

FAREHAM
BOROUGH COUNCIL

Development Sites and Policies Plan

Statement on Issues and Questions

Issue 2– The Existing Settlements (DSP2-DSP6)

October 2014

DCD-06

- 2.1 **a) Why have the defined urban settlement boundaries not been subject to review, for example as anticipated for Fareham in paragraph 5.27 of the Core Strategy?**
b) Does the Council's approach reflect the most appropriate strategy in the circumstances?
c) Is the lack of a settlement boundary for BurrIDGE justified?

a) Why have the defined urban settlement boundaries not been subject to review, for example as anticipated for Fareham in paragraph 5.27 of the Core Strategy?

- 2.1.1 The adopted Core Strategy (DLP02) sets out a clear focus for prioritising urban areas when considering locations for new development. Policy CS6 states *"in identifying land for development, the priority will be for the reuse of previously developed land, within the defined urban settlement boundaries."* In assessing the Core Strategy the Planning Inspector (DLP03, paragraph 33) concluded that *"the approach of the Core Strategy to seek to provide for new housing (other than the SDA) within existing urban areas is therefore justified."* This approach was further advocated in the NPPF Paragraph 111, which states *"Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land)"*.
- 2.1.2 During the Examination into the Core Strategy there were discussions over the reduced capacity at Welborne and how this should influence housing targets in the rest of the Borough. However, the Inspector agreed that the separation of housing supply numbers, between Welborne and the rest of the Borough, was appropriate due to the sub-regional role played by Welborne. The Inspector further considered the fact that Welborne's housing supply has not been apportioned amongst the PUSH authorities so that Fareham's component of this anticipated supply had not been calculated or agreed (DLP03, paragraphs 28 and 29). The conclusion made by the Inspector was that *"Any reassignment of sub-regional housing requirements within the South Hampshire area is more appropriately considered at the sub-regional level"* (DLP03 paragraph 28).
- 2.1.3 There were further discussions over the level of flexibility in the housing Policies in the Core Strategy Examination partly in light of the reduced capacity at Welborne, but also due to the need for the Council to further analyse the capacity and supply of sites within existing urban areas. The Inspector therefore sought additional flexibility in relation to potential locations for housing sites to deal with any potential increase in target figures that may come through the then upcoming South Hampshire Strategy (SHS) Review, which became the 2012 South Hampshire Strategy (DPH01). To address this, the Council recommended a number of modifications to the Core Strategy; including references to a review of the settlement boundaries (DLP03 Appendix A change numbers 1.2, 5.8, 5.9, 5.16 and 5.18). This additional flexibility allowed the Inspector to conclude that the overall supply position in the CS was sound and could deal with

any potential increase in housing targets through the emerging South Hampshire Strategy (DLP03 paragraph 30).

2.1.4 Whilst a boundary review was anticipated to be potentially needed through the preparation of LP2, it was always considered as an “intention”, where necessary, rather than a requirement. The 2012 South Hampshire Strategy (DPH01) was published in 2012 and did seek an increase in Fareham’s housing target, partly as a reflection of a reduction in capacity at Welborne, but also due to shortfalls elsewhere in the sub-region. However, as LP2 demonstrates, Fareham has a robust housing supply against both the targets within the Core Strategy and the revised targets in the updated SHS. This demonstrates that the additional flexibility sought by the Inspector during the Core Strategy, including a boundary review, was not required to meet the SHS housing increase. The housing supply in LP2 consists purely of sites in the existing urban area. As this supply can be achieved without the need to amend the existing urban area boundaries, the Council considers that this renders any amendments to the boundaries unnecessary.

