

WRITTEN REPRESENTATIONS TO FAREHAM DRAFT LOCAL PLAN SUPPLEMENT CONSULTATION

LAND AT NEWGATE LANE

ON BEHALF OF FAREHAM LAND LP AND BARGATE HOMES LTD.

**TOWN & COUNTRY PLANNING ACT 1990 (AS AMENDED)
PLANNING AND COMPULSORY PURCHASE ACT 2004**

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1. INTRODUCTION

- 1.1 Pegasus Group has been jointly instructed by Fareham Land LP and Bargate Homes Ltd. to prepare representations to the consultation on the Supplement and supporting evidence documents published by Fareham Borough Council further to our representations made on the Issues and Options consultation in July 2019.
- 1.2 Fareham Land LP and Bargate Homes Ltd. have interests in an area of land between Newgate Lane and Newgate Lane East (the new relief road) in Peel Common. Applications for outline planning permission (refs. P/18/1118/OA and P/19/0460/OA) have been made at 'Land at Newgate Lane' which together will provide for the development of up to 190 homes.
- 1.3 Representations have been made in respect of the site in response to Regulation 18 consultation on the original version of the draft Local Plan in December 2017, and again in July 2019 on the Issues and Options version. The site continues to be promoted through the Local Plan process as it represents a sustainable and deliverable option to deliver much needed housing in this authority.
- 1.4 These planning representations will comment upon:
- Local Plan 2036 Supplement (the Supplement);
 - Strategic Housing and Employment Land Availability Assessment (SHELAA); and
 - Interim Sustainability Appraisal.
- 1.5 Whilst the identification of a Strategic Growth Area in the Fareham-Stubbington Strategic Gap is welcomed to boost housing numbers, these representations argue that this strategic policy overlooks the potential of available, deliverable and sustainable sites such as Land at Newgate Lane which are more appropriate in landscape terms.
- 1.6 We also argue that Land at Newgate Lane is preferable to competing medium-size sites, because it is sustainable, free from technical constraints and critically, nitrate-neutral.

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- 1.7 Separate transport representations are made by Pegasus Highways, which will respond to the Supplement with a particular focus on the Infrastructure Delivery Plan (IDP).
- 1.8 These will support the argument set out in this document, by explaining that the location of Land at Newgate Lane is sustainable and its impact on the adjacent Newgate Lane is wholly acceptable. They will also touch on the role of the Stubbington Bypass in terms of its role as the focus of the proposed 'South of Fareham' Strategic Growth Area.

2. LAND AT NEWGATE LANE

- 2.1 The Land at Newgate Lane is a parcel of land with an area of just over 10 hectares within the ward of Peel Common. It is the subject of two live planning applications for the development of:
- Up to 75 dwellings at Land at Newgate Lane, North by Fareham Land LP (ref. P/18/1118/OA); and
 - Up to 115 dwellings at Land at Newgate Lane, South by Bargate Homes Ltd (ref. P/19/0460/OA).
- 2.2 The two proposals have been designed in tandem to ensure visual and physical connectivity which results in a cohesive and joined-up development for up to 190 homes.
- 2.3 The site is located adjacent to Newgate Lane, 200m west of the settlement of Bridgemary, approximately 1km north-east of the settlement of Stubbington and approximately 3km south of Fareham Town Centre.

APPENDIX 1: SITE LOCATION PLAN

- 2.4 The site comprises an area of land used for agriculture and equestrian use, which is dissected by the River Alver running north/south. The site boundaries and internal field boundaries are made up of hedgerows and mature trees.
- 2.5 Newgate Lane forms the western boundary of the site. The new relief road forms the eastern boundary of the site, with land at Newgate Lane (North) forming the northern boundary and Woodcote Lane forming the southern boundary. The existing dwellinghouse, Hambrook Lodge, which is located on the western part of the site is not included within the land interests and is not promoted for development.
- 2.6 The site is located outside the defined settlement boundary identified in the Local Plan policies map, in a 'Strategic Gap'. The site is not subject to specific statutory or non-statutory landscape related planning designations.

