

Planning Application Response of Planning Policy

Application No:	APP/20/00441
Address:	Land west of, Hulbert Road, Havant
Development:	Outline planning application with all matters reserved except access for the development of up to 100 dwellings and associated improved site access, landscaping, footpaths, SuDS and other associated works
Case Officer:	Lesley Wells
Comments by:	Jade Ellis
Date of Comments:	21st September 2021

Policy Status

The [Local Plan \(Core Strategy\)](#) and the [Local Plan \(Allocations\)](#), together with the Hampshire Minerals and Waste Plan provide the development plan for the Borough. The [Havant Borough Local Plan](#) (HBLP) was submitted for Examination on the 12th February 2021 and must be afforded limited weight.

The following Adopted Local Plan policies are of particular relevance:

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

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

In the Pre-submission Plan the following policies are of particular relevance:

- E3 | Landscape and settlement boundaries
- IN1 | Effective provision of infrastructure

- DR1 | Delivery of Sustainable Development
- DR2 | Regeneration
- IN3 | Transport and parking in new development
- IN4 | Future management and Management Plans
- H1 | High quality new homes
- H2 | Affordable housing
- H3 | Housing density
- H4 | Housing mix
- E1 | High quality design
- E2 | Health and wellbeing
- E9 | Provision of public open space in new development
- E12 | Low carbon design
- E16 | Recreational Impact on Solent European Sites
- EX1 | Water Quality impact on Solent European Sites

- E22 | Amenity and pollution

As set out above, the changes include a new Policy EX1 (Water Quality impact on the Solent European sites, which together with the [Position Statement and Mitigation Plan for Nutrient Neutral Development](#) sets out how developments should approach nutrient neutrality. This is considered in further detail below.

Principle of development

As you will be aware the site lies outside of the urban area as defined by policies CS17 and AL2 of the adopted plan. It would remain outside of the settlement boundary as defined by policy E3 in the emerging Local Plan. The policies in the adopted and emerging local plan seek to restrict development in these locations, except in exceptional circumstances. It is not considered that any of the exceptions for housing would apply here.

It should be noted that the applicant is promoting the site as an 'omission site' as part of the Local Plan examination. The inspectors have indicated that they will consider the merits of omission sites as part of the stage 2 hearings in the Autumn of 2021. As such, the status of the site has the potential to change as the examination progresses.

Nevertheless, the site is identified in the Council's [Strategic Housing Land Availability Assessment](#) under site reference LP127. It is discounted in Appendix 2 for the following reason:

"Site is not suitable for residential development due to its isolated nature. It is better suited for other uses."

In terms of the matter of isolation, the site is located away from the existing built up area and would not relate to the existing community to the south or west of the site. Furthermore, the site could not accommodate development of a sufficient scale to constitute a community in its own right. Indeed, the application description does not include any community facilities or economic development reflecting the scale of housing development proposed.

It is noted that paragraph 7.22 of the Planning, Design and Access Statement contests the Council's assessment of the site. However, it is not for a planning application to highlight concerns or an objection to this assessment. Similarly, the submitted PDAS highlight inconsistencies with regard to the assessment of sites through the Sustainability Appraisal process. Such objections will be considered by the Local Plan Inspector through the Examination process in due course.

Without prejudice to the omission of the site in the Local Plan, paragraph 103 of the NPPF indicates that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. It also indicates that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in plan-making and decision-making.

Whilst the Council does not consider any part of the Borough to be 'rural' (in the context of justifying rural exceptions for commercial or housing development – see paragraph 5.35 of the Submission Local Plan), it should be noted that the Council's [Residential Density Evidence Paper](#) does assess the relative varying accessibility within the Borough, which is informed by the public transport options in Appendix 1.

Five year housing land supply

The Council's [Five Year Housing Land Supply Update \(September 2021\)](#) indicates the Council has 4.3 years supply with a 20% buffer applied. This is below the five year supply threshold, and as such there is a presumption in favour of sustainable development (para 11d of the NPPF).

