             |
| UE70                         | Land East of College Road, Campdown    | 350                         |
| UE72                         | Land North of Fort Purbrook, Campdown  | 100                         |
|                              | <b>Total</b>                           | 1361                        |

- 3.10 The table shows that the ten Housing Statement sites had the potential to deliver 1,361 dwellings, with an additional 65 dwellings on newly identified, smaller sites within the urban area. It should be noted that Land North of Fort Purbrook, Redlands House, Land North and West of Selangor Avenue were not subsequently taken forward as allocations in the Local Plan, but the latter two sites have subsequently been built out<sup>3</sup>. The former is no longer available for development<sup>4</sup>.
- 3.11 The Housing Statement also identified Southleigh as a strategic site for the first time that would be explored further through the Local Plan's preparation process.
- 3.12 The Housing Statement reduced the shortfall between the number of sites available to provide homes and the scale of objectively assessed need. However, the Housing Statement indicated a significant gap remained between objectively assessed need for housing and the available supply.

<sup>3</sup> APP/18/00229; APP/18/00230 Redlands House and APP/16/00774 Land North and West of Selangor Avenue

<sup>4</sup> WV109 in the Council's [Strategic Housing Land Availability Assessment](#)

Despite this, the Council persevered to assesses the suitability of sites and the submitted HBLP set out that the Borough's objectively assessed need would be met in full by 2037.

- 3.13 Since the release of the Housing Statement in December 2016, Table 2 shows that only three of the ten sites have been granted planning permission with the potential to deliver 556 dwellings. Yet Land North and West of Selangor Avenue (APP/16/00774) is the only site to have subsequently commenced and has been built out (146 dwellings), representing just 10% of the total development potential from the Housing Statement sites. Forty Acres (APP/18/00450) has now commenced, with completions expected during 21/22.
- 3.14 This was disappointing given the innovative approach taken by the Council in adopting the Housing Statement at the start of the Local Plan review. However, several other sites were either progressed at the pre-application stage or submitted as planning application. These are summarised in Table 3.

**Table 2: Sites granted planning permission under the jurisdiction of the Housing Statement**

| App/SHLAA Ref                                                                            | Site Name                       | No of dwellings | Housing Statement site? | HBLP allocation? | Notes                                                                               |
|------------------------------------------------------------------------------------------|---------------------------------|-----------------|-------------------------|------------------|-------------------------------------------------------------------------------------|
| <i>Sites granted planning permission under the jurisdiction of the Housing Statement</i> |                                 |                 |                         |                  |                                                                                     |
| APP/16/00774                                                                             | Land North and West of Selangor | 147             | ✓                       | ✗                | Site well under construction                                                        |
| APP/17/00863                                                                             | Southleigh Park House           | 90              | ✓                       | ✓                | Not yet commenced                                                                   |
| APP/18/00450                                                                             | Forty Acres                     | 320             | ✓                       | ✓                | Revised planning permission (reference APP/21/00605) to include additional 34 units |

## Proposed allocations in the Local Plan

- 3.15 Planning applications on a number of other Housing Statement sites have since been submitted. However, they have done so in the context of proposed allocations in the HBLP, with a number of planning applications submitted whilst the HBLP was at Examination. As evidenced by the table below, the Council has been willing to support the principle of development on a number of sites in advance of the HBLP.
- 3.16 It is further evidence that the Council is doing everything it can in order to boost housing delivery in Havant Borough.

**Table 3: Sites granted planning permission in the context of their emerging HBLP allocation**

| App/SHLAA Ref                                                                           | Site Name                            | No of dwellings | Housing Statement site? | HBLP allocation? | Notes                                           |
|-----------------------------------------------------------------------------------------|--------------------------------------|-----------------|-------------------------|------------------|-------------------------------------------------|
| <i>Sites proposed for allocation in the now withdrawn HBLP with planning permission</i> |                                      |                 |                         |                  |                                                 |
| APP/19/00427                                                                            | Land South of Lower Road             | 50              | ✓                       | ✓                | Granted on appeal                               |
| APP/19/00007                                                                            | Camp Field, Bartons Road             | 72              | ✗                       | ✓                | Non-material amendment (reference APP/21/01097) |
| APP/18/01033                                                                            | Land East of Castle Avenue (phase 1) | 69              | ✓                       | ✓                | Commenced                                       |



| App/SHLAA Ref | Site Name                        | No of dwellings | Housing Statement site? | HBLP allocation? | Notes                                           |
|---------------|----------------------------------|-----------------|-------------------------|------------------|-------------------------------------------------|
| APP/19/00768) | Land rear of 15-27 Horndean Road | 16              | x                       | ✓                | Commenced                                       |
| APP/18/00724  | Land north of Sinah Lane         | 195             | x                       | ✓                | Pre-commencement requirements for a bird refuge |

## Cause analysis

### Nutrient neutrality

- 3.17 The Council launched its own bespoke solution to addressing the need for development to be nutrient neutral at Warblington Farm<sup>5</sup> in August 2020. This innovative approach is now supported by a range of other mitigation schemes across South Hampshire<sup>6</sup>. Prior to the launch of the Council's strategic mitigation scheme, an estimated 242 homes were directly stalled and a further 409 significantly or principally backlogged by this issue.
- 3.18 Whilst there was an initial slow but steady take up of the Council's strategic mitigation scheme, the Council has sold 473 kilograms of nitrogen at the time of writing from Phase 1 over a 16 month period.
- 3.19 Whilst schemes on smaller sites are now being delivered, the nutrient neutrality issue has left a lasting legacy as completions were reduced following the Dutch case in late 2018 until the Council's mitigation scheme was launched in August 2020. The shortfall in housing delivery during this 18 month period has left a lasting legacy reflected in the Borough's Housing Delivery Test result.

### Macro-economic uncertainty and Covid-19

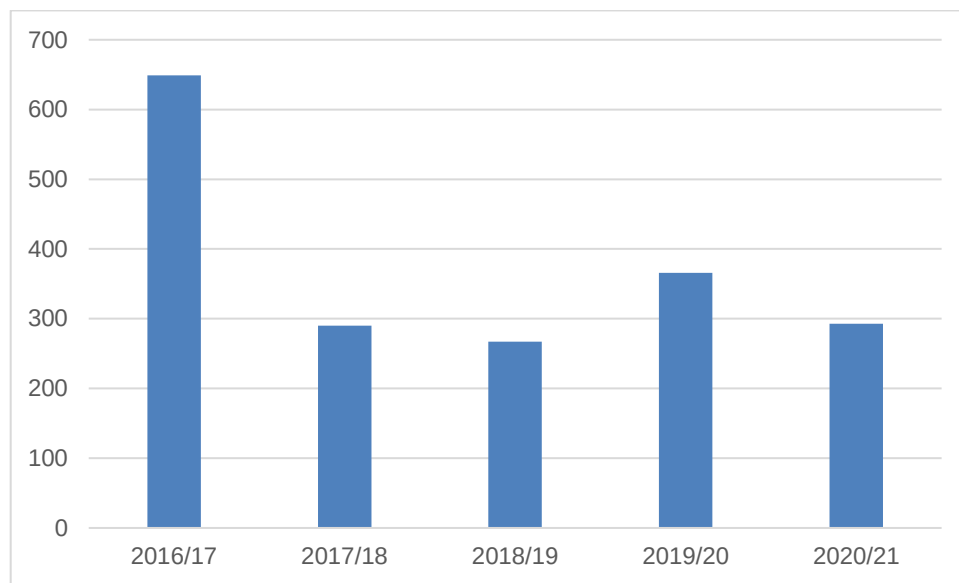
- 3.20 The impact of nutrient neutrality on housing delivery in Havant borough combined with macro-economic uncertainty have compounded housing delivery in recent years. Whilst the five-year land supply and Housing Delivery Test are intended to incentivise housing delivery, these issues are out of the Council's control.

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<sup>5</sup> For information, please see [Position Statement and Mitigation Plan for Nutrient Neutral Development \(August 2020\)](#).

<sup>6</sup> [Potential mitigation schemes available to developers](#)

**Figure 3: Number of housing completions (net) 2016/17-2020/21**



- 3.21 Figure 3 shows that whilst completions saw a modest rise in 2019/21 with 366 dwellings completed this has dropped back down to 293 in 2021/22. These are much lower figures compared to the completion figure achieved in 2016/17 (649 dwellings) prior to the impact of Covid and the Dutch Case.

### **The complex nature of sites in Havant Borough**

- 3.22 In addition to the sites included in Table 3, the Council has received a number of applications on sites that were proposed for allocation in the HBLP. A number of planning applications were submitted whilst the HBLP was at Examination, including housing proposals on 'omission sites' – sites that were not proposed for inclusion in the Plan. This reflects the Borough's current five year housing land supply position and Housing Delivery Test result which means that the presumption in favour of sustainable development, the 'tilted balance', applies in Havant Borough.
- 3.23 In contrast, a number of planning applications have been in the system for some time, reflecting the complex nature of these sites. In a number of cases, the Inspectors' Interim Findings highlighted the need to provide further information in relation to mitigation, notably that of Campdown (Last East of College Road) and Rook Farm (Land off St Marys Road).
- 3.24 The key issues affecting the 'live' major housing applications are summarised in Table 4 below.

**Table 4: 'Live' major housing applications**

| Ref No                         | Address                                                                   | HBLP allocation?         | Application Type | No of dwellings             | Validation Date | Key Issues                                                                                                                                                                                                                                                                          |
|--------------------------------|---------------------------------------------------------------------------|--------------------------|------------------|-----------------------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APP/18/00234                   | Wellington Way, Waterlooville                                             | Part of KP2              | Full             | 264                         | March 2018      | Awaiting formal update from the applicant                                                                                                                                                                                                                                           |
| APP/19/00224                   | Padnell Grange, Padnell Road, Waterlooville                               | ✓                        | Full             | 86                          | March 2019      | Protracted discussions regarding design and layout, and the need to retain Padnell Grange as a non-designated heritage asset. Applicant changed from Bellway Homes to the Borrow Foundation in April 2021.                                                                          |
| APP/19/01101                   | Land East of College Road, Campdown, Waterlooville                        | ✓                        | Hybrid           | 130 (Full)<br>650 (Outline) | December 2019   | Following consultation responses from Historic England and Natural England, significant amendments are required to address highway, layout and design concerns. Inspectors' Interim findings highlight the need to provide further information re. heritage and habitat mitigation. |
| APP/19/01226                   | Land west of Coldharbour Farm                                             | ✓                        | Full             | 44                          | January 2020    | Key outstanding issue relates to flood risk and the level of access required to avoid this. Revised flood risk information received in December 2021 and subject to consultation with the Environment Agency.                                                                       |
| APP/20/00363                   | The Coal Yard, 178A West Street Havant                                    | Within the built up area | Full             | 20                          | May 2020        | Previous refusal relating to flood risk and highway issues. Applicant suggests these issues can be overcome.                                                                                                                                                                        |
| APP/20/00658                   | Former Scottish and Southern Electric site, Bartons Road, Havant          | ✓                        | Full             | 175                         | October 2020    | Application includes two drive-through restaurants and is for a greater quantum of development than envisaged by the allocation in the Adopted Local Plan (90 dwellings). Concerns regarding density and layout remain.                                                             |
| APP/21/00678<br>(APP/19/00007) | Camp Field (land to the west of Havant Crematorium), Bartons Road, Havant | ✓                        | Reserved Matters | 70                          | July 2021       | Key outstanding issues relating to ecology, highways and layout/landscaping issues. Revised information submitted December 2021.                                                                                                                                                    |

| Ref No       | Address                                                                         | HBLP allocation?         | Application Type       | No of dwellings | Validation Date | Key Issues                                                                                                                                                                                                                                                                                            |
|--------------|---------------------------------------------------------------------------------|--------------------------|------------------------|-----------------|-----------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| APP/21/00647 | Land south of The Mallards and west of Langstone Road, Havant (Southmere Field) | ✖                        | Outline                | 65              | August 2021     | Principle of development not in accordance with the Development Plan – site not included in the withdrawn HBLP. Large number of objections received. Key issues include transport considerations following the Inspectors' Interim Findings and mitigation for Solent Waders and nutrient neutrality. |
| APP/21/00893 | Land north of Long Copse Lane, Emsworth                                         | ✓                        | Outline                | 210             | September 2021  | Application valid and consultations underway. Large number of objections received.                                                                                                                                                                                                                    |
| APP/21/00989 | Cabbagefield Row, Leigh Park                                                    | ✓                        | Outline                | 150             | September 2021  | Key issues include trees and layout, the latter of which involves Passivhaus principles but with implications for the public realm.                                                                                                                                                                   |
| APP/21/00857 | Land at Sinah Lane, Hayling Island                                              | ✓                        | Variation of condition | 195             | September 2021  | Minor changes to planning permission reference APP/18/00724.                                                                                                                                                                                                                                          |
| APP/21/01071 | Land south of Lower Road and west of Old Manor Farm, Havant                     | ✓                        | Outline                | 43              | October 2021    | Principle of development not in accordance with the Development Plan – site not included as an allocation in the withdrawn Havant Borough Local Plan. Large number of objections received.                                                                                                            |
| APP/21/00931 | Dairy Crest Depot, Dunsbury Way, Havant                                         | Within the built up area | Outline                | 31              | October 2021    | Reduction in number of units compared to planning permission reference APP/18/01109 (74 dwellings). Application withdrawn in January 2022.                                                                                                                                                            |
| APP/21/01010 | Land east of St Georges Avenue, Havant                                          |                          | Full                   | 194             | October 2021    | Key issue includes implications for the layout with a need to ensure land is safeguarded for A27 Junction improvements associated with the Southleigh Strategic site.                                                                                                                                 |
| APP/21/01434 | Rook Farm, land off St Mary's Road, Hayling Island                              | ✖                        | Outline                | 300             | January 2022    | Quantum of development less than envisaged by the allocation H27 ('about' 390 dwellings). Inspectors' Interim findings highlight the need to provide further information re. habitat mitigation.                                                                                                      |

## Summary

- 3.25 The Council has held no control over the issues of the Dutch Case or the macroeconomic uncertainty with the Covid-19 pandemic. The Dutch Case impacted housing delivery significantly and the relaxation of the 'number of homes required' in the 2021 HDT is not sufficient to offset this. With housing delivery suppressed in recent years, there is a need for the Council to deliver an even greater step change in housing delivery to meet its objectively assessed need. This is considered to be extremely challenging in the context of the Borough's available housing land supply.
- 3.26 Whilst the Council sought to identify further sites to meet the Borough's housing need early on in the preparation of the HBLP, there has been relatively limited uptake from the development industry, and not enough homes have been delivered as a result. Whilst there are a number of further planning applications on sites now in the system in the context of their emerging allocations in the HBLP, these sites are not without environmental and technical constraints and progress on their determination has been slow as the evidence has not been provided showing how those constraints can be overcome.
- 3.27 Despite the HBLP being withdrawn, the Council will continue to support the principle of development on sites that were proposed as allocations in the context of five year housing land supply. In the context of Inspectors' Interim Findings and the Council's decision to withdraw the HBLP from Examination in particular, the following section sets out the steps and actions the Council is taking to address the under delivery and boost housing supply in Havant Borough.

# 4. Key Actions and Responses

## Short term actions

### **Housing Delivery Position Statement**

- 4.1 In the context of the Council's current housing land supply and Housing Delivery Test, the Council recognises the need to significantly boost the supply of housing in Havant Borough.
- 4.2 A key action is for the Council to put in place a new Position Statement which sets out how planning applications for housing not in accordance with the Development Plan will be considered. Development proposals which accord with the Development Plan will continue to be permitted without delay.
- 4.3 In the context of the characteristics of the Borough with various international nature conservation designations, and other inland natural and heritage designations it means that it is even more important that the Council is able to resist inappropriate development, and continue securing high quality development schemes. The Position Statement recognises that additional sites beyond those proposed as allocations (in the now withdrawn HBLP) will be needed and allows for development on sites where the principle was not previously identified.
- 4.4 The Position Statement does not of course replace the Development Plan for decision making purposes. Only a new Local Plan can ensure that the Borough's objectively assessed needs are met in a sustainable manner.

### **Nutrient neutrality mitigation**

- 4.5 Havant Borough was one of the first local planning authorities to have secured an off-site strategic mitigation scheme to address the issue of nutrient neutrality, which launched in August 2020. Alongside this, the Council undertook a marketing campaign including press releases and a Ministerial site visit to publicise the launch of the scheme to developers, investors and landowners. This is primarily targeted at development schemes where it is not possible to achieve nutrient neutrality on site.
- 4.6 The Council sees the implementation of the strategic mitigation package for nutrient neutrality as being key to enabling housing delivery and economic recovery following the pandemic.

## Medium term actions

### **Town centre regeneration**

- 4.7 The Council has an ambitious regeneration agenda and is taking an interventionist approach to regeneration of its town centres and Hayling Island Seafront. This includes substantial high-density residential development in order to maximise their accessibility to public transport. The Council is investing in bringing these sites forward at pace, although they do contain challenges in terms of viability and land assembly.
- 4.8 This approach is necessary in order to boost economic growth and opportunities in the town centres, reinventing them for the 21<sup>st</sup> century. The approach is also necessary in order to boost

housing supply on brownfield sites in order to increase housing supply and address the Borough's housing need, with the Council playing an active role in development opportunities.

### **Southleigh Strategic site**

- 4.9 Southleigh, which is between the existing settlements of Denvilles and Emsworth has been identified by the Council as a strategic site for housing delivery since 2016, and is capable of providing around 2,100 dwellings.
- 4.10 Given the scale of the development proposed, significant infrastructure improvements will need to be delivered to make the new community sustainable. Due to the lead-in timescales needed to plan, obtain consent, and build the scheme, the Council will work in partnership with the landowners and interested delivery partners to bring about this large development.

### **A new Local Plan**

- 4.11 Following the withdrawal of the HBLP from Examination, the Council is preparing a new Local Plan, which will address the concerns raised by the Inspectors' Interim Findings report in the context of the NPPF. This will include discussions with neighbouring authorities regarding accommodating unmet housing need and updating any necessary evidence base, including the Hayling Island Transport Addendum.
- 4.12 In light of the Findings, the Council acknowledges that additional housing sites beyond those in the withdrawn HBLP will now be required to meet housing need in Havant Borough. This has led the Council to adopt an interim Housing Delivery Position Statement to manage housing delivery in the Borough.

## **Summary**

- 4.13 As a pro-development authority, Havant Borough is doing a great deal to boost housing supply and get housing sites delivered. The adoption of the Housing Delivery Position Statement is key to this. However, it is important that this is done in a responsible way given the physical and environmental constraints which exist – indeed, the Inspectors' Interim Findings indicate that the Borough may not be sustainably able to meet its housing need. Furthermore, it is evident that a great deal of the remaining available sites are affected by complex technical constraints which means that it takes time for housing on these sites to be delivered.
- 4.14 The Housing Delivery Position Statement is intended to provide guidance on how sites not in accordance with the Development Plan should be considered, particularly in the context of the presumption in favour of sustainable development and the 'tilted balance'. As such, in seeking to justify a departure from the Development Plan, applicants are expected to demonstrate that proposals comply with the development quality standards in the Statement.
- 4.15 The Council's strategic mitigation scheme at Warblington Farm alongside other sub-regional mitigation schemes will, however, continue to provide off-site mitigation for sites unable to achieve nutrient neutrality on-site. This will be key for small and medium sized sites which have consistently made a consistent contribution to housing supply in Havant borough.

## 5. Monitoring

- 5.1 The Council will continue to monitor housing completions and engage with developers and landowners promoting sites to ensure housing numbers and densities are delivered as per expectations in the housing trajectory. The monitoring of housing completions shall continue to be undertaken on an annual basis to inform the HDT measurement.
- 5.2 The Council will also monitor the take-up of the strategic mitigation package at Warblington. This innovative approach is now supported by a range of other mitigation schemes across South Hampshire. The Council will continue to promote the mitigation scheme to developers and landowners, making it clear that Havant Borough is “open for business”.





