
Statement of Case

Land east of Crofton Cemetery and West of Peak
Lane, Stubbington, Fareham
LPA Fareham Borough Council
LPA application reference P/20/0522/FP

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1. Introduction

- 1.1. This Statement of Case (“SoC”) has been prepared on behalf of Persimmon Homes South Coast (“The Appellant”), in accordance with the Procedural Guide Planning Appeals – England (29 March 2021).
- 1.2. The SoC is submitted in support of a planning appeal pursuant to Section 78 of the Town and Country Planning Act (as amended), in respect of a decision made by the planning committee of the Local Planning Authority (“LPA”), Fareham Borough Council (“FBC”), on 17 February 2021 to refuse planning permission for residential development on land east of Crofton Cemetery and West of Peak Lane, Stubbington (“the Appeal Site”).
- 1.3. The description of development is as follows (“the Appeal Scheme”):
- “Development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to Access Road), with car parking, landscaping, sub-station, public open space and associated works).”*
- 1.4. The appeal is made against the LPA’s (FBC) refusal of the planning application (LPA Reference: P/20/0522/FP) for the above development, dated 18 February 2021. The application was for full permission.
- 1.5. The application was recommended for approval by officers. However, Members chose to disregard the advice of their officers and refused the planning application for 10 reasons, which are as follows:
- “The development would be contrary to Policies CS2, CS4, CS6, CS14, CS15, CS17, CS18, CS20, and CS21 of the Adopted Fareham Borough Core Strategy and Policies DSP1, DSP2, DSP3, DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2, and is unacceptable in that:*
- i) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside;*
 - ii) the development of the site would result in an adverse visual effect on the immediate countryside setting around the site;*
 - iii) the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces;*
 - iv) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area. Some of the house types also fail to meet with the Nationally Described Space Standards.*
 - v) had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.*

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- vi) *in the absence of a legal agreement to secure such, the development proposal would fail to secure a provision of affordable housing at a level in accordance with the requirements of the Local Plan.*
- vii) *in the absence of a legal agreement to secure such, the proposal would fail to; a) provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas, and b) secure the creation of the ecological enhancement area and its long term management and maintenance to enhance the wider Solent Wader and Brent Goose network.*
- viii) *in the absence of a legal agreement securing provision of the open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.*
- ix) *in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.*
- x) *in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision."*

1.6. The Appellant expects to resolve Reasons for Refusal v) to x) through the Section 106 and conditions and the last sentence of iv) will be overcome through substitution of plans and the Appellant has agreed that with the Local Planning Authority.

1.7. This Statement of Case sets out the Appellant's case in relation to the reasons for refusal with reference, primarily, to FBC's development plan, namely the Adopted Fareham Borough Core Strategy and the Adopted Local Plan Part 2, the National Planning Policy Framework (NPPF), and technical consultee responses.

2. Appeal Site and Context

- 2.1. The Appeal Site measures approximately 19.4ha and comprises mainly agricultural land, bisected by Oakcroft Lane. The site is located immediately north of the urban area of Stubbington and is separated into two distinct areas, land on the southern side of Oakcroft Lane and land to the north of Oakcroft Lane.
- 2.2. Land on the southern side of Oakcroft Lane is bounded by residential development to the east, with a line of protected trees forming an existing buffer between the Appeal Site and the existing residential development. The southern boundary comprises additional residential development with an area of woodland and a public right of way forming a break between these two areas. The western boundary comprises Crofton Cemetery which is separated from the Appeal Site by a mature hedgerow. The northern boundary comprises Oakcroft Lane. A line of mature poplar trees run along the line of the road.
- 2.3. Land to the north of Oakcroft Lane is bounded by Oakcroft Lane to the south and Peak Lane to the east. This parcel forms part of the wider gap that serves to separate Fareham and Stubbington. To the north is the route of the approved, and now implemented, Stubbington Bypass.
- 2.4. The Appeal Site is not in an Area of Outstanding Natural Beauty (AONB), nor in or affecting the setting of the National Park. The Appeal Site is not within a conservation area, has no heritage assets on the site, and is in Flood Zone 1. There are no statutory or non-statutory sites of nature conservation importance on or adjacent to the Appeal Site.
- 2.5. There are two Listed Buildings some 55m away from the Appeal Site to the south west, Old Crofton Church (Grade II*) and Crofton Manor Hotel (Grade II). These Listed buildings are located beyond a band of protected trees. The band of trees along the eastern boundary is protected by a Tree Preservation Order (TPO).
- 2.6. There is a public footpath (Footpath 509) running through the wooded area of the Appeal Site to the south, joining Marks Tey Road with the cemetery to the west of the Appeal Site.
- 2.7. The two parcels of land are predominately flat, with Oakcroft Lane set at a slightly lower level than the part of the Appeal Site to the south.
- 2.8. The site falls within the administrative area of FBC as LPA and Hampshire County Council (HCC) as the Local Highways Authority.

Immediate context and accessibility

- 2.9. The Appeal Site is located approximately 1km north of Stubbington Village Centre and 3.7km southwest of Fareham Town Centre. Stubbington Village Centre hosts several amenities including convenience stores, eateries, places of worship, a veterinary practice, a library, community centre, banks and retail outlets. All facilities are within a circa 15 minute walk of the Appeal Site.

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- 2.10. The TA to support the Appeal Site planning application listed the distance to local amenities along with walking and cycling times. The review identified that several key amenities are within the average length of pedestrian journeys (1.37km) identified in the Chartered Institution of Highways and Transportation's (CIHT) 'Planning for Walking' (April 2015) document which helps ensure the development can operate sustainably by allowing future residents to travel sustainably.
- 2.11. The closest bus stops to the Appeal Site are located on May's Lane, circa 560m to the east for the northbound bus stop (via Peak Lane) and 680m for the southbound bus stop (via Peak Lane) (measured from the centre of the site). Both stops are therefore within a 10 minute walk of the site
- 2.12. Fareham Railway Station is located circa 3.7km north of the Appeal Site and is accessible via the Solent Ranger X5 bus service. Fareham Railway Station provides direct access to several destinations including Portsmouth Harbour, London Waterloo, Southampton Central, Brighton and Cardiff Central.

3. Relevant Planning History

The Appeal Site – the First Application P/19/0301/FP

- 3.1. A full planning application (the 'First Application') was registered on 14 March 2019 (Application Reference: P/19/0301/FP) on the Appeal Site for:

“development comprising 261 dwellings access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to access road), with car parking, landscaping, public open space and associated works.”

- 3.2. The First Application was recommended for refusal, and FBC's Planning Committee subsequently resolved to refuse planning permission on 21 August 2019. The Decision Notice was issued on 22 August 2019. The 21 reasons given for the refusal of the First Application are as follows:

“The development would be contrary to Policies CS2, CS4, CS5, CS6, CS14, CS15, CS17, CS18, CS20, and CS21 of the Adopted Fareham Borough Core Strategy and Policies DSP1, DSP2, DSP3, DSP5, DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2, and is unacceptable in that:

- (i) the provision of dwellings in this location would be contrary to adopted local plan policies which seek to prevent residential development in the countryside;*
- (ii) the development of the site would result in an adverse visual effect on the immediate countryside setting around the site;*
- (iii) the introduction of dwellings in this location would fail to respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location, providing limited green infrastructure and offering a lack of interconnected green/public spaces;*
- (iv) the quantum of development proposed would result in a cramped layout and would not deliver a housing scheme of high quality which respects and responds positively to the key characteristics of the area.*
- (v) the proposed development involves development that involves significant vehicle movements that cannot be accommodated adequately on the existing transport network. Insufficient information has been provided to demonstrate that the development would not result in a severe impact on road safety and operation of the local transport network.*
- (vi) the proposed access arrangement onto Peak Lane is inadequate to accommodate the development safely. This would result in an unacceptable impact on the safety of users of the development and adjoining highway network.*
- (vii) the proposal fails to demonstrate that the development would be accessible with regards to public transport links and walking and cycling routes to local services and facilities.*

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- (viii) *the development proposal fails to provide sufficient provision of, and support for, sustainable transport options. This would result in a greater number of trips by private car which will create severe impact on the local transport network and the environment.*
- (ix) *inadequate information has been provided to assess the impact of the proposed works on water voles on site and any measures required to mitigate these impacts such as the provision of enhanced riparian buffers. In addition, there is insufficient information in relation to their long-term protection within the wider landscape by failing to undertake an assessment of the impact of the proposals on connectivity between the mitigation pond created as part of the Stubbington Bypass Scheme and the wider landscape. The proposal fails to provide appropriate biodiversity enhancements to allow the better dispersal of the recovering/reintroduced water vole population in Stubbington.*
- (x) *insufficient information has been submitted in relation to the adverse impacts of the proposals on the Solent Waders and Brent Goose Strategy Low Use Site and Secondary Support Area and any mitigation measures required to ensure the long-term resilience of these support networks.*
- (xi) *the development proposal fails to provide adequate wildlife corridors along the boundaries of the site to ensure the long-term viability of the protected and notable species on the site and avoidance of any future conflicts between the residents and wildlife (e.g. badgers damaging private garden areas) due to the lack of available suitable foraging habitat.*
- (xii) *in the absence of sufficient information, it is considered that the proposal will result in a net loss in biodiversity and is therefore contrary to the NPPF which requires a net gain in biodiversity.*
- (xiii) *the development would result in an unacceptable impact on a number of protected trees around the periphery of the site.*
- (xiv) *the submitted flood risk assessment fails to assess the impact of climate change on the development and therefore fails to demonstrate that the development is appropriately flood resistant and resilient.*
- (xv) *the development would fail to preserve, and would result in less than substantial harm to, the historic setting of the Grade II* Listed building Crofton Old Church.*
- (xvi) *had it not been for the overriding reasons for refusal the Council would have sought to secure the details of the SuDS strategy including the mechanisms for securing its long term maintenance.*
- (xvii) *the development proposal fails to secure an on-site provision of affordable housing at a level in accordance with the requirements of the Local Plan.*
- (xviii) *in the absence of a legal agreement to secure such, the proposal would fail to provide satisfactory mitigation of the 'in combination' effects that the proposed increase in residential units on the site*

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would cause through increased recreational disturbance on the Solent Coastal Special Protection Areas.

- (xix) the development proposal fails to provide adequate public open space. In addition, in the absence of a legal agreement securing provision of open space and facilities and their associated management and maintenance, the recreational needs of residents of the proposed development would not be met.*
- (xx) in the absence of a legal agreement to secure the submission and implementation of a full Travel Plan, payment of the Travel Plan approval and monitoring fees and provision of a surety mechanism to ensure implementation of the Travel Plan, the proposed development would not make the necessary provision to ensure measures are in place to assist in reducing the dependency on the use of the private motorcar.*
- (xxi) in the absence of a legal agreement to secure such, the proposal would fail to provide a financial contribution towards education provision."*

- 3.3. Following refusal by the LPA of planning application P/19/301/FP, the Appellant sought to address these reasons for refusal prior to submission of the Appeal Scheme.
- 3.4. An initial Pre-Application meeting between the Appellant and FBC was held at FBC offices on 24 January 2020. During this meeting it was agreed that a scheme could be developed to overcome the reasons for refusal for the First Application. The landscape strategy of the scheme was suggested as being critical in order to successfully place a development in this edge of settlement location and incorporate frontage parking and a landscaping lung through the development.
- 3.5. Following the initial pre-application meeting with officers, it was agreed that the block structure was acceptable. It was agreed, however, that the landscape strategy of the scheme was critical in order to successfully place a development in this edge of settlement location and incorporate frontage parking and a landscaping lung through the development.
- 3.6. It was agreed with the FBC's Urban Design Officer, Dominic Lyster, that the Appellant's landscape architect (ACD Environmental Ltd) should be involved with pre-application discussions with the LPA. ACD Environmental Ltd were specifically requested to produce three cross sections (approx. 15m wide) at the edges of the site to show how the transition from the housing, to the estate roads to the tree boundary of the site and then the adjacent roads would be designed to provide a robust planting screen and additional public open space.
- 3.7. A second Pre-Application meeting was held at FBC offices on 20 February 2021. ACD Environmental Ltd presented a landscape strategy for a revised scheme along with the three cross sections, as described above.
- 3.8. The landscape strategy presented the landscape-led design approach for a scheme for 209 units to overcome the reasons for refusal on the First Application. The landscape strategy, landscape led approach and redesign were well received by FBC. Further detailed comments were made by FBC's Urban Design

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officer following the second pre-application meeting, and these comments (detailed in the Landscape Appeal Statement – Appendix 2) were addressed as part of the detailed landscape plans prepared for the Appeal Scheme.

- 3.9. Following detailed pre-application discussions with the LPA, the Appeal Scheme was submitted on 29 May 2020. The number of units was reduced by 52 (20% reduction) and the level of landscaping both to the periphery of the site and throughout the site was increased. The number of units was reduced further post-submission to 206 units (a 21% reduction from the First Application).
- 3.10. As stated in the Officer's Committee Report (paragraph 8.28), Officers considered that reasons for refusal (ii), (iii), and (iv) under the First Application (which have been copied across as reasons for refusal for the Appeal Scheme) had been satisfactorily addressed through the new application (the Appeal Scheme). The Officer's Report also confirmed that the remaining reasons for refusal (v) to (xxi) had also been satisfactorily addressed through additional detail provided as part of the Appeal Proposals or would have been resolved through the Section 106 agreement and through conditions.