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- 2.7 It is partly covered by an area identified as 'low value' for Brent Geese. There are no other known statutory or non-statutory landscape or ecological designations on the site. Hambrook Lodge, which is excluded from the site boundary contains an area identified as a Priority Habitat (traditional orchard).
- 2.8 The site is located in Flood Zone 1. The River Alver flows in a southerly direction through the western part of the site and is classified as a 'Main River' by the Environment Agency. A number of ordinary watercourses demarcate the existing field boundaries, which all discharge to the River Alver catchment.
- 2.9 Overhead electricity cables transect the site diagonally running in a north-west to south-east direction.
- 2.10 Carriston Cottage (Grade II listed) lies 50m west of the site on the western side of Newgate Lane. Foxbury Cottages and Farmhouse (Grade II listed) lie approximately 250m to the north.
- 2.11 Peel Common Wastewater Treatment Works is located approximately 200m to the west of the site.
- 2.12 Public Rights of Way footpath 71b provides a link to Tips Copse from Newgate Lane immediately west of the site via the Wastewater Treatment Works. Footpath 71c provides a link to Gosport Road via Albert Road.

3. HOUSING DELIVERY

- 3.1 The previous draft Local Plan planned for 11,300 new dwellings over the plan period, with a delivery target of 455 dwellings per annum between 2011-2034 and 420 dwellings per annum between 2034-2036, taking into account the OAHN requirement and the accelerated delivery sought under the PUSH Spatial Position Statement.
- 3.2 The Standard Methodology will result in a requirement of 520 dwellings per annum, which was the 'headline' presented in the July 2019 consultation. However, we argued that this was an underestimation of local need as it does not take into account:
- the requirement for an appropriate buffer to be applied in accordance with paragraph 73 of the NPPF; and
 - any unmet need within the PUSH authorities.
- 3.3 We are therefore pleased to see these considerations have now been acknowledged in table 3.1 of the supplement. However, it is disappointing that this further need has not been quantified.
- 3.4 Moreover, we continue to uphold our concerns about:
- the expected rate of housing delivery at Welborne; and
 - the failure of the Council to yet establish any long-term solution to the 'nitrate issue' which facilitates applications progressing smoothly through the development management process without prohibitive pre-commencement conditions.
- 3.5 It is important that the final housing requirement is significantly robust to deal with these potential delays.

4. STRATEGIC GROWTH AREAS: THE FAREHAM – STUBBINGTON STRATEGIC GAP

- 4.1 The Supplement identifies two new Strategic Growth Areas (SGAs) which may play a role in meeting the total housing requirement, which include the 'South of Fareham' SGA.



Figure 3.2 from the Supplement, with the location of Land at Newgate Lane marked in pink

- 4.2 We welcome the identification of further development sites to meet the increased housing requirement for the reasons discussed above, and we have previously highlighted the potential of land within the Fareham-Stubbington Strategic Gap in meeting this need without offending its primary objectives.

- 4.3 However, we question how the LPA has arrived at the exact boundary for the SGA through the site selection process in the SHELAA, specifically with regard to the *deliverability* and *suitability* of those sites.

Is the SGA Deliverable? Are there additional opportunities for more reliable sites within the Gap?

- 4.4 Turning first to deliverability, the Supplement text is transparent that the detail of the SGAs is not fully developed. At para. 3.20 it states:

"The identification of two Strategic Growth Areas is not the same as a housing allocation as there is further work required to understand the role these areas could play in meeting the overall housing requirement. The intention is to work with landowners and site promoters to develop a Council-led masterplan which will focus on delivery of community benefits as part of good growth."

