

Land East of Newgate Lane East, Fareham

Summary of Planning Evidence

On behalf of Miller Homes Ltd and Bargate Homes Ltd.

Date: August 2022 | Pegasus Ref: P20-3154

Appeal Ref: APP/A1720/W/22/3299739 | LPA Ref: P/22/O165/OA

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- 1.1. My name is Jeremy Gardiner. I am employed as Senior Director and Head of the Solent office at Pegasus Group. I hold a BA (Hons) in Town and Country Planning, and a Bachelor of Planning, undergraduate degrees from the University of Manchester, and a Post Graduate Diploma in Building Conservation from the Architectural Association School, London. I have been a Chartered Member of the Royal Town Planning Institute since 1987. I have worked in the town planning profession for 37 years – the first 5 years of which were in local government, since when I have worked largely in private practice.
- 1.2. My evidence is given in accordance with the guidance of my professional institution, and I confirm that the opinions expressed are my true and professional opinions.
- 1.3. My Planning Proof of Evidence has been prepared to support an appeal against the failure of Fareham Borough Council (FBC) to determine outline planning application P/22/0165/OA within the prescribed time period. This application proposed the construction of up to 375 residential dwellings with access from Newgate Lane East. All matters were reserved except for “access”.
- 1.4. As my evidence relates to matters of planning policy, it covers all of the putative reasons for refusal cited by FBC but with a particular emphasis on those policies concerning the principle of residential development, the application of the “presumption in favour of sustainable development” and the matters to be weighed in the ‘planning balance’. Detailed evidence is provided by the following specialists, on whose evidence I rely:
 - Mr Neil Tiley – Housing Need and Supply;
 - Mr James Atkin – Landscape and Visual Impact, and Strategic Gap impact;
 - Mr Tim Wall – Highways, Transport and Sustainability;
 - Ms Heather Knowler – Education; and
 - Mr David West – Ecology.
- 1.5. The appeal site forms the central and northern portions of land that was proposed to be allocated for about 475 dwellings in the Fareham Draft Local Plan 2036 (Regulation 18, October 2017) under Policy HA2 ‘Newgate Lane South’. The policy was accompanied by a Draft Development Framework plan which illustrated design principles for the site’s development.
- 1.6. The Appellants commissioned the preparation of a more detailed Development Framework Document which was the subject of dialogue with Council officers between 2018–2020. This was intended to provide an agreed basis for the preparation of planning applications to deliver the development.
- 1.7. In the context of this collaborative working, Bargate Homes submitted an outline application for the southern part of the HA2 site in November, 2019, proposing the development of up to 99 homes. The application was due to be reported to the Council’s Planning Committee in June, 2020 with an expected recommendation for approval, but officers then communicated a change in the Council’s position such that the application would no longer be supported, leaving Bargate Homes having to appeal against the application’s non-determination.

- 1.8. Site HA2 remained a draft development allocation until the Council published its Regulation 19 Publication Local Plan in November, 2020. This draft plan based its housing target on the Government's autumn 2020 consultation on a draft revised Standard Method which, if confirmed, would have lowered the Council's annual housing requirement. As a result, the Council deleted a number of previous draft housing allocations including Policy HA2. The revised Standard Method was not subsequently introduced by the Government, leading the Council to publish a further Revised Publication Local Plan in June, 2021 with a higher housing target.
- 1.9. In July, 2021, Bargate's non-determination appeal was allowed, granting planning permission for up to 99 dwellings on the southern part of the former HA2 site. Representations on the Revised Publication Plan were submitted to the Council in July 2021, highlighting this decision and encouraging the Council to re-allocate Site HA2 given that an Inspector had described the southern part of the site as a sustainable and suitable location for housing but the Council did not do so. The Appellants therefore decided to prepare the outline planning application which is now the subject of this non-determination appeal.
- 1.10. The Council resolved that it would have refused permission for fourteen putative reasons after the appeal had been submitted. Subject to the completion of the draft Unilateral Undertakings and the imposition of appropriate conditions, ten of those reasons have been overcome at the time of writing, as confirmed in the submitted planning, transport and ecology Statements of Common Ground.
- 1.11. The remaining main issues in this appeal appear to be:
 1. Whether the proposed development would be consistent with the policies of the development plan which seek to prevent additional residential development in the countryside and protect the integrity of the Strategic Gap;
 2. The impact of the proposed development on the character and appearance of the open countryside of the area;
 3. The weight to be attributed to the development plan in the light of the Council's five year housing land supply position, to be weighed in the planning balance.
- 1.12. The proposed development represents sustainable development providing much needed housing, including affordable housing, within Fareham borough, and it will make a valuable contribution towards addressing the persistent and chronic shortfall in housing land supply in the borough, as described by Mr Tiley's evidence.
- 1.13. Now that development of the southern part of the former HA2 site has been approved and is shortly to proceed, and that Inspector confirmed that development of that site will not individually or cumulatively significantly harm the integrity of the Strategic Gap, it would be consistent for the same conclusion to be reached in this case, given the inter-relationship between these two land parcels.
- 1.14. When the appeal proposals are viewed comprehensively with the approved development to the south, they form a logical westward extension of Bridgemary / Woodcot, which will effectively complete the extent of development to the east of Newgate Lane East.
- 1.15. The starting point for assessing the acceptability of the proposed development is its consistency with the development plan. The Council cannot demonstrate a 5 year housing