# Housing Delivery Position Statement

March 2022

# Contents

|    |                                                                                                                                                             |
|----|-------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | Introduction .....                                                                                                                                          |
| 2. | Decision Making Principles.....                                                                                                                             |
|    | Decision Making Principle 1 - Application of the Tilted Balance and the Habitat Regulations .....                                                           |
|    | Decision Making Principle 2 - Sites not in accordance with the Development Plan where the Council accepts the principle of development.....                 |
|    | Decision Making Principle 3 - Assessment of summertime transport implications of development on Hayling Island and in Langstone .....                       |
|    | Decision Making Principle 4 - Sites not in accordance with the Development Plan where the principle of development has not been previously identified ..... |
|    | Decision Making Principle 5 - Development quality .....                                                                                                     |
|    | Decision Making Principle 6 - Southleigh Strategic site .....                                                                                               |

# 1. Introduction

- 1.1 The purpose of this Housing Delivery Position Statement is to set out how planning applications for housing not in accordance with the Development Plan will be considered in the context of the Council's current five year housing land supply and Housing Delivery Test measurement. Due to the under-delivery of housing in recent years there is currently a presumption in favour of sustainable development in Havant Borough. In this context, the 'tilted balance' will apply to most planning applications for housing.
- 1.2 Applying the tilted balance means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Development Plan, and National Planning Policy Framework (NPPF) when taken as a whole.
- 1.3 The publication of this Housing Delivery Position Statement follows the receipt of the Inspectors' Interim Findings report into their Examination of the Havant Borough Local Plan (HBLP) and the Council's decision to withdraw the Plan from Examination.

## Background

- 1.4 Havant Borough's Core Strategy (2011) and Allocations Plan (2014), Hampshire Minerals and Waste Plan (2013) and Emsworth Neighbourhood Plan (2021) together form the statutory Development Plan which forms the basis for determining planning applications and appeals in the Borough. However, the adopted housing requirement set out within the Core Strategy (2011) is more than five years old, based on a previous system of setting housing requirements and is in need of being updated in order to address objectively assessed needs in Havant Borough.
- 1.5 As a pro-development authority, the Council has been preparing the HBLP to update the Borough's housing requirement since 2016. In doing so, the Council has embraced the obligations imposed on it by Government through the NPPF, to aid in achieving the national target of 300,000 new homes being built per year. Through the standard method, this meant 504 homes per year for the Borough had to be provided at the date of submission of the HBLP. Indeed, the Council has already granted planning permission on a number of sites that were proposed allocations in the now withdrawn HBLP in order to significantly boost housing supply.
- 1.6 Following the withdrawal of the HBLP from Examination, the Council is preparing a new Local Plan, which will address the concerns raised by the Interim Findings report in the context of the NPPF. This will include updating the Hayling Island Transport Addendum and considering further information in relation to the delivery of housing sites which may result in the Council not being able to meet its housing need. Where relevant to the delivery of sites, the Inspectors' concerns in the Interim Findings report are highlighted within this Position Statement.
- 1.7 In light of the Interim Findings report, the Council acknowledges that housing sites beyond those in the withdrawn HBLP will now be required to meet housing need in Havant Borough. A key action identified by the Council's Housing Delivery Action Plan is to support the principle of residential development on emerging allocations in advance of the Local Plan being adopted. In such cases, proposals should comply with the new requirements and standards in the emerging Local Plan which is necessary to justify a departure from the Development Plan. The objective of this Position Statement is to make this expectation clear to applicants and developers for decision making purposes.
- 1.8 In the context of the 'tilted balance', the characteristics of the Borough with various sites of international importance for nature conservation, and other inland nature and heritage designations

mean that it is even more important that the Council is able to resist inappropriate development and continue securing high quality development schemes. Some of the key environmental designations in Havant Borough are shown on the Environmental Designations Map which accompanies this Statement.

- 1.9 This Position Statement sets out how housing proposals not in accordance with the Development Plan will be considered by the Council in the context of the tilted balance in Havant Borough. This Statement does not replace the Development Plan for decision making purposes. However, this 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.

## 2. Decision Making Principles

### The Development Plan

- 2.1 The Development Plan in Havant Borough is made up of:
- The Havant Borough Local Plan (Core Strategy) adopted March 2011
  - The Havant Borough Local Plan (Allocations) adopted July 2014
  - The Hampshire Minerals and Waste Plan adopted October 2013
  - The Emsworth Neighbourhood Plan 'made' September 2021
- 2.2 Paragraph 12 of the NPPF is clear that the presumption in favour of sustainable development does not change the statutory status of the Development Plan as the starting point for decision-making. Planning applications and appeals should therefore continue to be considered against Development Plan policies unless there are material considerations which indicate otherwise.
- 2.3 The Council's five year housing land supply position and Housing Delivery Test measurement do not change this although they are material considerations which may be afforded substantial weight in the overall planning balance.

### Decision Making Principle 1 - Application of the Tilted Balance and the Habitat Regulations

- 2.4 There is a presumption in favour of sustainable development. Paragraph 11 of the NPPF indicates that this means:

*"c) Approving development proposals that accord with an up-to-date development plan without delay; or*

*d) Where there are no relevant development plan policies which are most important for determining the application are out of date<sup>1</sup>, granting permission unless:*

*i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed<sup>2</sup>; or*

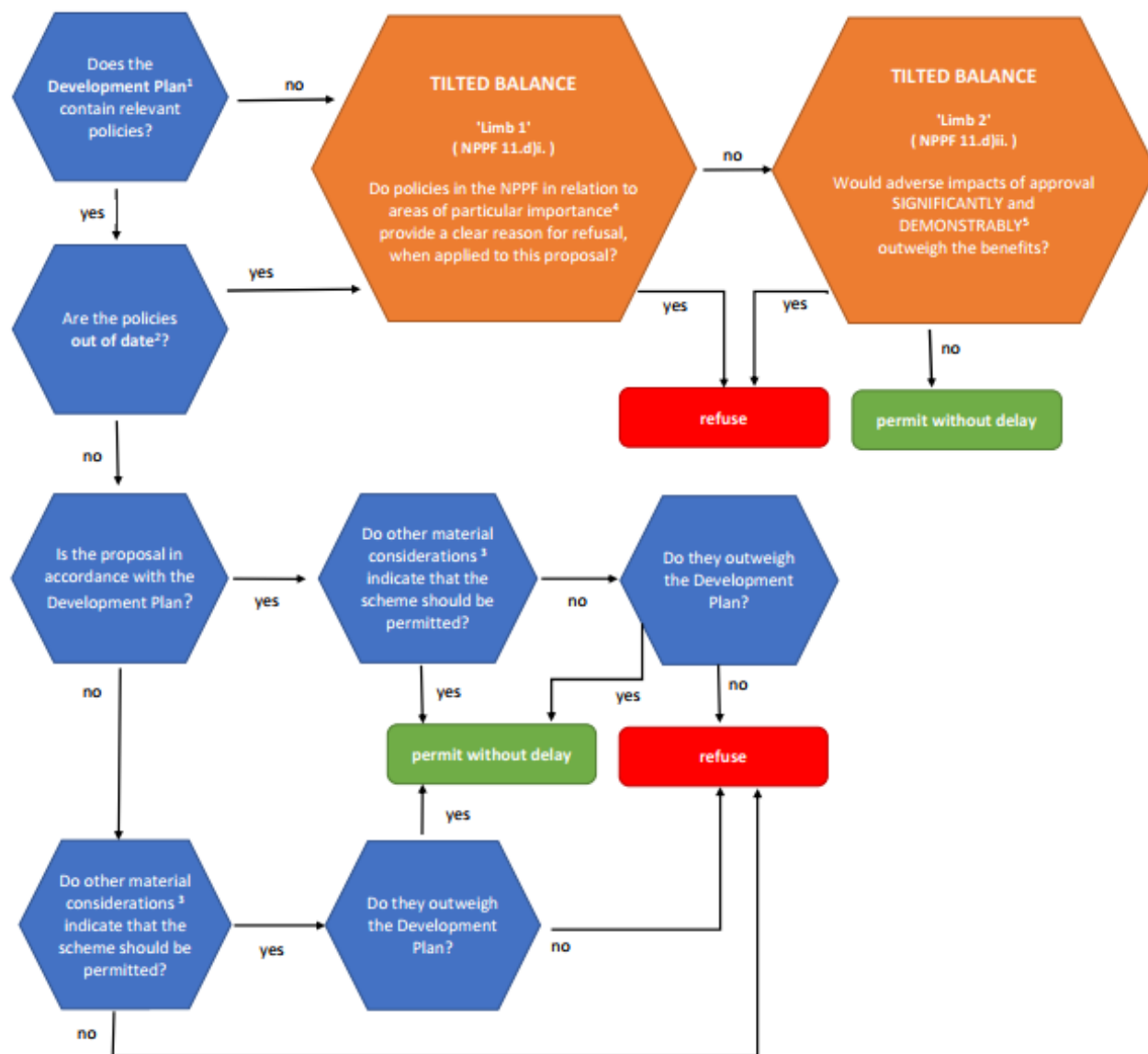
*ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

- 2.5 Paragraph 11 d) of the NPPF applies where the Council is not able to demonstrate a five year supply of deliverable housing sites. As such, the 'tilted balance' under paragraph 11 d) ii. of the NPPF is engaged: this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole. Significantly, there can only be such a presumption where housing proposals are demonstrated to constitute 'sustainable development' in the context of the NPPF. The following flowchart summarises this.

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<sup>1</sup> This includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five 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 three years.

<sup>2</sup> The policies referred to are those in this Framework (rather than those in development plans) relating to: habitats sites (and those sites listed in paragraph 181) and/or designated as Sites of Special Scientific Interest; land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, a National Park (or within the Broads Authority) or defined as Heritage Coast; irreplaceable habitats; designated heritage assets (and other heritage assets of archaeological interest referred to in footnote 68); and areas at risk of flooding or coastal change.



2.6 The full version of this flowchart including detailed footnotes is available from the Council's website.

2.7 However, there can be no presumption in favour where proposals would be likely to have a significant effect on sites of importance for international and national nature conservation. In such cases, a project level Habitat Regulations Assessment (HRA) and potentially an Environmental Impact Assessment (EIA) will be required by law. This is irrespective of the Council's five year housing land supply position.

### Decision Making Principle 1 – Application of the Tilted Balance and the Habitat Regulations

The Development Plan forms the starting point for the determination of planning applications and appeals. The Council's five year housing land supply position and Housing Delivery Test measurement does not change this.

As a starting point, all housing proposals must be shown to constitute 'sustainable development' in accordance with the NPPF. Housing proposals on sites affected by NPPF Footnote 7 constraints will continue to be resisted.

In line with Paragraph 11 d) of the NPPF, the contribution that development proposals would make to housing supply will be given substantial weight. As such, 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.

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 Inspectors' Interim Findings Report which are material to the site in question.

In accordance with Paragraph 182 of the NPPF, there is no presumption in favour of sustainable development where the plan or project is likely to have a significant effect on the Solent European sites (either or alone or in combination with other plans or projects).

#### Habitat Regulations

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.

Where a package of avoidance and mitigation measures cannot be provided to remove any likely significant effect on the Solent European Sites, development proposals will be refused.

- 2.8 Irrespective of whether sites are in compliance with the Development Plan or not, the Council will expect applicants to engage thoroughly and extensively with the Council's pre-application advice service, and to include public consultation at this stage to ensure that the proposal has been appropriately influenced by this process.
- 2.9 The Emsworth Neighbourhood Plan is part of the statutory development plan. For clarity, paragraph 14 of the NPPF does not affect this Development Plan document due to the fact that the Emsworth Neighbourhood Plan does not contain allocations.

#### **Habitat Regulations**

- 2.10 A project level Habitats Regulations Assessment (HRA) will be prepared by the Council as the competent authority in line with the Habitats Regulations<sup>3</sup> as part of the determination of the planning application and the applicant will need to provide the necessary information to inform that assessment. The HRA will assess the effects of the proposal both alone and in combination with other plans and projects. If the development proposal is shown to have an adverse effect on site(s) of international importance for nature conservation, then planning permission cannot be lawfully granted.
- 2.11 The Council has strategies in place to address most of the significant effects that arise out of development in the Solent. This includes:
- The Bird Aware Solent Strategy which mitigates the significant effect caused by recreation
  - The Position Statement and Mitigation Plan on Nutrient Neutrality which is a strategy which mitigates the significant effect caused by water quality
  - The Solent Waders and Brent Goose Strategy which can mitigate the significant effect caused by habitat loss
  - The use of Construction Environment Management Plans which can mitigate the significant effect caused by construction activity
- 2.12 The mitigation identified through the [Position Statement and Mitigation Plan on Nutrient Neutrality](#) together with the mitigation proposals that the Council has identified in line with the Solent Waders and Brent Goose Strategy are scaled and intended for sites identified in the Development Plan and

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<sup>3</sup> See Regulation 63 of The Conservation of Habitats and Species Regulations 2017



the withdrawn Havant Borough Local Plan (HBLP). They will continue to evolve as further phases or sites are explored.

- 2.13 For sites which are not identified in either the Development Plan or Decision Making Principle 2 (allocations previously in the HBLP<sup>4</sup>), alternative mitigation strategies will need to be provided through the planning application. These should be provided through the pre-application process so a thorough consideration can be made. They will be formally considered through a Habitats Regulations Assessment as part of any planning application.

## **Decision Making Principle 2 - Sites not in accordance with the Development Plan where the Council accepts the principle of development**

- 2.14 Given the need to significantly boost housing supply in Havant Borough, the Council continues to support the principle of housing development on emerging site allocations that were proposed for allocation in the now withdrawn HBLP. Significant preparatory work has been carried out on these sites since the start of production of the HBLP in 2016, and they have also been subject to formal consultation. These are set out in Table 1.
- 2.15 A number of sites (denoted with a \*) in the following table are already allocated in the Development Plan either in whole or part, and were also proposed for allocation in the HBLP.

| Site reference        | Site                          |                                 | Indicative No. of dwellings |
|-----------------------|-------------------------------|---------------------------------|-----------------------------|
| Key Projects          |                               |                                 |                             |
| TC1                   | Havant Town Centre            |                                 | 721                         |
| TC2                   | Leigh Park Centre             |                                 | 75                          |
| TC3                   | Waterlooville Town Centre     |                                 | 600                         |
| HY6                   | Northney Marina               | See Decision Making Principle 4 | 40                          |
| HY17                  | Beachlands*                   |                                 | 100                         |
| HY18                  | Eastoke Corner (north)        |                                 | 20                          |
| HY44                  | Southwood Road                |                                 | 35                          |
| STR1                  | Southleigh                    | See Decision Making Principle 6 | 2,100                       |
| HB14                  | Havant College Campus         |                                 | 65                          |
| WV7                   | South Downs College Car Park  |                                 | 95                          |
| Emsworth              |                               |                                 |                             |
| EM2                   | Gas Site, North Street        |                                 | 25                          |
| EM3                   | Land at Fowley Cottage        |                                 | 20                          |
| EM6A/EM6B             | West of Coldharbour Farm*     |                                 | 44                          |
| EM7                   | Land north of Long Copse Lane |                                 | 260                         |
| Havant and Bedhampton |                               |                                 |                             |
| HB2                   | Portsmouth Water HQ*          |                                 | 135                         |

<sup>4</sup> [Havant Borough Local Plan – Pre-Submission version with changes](#)

| Site reference        | Site                                 | Indicative No. of dwellings |
|-----------------------|--------------------------------------|-----------------------------|
| HB3                   | Land at Palk Road*                   | 15                          |
| HB4                   | 9 East Street                        | 11                          |
| HB6                   | Littlepark House                     | 50                          |
| HB7                   | Land south of Lower Road             | 50                          |
| HB8                   | Havant Garden Centre                 | 85                          |
| HB9                   | Southleigh Park House                | 90                          |
| HB11B                 | Land East of Castle Avenue (Phase 2) | 186                         |
| HB12                  | Helmsley House                       | 15                          |
| <b>Hayling Island</b> |                                      |                             |
| HY1                   | Land rear of 13-21 Mengham Road      | 7                           |
| HY4                   | Sinah Lane                           | 195                         |
| HY7                   | Fathoms Reach                        | 55                          |
| HY8                   | Rook Farm                            | 390                         |
| <b>Leigh Park</b>     |                                      |                             |
| LP1                   | Strouden Court*                      | 55                          |
| LP2                   | Land at Riders Lane*                 | 70                          |
| LP3                   | Land at Dunsbury Way*                | 15                          |
| LP4                   | SSE Site, Bartons Road*              | 80                          |
| LP5A                  | Cabbagefield Row*                    | 155                         |
| <b>Waterlooville</b>  |                                      |                             |
| WV1                   | Goodwillies Timber Yard*             | 120                         |
| WV2                   | Padnell Grange*                      | 80                          |
| WV4                   | Blue Star*                           | 90                          |
| WV6                   | Campdown                             | 650                         |
| WV8                   | Land north of Highbank Avenue        | 25                          |
| WV9                   | Land at Waterlooville Golf Club      | 45                          |
| <b>TOTAL</b>          |                                      | <b>4,394</b>                |

Table 1: Sites not in accordance with the Development Plan where the Council accepts the principle of development

- 2.16 The yields set out in Table 1 are based on the minimum density thresholds for net developable areas (as set out in the Council's Residential Density Evidence Paper).
- 2.17 As a starting point, the Council generally expects development proposals to achieve 40 dwellings per hectare on the net developable area of a site in line with Decision Making Principle 5. In instances where a planning permission is in place, or site layout plans have been produced that appear deliverable (but without prejudice to the determination of any subsequent planning application), then this more detailed information has been used to inform the likely yield included in Table 1.

## **Decision Making Principle 2 – Sites not in accordance with the Development Plan where the Council accepts the principle of development**

The principle of residential development in Table 1 sites will be supported in order to significantly boost housing supply in the Borough. Proposals coming forward on sites in Table 1 will be:

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

Compliance with the above criteria is considered necessary in order to justify a departure from the Development Plan. Sites on Hayling Island and in Langstone will also need to comply with Decision Making Principle 3.

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.

Development proposals on the Southleigh strategic site (as denoted by STR1 on the Position Statement Maps) will also be considered in accordance with Decision Making Principle 5.

- 2.18 In line with Decision Making Principle 1, permission should not normally be granted where development proposals do not comply with the Development Plan.
- 2.19 In order to justify a departure, it will be necessary for proposals to demonstrate they constitute sustainable development by demonstrating compliance with the remainder of the Development Plan and Decision Making Principles set out in this Statement. Applicants wishing to bring forward sites that were proposed as allocations in the now withdrawn HBLP are encouraged to familiarise themselves with the Site Opportunities and Constraints and the developer requirements associated with the relevant allocation available on the Council's website. This evidence and information should be used to inform the application and its associated technical assessments.

## **Decision Making Principle 3 - Assessment of summertime transport implications of development on Hayling Island and in Langstone**

- 2.20 Whilst the Council is seeking to boost the supply of housing in the Borough, this must be done in a responsible way, reflecting any concerns that the inspectors have raised on the withdrawn HBLP which are directly material to the determination of planning applications. No concerns are raised regarding the work to date on the Hayling Island Transport Assessment and its Addendum. However, the Inspectors' Interim Findings report identifies that further work and assessment is required in relation to the impact of development on the A3023 corridor in transport terms. The A3023 corridor is considered to constitute Hayling Island and north into Langstone up to and including the A27 roundabout.
- 2.21 The Council is progressing this workstream as a matter of priority. In the meantime, applicants wishing to progress proposals on Hayling Island and in Langstone should address the impacts of their proposals on summer traffic through pre-application discussions with Hampshire County Council and Havant Borough Council. This analysis should form part of the planning application, showing how a severe transport impact during summer and weekend periods would be avoided.
- 2.22 The Council will look to ensure that the matter is addressed prior to granting any planning permission for new housing on Hayling Island and Langstone, other than that supported by the

Development Plan. This could be through individual planning applications assessing the issue in combination with other planned development. Nonetheless the Council is also progressing the addendum swiftly so that its findings can inform development management decisions and avoid the need for the matter to be considered on a site-by-site basis.

### **Decision Making Principle 3 – Assessment of summertime transport implications of development on Hayling Island and Langstone**

This decision making principle applies to all development sites on Hayling Island and Langstone, other than those where the principle of development is supported by the Development Plan.

The Inspectors 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 inspectors and demonstrate:

- There will not be an unacceptable impact on highway safety; and
- The residual cumulative impact on the road network will not be severe, including during tourist periods and at weekends.

If a planning application is submitted without an assessment of the summertime transport impacts of the proposed development, the Council will seek a planning performance agreement with the applicant to clearly identify the actions and timescales needed in relation to the determination of the planning application.

In addition to the criteria set out in Decision Making Principle 3, development proposals on such sites will be expected to demonstrate that they have taken into account issues raised by this work, and, if appropriate, include appropriate additional measures to mitigate any severe impacts on the road network.

2.23 The Council's Planning Policy Committee will scrutinise the Summer Addendum to the Hayling Island Transport Assessment prior to its publication.