- 4.5 This process will take considerable time and there is no evidence provided which sets out how or when the masterplan will come forward. Indeed, although the main promoter Hallam Land Management has considered indicative masterplanning through its outline planning application ref. P/15/1279/OA, which was submitted in February 2016, Fareham Borough Council's website now confirms that it has received instruction from the applicant to withdraw the application.
- 4.6 This is in contrast to Land at Newgate Lane, and the land on the east of the Newgate Lane Relief Road (formerly known as the HA2 allocation, as identified in dark grey in the plan above), both of which are the subject of live planning applications¹.
- 4.7 It is not yet clear what the total number of homes to be delivered within the SGA will be, but assuming the identified parcels (235 ha) all come forward at an average yield of 30-35 dwellings per hectare on 60% of the developable land, then it could be between 4,230-4,935 dwellings.
- 4.8 Devising a masterplan and agreeing a framework for planning obligations and associated infrastructure across the site will take some years. The sites are within the ownership of different landowners (with developer options) and the parties will

¹ Part of the HA2 draft allocation is the subject of a live planning application – this proposes up to 100 dwellings on the southern part of that site (with proposals for the residual 375 dwellings to come forward at a later date).

need to agree the delivery of highway and community infrastructure to support the housing growth. Indeed, the report 'Start to Finish: How Quickly do Large-Scale Housing Sites Deliver?'² demonstrates the length of time between first identification of a site (within a Local Plan) to submission of first planning application ('lead in time') was 4 years on average for all large sites (500+ units), albeit longer for those with 2000+ units.

- 4.9 This timescale is broadly consistent with Welborne, which was initially identified in the Draft Part 3 Plan in April 2013, which was adopted in June 2015, and followed by the submission of an application in March 2017.
- 4.10 From this point, the average length of time between planning application submission and delivery of first dwelling on site was identified in the report as 6.9 years on average for sites of 2000+ units.
- 4.11 This timescale is also broadly consistent with progress at Welborne to date, whereby following resolution to grant permission in October 2019, the S.106 Agreement is now being prepared. Buckland's website states that, subject to the timings of the planning process, site preparation works could start in early 2021. Site completions could therefore be expected in 2022/2023 (albeit this could still be very ambitious since there is a funding gap for the Junction 10 highways improvements).
- 4.12 On this basis, it would be unreasonable to assume that any units would be likely to come forward in the SGA within the next 10 years. Whilst it may be possible to deliver large allocations more quickly, the SHELAA and Supplement do not include any evidence to this effect.
- 4.13 As such, there will clearly be an additional need to rely on medium-size allocations to support strategic sites by bolstering growth which can come forward in the first part of the plan period. Other development sites within the Strategic Gap, e.g. Land at Newgate Lane, offer such opportunities.
- 4.14 There are also a number of important technical considerations which will need to be addressed. Of key importance is the ability for the necessary highway improvements and access works to come forward (which are currently unknown),

² Nathaniel Lichfield & Partners, November 2016

and the need to achieve nitrate neutrality or otherwise appropriate off-setting in accordance with a scheme adopted by the LPA.

- 4.15 Issues relating to noise and air quality arising from the Stubbington Bypass will also need to be considered and appropriate mitigation established.
- 4.16 By contrast, the proposals for Land at Newgate Lane have already:
- Proposed possible highway solutions;
 - Demonstrated nitrate neutrality; and
 - Established no adverse impacts in respect of other technical matters (with appropriate mitigation where necessary).

Are the SGA sites suitable? Are there equally or more suitable sites?

- 4.17 Secondly, we must consider the suitability of the SGA sites compared to others within the Fareham-Stubbington Strategic Gap.
- 4.18 The SHELAA provides an assessment of all proposed sites within the SGA based on a number of key criteria which we have summarized in the table at **Appendix 1**, together with our own assessment of Land at Newgate Lane, North (ref. 3161) and Land at Newgate Lane, South (ref. 3129) on the same criteria.

