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Subject: Representations upon the Neighbourhood Plan

Dear Sirs

TITCHFIELD NEIGHBOURHOOD PLAN 2018 TO 2034

REPRESENTATIONS SUBMITTED ON BEHALF OF FOREMAN HOMES LTD

General

As the Forum will be aware, our client, Foreman Homes Ltd, has a controlling interest in land to the east of Posbrook Lane which was the subject of a refused planning application for up to 150 dwellings (LPA Ref: P/17/0681/OA) and is to be considered at an appeal.

Plans and particulars are submitted in support of our representations as follows:

- Land east of Posbrook Lane, Titchfield – Red Line Site Location Plan No. 16.092.02/E
- Land east of Posbrook Lane, Titchfield – Illustrative Masterplan No. 16/092.02/F
- Land east of Posbrook Lane, Titchfield – LVIA

Assessment of the Neighbourhood Plan against the Basic Conditions

In terms of assessing the appropriateness of the consultation draft Neighbourhood Plan (“NP”), it must meet the “Basic Conditions” set out in Law [paragraph 8[2] of Schedule 4B of the Town and Country Planning Act 1990].

In order to meet the Basic Conditions, the NP must:

- Have regard to national policies advice contained in guidance issued by the Secretary of State;
- Contribute to the achievement of sustainable development;
- Be in general conformity with the strategic policies of the development plan for the area; and
- Be compatible with EU obligations.

As set out in the National Planning Practice Guidance (“PPG”), Neighbourhood Plans can come forward before an up to date Local Plan (as would be the case here in so far as the development plan for Fareham Borough Council is out of date and the emerging Local Plan is yet to advance beyond the Regulation 18 stage).

In addition, the Planning Practice Guidance states at paragraph 009 Reference ID: 41-009-20140306 as follows:

“It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging local plan. This is because Section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy in the last document to become part of the development plan”

On the basis of the foregoing, it follows that an emerging NP should seek to be consistent with the content of an emerging Local Plan and must not introduce unnecessary and/or restrictive policies that could constrain the ability of a future Borough wide Local Plan to meet its objectives. In such circumstances the NP could otherwise quickly become out of date. It is our position that the housing chapter (chapter 9) and the policies and proposals contained therein are inconsistent with national planning policy. We are also of the view that they fail to contribute towards sustainable development.

For the reasons set out below, we consider that the NP does not meet the Basic Conditions and should not be submitted for examination in its present form.

Chapter 9 – Housing

Introduction

Pursuant to the provisions at paragraph 214 of the recent revision to the National Planning Policy Framework (“NPPF”) (published 24th July 2018), it is acknowledged that the policies of the previous NPPF (March 2012) will apply for the purpose of examining Neighbourhood Plans, where those plans are submitted on or before 24 January 2019. Accordingly, if the Neighbourhood Plan is not submitted for its examination by this date, it will fall to be examined on the basis of the

revised NPPF. We have prepared our response(s) on this basis.

The housing chapter has been informed by the content of the Housing Needs Assessment undertaken by AECOM as set out at Appendix 31 to the Plan.

The content of the HNA (August 2017) identifies a need for 262 dwellings to be met in the Titchfield NP Area during the period 2018 to 2034. This is reflected in the content at section 9.3 of the NP.

Paragraph 19 of the executive summary to the HNA states that the 262 figures was derived using a 'mean' of 3 different projections. Projections 1, 2 and 3 are listed at paragraph 15 to the executive summary and comprise as follows:

1. The last PUSH Position Statement (PSPS) which produces a target of 305 dwellings between 2017 and 2034 or 18 homes per year (rounded);
2. SHSHMA - proportional share drawn from OAN which produces a target of 254 dwellings over the plan period, or 15 per year;
3. DCLG Household projections which generates a target of dwellings of 226, or 13 dwellings per year (rounded) over the plan period;

We are of the view that this approach fails to provide for a robust target requirement, which is, in any event, out of step with the increased housing requirement identified for Fareham Borough when the requirement is calculated on the basis of the approach set out in the revised NPPF (July 2018 version) - on which basis the emerging Fareham Local Plan is to be examined.

The blended approach to deriving a housing requirement for the NP area that is being advanced by the Forum cannot be said to have regard to the approach set out in national advice (the NPPF).

Projections 1, 2 and 3 above also fail to take account of the housing requirement set out at Policy H1 of the consultation draft (Regulation) Fareham Borough Local Plan which plans for 11,000 dwellings in the period 2011 to 2036, an average of 452dpa.

The HNA was published in August 2017 and pre-dates the content of the Regulation 18 draft Local Plan.

The inclusion of this requirement results in a mean figure of 309 dwellings.

Moreover, and when the requirement derived from the standardised methodology is added (which method will need to be applied in relation to preparation of the emerging Local Plan), the mean requirement would be 356 dwellings.

Notwithstanding the above, and regardless of the housing requirement to be applied, pursuant to the conclusion(s) in the recent Cranleigh Road appeal decision (APP/A1720/W/16/3156344) (August 2017), Fareham Borough Council accepts that the policies of the development plan relevant to the supply of housing, including in relation to the settlement boundaries are out of date. This engages the presumption in favour of sustainable development at paragraph 11 of the NPPF.

The NP is only proposing a minor revision to the settlement boundary in order to include existing residential properties in Southampton Hill. No other amendments are proposed in order to reflect any suggested housing allocations - in so far as none are proposed as part of the NP (section 9.6 refers).

Paragraph 1.2 of the NP refers to the content of Policy H1 of the draft Regulation 18 Local Plan but then goes on to say that the NP can rely upon the delivery of housing from windfall sites to meet its need.

This approach does not meet the basic conditions and nor can it be said to be correct.

