

8 December 2017
Delivered by email

Planning Policy
Fareham Borough Council
Civic Offices
Civic Way
Fareham
Hampshire
PO16 7AZ

Ref: RESR3002 &
RESW3007

Dear Sirs,

REPRESENTATIONS TO FAREHAM BOROUGH DRAFT LOCAL PLAN 2036

On behalf of our client, Reside Developments Ltd (Reside), we write to make representations to the current consultation on the Fareham Borough Draft Local Plan 2036 (DLP).

The Council will be aware that Reside control land to the west of Funtley and to the north and south of Funtley Road. Both sites were submitted to the Council for consideration as potential housing sites in response to a call-for-sites exercise and were assessed within the Council's SHLAA. The SHLAA concludes that both sites are suitable, achievable and available. Reside supports the overall conclusions of the SHLAA.

Both sites have now been taken forward as housing allocations within the DLP. The urban area of Funtley has been realigned to include the sites within it.

Reside fully supports the amendment to the urban areas and the principle of the proposed allocations:

- HA10 Funtley Road South, Funtley
- HA18 Funtley Road North, Funtley

Sustainable / accessible location

As implied by the draft allocations, both sites are accessible and sustainable locations for development. This conclusion is supported by our client and by comments received by the Council's Transport Planner in relation to the planning application for Funtley North (HA18) (which are considered equally applicable to Funtley South site):

*'It is accepted that, whilst the site is fairly remote from a number of facilities, **it is served by an hourly bus service and is within walking and cycling distance of most routine travel attractors.**' (Turley emphasis).*

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As part of the Funtley North application, a Travel Plan has been submitted to encourage modal shift to non-car transport modes. A similar approach will be replicated for the Funtley South site, and would in fact be required by the Fareham's local planning application requirements were the capacity of the site increased in line with recommendations set out below.

As part of the Funtley North application, options are also being considered to improve the permeability of the site through provision of a financial contribution towards improvements to the Deviation Line (a Public Bridle Way which links to Fareham North via an M27 underpass) to support cycling and walking. This will enhance the situation for the new residents of the proposed scheme, and will also benefit the wider public and community of Funtley.

The distances to key facilities and services, using the Deviation Line, as a potential route, are set out in the table below (this updates the table provided in the Transport Assessment supporting the application). 'Guidelines for Providing for Journeys on Foot' (CIHT, 2000) notes that the maximum walk distance for commuting purposes or school trips is two kilometres. The table shows many of the facilities and services being well within recommended two kilometre walking distance.

Facility	Distance from Site
Miner's Arms Public House	500 metres
McColls Newsagent, post office and convenience store	1,200 metres
Village Express, Knowle	1,300 metres
Co-operative Food	1,900 metres
Fareham Pharmacy	1,800 metres
Aldi	3,600 metres
Gudgeheath Lane Surgery (Doctors)	2,000 metres
The Highlands Practice (Doctors and Dentists)	1,800 metres
Oasis Dental Care Wessex	3,300 metres
Orchard Lea Infant and Junior Schools	1,600 metres
Upland Primary School	2,100 metres
Henry Cort Community College (Secondary)	1,600 metres
Fareham Shopping Centre	3,600 metres
Funtley Court Employment Centre (including Café)	1,100 metres
Knowle Village Business Park	1,300 metres

The conclusions reached by the Council's Transport Planner during the application concluded the site to be accessible, even without considering the Deviation Line as a potential route. Were this route to be considered the assessment would have been even more favourable.

It is noted that the SHLAA assessment for HA18 indicates that the site is 'isolated'. The issue of what constitutes an isolated dwelling was considered in the court of appeal ([2017] EWCA Civ 141) where it was held that a new dwelling within the curtilage of an existing structure will not be an "isolated" home.

This issue was discussed more recently at appeal (PINS Ref: 3171031 dated 19th October 2017). Given that the site is surrounded on three sides by existing residential development, it cannot be said to be isolated. Reside object to this comment in the SHLAA and request it be deleted.