Relevant Appeal – The Grange

- 3.11. An appeal for a nearby site at The Grange was dismissed in October 2019 (APP/A1720/W/19/3222404) due to the likely significant adverse effect of the development on the integrity of designated habitat sites in the area.
- 3.12. However, in relevance to the Appeal Scheme, the Appeal Inspector stated in paragraph 26 of the Inspector's Report that he found no substantive conflict with criteria ii of Policy DSP40 and that the adjacent site 'would be well related to the adjoining urban settlement' therefore considering that the location was sustainable for future residential development. This Appeal case is referred to the Officer's Committee Report for the Appeal Scheme stating in paragraph 8.21 that "*the Appeal Inspector for the nearby site at The Grange considered that development at the northern end of Stubbington would be within reasonable walking and cycling distance for future occupiers to existing services and facilities. The Inspector therefore considered that the location was sustainable for future residential development*".

4. The Appeal Proposals

- 4.1. The Appeal Proposals were originally submitted in full detail for the “erection of 209 dwellings, with new access from Peak Lane and stopping up of Oakcroft Lane together with car parking, landscaping, Public Open Space and associated works” in June 2020. Following consultation on the planning application, the scheme was amended and the application description revised to “development comprising 206 dwellings, access road from Peak Lane maintaining link to Oakcroft Lane, stopping up of a section of Oakcroft Lane (from Old Peak Lane to Access Road), with car parking, landscaping, sub-station, public open space and associated works”. This is the description shown on the Decision Notice.
- 4.2. The application was accepted as being the same character and description as the previous scheme and was submitted within one year of the refusal of P/19/0301/FP.
- 4.3. The residential dwellings are proposed to be constructed on the southern part of the site, south of Oakcroft Lane. The dwellings comprise a mix of 4 x 1-bedroom flats, 64 x 2-bedroom houses, 113 x 3-bedroom houses and 25 x 4-bedroom houses. Public open space is proposed to be created within the site with a local equipped area of play.
- 4.4. The land to the north of Oakcroft Lane is proposed for use as biodiversity enhancement space and used to support the wider Solent waders and Brent goose network. The land would be transferred to FBC to ensure its long-term purpose as mitigation land. This would be secured through a Section 106 legal agreement.
- 4.5. A means of access was to provide a new junction to Peak Lane, which would be located approximately 175 metres to the north of the existing access from Mays Lane/ Peak Lane onto Oakcroft Lane. The first 120 metres of Oakcroft Lane, to the west of Mays Lane/ Peak Lane will be converted into a no through road, with access to the remainder of Oakcroft Lane being made via the proposed new access road.
- 4.6. The residential development comprises a mixture of two storey and two and half storey dwellings and one two storey block of flats. The proposal includes car parking provision in accordance with the Council's Adopted Car Parking Standards with all car parking allocated to each dwelling and a further 41 visitors' spaces provided adjacent the highway throughout the development. The application proposal also includes provision for vehicle electric charging points for all the dwellings with direct on-site vehicle parking spaces. A number of the visitors' car parking spaces will also be provided with rapid charging points throughout the development, ensuring that even those properties without direct on-site parking will have easy access to vehicle charging.
- 4.7. The planning application for the Appeal Scheme was supported by detailed design drawings and technical documents and plans. The plans for approval are listed below (the substitute plans are highlighted in red):
- a. Location Plan (Drawing: A-02-001-LP)
 - b. Site Layout (Drawing: A-02-015-SL Rev I)
 - c. Tenure Plan (Drawing: A-02-010-TP Rev K)
 - d. Building Heights (Drawing: A-02-012-BH Rev I)
 - e. Boundary Treatments (Drawing: A-02-013-BT Rev I)

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- f. North Oakcroft Lane Strategy (Drawing: PERSC22805 20)
- g. Habitat Plan (Drawing: PERSC22805 15 Sheet 1)
- h. Habitat Plan (Drawing: PERSC22805 15 Sheet 2)
- i. Tree Protection Plan (Drawing: PRI21504-03A Sheet 1 of 2)
- j. Tree Protection Plan (Drawing: PRI21504-03A Sheet 2 of 2)
- k. Swept Path Analyses (1 of 2) (Drawing: SPA-001 Rev A)
- l. Swept Path Analyses (2 of 2) (Drawing: SPA-002 Rev A)
- m. Swept Path Analyses (3 of 4) (Drawing: SPA-003)
- n. Swept Path Analyses (4 of 4) (Drawing: SPA-004)
- o. Substation Plans and Elevations (Drawing: SUB-001)
- p. Junction Visibility Splays (1 of 3) (Drawing: VS-001)
- q. Junction Visibility Splays (2 of 3) (Drawing: VS-002)
- r. Junction Visibility Splays (3 of 3) (Drawing: VC-003)
- s. Carleton (Drawing: CAR-001)
- t. Carleton – Type B (Drawing: CAR-002)
- u. Carleton – Tile hanging (Drawing: CAR-003)
- v. Charnwood Corner (Drawing: CHARN-C-001)
- w. Charnwood Corner – Type B (Drawing: CHARN-C-002)
- x. Charnwood Corner – WB (Drawing: CHARN-C-003)
- y. Charnwood Corner – Flint (Drawing: CHARN-C-004)
- z. Charnwood Corner – Bay (Drawing: CHARN-C-005)
- aa. Charnwood Corner – Bay Type B (Drawing: CHARN-C-006)
- bb. Dalby (Drawing: DALB-001)
- cc. Dalby (Drawing: DALB-002)
- dd. Single Garage (Drawing: Gar-001 Rev B)
- ee. Twin Garage (Drawing: Gar-002 Rev B)
- ff. Double Garage (Drawing: Gar-003 Rev B)
- gg. Greenwood (Drawing: GWD-001)
- hh. Greenwood Corner (Drawing: Gwd-C-001)
- ii. Haldon (Drawing: HAL-001)
- jj. Haldon HA (Drawing: Hal-001)
- kk. Haldon HA MID (Drawing: HAL-HA-002)
- ll. Haldon HA END (Drawing: HAL-HA-003)
- mm. Haldon HA Type B (Drawing: HAL-HA-004)
- nn. Haldon HA Type B (Drawing: HAL-HA-005)
- oo. Haldon HA Type B (Drawing: HAL-HA-006)
- pp. Hanbury (Drawing: Han-001 Rev E)
- qq. Hanbury Type B (Drawing: Han-002 Rev E)
- rr. Hanbury Tile Hanging (Drawing: Han-003 Rev D)
- ss. Hanbury TH Mid (Drawing: Han-004 Rev D)
- tt. Hanbury TH – HIP (Drawing: Han-005 Rev C)
- uu. Hanbury – Barn Hip (Drawing: Han-006 Rev C)
- vv. Hanbury Corner (Drawing: Han-C-HA-001 Rev E)
- ww. Hanbury Corner – Type B (Drawing: Han-Cnr-002 Rev E)

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- xx. Hanbury Corner – TH (Drawing: Han-Cnr-003 Rev D)
- yy. Hanbury Corner – Hip (Drawing: Han-Cnr-004 Rev C)
- zz. Hanbury Corner (Drawing: Han-Cnr-005 Rev B)
- aaa. Hanbury – HA (Drawing: HAN-HA-001 Rev B)
- bbb. Hanbury – HA (Drawing: HAN-HA-002 Rev B)
- ccc. Rendlesham HA MID (Drawing: REN-HA-002 Rev A)
- ddd. Rendlesham HA END (Drawing: REN-HA-003 Rev A)
- eee. Rendlesham HA Tile Hanging (Drawing: REN-HA-004 Rev A)
- fff. Sherwood (Drawing: SHER-001)
- ggg. Whinfell (Drawing: WHIN-001)
- hhh. Whinfell Type B (Drawing: WHIN-002)
- iii. Whinfell MID (Drawing: WHIN-003)
- jjj. Whinfell Type C (Drawing: WHIN-004)
- kkk. Whinfell Type D (Drawing: WHIN-005)
- lll. Whiteleaf (Drawing: WHLF-001 Rev A)
- mmm. Whiteleaf – WB Hipped (Drawing: WHLF-002)
- nnn. Windermere (Drawing: WIN-001)
- ooo. Windermere Type B (Drawing: WIN-002)
- ppp. Windermere Tile Hanging (Drawing: WIN-003)
- qqq. Windermere Tile Hanging V2 (Drawing: WIN-004)
- rrr. Windermere v2 (Drawing: WIN-005)
- sss. Windermere v2 Flint (Drawing: WIN-006)
- ttt. 4 x 1 Bed flats (Drawing: 4x 1bf-001 Rev A)
- uuu. 4 x 1 Bed flats (Drawing: 4x 1bf-002 Rev B)
- vvv. 4620a (Drawing: 4620a-001 Rev C)
- www. 4620a v2 (Drawing: 4620a-002 Rev A)
- xxx. Bond (Drawing: BON-001 Rev B)
- yyy. Bond V2 (Drawing: BON-002)
- zzz. Knightsbridge (Drawing: KNI-001 Rev B)
- aaaa. Knightsbridge – Weather board (Drawing: KNI-002 Rev B)
- bbbb. Marlborough (Drawing: MARL-001 Rev B)
- cccc. Marlborough – Weather board (Drawing: MARL-002 Rev B)
- dddd. Marlborough (Drawing: MARL-003 Rev A)
- eeee. Marylebone (Drawing: MAR-001 Rev B)
- ffff. Marylebone V2 (Drawing: MAR-002)
- gggg. Single Garage (Drawing: GAR-004 Rev A)
- hhhh. Twin Garage (Drawing: GAR-005 Rev A)
- iiii. Double Garage (Drawing: GAR-006 Rev A)

4.8. These are all listed in **Appendix 1** of this statement.

5. Planning Policy Context

- 5.1. Under Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended), if regard is to be given to the development plan for the purpose of any determination to be made under the planning acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. Section 38(3) of the Planning and Compulsory Purchase Act 2004 (as amended) states that the development plan consists of the development plan documents and any neighbourhood plan.
- 5.2. The Development Plan for FBC relevant to the proposed development comprises:
- Local Plan Part 1 – Core Strategy 2006 to 2026, adopted in August 2011 (LPP1)
 - Local Plan Part 2 – Development Sites and Policies 2011 to 2026, adopted in June 2015 (LPP2)
- 5.3. Alongside this, the Hampshire Minerals and Waste Plan (2013) and Local Plan Part 3 (LPP3) – The Welborne Plan 2016 to 2036, adopted June 2015, also form part of Fareham’s Development Plan. The LPP3 applies only to the Welborne strategic development area.
- 5.4. LPP1 and LPP2 are predicated on out-of-date assessment of housing needs. Local Plan Part 2 did not review the housing numbers in accordance with the NPPF. It is therefore acknowledged by the LPA that the Local Plan is not NPPF compliant in regard to housing needs¹.
- 5.5. The strategy and the spatial application of the settlement boundaries and allocations are out of date.
- 5.6. FBC has also published various Supplementary Planning Documents (SPD), including the Fareham Borough Residential Car and Cycle Parking Standards SPD (November 2009), Fareham Borough Design Guidance (excluding Welborne) SPD (December 2015) and Planning Obligations SPD (excluding Welborne) (April 2016).
- 5.7. FBC is in the process of producing a new Local Plan. This will address development requirements up until 2037 and in due course it is intended to replace both the LPP1 and LPP2. The Council consulted on issues and options for the Draft Local Plan to 2036 in 2019, the consultation period concluded on 26 July 2019. A further Regulation 18 consultation was carried out in early 2020, followed by the Regulation 19 consultation in November 2020 for the Publication Local Plan 2037.

¹ Suffolk Coastal District Council vs Hopkins Homes Ltd (2017) UKSC37, 10 May 2017 - Paragraph 64 states that settlement boundaries are only held to be out of date where they are predicated on out of date assessments of development needs.

- 5.8. The Publication Local Plan, which was approved by Full Council (22 October 2020) as the version to submit for examination, was based on a level of housing need calculated by a proposed revised standard methodology (known as Standard Methodology 2 or SM2) that the Government consulted upon in August 2020. This was a figure of 403 dwellings per annum (dph). On 16 December 2020, the Government reverted back to the previous standard method, albeit modified with a 'cities uplift'. This has confirmed that FBC's annual housing need is 514 homes per year. FBC must therefore revisit the housing requirement set in the Publication Local Plan, and the proposed sites required to meet this higher housing requirement, by preparing an amended version of the Publication Local Plan. FBC will undertake a further consultation on the proposed changes to the Publication Local Plan in summer 2021. A revised Local Development Scheme is anticipated to be published by FBC in late spring 2021.
- 5.9. The application for the Appeal Scheme was refused on the basis of the following policies: CS2, CS4, CS6, CS14, CS15, CS17, CS18, CS20, and CS21 of the Adopted Fareham Borough Core Strategy and Policies DSP1, DSP2, DSP3, DSP6, DSP13, DSP14, DSP15 and DSP40 of the Adopted Local Plan Part 2. Accordingly, FBC considered the Appeal Scheme to be in accordance with all other development plan policies, which are summarised below and will be detailed in the Statement of Common Ground.