2.1.5 There is no requirement in national guidance, through the National Planning Policy Framework (NPPF) or Planning Practice Guidance (PPG), to review urban area boundaries as part of a Local Plan document, which indicates that it is for individual Local Planning Authorities (LPAs) to determine the most appropriate approach, based on local circumstances. The Council has, throughout the development of LP2, continually monitored housing delivery through Monitoring Reports (DAM1, DAM2, DAM3, DAM4) and capacity through the SHLAA (DHO02). This ongoing evidence has allowed the Council to understand whether additional sites, outside the existing urban area boundaries, were likely to be needed to meet the Core Strategy housing targets and the increased 2012 SHS (DHP01) targets. Throughout the various stages of LP2 the Council has been able to clearly demonstrate that sufficient sites are available within the existing urban areas boundaries. The Council’s position, to not undertake a review of these boundaries for LP2, is considered to be justified.

b) Does the Council’s approach reflect the most appropriate strategy in the circumstances?

2.1.6 The Council considers the approach taken to be the most appropriate strategy given that no new sites are required to meet the housing numbers in both the Core Strategy and 2012 South Hampshire Strategy (DHP01). A number of representations have queried whether the boundaries of the existing urban areas are rational in their entirety. The examples submitted by representors range from requests for minor adjustments to reflect changes on the ground, to large scale extensions to existing boundaries. Consideration has been given to rationalising boundaries in certain areas, but the Council considers that the main purpose of a comprehensive boundary review should be to highlight areas of potential development, when such development is considered necessary. It should be based on a clear methodology and look at all boundaries in the Borough, for clarity and

impartiality. The Council contends that the existing boundaries are justified in their current state, subsequently there is no strategic benefit in undertaking minor adjustments to reflect representations made by individual landowners.

- 2.1.7 There have been some references in representations to paragraph 85 of the NPPF as a means of justifying a rationalisation of boundaries. However, these are not considered relevant as paragraph 85 relates to “protecting green belt land”, rather than urban area boundaries. As there are no green belt boundaries in the Borough this paragraph cannot be considered to apply.
- 2.1.8 Whilst it has not been considered necessary to undertake a review of boundaries in the production of LP2, the Council acknowledges that a review may be required in the early review of the Local Plan. The Partnership for Urban South Hampshire are currently undertaking a complete review of the South Hampshire Strategy (scheduled for adoption in early 2016), which will take into account up-to-date evidence on objectively assessed housing across the defined housing market areas in the sub-region. The targets in the upcoming South Hampshire Strategy will necessitate a review of the Local Plan in its entirety and may result in a boundary review becoming the most appropriate strategy at this point. This process would reflect the Core Strategy Inspector’s comments; *“a more wide-ranging consideration of development options (including sites outside urban areas) may be required in future versions of the SHLAA – particularly if a review of the Core Strategy is to take place”*.

c) Is the lack of a settlement boundary for Burr ridge justified?

- 2.1.9 Burr ridge is considered to be an extended area of ribbon development which extends north on Botley Road from Park Gate, to the west of Whiteley. Whilst the Council recognises that the ribbon development along Botley Road is regular, it is not considered a settlement as it lacks a “core” and does not have a range of local services that one would expect to see from an established settlement. The area does benefit from a recreation ground and Village Hall, as well as some limited employment units on the boundary with Winchester District and a pub on the corner of Botley Road and Swanwick Road. However, the facilities that do exist are well spread out along Botley Road (for example the pub and Village Hall are located around a mile apart) and do not constitute a settlement “centre” or “core”.
- 2.1.10 The area is typified by large detached housing, set well back from the highway and with generous gaps between properties. The main roads are frequented with trees and mature vegetation providing a less urban environment than the established built up areas of the Borough. The Council has reservations about including this part of the Borough within the urban area boundaries as this could lead to unwelcome development pressure that could result in a loss of the existing character. Notwithstanding the Council’s reservations, for the reasons set out in earlier paragraphs, the Council does not feel that a review of the urban area

boundaries is necessary or justified at the current time. To that end, there is no real need or desire to incorporate Burridge within the existing settlement boundaries.

2.2 *Is the review of Strategic Gap boundaries sufficiently robust? Have the appropriate criteria been used in the assessment? Were proposed road schemes taken into account?*

2.2.1 Policy CS22 of the Core Strategy provides the basis for retaining strategic gaps within the Borough and restricts development within these gaps, where, either individually or cumulatively, this affects the integrity of the gap and the physical and visual separation of settlements. Policy CS22 also committed the Council to a review of strategic gap boundaries, as part of the preparation of LP2, in accordance with three criteria set out in the final paragraph of Policy CS22 (and repeated in paragraph 3.11 of LP2).