Highways

Reside has engaged proactively with the public and local councillors in respect of developing the proposal for the site. Comments received through this process indicated that local roads are not capable of taking traffic and west of the railway bridge is dangerous. With regards to impact on the surrounding road network, this was considered in relation to the Funtley North application. The Council's Transport Planner, requested consideration of the impact of the development on key junctions including:

- River Lane/Titchfield Road priority junction; and
- Kiln Road/Park Lane signalised junction.

The conclusions reached in the TA indicate that traffic through both junctions would be negligible. The Council's Transport Planner confirmed that the 'traffic generated would be low' and would have 'no material impact on the road network'. Extrapolating this assessment to consider the impact including Funtley South indicates that the junctions would operate within capacity, and well below the 'severe impact' threshold set out in the NPPF. Regarding the safety of the Bridge, neither the Highways Authority, the Council's Transport Officer or Network Rail have raised concerns with increased traffic flow over the bridge.

Concerns have also been raised in relation to speeding with reference made to four recent "serious accidents". Personal Injury Accident (PIA) data was compiled as part of the Funtley North application. This considered Funtley Road and River Lane, as well as sections of Funtley Hill, Fontley Road and Titchfield Lane. The accident record data for the latest five-year period indicates a total of six slight incidents, all of which all resulted in slight injuries. The majority of accidents occurred along Funtley Road, east of the railway bridge away from this site, with the exception of two occurring on Titchfield Lane and Funtley Hill. The majority of incidents involved the driver or rider losing control due to excessive speed or a poor manoeuvre. Two incidents involved motorcyclists, with a further incident involving a cyclist. No incidents involved pedestrians.

Comments on draft allocations

However, in order to ensure that the proposed allocation does not unduly constrain the development potential of the sites we request several changes to the draft allocation policies, as set out below. These will enable the full development potential of the site to be realised in terms of delivering housing, whilst taking account of key constraints. Each proposed allocation is considered below.

Funtley Road South, Funtley

Policy HA10 proposes the site for allocation. The allocation policy is supported by a Development Framework (Appendix C) which sets out a number of principles in relation to the site and sets out a plan showing the arrangement of land uses. As advocated by the Planning Practice Guidance (Paragraph: 032 Reference ID: 26-032-20140306), to allow greater flexibility and allow for changing circumstances, it is suggested that it is made clear within the DLP that the Framework Plan is a guide and should be viewed as being indicative.

Site capacity

The policy sets out a site capacity of 55 units by applying a density of 20dph. This capacity is too low, as discussed in greater detail below.

The National Planning Policy Framework (NPPF) requires planning policies encourage the effective use of land (paragraph 111). Although this element of the NPPF is drafted in relation to the reuse of brownfield land, the principle of an efficient use of land and resources is considered equally applicable to greenfield allocation sites.

A Site Promotion Document has been submitted to the Council previously. This is attached for information. The Promotion Document was informed by LVIA (also attached) that demonstrated that the site/area is not sensitive in landscape terms and can accommodate 120 dwellings within a higher density for of development, than that currently proposed in the DLP. Reside have also commissioned further analysis (also attached) to further refine the capacity of the site. This document sets out the rationale and options available for increasing the capacity of the site, based on a tissue study of the density of development in the local area. The analysis tests a number of density scenarios, and confirm that a range of between 90 and 126 dwellings should be accommodated within the site. The tissue analysis undertaken shows that this quantum of development would not be out of keeping with the adjoining built form. It is recommended that the site capacity is increased to the upper limit of 126 dwellings, particularly given the likely increases in the Borough's housing requirements as indicted above. As a general point, it is considered that the allocation capacities should also be preceded by the term 'around' or 'as a minimum' to give added flexibility to the policies, and so the plan is clear these are not to be viewed as caps.