APPENDIX 2: SUMMARY OF SHELAA SITES WITHIN THE FAREHAM-STUBBINGTON GAP

- 4.19 Aside from the obvious fact that the sites are all greenfield land outside the settlement boundary, it is apparent that the sites identified mostly share similar constraints to Land at Newgate Lane, namely: the inclusion of some flood zone 2 or 3 land; the presence of safeguarded minerals; being identified within the Solent Brent Geese and Wader strategy; and the loss of some "Best and Most Versatile" Agricultural Land (albeit in contrast to the SGA sites, the Land at Newgate Lane does not contain any grade 2 agricultural land). None of these constraints are deemed to be prohibitive.
- 4.20 Rather, the Land at Newgate Lane is rejected for purely landscape/character reasons as follows:

"Development in this location would not be in keeping with the settlement pattern and would change the settlement character of Peel Common. The site is therefore considered unsuitable for residential development."

4.21 It is therefore perverse that that there is no assessment of such matters in the individual site appraisals in the SHELAA, if this is alleged to be the determining factor.

4.22 This is contrary to the earlier October 2017 Evidence Base document 'Background Paper: Housing Site Selection' which at paras. 1.2-1.3 states:

"It is important that site allocation decisions are supported by clear reasoning. To this end, the process has been designed to:

- Take account of national planning policies, principles and objectives;*
- Identify, early into the site selection process, those that are unsuitable, unavailable or undeliverable (i.e. discounted sites);*
- Improve transparency so that anyone can have a clearer idea of how a particular outcome has been arrived at;*
- Ensure that site selection takes account of the need to achieve sustainable development;*
- Where possible, ensure the sites selected provide the best match to the Site Selection Priorities/Refining Points (as outlined in Section 3 of this paper);*
- To ensure a consistent approach is undertaken to the assessment and consideration of potential housing sites."*

4.23 The decision to reject Land at Newgate Lane as a potential allocation despite a proper landscape or character assessment is a failing of the SHELAA. The assertion that development would "not be in keeping with the settlement pattern" has not been explained or justified.

- 4.24 The settlement of Peel Common is a ribbon development comprised of predominantly 20th century properties which have been developed along Newgate Lane and Woodcote Lane. It is not considered to be an area of landscape or historic sensitivity, and nor does its growth and development pattern represent, in our view, any overriding reason to resist new development alongside.
- 4.25 On a separate point, it is also completely unfathomable that no assessment or discussion is provided in respect of the effect of the chosen sites on the integrity of the Strategic Gap, particularly given that if the entire SGA was developed as drawn, Stubbington and Fareham would entirely coalesce (physically) – avoidance of which is one of the chief aims of the existing Strategic Gap policy. A different pattern of site selection would not necessarily have this effect, for example the development of the eastern part of the gap including Land at Newgate Lane.
- 4.26 In our previous representations, we demonstrated that the proposed development at Land at Newgate Lane would not be contrary to policy CS22 of the current Core Strategy, which does not permit development where it significantly affects the integrity of the Strategic Gap, having regard to its three key objectives:
1. Openness and Sense of Separation;
 2. Defining the Settlement Character and Preventing Coalescence
 3. Extent of Gap Required
- 4.27 We made the point that although the proposed development site is a greenfield site within the countryside, it would not represent isolated development, but rather an extension to HA2 and Bridgemary, with Newgate Lane acting as an existing containment line for the suburb.
- 4.28 Bridgemary is a predominantly mid-twentieth century, medium-density development with a typically suburban layout including a number of crescents and cul-de-sacs. It hosts a small local centre and schools, in contrast to Peel Common which does not have any services or community facilities, save for the Evangelical Church.
- 4.29 Peel Common is situated in close proximity to Bridgemary, which can be seen in views from the settlement. It is well connected on foot via Brookers Lane.

- 4.30 We would argue that the development of Land at Newgate Lane would not be contrary to the settlement pattern of the area, when read in the context of all its surroundings, not just Newgate Lane.
- 4.31 We also stressed that the proposed development at Land at Newgate Lane would not have an adverse effect on local landscape character. Indeed, this eastern part of the gap falls within a different character area (Woodcot-Alver Valley character area) from that now proposed as the SGA (Fareham-Stubbington Gap character area). Whilst the Fareham-Stubbington character area is characterised by open land, the Woodcot-Alver Valley character area is much more contained and suitable for development, as proven by the proposed allocation of the HA2 site.
- 4.32 Other impact of urbanising features including Newgate Lane relief road and the waste water treatment works also need to be taken into account in terms of their effect on the local character. This is accepted in the table on page 22 of the Interim Sustainability Appraisal which notes:

"Around the sewage works and solar farm in the south-east corner [of the Fareham-Stubbington Gap], the landscape is considered to be of lower value on account of the utilities which have completely altered the character of the immediate area, although they are relatively well-screened by wooded bunds and planting."