2.2.2 The review of Fareham's gaps was undertaken during the summer of 2012 by landscape consultants and resulted in a final report (Fareham Borough Gap Review DNE05) in addition to accompanying illustrations and appendices. Page 4 of the main report includes extracts from the Council's commissioning brief, including the requirement to review the gap boundaries in accordance with the three criteria from Policy CS22. The approach used by the consultants is set out on page 6 of the study report, with a fuller methodology being provided on pages 17 and 18. The assessment involved site surveys focussing on 41 sub-divisions, as shown in Illustration 2 (DNE05). The information gathered was then used to produce analysis matrices (see Appendix 4 of DNE05) which incorporated the criteria from Policy CS22. Evaluation of the matrices, and other relevant information, was then undertaken to assess the suitability of each sub-area for inclusion within the strategic gap and to assess the broad functionality which the sub-areas provided in relation to the Policy CS2 criteria.

2.2.3 One of the representations to the Publication Draft of LP2 (DREP405) suggests that the Council's consultants did not use an appropriate methodology in assessing the suitability of sub-areas for inclusion within the designation. This representation points to Appendix 3 of the report (Analysis Protocol) which lists a range of criteria that were considered as part of the assessment of each sub-area and it is claimed that some of these are not relevant criteria. In addition, it is claimed that the assessments were heavily weighted in favour of rating an area's value as green infrastructure, rather than identifying the minimum area needed to prevent coalescence.

2.2.4 The Council has considered this response and does not agree that the methodology used was inappropriate. The introduction to Appendix 3 explains that the analysis of whether a Gap is suitable to be included within the designation must focus on the prevention of coalescence of settlements. This is then clearly related to the criteria set out within Policy CS22 of the Core Strategy and the following paragraph explains that a range of factors contribute to each of the three Policy CS22 criteria. In addition, Section 6 of the main report (pages 21 and 22 of DNE05) explains

clearly that issues of landscape character, sensitivity to change and potential future threats are all relevant in considering whether an area should be included within the designation. Further, the Council does not agree with the claim that an inappropriate weight has been given to each sub-area's value for green infrastructure. There is no evidence that the weighting used has not been consistent with the methodology of the assessment which, as indicated above, has clearly focussed on the applicability of the three criteria set out in Policy CS22.

- 2.2.5 The outcomes of the review are set out on page 24 of DNE05 with further discussion on pages 25 to 29 and recommendations on pages 30 and 31 and on Illustration's 10 and 12. Page 24 of the report explains that final recommendations, on the suitability of each sub-area for inclusion within the strategic gap, were based primarily on the criteria set out in Policy CS22. As a result, the report recommended the retention of a strategic gap designation within the Borough in order to achieve the objectives set out in Policy CS22. It was also recommended that all of the area previously included within the Fareham Strategic Gap (see Illustration 1 of DNE05) should continue to be within the designation, except the large undeveloped area west of the Meon Valley and south of Warsash Road, that was considered too wide to meet the criteria for inclusion within the designation (see Illustration 10 of DNE05). It was also concluded that this area should be removed from the strategic gap as it was adequately protected by nature conservation, mineral safeguarding and countryside policies.
- 2.2.6 The review also assessed the areas previously included within Fareham's 'local gaps' (see Illustration 1 of DNE05) using the same approach and assessment criteria as set out above. The result of this assessment was that, with the exception of the Lower Swanick / Sarisbury local gap, the areas covered by local gaps did not meet the criteria for inclusion within the strategic gap designation. These areas were also considered to be subject to adequate protection through countryside policies within the Core Strategy.
- 2.2.7 The Council considers that the review of Fareham's gaps has provided a robust basis on which to inform the changes made to the definition of the strategic gap on the Fareham Policies Map. The area west of the Meon Valley and south of Warsash Road that did not meet the criteria for inclusion has been removed from the strategic gap as defined in the Fareham Policies Map. In addition, the local gap designations have been removed entirely, which is consistent with the recommendations of the review and is in accordance with Policy CS22 which does not provide a policy basis for such designations.
- 2.2.8 Since the completion of the Fareham Borough Gap Review, Hampshire County Council has made the decision to prioritise and bring forward a number of related road infrastructure improvements to improve the access between Fareham and Gosport. The Hampshire County Council (HCC) Executive Member for Economy, Transport and Environment decided to give these schemes immediate priority in March 2014 (DTR03). Therefore,