Open space

The supporting documents referenced above also set out proposal for a community park, which will provide a significant quantum of open space for the benefit of the existing community and new residents. The open space designation to the north-west of the site is also proposed for deletion from the adopted Proposal Map. Given that this was abandoned many years ago (and is now in use as a paddock), the change is supported.

Community building

Criterion i) of the policy requires provision of a new community building. The provision of new community space is supported and proposed by Reside, where there is evidence of need or demand. However, this was proposed as part of a larger scheme for circa 120 dwellings, where the reduction in the number of dwellings makes the site less viable. There is a concern that a new community facility would undermine the viability of existing community facility in Funtley. Whilst Reside do not object to this proposal it is suggested that the criterion and supporting text is amended as follows:

*'i) The provision of a building/ buildings for community uses, located in an accessible location to enable a range of uses for both existing and new residents, **where evidence of need and demand exists**; and*

*Additionally, the delivery of the ~~community uses building and~~ the public open space ~~are-is~~ **critical elements** in making the development acceptable, by providing additional assets for both the existing and new community. The community building envisaged is one that is multi-functional and flexible to allow for a range of small-scale community uses **provided this does not undermine the viability of the existing community building in Funtley**, whilst the proposed public open space should be more informal in nature, to take account of and strengthen the landscape setting.'*

Contributions

Criterion j) sets out the infrastructure to be funded by development within the allocation site.

It is unclear whether this list relates to funding through CIL and/or Legal Agreement. Greater clarity is required. It is noted that the Council's current Regulation 123 would suggest that local schools and early-years childcare infrastructure may be more appropriately funded through CIL. This is confirmed through recent correspondence received by the Local Education Authority in relation to another site in the Borough

(attached). Bullet point 3 of criterion j) also references provision of off-site open space, but the plan is unclear as what this relates to. For the avoidance of doubt, any off-site open space provision should be defined in the policy or removed as a policy requirement. Finally, Reside's proposals include the provision of open space and play space which can be provided directly and would not require financial contribution. In light of the above, and for clarity, it is suggested that criterion j) is reworded as follows:

j) Proposals shall provide on-site:

- *Public open space (as illustratively shown in Appendix G) (in line with the Council's Planning Obligations SPD); and*
- *a Local Area of Play (LEAP) (in line with the Council's Planning Obligations SPD).*

h) Proposals shall provide a financial contribution towards the delivery of off-site highway improvement and mitigations works, where required

Access

The Development Framework Plan indicated provision of two separate vehicular access points. Two points of access is considered unnecessary and could have the effect of further urbanising the Funtley Road (particularly when considered with the H18 allocation). Reside's submitted plans accommodate a single vehicular point of access where the existing farm access is located. An emergency access is proposed opposite, the pedestrian access to the Funtley North (HA18) site (refer to planning application proposal), and would allow non-vehicular permeability between the sites. Reside's access arrangements are considered more appropriate; the Development Framework Plan should be amended accordingly.

Reside are currently working on a planning application for the site, which will be informed by further technical work, and will have regard to the Council allocation proposal, subject to the points raised in the representation.

Funtley Road North, Funtley

Planning Context

An outline planning application for the above site (LPA reference P/17/0045/OA), was withdrawn 24th May 2017 for 27 new dwellings. Two issues remained unresolved: the accessibility of the site and drainage. A second application for 27 units (P/17/1135/OA) has been submitted addressing the above issues, and is awaiting determination.

A revised drainage FRA and Drainage Strategy was submitted with this application. This has and has been agreed by the Lead Flood Authority. Drainage has been resolved. There are therefore no statutory consultee objections to this site being developed.

In terms of accessibility, as part of the Consultation on the application, the Council's Transport Officer advised that the site is accessible to key travel attractors. Reside have also submitted a Travel Plan, which will encourage modal shift to non-car modes of transport. The Council's proposal to allocate the site implies that it is accessible and represents a sustainable location for development. This conclusion is supported by Reside.