The housing requirement is based upon evidence that fails to reflect identified housing need and as such the housing need to be met in Fareham. As a result, Titchfield's contribution to meeting that need is greater than that currently envisaged in the NP.

Paragraph 16 of the March 2012 NPPF refers to the application of the presumption in favour of sustainable development, stating that it will have implications for how communities engage in neighbourhood planning. It also adds that this will mean that neighbourhoods should develop plans that support the strategic development needs set out in Local Plans, including policies for housing and economic development.

Para 184 states that the ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. It is further added that NPs must be in general conformity with the strategic policies of the Local Plan and

that they should not promote less development than set out in the Local Plan or undermine its strategic policies.

As set out above and in so far as the development plan policies for the supply of housing in Fareham are out of date, there is a policy vacuum, with the best sources of assessing the derivation of an appropriate housing requirement to be found in the SHMA, the recent PUSH Statement and the standardised methodology.

Titchfield plays an important role in the settlement hierarchy in the context of Borough-wide planning decisions and it would be counter to the aims and objectives of the NPPF to boost significantly the supply of housing were the NP to be advanced with a requirement below that which is required. This would serve to frustrate otherwise sustainable development. This would not meet the basic conditions.

On the basis of the foregoing the NP should be subject to a further round of consultation in order for the HNA to reflect the increased housing requirement from more up to date evidence than was the case when the HNA was published.

A necessary increase in the housing requirement is likely to require the identification of specific site allocations.

In addition to the above, a made NP will form part of the development plan against which planning applications are to be determined. In this context, its application would be on the basis of the content of the new NPPF (July 2018). In this regard, paragraphs 14, 29, 37, 50, 65 and 66 are of particular relevance.

In the context of paragraph 14, the NP would not carry full weight given the absence of site allocations, such that any conflict with it would need to be weighed in the overall planning balance in a scenario where Fareham Borough accepts that the development plan is out of date (thus engaging the presumption at paragraph 11 of the NPPF); and in a scenario where the Council is also unable to demonstrate a five year supply of deliverable housing land (the second route to triggering the presumption).

Including for the reasons set out above the NP should be subject to re-consultation to allow for consultation on an evidence-based housing target as well as in relation to necessary site allocations to meet that requirement.

Omission of Land East of Posbrook Lane, Titchfield as a Housing Allocation

We object to the omission of land east of Posbrook Lane as a housing allocation in helping to meet identified needs.

The site is subject to a current appeal and is also being promoted through the Local Plan process.

The Forum's assessment of the site is included at Appendix 34 to the NP. It has been given Site Ref THS11 and includes to a much larger area than that proposed in relation to the planning application for up to 150 dwellings (LPA Ref: P/17/0681/OA and PINS Ref: 3194846). Details are shown on the accompanying illustrative masterplan.

The Forum's assessment of the site on page 391 of Appendix 34 states in terms of the 'reason for discounting' the site are that it is in a highly sensitive landscape and that it is within flood zones 2 and 3.

It is only the eastern part of the site that is within flood zones 2 and 3. This does not form part of the area proposed for development under the current planning application for up to 150 dwellings and nor are there any ecological reasons for refusal from the Borough Council that could not otherwise be mitigated in the form of a financial obligation and/or the imposition of appropriately worded condition(s) to any planning permissions.

As to landscape matters, these are currently being addressed in evidence for the aforementioned appeal and the appropriateness of the scheme proposing development of the site for up to 150 dwellings is also supported by the form and content of the accompanying LVIA which assesses the extent to which the development proposals would affect the functionality of the strategic gap.

In setting out this assessment, the integrity and effectiveness of a gap is not only a question of its physical extent, but also how it is perceived. The Borough Council's Landscape Assessment carried out in relation to the strategic gaps concurs with this basic principle.

The accompanying LVIA concludes that the proposed development would have no significant effect on the function and effectiveness of the strategic gap between Titchfield and Stubbington. Furthermore, the form of mitigation planting as envisaged in the illustrative masterplan would enhance the definition of the settlement edge and gradually improve the visual separation between the settlements once it has established.

The Borough Council's Landscape Assessment regarded all of the existing gap as one cohesive landscape, extending right

up to the settlement edge, and concluded that even a minor encroachment into the gap could affect the functionality of the gap as a whole. However, that assessment has clearly identified the Site as having urban fringe characteristics, which therefore differentiates it from the rest of the valley. These urban fringe characteristics also mean that there is not a strong and well-defined boundary between the settlement and the gap in this location.

It is for these reasons that we are of the view that the Site should be excluded from the strategic gap designation as shown in the NP.

As set out in the decision notice for the 150 dwelling scheme, there are no highway or other technical objections and/or reasons for refusal.

The site represents a sustainable development opportunity that can help meet the need for housing in a location that would not adversely impact upon the role and function of the strategic gap and would provide the necessary certainty in delivery terms having regard to the need for and provision of housing (including much needed affordable) in helping to meet identified needs at the NP and Borough-wide level.

Including for the above reasons, we are of the view that the site should be allocated for development in the NP in order to help meet identified housing needs in a sustainable manner.

#### Summary

Consistent with our approach set out above:

- The NP does not meet the basic conditions set out in the Planning Act.
- The NP should be subject to a further round of consultation in so far as the housing target set out in the housing chapter fails to provide for a level of housing that is justified by the evidence base.
- The strategic gap policy should exclude land to the east of Posbrook Lane.
- The land to the east of Posbrook Lane should be allocated for up to 150 dwellings in order to help meet identified housing needs in a sustainable location.

We trust the above comments are of assistance and we await confirmation of receipt of our representations in due course.

Yours faithfully

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Enc.