Role of Policy DSP40

- 5.10. Policy DSP40 sets out that, where it can be demonstrated that the Council does not have a five year supply of housing against the requirement of the Core Strategy, additional sites, outside of the urban area boundary, may be permitted where they meet the five criteria set out in the policy. If a scheme accords with the five criteria set out in Policy DSP40, it accords with the Development Plan as a whole and you get the additional presumption in Paragraph 11c) of the NPPF. It is the Appellant's case that the Appeal Proposals accord with the five criteria set out in Policy DSP40. The Appellant understands that the only criteria that FBC consider the Appeal Scheme to be in breach of are criteria (ii) and (iii) of DSP40.
- 5.11. For the purpose of Paragraph 11d) of the NPPF, the most important policies in regard to the Appeal Scheme are:
- Policy CS2 (Housing Provision)
 - CS14 (Development Outside Settlements)
 - CS22 (Development in Strategic Gaps) – note that this policy is not breached
 - DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries)
 - DSP40 (Housing Allocations)

Joint Core Strategy (JCS)

Policy CS2 (Housing Provision)

- 5.12. CS2 relates to the supply of housing and how FBC will deliver 3,729 dwellings within the Plan Period (2006 to 2026, excluding Welborne). CS2 states that priority should be given to the re-use of previously developed land within the urban areas. The supply of sites is kept up to date through a regular Strategic Housing Land Availability Assessment (SHLAA) review and allocated through LPP2.

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Policy CS14 (Development Outside Settlements)

- 5.13. Policy CS14 states that built development on land outside of the defined settlements will be strictly controlled to protect countryside from development, which would adversely affect its landscape character, appearance and function. The Appeal Site is considered to be in the “countryside”, as defined by the FBC Adopted Local Plan Policies Map (2015).

Policy CS22 (Development in Strategic Gaps)

- 5.14. Policy CS22 affirms that land within a Strategic Gap will be treated as countryside. Development proposals will not be permitted either individually or cumulatively where it significantly affects the integrity of the gap and the physical and visual separation of settlements. A Strategic Gap is identified between Fareham/Stubbington and Western Wards/ Whiteley (the Meon gap).
- 5.15. Although Policy CS22 is considered an important policy in relation to the Appeal Scheme, the LPA agree that Policy CS22 has not been breached and there is not a reason for refusal based on Policy CS22.

Local Plan Part 2 - Development Site and Policies

Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries)

- 5.16. Policy DSP6 states that there will be a presumption against new residential development outside of the defined urban settlement boundaries.
- 5.17. Ordinarily, Policy CS14 would be the principal policy such that a scheme in the countryside should be refused. However, as acknowledged in the Officer’s Committee Report, in light in the Council’s lack of a five year housing land supply, development plan policy DSP40 is engaged.

Policy DSP40 (Housing Allocations)

- 5.18. Policy DSP40 sets out that where it can be demonstrated that the Council does not have a five-year supply of housing against the requirement of the Core Strategy, additional sites, outside of the urban area boundary, may be permitted, where they meet the five criteria set out in the policy. The reasons for refusal on the decision notice only refer to Policy DSP40 as a whole and not a specific part or parts.
- 5.19. Part (i) states that the proposal must be relative in scale to the demonstrated five year housing land supply shortfall. In its most recent Five Year Housing Land Supply Position statement (February 2021), FBC’s position is that it has 4.2 years’ supply, equating to 2,550 units to be delivered from 1 January 2021 to 31 December 2025. The total housing requirement for that period is 3,048 units, therefore resulting in a shortfall of 498 units. It is agreed with the LPA that the Appeal Scheme meets criteria (i).
- 5.20. Part (ii) states that the proposal must be sustainably located adjacent to, and well related to, the existing urban settlement boundaries, and can be well integrated with the neighbouring settlement. It is agreed with the LPA that the Appeal Scheme is sustainably located. The Appellant believes that the Appeal Scheme is well integrated with the wider settlement.

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- 5.21. Part (iii) seeks to ensure that the development is sensitively designed to reflect the character of the neighbouring settlement and to minimise any impact on the countryside and Strategic Gaps. The First Application was refused on this part of DSP40, resulting in reasons for refusal (ii) to (iv) set out in the Decision Notice of the First Application. It is agreed there is no Strategic Gap impact as a result of the Appeal Scheme.
- 5.22. Part (iv) states that it should be demonstrated that the proposal is deliverable in the short term. Persimmon Homes would seek to deliver the scheme immediately and this was noted in the officer's report. It is agreed with the LPA that this criteria is met.
- 5.23. Part (v) requires the proposal would not have any unacceptable environmental, amenity or traffic implications. It is agreed with the LPA that this criteria is met.

The emerging Local Plan

- 5.24. The LPA is currently preparing a new Local Plan. The LPA is working toward the adoption of a new Local Plan extending until 2037.
- 5.25. Work commenced on the new Draft Local Plan in 2015 as the changes to the NPPF meant the current Plan was out of date. The Draft Fareham Local Plan 2036 was published for consultation (Regulation 18) between 25 October and 8 December 2017. The Regulation 18 plan presented a target of 11,300 net additional dwellings to be delivered between 2011 and 2036 (452 dpa), with the focus on Welborne Garden Village, brownfield sites and further housing allocations.
- 5.26. In April 2018, the Office of National Statistics (ONS) published 2017 data showing affordability ratios (cost of housing in an area compared to local salaries). This formed part of the Government's proposed new method of calculating housing need and, when applied, increased the figure for Fareham to 544 each year.
- 5.27. In March 2019, FBC adopted the Fareham Borough Local Development Scheme 2019. The Council then consulted on the Issues and Options for its new Local Plan in summer 2019. This included questions relating to which natural landscapes should be protected, and which areas might support development.
- 5.28. A consultation was then undertaken in January 2020 on a new supplement of the Draft Local Plan consulted on in 2017, which contained a revised Development Strategy, proposals for additional housing sites and new policies on development and the natural environment. It included the identification of two Strategic Growth Areas (SGAs), including South of Fareham SGA. The Appeal Site was located in this area of growth, but the SGAs were not included in the Publication Local Plan.
- 5.29. The Appeal Site was not included as a residential allocation within the Publication Local Plan. The Publication Local Plan was published for consultation on 6 November 2020 and concluded on 18 December 2020. A further consultation will take place on changes to the Publication Local Plan in early summer 2021. The Appellant agrees that there is limited weight to be given to the emerging Local Plan at this stage. The Appellant will provide an update if there is any change to the emerging plan.

Housing Land Supply

- 5.30. As a policy consideration, it is agreed with the LPA that there is no five year housing land supply, albeit the extent of the shortfall is in dispute (see Section 7 of this statement). The consequence is the triggering of Footnote 7 of the NPPF, Paragraph 11d), but also the triggering of Policy DSP40.

National Planning Policy Framework

- 5.31. In March 2012, the Department for Communities and Local Government (DCLG) replaced Planning Policy Statements and Minerals Planning Guidance with a single integrated National Planning Policy Framework (NPPF). The NPPF was subsequently updated in February 2019 and June 2019. This is the main expression of the Government's planning policy for England and is a material consideration in planning decisions. The reasons for refusal do not make reference to the NPPF.

- 5.32. The NPPF states at paragraph 7 that: *"The purposes of the planning system is to contribute to the achievement of sustainable development."*

- 5.33. NPPF paragraph 8 identifies the three overarching and interdependent objectives for achieving sustainable development:

***an economic objective** – to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation; and improved productivity; and by identifying and coordinating the provision of infrastructure;*

***a social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and*

***an environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment; including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy"*

- 5.34. The Appeal site is in a sustainable location, adjacent to an existing settlement. The Appeal proposals seek to support growth and will make a significant contribution towards meeting local housing needs by making efficient use of this site, whilst creating a high quality living environment that protects the surrounding environment. Thus, the Appeal proposals are wholly in accordance with the overarching objectives of the NPPF.

- 5.35. Paragraph 11 of the NPPF makes clear that sustainable development should be pursued in a positive way, and that, to ensure this, there is a presumption in favour of sustainable development. Paragraph 11 confirms that for decision making this means:

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- 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, or the policies which are most important for determining the application are out of date , 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; 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.”*

- 5.36. Paragraph 177 states that presumption in favour of sustainable development does not apply where the project is likely to have a significant effect on a habitats site (either alone or in combination with other projects), unless an appropriate assessment has concluded that the project will not adversely affect the integrity of the habitats site. In this case, the LPA completed its own Appropriate Assessment as part of the consideration of the application, and concluded that the Appeal Scheme will not have an adverse effect on the integrity of the protected sites around The Solent, subject to mitigation. The Applicant has agreed to make the necessary contribution towards the Solent Recreation Mitigation Partnership, which would be secured via the Section 106 legal agreement.
- 5.37. As set out above (and considered in Section 7), the Appeal Scheme is in accordance with the Development Plan in terms of promoting sustainable development. Therefore, permission should be granted in line with the first bullet point of the above extract (NPPF Paragraph 11c). This is on the basis that in accordance with DSP40 of FBC’s adopted Local Plan, FPC has confirmed that it does not have a five-year supply of housing and has published this position. As such, additional sites outside of the urban area, such as the Appeal site, may be permitted for housing where they meet the five criteria set out in DSP40. The Appeal scheme meets these five criteria.
- 5.38. In regard to Paragraph 11d), as explained in Footnote 7 in the NPPF, policies are deemed ‘out of date’ in respect of applications involving the provision of housing, where (amongst other criteria) an LPA cannot demonstrate a five-year supply of deliverable housing sites (with the appropriate buffer), or where the Housing Delivery Test (HDT) indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 5.39. If there is any question that the Appeal Scheme does not accord with NPPF Paragraph 11c), NPPF Paragraph 11d) still applies, as FBC cannot demonstrate a five-year supply of deliverable housing sites. Housing Need and Supply in the Borough is examined further in Section 6 of this statement.
- 5.40. Paragraph 12 of the NPPF states that: *“Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.”* Paragraph 12 enables LPAs to refuse development proposals that accord with the development plan, if there are material considerations that indicate that consent should be withheld. Conversely, Paragraph 12 also enables LPAs to grant consent for development proposals that do not accord with the development plan.
- 5.41. Paragraph 59 highlights that to support the Government’s objective of significantly boosting the supply of housing, *“it is important that a sufficient amount and variety of land can come forward where it is needed”*.

5.42. Other sections of the NPPF relevant to the Appeal Scheme are:

- Chapter 8: Promoting healthy and safe communities
- Chapter 9: Promoting sustainable transport
- Chapter 11: Making effective use of land
- Chapter 12: Achieving well designed places
- Chapter 14: Meeting the challenge of climate change, flooding and coastal change
- Chapter 15: Conserving and enhancing the natural environment
- Chapter 16: Conserving and enhancing the historic environment

Habitats Regulations Assessment

5.43. A Habitats Regulations Assessment (HRA) refers to the several distinct stages of Assessment which must be undertaken in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended) to determine if a plan or project may affect the protected features of a habitats site before deciding whether to undertake, permit or authorise it.

5.44. All plans and projects (including planning applications) which are not directly connected with, or necessary for, the conservation management of a habitat site, require consideration of whether the plan or project is likely to have significant effects on that site. This consideration – typically referred to as the ‘Habitats Regulations Assessment screening’ – should take into account the potential effects both of the plan/project itself and in combination with other plans or projects. Where the potential for likely significant effects cannot be excluded, a competent authority must make an appropriate assessment of the implications of the plan or project for that site, in view the site’s conservation objectives. The competent authority may agree to the plan or project only after having ruled out adverse effects on the integrity of the habitats site. Where an adverse effect on the site’s integrity cannot be ruled out, and where there are no alternative solutions, the plan or project can only proceed if there are imperative reasons of overriding public interest and if the necessary compensatory measures can be secured.

5.45. It is agreed with the LPA that the information submitted as a part of our Shadow Habitat Regulations Assessment is sufficient and that the Inspector can conclude the Appropriate Assessment favourably to the grant of permission.

5.46. Other policy material considerations of relevance to the Appeal Scheme include:

- Fareham Borough Council Supplementary Planning Guidance, including:
 - Fareham Borough Design Guidance: Supplementary Planning Document (excluding Welborne) December 2015
 - Residential Car Parking Standards 2009
 - Planning Obligations Supplementary Planning Document for the Borough of Fareham (excluding Welborne) April 2016
- Solent Waders and Brent Goose Strategy, March 2018
- Solent Recreation Mitigation Definitive Strategy, April 2018
- Natural England Nitrates Guidance, March 2020

6. Third Party Comments

- 6.1. As summarised within the 17 February 2021 Committee Report and below, following consultation with internal and statutory consultees during the application process, no significant concerns were raised that could not be satisfactorily mitigated:
- Highways (Hampshire County Council (HCC)) – No objection, subject to conditions and Section 106 legal agreement
 - Archaeology (HCC) – No objection subject to condition
 - Lead Local Flood Authority (HCC) – No objection subject to condition
 - Children's Services (HCC) – No objection subject to legal agreement
 - Environmental Health - Contaminated Land (FBC) – No objection, subject to conditions
 - Environmental Health - Noise and Pollution (FBC) – No objection, subject to conditions
 - Ecology (FBC) – No objection, subject to conditions
 - Tree Officer (FBC)
 - Conservation Planner (FBC) – No objection, no adverse harm to Listed Buildings
 - Recycling Co-ordinator (FBC) – No objection
 - Affordable Housing Officer (FBC) – No objection, subject to legal agreement
 - Open Space and Street Scene Manager (FBC) – No objection, subject to Section 106 (S106) agreement regarding land transfer and long-term maintenance
 - Portsmouth Water – No adverse comments to make on the application
 - Historic England – No objection, noted limited adverse impact
 - Southern Water – No objection, subject to informative
 - Natural England – No objection, subject to conditions and Section 106 legal agreement.
 - Environment Agency – No objection, subject to conditions
- 6.2. A total of 168 letters of objection were received and the summary of their concerns are at paragraph 6.1 of the planning committee agenda report. There were also two letters of support. These letters of objection did not result in an additional reason for refusal.