As such there are no technical issues that would constraint development.

Allocation Policy

Policy HA18 proposes the site for allocation with a capacity of 23 units.

The capacity of our client's site, as set out in the extant application, has been devised based on the thorough assessment of site constraints and opportunities and by drawing on the site's context, in consultation with officers (including the Council's urban designer). This has indicated that the capacity of the site can marginally exceed that set out in the DLP and would not be out of keeping with the character of the area, including the adjoining development. Following a review of the Council's SHLAA, it would appear that the 27 unit capacity stems from the Council's assumption of 80% of the site being developable to accommodate on site open space. However, as agreed with officer's through on-going discussions on the planning application, it was agreed that on-site open space is not required.

The capacity of the site as set out in the Policy H1 text and Table DA2 should therefore be revised upwards to 27 to take account of the planning application.

Policy HA18 also sets out a number of development principles for development. The principles reflect the current application proposals, and are broadly supported. It is highlighted, however, that criterion d) sets out a requirement to allow for a footway along Funtley Road from the site entrance. The application proposal indicates a separate pedestrian access point to the south-east corner of the site where the existing farm access is located, with a footway to linking with the existing path further east of the site. The rationale for the approach taken in the application proposal is to limit the impact of development on the hedge and further urbanisation of Funtley Lane. Furthermore, the provision of a crossing point to enable access to the open space and LEAP at Funtley road is covered with the HA10 allocation policy text (criterion d), and should be deleted as a requirement for HA18. The following revised wording is therefore suggested:

*'d) Proposals shall allow for a footway **connecting the site with the existing footway to the east along Funtley Road from the site entrance, as well as a safe crossing point of Funtley Road to enable access to the open space and LEAP at Funtley Road South housing allocation (HA10);'***

Contributions

Criterion f) of HA18 sets out infrastructure to be funded by development within the allocation site. Again, it is unclear whether this list relates to funding through CIL and/or Legal Agreement. The Council's current Regulation 123 would suggest that bullets 2, 3 and 4 may be more appropriately funded through CIL. Furthermore, as the HA10 allocation will be providing open space and play space directly, it would appear that any financial contribution towards this provision would represents double counting.

Drainage

It is understood that local members have raised concerns regarding drainage and flooding at the site. This issue was unresolved at the point at which the first planning application for the site was withdrawn.

Refinement of the drainage strategy has since been carried out, and has been approved by the lead flood authority, Hampshire County Council. A summary of the drainage strategy is set out below for ease of reference.

The strategy is to route the surface water to the existing watercourse at the northwest, near to the railway embankment. This is lower than the site and so will flow under gravity. A control device (which is a shaped orifice) will restrict the flow rate to the existing site's greenfield runoff rate. In this way the flow rate of the development will mimic the current flow rate.

Funtley Road is higher than the site, so the surface flooding that occurs sometimes here is independent of the application site. This happens before reaching this site. Surface water flooding occurs, generally, due to a combination of 'ground conditions' and 'sewers' that cannot deal with it.

Borough-wide draft Local Plan Policies

In addition to commenting on the proposed allocation of the Upper Site we wish to comment on several draft policies which could impact upon bringing the allocation forward for development. These policies are:

- H1: Strategic Housing Requirement
- SP7: New Residential Development in the Countryside
- INF1: Infrastructure Delivery

Strategic Housing Provision

Policy H1 sets out a requirement of 11,300 net additional dwellings to be delivered within the 24 year plan period between 2011/12 – 2035/36.

Our client welcomes the review of the local plan and recognition by the Council through the DLP that housing requirements must be increased substantially from the low base in the Core Strategy if it is to meet identified housing needs. However, there is a concern that the HA1 requirement is too low.

