

FAREHAM BOROUGH COUNCIL LOCAL PLAN 2037
INDEPENDENT EXAMINATION
WRITTEN STATEMENT RELATING TO MATTER 4
MILLER HOMES LTD
FEBRUARY 2022



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1.0 Introduction

- 1.1 This examination statement is submitted on behalf of Miller Homes Ltd (MH) in respect to Matter 4 of the Fareham Local Plan 2037 examination process. The comments provided respond directly to the Planning Inspector's questions set out in the *Inspector's Matters, Issues and Questions for Examination*. The responses should be read in conjunction with the submitted examination statements regarding Matters 2, 3 and 6 and Miller Homes Regulation 19 representations (ref: CD009 Part 1 – Page 837-870), copies of which can be re-provided on request.
- 1.2 In responding to the Inspectors' matters and questions, due regard is had to the NPPF paragraph 35 in assessing the Plan's soundness.
- 1.3 MH responded to the previous Reg 19 Submission Draft Local Plan consultation in Summer 2021, including submissions in relation to draft policies HP7 (Adaptable and Accessible Dwellings) and HP9 (Self and Custom Build Homes). The previous representations remain valid, unless specifically updated with this submission and/or the agreed Statement of Common Ground (SoCG) between FBC and MH.
- 1.4 MH is promoting land to the west and east of Downend Road, Portchester, for residential development through the plan-making process, (HA56 as well as HA4 – including an extension to HA4 (SHELAA site refs: 3009, 3030, 3130)) on the basis that all three sites are sustainable, suitable and available. This is based on the evidence presented by both the Local Planning Authority (LPA) (with respect to the allocated areas) and MH (with respect to all areas), including the SoCG.
- 1.5 We are fully supportive of the HA4 and HA56 allocations. Additionally, MH is seeking an extension to the HA4 allocation, extending the allocation further northwards, to accommodate an additional 100 homes (SHELAA site 3130). This land was previously promoted by the Council as a sustainable alternative and included in the potential strategic growth area. The site's suitability for development is set out in the MH Regulation 19 consultation response (CD009 Part 1 – Page 840-847) which we would refer the Inspector so as not to repeat here.
- 1.6 An Outline Planning Application for 350 homes (ref. P/20/0912/OA) on HA4, with detailed access arrangements and provision of safe and suitable pedestrian links across Downend Road and its Rail Bridge, was allowed on appeal on 18 October 2021. A subsequent Reserved Matters application for a first phase of 180 dwellings was validated on 2 February 2022, with a target decision date of 4 May 2022. The site, including the extension land, is demonstrably in a sustainable location. An associated Outline Planning Application for improvements to Cams Bridge (ref. P/18/0001/OA), to enable direct pedestrian and cycle access to Portchester south of HA4 was approved on 3 May 2019. A subsequent Reserved Matters application was validated 28 April 2021, decision pending.
- 1.7 This examination statement responds to the Inspectors MIQs.

2.0 Response to Inspector's Questions on Matter 4

- 2.1 The Inspector provided questions on Matter 4 in relation to HP1-10 and HP12. MH have previously submitted representations in relation to draft policies HP7 and HP9 and continue to raise issues in regard to the soundness of the Local Plan regarding these policies.

HP 7 Adaptable and Accessible Dwellings

Question 22: What is the justification for requiring at least 15% of all new dwellings as Category 2 standard? What is the threshold based on?

- 2.2 Fareham Borough Council's (FBC) Specialist Housing Topic Paper Chapter 3 sets out the evidence base for requiring 15% as Category 2 standard, based on the number of people living in the borough with a long-term health problem or disability (2011 Census). The resulting figure was used as an indicator of the current need for housing which is accessible or adaptable.
- 2.3 Whilst we recognise the need to provide adaptable and accessible new homes in Fareham, policy HP7 should enable greater flexibility in regard to the percentage of dwellings to meet adaptable standards, to ensure it reflects any changing need during the course of the plan period and individual site circumstances.
- 2.4 National Planning Policy Guidance (NPPG) is clear that, where there is an identified need, optional technical standard can be used to increase supply of accessible and adaptable homes, but the NPPG requires this to be on the basis that the need has "*to be based on evidence of need, viability and consideration of site-specific factors*" (paragraph 009 reference ID: 63-009-20190626). The policy does not allow these factors to be taken into consideration and is therefore not consistent with NPPG.

Question 23: What is the justification for requiring schemes of over 100 dwellings to provide at least 2% of private housing and 5% of affordable housing as Category 3 properties?