7. Housing Need and Supply

- 7.1. Fareham Borough Council (FBC) updated its Five Year Housing Land Supply Position through a statement reported to the Planning Committee, published 17 February 2021. The Council's updated report supersedes the Council's Five Year Housing Land Supply position that was previously provided to the Planning Committee in June 2021.
- 7.2. A key objective of the National Planning Policy Framework (NPPF) is set out at Paragraph 59 and remains the objective of "*significantly boosting the supply of homes*". This requires "*a sufficient amount and variety of land to come forward*", which in part is to be met by Local Planning Authorities (LPAs) identifying a five year supply of deliverable sites.
- 7.3. Paragraph 67 of the NPPF requires LPAs to identify a five year supply of specific and deliverable housing sites, with Paragraph 73 requiring a trajectory illustrating the expected rate of housing delivery.
- 7.4. FBC's February 2021 Report states that currently the Council can only demonstrate a land supply of 4.2 years.
- 7.5. This calculation is based on a local housing need, derived from the standard methodology published by the Government in December 2020, of 508 dwellings per annum (dpa). FBC is required to apply a buffer of 20% to this baseline as a result of achieving only 79% in the 2020 Housing Delivery Test (HDT), published in January 2021.
- 7.6. The supply of sites identified by FBC within the Report consists of deliverable sites with outstanding planning permission, sites with resolution to grant planning permission, adopted Local Plan housing allocations and emerging brownfield sites. The supply also includes a small windfall allowance for the final two years of the projection.
- 7.7. The Council states that delivery projection rates have been derived from detailed liaison with site developers, particularly in relation to the larger development sites.
- 7.8. The Five Year Housing Land Supply Position at 1 January 2021, published by FBC in February 2021, is set out in Table 1.

Table 1: Five Year Housing Land Supply Position at 1 January 2021

Housing Requirement		
A	Local Housing Need: Dwellings Per Annum	508
B	Local Housing Need: Total requirement for 1 January 2021 to 31 December 2025 (A x 5)	2,540
C	20% buffer (B x 20%)	508
D	Total housing requirement for period from 1 January 2021 to 31 December 2025 (B + C)	3,048
E	Annual requirement for period from 1 January 2021 to 31 December 2025 (D/5)	610

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Housing Supply		
F	Net outstanding planning permissions for small sites (1-4 units) expected to be built by 31 December 2025 (discounted by 10% for lapses)	69
G	Net outstanding full planning permissions for large sites (5 or more units) expected to be built by 31 December 2025	402
H	Net outstanding outline planning permissions for large sites (5 or more units) expected to be built by 31 December 2025	296
I	Dwellings with a Resolution to Grant Planning Permission that are expected to be built by 31 December 2025	1,372
J	Dwellings allocated in Adopted Local Plan that are expected to be built by 31 December 2025	33
K	Dwellings from brownfield register sites that are expected to be built by 31 December 2025	276
L	Small site windfall allowance (years 4-5) (51 dwellings x 2 years)	102
M	Expected housing supply for the period from 1 January 2021 to 31 December 2025 (F + G + H + I + J + K + L)	2,550
N	Housing Land Supply Position over period from 1 January to 31 December 2025 (M – D)	-498
O	Housing Supply in Years (M / E)	4.2

- 7.9. The Report published by FBC in February 2021 confirms that the Council is currently unable to demonstrate the land supply required by the NPPF, and the Planning Committee confirmed that this should be a material consideration in the determination of planning applications. NPPF Footnote 7 and Policy DSP40 are engaged.
- 7.10. However, the Appellant's evidence will demonstrate that the current land supply position has over-estimated the number of dwellings that will be delivered within the five year period, and that actually the housing supply is **significantly lower than the published position**.

Housing Delivery

- 7.11. FBC's published Report sets out the Officer's approach to determining whether a site should be included within the land supply calculation, for example noting in Paragraph 21 that *"Officers have applied a precautionary approach to the commencement of development in respect of those sites with a resolution to grant"*.
- 7.12. The Report notes that Officers have gathered information in the timing and delivery rates from site landowners and developers, and in some instances have taken a more precautionary approach to delivery than may have been proposed by the site developer, for example if the delivery rates were considered too optimistic.

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7.13. No evidence has been published by the Council alongside the Report to demonstrate the basis for the figures at each site, nor where the Council has applied a precautionary deduction.

7.14. Therefore although a precautionary approach is welcomed, an over-reliance on applicant information should be avoided, as such information is commonly known to be overly optimistic, which is often addressed during appeal assessments, including in Paragraph 28 of the appeal decision at Land South of Filands, Malmesbury (Ref: APP/Y3940/A/12/2183526). This states:

“Relying heavily on largely unsupported land owner, developer and agent, assurances as appropriate proof of when sites are likely to come forward, as the LPA seems to be doing, is not to my mind sufficient evidence of deliverability. Indeed...it seems to me that the threat that allocated sites, which show significant implementation problems, might be replaced with others, is a good reason for those sponsoring allocated sites to tend towards over-optimism, on likely housing completions, when filling out Annual Monitoring Review (AMR) returns” [Paragraph 28]

7.15. FBC has also indicated previous over-estimation of figures published within housing trajectories from the Authority Monitoring Reports (AMR), which can clearly be seen when presented alongside the actual housing deliver for each year.

Table 2: 2016 and 2018 AMR Projection Difference with Actual Delivery

2017/18			
		Difference	% Difference
Actual Housing Delivery	291		
2016 Anticipated Projection	301	-10	3%
2018 Anticipated Projection	389	-98	34%

Table 3: 2016, 2018 and 2019 AMR Projection Difference with Actual Delivery

2018/19			
		Difference	% Difference
Actual Housing Delivery	290		
2016 Anticipated Projection	301	-11	4%
2018 Anticipated Projection	389	-99	34%
2019 Anticipated Projection	412	-122	42%

Table 4: 2016, 2018, 2019 and 2020 AMR Projection Difference with Actual Delivery

2019/20			
		Difference	% Difference
Actual Housing Delivery	285		

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2019/20			
2016 Anticipated Projection	530	-245	86%
2018 Anticipated Projection	240	+45	-16%
2019 Anticipated Projection	403	-118	41%
2020 Anticipated Projection	263	+22	-8%

- 7.16. These tables indicate that FBC often significantly over estimates the number of dwellings that are anticipated to be delivered each year. For example, in March 2019 the projected delivery for the period 2018/19 was overestimated by approximately 42% and the delivery for the period 2019/2020 was overestimated by approximately 41%. This indicates that even in the middle of the monitoring period the Council was significantly overestimating the number of dwellings that were due to come forward.
- 7.17. Not only does this call into question the validity of the evidence that FBC is choosing to rely on, but makes it imperative that the figures published by the Council are rigorously assessed in relation to the anticipated delivery of sites within the five year period.

Welborne

- 7.18. Welborne Garden Village is proposed as a new community located along the M27 within Fareham. Around 6,000 new dwellings are anticipated, alongside a significant number of new jobs and large areas of green infrastructure. The site was allocated within the Welborne Plan, adopted in June 2015, which forms Part 3 of the Fareham Borough Local Plan. Welborne was awarded Garden Village status by the Government in January 2017, which gives it access to government funding and support.
- 7.19. Welborne Garden Village is being delivered by Buckland Development Ltd.
- 7.20. An outline planning application was registered by FBC in 2017, and since this time a number of amendments to the application proposals have been requested by the Council. A resolution to grant the application was decided at Planning Committee in October 2019, however further amendments were provided in January 2021.
- 7.21. The revised application includes a Supplementary Planning Statement and Viability Statement, together with an Environmental Impact Assessment Statement of Conformity and minor changes to the design of the A32 road layout and the Biodiversity Enhancement Strategy.
- 7.22. The revised application was taken to Planning Committee on 27 January 2021 where members voted in favour of revised condition wording, and the resolution to grant the application subject to the signing of a Section 106 Agreement was re-confirmed.
- 7.23. The trajectory set out within the Five Year Housing Land Supply Report published by FBC in February 2021, states the following anticipated delivery from Welborne.

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Table 5: Anticipated Welborne Housing Delivery for the Period 1 January 2021 to 31 December 2025

Site Address	2021	2022	2023	2024	2025
Welborne		30	180	240	180

- 7.24. A total of 630 dwellings is anticipated to be delivered within the Welborne Garden Village in the five year period, based on first occupations occurring within 2022. This trajectory demonstrates an acceleration of delivery from a few units per month within the first year, to between 15 and 20 units per month for the remaining years.
- 7.25. This trajectory is based on the details contained within the Supplementary Planning Statement, dated December 2020, submitted in support of the outline planning application at the site. This document confirms in Table 5 that first occupations are anticipated at the site in 2022, noting that site plays an important role in the Council's land supply position.
- 7.26. However, the Statement very clearly states that this delivery is based on the **best case scenario**, and is subject to the achievement of funding.
- 7.27. Table 3 of the Statement sets out the anticipated project programme, and is included within Table 6 below.

Table 6: Welborne Project Potential Programme Key Timescales "Best Case" (Supplementary Planning Statement, December 2020)

Signing of the Section 106 Agreement	Unknown
Submission Approval of Strategic Scale Documents (Strategic Design Code, Street Manual and Housing Strategy)	Circa 4 months
M27 J10 Funding Secured	Unknown
Submission of Neighbourhood Design Code and Phase 1 Reserved Matters	Once funding secured, and Condition 52 discharged, circa 4 months from submission to determination
Works related to Strategic Services and Utilities (subject to planning)	Once funding secured, and Condition 52 discharged, circa 18 months process
Works on pre-occupation obligations	Once funding secured, and Condition 52 discharged, circa 12 months process due to ecology constraints
Commencement of Phase 1	Only once above actions completed, so estimate of 18 months from funding secured
First Occupation	Two years from the point of funding allocation

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- 7.28. This table demonstrates that the first occupation at the site is anticipated two years from the point of funding allocation in a best case scenario. The Statement anticipates a circa 4 month period for preparation of the Strategic Scale documents, meaning the first occupation will take place in approximately 28 months. From March 2021, this would place the first occupation at the site in **July 2023**.
- 7.29. It would therefore not be possible for Welborne to provide **any** dwellings towards the five year housing land supply position in 2022, as anticipated by trajectory published by FBC in the February 2021 document.
- 7.30. However, this is based on a **best case scenario**, and also includes a number of unknown timeframes.
- 7.31. The first 'unknown' relates to the signing of the Section 106 agreement. As mentioned, the application was considered by the planning committee in late January 2021, and currently no Section 106 has been signed. The Committee Report confirmed over 40 items to be included within the legal agreement, indicating that the document will be a considerable undertaking, and therefore may take a number of months to prepare and agree. Even if significant work had already been undertaken on the preparation of the Section 106, the resubmission to the planning application in January 2021 included revised viability information, indicating that at least some elements of the legal agreement are likely to require revised assessment and potential amendments.
- 7.32. The second 'unknown' relates to the time it will take to secure the funding required for the proposed changes to Junction 10 of the M27. The Supplementary Planning Statement states in Paragraph 2.19 that securing the funding is "*absolutely critical to the programme*" and "*Should this not be achieved as soon as possible the programme will slip*" (emphasis added).
- 7.33. The same paragraph also notes that funding is normally only allocated through either the Autumn Spending Review or the April Budget, therefore meaning that any slip beyond a required review stage will lead to a minimum six month delay in the programme.
- 7.34. If the funding was to be secured within the Autumn Spending Review, anticipated to be announced in October or November 2021, this would delay the first occupation at the site until **November 2023**, meaning that site would only start to make a meaningful impact on the land supply in years **2024 and 2025**.
- 7.35. However, as stated there is currently no Section 106 agreement signed for the site. Given the anticipated four month timeframe between signing of the legal agreement and submission of Strategic Scale Documents, the ability of the application to be considered by the Government for the 2021 Spending Review is already a tight timescale. Any additional delays to the signing of the Section 106 or preparation of the required documents will delay the securing of the funding until 2022.
- 7.36. If the funding were to be secured within the April Budget 2022, this would delay the first occupation at the site until **April 2024**.
- 7.37. Based on an average delivery of 10 units per month for the first three months, 15 units per month for the next 12 months and 20 units per month for the following 12 months (based on the trajectory published within the FBC Five Year Housing Land Supply Report (February 2021) and the Supplementary Planning Statement (December 2021)), three revised trajectories have been calculated.

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- 7.38. The first revised trajectory is based on the 'Best Case Scenario' set out within the Supplementary Planning Statement, assuming that the first occupation at the site will occur 28 months from now. It should be noted that this is known to be a false trajectory as it assumes no delay for the signing of the Section 106 and no time for the approval of funding, which are the two 'unknowns' provided within the December 2020 Statement, however it has been included to demonstrate that even in this scenario FBC's trajectory is erroneous.
- 7.39. The second revised trajectory assumes funding is secured during the 2021 Autumn Spending Review, and the third revised trajectory, which is considered to be most likely, assumes funding is secured during the 2022 April Budget.