The recently published Government consultation on Local Housing Need suggests increases to the housing requirement for the Borough from 452dpa (average) as set out in DLP, to 531dpa as per the Government requirement (not including any duty to co-operate uplift). Although this proposal is still at consultation stage, it is important that the Council is aware of its implications, and the potential for further supply to be identified to meet needs. The DLP should be sufficiently flexible to meet this uplift should the Government take the proposals forward.

Policy H1 set out a stepped housing requirement which is summarised below:

- 300 dwellings per annum for 6 years (2011/2012 – 2016/2017)
- 420 dwellings per annum for 4 years (2017/2018 – 2020/2021)
- 620 dwellings per annum for 10 years (2021/2022 – 2030/2031)
- 324 dwellings per annum for 5 years (2031/2032 – 2035/2036)

Notwithstanding our concerns regarding whether the overall housing requirement is adequate, we are unconvinced that justification for this phased delivery as set out in the plan is adequate.

For the first 6 years of the plan, the requirement falls short of OAN (420dpa). The OAN is then planned to be met in subsequent 4 years. The phased requirement delays the short term delivery, and is not supported by any phasing in the SHMA. Housing need that is not met in the first 6 years of the plan (2011/2012 – 2016/2017) will not be picked up until year 10 from the DLP start date (i.e. 2021/2022 – 2030/2031).

The NPPF seeks to boost significantly the supply of housing delivery. It does not advocate delays to housing delivery through local plans. The Government is clear that the delivery of new homes in the short term is crucial. As recognised in the Housing White Paper List of Proposals: Step 2 homes must be built faster. The approach taken in the H1 fails to recognise this policy agenda.

The implications of this approach on the delivery of affordable housing is also concerning. The majority of new affordable housing stock will be brought forward in conjunction with market housing. It is important that the Local Plan does not push back planned housing delivery and exacerbate the affordable housing

delivery problem in the Borough. This is particularly important given that the Council has failed to meet its Corporate Target for affordable housing (84 dpa) to date, which is itself significantly below identified need of 175 – 385 dpa. Consistent under delivery has led to a significant backlog of affordable housing when considered against the Council's own evidence on affordable housing need.

The delivery expectations of the Council for Welborne have been inaccurate. Appeal inspectors have consistency considered the Council's assumptions regarding delivery to be unrealistic. Using the anticipated development trajectory for Welborne as a basis for reducing short-term requirement is therefore not a robust planning approach. Providing the requirement as a simple annual average across the plan period would be a more practical and positive approach to plan making in line with the NPPF.

New Residential Development in the Countryside

The policy sets out a presumption against new residential development outside of the urban area. However, the policy is inflexible as it does not provide guidance as to approach to be taken by the Council in determining applications for housing in the absence of a five year housing land supply.

Policy DSP40 of the adopted Local Plan Part 2 sets out a number of criteria against which such applications will be considered where a five year housing land supply deficit is demonstrated.

Contingency policy measures, similar to those in DSP40, should be written into the DLP to avoid a policy vacuum were the Council to fall short of delivering its short term housing requirements. This is particularly important given the significant reliance that the Council is placing on Welborne in terms of its contribution toward the Borough's housing supply.

Infrastructure Delivery

With regards to criterion d) of policy INF1, it is not considered appropriate for a developer to provide infrastructure to secure high speed broadband connections as this is completely out of their control and reliant on third party providers. To require provision, where none is currently planned for, by the providers would come at great expense and make sites unviable. The following wording is therefore suggested.

*'The developer to provide suitable infrastructure **within the site and homes to facilitate and allow for secure** high-speed broadband connections to serve the development, **where this is demonstrated to be viable/available**. This shall include electrical sockets, storage and sufficient space in dwellings to support opportunities for homeworking.'*

Conclusion

Reside support the principle of the HA10 and H18 proposed allocations but expresses concerns with regards to detailed elements of the policies set out above. Reside welcomes the opportunity to discuss the above suggested policy changes with the Council in due course.

We thank the Council for this opportunity to comment on the Draft Local Plan and look forward to further dialogue.

Yours sincerely,