- 2.5 FBC's Specialist Housing Topic Paper Chapter 3 sets out the evidence base for requiring 2% of private housing and 5% of affordable housing as Category 3 properties, based on the number of people living in the borough in bad health (2011 Census). The resulting figure was used as an indicator of the current need for wheelchair housing. However, the evidence base does not differentiate between people in bad health requiring wheelchair accessible housing and people in bad health not requiring wheelchair accessible housing in private and affordable housing. The evidence base refers to a 2011/2012 survey which shows that 3.3% in England are households with one or more wheelchair users.
- 2.6 In line with para 2.4 above, the policy is not consistent with the NPPG in reference to the need "*to be based on evidence of need, viability and consideration of site-specific factors*" (paragraph 009 reference ID: 63-009-20190626) and should therefore enable greater flexibility in regard to the percentage of affordable and market housing that should be provided as Category 3 properties.

Question 24: How have the costs associated with the requirements in Policy HP7 been taken into account as part of the Plan's preparation?

- 2.7 The associated costs are set out in the undertaken Viability Assessment (November 2019), with an allowance of £1,101 to £2,687 (1-4 beds) for M4(2) and £10,926 to £27,635 for M4(3) based on the government's impact assessment. A further contingency of £10,000 per unit is included within the testing to allow for future changes.

Question 25: How does the Plan account for situations where it may not be suitable or viable to provide adaptable and accessible homes? Is the policy effective?

- 2.8 In respect to the blanket requirements for accessible and adaptable dwellings standards on all sites, these are considered inflexible and, as stated in para 2.4 and 2.6, not consistent with the NPPG. Site specific wording should be added to caveat the policy, confirming exceptions can be made where applicants and/or applications can demonstrate that achievement of a standard is not possible, practical, or economically viable in relation to a development proposal, in order to accord with the NPPG.
- 2.9 In light of the above, it is recommended to add additional text to the policy, stating: *"Unless it can be demonstrated that accessible or adaptable dwellings are not required, would make a development unviable or are not practicable from a site-specific basis"*.

HP 9 Self and Custom Build Homes

Question 27: What is the current demand for self and custom-build housing in Fareham? How does Policy HP9 relate to the identified need?

- 2.10 The supporting Background Paper "Self and Custom Build Housing" (September 2020) Appendix 1, notes that 79 people are registered on the Council's self-build list, with a range of different requirements that they are seeking. For example, the questionnaire undertaken with the registered individuals revealed that there is a clear indication that most people want a detached property, with a preference to either medium or large plots.
- 2.11 The policy requires 10% of the overall dwellings on sites over 40 dwellings to be provided through the provision of plots for sale to address the need. With regard to the 79 registered people on the Council's self-build list, there would likely be a significant oversupply if all development over 40 dwellings provided 10% of the scheme as custom and self-build.

Question 28: What is the threshold of 40 or more dwellings based on, and what is the justification for requiring 10% of the dwelling capacity to be provided as self-build and custom build plots?

- 2.12 The Self and Custom Build Background Paper states that the percentage policy on plots sized 40 or more dwellings ensures that self-build will not rely entirely on windfall contributions.
- 2.13 The informative text para 5.70 refers to policy WEL21 of the Welborne Plan (2015), which requires 1% of all dwellings to be provided for self and custom build during the lifetime of the Welborne development, equating to 60 fully serviced self and custom build plots. The Council's evidence base does not demonstrate or

justify why the requirement for self and custom build dwellings for large-scale developments is 10%, which is a significant increase compared to the requirements of the Welborne development. This is particularly not justified given the limited number of registered individuals shown in the Council's Self and Custom Build Background Paper.

Question 32: Is it clear to decision-makers, developers and local communities how the policy will be applied? Is it sufficiently flexible?

- 2.14 This policy as currently worded is not achievable or justified by demand, nor is it sufficiently flexible.
- 2.15 Most strategic-scale sites are brought forward by housebuilders who seek to masterplan their developments comprehensively and provide shared infrastructure and open space. It is considered extremely challenging to incorporate self-build plots effectively into strategic sites. The blanket requirement would likely lead to a delay in completions, as not all large-scale sites would suit the needs and varied requirements of registered individuals. In addition, as stated in para 2.11, it is considered that the policy would lead to a significant oversupply.
- 2.16 Miller Homes does not object to the inclusion of self-build opportunities, but considers that specific suitable sites should be identified for this sole purpose, with regard to the identified requirements of registered individuals.
- 2.17 If the LPA continues with the inclusion of self-build housing on large development sites (of 40 or more dwellings), in order to be justified and effective, it should be supported with appropriate evidence to demonstrate such demand, and parameters should be established within policy to ensure overall conformance with the masterplan and architectural style.

3.0 Conclusions

- 3.1 Miller Homes supports the LPA's approach to progressing the Local Plan 2037 and the general need to include adaptable and accessible dwellings, and self and custom build dwellings.
- 3.2 However, MH does not agree with the approach taken with the blanket requirements of policy HP7 or the inflexible wording of policy HP9 and its lack of justification, and therefore requests the policies to be amended to ensure they are sound, justifiable and consistent with National Policy.