Table 7: Revised Trajectory Scenarios

	FBC Trajectory	Revised Trajectory 1 ('Best Case Scenario')	Revised Trajectory 2 (Funding secured in 2021)	Revised Trajectory 3 (Funding secured in 2022)
Dwellings included in 5 Year Housing Land Supply	630	495	430	330
Difference with FBC Trajectory	-	-135	-200	-300
Five Year Housing Land Supply	4.2 years	<u>3.95 years</u>	<u>3.85 years</u>	<u>3.69 years</u>

- 7.40. Clearly in any of the above scenarios the land supply position is affected, falling to below 4 years.
- 7.41. It is worth noting that this does not include any potential delays to the timeframes of delivery following funding. If there are any delays to the other key project timescales, including submission or determination of the Reserved Matters, works related to Strategic Services and Utilities, works on pre-occupation obligations or the commencement of Phase 1, these will in turn have further impacts on the ability of the site to provide dwellings within the five year period.

Start to Finish (Second Edition)

- 7.42. Welborne is the only site within the published Housing Trajectory where clear and recent evidence was published on the planning application webpage setting out the anticipated housing delivery. As mentioned there is no other evidence published alongside FBC's February Report, and it is therefore important to assess the anticipated housing delivery against industry norms.
- 7.43. In February 2020 Lichfields published the Second Edition of its 'Start to Finish' document, which looks at the factors affecting the build-out rates of large scale housing sites. The Report focused on residential developments providing over 50 units, and set out the average timescales for achieving outline consent, as well as the average timescales from approval of outline consent to delivery of the first dwellings. The Report stated the following:

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Table 8: Start to Finish (Second Edition) Average Time Between Planning and Delivery

Site Size	Average time between outline planning and delivery of first dwelling
50-99 units	2 years
100-499 units	1.9 years
500-999 units	1.7 years
1,000-1,499 units	2.3 years
1,500-1,999 units	1.7 years
2,000+ units	2.3 years

7.44. The document also looked at the delivery rates of dwellings per year at each site, calculating the relevant percentage growth rates showing the proportion of a site's total size that is built out each year. The Report concluded the following:

Table 9: Start to Finish (Second Edition) Average Annual Housing Delivery

Site Size	Housing Delivery (dwellings per annum as % of total dwellings on site)
50-99 units	29%
100-499 units	21%
500-999 units	9%
1,000-1,499 units	9%
1,500-1,999 units	7%
2,000+ units	4%

7.45. Using these percentages in FBC for example Welborne, with a total dwelling size, would be anticipated to deliver approximately 4% per year, equating to 240 dpa.

Brook Lane Warsash

7.46. Brook Lane Warsash has a planning committee resolution to grant outline planning consent for 180 dwellings (Ref: P1/7/0845/OA) and therefore has been included within the trajectory. It is estimated to deliver 174 dwellings between 2022 and 2025.

7.47. Currently an Ecology Addendum, submitted to FBC in November 2020, is still being considered with consultee responses from the Planning and Environment Department and from the Ecology Department still anticipated. Therefore prior to first delivery at the site the following must be achieved:

- Negotiation and signing of Section 106 Agreement;

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- Approval of outline application and formal publication of Decision Notice;
- Preparation, submission and approval of Reserved Matters Consent;
- Discharge of any pre-commencement conditions;
- Site clearance including demolition of existing nursery buildings;
- Discharge of any pre-occupation conditions;
- Marketing of site.

7.48. Based on Lichfields data this process will take an average of 2 years from the outline decision notice, therefore meaning the earliest that delivery at this site can be anticipated to take place would be Q2 2023.

7.49. In addition FBC's housing trajectory currently anticipates a delivery of 50 dpa at the site, however based on a development of this size it is more realistic to assume a delivery of 21% of the total dwellings each year, equating to only 39 dpa.

7.50. As a result a total of **75 dwellings** should be removed from the 5HLS calculations.

Table 10: Brook Lane Warsash Housing Trajectory

	2021	2022	2023	2024	2025
FBC Trajectory	0	24	50	50	50
Appellant Trajectory	0	0	24	39	39

Land East of Brook Lane Warsash

7.51. Land East of Brook Lane Warsash received outline planning consent in February 2021 (Ref: P/17/0752/OA) for a total of 140 dwellings. This site has been included within FBC's trajectory, and is anticipated to deliver 110 dwellings within the five year period, with the first dwellings delivered in 2022.

7.52. A reserved matters application was submitted and validated almost immediately after outline approval, and this application is still being considered. The most recent consultation response from Hampshire County Council (HCC), acting as the Lead Local Flood Authority (LLFA) requested for revised information to be submitted to the application.

7.53. Based on the date of approval of outline consent and the timescales contained within the Start to Finish Report the anticipated first on site delivery will be in Q1 2023.

7.54. As a result **30 dwellings** should be removed from the 5HLS calculations.

Table 11: Land East of Brook Lane Warsash Housing Trajectory

	2021	2022	2023	2024	2025
FBC Trajectory	0	20	40	20	30
Appellant Trajectory	0	0	20	40	20

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Land East of Brook Lane and West of Lockwood Road

- 7.55. Land East of Brook Lane and West of Lockwood Road has resolution to grant outline planning consent (Ref: P/17/0998/OA) for a total of 157 dwellings, and since this time has undertaken steps to secure nutrient balancing (October 2020). This site is included within FBC's housing trajectory, and is anticipated to deliver all 157 dwellings between 2022 and 2025.
- 7.56. It is not known when outline approval will be achieved at the site.
- 7.57. Based on the start to finish average timescales, the earliest that the site could deliver dwellings would be Q1 2023, based on outline approval immediately. This is likely to be delayed further as there is no evidence of approval of the nutrient balancing schedule or a Section 106 agreement.
- 7.58. Furthermore FBC's housing trajectory indicates the site would deliver up to 50 dwellings per annum, however based on the average delivery rates for a development of this size this should be reduced to a maximum of approximately 33 dwellings (21% of the site total).
- 7.59. As a result a total of **66 dwellings** should be removed from the trajectory.

Table 12: Land East of Brook Lane and West of Lockwood Road Housing Trajectory

	2021	2022	2023	2024	2025
FBC Trajectory	0	25	50	50	32
Appellant Trajectory	0	0	25	33	33

Land East of Southampton Road Titchfield

- 7.60. Land East of Southampton Road in Titchfield received outline consent in June 2020 (Ref: P/18/0068/OA) for a total of 105 dwellings, and these have all been included within the housing trajectory by FBC.
- 7.61. A reserved matters application was validated at the site in December 2020 (Ref: P/20/1584/RM) however this only seeks detailed approval for 95 dwellings, indicating that the overall site capacity has reduced by 10 dwellings. These **10 dwellings** should therefore be removed from the land supply trajectory.

Table 13: Land East of Southampton Road Titchfield Housing Trajectory

	2021	2022	2023	2024	2025
FBC Trajectory	0	40	40	25	0
Appellant Trajectory	0	40	40	20	0

Conclusion of Housing Delivery

- 7.62. Overall it is clear to see that FBC have previously over-estimated the projected housing delivery from sites, sometimes even within the same monitoring year, indicating that the reliance on figures provided to the

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Council by landowners and developers is often too optimistic and not achievable. Although FBC have indicated a cautious approach has been taken there is no evidence of how this has been utilised in the preparation of the housing trajectory. Furthermore the figures still appear to indicate an over-estimation based on industry averages set out within the available research data.

- 7.63. The largest site within Fareham, Welborne, is also the only site which has clearly set out the projected housing delivery within the planning application documents. However a number of errors have been identified with this projected delivery.
- 7.64. The information contained within the Supplementary Planning Statement from December 2020 is a best case scenario, and the document clearly notes that any delay to the targets will delay on-site delivery. The timescales set out within the Report have already slipped.
- 7.65. Furthermore the site is wholly reliant on achieving significant funding from the Government for the required motorway junction improvements, and this funding can only be approved twice a year, meaning if the timescales for the Autumn Spending Review are not met the development programme will automatically be delayed by a minimum of 6 months.
- 7.66. Further to the delays anticipated at Welborne other major developments within the authority area also appear to over-estimate the projected housing completions. Overall these changes result in a total of 181 dwellings to be removed from the Housing Trajectory.
- 7.67. The following therefore sets out the impact of these changes on the five year housing land supply position:

Table 14: Revised Trajectory Scenarios: Revised Housing Delivery

		FBC Trajectory	Revised Trajectory 1 ('Best Case Scenario')	Revised Trajectory 2 (Funding secured in 2021)	Revised Trajectory 3 (Funding secured in 2022)
Dwellings included in 5 Year Housing Land Supply	Welborne	630	495	430	330
	Other Major Sites	546	365	365	365
	Total	1,176	861	795	695
Difference with FBC Trajectory		-	-315	-381	-481
Five Year Housing Land Supply		4.2 years	<u>3.66 years</u>	<u>3.55 years</u>	<u>3.39 years</u>

Site Deliverability

- 7.68. In accordance with national planning policy, only sites that are considered to be deliverable should be included within the land supply calculations. The following is included within the Glossary of the NPPF:

“Deliverable: 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. In particular:

a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).

b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.”

- 7.69. There has previously been debate as to whether only the sites listed in categories a and b can be considered (sometimes known as the ‘closed list’ interpretation), or whether these categories provide the base for evidence gathering, and therefore other types of sites should be included if the evidence shows that they are deliverable.

- 7.70. In May 2020 the Secretary of State accepted that the definition should not be taken as a ‘closed list’, but that planning judgement should be taken as to a site’s deliverability within the required period (East Northamptonshire Council v Secretary of State for Housing, Communities and Local Government. Case Number: CO/917/2020):

“The proper interpretation of the definition is that any site which can be shown to 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’ will meet the definition; and that the examples given in categories (a) and (b) are not exhaustive of all the categories of site which are capable of meeting that definition. Whether a site does or does not meet the definition is a matter of planning judgment on the evidence available. [Page 2]”

- 7.71. It is an accepted approach that sites within category a do not need evidence to justify inclusion within the five year housing land supply calculations, but that sites within category b need to demonstrate clear evidence of deliverability prior to inclusion within the calculations.
- 7.72. FBC did not publish any deliverability evidence alongside the housing trajectory, and therefore the actual likelihood of delivery within the five year period should be assessed to ensure the calculation is robust and accurate.

Brownfield Land Register

- 7.73. The trajectory published by FBC within the February 2021 Five Year Housing Land Supply Report states that a total of 276 dwellings are anticipated to come forward across nine sites which are included on the Brownfield Land Register, published by the Council in October 2020.
- 7.74. Sites included within the Brownfield Land Register fall within category b, and therefore should provide clear evidence of deliverability prior to inclusion within the land supply calculations.
- 7.75. FBC's Five Year Housing Land Supply Report does not include any evidence demonstrating the deliverability of each of the nine sites included from the Brownfield Land Register.
- 7.76. Of the nine sites included within the trajectory only three either have planning consent or a live planning application (N.B. Wates House, Wallington Hill included within the trajectory is not included within the published Brownfield Land Register, but does have prior approval consent for new dwellings through permitted development rights). These sites can be included within the trajectory without evidence, in accordance with category a defined above, and equate to 39 dwellings.
- 7.77. The remaining 237 dwellings therefore have none of the required supporting evidence to demonstrate deliverability.
- 7.78. All of the sites were assessed by FBC within the Strategic Housing and Employment Land Availability Assessment (SHELAA), published in December 2019, which was used to inform the Brownfield Land Register.
- 7.79. For most of the sites included within the trajectory there are minimal site constraints, and therefore whilst evidence has not been provided to confirm that they will deliver dwellings within the five year period, there is also currently no evidence to demonstrate that they will not come forward.
- 7.80. However, the site at the Warsash Maritime Academy has a significant number of considerations. The SHELAA lists the following site constraints:
- Public Rights of Way
 - Flood Zone 2 (Medium Risk of Flooding)
 - Flood Zone 3 (High Risk of Flooding)
 - Statutory Listed Buildings
 - Minerals and Waste 2016 Superficial sand/gravel
 - Within 500m of Special Protection Area (SPA)
 - Within 500m of Special Area of Conservation (SAC)
 - Within 500m of Ramsar Site
 - Within 500m of Site of Special Scientific Importance (SSSI)
 - Tree Protection Orders (TPOs)
 - Countryside (outside of defined settlement boundary)
 - Old Chemical works, salting and infilled pit

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- 7.81. With regard to the proximity to the European sites the SHELAA states that both direct and indirect impacts are likely as a result of a residential development at the site, and therefore Natural England should be consulted.
- 7.82. This indicates there are a considerable number of constraints and considerations for the site, and without a current planning application or approval it seems appropriate to question the deliverability of this site within the five year period.
- 7.83. In light of the above, and as a result of the lack of evidence relating to the deliverability of the site, it is recommended that this is removed from the land supply.
- 7.84. With regard to the other five sites from the Brownfield Land Register included within FBC's trajectory no evidence is provided confirming deliverability within the five year period. For the purpose of this exercise these sites have not been discounted as there is insufficient information contained within FBC's report or evidence base which can be used to assess deliverability.
- 7.85. However, the NPPF requires for all sites within the Brownfield Land Register to be supported by evidence demonstrating deliverability prior to inclusion within the land supply calculation. Therefore it is respectfully requested that this information is provided by FBC to support the position, otherwise, as demonstrated within this statement, the land supply position may decrease further still.