the Fareham Gap Review did not take account of these road schemes which included the Stubbington Bypass and realignment of the southern portion of Newgate Lane. However, since the decision taken by HCC, Fareham Borough Council has taken the potential impact of these road schemes on the strategic gap into account.

2.2.9 During the summer of 2014 HCC undertook public consultation on the proposed road improvement schemes. In July 2014 Fareham Borough Council responded to this consultation (DTR04). The Council's response included references to the location of the Stubbington Bypass and realignment of Newgate Lane within the Fareham Strategic Gap and to the applicability of Policy CS22 of the Core Strategy. The Council's response emphasised the importance of ensuring that the road improvements adhered to the principles set out in paragraph 6.52 of the Core Strategy in order to ensure that the existing settlement pattern and the separate identities of Fareham and Stubbington could be maintained (see paragraph 19 of DTR04). Furthermore, the response stated that maintaining the separation between Fareham and Stubbington would prevent coalescence and this required careful consideration of the likely future implications of the preferred Stubbington Bypass alignment, as part of the environmental assessment undertaken by HCC, to ensure that the integrity of the Strategic Gap could be maintained.

2.2.10 In order to clarify the Council's expectations in relation to the detailed planning and design of the proposed road schemes within the Strategic Gap, a modification is proposed. This additional text would follow on from the final sentence of paragraphs 6.19 as set out below:

...Land will be required to deliver this scheme, if it proved to be feasible, and will be safeguarded once the requirements are known. In order to maintain the separate identities of Fareham and Stubbington, careful consideration of the likely effects of the preferred Stubbington Bypass alignment on the effectiveness of the Strategic Gap would be required as part of the environmental assessment undertaken by Hampshire County Council. The Borough Council will seek to ensure that the integrity of the Strategic Gap can be maintained.

2.3 *Is policy DSP2 sufficiently detailed? Is it sufficiently clear how a decision maker should interpret this policy?*

2.3.1 Policy DSP2 is not considered to be necessary as the first sentence refers to Policy CS17, which is already part of the adopted development plan and is, therefore, purely repetition. When adopted the Design Guidance (excluding Welborne) Supplementary Planning Document (SPD) will not carry the same weight as the policies in the Local Plan and is therefore considered inappropriate to reference the document specifically in a Local Plan policy. In any event, the Design Guidance (excluding Welborne) SPD will become a material consideration upon adoption. Therefore, the Council is seeking to delete Policy DS2 through a modification to the Plan. This

issue has been previously covered in the Council's response to Inspector's Question 1.7.

2.3.2 Despite the deletion of Policy DSP2, the Council is comfortable that sufficient guidance on the Council's approach to design issues remains through a combination of Policy CS17, other DSP policies and detail within the Design Guidance (excluding Welborne) SPD, when adopted. An SPD on design is considered to be the most effective way of providing additional guidance on the principles set out in Policy CS17. This reflects the Glossary of the NPPF which defines an SPD as a document which adds further detail to the policies in the Local Plan. *"They can be used to provide further guidance for development on specific sites, or on particular issues, such as design"* (NPPF Glossary). This emphasis in the NPPF demonstrates that the Council's approach to developing a Design SPD is consistent with national policy.

2.4 *Is the requirement for a legal agreement on Ransom Strips, as set out in policy DSP5, appropriate and justified, particularly having regard to national advice on planning obligations?*

2.4.1 The NPPF, in paragraph 58, states that planning policies should aim to ensure that *"developments optimise the potential of the site"*. This principle of making the most efficient use of land was carried forward into Policy CS15 of the Core Strategy, which states that *"development must not prejudice the development of a larger site."* The principle of Policy DSP5 is, therefore, to clarify how the Council intends to prevent piecemeal developments coming forward that may prejudice the delivery of an adjacent piece of land.