2.24 Following its publication, this section of the Position Statement will be updated as appropriate.

### **Decision Making Principle 4 - Sites not in accordance with the Development Plan where the principle of development has not been previously identified**

2.25 Following the receipt of the Inspectors' Interim Findings report, it is evident that further sites will be needed to meet housing need and to significantly boost housing supply in the short term. Any submitted planning applications that are in neither the Development Plan, and have not previously identified (as an allocation in the withdrawn HBLP) will be assessed in line with the tilted balance (as set out in Decision Making Principle 1).

2.26 It is strongly recommended that site promoters of omission sites not included in the withdrawn HBLP and not in accordance with the Development Plan engage with the Council's pre-application advice service. Due to the lack of prior assessment, screening or consultation, additional pre-application advice services from statutory consultees may also be encouraged. It is also essential that pre-application consultation with the community takes place. This is a key objective set out under Decision Making Principle 1.

#### **Decision Making Principle 4 – Sites not in accordance with the Development Plan where the principle of development has not been previously identified**

The nature of Havant Borough means there are constraints affecting much of the undeveloped land outside of the built up area. In line with paragraph 38 of the NPPF, the Council will work with applicants to fully assess technical constraints affecting development sites, and explore whether mitigation packages can be secured to the satisfaction of the appropriate statutory consultee(s).

Development proposals not in Table 1 and not in accordance with the Development Plan will need to demonstrate that they constitute 'sustainable development' in accordance with the NPPF, by demonstrating that:

- The remaining requirements of the Development Plan and decision making principles set out in this 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).

In addition to the above, proposals will need to demonstrate they are deliverable in line with the definition in Annex 2 of the NPPF.

The Council will consider such development proposals in line with Paragraph 11 d) of the NPPF, against the decision making principles in this Position Statement. Substantial weight will be given to the material consideration of housing supply, considering the Borough's five year supply position at the point of determination.

#### **Deliverability**

- 2.27 Development proposals not in accordance with the Development Plan and not previously identified as a site allocation in the Havant Borough Local Plan will need to clearly show they are deliverable in accordance with the definition at Annex 2 of the NPPF:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."

- 2.28 Therefore, if outline planning permission is granted as a departure to the Development Plan, it would be generally recommended that there is a shorter period for the submission of a valid reserved matters application (i.e. 2 years, normally 3 years).

#### **Decision Making Principle 5 - Development quality**

- 2.29 It is essential that new housing developments are built to a high quality and will stand the test of time. Government has been clear in updating the NPPF that:

*"The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve<sup>5</sup>".*

- 2.30 As such, whilst the Council is mindful that the rate of housing development needs to increase, it must be done whilst improving the quality of development. Challenges such as climate change and

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<sup>5</sup> NPPF Paragraph 126.

changing lifestyles following the coronavirus pandemic will be felt over the lifetime of development and as a result, development design needs to reflect these new realities.

- 2.31 Decision Making Principle 5 reflects the direction of travel set out by the withdrawn HBLP. In this respect, the Local Plan and CIL Viability Study considers the broad costs of these developer requirements and provides high level assurance that the various developer requirements set out in the HBLP which are replicated in the following Principle. It demonstrates that the development quality standards do not cumulatively harm the viability or deliverability of development. It should be borne in mind that similar considerations may apply as part of a new Local Plan.
- 2.32 For regeneration schemes within Havant, Waterlooville and Leigh Park town centres (as defined by TC1, TC2 and TC3 on the Position Statement Maps), the costs of site assembly mean that 30% affordable housing provision will not be viable. With these three town centres, the Council expects 20% of new homes on schemes or more to be provided as affordable housing.

#### **Decision Making Principle 5 – Development quality**

Residential development will be expected to:

- a) 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
- b) 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
- c) 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
- d) 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
- e) Incorporate a comprehensive ecological strategy, which achieves biodiversity net gain, and includes, but is not limited to:
  - i. The retention and integration of any protected trees and hedgerows.
  - ii. The retention and enhancement of any local nature conservation designations on or affected by the development;
  - iii. Mitigation for any protected species, including appropriate buffers;
  - iv. The creation of green linkages and wildlife corridors within and through the site, making the best use of existing natural features; and
- f) Provide electric vehicle charging infrastructure for each new residential unit with private off-street parking; and
- g) Meet the nationally described space standards for new homes provided; and
- h) Provide outdoor private and/or communal amenity space for all residential units; and
- i) Achieve a reduction in CO<sub>2</sub> emissions of at least 19% of the Dwelling Emission Rate (DER) compared to the Target Emission Rate (TER) of Part L of the Building Regulations; and

- j) Provide a drainage strategy suitable to the site which incorporates appropriate Sustainable Drainage Systems (SuDS) to an adoptable standard; and
- k) Provide for the sustainable management and maintenance of any new 'common parts' through a legal agreement.

In addition to the above, developments of 10 dwellings or more will be expected to:

- l) 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
- m) Deliver 30% of homes designed to meet Part M4(2) of the Building Regulations; and
- n) 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.

In addition to the above, developments of 20 dwellings or more will be expected to:

- o) Contribute towards a community officer, to help new residents in the development integrate into existing communities.

In addition to the above, developments of 50 dwellings or more will be expected to:

- p) 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
- q) Deliver 2% of homes designed to meet Part M4(3) of the Building Regulations as part of the affordable housing provision in addition to m).

In addition to the above, developments of 100 dwellings or more will be expected to:

- r) Support local people in accessing employment and skills training either through a financial contribution or a site specific skills and employment plan.

- 2.33 The Council will give substantial weight where proposals demonstrate compliance with these development quality standards. This reflects the Council's objectives to achieve quality of places and the creation of sustainable places and buildings which are also key objectives of the NPPF.
- 2.34 Applicants on sites being considered in line with this Position Statement should include a 'development quality standards checklist' with their application, clearly setting out, in table form, their compliance with the requirements of Decision Making Principle 5. A template checklist is available on the Council's website.
- 2.35 If it is considered that there are planning constraints which mean that full compliance is not possible, this should be explained in the statement whilst the level of compliance should also be highlighted (in full, in part or failure to comply). Proposals shall be supported with sufficient detail in order to provide comprehensive justification for a departure to the Development Plan.

#### Viability and Affordable Housing Delivery

- 2.36 There is a large need for affordable housing in the Borough and so a need to maximise delivery of homes which meet a genuine affordable housing need. Nonetheless, the approach provides flexibility where site conditions may influence the actual level of affordable housing requirement



which can be provided without undermining the overall viability of the scheme. This is particularly relevant for regeneration sites in the Borough's town centres. If providing policy compliant affordable housing provision would render a scheme unviable, the Council will expect the applicant to maximise affordable housing provision within the limits of viability. The amount of affordable housing which can be provided must be evidenced by an open book financial appraisal. This must demonstrate that the applicant has explored all options for the amount, mix and type of affordable housing that will meet a genuine affordable housing need in consultation with the Council. The Council will expect applicants to provide site-specific viability assessments which follow standardised inputs

- 2.37 Where a comprehensively justified open book viability assessment is submitted with the planning application, this will be reviewed by the Council on its merits. In such cases, independent third-party valuation will be required at the applicant's cost. This will critically examine the viability of the development scheme and the level of affordable housing or commuted sum that can be provided without threatening viability.

### **Decision Making Principle 6 - Southleigh Strategic site**

- 2.38 Southleigh, between the existing settlements of Denvilles and Emsworth has been identified by the Council as a strategic site for housing delivery since 2016, being capable of providing around 2,100 dwellings.
- 2.39 Given the scale of the development proposed at Southleigh, significant infrastructure improvements will need to be delivered to make the new community sustainable and to mitigate negative effects on existing communities. To achieve this, the new community must be planned comprehensively, together with the required infrastructure in line with the Framework Masterplan for the site. Piecemeal development of this site will not be considered to be appropriate, although it is acknowledged that such a large site is likely to come forward in phases, again informed by the masterplanning work.

#### **Decision Making Principle 6 – Southleigh Strategic Site**

The Southleigh strategic site (as denoted by STR1 on the Position Statement Map) is identified for the delivery of 2,100 dwellings and associated infrastructure. Development proposals will be expected to deliver comprehensive development which accords with an agreed masterplan . Piecemeal development of the site will be unacceptable.

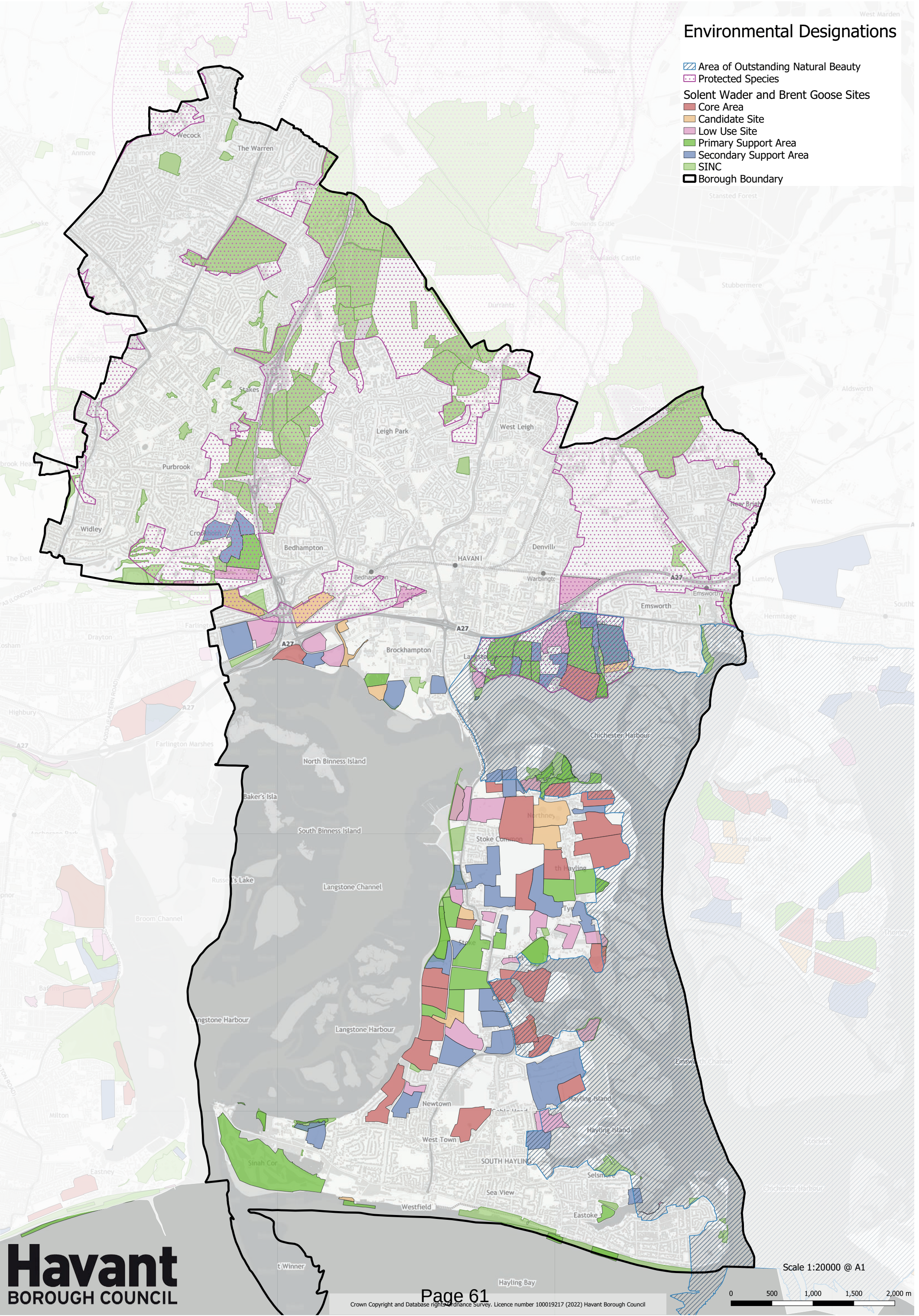
Development proposals which prejudice the future delivery of A27 junction improvements to facilitate access arrangements to the Southleigh strategic site will be resisted. Land is safeguarded for this purpose is shown on the Position Statement Map. In such cases, applications will be premature in terms of undermining the future delivery of the strategic housing site under NPPF, Paragraph 49.

- 2.40 The Mainland Transport Assessment indicates the development may not need a direct access onto the A27, but it also makes clear that the sub-regional transport model has limitations in its ability to isolate the impact of individual sites. Therefore, at an early stage it will be necessary for the applicant to test in further detail the need for an access from this site directly onto the A27. Until it is irrefutably demonstrated that such an access is not needed, land is safeguarded (as defined on the Position Statement Map) to allow it to be delivered at an appropriate stage in this development.











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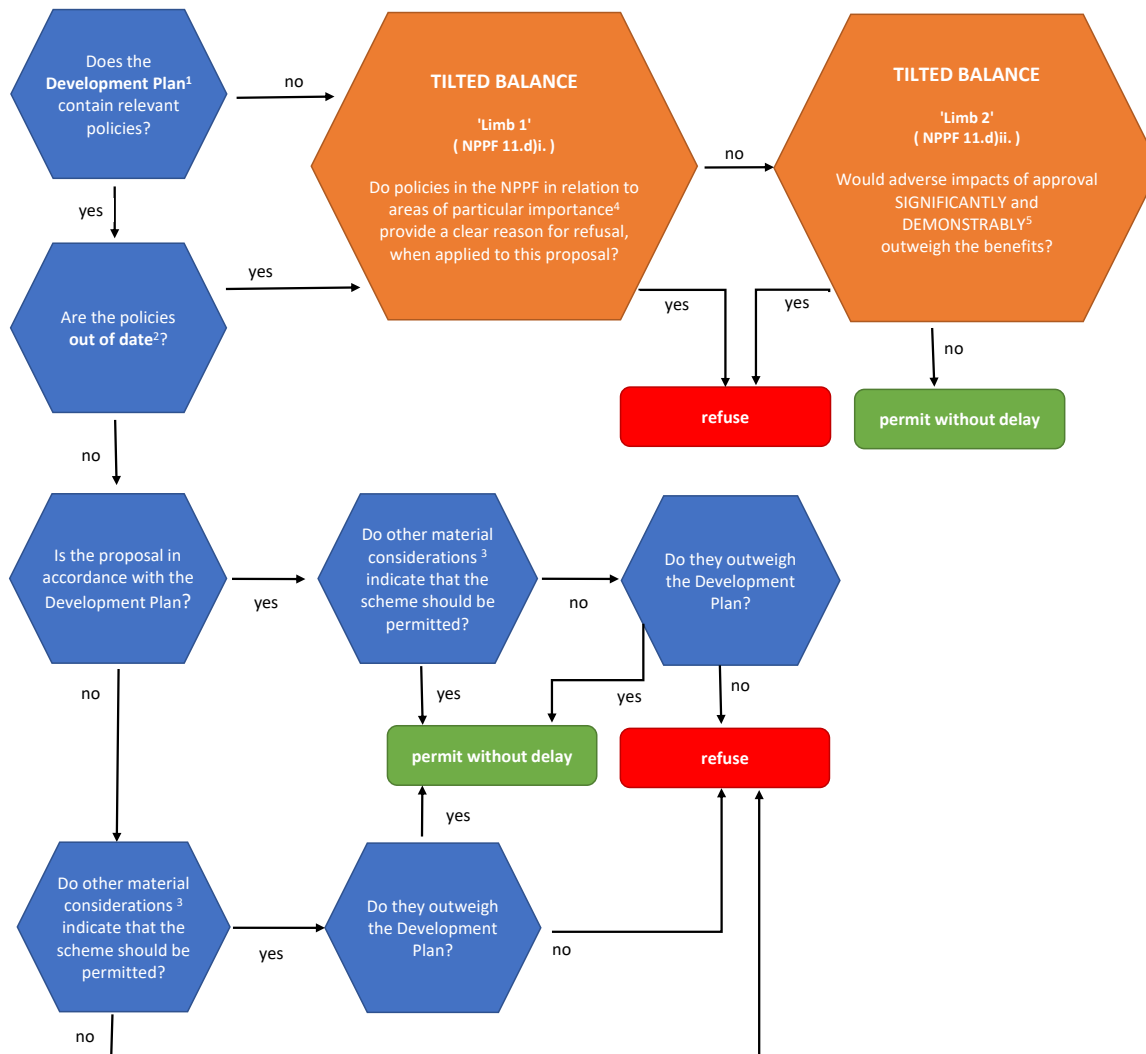
## Paragraph 11, NPPF: The 'tilted balance'

Planning Legislation\* requires decisions to be made in accordance with the Development Plan unless material considerations indicate otherwise. This means that the decision taker must take as a starting point the Development Plan and balance it and all other material considerations to arrive at a decision on whether or not to grant planning permission. If the harms outweigh the benefits, planning permission will usually be refused.

Paragraph 11 of the NPPF, under the 'presumption in favour of sustainable development', sets out circumstances where this balancing exercise should be weighted towards granting permission. This is the case where there are no relevant policies in the Development Plan or the relevant policies are 'out of date'. These circumstances become a material consideration, which 'tilts' the balancing exercise from a neutral balance to one where there must be compelling reasons for permission to be withheld.

The flow chart below is designed to help explain the circumstances where the tilted balance must be applied.

\*Town and Country Planning Act 1990 Act, section 70(2) and Planning and Compulsory Purchase 2004 Act section 38(6)



### NOTES

<sup>1</sup> The Development Plan is always the starting point for decisions. In Havant it consists of:

HBC Core Strategy (2011)  
HBC Site Allocations Plan (2014)  
HCC Hampshire Minerals and Waste Plan (2013)  
Emsworth Neighbourhood Plan (2021)

**NB plans that have not yet been adopted are NOT part of the Development Plan.**

<sup>2</sup> On housing proposals 'out of date' includes situations where the local planning authority cannot demonstrate a **five year supply** of deliverable housing sites with the appropriate buffer; 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 three years.

<sup>3</sup> Other Material Considerations may include:

The NPPF  
An emerging policy or plan at advanced stage of preparation  
Supplementary Planning Documents (SPDs)  
Previous planning decision, including appeals  
Views of statutory consultees

**NB this is NOT an exhaustive or definitive list**

<sup>4</sup> Consider only those designations noted in footnote 7 of the NPPF, which are relevant in Havant:

Habitats sites and/or and SSSIs and land needed as mitigation  
Local Green Spaces  
Areas of Outstanding Natural Beauty (Chichester Harbour)  
Irreplaceable habitats (including ancient woodland and veteran trees),  
Designated heritage assets,  
Areas at risk of flooding or coastal change.

<sup>5</sup> NB applying the tilted balance does NOT exclude Development Plan policies from being considered in the balance.

However, a high bar for refusal is set here. It is not enough for there to be some harm or negative effects, or for a scheme to be less than ideal (e.g. where it does not to comply with local or national policy in some regard).

The harm must be **significant and demonstrable**.

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NON-EXEMPT

## HAVANT BOROUGH COUNCIL

Planning Policy Committee

22 February 2022

### Community Infrastructure Levy (CIL) Spending Protocol

#### FOR DECISION

Cabinet Lead: Councillor Gwen Robinson – Cabinet Lead for Housing, Communities and CIL

Key Decision: Yes

Report Number: *HBC/442/22*

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#### 1. Purpose

- 1.1. This report is submitted to the Planning Policy Committee for onward recommendation to Council.
- 1.2. The report considers whether the revised Community Infrastructure Levy Spending Protocol should be approved for use in CIL spending decisions.