Local Plan Allocations

- 7.86. The Council has included 33 dwellings within the housing trajectory from Local Plan Adopted Housing Allocations at Wynton Way Fareham (LP2 H3) and Land East of Church Road. These sites fall within Category B when considering their inclusion in the land supply calculations, meaning that evidence must be provided to demonstrate they will deliver dwellings within the five year period. As stated FBC has not provided this evidence.
- 7.87. Wynton Way Fareham was allocated for 10 dwellings through the Development Sites and Policies Plan in June 2015, but no planning application, either outline or full, has currently been submitted for the site. Given that nearly six years has elapsed since the original allocation there appear to be no immediate delivery intentions for the site. Therefore, without clear evidence justifying its inclusion within the land supply calculations, the site should be removed from the trajectory.
- 7.88. Land East of Church Road was allocated for 20 dwellings through the Development Sites and Policies Plan in June 2015 after originally being allocated for development through the Fareham Borough Local Plan Review in June 2000. Since the original allocation a planning application for the development for 24 dwellings at the site was refused and a subsequent appeal was dismissed in 2006 (Ref: P/06/0837/OA).
- 7.89. Despite this refusal the site has continued to be assessed within planning policy documents, although each have noted that the site has no immediate development potential. For example the Strategic Housing Land Availability Assessment (SHLAA) published by FBC October 2017 stated: *"It is understood that there is some concern as to whether a viable residential scheme could be achieved on this site. The site is therefore unachievable at this time"* (Page 285, emphasis added). Within the October 2018 SHLAA the site was not assessed and instead included within the 'Sites Removed from the SHELAA' list.

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7.90. Given the unsuccessful planning history of the site and its unfavourable assessment within the most recent housing evidence published by the Council it appears unlikely that a residential development will be achieved at the site within the five year period. The site should therefore be removed from the trajectory.

7.91. The updated position is therefore set out below.

Table 15: Revised Trajectory Scenarios with Warsash Maritime Academy, Land East of Church Road, Wynton Way and Corner of Station Road Removed

		FBC Trajectory	Revised Trajectory 1 ('Best Case Scenario')	Revised Trajectory 2 (Funding secured in 2021)	Revised Trajectory 3 (Funding secured in 2022)
Dwellings included in 5 Year Housing Land Supply	Welborne	630	495	430	330
	Other Major Sites	546	365	365	365
	Local Plan Allocations	33	0	0	0
	Brownfield Land Register	276	176	176	176
	Total	1,485	1,036	971	871
Difference with FBC Trajectory		-	-449	-514	-614
Five Year Housing Land Supply		4.2 years	<u>3.44 years</u>	<u>3.34 years</u>	<u>3.17 years</u>

Conclusions

7.92. In accordance with the National Planning Policy Framework (NPPF) Fareham Borough Council (FBC) have published an updated Five Year Housing Land Supply Position within a Report dated February 2021. This Report was agreed at the subsequent Planning Committee, confirming a land supply of only 4.2 years, which should therefore be taken as a material consideration in the determination of planning applications.

7.93. Largely the calculations provided by FBC have been compliant with the requirements of the NPPF and the Planning Practice Guidance (PPG), with the Council demonstrating that a "more precautionary approach to delivery" has been taken in some instances (Paragraph 23), which is a welcomed approach.

7.94. Nevertheless, there are other aspects which appear to have been over-estimated within the calculations, indicating that the land supply position is lower than published.

7.95. The main area of concern relates to the delivery of the major sites.

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- 7.96. Firstly the strategic site at the Welborne Garden Village. The trajectory published by FBC indicates that the site will commence delivery of the first dwellings in 2022 and will provide a total of 630 dwellings across the five year period.
- 7.97. However, the Supplementary Planning Statement (December 2020) submitted in support of the outline planning application at the site indicates that a number of steps need to be taken prior to first occupation, which will take a minimum of 28 months from the date of the signing of the Section 106 Agreement.
- 7.98. In addition a significant amount of funding must be secured for motorway junction improvements and therefore the Statement confirms that the published trajectory is based on the **best case scenario** and that the timing of securing funding is **currently unknown**.
- 7.99. The funding can only be secured through either the Autumn Spending Review or the April Budget, meaning that if any deadlines are missed the project programme is automatically delayed by six months.
- 7.100. Therefore if funding is achieved this autumn the earliest occupation at the site will be in November 2023, or if funding is delayed until the 2022 Budget, the earliest occupation at the site will be in April 2024. These dates do not take into account any other delays associated with the other stages of the process including reserved matters consent or site preparation and construction.
- 7.101. With regard to the other major sites included within the trajectory most have only achieved resolution to grant outline planning permission, and not enough time has been allowed for these sites to receive the outline consent, prepare and submit reserved matters applications, discharge all necessary pre-commencement conditions, undertake site clearance and preparation, commence development of dwelling, and discharge all necessary pre-occupation conditions. Therefore many of the major sites included within the trajectory are not likely to commence delivery of dwellings until 2023.
- 7.102. Furthermore the anticipated annual delivery rate from these sites has been over emphasised within the housing trajectory. The Start to Finish (second edition), published by Lichfields in 2020 indicates that for sites under 100 units average annual delivery accounts for around 29% of the total site quantum, and for sites between 100 and 500 units this annual delivery decreases to around 21% of the total site quantum. Based on these delivery rates a number of the sites included within the housing trajectory should be adjusted to ensure the figures are robust and achievable.
- 7.103. As a result of these updated the land supply position should be amended to between **3.39 and 3.66 years**.
- 7.104. The position should also be updated following the removal of at least one site included in the trajectory from the Brownfield Land Register. The NPPF states that sites taken from the Register must provide evidence supporting deliverability prior to inclusion within the five year housing land supply. No evidence has been published by FBC to support the position.
- 7.105. Only three of the nine sites included in the trajectory from the Register currently have planning permission or a live planning application, therefore the deliverability of all other sites must be questioned. It is requested that FBC provide the evidence to support this position.

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- 7.106. In particular the site at the Warsash Maritime Academy is heavily constrained with a number of site specific considerations, and negotiations with Natural England required prior to delivery of any dwellings. Given that no consent currently exists for the site, and the significant number of constraints that must be overcome, it is recommended that this site is removed from the land supply.
- 7.107. Similarly no evidence has been provided by FBC to support the inclusion of two Local Plan Allocation sites within the housing trajectory. Based on the evidence available, including the poor assessment of one of these sites within the Council's Strategic Housing Land Availability Assessment (SHLAA), they should be removed from the land supply.
- 7.108. As a result the land supply position should be updated to between **3.17 and 3.44 years**.
- 7.109. This statement has demonstrated that the land supply position in Fareham is currently worse than published by the Council, with the potential to decrease further if deliverability evidence is not forthcoming. This has served to highlight the significant need for houses within the Borough, which can be assisted through the delivery of the Appeal Site.
- 7.110. The Appellant will need to update the position in evidence as we approach the Inquiry date and the Appellant will seek to agree a supplementary Housing Statement of Common Ground to set out the most up-to-date position on agreements and disputes on housing land supply.

8. Affordable Housing Need and Delivery

- 8.1. It is estimated in FBC's Affordable Housing Strategy 2019-2036 that the current level of need for affordable housing in the Borough is approximately 3,000 households. The waiting list is circa 1,000 households and a similar number are seeking intermediate homes, such as Shared Ownership. The remaining 1,000 households are currently privately renting or living at home because those predominately young families cannot afford to buy a home in the Borough.
- 8.2. There is estimated to be around 4,200 homes that fall into the category of affordable housing in the Borough. FBC estimates that, over the next 20 years, around 3,500 affordable homes will be delivered. Between 2011/12 and 2019/20 a total of 569 affordable dwellings have been completed in the Borough (see Table 16 below). In the last two years only 42 affordable dwellings have been completed.

Table 16: Affordable Housing delivery in Fareham

Year	Affordable Dwellings (net)	Total Dwellings (C3) (net)	% of Total Dwellings
2011 - 2012	93	275	34%
2012 - 2013	66	238	28%
2013 - 2014	41	154	27%
2014 - 2015	96	287	33%
2015 - 2016	79	371	21%
2016 - 2017	98	349	28%
2017 - 2018	54	291	19%
2018 - 2019	15	290	5%
2019 - 2020	27	285	9%

Source: FBC Annual Monitoring Report, March 2021

- 8.3. The LPA states that the number is low as some of the recent completions were prior approvals, and therefore did not contribute affordable housing, and several sites were for fewer than 10 dwellings individually, therefore not requiring affordable housing based on national policy in the NPPF.
- 8.4. There, therefore, remains a significant shortfall of affordable housing in the Borough. The Appeal Site would provide policy compliant 40% affordable housing. The delivery of 82 affordable units would make a significant contribution towards the affordable housing needs in the Borough.

9. Heritage

- 9.1. The Appeal Scheme is located over 110 metres to the north east of Crofton Old Church, a Grade II* Listed Building.
- 9.2. It is agreed by both parties, as set out in the SoCG, that views from the Appeal Site are largely obscured by the intervening woodland.
- 9.3. A consultation response provided by Historic England in relation to the First Application raised concerns regarding the effect of the proposals upon the nearby Grade II* Listed Crofton Old Church. The comments cited the proximity of the proposed 'suburban development' within currently undeveloped agricultural land. While it was acknowledged that visibility of the development was likely to be constrained by the intervening band of trees, the comments stated that the proposals would be likely to impact on the 'rural feel' of the area and "*somewhat reduce the ability to appreciate the origins of the building as a medieval rural church*". The response concluded that "*it is likely that the scheme would cause some (emphasis added) degree of harm to the setting of the listed church through eroding its rural setting*".
- 9.4. Following receipt of Historic England's comments, the Appellant responded with a number of clarifications regarding the lack of visibility of the proposals from the Church, and the relationship of the Church with its wider surroundings to the east. A revised response was issued by Historic England, taking into account the applicant's comments. This concluded that "*harm to the setting of the listed church through eroding its rural setting would be low (emphasis added)*" and that there would be **no** objection from Historic England on heritage grounds, stating that the harm should be weighed against the public benefits of the proposals in accordance with the NPPF.
- 9.5. The revised proposals submitted for the Appeal Scheme have responded to the concerns raised by Historic England and FBC with regard to effects on Crofton Old Church. This is acknowledged in the consultation response from Historic England, which states that the proposed set-back of the housing from the site perimeter, and the reduction in building scale, would diminish the visibility of the development. The Historic England comments also note that views are already restricted by the dense tree belt.
- 9.6. The Local Authority's Conservation Planner raised **no** objection, stating **no** adverse harm to Listed Buildings.
- 9.7. The Appellant's supporting Settings Assessment (see Appendix 3), which is a robust and detailed articulation of the setting and significance of the Listed Building, concluded that the appreciation of the building as a rural Church would not be affected, with the Church having already been physically and visually disconnected from its wider rural surroundings by the establishment of the adjacent modern cemetery and the presence of an intervening mature tree belt. The key experience of the Church, from within the enclosed churchyard and the adjacent road to the south, would not be affected. Following a review of this additional, detailed assessment, Historic England may, if given the opportunity, revisit their conclusions. Therefore the Appellant's evidence agrees with the LPA's Conservation Planner.

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- 9.8. The requirement of the Planning (Listed Buildings and Conservation Areas) Act 1990 is that “...*the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses*” (s.66(1)). As has been established, the site makes no contribution to the identified ‘special architectural or historic interest’ of these heritage assets, which are appreciated primarily from within their immediate surroundings formed by the churchyard, enclosed grounds, and the adjacent road, and forms only a fringe component to the wider heritage significance. Under the terms of the NPPF, the Appeal Scheme would not harm the significance of the assets, and it can be concluded that their special interest is preserved.
- 9.9. Paragraph 196 of the NPPF states that, where less than substantial harm is identified in relation to designated heritage assets, this should be balanced against the public benefits of the scheme. The conclusion of the assessment demonstrates that there will be no harm to the significance of designated heritage assets, and thus para. 196 is not be engaged. This is set out in further detail in the supporting Heritage Appeal Statement (see Appendix 4).
- 9.10. If and insofar there is some harm, and Paragraph 196 is engaged it is at the bottom end of the scale for the purposes of Paragraph 196 of less than substantial harm and it is outweighed by the public benefits of the proposal and consequently national policy protecting heritage assets is complied with. No reasons for refusal are cited in heritage terms.

10. The Appellant's Case

- 10.1. The LPA set out 10 Reasons for Refusal (RfR) in its Decision Notice, with four overriding RfR. The remaining six RfR relate to the absence of a legal agreement.
- 10.2. The Appellant's case is based on the following inter-related matters:
- i. The Appeal Scheme is in compliance with the development plan, the NPPF, and the emerging Draft Local Plan as:
 - o The LPA cannot demonstrate a five year housing land supply. The LPA published a report titled 'Five year housing land supply position' which was reported for Members' information at the same Planning Committee on 17 February in a preceding agenda item to the consideration of Appeal Proposals and prior to the committee's refusal of them. The report concluded that FBC considered it has 4.2 year of housing supply.
 - o As FBC cannot demonstrate a five year housing land supply, Policy DSP40 is engaged. The development is fully in accordance with Policy DSP40. Officers concluded this in the Officer's Committee Report as part of their recommendation for approval.
 - o There are no objections from the Council's officers or any statutory consultees in respect of the four overriding RfR (or technical objections on any other substantive matter).
 - ii. Notwithstanding compliance with Policy DSP40 and the development plan as a whole and the NPPF, the Appeal Site is inherently sustainable development in a sustainable location and there are significant benefits associated with the Appeal Scheme, providing a strong contribution towards the affordable housing needs in the Borough and significant on-site ecological enhancements, which outweigh any limited impacts associated with the development.
 - iii. The appellant can demonstrate the scheme has been appropriately designed and can be delivered in accordance with relevant section 106 obligations that are necessary and meet the appropriate tests to address reasons for refusal vi) to x).
- 10.3. The matters in dispute relate to whether the Appeal Site, located in the countryside, is an appropriate location for residential development, whether the Appeal Proposals would result in an adverse visual effects on the immediate countryside setting around the Appeal Site, and whether the Appeal Scheme would deliver a housing scheme of high quality and which responds positively to the character of the local area.