- 4.33 Indeed, the character of a site and surrounding area is defined by both the natural and built environment, having regard to the setting in which it sits. The suggestion that the linear settlement pattern of Peel Common is definitive of the character of the wider area, and therefore prohibitive to further development, is too simplistic and fails to acknowledge the relationship of Land at Newgate Lane with Bridgemary.

5. OTHER PROPOSED ALLOCATIONS

5.1 The Supplement also proposed additional stand-alone allocations to contribute the increased housing requirement identified, comprising:

- Rookery Farm – 20ha in Sarisbury with a potential capacity of 150 dwellings;
- 1-2 The Avenue – 0.2ha in Fareham Town Centre with a potential capacity of 9-20 dwellings; and
- 20 Botley Road – 0.1ha in Park Gate with a potential capacity for 5 dwellings.

5.2 Whilst the section above explains why Land at Newgate Lane could be an *additional* site for development within the Fareham-Stubbington Strategic Gap, this section considers why Land at Newgate Lane constitutes a preferable *alternative* site to Rookery Farm as a medium-size allocation.

5.3 A comparison summary of site constraints is provided in the table below.

	Land at Newgate Lane c. 10 hectares	Rookery Farm c. 20 hectares
Current Use	Agricultural	Recycling business, remnant orchard, vacant grazing
Potential Yield	190	150
Agricultural Land Grade	3a/3b	2/3a/3b/3c
Minerals and Waste 2016 Safeguarded Site	Y	Y – active minerals site
Countryside	Y	Y
Nitrate Neutrality	Neutral	NOT Neutral
Conservation	Not constrained	Immediately adjacent to Rookery Farmhouse (Grade II) and other Grade II listed buildings
Ecology	Not constrained	Not constrained
Highways	Solutions to Newgate Lane T-junction proposed	Potential four-arm roundabout required
Noise	Suitable, with mitigation	TBC – adjacent M27
Air Quality	Suitable	TBC – adjacent M27

Table 1: Comparison of Constraints for Land at Newgate Lane and Rookery Farm

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- 5.4 Critically, Land at Newgate Lane is already proven through the planning applications to be nitrate neutral, and can therefore come forward immediately subject to planning. This is in contrast to Rookery Farm – which is a brownfield site and therefore unable to be nitrate neutral without mitigation – whose timetable for delivery will be in the hands of Natural England’s emerging nitrate guidance and reliant upon the adoption of a yet-to-be-determined mitigation regime.
- 5.5 In addition, whilst Land at Newgate Lane has already been assessed by the LPA and found to be sound in relation to technical matters such as noise and air quality, the position of Rookery Farm adjacent to the M27 may well present significant limitations to delivery.
- 5.6 Moreover, further consideration will need to be given to the design and access at Rookery Farm, including crucial evidence of a highways access solution which does not adversely impact the wider network and an illustrative masterplan which demonstrates how the proposal could satisfy the provisions of the NPPF with regard to potential harm to the local heritage assets.
- 5.7 For these reasons, we would assert that Land at Newgate Lane is a preferable and more robust site to contribute towards the five-year housing land supply.

6. OTHER POLICIES AFFECTING HOUSING DELIVERY

Policy XX: Five Year Housing Land Supply Policy

- 6.1 Policy XX at para. 3.18 of the Supplement is effectively proposed to supersede the provisions of existing policy DSP40.
- 6.2 Notwithstanding our comments above, we are pleased to see the intention to carry forward its flexible approach to facilitating development outside of settlement boundaries in the absence of a five-year housing land supply.