#### 2. Recommendations

- 2.1. Members are requested to recommend to Council:
  - a) To approve the Community Infrastructure Levy (CIL) Spending Protocol in the Appendix for use in CIL spending decisions;
  - b) To grant delegated authority to the Head of Planning to amend the CIL Spending Protocol, in consultation with the Cabinet Lead for Housing, Communities & CIL (or any future Cabinet Lead responsible for Community Infrastructure Levy matters). Such changes shall be limited to

- i. the correction of factual errors and changes necessary to accommodate national or local changes in regulations, guidance or procedures and shall not otherwise alter the meaning of the protocol;
  - ii. amending the Annual Funding Awards for the Neighbourhood Portion as set out in Part 4 of the CIL Spending Protocol where scrutiny by the Planning Policy Committee suggests this should be the case; and
  - iii. Amending the branding of the Spending Protocol to align with the Council's Corporate Strategy and wider place-making and regeneration agenda and commentary within the document.
- c) To grant delegated authority to the Head of Planning, in consultation with the Cabinet Lead for Housing, Communities & CIL (or any future Cabinet Lead responsible for Community Infrastructure Levy matters) to prepare guidance and relevant processes for the implementation and administration of CIL spending decisions in line with the Spending Protocol;
- d) To grant delegated authority to the Community Infrastructure Officer/Team Leader, in consultation with the Head of Planning and the Cabinet Lead, to approve spends from the neighbourhood portion and interim Strategic CIL spends with a value of no greater than £10,000.
- e) To grant delegated authority to the Cabinet Lead responsible for CIL to approve interim spends greater than £10,000, in consultation with the S151 Officer, and, where the value exceeds £50,000, after consideration by the Planning Policy Committee.
- f) To grant delegated authority to the Community Infrastructure Officer/Team Leader, in consultation with the Head of Planning and the Cabinet Lead, to approve spends from the neighbourhood portion;
- g) To grant delegated authority to the Community Infrastructure Officer/Team Leader to assign available neighbourhood portion funds for 2022/23 in line with section 4.8 of the Spending Protocol;

### **3. Executive Summary**

- 3.1. The Council collects Community Infrastructure Levy (CIL) monies from developers that undertake building projects in the borough. The purpose of the CIL Spending Protocol is to guide spending decisions in relation to these funds, and to make that process transparent.
- 3.2. While a protocol already exists and has guided previous rounds of CIL spending, the Cabinet agreed in July 2020 that an update was needed to take into account experience gained from earlier years.
- 3.3. The revised protocol gives a basic introduction to CIL, sets out the principles which guide the spending of the Strategic CIL and the Neighbourhood Portion and explains how the collection and spend of monies is monitored.
- 3.4. The Council is asked to approve the revised protocol for use in future spending decisions, together with a number of related recommendations.

### **4. Additional Budgetary Implications**

None

### **5. Background and relationship to Corporate Strategy and/or Business Plans**

#### **Background**

- 5.1. Havant Borough Council is responsible for making the final decision on the allocation of funding raised through the Community Infrastructure Levy (CIL) in its area. The aim of the CIL Spending Protocol is to ensure that the decision-making process is transparent. It will guide the way future spend from CIL funds is allocated to projects.
- 5.2. The Council introduced its Community Infrastructure Levy in 2015. Systems for collection are well established and several annual spending rounds have taken place, which have funded significant strategic and local community infrastructure projects. The process has been guided by a CIL Spending Protocol. It is necessary to update this protocol, to take account of experience gained from use of previous iterations of the protocol on annual

spending rounds to 2021 and changes in priorities. The update was agreed by Cabinet in July 2020 and was included in the Corporate Action Plan for 2020/21.

- 5.3. The revised protocol, attached as an Appendix to this report, gives a basic introduction to CIL, sets out the principles which guide the spending of the Strategic CIL and the Neighbourhood Portion and explains how the collection and spend of monies is monitored.

#### **Clear and strong principles guiding decision making**

- 5.4. The aim of CIL spending is to provide the infrastructure that's needed to implement the Council's Corporate Strategy together with its key development and place-making strategies, namely the Local Plan and the Havant Regeneration Strategy.
- 5.5. While criteria have always been used to assess CIL bids, the revised protocol sets out clearly the guiding principles which should underpin all CIL spending decisions:
- a) funding infrastructure to support the development of the area, in line with national regulations
  - b) making best use of funds by clearly defining expectations of CIL funded projects and only allocating CIL funds to those project which meet them
  - c) maximising the reach of CIL by enshrining the principle of match funding.

#### **Neighbourhood Areas**

- 5.6. It is proposed that in future spending of the Neighbourhood Portion is to be considered on a borough-wide basis, as opposed to by smaller areas.
- 5.7. The Neighbourhood Portion will be made available on an annual basis to project delivery teams responsible for infrastructure assets owned and managed by Havant Borough Council<sup>1</sup>.

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<sup>1</sup> In some cases, particularly in Leigh Park, the facilities may be owned and operated by Portsmouth City Council

- 5.8. The revised protocol also sets out how the uplift in CIL spending in areas with an adopted neighbourhood plan will be managed. The CIL regulations provide that 25% of the CIL receipts from development falls due to such areas, rather than 15% where there is no neighbourhood plan. It is proposed that the original 15% of CIL receipts for the area is considered as part of the wider allocation of funds, with the uplift of 10% ringfenced specifically to the Neighbourhood Plan area.
- 5.9. At this point, Emsworth is the only part of the Borough which is covered by a Neighbourhood Plan.

### **Delegations**

- 5.10. Several delegations are proposed through this report:
- 5.11. The first (recommendation 2.1b) is to allow officers, in consultation with the Cabinet Lead responsible for CIL, to make amendments to the protocol. Any changes to the Spending Protocol made under this delegation would be exceptional and would only be used to make changes that are necessary to correct factual errors or to ensure compliance and consistency with national or local regulations, guidance and procedures. A further element of this delegation is to allow changes to be made to the Annual Funding Awards for the Neighbourhood Portion as set out in Part of the Protocol. The protocol sets out that the Planning Policy Committee will keep under review the appropriateness of the split between the Infrastructure Asset Themes. This delegation allows changes to be made to the Protocol if the planning Policy Committee determines that the split is no longer appropriate and should be changed.
- 5.12. Authorisation is sought under recommendation 2.1c for officers, in consultation with the Cabinet Lead, to prepare guidance and relevant processes for the implementation and administration of CIL spending decisions in line with the Spending Protocol; These matters have been removed from the protocol itself, as flexibility is required to adapt to changing circumstances, for example in staffing and administration arrangements. Any

documents prepared under this delegation would not alter or supersede the content of the protocol and would be in line with the principles set out in it.

- 5.13. A further delegation sought is for the approval of interim spends from the strategic pot between formal spending rounds (recommendations 2.1d and 2.1e). It is proposed that interim spends up to £10,000 may be authorised by officers in discussion with the Cabinet Lead. This delegation is designed to allow for limited overspends on agreed projects should the need arise. Any spend above this amount would have to be authorised through a delegated report to the Cabinet Lead, in consultation with the Monitoring Officer, and, where the amount exceeds £50,000, after consideration by the Planning Policy Committee. This delegation would allow funds to be committed to strategic projects outside of the annual allocation process if it becomes expedient to do so. The protocol makes clear that such interim spends should be exceptional and sets out criteria that must be met for such decision to be made.
- 5.14. A delegation is also sought for officers to approve spends from the Neighbourhood Portion, in consultation with the Cabinet Lead (recommendation 2.1f). Only spends that follow the process and meet the criteria set out in the CIL Protocol will be approved under this delegation.
- 5.15. Finally, recommendation 2.1g seeks a delegation for officers to assign available neighbourhood portion funds to the infrastructure asset themes set out in section 4.8 of the CIL Spending Protocol. This delegation is only required for the financial year 2022/23, as this report is being considered after the setting of the budget. In future years, these funds will be assigned through the budget setting process.

## **6. Options considered**

- 6.1. The proposed protocol takes into account the experience gained from several years of CIL spending rounds. It sets out transparently the expectations of CIL funded projects.

- 6.2. An alternative would have been not to update the protocol. This would leave the decision making processes more open to interpretation and variation in each spending round, which in turn could lead to inconsistency in decision making and less transparency.
- 6.3. A further alternative would have been a draft protocol which was considered, and approved, by the Planning Policy Committee on 19 July 2021<sup>2</sup>. Upon further discussions between officers and Cabinet members, it was concluded that the approach would not maximise the delivery of the relevant strategies, and officers were instructed to prepare an alternative approach, which is the subject of this report.

## **7. Resource Implications**

### **7.1. Financial Implications**

While the CIL Protocol sets out the process and the criteria to be applied to decision on allocating funds from the Community Infrastructure Levy, no specific financial implications arise from its contents. Agreeing the protocol will assist in transparent decision making in future CIL spending decisions.

#### **Section 151 Officer comments**

Date: 10 December 2021

Financial changes in this report reflect changes in both the Council's constitution and national guidance.

### **7.2. Human resources Implications**

The administration of CIL is covered by existing posts within the Planning Service.

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<sup>2</sup> <https://havant.moderngov.co.uk/ieListDocuments.aspx?CId=531&MId=11432&Ver=4>



### 7.3. Information Governance Implications

While as part of the process of collecting and spending CIL, personal information is handled, the CIL protocol itself, which is the subject of this report, does not involve the use of personal identifiable information/data and/or personal sensitive or confidential information/data.

### 7.4. Other resource implications

CIL funding includes an allowance of 5% of the total income taken to be spent on CIL administration, which funds the posts referred to under the 'Human Resources Implications' heading.

## 8. Legal Implications

- 8.1. The collection and spend of CIL is governed by The Community Infrastructure Levy Regulations 2010 as amended. The proposed Protocol is in line with these provisions.

### **Monitoring Officer comments**

The Community Infrastructure Levy (CIL) is one important source of funding which can contribute to the cost of infrastructure needed to support development across the Council area.

To ensure consistent and equitable application of the money collected, a clear CIL governance structure to oversee the spending of CIL monies is desirable and this report proposes the key governance arrangements around this to ensure CIL serves its purpose.

**Mark Watkins, DMO**

## 9. Risks

- 9.1. Risks to the Council as a result of this decision are minimal. The protocol is designed to ensure that funds will be spent in line with the Community Infrastructure Regulations.

## **10. Consultation**

- 10.1. The CIL protocol has been drafted in close consultation with the Leader and the Cabinet Lead for Housing, Communities and CIL. The content of the update was also presented to Cabinet Briefing.

## **11. Communication**

- 11.1. No particular communications are planned following approval of this protocol, although it will be made available on the CIL pages of the Council's website.

## **12. Appendices**

- 12.1. Community Infrastructure Levy Spending Protocol (2022)

## **13. Background papers**

- 13.1. Government Neighbourhood Planning Guidance  
Paragraph: 107 Reference ID: 41-107-20200925 (Revision date: 25 09 2020)  
<https://www.gov.uk/guidance/neighbourhood-planning--2>

### **Agreed and signed off by**

Portfolio Holder: Cllr Gwen Robinson, 6.1.2022

Director: Simon Jenkins, 7.1.2022

Monitoring Officer: Daniel Toohey, 24.1.2022

Section 151 Officer: Lydia Morrison, 20.1.2022

Chief Operating Officer: Kim Sawyer 14.12.2021

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Job Title: Principal Planning Officer

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**Community Infrastructure Levy (CIL)  
Spending Protocol**

**Revised 2022**

## Contents

|    |                                                      |    |
|----|------------------------------------------------------|----|
| 1. | Introduction & Overview .....                        | 3  |
|    | What is the Community Infrastructure Levy? .....     | 3  |
|    | Status of this document .....                        | 3  |
| 2. | Guiding principles .....                             | 4  |
|    | Funding Infrastructure to support development.....   | 4  |
|    | Best use of Funds.....                               | 4  |
|    | Maximising the reach of CIL .....                    | 5  |
| 3. | Strategic CIL .....                                  | 6  |
|    | Principles of Strategic CIL spend.....               | 6  |
|    | Annual Strategic CIL Funding Proposal .....          | 6  |
| 4. | Neighbourhood Portion .....                          | 7  |
|    | Principles of Neighbourhood Portion CIL spend .....  | 7  |
|    | Neighbourhood Portion Distribution .....             | 7  |
|    | Annual Funding Awards.....                           | 8  |
| 5. | Interim Spending Decisions .....                     | 9  |
|    | Provisions for Strategic CIL Interim Spends.....     | 9  |
|    | Provision for Neighbourhood CIL Interim Spends ..... | 9  |
| 6. | Monitoring and Reporting .....                       | 10 |

# 1. Introduction & Overview

## What is the Community Infrastructure Levy?

- 1.1. The Community Infrastructure Levy (CIL) is a charge which new development in Havant Borough has to pay. The CIL charging schedule sets out the rates of CIL that apply to Havant Borough. Further guidance on the charging regime is available at [www.havant.gov.uk/planning-policy/community-infrastructure-levy-cil](http://www.havant.gov.uk/planning-policy/community-infrastructure-levy-cil).
- 1.2. The Community Infrastructure Levy system recognises that new development places pressure on the Borough's infrastructure networks, necessitating expansion and improvement of existing assets and the provision of new infrastructure. CIL funds gathered must be used to fund the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area.
- 1.3. The majority (80%) of CIL funds collected must be used for strategic projects. A further 15%<sup>1</sup> is set aside for the Neighbourhood Portion. The remaining 5% of CIL funds are used for administration of the service. Different processes and principles govern the spending of the Strategic CIL funds and the Neighbourhood Portion, as set out in sections 3 and 4 of this protocol.
- 1.4. CIL is an important tool for the Council to use to help deliver the infrastructure needed to support the Corporate Strategy, including its supporting place-making strategies, namely the Local Plan<sup>2</sup> and the Havant Regeneration Strategy<sup>3</sup>. There is, however, a 'funding gap' between what can reasonably be acquired through CIL and other developer contributions and the full requirements for the expansion of local infrastructure networks. As a result, CIL should only be considered to be one of many, rather than a single reliable source of funding for infrastructure, and most projects will be funded only in part through CIL.

## Status of this document

- 1.5. This document sets out Havant Borough Council's policy framework governing the spending of CIL and how this will be used to improve and expand the Borough's infrastructure. A set of more detailed process notes accompanies the protocol in order to guide bidding and spending bodies and Council departments through the process.
- 1.6. The protocol will be reviewed periodically and updated if necessary to take account of lessons learnt in its implementation, changes to priorities in the Borough's development strategy or amendments to national regulations or guidance.

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<sup>1</sup> The Neighbourhood Portion rise to 25% in areas which are covered by a made Neighbourhood Plan.

<sup>2</sup> [www.havant.gov.uk/localplan](http://www.havant.gov.uk/localplan)

<sup>3</sup> [www.havant.gov.uk/have-with-havant](http://www.havant.gov.uk/have-with-havant)

## 2. Guiding principles

### Funding Infrastructure to support development

- 2.1 For the purposes of CIL Infrastructure includes roads and other transport facilities, flood defences, schools and other educational facilities, medical facilities, sporting and recreational facilities, and open spaces<sup>4</sup> (NB this is not an exhaustive list). Infrastructure is defined for the purposes of this Spending Protocol as the “services necessary for development to take place and which play a critical role in supporting new development”.
- 2.2 In line with the regulations, CIL funds will be spent in Havant on *the provision, improvement, replacement, operation or maintenance of infrastructure to support the development of the area*.<sup>5</sup> The levy can be used to fund new infrastructure, increase the capacity of existing infrastructure or to repair failing existing infrastructure, as long as the spend is necessary to support development.
- 2.3 Havant Borough Council, as a guiding principle, will use its CIL to implement its Corporate Strategy and the supporting strategies concerning the development and place making of Havant Borough, namely, the Havant Borough Local Plan and the Havant Regeneration Strategy. CIL will be used to support development through the improvement of the Borough’s existing infrastructure network and the provision of new infrastructure. All CIL funded projects must contribute to this aim.

### Best use of Funds

- 2.4 In order to ensure that CIL funds are used to best effect, projects will only be funded if they meet the following conditions:
- a) The project relates to fixed infrastructure / 'immovable' items
  - b) The project goes beyond pure maintenance to improve an asset or provide a new asset
  - c) The proposal is a capital project (although associated revenue funding to maintain the capital project is also permissible)
  - d) The project delivers clear and significant benefits to users / the community
  - e) The project is in line with the Council’s Corporate Strategy, including any relevant supporting strategies such as the Regeneration Strategy, Local Plan and Climate Change and Environment Strategy
  - f) The benefits would last long term (minimum 10 years) without having to be replaced or upgraded
  - g) The funding sought is for project delivery, rather than solely project development or feasibility
  - h) The Council is not aware of other dedicated funding or delivery mechanisms for the project

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<sup>4</sup> S216 Planning Act 2008 <https://www.legislation.gov.uk/ukpga/2008/29/section/216>

<sup>5</sup> The Community Infrastructure Levy Regulations 2010, as amended in 2012

<https://www.legislation.gov.uk/uksi/2010/948/regulation/59/made> and

<https://www.legislation.gov.uk/uksi/2012/2975/regulation/7/made>;

see also CIL Guidance <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>

## **Maximising the reach of CIL**

- 2.5 The Council is committed to improving the Borough's infrastructure network. The Infrastructure Delivery Plan highlights that there is a 'funding gap' between what can reasonably be acquired through CIL and other developer contributions and the full requirements for the expansion of infrastructure networks.
- 2.6 As a result, CIL is unlikely to fund projects in full. The Council expects delivery teams and organisations to identify and bring to the table other sources of funding that will contribute to the delivery of the projects seeking CIL funding.
- 2.7 Similarly, CIL is a suitable pot of money to be used as match funding for external bids for infrastructure funding.



### 3. Strategic CIL

#### Principles of Strategic CIL spend

- 3.1 The Strategic (or 'main') CIL Pot, approximately 80% of collected funds, will be used by Havant Borough Council to deliver infrastructure that supports the whole Borough. Projects should be of a scale which offer wider than purely local benefits for parts of the Borough.
- 3.2 Strategic funds will be prioritised to address identified infrastructure priorities including those outlined in the Local Plan, and the adopted Corporate and Regeneration Strategy Documents, and address the impacts of development.
- 3.3 There is no requirement to tie the expenditure of any particular CIL receipt to a particular location or development. Since the funds will be used for strategic infrastructure projects, these are considered to benefit the whole borough.

#### Annual Strategic CIL Funding Proposal

- 3.4 Once a year, stakeholders involved in development and in delivery of infrastructure, will be invited to put forward projects for funding through CIL. While it is expected that Havant Borough Council Services will be the main bidders and beneficiaries, external organisations are also key deliverers of infrastructure to support development, and bidding rounds are open to these organisations. The Council is particularly keen to hear from organisations with the responsibility and/or ability to deliver the projects identified in the Council's Development Strategies <sup>6</sup>.
- 3.5 Proposals will be considered against the guiding principles in Section 2 and assessed competitively against each other to form the basis of an annual Strategic CIL Funding Proposal. Criteria used for this assessment will be made available to bidders and decision makers.
- 3.6 The Strategic CIL Funding Proposal will be presented to the Planning Policy Committee for consideration before being agreed by the Cabinet.
- 3.7 Once funding to a project is confirmed, funds will be retained by the council until that project is delivered, and funds transferred once proof of successful delivery is received by the CIL Team. This is to safeguard against misuse of CIL funds.
- 3.8 Associated process notes will set out the process in more detail and will be kept under review to ensure the process is efficient and effective. They will not alter the principles set out in this protocol.

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<sup>6</sup> **The Local Plan** (adopted and emerging); **The Local Plan Evidence Base** (for example Transport Assessments; Open Space, Sport & Recreation Strategy; Coastal Strategies and Studies etc); **The Infrastructure Delivery Plan**; **The Council's Regeneration Strategy**

## 4. Neighbourhood Portion

### Principles of Neighbourhood Portion CIL spend

- 4.1 The Neighbourhood Portion, 15% of collected funds (see further below), will be used by Havant Borough Council to deliver infrastructure at a neighbourhood and community scale.
- 4.2 National CIL regulations require the neighbourhood portion to be used to support the development of the area by funding
- a. *the provision, improvement, replacement, operation or maintenance of infrastructure; or*
  - b. *anything else that is concerned with addressing the demands that development places on an area.*<sup>7</sup>
- 4.3 The focus of the neighbourhood portion funds will be on improving and expanding the capacity and quality of infrastructure assets owned and managed by Havant Borough Council<sup>8</sup>. This will deliver substantial improvements to local infrastructure assets that area used by a wide variety of residents and groups.

### Neighbourhood Portion Distribution

- 4.4 Havant Borough is unparished, and therefore the Borough Council retains the CIL Neighbourhood Funds and allocates it to community scale projects.
- 4.5 Regulations do not set out at what geographical scale funding allocations in non-parished areas should be made. In Havant, the Council has decided to allocate these funds across the whole Borough. It means that funding can be used in the areas of most need and projects prioritised on their merits rather than geographical availability of funding.
- 4.6 One exception must be noted to the Borough-wide approach: In any area that has an adopted Neighbourhood plan, some funding will be ringfenced. This is because CIL regulations require 25% (instead of 15%) of funds in areas with adopted Neighbourhood Plans to benefit that area.
- 4.7 In any area with an adopted neighbourhood plan<sup>9</sup>, 15% of the funds raise will be considered as part of the area wide allocation and associated bidding process, and an additional 10% will be ringfenced specifically for Emsworth. The Council will work with the Neighbourhood Forum, or appropriate other local groups if the Neighbourhood

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<sup>7</sup> Regulation 59C of The Community Infrastructure Levy (Amendment) Regulations 2013 <https://www.legislation.gov.uk/uksi/2013/982/regulation/8/made>; see also CIL guidance at <https://www.gov.uk/guidance/community-infrastructure-levy#spending-the-levy>

<sup>8</sup> In some cases, particularly in Leigh Park, the facilities may be owned and operated by Portsmouth City Council

<sup>9</sup> At the time of writing, this applies only to Emsworth

Forum no longer exists, to consider how to spend that 10% in the Neighbourhood Area.