Reason for Refusal (i) Compliance with the Development Plan

- 10.4. The Appeal Site lies within an area which is outside of the defined urban settlement boundary of Stubbington and Hill Head.
- 10.5. In regard to residential development in the countryside, the key relevant policies within the adopted Local Development Framework are:
- Policy CS2 (Housing Provision) of the adopted Core Strategy
 - Policy CS6 (The Development Strategy) of the adopted Core Strategy
 - Policy CS14 (Development Outside Settlements) of the adopted Core Strategy

- Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies Plan
- DSP40 (Housing Allocations) of the Local Plan Part 2: Development Sites and Policies Plan

- 10.6. Whilst Policy CS6 prioritises the re-use of previously developed land, within the defined urban settlement boundaries, it does not prevent development coming forward in other locations. Policy CS14 states that built development on land outside the settlement boundary will be strictly controlled and limits acceptable forms of development to include that essential for agriculture, forestry, horticulture and required infrastructure. Policy DSP6 further enforces this stating that there will be a presumption against new residential development outside of the defined urban settlement boundaries. It is therefore accepted that the Appeal Proposals are contrary to Policies CS2, CS6 and CS14 and DSP6 if considered in isolation.
- 10.7. However, those restrictive policies are predicated on out of date assessment of development needs and are therefore out of date (see *Suffolk Coastal District Council vs. Hopkins Homes* (2017) in regard to the spatial application of those restrictive policies (i.e. the settlement boundaries and extent of allocations).
- 10.8. In light of the Council's confirmed and published position of a lack of a five year housing land supply, Footnote 7 of the NPPF is engaged. Although there is a dispute upon the extent, there is no dispute that there is a shortfall of housing supply in the Borough, and therefore NPPF Paragraph 11d) is engaged. That deems that the most important policies are out of date and they are as follows:
- Policy CS2 (Housing Provision) of the adopted Core Strategy
 - Policy CS6 (The Development Strategy) of the adopted Core Strategy
 - Policy CS14 (Development Outside Settlements) of the adopted Core Strategy
 - Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies Plan
- 10.9. The evidence will set out that reduced weight should be given to those policies accordingly.
- 10.10. As a consequence of a lack of a five-year housing land supply, development plan policy DSP40 is engaged in this circumstance as the key policy in which to consider the Appeal Scheme against. In the context of no five-year housing land supply, more weight should be attached to this policy than the policies listed above, which assume housing land supply within settlement boundaries to meet housing need.
- 10.11. Policy DSP40 sets out that where it can be demonstrated that the Council does not have a five-year supply of housing against the requirement of the Core Strategy, additional sites, outside of the urban area boundary, may be permitted, where they meet the five criteria set out in the policy. The Appellant considers that all five are met and therefore the Appeal Scheme accords with the Development Plan as a whole. Therefore Paragraph 11c) of the NPPF is engaged.
- 10.12. FBC does not dispute that the Appeal Scheme meets Criteria (i), part of (ii), part of (iii) in relation to the impact on the Strategic Gap, (iv) or (v) of DSP40. The points that FBC does dispute are then set out in reasons for refusal (ii), (iii) and (iv), which we have considered below.

Reason for Refusal (ii) Visual effect on the immediate countryside setting

- 10.13. As part of the First Application, ACD Environmental Ltd (the Appellant's appointed Landscape consultant) undertook a Landscape and Visual Impact Assessment (LVIA) to assess the visual effects of the proposed development. The conclusions were that the visual effects are constrained and localised, given the flat topography of the area, strong vegetative network, and location of the proposed development behind existing properties and vegetative boundaries. The most affected receptors would be along the Oakcroft Lane, from Crofton Cemetery, a few locations along Marks Tey Road and the PRow no. 509 due to their proximity. Outside of the immediate vicinity of the development site, there would generally be limited visibility of the development and any views would typically be partial or seen beyond the context of existing vegetation. The majority of visual receptors within the study area would experience negligible effects from the proposed development.
- 10.14. A development of this scale would expect to have visual impacts for locations along the site boundaries or from within the site. To mitigate the visual effects of the immediate countryside i.e. the northern and western boundaries of the site, in conjunction with the Pre-Application discussions and recommendations from Officers, the Appeal Scheme has increased the landscape buffers along the northern and western boundaries to form generous landscaping belts. The existing trees along these boundaries are being retained and have space to continue to grow to maturity. Within the landscape buffers, large, native broadleaf tree planting, along with mixed native understorey and mixed native hedgerow planting, have been provided to enhance the visual barriers. The density of housing has been reduced along the northern and western site boundaries, along with the mix of property types and styles reflecting the edge of settlement character. The lower density (27 dwellings per hectare compared to 34 dwellings per hectare proposed as part of the First Application) and mixed character of the Appeal Proposals is considered to be more respectful of the key characteristics of the neighbouring urban area, which would result in a high quality residential environment for future occupiers.
- 10.15. In regard to overall visual effects of the Appeal Scheme, the submitted LVIA concluded that:
- "8.8 Visual effects are very constrained and localised given the flat topography of the area, strong vegetative network, and location of the proposed development behind existing properties and vegetative boundaries. The most affected receptors would be along the Oakcroft Lane, from Crofton Cemetery, few locations along Marks Tey Road and the PRow no 509 due to their close proximity. Outside of the immediate vicinity of the development site there would generally be very limited visibility of the development and any views would typically be partial or seen beyond the context of existing vegetation. The proposed development would be partially visible from PRow no 607. However, the consented bypass will create a degree of visual separation between the proposal and wider landscape to the north of the bypass. The majority of visual receptors within the 2.5km study area would experience negligible effects from the proposed development.*
- 8.9 Following the implementation of the landscape strategy and mitigation planting, the residual overall visual effects of the proposed development will remain for viewpoints along the Oakcroft Lane, Marks Tey Road, Crofton Cemetery and the PRow no 509."*
- 10.16. As a result, it is considered by the Appellant and the Officers that the Appeal Scheme would not have an adverse visual effect on the immediate countryside setting around the site.

- 10.17. The Officer's Committee report (paragraphs 8.24-8.31) sets out how the Appeal Proposals have addressed original reasons for refusal set out in the Decision Notice of the First Application. Reason for Refusal (ii) of the First Application is identical to Reason for Refusal (ii) in relation to the Appeal Proposals. Paragraph 8.25 to 8.28 of the Officer's Committee report states that:

"Reasons for refusal (ii) and (iii) [of the First Application] raised concerns regarding the visual impact of the development, largely as a result of the overall density of the development in particular how it impacted on the edge of settlement location.

Landscape Consultants acting for the Council previously commented that the principle of the development of the site could be supportable, but significant care would be needed to ensure its edge of settlement location is carefully articulated with a robust landscaping belt to soften the appearance of the development when viewed across the open landscape to the north. The current proposal reflects this approach and has increased the level of landscaping around the periphery of the site, particularly on the western side, adjacent to the cemetery.

The development proposal comprises a wide range and mix of dwelling styles and types, including detached, semi-detached and terraced properties throughout the site, although lower density detached properties are more prevalent to the periphery of the site to soften the transition to the countryside to the north and west. The mature belt of poplar trees to the northern boundary of the site would be retained (with the exception of the site entrance) and would be re-enforced and enhanced with a generous landscaping belt along the northern and western boundaries.

It is considered the lower density, together with the mix of property styles and types and the greater level of boundary planting and landscaping throughout the site will result in a scheme which is considered to be sensitively designed, reflecting the prevailing character of the adjoining residential estates to the east and south. These matters together with various green corridors and interconnected green spaces within and around the development site will significantly enhance the landscape setting of the development. The changes made to the scheme would ensure the visual impact of the development on the immediate countryside setting around the site, and the living conditions of residents in the site will be significantly improved above the earlier application.

Officers therefore consider that reasons for refusal (ii), (iii) and (iv) have been satisfactorily addressed."

- 10.18. There were no objections from statutory consultees in relation to landscape and visual impacts.
- 10.19. The Appeal Proposals provide a robust landscaping belt that softens the appearance of the development when viewed across the open landscape to the north of the Appeal Site. Existing trees provide a natural visual barrier to existing dwellings to the east. There is also significant landscaping along the western boundary, adjacent to Crofton Cemetery.
- 10.20. The Appellant will show that the Appeal site has been subject to a thorough assessment in respect of landscape and visual impact, both by the LPA itself through its site selection process and by the Appellant and its consultants in forming the Planning Application. Evidence will show that the Appeal proposal will not have a detrimental impact on the landscape character of the area and furthermore, that throughout the

preparation and determination of the Planning Application, the Appellant liaised with the regarding the scope and methodology of the Landscape and Visual Impact Assessment, which was agreed prior to submission of the Appeal Proposals (as part of the discussions on the First Application) and which aided with the recommendation to approve the Application. It is proposed that this evidence is prepared as a proof of evidence and that this is presented and examined through the inquiry procedure.

Reason for Refusal (iii) Failure to respond positively to key characteristics of the area, providing limited green infrastructure and offering a lack of interconnected green/public spaces

- 10.21. As part of the First Application, ACD Environmental Ltd undertook an LVIA to assess the impact of the proposed development on the landscape character. The conclusions were that the overall effect on landscape character was negligible. In response to the refusal of the First Application and in conjunction with the Pre-Application discussions and recommendations from Officers, the Appeal Scheme positively responded to the edge of settlement location, by increasing the landscape buffers to form generous landscape belts, introducing further native planting, including large broadleaf trees, reducing the development density and varying the house types and styles to focus on detached dwellings to the northern and western parts of the Appeal Site. The landscape strategy also introduced landscape character areas within the site to give the development greater identity and a greater sense of integration with the surrounding landscape. As part of this, the landscape scheme included a higher degree of native planting and native hedgerows amongst the plot landscape to the northern and western areas.
- 10.22. As set out in the submitted Design and Access Statement, the Appeal Scheme also respects the character of the immediate locality through the use of similar materials, surface treatment, boundary treatment, plot sizes, window details and plot frontages and parking arrangements. Further analysis of this is provided in the supporting Design Statement of Case (IDPartnership, May 2021).
- 10.23. The officer's committee report (paragraph 8.28) states that:
- "it is considered the lower density, together with a mix of property styles and types and the greater level of boundary planting and landscaping throughout the site will result in a scheme which is considered to be sensitively designed, reflecting the prevailing character of the adjoining residential estates to the south and south".*
- 10.24. It is therefore considered by the Appellant and the Officers that the Appeal Scheme would respond positively to and be respectful of the key characteristics of the area, in this countryside, edge of settlement location.
- 10.25. In regard to green infrastructure and interconnected green/public spaces, the Appeal Scheme proposes a series of green spaces which are linked to provide an 'interconnected network of green space'. One of the key design principles behind the layout has been ensuring that the housing relates well to the surrounding green space and that, within the development, a 'sequence of space' connects the streets and green space. The Appellant considers that the part of RfR3 stating that the Appeal Scheme provides limited green infrastructure and offers a lack of interconnected green/public spaces is a hangover from the First Application, and this was satisfactorily addressed as part of the Appeal Scheme.

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- 10.26. In response to the refusal of the First Application and in conjunction with the pre-application discussions and recommendations from Officers, the Appeal Scheme delivers a generous landscape belt around the periphery of the site. This belt has a circular path, which provides both public access and connectivity. Two public open spaces have been proposed. These two spaces are connected by a strong green link, forming a 'green lung' feature. The green links between these public open spaces are achieved by a continuous public footpath alongside large landscape verges with avenue tree planting. These green links connect to the public open space along the northern site boundary, at the entrance to the site, at Oakcroft Lane, which in turn provides connectivity to the north of Stubbington.
- 10.27. This green link also connects to the public open space along the southern boundary and to the PRow no. 509 and onto Marks Tey Road. This green link provides both pedestrian connectivity and ecological connectivity with habitat corridors. Three visual corridors have been provided from east to west through the development, providing visual connectivity through the site. This features and design process undertaken to deliver these demonstrates significant provision of green/public spaces and a clear connectivity of these spaces.
- 10.28. The landscape-led approach to the layout ensures a generosity of green space, with the detailed landscaping scheme providing 129 new trees, 389sqm of mixed native hedgerow, a further 1,397sqm of native hedgerow in the plot landscape and 4,564sqm of mixed native shrub planting. A significant amount of additional planting includes a diverse range of species of wildflowers and grassland.
- 10.29. The Public Open Space (POS) requirement for the Appeal Site is set out within the Fareham Borough Council Planning Obligations SPD, set out in Appendix B which identifies a standard of 1.5ha per 1,000 population for Parks and Amenity Open Space (note outdoor sport is not required for a development of this size). For the proposed development, the total required amount of POS would be 7,496.25m². The layout proposes a significant additional amount of POS (Total of 31,220 m²).
- 10.30. In terms of formal play area, Table 6 of the SPD states a Local Equipped Area for Play is required as well as a Multi-Use Games Area (MUGA), however, it was agreed through discussions with FBC that a MUGA was not required to be provided. The Appellant offered a financial contribution to improvements of other play facilities in Stubbington but this was not taken up by FBC. The Council had no objections to the POS provision.
- 10.31. FBC does not have Local Area for Play requirements, but these were provided in the centre of the site due to urban design requirements in providing formal green spaces through the development.
- 10.32. The Officer's Committee Report (paragraph 8.28) states that:
- "...with various green corridors and interconnected green spaces within and around the development site will significantly enhance the landscape setting of the development."*
- 10.33. It is therefore considered by the Appellant and the Officers that the Appeal Scheme delivers significant green infrastructure and green/public spaces on-site and a clear connectivity of these spaces.