Policy NEXX: Landscape

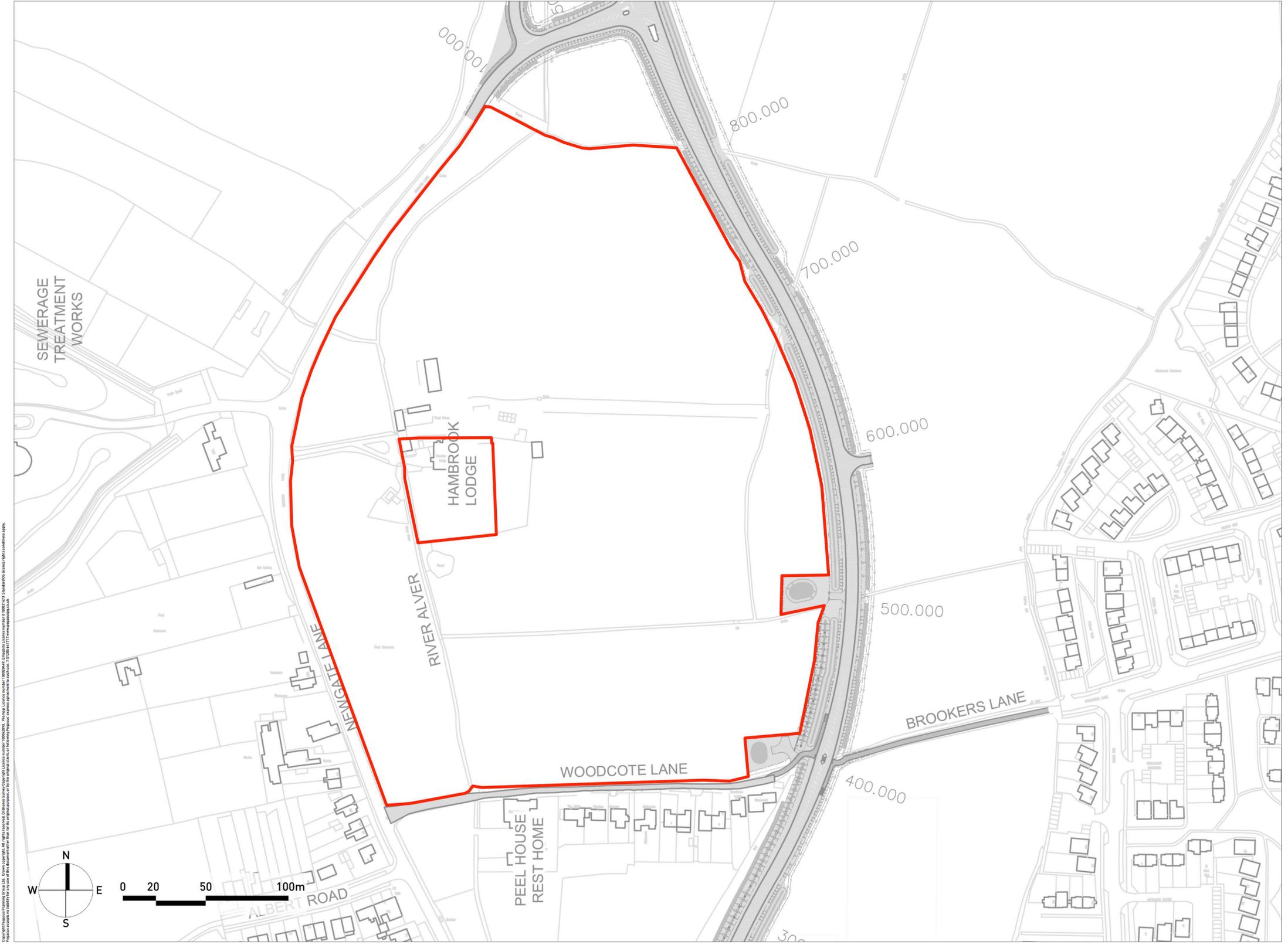
- 6.3 We support the policy proposed at para. 4.17 which establishes the need for new development to take account of the sensitivity of change to landscape character areas. Planning applications for those sites which are located within the identified Areas of Special Landscape Quality will be subject to a higher level of assessment.
- 6.4 As noted above, it is unclear what role, if any the Strategic Gaps will have under the new Local Plan. As such, in respect of assessing the acceptability in principle of different development sites outside the settlement boundaries within the countryside, we would expect that those within the Identified Areas of Special Landscape Quality will broadly be considered more sensitive than those outside them (e.g. Land at Newgate Lane).