## **Annual Funding Awards**

- 4.8 The Neighbourhood Portion will be made available on an annual basis to project delivery teams in line with the table below:

| <b>Infrastructure Asset Theme</b>                         | <b>Proportion of funds</b> |
|-----------------------------------------------------------|----------------------------|
| Parks, play, open spaces, sport and leisure               | 50%                        |
| Public realm and public facilities in urban areas         | 25%                        |
| Community Centres                                         | 12.5%                      |
| Walking and cycling paths and public transport facilities | 12.5%                      |

- 4.9 This distribution will be kept under review (see section 6).
- 4.10 The amount of neighbourhood portion available will be confirmed as part of the budget setting process. This will also include confirmation of the amount of unspent Neighbourhood Portion from previous years, which delivery teams may roll over year on year, enabling pot building for larger projects if desired.
- 4.11 Despite funds being ‘made available’ through the budget process, delivery teams will have to make funding requests for specific projects to the CIL Team. The decision on funding will be made by the Community Infrastructure Officer, in discussion with the Head of Planning and the Cabinet Lead. Eligibility of the project for CIL funding will then be confirmed. As an additional safeguard for the appropriate use of funds, CIL monies will not be released until proof of successful delivery has been received by the CIL Team.
- 4.12 Associated process notes will set out the process in more detail and will be kept under review to ensure the process is efficient and effective. They will not alter the principles set out in this protocol.

## 6. Monitoring and Reporting

- 6.1 The Council will monitor CIL receipts and spends and the sum remaining in the fund each year. The CIL Regulations require the Council to produce and publish an Infrastructure Funding Statement annually with this information.
- 6.2 Following the allocation of CIL funds to a project the Council will expect delivery of that project to the agreed timescales. This applies whether funding comes from the Strategic CIL or the Neighbourhood Portion. Project leads are expected to report their progress on delivery to the CIL Team.
- 6.3 Where projects are not delivered to the agreed timescale or are unlikely to be delivered due to a change in circumstances the funds will be returned for reallocation to other projects.
- 6.4 In addition to ongoing monitoring by officers, the Council's spending of CIL will be scrutinised at least annually by the Planning Policy Committee. This will examine the projects coming forward to review whether they are fully in line with the Council's guiding principles (section 2) and other requirements in this protocol, whether the funding distribution for the Neighbourhood Portion set out in this protocol remains appropriate, and most importantly, whether delivery of projects using CIL funds is ensuring that the Borough's infrastructure capacity is being expanded in line with new development coming forward.

## 5. Interim Spending Decisions

### Provisions for Strategic CIL Interim Spends

- 5.1 In exceptional circumstances, it may be expedient to propose a spend from the Strategic CIL fund outside of the annual funding cycle. Interim spends must remain exceptional and must not be a way to avoid competing against other projects through the annual funding proposal process. Therefore, any such spend would only be acceptable where the proposed spend meets the criteria for CIL spend as set out in the regulations and this protocol, and where:
- a) It would be financially expedient (for example, where CIL could be used as match funding to bid for grant funding from another body such as central government) and the decision cannot wait until the next annual allocation of funds;
- or
- b) Funding is needed to cover a minor overspend on an ongoing CIL funded project.
- 5.2 Where it becomes expedient for a decision to be made outside of the annual preparation of the annual CIL Strategic Funding Proposal, and the above criteria are met, interim spends may be authorised according to the following delegations:
- Up to £10,000 may be authorised by the Community Infrastructure Officer, in discussion with the Head of Planning and the Cabinet Lead.
  - Any spend above this amount must be authorised through a delegated report to the Cabinet Lead; and
  - where the amount exceeds £50,000, a delegated report to the Cabinet Lead, with consideration by the Planning Policy Committee.
- 5.3 In some circumstances, only the principle of future CIL spend will need to be established, for example to support bids for external funding or to aid project planning and feasibility work. In place of actual spending decisions, the CIL Team can assess proposals and provide advice on whether the scheme would be suitable for CIL funding. The CIL funding would still need to be bid for formally through the next bidding round.

### Provision for Neighbourhood CIL Interim Spends

- 5.4 In the case of the neighbourhood portion, interim spends are not envisaged, as the full amount of available funding will have been allocated through the budget each year.
- 5.5 However, similar to the Strategic CIL, the CIL Team can at any point in the year assess proposals and provide advice on whether the scheme would be suitable for neighbourhood CIL funding. Officers will also be able to give broad estimates as to the possible CIL allocation for each budget in the coming year. Relevant delivery teams can then use this information on the availability of CIL, for example to support bids for external funding.

# APPENDIX D

Recommendation: **REFUSE PERMISSION**

The proposal demolishes the single storey flat roofed side extension on the existing dwelling, which would be replaced with a two storey side extension to provide a dining area and a third bedroom for the existing dwelling. The new dwelling would be a two bed, two storey dwelling to the south of the host dwelling and the proposed two storey

extension.

Four car parking spaces would be provided off Dunhurst Close, with the existing access widened to facilitate this.

Landscaping is proposed along the southern boundary.

#### **4 Policy Considerations**

National Planning Policy Framework

Havant Borough Council Borough Design Guide SPD December 2011

Havant Borough Council Parking SPD July 2016

##### Havant Borough Local Plan (Core Strategy) March 2011

|      |                                                                        |
|------|------------------------------------------------------------------------|
| CS16 | (High Quality Design)                                                  |
| CS17 | (Concentration and Distribution of Development within the Urban Areas) |
| CS20 | (Transport and Access Strategy)                                        |
| CS21 | (Developer Requirements)                                               |
| CS9  | (Housing)                                                              |
| DM13 | (Car and Cycle Parking on Residential Development)                     |

##### Havant Borough Local Plan (Allocations) July 2014

|      |                                                                                           |
|------|-------------------------------------------------------------------------------------------|
| AL1  | (Presumption in Favour of Sustainable Development)                                        |
| DM18 | (Protecting New Development from Pollution)                                               |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |
| DM24 | (Recreational Disturbance to Special Protected Areas (SPAs) from Residential Development) |
| AL2  | (Urban Area Boundaries and Undeveloped Gaps between Settlements)                          |

##### Havant Borough Pre Submission Local Plan 2036

|     |                                              |
|-----|----------------------------------------------|
| E22 | (Amenity and pollution)                      |
| E20 | (Drainage infrastructure in new development) |
| IN1 | (Effective provision of infrastructure)      |
| E2  | (Health and wellbeing)                       |
| E1* | (High quality design)                        |
| E3  | (Landscape and settlement boundaries)        |
| E12 | (Low carbon design)                          |
| E16 | (Solent Special Protection Areas)            |
| IN3 | (Transport and parking in new development)   |
| E18 | (Trees, hedgerows and woodland)              |

##### Emsworth Neighbourhood Plan Post Examination Version 2020

Listed Building Grade: Not applicable.

Conservation Area: Not applicable.

#### **5 Statutory and Non Statutory Consultations**

**Building Control, Havant Borough Council**



Building Regulation consent will be needed for this work

The new proposal shows a diversion of a Southern Water Public Sewer so consultation with SWS will be necessary

### **Community Infrastructure**

CIL Liable: <http://www.havant.gov.uk/community-infrastructure-levy-charging-schedule>.

CIL Form 2 does not contain a telephone number for the liable party (this is a mandatory requirement) and a fully completed Form 2 has been requested.

Additionally, instructions should be passed by the Case Officer to the CI Team to issue the Solent Recreation Mitigation Strategy Unilateral Undertaking, based on the number of net additional dwellings and their respective number of bedrooms. See <http://www.havant.gov.uk/unilateralundertaking-solent-recreation-mitigation-strategy>

### **Councillor Alex Rennie**

No comment.

### **Councillor T Hart - Bondfields**

No comment.

### **Crime Prevention -Minor Apps**

No comment.

### **Developer Services, Southern Water - No Objection**

It appears that applicant is proposing to divert public sewer. Southern Water requests a formal application for sewer diversion under S185 of Water Industry Act 1991 in order to divert any public sewer.

It is possible that a sewer now deemed to be public could be crossing the development site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its ownership before any further works commence on site.

Southern Water requires a formal application for a connection to the foul sewer to be made by the applicant or developer. We request that should this application receive planning approval, the following informative is attached to the consent:

**A formal application for connection to the public sewerage system is required in order to service this development. Please read our New Connections Services Charging Arrangements documents which has now been published and is available to read on our website via the following link:**

**[southernwater.co.uk/developing-building/connection-charging-arrangements](http://southernwater.co.uk/developing-building/connection-charging-arrangements)**

**The Council's Building Control officers or technical staff should be asked to comment on the adequacy of soakaways to dispose of surface water from the proposed development.**

### **Hampshire Highways - No Objection**

The applicant is proposing to extend the existing dropped kerb on Dunhurst Close to facilitate access to the new parking bays. To carry out these works, a Section 171 licence will be required, further details of which are available on the following link:

<https://www.hants.gov.uk/transport/licencesandpermits/roadopening/section171>.

As the parking authority, Havant Borough Council should determine whether the proposed parking provision meets the adopted parking standards.

The Highway Authority raise no objection to the proposed development.

### **Natural England - No Objection**

Natural England notes that your authority, as competent authority, has undertaken an appropriate assessment of the proposal in accordance with regulation 63 of the Conservation of Species and Habitats Regulations 2017 (as amended). Natural England is a statutory consultee on the appropriate assessment stage of the Habitats Regulations

Assessment process.

Your appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that we concur with the assessment conclusions, providing that all mitigation

measures are appropriately secured in any planning permission given. Please find comments on the mitigation below.

### ***Solent Recreation Mitigation Strategy***

Since this application will result in a net increase in residential accommodation, impacts to the coastal Special Protection Area(s) and Ramsar site(s) may result from increased recreational pressure. Havant Borough Council has measures in place to manage these potential impacts through the agreed strategic solution which we consider to be ecologically sound.

Subject to the appropriate financial contribution being secured, Natural England is satisfied that the proposal will mitigate against the potential recreational impacts of the development on the site(s). It is Natural England's view that the Solent Mitigation Recreation Strategy Contribution adequately mitigates the effects of the development on potential recreational impacts on the designated sites.

### ***Deterioration of the water environment***

2

The nutrient budget has been calculated in line with Natural England's Advice on Achieving Nutrient Neutrality in the Solent (version 5 June 2020). Provided the competent authority is assured and satisfied that the site areas used in the calculation are correct and that the existing land uses are appropriately precautionary, then Natural England

raises no concerns with regard to the nutrient budget.

Please note the calculation is based on all wastewater from the development being treated at Budds Farm WWTWs. If this situation changes, a reassessment of the nutrient calculation will be required and a revised Habitats Regulations Assessment will be necessary.

In line with Natural England's advice, it is noted that a planning condition will be imposed on any permission to secure that the dwellings shall not be occupied until the Building Regulations Optional requirement of a maximum water use of 110 litres per person per day has been complied with.

It is noted that the approach to address the positive nitrogen budget for this development is via Havant Borough Council's mitigation scheme. We welcome and support this initiative which has scope for nutrient offsetting and biodiversity gain.

Natural England has reviewed the Position Statement and Mitigation Plan for Nutrient Neutrality Development (August 2020) and Warblington Farm Study Evidence Base (Ricardo, June 2020). Natural England concurs with the conclusion of this work that this scheme will deliver effective mitigation for developments draining to Budd's Farm WwTW and Thornham WwTW.

The nitrogen capacity of the land and proposed management of the offsetting land has been discussed and agreed. It is understood that this has been secured through legal agreements to ensure that effective mitigation is delivered for the lifetime of the development. It is also understood that a system has been set up to monitor the developments using the mitigation scheme to ensure there is capacity available for each scheme. Provided this is the case and the long term management of the mitigation scheme is monitored by the local planning authority, as competent authority, to ensure effective mitigation for the lifetime of the development, Natural England raises no further concerns.

It is for the competent authority to determine the importance of timing issues for each development, depending on location and form of mitigation applied. Given the close proximity of the mitigation land to designated sites, Natural England is not expecting any significant timing issues in this case, provided the land is brought into appropriate management at the earliest opportunity. In considering the significance of timing issues within an appropriate assessment competent authorities should take account of the average time taken from the removal of agricultural activities to first occupation and rate of completions for each development. Provided the local planning authority is satisfied that timely mitigation can be delivered in this case, Natural England raises no further comments for consideration.

**Nutrients Team**

I can confirm there is sufficient capacity within the Council's mitigation scheme for planning application APP/20/00470.

**Public Spaces**

No comment.

**Waste Services Manager**

No comment.

## **6 Community Involvement**

This application was publicised in accordance with the Council's Code of Practice for Publicity of Planning Applications approved at minute 207/6/92 (as amended), as a result of which the following publicity was undertaken:

Number of neighbour notification letters sent: 7

Number of site notices: 1

Statutory advertisement: Not applicable.

Number of representations received: 1

| Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | Officer Comment |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------|
| Loss of valuable on-street parking.<br><br>Highway hazard.<br>What is the proposed boundary to the west to ensure privacy?<br><br>Dunhurst Close is a very narrow road and access and egress is sometimes compromised due to parked vehicles, causing distress to local residents. If the development goes ahead, can the location of any parked vehicles involved with the development be taken into account so as not to impede on residents travel to and from their property.<br><br><i>Officer comments: request for yellow lines forward to the Council's Traffic Team to respond to.</i> |                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                 |

## **7 Planning Considerations**

### **7.1 Appropriate Assessment (AA)**

The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of the Conservation of Habitats and Species Regulations 2017. The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several European Sites due to both the increase in recreation and the decrease in water quality that would be the result of the proposed development.

The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement on Nutrient Neutral Development. The applicant has entered into legal agreements to secure the mitigation packages.

The Appropriate Assessment concluded that this is sufficient to remove the significant effect on the SPAs which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who have confirmed that they agree with the findings of the assessment. The applicant has entered into legal agreements to secure the mitigation packages. A Unilateral Undertaking has been completed and returned for the Solent Mitigation Recreation Strategy and for the nutrient mitigation.

7.2 Having regard to the relevant policies of the development plan it is considered that the main issues arising from this application are:

- (i) Principle of development
- (ii) Impact upon the character and appearance of the area
- (iii) Impact upon residential amenity of existing and future occupiers
- (iv) Parking
- (v) Drainage
- (vi) Developer Contributions & Nutrient Neutrality
- (vii) Planning Balance.

(i) Principle of development

7.3 The application site is situated within an urban area where further development is considered acceptable subject to the usual development control criteria. The proposal would be for a two storey extension on the existing house, following the demolition of the single storey extension, with the erection of an attached two bedroom dwelling. The addition of a new dwelling in such a location would make a contribution, albeit a very modest one, to the Council's overall housing requirements. The updated NPPF 2019 continues to have a presumption in favour of sustainable development, whilst noting that good design is a key aspect of sustainable development. The creation of high quality buildings and places is a fundamental aim and paragraph 130 notes that "Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area..."

7.4 It should also be noted that the Council has a Submission Havant Borough Local Plan 2036. Whilst this plan currently has limited weight in decision making, it must be noted that the emerging policies place a greater emphasis on achieving high quality design with particular reference to the standard of living for future occupiers. Emerging policy H1 introduces the nationally described space standards and re-iterates the need for sufficient and functional outdoor amenity space to support physical and mental health and wellbeing. Additionally, other relevant emerging policies include E1 High Quality Design, E2 Health and wellbeing and E22 Amenity and pollution.

7.5 Planning permission was refused on 18/9/06 under reference 06/69949/002 for the erection of two terraced dwellings on the site for the following reasons:

"1. Having regard to the size and shape of this corner plot and its relation to adjoining dwellings and the highway, the proposed development by virtue of its size, siting and bulk would be an unduly dominant and incongruous feature within the streetscene to the detriment of the visual amenity of the area. The proposal is therefore contrary to policies and proposals UB3 of the Hampshire County Structure Plan 1996-2011 (Review) and D1 (D4) and H2 (H3) of the Havant Borough District-Wide Local Plan 1996-2011.

2. The development would involve the provision of two additional accesses onto St Albans Road, which is a bus route, close to its junction with Dunhurst Close. These additional accesses would, by virtue of the vehicle movements arising from their use and their inadequate visibility splays, result in undue interference with the safety and convenience of users of the adjoining highway network. The proposal is therefore contrary to policies and proposals T5 and T6 of the Hampshire County Structure Plan 1996-2011 (Review), and T7 (T14) of the Havant Borough District-Wide Local Plan 1996-2011."

- 7.6 The existing vehicular access is off Dunhurst Close to the rear of the site. The proposal is to extend the existing access to provide for 4 car parking spaces. The Highway Authority has raised no objection to the extension of the access and therefore reason 2 above has been addressed by the proposal. Having regard to the impact of the proposal on the character and appearance of the area, this is covered in the following section.
- 7.7 As regard the Council's Five Year Land Supply Update (February 2021) this indicates the Council has a 4.2 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). This is considered below under the heading 'The Planning Balance.'

(ii) Impact upon the character and appearance of the area

- 7.8 The proposal is for a two storey extension of the existing property, following the demolition of a single storey extension and for a two storey dwelling which would wrap around the proposed two storey extension and the existing house. This would form a continuation of the terrace, using materials to match the existing dwelling. The proposal would be set back off the pavement but would nevertheless be a prominent feature in the street scene.
- 7.9 The site is a corner plot, with garden space around the building, which is visible from the public realm. The site is partly obscured by the mature hedging along parts of the southern and eastern boundaries. The space around the building is tempered by the existing single storey flat roofed extension (and garage), which has the width of the existing dwelling, with a depth of approximately 4.3m. The space around the building is, however, highlighted by the main two storey part of the existing dwelling being set back into the site, with No. 2 Dunhurst Road, set further forward to the west.
- 7.10 The overall length of the proposal would be approximately 8.2m, with the height and width matching the existing dwelling. This would bring the development forward of No.2 Dunhurst Road by approximately 4m at two storey, which would erode the spatial characteristics and visual amenities of the corner plot, as found with the previous refusal. The junction features a generous space between the existing dwellings and the adjacent highways and the height and bulk of the proposal, albeit approximately 1 metre shorter in depth than the previous refusal, would detract from the open character and appearance of the site, to the detriment of the street scene. Further, the plot is not considered of sufficient size to adequately accommodate a two bedroomed dwelling whilst respecting the pattern of development in the immediate vicinity. There would be conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) and Policy E1 of the Submission Local Plan insofar as it seeks a high standard of development which responds to the local context.

(iii) Impact upon residential amenity of existing and future occupier

- 7.11 The proposal would extend the development to the south which would be in line with the existing terrace to the north. Additional windows would be provided in the extension to the existing house, one at first floor. These would look directly at the blank flank wall of No. 32 Dunhurst Close, with oblique overlooking of neighbouring properties' gardens. This would be similar to that currently being experienced, in this residential area. As to the additional dwelling, two windows would be at first floor level, which would service a bathroom and landing, the former of which would be obscurely

glazed, which likewise would overlook the front garden of No. 32 Dunhurst Close, albeit partly obscured by an evergreen tree. The separation distance between No. 32 Dunhurst Close and the proposal is approximately 10m. As to windows in the flank, south elevation, there would be one at ground floor serving a dining area, with one at first floor, serving an en-suite, which would be obscurely glazed. As to the separation distance to 7 St Albans Road, which is on the other side of Dunhurst Close, this would be approximately 22m.

7.12 As to boundary treatment, if permission was recommended, this would be conditioned.

7.13 The proposal would not adversely impact on the residential amenity of neighbouring properties in accordance with Policy CS16 of the HBLPCS.

7.14 As to the rear garden area of the existing dwelling, the length would be 9m, with an overall garden area of approximately 61 m<sup>2</sup>. The rear garden of the proposal would have a length of 8m, with a footpath to the rear to gain access to the existing house. The overall width of the proposed garden would be approximately 60 m<sup>2</sup>. The length of the garden areas both for existing and proposed fall below the minimum of 10m required in Havant's Design Guide SPD, which states:

*"5.13 As stated, the garden of a two storey home should be a minimum of 10 metres in length to provide appropriate daylight and to minimise overlooking, with an additional 4 metres for every storey added."*

7.15 The proposal fails to achieve this and that sufficient private amenity space for both the existing and proposed dwelling to support of physical and mental health and wellbeing is provided in accordance with Policy H1b of the Submission Local Plan.