land supply, so Policy DSP40 is the operative policy. The Appellants consider the proposals to fulfil the criteria in DSP40 in full. As that policy allows exceptions to the restrictive policies CS14, CS22 and DSP6, the proposals comply with the development plan taken as a whole. As such, paragraph 11(c) of the NPPF is engaged and the proposals should be permitted 'without delay'.

- 1.16. However, the 'most important policies for determining the application' are not up-to-date because they are predicated on an out-of-date assessment of housing needs, in accordance with the principles established through the Supreme Court judgement in Hopkins Homes/Suffolk Coastal. The Council has failed the Housing Delivery Test, and it also cannot demonstrate a five year housing land supply. Failure of one of those tests engages the 'presumption in favour of sustainable development' (the tilted balance) set out in NPPF paragraph 11(d) by reason of Footnote 8. Accordingly, the weight to be given to any breach of these out-of-date policies is reduced.
- 1.17. The application of the tilted balance allows development to be approved without delay unless its adverse impacts would significantly and demonstrably outweigh its benefits. I have assessed the benefits and adverse impacts of the scheme against the three dimensions of sustainable development – economic, social and environmental – as reproduced below:

Economic	
Increased local household spending	Substantial Benefit
Construction and supply chain jobs supported	Substantial Benefit
Role of housebuilding in supporting the post-Brexit and post-COVID economy	Substantial Benefit
Jobs supported through household expenditure	Moderate Benefit
Community Infrastructure Levy contribution	Neutral impact
Social	
Provision of new housing in light of current housing land supply / HDT position	Substantial Benefit
Provision of on-site affordable housing	Substantial Benefit
Provision of on-site open space for play, walking and recreation	Moderate Benefit
Increased use of local facilities	Moderate Benefit
Environmental	
High quality landscape-led scheme design	Substantial Benefit
Improvement to Newgate Lane East / Newgate Lane junction	Moderate Benefit
Delay to flow of traffic on Newgate Lane East from new roundabout junction	Minor Adverse Impact

Effect on Designated Sites	Neutral impact
On-site retention and enhancement of landscape features	Moderate Benefit
On-site biodiversity mitigation and enhancement to deliver Biodiversity Net Gain	Moderate Benefit
Commitment to sustainable design	Minor Benefit
Landscape and visual impact – Year 1 (completion) to Year 15	Major to Moderate, reducing to Moderate, Adverse Impact
Impact on Strategic Gap	Neutral impact
Loss of agricultural land	Very Minor Adverse Impact

- 1.18. I conclude that, not only do the adverse impacts not significantly or demonstrably outweigh the benefits when assessed against the policies in the NPPF as a whole, but the benefits significantly outweigh any harm. Moreover, as cited by Mr Tiley’s evidence, the severe local social and economic impacts of the persistent under-supply of housing in the borough have been significant and are likely to endure, lending increased weight to the urgent need to improve housing delivery in the borough.
- 1.19. I therefore respectfully request that the appeal be allowed, subject to imposition of suitably worded conditions and the completion of the related S106 Agreements.

Town & Country Planning Act 1990 (as amended)
Planning and Compulsory Purchase Act 2004

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