7. CONCLUSION

- 7.1 These representations to the Local Plan Issues and Options Consultation Supplement documents on behalf of Fareham Land LP and Bargate Homes Ltd. in respect of Land at Newgate Lane, and should be read in conjunction with our previous representations.
- 7.2 Whilst we support the identification of the need for additional housing growth areas/allocations to meet Fareham’s housing requirement, we question the process by which those areas and sites have been assessed and selected. Growth within the Strategic Gap is a good thing, but locations should be chosen to maintain its integrity.
- 7.3 Land at Newgate Lane is a sustainably located site, within an area of low landscape sensitivity, and it has been proven through planning applications that there are no overriding technical constraints to development (in contrast to other untested sites). We consider that the exclusion of the site from the SHELAA on the basis that it would be at odds with the settlement pattern of Peel Common is unjustified and fails to take into account the wider landscape considerations.
- 7.4 For this reason, we recommend that the Land at Newgate Lane should be favourably considered for allocation in the Council’s Local Plan.

APPENDIX 1

SITE LOCATION PLAN



KEY: SITE LOCATION PLAN
 ○ APPLICATION BOUNDARY
 10.02 HA

LAND ADJACENT TO NEWGATE LANE, FAREHAM - COMPOSITE SITE LOCATION PLAN



APPENDIX 2

SUMMARY OF SHELAA SITES WITHIN THE FAREHAM- STUBBINGTON GAP

Ref.	Site Area	Accessibility Rating	Highways/ Access	PROW	Agricultural Land Grade	Solent Brent Geese and Wader	Flood Zone (any part)	Mineral	Other	Suitability Comment
1040	13.7	7/10	Traffic impact yet to be assessed	Y	2	Low Use	1, 2	Y	TPOs, Noise assessment required	The site is within the proposed Strategic Growth Area which identifies the land between Fareham and Stubbington as a potential area for future growth. Growth in this area should be appropriately master planned taking into account the range of issues including Brent Geese and Waders and noise impact of the new Stubbington Bypass, and seeking opportunities in terms of community benefits.
1341	19.3	4/10	New highways solution required as Oakcroft Lane/ Ranvilles Lane is unsuitable	Y	2, 3b	Secondary Support Area, Low Use	1, 2, 3	Y		
3008	110.3	8/10	TBC via masterplanning	Y	2	Secondary Support Area, Low Use		Y	Air and noise assessment required	
3059	36.0	1/10	Proposed access arrangements appear acceptable	Y	2	Low Use	1, 2, 3	Y	Within 500m of SPA, Within 500m of Ramsar, Within 500m of SSSI	
3198	5.2	4/10	TBC via masterplanning	Y	2	N/A	1	Y	Oxleys Coppice SINC and Ancient Woodland form eastern boundary of the site.	
3199	23.6	5/10	TBC via masterplanning	Y	2	Low Use	1, 2	Y		
3200	12.0	3/10	TBC via masterplanning	Y	2	Low Use	1, 2	Y		
3201	15.4	5/10	TBC via masterplanning	Y	2, 3a, 3b	N/A	1	Y	Brick works adjacent, old filter beds on site	
3129	5.8	N/A	Proposed access via Newgate Lane with improvement works to Newgate Lane/Newgate Lane Relief Road T junction	N	3a/3b	Low Use	1, 2, 3	Y	Chamomile identified	
3161	4.2	N/A		N	3a/3b	Low Use	1, 2, 3	Y	Chamomile identified	