7.16 In support of these garden lengths the applicant's agent has stated "...that a depth of 10m is only guidance and not stringent policy. The application and layout needs to be considered as a whole and part of that consideration must be the sufficient amenity provision for the passive recreational enjoyment of the occupants. The submitted block plan shows that this would be the case with 60 square metres of amenity space provided for each dwelling, which is comparable to the neighbouring dwellings along the terrace of houses."

7.17 The agent goes on to advise that:

"The deficiency you identify is approximately 1m, this is not a significant shortfall by any means. On this point we draw your attention to Schedule 2, Part 1, Class A of the GPDO which makes provision for the erection of two storey extensions (subject to certain criteria) providing there is a distance of 7m from the extension to the rear boundary. Therefore, the intention to retain 10m of garden is not supported by government policy. The same applies for any single storey addition within a 10m garden depth with PD still intact. A detached dwelling could potentially see a garden depth reduced to 6m with a 4m deep extension."

7.18 As to the garden length to Nos. 11 and 13 St Albans Road, these exceed 10m. However, on the information provided in respect of Nos. 11 and 13 St Albans Road, the overall sizes are 67m<sup>2</sup> and 56m<sup>2</sup> respectively. Therefore the overall garden sizes of the existing dwelling (which would be for a 3 bed family dwelling) and proposed family 2 bed dwelling would be reflective of other rear gardens in this small terrace of properties, but at odds with other properties in the area which are characterised by

larger gardens. The point regarding permitted development is noted, but planning permission is required for the development, with each application considered on its individual merits, having regard to all material planning considerations. Adopted and national policy on quality design, encompasses an appropriate level of private amenity spaces which as mentioned above, is set out in Havant's Design Guide SPD, with a minimum depth of 10m, which the proposal does not achieve, contrary to Policy CS16 of the HBLPCS and emerging policy H1 of the Submission Havant Borough Local Plan. The size of the plots are insufficient to achieve this for both the existing and proposal, which amounts to overdevelopment contrary to Havant's Design Guide SPD and the Policy CS16 and emerging Policies H1, E2 and E22.

(iv) Parking

7.19 The Highway Authority has been consulted and whilst raising no objection has advised that to extend the dropped kerb onto Dunhurst Close to facilitate access to the new parking bays, a Section 171 licence could be required, which would be the subject of an informative if permission is forthcoming.

7.20 As to the parking provision four spaces are provided, two for each property. Cycle storage is proposed for both the proposal and the existing dwelling. This would accord with Havant's Car Parking SPD.

(v) Drainage

7.21 Southern Water has been consulted who has raised no objection. However, they have requested that if permission is forthcoming an informative is added to the decision notice that "A formal application for connection to the public sewerage system is required in order to service this development." Such an informative would be included if permission was forthcoming.

(vi) Habitats Regulations Assessment/ Developer Contributions/CIL

7.22 The Council has conducted a Habitats Regulations Assessment (HRA), including Appropriate Assessment (AA), of the proposed development under Regulation 63 of The Conservation of Habitats and Species Regulations 2017 (as amended). The Council's assessment as competent Authority under those regulations is included in the case file. The screening under Regulation 63(1)(a) found that there was likely to be a significant effect on several Solent European Sites (as defined in the applications HRA) due to both the increase in recreation and the decrease in water quality that would be a result of the proposed development.

7.23 The planning application was then subject to Appropriate Assessment under Regulation 63. This included two packages of avoidance and mitigation packages. The first is a package of measures based on the suggested scale of mitigation in the Solent Recreation Mitigation Strategy. The second is a package of measures based on the Position Statement and Mitigation Plan for Nutrient Neutral Development. The applicant entered into legal agreements to secure the mitigation packages.

7.24 The Appropriate Assessment concluded that the avoidance and mitigation packages are sufficient to remove the significant effects on European Sites which would otherwise have been likely to occur. The HRA was subject to consultation with Natural England as the appropriate nature conservation body under Regulation 63(3) who



have confirmed that they agree with the findings of the assessment. The applicant has entered into legal agreements to secure the mitigation packages.

- 7.25 The CIL rates to be applied to development are set out in the Havant Borough Community Infrastructure Levy Charging Schedule, which was adopted by the Council on the 20 February 2013. This followed two public consultation exercises and an Examination into the Charging Schedule by an independent Examiner. The Examiner's Report concluded that the Havant Borough Council Community Infrastructure Levy (CIL) Charging Schedule provided an appropriate basis for the collection of the levy in the borough. The levy is charged at £80 per square metre (plus indexing) on new floorspace (measured as gross internal area) in Havant.
- 7.26 The proposal would result in new residential development which is Community Infrastructure Levy (CIL) liable and the appropriate forms have been submitted. The net increase in new internal floor space for the dwelling has been calculated by the agent as 56.46 sqm, which would be £6,714.71, at the time of writing the report. Exemption is not being claimed.
- (vii) The Planning Balance
- 7.27 A 5-year land supply cannot be demonstrated by the LPA and consideration is given to the weight to be given to this planning considerations and whether this overrides the other material planning considerations pertaining to the proposal.
- 7.28 The proposal is for one additional dwelling which would be a very modest addition to the Council's housing stock, to which moderate weight is given.
- 7.29 The development would bring some economic benefit through construction and through the additional spend generated by the new residents, which in a limited way, could help to sustain local services, which are attributed moderate weight.
- 7.30 The proposal would lead to the erosion of an open space on this corner plot, which contributes to the character and appearance of the area contrary to Policy CS16 of the Havant Borough Local Plan (Core Strategy) and Submission Plan Policies to which significant weight is given.
- 7.31 The development would provide insufficient amenity space for both the existing dwelling and the proposed dwelling, which contributes to the quality of the design, contrary to Havant's Design Guide SPD and Policy CS16 of the Havant Borough Local Plan (Core Strategy) and Submission Local Plan Policies to which significant weight is given.
- 7.32 Section 38(6) of the Planning & Compulsory Purchase Act 2004 states that applications should be determined in accordance with the provisions of the Development Plan unless other material considerations indicate otherwise.
- 7.33 The Framework indicates that where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites the policies in the development plan are to be consider out of date. In such cases planning permission should be approved without delay unless any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the scheme.
- 7.34 The harm that would arise to the future occupiers of the proposal and the existing dwelling and to the character and appearance of the area would significantly and demonstrably outweigh the benefits of the scheme and the recommendation is to

refuse.

## **8 Conclusion**

- 8.1 The proposal would not impact on the residential amenity of neighbours and in parking and drainage terms is acceptable. Mitigation measures have also been secured in respect of the Solent Recreation Mitigation Strategy and neutral nutrient development. However, the proposal amounts to an overdevelopment of the site which would adversely impact on the character and appearance of the area, with insufficient amenity space for the proposal and the existing dwelling contrary to the adopted Borough Design Guide 2011, the development plan when considered as a whole, Submission Local Plan Policies and the National Planning Policy Framework.

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## **9 RECOMMENDATION:**

That the Head of Planning be authorised to **REFUSE PERMISSION** for application APP/20/00470 for the following reasons.

- 1 Having regard to the size and shape of this corner plot and its relation to adjoining dwellings and the highway, the proposed development by virtue of its size, siting and bulk would be an unduly dominant and incongruous feature within the streetscene to the detriment of the visual amenity of the area, with inadequate amenity space for both future occupiers and the retained property. The proposal is therefore contrary to the adopted Borough Design Guide SPD 2011, Policy CS16 of the Havant Borough Local Plan (Core Strategy), emerging Policies H1, E1, E2 and E22 of the Submission Havant Borough Local Plan 2036 and the National Planning Policy Framework.

# APPENDIX E

## Appendix E



Site

# APPENDIX F



Library Ref: EB36d

# Five Year Housing Land Supply Update

November 2021



# Contents

|                                                      | Page |
|------------------------------------------------------|------|
| 1. HOUSING REQUIREMENT .....                         | 1    |
| 2. FIVE YEAR SUPPLY .....                            | 5    |
| APPENDIX 1: SUPPLY FROM OLDER PERSON'S HOUSING ..... | 9    |
| APPENDIX 2: DELIVERABLE HOUSING SITES .....          | 9    |
| APPENDIX 3: HOUSING TRAJECTORY.....                  | 18   |

# 1. Housing Requirement

## The Standard Method

- 1.1 The National Planning Policy Framework (NPPF) states that *“Local planning authorities should identify and update annually a supply of specific deliverable sites to provide a minimum of five years’ worth of housing against their housing requirement set out in adopted strategic strategies, or against their local housing need where the strategic policies are more than five years old.”* The latter should be calculated using the standard method set out in the Planning Practice Guidance.
- 1.2 The Core Strategy (Local Plan) was adopted more than 5 years ago (March 2011), and the emerging Local Plan has not yet been subject to examination. The standard method should therefore be used to calculate the housing requirement.
- 1.3 The Planning Practice Guidance sets out how the standard method is used to calculate an annual local housing need figure<sup>1</sup>. Step 1 indicates that the baseline should be set using the 2014-based household projections to calculate the projected average annual household growth over a 10-year period. The method provides an annual number which can be applied to the whole plan period.
- 1.4 The methodology also confirms that the current year should be used as the starting point to calculate growth over that period. This differs from the need figure included in the Submission Local Plan (CD01), but Planning Practice Guidance<sup>2</sup> indicates that the local housing need figure may be relied upon for a period of 2 years from the time that a plan is submitted to the Planning Inspectorate for examination. The Plan was submitted for Examination on the 12<sup>th</sup> February 2021.
- 1.5 The baseline is then adjusted to take account of the local housing affordability data which compares the median average of house price of properties sold in the Borough over the year ending in September to the median average income of people working in the Borough according to earnings sample saving sample survey data.
- 1.6 A cap may be applied where there is a 40% increase over the projected household growth, or the housing requirement set out by the Core Strategy whichever the higher. In this case, the projected household growth is the greater of the two figures. However, when 40% is applied to the projected household growth, this figure is greater than the minimum annual housing need figure. As such no cap is applicable.
- 1.7 In summary, the minimum annual housing need figure is calculated as follows:

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<sup>1</sup> [Paragraph: 004 Reference ID: 2a-004-20190220 Revision date: 20 02 2019](#)

<sup>2</sup> [Paragraph: 008 Reference ID: 2a-008-20190220 Revision date: 20 02 2019](#)



| <b>Table 1: Minimum annual housing need figure for Havant Borough</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|
| <b>Stage 1: Setting the baseline</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |          |
| Average household growth in Havant Borough between 2019-2029<br><br>57,948 households in 2030<br><u>54,276 households in 2020</u><br>3,672 households growth<br>2020 - 2030 / 10-year period = 367.2                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 367.2    |
| <b>Step 2: An adjustment to account for affordability</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |          |
| 2019 median workplace-based affordability ratio for Havant Borough                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 9.95     |
| Adjustment factor <sup>3</sup><br><br>$\left( \frac{\text{Local affordability ratio} - 4}{4} \right) \times 0.25 + 1$<br>9.95 (local affordability ratio) – 4 = 5.95<br>5.95 / 4 = 1.4875<br>1.4875 x 0.25 = 0.371875<br>0.371875 + 1 = 1.371875                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 1.371875 |
| The minimum annual local housing need figure for Havant Borough<br>(adjustment factor) x projected household growth<br>1.371875 x 367.2 = 503.7525<br>The resulting figure is 504 (rounded).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 504      |
| <b>Step 3: Capping the level of any increase</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |          |
| <p>The Local Plan (Core Strategy) was adopted in March 2011 and was therefore adopted more than 5 years ago. A cap may therefore be applied whichever is the higher of:</p> <ul style="list-style-type: none"> <li>• 315 dwellings per annum set out by Policy CS9 of the Core Strategy</li> <li>• 367.2 based on average annual household growth 2019-2029 (as per step 1)</li> </ul> <p>The cap is set at 40% above the higher of the most recent average annual housing requirement figure, or average household growth. In this case, the household growth is the greatest figure:</p> $\text{Cap} = 367.2 + (40\% \times 367.2) = 514.08 \text{ or}$ $367.2 + 146.88 (40\%) = 514.08$ <p>The minimum annual local housing need figure (504) is no greater than the capped figure (514.08). Therefore, no cap is applicable.</p> |          |
| <b>Step 4: Cities and urban centres uplift</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |          |

<sup>3</sup> As the 2019 affordability ratio for Havant Borough has a value greater than 4, an adjustment factor should be applied: No adjustment is applied where the ratio is 4 or below (as set out in Step 2 of the standard method).

**Table 1: Minimum annual housing need figure for Havant Borough**

Havant is not one of the urban local authorities in the top 20 cities and urban centres list<sup>4</sup>, and therefore no 35% uplift is applicable. The annual housing need figure for Havant is therefore **504 dwellings per annum**.

## Addressing the shortfall

- 1.8 The Planning Practice Guidance (PPG) indicates that any shortfall should also be included in the requirement for the first five years<sup>5</sup>. This results in a five-year supply requirement over and above the local housing need figure.
- 1.9 However, the PPG<sup>6</sup> advises: *“Where the standard method for assessing local housing need is used as the starting point in forming the planned requirement for housing, Step 2 of the standard method factors in past under-delivery as part of the affordability ratio, so there is no requirement to specifically address under-delivery separately when establishing the minimum annual local housing need figure.”*
- 1.10 It goes on to state: *“Under-delivery may need to be considered where the plan being prepared is part way through its proposed plan period, and delivery falls below the housing requirement level set out in the emerging relevant strategic policies for housing.”* This is the case for the submitted Plan which has a plan period of 2016 to 2037.
- 1.11 As set out in the [Assessing Housing Need for the Plan Period \(2016-2037\) Paper \(August 2020\)](#), the Council has a stepped housing need requirement during the 2016/17-2019/20 period. This is due to the introduction of the Government’s standard method for calculating housing need in 2018. Prior to this, the PUSH [Strategic Housing Market Assessment](#) and [Objectively Assessed Need Update](#) provided an objectively assessed need figure of 450 dwellings per annum.

**Table 2: Assessing the shortfall against the housing requirement (2016/17-2020/21)**

| Year         | Net completions<br>2016/17-2020/21 | Requirement<br>2016/17-2020/21 | Source          | Shortfall/Surplus<br>(cumulative) |
|--------------|------------------------------------|--------------------------------|-----------------|-----------------------------------|
| 2016/17      | 649                                | 450                            | PUSH SHMA       | +199                              |
| 2017/18      | 290                                | 450                            | PUSH SHMA       | -160 (+39)                        |
| 2018/19      | 267                                | 479                            | Standard method | -212 (-173)                       |
| 2019/20      | 366                                | 486                            | Standard method | -120 (-293)                       |
| 2020/21      | 293                                | 504                            | Standard method | -211 (-504)                       |
| <b>Total</b> | <b>1,867</b>                       | <b>2,369</b>                   |                 | <b>-504</b>                       |

<sup>4</sup> [Office for National Statistics list of Major Towns and Cities](#)

<sup>5</sup> [Paragraph: 022 Reference ID: 68-022-20190722](#)

<sup>6</sup> Planning Practice Guidance: [Housing supply and delivery](#). Published 22 July 2019. Paragraph: 031 Reference ID: 68-031-20190722

- 1.12 The table above shows that a shortfall of **504 homes** should be added to the five year housing land supply requirement. This is equivalent to the Borough's local housing need figure under the standard method (504 dpa). Therefore, excluding any shortfall would automatically increase the Borough's housing land supply position by a year.

### **Identifying the appropriate buffer**

- 1.13 The NPPF requires an appropriate buffer (moved forward from later in the plan period) to be added to the supply of specific deliverable sites. The minimum buffer is 5% but this increases to a buffer of 20% where there has been significant under delivery of housing over the previous three years. This is to improve the prospect of achieving the planned supply. The latter is measured against the Housing Delivery Test (HDT) where this indicates that delivery was below 85% of the housing requirement.
- 1.14 A 10% buffer should be added to the housing requirement where the local planning authority (LPA) wishes to confirm a 5 year housing land supply through the examination of plan policies. This is to account for potential fluctuations in the market over the year to ensure the 5 year land supply is sufficiently flexible and robust.
- 1.15 The 2020 HDT were published in January 2021 and gave a measurement of 72% for Havant Borough. This measurement indicates that it is appropriate to apply a 20% buffer for the purposes of calculating five-year supply.

## **Five Year Housing Requirement**

- 1.16 Based on a minimum annual housing need requirement of 504 dwellings, there is a five year housing requirement of 2,520 dwellings. Including the shortfall, this increases to 3,024. With a 5% buffer added, the five-year supply requirement is 3,175 dwellings (rounded). With a 20% buffer added, the five-year requirement is 3,629 dwellings (rounded).

## 2. Five Year Supply

### **Assessing deliverable sites**

- 2.1 The Planning Practice Guidance sets out what evidence is required to demonstrate that sites are deliverable. This has been followed in assessing whether sites should be included in the Council's five year supply of housing which is set out at Appendix 2.
- 2.2 For sites with detailed planning permission that have already commenced - numbers of dwellings are included within the 5-year supply for remaining dwellings to be completed as of 31 March 2021. Annual site visits are conducted to confirm the progress of sites under construction, and the trajectory has been updated accordingly. Trajectory and five-year supply figures are also updated based on communication with landowners and developers throughout the year.
- 2.3 This has been supplemented by the Council's communications with and landowners and developers in April 2021, to establish the likely timescales for pre-applications and application submissions (in line with the action set out in Housing Delivery Action Plan (EB37)). Where there is clear pre-application work and intention to bring the site forward within five years, these sites are included.
- 2.4 For any larger sites, delivery is split across several years to reflect how sites are incrementally brought forward. This often means that delivery is expected to commence within the five-year supply period and continue beyond it.
- 2.5 Small site permissions of less than 5 dwellings are included within the five-year supply based on expected delivery and are discounted by 5% to allow for non-implementation. Please note that the small site permission figures presented below have not been adjusted to take this into account. This is because the figures would not otherwise reconcile with those included in the trajectory and would make an indiscernible difference to overall supply.
- 2.6 Windfall is excluded from five-year supply calculations to avoid double counting, but is included in the trajectory from the plan period from the year 2026/27 onwards.

### **Specialist housing for older people**

- 2.7 Planning Practice Guidance for specialist housing for older people was updated in 2019 and indicates that plan-making authorities may count provision for older people in Class C2 against their housing requirement<sup>7</sup>. To establish the amount of accommodation released in the housing market, the guidance indicates that authorities should base calculations on the average number of adults living in households using the published Census data.
- 2.8 Appendix 1 confirms that that there is an average of 1.83 adults living in households in Havant. A ratio of 1.83 has therefore been applied to Class C2 accommodation. This includes 134 dwellings in the supply.

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<sup>7</sup> Guidance - Housing for older and disabled people Paragraph: 016a Reference ID: 63-016a-20190626

## Five Year Supply Position

- 2.9 Following the receipt of this year's monitoring data, it is possible to provide an up-to-date supply position taking into account completions during 20/21 and outstanding planning permissions as at 1 April 2021. As such, 2021/22 to 2025/26 is the relevant five year period for the purposes of calculating five year supply.
- 2.10 Appendix 2 has been updated following the receipt of the [Inspectors' interim findings \(CR18\)](#) which indicate that Beachlands (KP3), Rook Farm (H27) and Campdown (H40) should be removed from the Council's anticipated supply based on current available evidence.

| Table 3: Five Year Supply Calculation for period 2021/22-2025/26 (Sedgefield Method) |                                           |           |
|--------------------------------------------------------------------------------------|-------------------------------------------|-----------|
| Calculating the required supply                                                      |                                           | Dwellings |
| a                                                                                    | Requirement 2016/17 – 2020/21             | 2,369     |
| b                                                                                    | Completions 2016/17 – 2020/21             | 1,867     |
| c                                                                                    | Shortfall                                 | 502       |
| d                                                                                    | Five year requirement 2020/21-2024/25     | 2,520     |
| e                                                                                    | Five year requirement plus shortfall      | 3,022     |
| f                                                                                    | Five year requirement with 5% buffer      | 3,173     |
| g                                                                                    | Five year requirement with 20% buffer     | 3,626     |
| Identified Supply                                                                    |                                           |           |
| h                                                                                    | Supply over 5 year period 2020/21-2024/25 | 2,862     |
| Five year land supply (expressed in years):                                          |                                           |           |
| Excluding buffer                                                                     | h / (e / 5)                               | 4.7       |
| With 5% buffer                                                                       | h / (f / 5)                               | 4.5       |
| With 20% buffer                                                                      | h / (g / 5)                               | 3.9       |

- 2.11 Based on the table above, the Council is only able to demonstrate 3.9 years supply of housing with a 20% buffer, taking into account accumulated shortfall since 2016/17. Excluding any shortfall accumulated over recent years, the Borough's housing and supply automatically increase by a year to 4.9 years.