Reason for Refusal (iv) Design quality, cramped layout and Nationally Described Space Standards

- 10.34. As presented in the supporting Design Appeal Statement (see Appendix 5), the Appeal Scheme layout and configuration of dwellings reflects the typical characteristics of the area, which is characterised by a mix of detached, semi-detached and shorter terraced runs of housing.
- 10.35. The Appellant reduced the number of units from the First Application from 261 units to 206 units following comments from the LPA, a reduction of 21%. This has reduced the development density to 27dph and allowed for a greater amount of green space throughout the development. Different densities have been used across the site to create distinctive character areas and this helps to ensure variation to street scene and a quality design approach.
- 10.36. The scale and massing of the Appeal Scheme very clearly relates to the established scale and massing of nearby housing schemes, with a mixture of two and 2.5 storey dwellings. The Design Appeal Statement (page 20) includes a massing model which evidences how the Appeal Scheme is in keeping with the neighbouring developments.
- 10.37. The proposed layout has been carefully considered to ensure a permeable layout with attractive streets and variation in surface treatment to signify primary, secondary and tertiary streets. Landscape features around the site perimeter have been retained and enhanced and proposed landscaping and open space areas within the proposed green routes through the development have been created.
- 10.38. As explained in the supporting Design Appeal Statement, the Appeal Scheme adheres to and complies with the Council's Design Guidance SPD. The Appeal Scheme also complies with the general design principles set out in the Residential Car & Cycle Parking Standards SPD.
- 10.39. The Appeal Scheme also complies with the Building for a Healthy Life Assessment, England's most widely used design tool for creating places that are better for people and nature, and the National Design Guide.
- 10.40. The LPA's adopted Design Guide SPD highlights for internal space standards that "*the internal dimensions of a dwelling should seek to meet at least the minimum sizes set out in the National Technical Standards*". Policy CS17, from which the Design Guide SPD was established, applies. Policy CS17 states that proposals will need to demonstrate adherence to the principles of urban design and sustainability to help create quality places.
- 10.41. The Officer's Committee report (paragraph 8.24), referring to Reason for Refusal (iv) of the First Application stated that:
- "Reason for refusal (iv) highlighted the cramped nature of the earlier proposal. The lower density and the mixed character of the proposed is now considered to be more respectful of the key characteristics of the neighbouring urban area, which would result in a high quality residential environment for future occupiers. Reason for refusal (iv) is considered to have been addressed."*
- 10.42. A number of the units proposed have single bedrooms marginally below the minimum sought floor area of 7.5sqm. This affects two house types, the '4BH' (four units in total) and the 'Hanbury' (29 units in total).

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The smallest bedroom in the '4BH' measures approximately 6.9sqm and the smallest bedroom in the 'Hanbury' measures approximately 6.75sqm. Both bedrooms meet the minimum 2.15m width requirement. The properties themselves exceed the required minimum GIA for the properties of their size.

- 10.43. Officers considered that the scheme accords with the Design Guidance, but RfR4 states that "*some of the house types fail to meet with the Nationally Described Space Standards*".
- 10.44. Since the Appeal Proposals were determined by FBC, the Appellant has reviewed the house-types '4BH' and 'Hanbury' and amended the internal area of those house-types to ensure all units meet the National Technical Standards. The revised floorplans are listed in **Appendix 1** of this statement.
- 10.45. The substitution of house-type plans has been agreed with the LPA. There is no prejudice to third parties in changing the internal configuration of the two house types. There is no change to the housing mix. The Inspector can approach it on the basis of substituted plans and it is agreed that it has overcome that part of Reason for Refusal (iv). The balance of the design objection will be responded to in the Appellant's proof of evidence.

11. Benefits of the Appeal Scheme and Planning Balance

11.1. The NPPF states that there are three overarching objectives in achieving sustainable development:

- Economic;
- Social; and
- Environmental.

11.2. The Appeal Scheme meets all three objectives and therefore represents sustainable development. As set out below, the Appeal Scheme will deliver significant benefits which must be weighed in the planning balance.

Economic

11.3. The Appeal Scheme meets all three objectives and therefore represents sustainable development. As set out below, the Appeal Scheme will deliver significant benefits which must be weighed in the planning balance.

11.4. A survey of house builders for the House Builders Federation (HBF) and the Construction Industry Training Board² indicates that, on average, the construction of a new dwelling requires the input of 1.5 people in the construction workforce each year. This figure applied to 206 dwellings would indicate support for some 309 'worker years' overall. If it is assumed that the average permanent job lasts for 10 years³, then 10 worker years equate to one permanent job. Therefore, the Appeal Scheme would directly support **31 full time equivalent (FTE) jobs in construction**. In addition, there would be employment related to the construction of the wider infrastructure.

11.5. In addition to direct employment, the construction industry utilises an extensive supply chain. The HBF estimates⁴ that employment required in the supply chain is at least twice that of the construction itself. **An additional 62 jobs could therefore be indirectly supported by the Appeal Scheme.**

11.6. In addition to direct and indirect employment, the construction would also have an input to the local economy associated with expenditure on services and supplies needed by the contractors.

11.7. Increased levels of household spending in the local area could be expected as a result of the introduction of a new residential population. According to ONS data, average household expenditure in the South East was £682.20 per week in 2019, from which we have deducted expenditure that is spent on things such as mortgage interest, fuel, power, communications, etc. and used a figure of £486.30 as the average weekly 'local' household expenditure in the South East. Therefore, a development of 206 new households could

² http://www.hbf.co.uk/fileadmin/documents/barker/CITB_REPORT.pdf

³ Based upon OECD and Labour Force Survey data that indicates the average duration of a UK male FTE is 9.9 years
http://stats.oecd.org/Index.aspx?DatasetCode=TENURE_AVE

⁴ <http://www.hbf.co.uk/media-centre/news/view/east-of-england-housing-crisis-report/>

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be expected to generate around **£5.2 million per year in household spending**, including convenience and comparison shopping.

- 11.8. The Appeal Scheme will also generate S106 contributions, which can provide further improvements to the local area, and would result in a significant amount of CIL receipts for the Council.

Social

- 11.9. The Appeal Scheme will deliver a mix of house types, sizes and tenures, meeting the needs of the local population.
- 11.10. The contribution the proposed scheme would make towards boosting the Borough's housing supply is substantial and would make a material contribution in light of the Council's current five year housing land supply shortfall.
- 11.11. Policy CS18 requires an on-site provision of 40% affordable housing for schemes that propose 15 or more dwellings, with proposals offering a mix of dwelling types, sizes and tenures reflecting the identified needs of the local population.
- 11.12. The Appeal Scheme will deliver a policy compliant level of 82 affordable units which are mainly one, two and three bed units. The affordable housing mix is in line with what would be expected within the Stubbington area and has been informed by the housing evidence of the emerging Local Plan.
- 11.13. Significant areas of public open spaces will be provided within the site and along the site boundaries and will be connected by open space, footpaths, tree lined avenues and visual corridors.
- 11.14. The public open space requirement for the Appeal Scheme would be 7,496.25sqm. The layout proposes a significant additional amount of public open space totalling 31,220sqm.

Environmental

- 11.15. The Appeal Scheme has the potential to deliver significant ecological enhancements through the delivery of the proposed Ecological Enhancement Area and extensive other landscaping incorporated into the scheme. This has the potential to deliver a net gain of 40.32 habitat units and 9.18 hedgerow units which is a 91.46% and 64.40% gain respectively when calculated using the DEFRA Metric 2.0. This is a significant gain over the 10% currently anticipated to be mandated as part of the Environmental Bill (over nine fold for habitat units and six fold for hedgerow units). The proposals would also result in a reduction in nitrogen output into the Solent of 153 kilograms of total nitrogen a year, which is well beyond the nitrate neutrality which the scheme is required to deliver.
- 11.16. Both the delivery of such substantial biodiversity net gain and reduction in nitrogen output are relatively unique ecological benefits to this scheme which should be assigned weight in considering the outcome of this appeal.
- 11.17. The landscape strategy for the Appeal Scheme seeks to retain the majority of the existing trees and vegetation, with the exception of the small number proposed for removal to facilitate the single access. All

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of the retained trees and vegetation will fall within areas proposed as public open space to ensure the long-term sustainability of the vegetation. The detailed landscape scheme provides 129 new trees, 389sqm of mixed native hedgerow, a further 1,397sqm of native hedgerow in the plot landscape, 4,564sqm of mixed native shrub planting, along with a significant amount of marginal, herbaceous, deciduous and wildlife friendly planting and a range of species rich wildflowers and grassland.

- 11.18. In terms of the effect on designated sites, the submitted Shadow Habitat Regulations Assessment concluded that there would be no effect on the identified SPAs, SACs and Ramsar sites at the Appropriate Assessment stage either alone or in-combination with other plans or projects.
- 11.19. Mitigation payments will be secured via the Section 106 agreement in respect of the potential impacts on Solent Brent Geese and Waders and increased recreational use.

Planning Balance

- 11.20. Notwithstanding that the Appeal Scheme is in accordance with Policy DSP40 and therefore the Development Plan as a whole, the lack of a five year housing land supply engages paragraph 11d) of the NPPF which establishes the presumption in favour of sustainable development by applying a 'tilted balance' to applications where the housing supply policies are out of date. The NPPF states that planning permission should be granted without delay unless 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.*"
- 11.21. The planning assessment provided above is now summarised with regard to the test set out in NPPF Paragraph 11d):

Economic

- | | |
|---|---------------|
| ▪ Construction jobs and indirect job generation | Major benefit |
| ▪ Increased local spending | Major benefit |

Social

- | | |
|-----------------------------------|------------------|
| ▪ Provision of new housing | Major benefit |
| ▪ Provision of affordable housing | Major benefit |
| ▪ On-site open space | Moderate benefit |

Environmental

- | | |
|--|----------------------|
| ▪ On-site mitigation and enhancement including BNG | Major benefit |
| ▪ Effect on the SPAs | Neutral |
| ▪ Landscape Impact | Minor adverse impact |
| ▪ Loss of agricultural land | Minor adverse impact |

- 11.22. Based on the above assessment of the social, economic and environmental dimensions of sustainability, the benefits when assessed against the policies in the NPPF as a whole significantly outweigh any harm.

12. Planning Conditions and Legal Agreement

Planning conditions

- 12.1. In the event the appeal is allowed, the permission should be subject to the conditions to be discussed and agreed at the inquiry. A draft list of conditions will be provided to the Inspector by the LPA, and copied to the appellant prior to the commencement of the inquiry. This can draw reference upon the draft conditions set out by FBC in the Planning Committee report.

Legal agreement

- 12.2. The Appellant will engage with FBC and a Section 106 legal agreement will be completed and a copy provided to the Inspector prior to, or at the inquiry.
- 12.3. The Appellant will review the appropriateness of the obligations set by FBC and further details will be provided within the Proofs of Evidence and/or Statement of Common Ground. The Appellant is going to overcome Reasons for Refusal (v) to (x) with the Section 106 agreement.

13. Conclusion

13.1. The Appellant submits that the Appeal Scheme should be allowed for the following reasons:

- i. The Development Plan dates from 2011 i.e. pre-dates the NPPF and is significantly out of date in regard to assessment of development needs and is in the process of being replaced with higher housing numbers. As such, the spatial application of the restrictive policies is out of date.
- ii. In addition, there is no five year housing land supply, therefore engaging Paragraph 11c) of the NPPF via Footnote 7 and therefore the most important policies are deemed out of date. They are as follows:
 - Policy CS2 (Housing Provision) of the adopted Core Strategy
 - Policy CS6 (The Development Strategy) of the adopted Core Strategy
 - Policy CS14 (Development Outside Settlements) of the adopted Core Strategy
 - Policy DSP6 (New Residential Development Outside of the Defined Urban Settlement Boundaries) of the Local Plan Part 2: Development Sites and Policies Plan
 - Policy DSP40 (Housing Allocations) of the Local Plan Part 2: Development Sites and Policies Plan
- iii. In addition, Policy DSP40 is engaged as an exception to the above restrictive policies. The Appeal Scheme accords with the five criteria set out in DSP40 and therefore accords with the plan as a whole.
- iv. The issues of objection, which are contained in Refusals for Refusal (ii) visual impacts, (iii) character and green space and (iv) design/standards, do not justify refusal.
- v. The Appeal Scheme creates significant economic, social and environmental benefits
- vi. Any harm created by the Appeal Scheme does not outweigh the benefits

13.2. For the above reasons, it is respectfully requested that the appeal is allowed and planning permission is granted as sustainable development (as concluded by FBC Officers).

13.3. The Appellant will engage with FBC to produce a Statement of Common Ground(s) to refine the matters agreed and the matters in dispute, to enable a focus on the technical matters at dispute for the inquiry. The Appellant will also engage with FBC to agree planning conditions and a planning obligation.

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Appendix 1 Planning Application Documents List

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Appendix 2

Supporting Landscape Appeal Statement, May 2021

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Appendix 3

Supporting Heritage Settings Assessment, May 2021

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Appendix 4

Supporting Heritage Appeal Statement, May 2021

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Appendix 5

Supporting Transport Appeal Statement, May 2021

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Appendix 6

Supporting Ecology Appeal Statement, May 2021

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