2.4.2 National Guidance, in the form of NPPF paragraph 204, states *"Planning obligations should only be sought where they meet all of the following tests:*

- *necessary to make the development acceptable in planning terms;*
- *directly related to the development; and*
- *fairly and reasonably related in scale and kind to the development."*

2.4.3 In order for development to be considered acceptable in planning terms it will need to accord with the policies in the Local Plan, including Policy CS15. Therefore if the only way to secure that a development would not prejudice the development of a larger site was through a planning obligation this must be considered necessary. As the legal agreement will affect the development involved, to ensure access is secured or reserved to adjacent sites, it will directly be related to the development proposed. Any legal agreement sought by the Council in regard to securing access to adjacent land will be reasonably related to the scale and kind of the development. The Council will consider the need for the use of a legal agreement in these circumstances on a case by case basis and more guidance on their use is set out in the draft Planning Obligations and Affordable Housing for the Borough of Fareham (excluding Welborne) Supplementary Planning

Document (SPD) (DFI05). The SPD has been through a period of consultation on a draft version and will be adopted in early 2014.

- 2.4.4 Policy DSP5 is a reiteration of a long-standing policy in the Local Plan Review (2000) (DLP01); DG2. In the previous Local Plan Inquiry the issue of the appropriateness of a policy on ransom strips was discussed by the Inspector, who, in his report (DLP12) concluded (paragraph 4.15) that a policy was necessary stating: *“While ransom strips may be a fact of commercial life they are not in the public interest if they prevent development of land which is otherwise in accordance with the development plan. Moreover, their existence can lead to pressure to develop in less sustainable locations and lead to the unnecessary expenditure of public funds in the pursuit of compulsory purchase powers. Any unwarranted delay to development would also run counter to national policy which seeks to remove obstacles to development in the interest of the national economy.”* Whilst national policy has changed since the adoption of the Local Plan Review (2000) (DLP01), the majority of points raised by the Inspector remain relevant today. The Council, therefore considers that continuing a policy position which seeks to prevent ransom strips is appropriate.

2.5 *Is the Council’s commitment to the conservation and enhancement of the historic environment of the borough based on appropriate evidence and clearly demonstrated in LP2? Has it identified the historic assets within the Borough, including those at risk? Should there be a reference to protecting the historic shipwreck of the Grace Dieu?*

- 2.5.1 The Council considers that the Local Plan, as a whole, adequately reflects the Council’s commitment to the conservation and enhancement of the historic environment. LP2 must be read in conjunction with the Core Strategy, which includes references to the historic environment and individual historic assets in the profile of the Borough, and each of the settlements (Chapter 2). This Core Strategy also includes a Strategic Objective (SO11) *“To protect and enhance access to...the historic environment whilst protecting...historic features from recreational pressure, and protect the separate identity of settlements...”*. The overarching Development Strategy (Policy CS6) includes reference to impacts on the historic environment, as do the overarching development policies for each of the settlement areas and Fareham Town Centre (DSP7, DSP8, DSP9 and DSP11).

- 2.5.2 This focus is continued through LP2 with a section on protecting and enhancing the historic environment in Chapter 3 (paragraph’s 3.26 to 3.38) culminating in DSP6. This section and policy applies to all development that may have affect any heritage assets, and is therefore a policy that needs to be read alongside all others in the Plan where heritage assets are involved. Further reference to the historic environment can be found on individual sites where particular emphasis is considered necessary such as;

the Vision and Objectives for the Fareham Town Centre (paragraph 5.34), Mix of Uses in Fareham High Street (paragraph 5.55 and DSP24), The Civic Area (paragraph 5.70) and the Corner of Trinity Street and Osborn Road (paragraph 5.126). Where specific allocations have a potential impact on heritage assets these are specifically set out in the individual development site briefs (chapter 7) including E5, H1, H2, H3, H6, H7, H8, H9, H11 and H15.