# Appendix 1: Supply from older person's housing

## Average Number of Adults per Household in Havant Borough

Using 2011 Census data, the following table details the average number of adults per household in the Havant local authority area, as well as providing a breakdown of the number of adults per household.

| Average number of adults per household in Havant Borough |                      |
|----------------------------------------------------------|----------------------|
| Total Households                                         | 51,309               |
| Havant Average Number of Adults per Household            | 1.83                 |
| Most Common Number of Adults per Household in Havant     | 2                    |
|                                                          |                      |
| Number of Adults per Household                           | Number of Households |
| 1 adult in household                                     | 18,035               |
| 2 adults in household                                    | 26,284               |
| 3 adults in household                                    | 5,083                |
| 4 adults in household                                    | 1,519                |
| 5 adults in household                                    | 292                  |
| 6 adults in household                                    | 81                   |
| 7 adults in household                                    | 9                    |
| 8 adults in household                                    | 5                    |
| 9 adults in household                                    | 0                    |
| 10 adults in household                                   | 0                    |
| 11 adults in household                                   | 1                    |
| 12 adults in household                                   | 0                    |
| 13 adults in household                                   | 0                    |
| 14 adults in household                                   | 0                    |
| 15 or more adults in household                           | 0                    |

## Older people's housing which can be included housing land supply

The following table sets out residential institutions in Use Class C2 which are included in five year housing land supply.

| Application reference   |                                                                           | Site Name                                                        | Number of beds |
|-------------------------|---------------------------------------------------------------------------|------------------------------------------------------------------|----------------|
| Permission APP/15/00303 |                                                                           | Former Oak Park School                                           | 80             |
| Permission APP/18/00450 |                                                                           | Forty Acres, Havant                                              | 66             |
| Permission APP/20/00761 |                                                                           | Land on the east side of Helmsley House                          | 64             |
| Permission 20/00002     |                                                                           | Oak View Residential Care Home, 47-49 Beach Road, Hayling Island | 11             |
| Permission APP/18/00857 |                                                                           | 216 Havant Road, Hayling Island                                  | 5              |
| Permission APP/19/00466 |                                                                           | Cheybassa Lodge, 2 Chichester Lodge, Hayling Island              | 5              |
| Permission APP/18/00066 |                                                                           | 52 Stockheath Road, Havant                                       | 4              |
|                         |                                                                           |                                                                  |                |
| a                       | <b>Total</b>                                                              |                                                                  | <b>235</b>     |
| b                       | Average number of adults per household                                    |                                                                  | 1.8            |
| c                       | <b>Contribution from older people's housing to five year supply (a/b)</b> |                                                                  | <b>131</b>     |

# Appendix 2: Deliverable Housing Sites

## Five Year Housing Land Supply

| Permission / allocation ref              | Site name                        | Total Site Capacity | Total included in Five Year Supply | 2021/22   | 2022/23   | 2023/24  | 2024/25  | 2025/26  |
|------------------------------------------|----------------------------------|---------------------|------------------------------------|-----------|-----------|----------|----------|----------|
| <b>Emsworth</b>                          |                                  |                     |                                    |           |           |          |          |          |
| <b>Permissions</b>                       |                                  |                     |                                    |           |           |          |          |          |
| 16/00774                                 | Land at Selangor Avenue          | 102                 | 102                                | 62        | 40        |          |          |          |
| Perm (16/00921)                          | Dolphin Quay, Queen Street       | 6                   | 6                                  | 6         |           |          |          |          |
| Perm (19/00854)                          | 31A North Street                 | 6                   | 6                                  | 6         |           |          |          |          |
| Small site perms (less than 5 dwellings) |                                  | 16                  | 16                                 | 16        |           |          |          |          |
|                                          | <b>TOTAL:</b>                    | <b>130</b>          | <b>130</b>                         | <b>90</b> | <b>40</b> | <b>0</b> | <b>0</b> | <b>0</b> |
| <b>Allocations with permission</b>       |                                  |                     |                                    |           |           |          |          |          |
| HX (19/00768)                            | Land rear of 15-27 Horndean Road | 16                  | 16                                 | 4         | 12        |          |          |          |
|                                          | <b>TOTAL:</b>                    | <b>16</b>           | <b>16</b>                          | <b>4</b>  | <b>12</b> | <b>0</b> | <b>0</b> | <b>0</b> |



| Permission / allocation ref    | Site name                                 | Total Site Capacity | Total included in Five Year Supply | 2021/22   | 2022/23   | 2023/24   | 2024/25   | 2025/26   |
|--------------------------------|-------------------------------------------|---------------------|------------------------------------|-----------|-----------|-----------|-----------|-----------|
| <b>Allocations</b>             |                                           |                     |                                    |           |           |           |           |           |
| H8                             | Land North of Long Copse Lane             | 260                 | 3149                               |           |           | 20        | 50        | 50        |
| H10 (19/01226)                 | West of Coldharbour Farm                  | 44                  | 44                                 |           | 22        | 22        |           |           |
| H11                            | Gas Site, North Street                    | 25                  | 0                                  |           |           |           |           |           |
| H13                            | Land at Fowley Cottage, Warblington Close | 20                  | 0                                  |           |           |           |           |           |
|                                | <b>TOTAL:</b>                             | <b>349</b>          | <b>259</b>                         | <b>0</b>  | <b>22</b> | <b>42</b> | <b>50</b> | <b>50</b> |
| <b>Windfall</b>                |                                           | 121                 | 0                                  |           |           |           |           |           |
| Small sites windfall           | <b>TOTAL:</b>                             | <b>121</b>          | <b>11</b>                          | <b>0</b>  | <b>0</b>  | <b>0</b>  | <b>0</b>  | <b>0</b>  |
|                                |                                           |                     |                                    |           |           |           |           |           |
|                                | <b>TOTAL Emsworth delivery</b>            | <b>616</b>          | <b>310</b>                         | <b>94</b> | <b>74</b> | <b>42</b> | <b>50</b> | <b>50</b> |
|                                |                                           |                     |                                    |           |           |           |           |           |
| <b>Havant &amp; Bedhampton</b> |                                           |                     |                                    |           |           |           |           |           |
| <b>Permissions</b>             |                                           |                     |                                    |           |           |           |           |           |
| Perm (20/00251                 | North Street Arcade, 1-3 North Street     | 29                  | 29                                 |           | 29        |           |           |           |

| Permission / allocation ref              | Site name                            | Total Site Capacity | Total included in Five Year Supply | 2021/22    | 2022/23   | 2023/24  | 2024/25  | 2025/26   |
|------------------------------------------|--------------------------------------|---------------------|------------------------------------|------------|-----------|----------|----------|-----------|
| (15/01435)                               | Land south of Bartons Road           | 73                  | 73                                 | 73         |           |          |          |           |
| (15/00303)                               | Former Oak Park School               | 99                  | 99                                 |            |           |          |          | 99        |
| Perm (13/01236)                          | 44-54 West Street                    | 14                  | 14                                 | 14         |           |          |          |           |
| Perm (18/00897)                          | 15 Langstone Road                    | 8                   | 8                                  |            | 8         |          |          |           |
| Perm (17/00694)                          | 11 East Street                       | 6                   | 6                                  |            | 6         |          |          |           |
| Perm (20/00936)                          | 5-7 East Street                      | 8                   | 8                                  |            | 8         |          |          |           |
| Small site perms (less than 5 dwellings) |                                      | 35                  | 35                                 | 35         |           |          |          |           |
|                                          | <b>TOTAL:</b>                        | <b>272</b>          | <b>272</b>                         | <b>122</b> | <b>51</b> | <b>0</b> | <b>0</b> | <b>99</b> |
| <b>Allocations with permission</b>       |                                      |                     |                                    |            |           |          |          |           |
| H14 (18/00450)                           | Forty Acres                          | 320                 | 320                                | 58         | 78        | 78       | 76       | 30        |
| H18 (19/00007)                           | Camp Field, Bartons Road             | 72                  | 72                                 |            |           | 32       | 40       |           |
| H23 (17/00863)                           | Southleigh Park House                | 90                  | 90                                 |            |           | 10       | 40       | 40        |
| H15 (18/01033)                           | Land East of Castle Avenue (Phase 1) | 69                  | 69                                 | 53         | 16        |          |          |           |

| Permission / allocation ref | Site name                                     | Total Site Capacity | Total included in Five Year Supply | 2021/22    | 2022/23    | 2023/24    | 2024/25    | 2025/26    |
|-----------------------------|-----------------------------------------------|---------------------|------------------------------------|------------|------------|------------|------------|------------|
| H26 (17/00695)              | 9 East Street                                 | 6                   | 6                                  | 6          |            |            |            |            |
|                             | <b>TOTAL:</b>                                 | <b>557</b>          | <b>557</b>                         | <b>117</b> | <b>94</b>  | <b>120</b> | <b>156</b> | <b>70</b>  |
| <b>Allocations</b>          |                                               |                     |                                    |            |            |            |            |            |
| H15 (18/01033)              | Land East of Castle Avenue (Phase 2)          | 186                 | 164                                |            | 14         | 50         | 50         | 50         |
| H17                         | Portsmouth Water Headquarters                 | 150                 | 0                                  |            |            |            |            |            |
| H19                         | Havant Garden Centre                          | 85                  | 0                                  |            |            |            |            |            |
| H20 (19/00427)              | Land South of Lower Road                      | 50                  | 50                                 |            | 30         | 20         |            |            |
| H22                         | Littlepark House, Bedhampton                  | 50                  | 50                                 |            | 50         |            |            |            |
| H24                         | Land at Palk Road                             | 15                  | 0                                  |            |            |            |            |            |
| H25                         | Helmsley House                                | 15                  | 0                                  |            |            |            |            |            |
| KP1                         | Havant Town Centre                            | 721                 | 0                                  |            |            |            |            |            |
| KP8                         | Havant College (H&SDC)                        | 65                  | 0                                  |            |            |            |            |            |
|                             | <b>TOTAL:</b>                                 | <b>1337</b>         | <b>264</b>                         | <b>0</b>   | <b>94</b>  | <b>70</b>  | <b>50</b>  | <b>50</b>  |
| <b>Windfall</b>             |                                               | 165                 | 0                                  |            |            |            |            |            |
| Small sites windfall        | <b>TOTAL:</b>                                 | <b>165</b>          | <b>0</b>                           | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   |
|                             |                                               |                     |                                    |            |            |            |            |            |
|                             | <b>TOTAL Havant &amp; Bedhampton delivery</b> | <b>2331</b>         | <b>1093</b>                        | <b>239</b> | <b>239</b> | <b>190</b> | <b>206</b> | <b>219</b> |
|                             |                                               |                     |                                    |            |            |            |            |            |
| <b>Hayling Island</b>       |                                               |                     |                                    |            |            |            |            |            |

| Permission / allocation ref              | Site name                                | Total Site Capacity | Total included in Five Year Supply | 2021/22   | 2022/23  | 2023/24   | 2024/25  | 2025/26  |
|------------------------------------------|------------------------------------------|---------------------|------------------------------------|-----------|----------|-----------|----------|----------|
| <b>Permissions</b>                       |                                          |                     |                                    |           |          |           |          |          |
| Perm (17/00529)                          | 380 Sea Front                            | 13                  | 13                                 | 13        |          |           |          |          |
| Perm (19/00722)                          | Ward Court 65 Sea Front                  | 5                   | 5                                  | 5         |          |           |          |          |
| Perm (13/00317)                          | Yacht Haven Development Site, Copse Lane | 6                   | 6                                  | 6         |          |           |          |          |
| Perm (19/00324)                          | 5-7 Station Road                         | 19                  | 19                                 |           |          | 19        |          |          |
| Small site perms (less than 5 dwellings) |                                          | 36                  | 36                                 | 36        |          |           |          |          |
|                                          | <b>TOTAL:</b>                            | <b>79</b>           | <b>79</b>                          | <b>60</b> | <b>0</b> | <b>19</b> | <b>0</b> | <b>0</b> |
| <b>Allocations with permission</b>       |                                          |                     |                                    |           |          |           |          |          |
| H31 (18/01297)                           | Manor Nurseries                          | 9                   | 9                                  |           |          | 9         |          |          |
| H32 (20/00015)                           | Pullingers (108-110 Elm Grove)           | 43                  | 43                                 | 43        |          |           |          |          |
|                                          | <b>TOTAL:</b>                            | <b>52</b>           | <b>52</b>                          | <b>43</b> | <b>0</b> | <b>9</b>  | <b>0</b> | <b>0</b> |
| <b>Allocations</b>                       |                                          |                     |                                    |           |          |           |          |          |
| H29 (18/00724)                           | Land north of Sinah Lane                 | 195                 | 195                                | 10        | 50       | 50        | 50       | 35       |
| H27                                      | Rook Farm                                | 0                   | 0                                  |           |          |           | 0        | 0        |
| H28                                      | Fathoms Reach                            | 55                  | 55                                 |           |          | 30        | 25       |          |
| H33                                      | Land rear of 13-21 Mengham Road          | 7                   | 0                                  |           |          |           |          |          |
| KP3                                      | Beachlands                               | 0                   | 0                                  |           |          |           | 0        | 0        |

| Permission / allocation ref              | Site name                             | Total Site Capacity | Total included in Five Year Supply | 2021/22    | 2022/23   | 2023/24    | 2024/25   | 2025/26   |
|------------------------------------------|---------------------------------------|---------------------|------------------------------------|------------|-----------|------------|-----------|-----------|
| UE49                                     | Northney Marina                       | 40                  | 0                                  |            |           |            |           |           |
| KP3                                      | Southwood Road                        | 35                  | 0                                  |            |           |            |           |           |
| KP3                                      | Eastoke Corner (north)                | 20                  | 0                                  |            |           |            |           |           |
|                                          | <b>TOTAL:</b>                         | <b>842</b>          | <b>250</b>                         | <b>10</b>  | <b>50</b> | <b>80</b>  | <b>75</b> | <b>35</b> |
| <b>Windfall</b>                          |                                       |                     |                                    |            |           |            |           |           |
| Small sites windfall                     |                                       | 176                 | 0                                  |            |           |            |           |           |
|                                          | <b>TOTAL:</b>                         | <b>176</b>          | <b>0</b>                           | <b>0</b>   | <b>0</b>  | <b>0</b>   | <b>0</b>  | <b>0</b>  |
|                                          |                                       |                     |                                    |            |           |            |           |           |
|                                          | <b>TOTAL Hayling Island delivery</b>  | <b>1149</b>         | <b>381</b>                         | <b>113</b> | <b>50</b> | <b>108</b> | <b>35</b> | <b>53</b> |
|                                          |                                       |                     |                                    |            |           |            |           |           |
| <b>Leigh Park</b>                        |                                       |                     |                                    |            |           |            |           |           |
| <b>Permissions</b>                       |                                       |                     |                                    |            |           |            |           |           |
| Perm (19/00060)                          | 71 Forestside Avenue                  | 5                   | 5                                  | 5          |           |            |           |           |
| 18/011009                                | Former Dairy Crest site, Dunsbury Way | 73                  | 73                                 |            |           | 38         | 35        |           |
| Small site perms (less than 5 dwellings) |                                       | 12                  | 12                                 | 12         |           |            |           |           |
|                                          | <b>TOTAL:</b>                         | <b>90</b>           | <b>90</b>                          | <b>17</b>  | <b>0</b>  | <b>38</b>  | <b>35</b> | <b>0</b>  |
|                                          |                                       |                     |                                    |            |           |            |           |           |
| <b>Allocations with permission</b>       |                                       |                     |                                    |            |           |            |           |           |
| H35 (19/01166)                           | Colt Site, New Lane                   | 94                  | 94                                 | 58         | 36        |            |           |           |
|                                          | <b>TOTAL:</b>                         | <b>94</b>           | <b>94</b>                          | <b>58</b>  | <b>36</b> | <b>0</b>   | <b>0</b>  | <b>0</b>  |
|                                          |                                       |                     |                                    |            |           |            |           |           |
| <b>Allocations</b>                       |                                       |                     |                                    |            |           |            |           |           |
|                                          |                                       |                     |                                    |            |           |            |           |           |
| H34                                      | Cabbagefield Row                      | 155                 | 155                                |            |           |            | 80        | 75        |

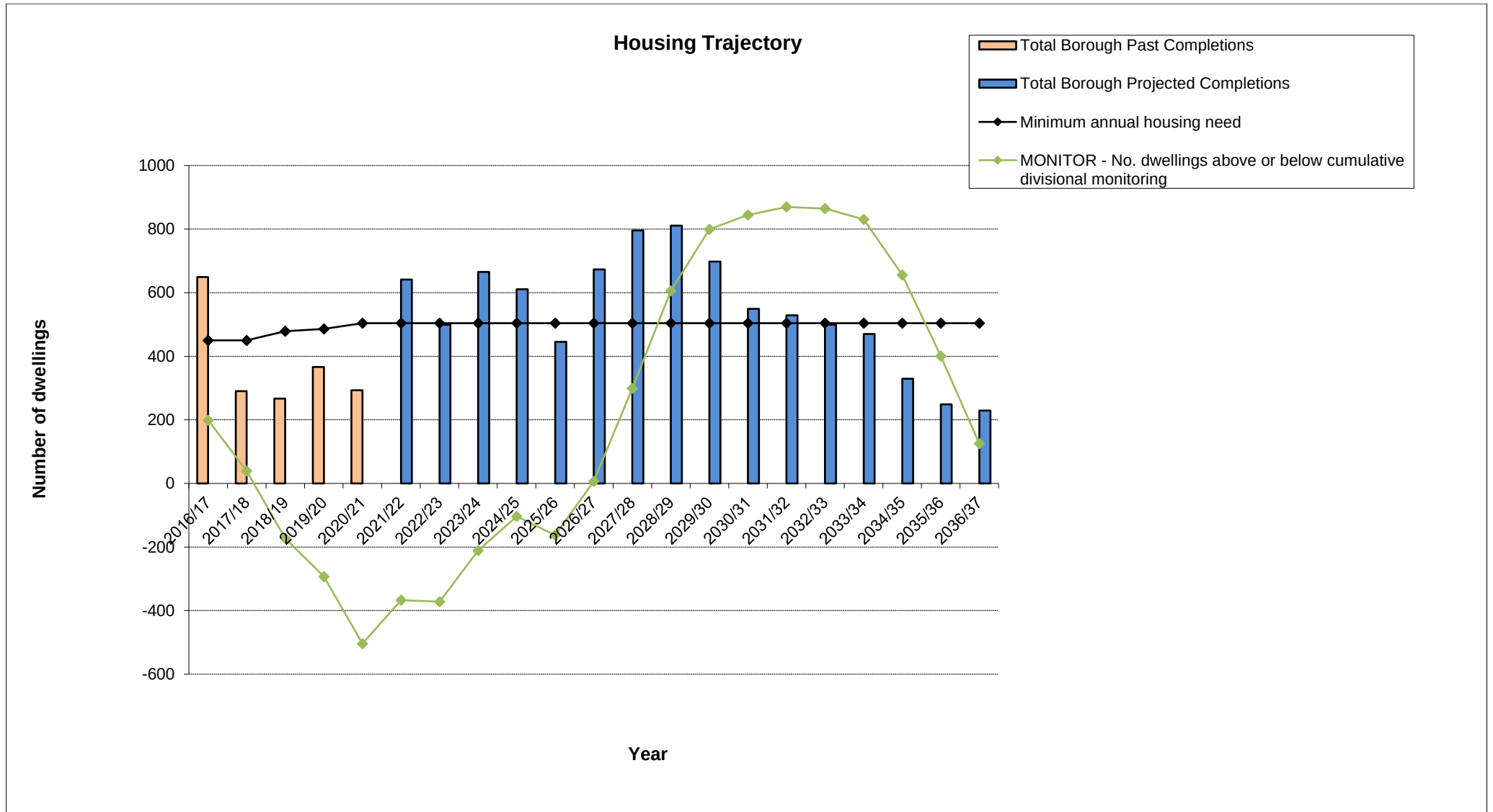
| Permission / allocation ref              | Site name                                             | Total Site Capacity | Total included in Five Year Supply | 2021/22    | 2022/23   | 2023/24    | 2024/25    | 2025/26   |
|------------------------------------------|-------------------------------------------------------|---------------------|------------------------------------|------------|-----------|------------|------------|-----------|
| H38                                      | Riders Lane Allotments                                | 70                  | 0                                  |            |           |            |            |           |
| H36                                      | SSE office site, Bartons Road                         | 90                  | 90                                 |            |           | 45         | 45         |           |
| H39                                      | Strouden Court                                        | 55                  | 55                                 |            |           | 30         | 25         |           |
| H37                                      | Dunsbury Way (land at former Procter and Gamble site) | 20                  | 0                                  |            |           |            |            |           |
| L138                                     | Leigh Park Centre                                     | 75                  | 0                                  |            |           |            |            |           |
|                                          | <b>TOTAL:</b>                                         | <b>465</b>          | <b>300</b>                         | <b>0</b>   | <b>0</b>  | <b>75</b>  | <b>150</b> | <b>75</b> |
|                                          |                                                       |                     |                                    |            |           |            |            |           |
| <b>Windfall</b>                          |                                                       | 121                 | 0                                  |            |           |            |            |           |
| Small sites windfall                     | <b>TOTAL:</b>                                         | <b>121</b>          | <b>0</b>                           | <b>0</b>   | <b>0</b>  | <b>0</b>   | <b>0</b>   | <b>0</b>  |
|                                          |                                                       |                     |                                    |            |           |            |            |           |
|                                          |                                                       |                     |                                    |            |           |            |            |           |
|                                          | <b>TOTAL Leigh Park delivery</b>                      | <b>770</b>          | <b>484</b>                         | <b>75</b>  | <b>36</b> | <b>113</b> | <b>185</b> | <b>75</b> |
|                                          |                                                       |                     |                                    |            |           |            |            |           |
| <b>Waterlooville</b>                     |                                                       |                     |                                    |            |           |            |            |           |
| <b>Permissions</b>                       |                                                       |                     |                                    |            |           |            |            |           |
| Perm (10/00828)                          | MDA Newlands Phase 1 Hambledon Road                   | 210                 | 0                                  |            |           |            |            |           |
| (13/00804) (20/00357)                    | Woodcroft Farm                                        | 222                 | 222                                | 50         | 50        | 50         | 50         | 22        |
| (15/01235)                               | Woodcroft Primary School                              | 31                  | 31                                 | 21         | 10        |            |            |           |
| (16/00963)                               | 81C The Clock House London Road                       | 28                  | 0                                  |            |           |            |            |           |
| PA (19/00533)                            | Fernwood House, 45-47 London Road                     | 8                   | 8                                  | 8          |           |            |            |           |
| Small site perms (less than 5 dwellings) |                                                       | 27                  | 27                                 | 27         |           |            |            |           |
|                                          | <b>TOTAL:</b>                                         | <b>526</b>          | <b>288</b>                         | <b>106</b> | <b>60</b> | <b>50</b>  | <b>50</b>  | <b>22</b> |
|                                          |                                                       |                     |                                    |            |           |            |            |           |
| <b>Allocations</b>                       |                                                       |                     |                                    |            |           |            |            |           |
| H44 (19/00224)                           | Padnell Grange                                        | 80                  | 80                                 |            | 40        | 40         |            |           |
| H40                                      | Campdown                                              | 650                 | 0                                  |            |           | 0          | 0          | 0         |