Significantly, however, it does not follow there is a tilted balance in favour of permission being granted – permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The Council adopted a [Housing Delivery Action Plan](#) in January 2021 which outlines the Council's response to the lack of a five year housing land supply.

It is noted that the proposed scheme is not in the five year supply in whole or part. As such, there would be a gain of 100 units to address the five year housing supply requirement.

Five year requirement with 20% buffer = 3,376 dwellings / 5 years = 675.2 dwellings a year

Up to 100 dwellings / 675.2 dwellings = 0.148 years

In this case, the scheme would contribute up to 0.15 years' supply of housing (rounded) and would therefore have the potential to increase the Borough's housing land supply to 4.5 years (rounded). This must be afforded weight in the overall planning balance.

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

Combined emergency services hub

The Council's [Infrastructure Delivery Plan](#) identifies a need for "Local Plan Allocation or Safeguarding for site for a new fire station, including combined facilities for the police and ambulance services of 0.4 hectares, within the A3(M) corridor". In order to serve the Havant area, with improved access to Petersfield and across to Portsmouth, a location close to the trunk road network is needed, with a site within the A3(M) corridor is favoured for a combined emergency services facility.

Policy IN1 of the Local Plan safeguards the application site for a Combined Emergency Services Hub at Hulbert Road (shown on the Policies Map as IN1D) accordingly. Paragraph 4.7 of the supporting text confirms the land is needed to deliver key infrastructure schemes and should be protected from loss to other uses, pending further study and investigation. It has been purposefully identified as safeguarded land as opposed to being allocated, reflecting the fact the land is cannot be considered to be 'available now' for these purposes.

Impact on Water Quality (Nutrient neutrality)

Policy EX1 (Water Quality impact on Solent European Sites) indicates that new dwellings and/or development resulting in a net gain in overnight accommodation which would likely cause a likely significant effect on designated sites will need to provide a nutrient budget. This is reaffirmed by the Council's Position Statement which indicates that applicants will need to set out how any likely significant effects on Solent European Sites will be mitigated through the application, to include the submission of the updated European Sites Mitigation Checklist and a nutrient budget.

As the proposals are in a location where development is restricted, paragraph 3.8 of the Position Statement is of relevance:

“The Council actively encourages applicants to use Warblington Farm as mitigation where the principle of the development is accepted by the Council as Local Planning Authority. In any instances where the Council does not accept the principle of development, it will not be possible for applicants to use the Council’s mitigation scheme. This is because Warblington Farm is needed to mitigate the development planned for through the Havant Borough Local Plan and Regeneration Strategy. The Local Plan HRA confirms that Warblington Farm is an acceptable mitigation option. This has been confirmed by the Review of the Warblington Farm Mitigation Option for Nutrient Neutral Development in the Havant Borough report.”

In summary, it should be noted that the applicant will need to find an alternative (to the Council’s mitigation scheme) in order to avoid and mitigate the impact on water quality arising out of the development proposed. Other schemes are likely to be published soon on the Partnership for South Hampshire’s website. Nonetheless, these will need to be subject to a Habitats Regulations Assessment for this application.

Summary

As you are aware, there is an ‘in principle’ policy objection to the application proposals in the context of both the adopted and emerging local plans. The site is located outside of the urban area/settlement boundary, and there would be no exceptional circumstances here which would apply to housing. In addition, the land is safeguarded in the emerging local plan for a combined emergency services hub. These should both be afforded weight in decision-making.

However, importantly, the Council is not currently able to demonstrate an up-to-date five year housing land supply position. In the context of the tilted balance, permission should only be refused where the adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the scheme would contribute up to 0.15 years’ supply of housing (rounded) and would therefore have the potential to increase the Borough’s housing land supply to 4.5 years (rounded). This must be afforded weight in the overall planning balance.

Notwithstanding the site’s location outside of the urban area in the context of the Adopted and emerging Local Plans, there is clearly a need to significantly boost the supply of homes in Havant borough.