2.5.3 In order to ensure clarity and to expand further upon the references in the submission version of LP2, the Council has taken further advice from English Heritage. This has resulted in the following minor modifications:

Paragraph or Policy	Change	Reason
3.27	<p>Replace whole 2nd bullet point with:</p> <ul style="list-style-type: none"> • monitoring of buildings or other heritage assets at risk through neglect, decay or other threats, proactively seeking solutions for assets at risk through discussions with owners and willingness to consider positively development schemes that would ensure the repair and maintenance of the asset, and, as a last resort, using its statutory powers; 	To recognise that it is not simply about monitoring buildings at risk, but the Council to ensure that assets are brought back into use where possible.
DSP6	<p>6th Paragraph:</p> <p>The Council will conserve Scheduled Monuments, <u>and archaeological sites that are demonstrably of national significance</u>, by supporting proposals that sustain....</p>	To provide further clarity that this point relates to archaeological sites.
DSP19	<p>First bullet point:</p> <ul style="list-style-type: none"> • The built character <u>and historic significance</u> of the area; 	To provide clarity that the historic environment is a key consideration.
5.55	<p>2nd sentence:</p> <p>The enjoyable character of this area is a result of the uses as much as it is the <u>historic environment</u>, the high quality nature of the architecture and the layout of the street.</p>	To provide clarity that the historic environment is a key consideration.
DSP25	<p>2nd Paragraph:</p> <p>Views into and out of the Waterfront,</p>	To emphasise the point that the listed railway is a

	<u>including those of the listed railway viaduct</u> , should be protected.	key component of views in this area.
DSP32	2 nd Paragraph: Proposals will be required to ensure that new buildings are designed to <u>deliver townscape benefits and to front on to Trinity Street and Osborn Road.</u>	To recognise the townscape benefits development in this location should bring.

- 2.5.4 The combination of an overarching policy on the historic environment coupled with site specific references, and modifications in the table above, in LP2 alongside higher level guidance in the Core Strategy, is considered to be an appropriate approach to conserving and enhancing the historic environment. Any development proposal that affects any heritage asset is covered by Policy DSP6, and given that the Plan should be read as a whole, the Council does not consider it necessary to repeat elements of Policy DSP6 in other parts of LP2. The settlement specific focus in the Core Strategy and the site specific focus in LP2 provides additional emphasis in areas where impact on heritage assets is more likely, which acts as a reminder to applicants and decision makers in these locations.
- 2.5.5 The Council undertook a Buildings at Risk Survey in 2006 (DOE4) which sought to identify all the heritage assets in the Borough which are currently at risk. Of the 590 separate buildings assessed only 17 were identified as being at risk at the time of the survey. Of these 17, only 5 were identified as being in a “poor” or “very bad” state. The Council proactively engaged with owners and occupiers of all buildings which were identified as being “at risk” and this has, in the majority of cases, resulted in buildings being restored or works being undertaken to reduce the level of risk. The wording of Policy DSP6 and the supporting text provides a framework for monitoring buildings at risk, and an update to the Buildings at Risk Survey is scheduled to be undertaken for the programmed review of the Local Plan.
- 2.5.6 The Grace Dieu is located along the River Hamble, north of where the M27 crosses the river. Information on the location of the wreck indicates that it straddles the boundary between Fareham Borough Council and Eastleigh Borough Council. The River Hamble (within Fareham Borough) north of the M27 river crossing is not considered to be vulnerable to development, the entire length is designated as a Site of Special Scientific Interest (SSSI), and the majority of the area is also designated as a Mooring Restriction Area. The Grace Dieu itself is identified as a “protected wreck site” under the Protection of Wrecks Act (1973). The designation means that it is a criminal offence to tamper with the wreck or seabed without a license granted by the appropriate Secretary of State. The fact that the wreck has a high level of protection as a “protected wreck site”, coupled with planning restrictions in the locality (Mooring Restriction Area and SSSI) gives the Council sufficient comfort that there is no need to specifically reference the wreck in the LP2.