| Permission / allocation ref | Site name                                               | Total Site Capacity | Total included in Five Year Supply | 2021/22    | 2022/23    | 2023/24    | 2024/25   | 2025/26   |
|-----------------------------|---------------------------------------------------------|---------------------|------------------------------------|------------|------------|------------|-----------|-----------|
| H43                         | Goodwillies Timber Yard                                 | 120                 | 0                                  |            |            |            |           |           |
| KP8                         | Former South Downs College Car park                     | 95                  | 95                                 |            |            | 50         | 45        |           |
| H42                         | Blue Star                                               | 100                 | 0                                  |            |            |            |           |           |
| H46                         | Land at Waterloooville Golf Club (Land off Anvil Close) | 45                  | 0                                  |            |            |            |           |           |
| H47                         | Land North of High Bank Avenue                          | 25                  | 0                                  |            |            |            |           |           |
| TC2                         | Waterlooville Town Centre                               | 600                 | 0                                  |            |            |            |           |           |
|                             | <b>TOTAL:</b>                                           | <b>1715</b>         | <b>175</b>                         | <b>0</b>   | <b>40</b>  | <b>110</b> | <b>95</b> | <b>50</b> |
|                             |                                                         |                     |                                    |            |            |            |           |           |
| <b>Windfall</b>             |                                                         |                     |                                    |            |            |            |           |           |
| Small sites windfall        |                                                         | 506                 | 0                                  |            |            |            |           |           |
|                             | <b>TOTAL:</b>                                           | <b>506</b>          | <b>0</b>                           | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>  | <b>0</b>  |
|                             |                                                         |                     |                                    |            |            |            |           |           |
|                             | <b>TOTAL Waterlooville delivery</b>                     | <b>2747</b>         | <b>463</b>                         | <b>106</b> | <b>100</b> | <b>140</b> | <b>95</b> | <b>22</b> |
|                             |                                                         |                     |                                    |            |            |            |           |           |
| <b>Strategic site</b>       |                                                         |                     |                                    |            |            |            |           |           |
|                             | Southleigh                                              | 1100                | 0                                  |            |            |            |           |           |
|                             | <b>TOTAL:</b>                                           | <b>1100</b>         | <b>0</b>                           | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>  | <b>0</b>  |
|                             |                                                         |                     |                                    |            |            |            |           |           |

| Permission / allocation ref  | Site name                         | Total Site Capacity | Total included in Five Year Supply | 2021/22    | 2022/23    | 2023/24    | 2024/25    | 2025/26    |
|------------------------------|-----------------------------------|---------------------|------------------------------------|------------|------------|------------|------------|------------|
| <b>Older persons Housing</b> |                                   |                     |                                    |            |            |            |            |            |
|                              | Various permissions               | 134                 | 134                                | 18         | 0          | 72         | 0          | 44         |
|                              | <b>TOTAL:</b>                     | <b>134</b>          | 134                                | <b>18</b>  | <b>0</b>   | <b>72</b>  | <b>0</b>   | <b>44</b>  |
|                              |                                   |                     |                                    |            |            |            |            |            |
| <b>Totals for trajectory</b> |                                   |                     |                                    |            |            |            |            |            |
|                              | Total permissions                 | <b>1097</b>         | 859                                | 395        | 151        | 107        | 85         | 121        |
|                              | Total allocations with permission | <b>719</b>          | 719                                | 222        | 142        | 129        | 156        | 70         |
|                              | Total allocations                 | <b>4558</b>         | 1153                               | 10         | 206        | 357        | 370        | 210        |
|                              | Total windfall                    | <b>1089</b>         | 0                                  | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   | <b>0</b>   |
|                              | Sub-total:                        | <b>7463</b>         | <b>2731</b>                        | <b>627</b> | <b>499</b> | <b>593</b> | <b>611</b> | <b>401</b> |
|                              |                                   |                     |                                    |            |            |            |            |            |
|                              | Southleigh                        | <b>1100</b>         | 0                                  | 0          | 0          | 0          | 0          | 0          |
|                              | Older persons housing             | <b>131</b>          | 131                                | 14         | 0          | 72         | 0          | 44         |
|                              |                                   |                     |                                    |            |            |            |            |            |
|                              | <b>TOTAL for trajectory</b>       |                     | <b>2862</b>                        | <b>641</b> | <b>499</b> | <b>665</b> | <b>611</b> | <b>445</b> |



# Appendix 3: Housing Trajectory



# APPENDIX G

THIS **UNILATERAL UNDERTAKING** is made by **DEED** on the (to be inserted by Havant Borough Council 6 of April 2021)

**AND GIVEN BY**

Mr Andrew Fry, 1A The Florins, Purbrook, Waterlooville, Hants. PO7 5RJ

**TO**

The Council of The Borough of Havant of Public Service Plaza Civic Centre Road  
Havant PO9 2AX

**BACKGROUND**

- (A) The Council is the local planning authority for the purposes of the Act for the area in which the Land is situated.
- (B) The Owner owns the Land and has made the Planning Application and is proposing to carry out the Development.
- (C) The Owner gives this undertaking to perform the obligations set out in this deed.

**AGREED TERMS**

**1. INTERPRETATION**

The following definitions and rules of interpretation apply in this deed.

**1.1 Definitions:**

**Act:** the Town and Country Planning Act 1990

**Administration Fee:** the sum of £23

**Commencement of Development:** the date on which any material operation (as defined in section 56(4) of the Act) forming part of the Development is begun save that (for the purposes of this Agreement and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, site survey works, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services, erection of any temporary means of enclosure, the temporary display of site notices or advertisements and "Commence Development" and similar expressions shall be construed accordingly

**Contribution:** the sum of £671.00 as a contribution towards measures to mitigate the impacts of the Development on the Solent Special Protection Areas in accordance with the Solent Recreation Mitigation Strategy dated 1 April 2018.

**Development:** the development of the Land described in the Planning Application.

**Land:** the freehold land at Adj to 9 St Albans Road, Havant, PO9 2JP.

**Monitoring Fee:** the sum of £33.55 (calculated as 5% of the Contribution).

**Planning Application:** an application for planning permission registered by the Council on 23 June 2020 under reference number APP/20/00470.

**Planning Permission:** the planning permission to be granted by the Council in respect of the Planning Application.

- 1.2 A person includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.4 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.5 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.6 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.7 References to clauses are to the clauses of this deed.
- 1.8 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## **2. STATUTORY PROVISIONS**

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the Act, section 111 of the Local Government Act 1972 and any other enabling powers.

2.2 The obligations contained in clause 3 of this deed are planning obligations for the purposes of section 106 of the Act and are entered into by the Owner with the intention that they bind the interests held by those persons in the Land and their respective successors and assigns.

2.3 This deed shall have effect from the date hereof.

2.4 The obligations contained in clause 3 of this deed are enforceable by the Council in accordance with section 106 of the Act.

### **3. COVENANTS WITH THE COUNCIL**

The Owner covenants with the Council to pay the Contribution, Administration Fee and Monitoring Fee to the Council on the date of this deed.

### **4. DETERMINATION OF DEED**

This deed shall be determined and have no further effect if the Planning Permission:

- (a) expires before the Commencement of Development;
- (b) is varied or revoked other than at the request of the Owner; or
- (c) is quashed following a successful legal challenge.

### **5. FUTURE PERMISSIONS**

5.1 Nothing in this deed shall prohibit or limit the right to develop any part of the Land in accordance with a planning permission (other than the Planning Permission) granted (whether or not on appeal) after the date of this deed.

5.2 This deed shall apply to any planning permission subsequently granted under Section 73 or 73A of the Act which permits non-compliance with any of the conditions attached to the Planning Permission (a "Subsequent Permission") and the Planning Permission shall be construed to include the development as stated in the Subsequent Permission unless otherwise required by the Council.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

**[FOR INDIVIDUALS]**

**Executed and delivered as a**

deed by Mr Andrew Fry

**Signature:**

[Redacted Signature]

in the presence of:

Witness signature

Witness name

Witness address

Witness occupation

[Redacted Witness Information]

**[FOR COMPANIES OPTION 1]**

**Executed and delivered as a deed by**

**[COMPANY NAME]**

acting by two directors

**[INSERT DIRECTORS NAME]**

.....

**Director**

**[INSERT DIRECTORS NAME]**

.....

**Director**

[INSERT DIRECTORS NAME]

.....

**Director**

**[FOR COMPANIES OPTION 2]**

**Executed and delivered** as a deed by  
[INSERT COMPANY NAME] acting by  
[INSERT DIRECTORS NAME], by a  
director

.....

**Director**

in the presence of:

Witness signature

.....

Witness name

.....

Witness address

.....

.....

Witness occupation

.....

# APPENDIX H



THIS **UNILATERAL UNDERTAKING** is made by **DEED** on the [DAY] of [MONTH] 20[YY] 6 April 2021

**AND GIVEN BY**

Mr Andrew Fry

1A The Florins, Purbrook, Waterlooville Hants. PO7 5RJ.

**TO**

The Council of the Borough of Havant of Public Service Plaza Civic Centre  
Road Havant PO9 2AX (**Council**)

**BACKGROUND**

- (A) The Council is the local planning authority for the purposes of the Act for the area in which the Land is situated.
- (B) The Owner owns the Land and has made the Planning Application and is proposing to carry out the Development.
- (C) The Owner gives this undertaking to perform the obligations set out in this deed.

**AGREED TERMS**

**1. INTERPRETATION**

The following definitions and rules of interpretation apply in this deed.

**1.1 Definitions:**

**Act:** the Town and Country Planning Act 1990.

**Administration Fee:** the sum of £23.

**Commencement of Development:** the date on which any material operation (as defined in section 56(4) of the Act) forming part of the Development is begun save that (for the purposes of this Agreement and for no other purpose) operations consisting of site clearance, demolition work, archaeological investigations, investigations for the purpose of assessing ground conditions, site survey works, remedial work in respect of any contamination or other adverse ground conditions, diversion and laying of services and "Commence Development" and similar expressions shall be construed accordingly.

**Contribution:** the sum of £988.00 as a contribution towards measures to mitigate the water quality impacts of the Development on the Solent European Sites.

**Development:** the development of the Land described in the Planning Application.

**Land:** the freehold land Adj to 9 St Albans Road, Havant, PO9 2JP, Demolition of existing single storey extension and detached garage. Construction of 1no. new 2 storey dwelling house attached to the side of the existing property forming a continuation to the terrace including associated vehicular access, car parking and landscaping for both the new and existing property.

**Planning Application:** an application for planning permission registered by the Council on 23<sup>rd</sup> June 2020 under reference number APP/20/00470.

**Planning Permission:** the planning permission granted/to be granted by the Council in respect of the Planning Application.

- 1.2 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.3 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.4 A reference to any party shall include that party's personal representatives, successors and permitted assigns.
- 1.5 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.6 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.7 References to clauses are to the clauses of this deed.
- 1.8 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## **2. STATUTORY PROVISIONS**

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the Act, section 111 of the Local Government Act 1972 and any other enabling powers.
- 2.2 The obligations contained in clause 3 of this deed are planning obligations for the purposes of section 106 of the Act and are entered into by the Owner with the intention that they bind the interests held by the Owner in the Land and their respective successors and assigns.
- 2.3 This deed shall have effect from the date hereof.
- 2.4 The obligations contained in clause 3 of this deed are enforceable by the Council in accordance with section 106 of the Act.

## **3. OWNERS COVENANTS WITH THE COUNCIL**

- 3.1 The Owner covenants to pay the Contribution and Administration Fee to the Council on the date of this deed.
- 3.2 Subject to clause 3.4, the Owner covenants that clause 3.1 shall apply to any subsequent planning permission that is granted by the Council under section 73 or 73A of the Act which permits non-compliance with any of the conditions attached to the Planning Permission or any subsequent permission granted under such powers ("Subsequent Permission") and the Planning Permission and the Development shall be construed to include the development as granted under a Subsequent Permission.
- 3.3 Where clause 3.3 is engaged, the Owner agrees and acknowledges that the Council may treat the Contribution and Administration Fee as having been made under any Subsequent Permission.
- 3.4 For the avoidance of doubt, clause 3.3 shall not be construed as to require the Owner to fulfil the covenant provided at clause 3.1 more than once.

#### 4. DETERMINATION OF DEED

This deed shall be determined and have no further effect if the Planning Permission:

- (a) expires before the Commencement of Development;
- (b) is revoked; or
- (c) is quashed following a successful legal challenge.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

#### [FOR INDIVIDUALS]

**Executed and delivered as a**

deed by

Mr Andrew Fry.....

in the presence of:

Witness signature

Witness name

Witness address

Witness occupation

#### [FOR COMPANIES OPTION 1]

**Executed and delivered as a deed by**

[COMPANY NAME]

acting by two directors

[INSERT DIRECTORS NAME]

.....  
Director



**[FOR COMPANIES OPTION 2]**

**Executed and delivered** as a deed by  
[INSERT COMPANY NAME] acting by  
[INSERT DIRECTORS NAME], by a director

.....

**Director**

in the presence of:

Witness signature

.....

Witness name

.....

Witness address

.....

.....

Witness occupation

.....

# APPENDIX I

## Appendix I

### Draft Conditions

Should the Inspector be minded to grant the appeal the following conditions are suggested:

1. The development must be begun not later than three years beginning with the date of this permission.

**Reason:** To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

Location Plan – Drawing No. KALO-0234-01

Proposed Block Plan – Drawing No. KALO-0234-03A

Proposed Site Plan – Drawing No. KALO-0234-02A

Proposed Floor Plan– Drawing No. KALO-0234-04A

Proposed Elevations– Drawing No. KALO-0234-05A

Proposed Street Scene– Drawing No. KALO-0234-06A

**Reason:** - To ensure provision of a satisfactory development.

3. Notwithstanding any description of materials in the application documents no above ground construction works shall take place until samples and / or a full specification of the materials to be used externally on the building have been submitted to and approved in writing by the Local Planning Authority. Such details shall include the type, colour and texture of the materials. Only the materials so approved shall be used, in accordance with any terms of such approval.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

4. The car parking and other vehicular access arrangements shown on the Proposed Site Plan – Drawing No. KALO-0234-2A to serve the development hereby permitted shall be made fully available for use prior to the development being first brought into use and shall be retained thereafter for their intended purpose.

**Reason:** In the interests of highway safety and having due regard to policy DM13 of the Havant Borough Local Plan (Core Strategy) 2011, policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

5. Notwithstanding the provisions of any Town and Country Planning (General Permitted Development) Order 2015, prior to first occupation of the dwelling hereby permitted the windows in the first floor on the rear elevation facing west shall be fitted with, to a height of no less than 1.7m above finished floor level, non-opening lights and textured glass which obscuration level is no less than Level 4 of the Pilkington Texture Glass scale (or equivalent) and retained as such thereafter.

**Reason:** In the interests of the amenities of the occupiers of nearby properties and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011, policy E1 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

6. Notwithstanding the provisions of any Town and Country Planning General Permitted Development Order, no extensions to the dwelling the subject of the permission or the outbuildings shall be constructed within the curtilage of the site, or any roof alterations made (including the provision of roof light windows) without the prior written approval of the Local Planning Authority.

**Reason:** In the interests of the amenities of the neighbouring properties and to ensure adequate parking provision having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, policies E1 and IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

7. Prior to the occupation of the development full details of the Electrical Vehicle Charging point for the dwelling shall be submitted to and approved in writing by the Local Planning Authority. The Charging Point shall be installed in accordance with the approved details prior to the occupation of each the dwelling and retained at all times thereafter.

**Reason:** To ensure the appearance of the development is satisfactory and having due regard to policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 and Policy IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework

8. Prior to the first occupation of the development hereby permitted provision for refuse and recycling storage shall be made in accordance with details shown on the Proposed Block Plan– Drawing No. KALO-0234-03A. This provision shall thereafter be retained for this purpose, unless otherwise agreed in writing with the Local Planning Authority.

**Reason:** To ensure the development is satisfactory, having due regard to policies CS16 and DM13 of the Havant Borough Local Plan (Core Strategy) 2011, policies E1 and IN3 of the Submission Havant Borough Local Plan and the National Planning Policy Framework.

9. The development hereby permitted shall not be occupied until:

- (a) A water efficiency calculation in accordance with the Government's National Calculation Methodology for assessing water efficiency in new dwellings has been undertaken which demonstrates that no more than 110 litres of water per person per day shall be consumed within the development, and this calculation has been submitted to, and approved in writing by, the Local Planning Authority; and
- (b) All measures necessary to meet the approved water efficiency calculation have been installed.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant



Borough Local Plan (Core Strategy) 2011, and Policy E12 and E14 of the Submission Havant Borough Local Plan.

10. At all times following occupation of the development hereby approved, all measures necessary to meet the approved water efficiency calculation shall be maintained so as to ensure that no more than 110 litres per person per day shall be consumed in the development in perpetuity.

**Reason:** There is existing evidence of high levels of nitrogen and phosphorus in the water environment with evidence of eutrophication at some European designated nature conservation sites in the Solent catchment. The PUSH Integrated Water Management Strategy has identified that there is uncertainty as to whether new housing development can be accommodated without having a detrimental impact on the designated sites within the Solent. Further detail regarding this can be found in the appropriate assessment that was carried out regarding this planning application. To ensure that the proposal may proceed as sustainable development, there is a duty upon the local planning authority to ensure that sufficient mitigation is provided against any impacts which might arise upon the designated sites. In coming to this decision, the Council have had regard to Regulation 63 of the Conservation of Habitats and Species Regulations 2017, Policy CS11 of the Havant Borough Local Plan (Core Strategy) 2011, and Policy E12 and E14 of the Submission Havant Borough Local Plan.