

## **WINCHESTER DISTRICT LOCAL PLAN PART 2-EXAMINATION**

### **HEARING STATEMENT ON BEHALF OF PENNYFARTHING HOMES (RESPONDANT NO. 51072) IN RESPECT TO CHAPTER 4.7 AND POLICIES WC1, WC2, WC3 AND WC4.**

#### **Introduction.**

1. This Statement relates to land known as Van Diemens Field which originally formed part of a far larger area identified within the 2013 SHLAA as site 1894 and eventually comprising a number of smaller sites. It is the respondent's case that the site in question can accommodate up to 60 houses together with recreational and community facilities. Attached to this Statement at Appendix 1 is an Ordnance Survey extract showing the subject site outlined in red.

#### **The Local Plan Process.**

2. A case in support of a housing allocation was made within a response to the Local Plan Part 2 – Development Management and Site Allocations (LPP2) as part of the consultation procedure expiring on 21<sup>st</sup> December 2015. The basis for the representation was that the appraisal of the site was inadequate in that it was not properly assessed in comparison to the sites which are proposed for allocation. In addition it was the stated case that the Plan is unsound because it is based upon an outdated evidence base.
3. The detailed case relating to the inadequacy of the appraisal process was explained within the response at the previous draft stage of the Plan process and referred to various submissions and appraisals made during 2014 which clearly indicated that the site compared favourably to those already included within the draft Plan. As requested within the Briefing Note from the Inspector, these comments are not repeated within this Statement but remain relevant and reference is made to the full submission made on behalf of Pennyfarthing Homes (51072) in December 2014 and in response to the Draft Local Plan Part 2: Development Management and Site Allocations.
4. In particular, a chronology of the promotion, particularly to the Parish Council, is provided which indicates that a full awareness of the attributes of the site were clearly and publicly explained at a time when the LLP2 was still in the preparation stage. In particular the following points were made:
  - Lower Chase Road is suitable to accommodate the traffic generation from development. (there is no difference in width and character to Clewers Lane WC2 and Sandy Lane WC3).
  - A suitable means of access can be provided along the site frontage.
  - The land is in single ownership and the landowner will make the site available.
  - The site is deliverable through the actions of an operating local developer.

- The site is entirely within Flood Zone 1.
  - The site is well enclosed by mature vegetation.
  - The land is low quality grade in agricultural terms and has little ecological value.
  - The site has no nature conservation designations.
  - The site is not contaminated.
  - The site adjoins the settlement boundary.
  - Development will relate well to the village.
  - There are no archaeological constraints.
5. In response to the representations made on behalf of Pennyfarthing, a report was presented to the Local Plans Cabinet at their meeting on 12 March 2015 which detailed the main points of the case. However, insufficient work had been done by the Council at that time in order to properly appraise the case and it was stated that a further report would be made at a future meeting.
  6. However, within this period, actions were already underway in order to formalise the development potential of the other sites proposed to be allocated.
    - Site WC4:- Development proposals for the sites located to the north and south of Forest Road were the subject of pre-app negotiations commencing September 2014 resulting in an application being submitted in May 2015. The application for 81 houses was approved in March 2016.
    - Site WC2:- An application for the provision of 30 houses on land at Clewers Lane was validated in March 2014 and approved in July 2015.
    - Site WC3:- An application for 63 houses was validated in December 2015, following a pre-app process which commenced in June 2015.
  7. Therefore, of the five sites which are proposed to be allocated at Waltham Chase within the LLP2, which is only partly Examined, 2 already have planning permission and the fourth is progressing, it must be assumed, with the support of the Council.
  8. Yet, in spite of the support being given to the prospective allocated sites, a report was presented to the meeting of the Local Plans Cabinet on 16 September 2015 which assessed the development potential of land at Van Diemens Field. It was the conclusion of the report that there are no compelling reasons to allocate the site in preference to any other sites previously identified.
  9. Setting aside the technical reasons given to justify such a conclusion (all of which are disputed by the respondent), this is evidence of a flawed Local Plan process because planning permission had already been granted in respect to one site and two others were the subject of detailed negotiations with the Council and, in actual fact, on their way to achieving planning permission. Whilst the actions of the Council are to be commended in respect to meeting the development needs of the area by entertaining planning applications for sites yet to be allocated, it was premature to do so prior to the only Cabinet consideration of the merits of Van Diemens Field and the Examination of the LPP2. Thus the Plan cannot be considered to be justified.
  10. One further point would be made on the consultation process, within the report to the meeting of the Local Plans Cabinet on 16 September 2015, at page 7 para 29, it is

stated that the promoters put forward a smaller site at Van Diemens Field after all the site assessment work had been completed. Nevertheless the Council did agree that additional sites would be considered against the preferred sites at that stage of the plan preparation process. However, the accuracy of this report is questioned because it was in early January 2014 that the reduced site was presented to the Parish Council and yet in March 2015, it was reported to the Local Plans Cabinet (Appendix 4 Respondent 51072 of the Committee report), that further work needed to be undertaken in order to assess the case made in support of the subject site.

11. Attached to this Statement at Appendix 2 is a copy of a letter sent to every Member of the Local Plan Cabinet prior to their meeting on 16 September 2015. Notwithstanding that the respondent's comments failed to influence a change to LPP2, it is presented as useful background to the arguments being made in respect to the failure of the process.
12. With regard to the reasons for dismissing the development potential of the subject site (Appendix F para 36 of the September Committee report refers), it is pointed out that there would be no greater intrusion into the Gap than either of the WC4 sites; no consideration was given to the perfectly viable prospect of accessing local facilities via the northern part of WC4 (it is noted that the indicative layout submitted as part of the approved planning application makes provision for both vehicular and pedestrian access) and the Waltham Chase Landscape Sensitivity Appraisal November 2013 fails to separate Van Diemens Field from the allocated site/s WC4.
13. Returning to the issue of the Strategic Gap, its extent at this point is defined by the south western edge of Swanmore which is to be established by the new allocation SW1 and the campus of Swanmore College of Technology. To contain development to the western side of Van Diemens Field, as proposed following a presentation made to the Parish Council in February 2014, would have no greater effect of intruding into the Gap than the northern part of WC4. In fact, by locating open space and community facilities on the eastern side of the site would provide greater opportunity to strengthen the relatively undeveloped character of the area between Waltham Chase and Swanmore. With regard to the indicative layouts approved as part of the planning permission relating to WC4, it is evident that this feature cannot be provided through the development of the allocated sites as no such open buffer is shown to be provided.
14. However, even had the assessment been properly undertaken, in September 2015, such was the progress being made with the allocated sites, it was already too late to undertake an objective comparison, except for the case of Morgans Yard (WC1).

### **Morgans Yard WC1**

15. Within the same report to the Local Plans Cabinet meeting on 16 September 2015, it was reported that the promoters of Morgans Yard raised concerns over the requirement to allocate a section of the site for educational purposes; the proposed employment uses; the requirement for 40% affordable housing and the viability issues regarding the cost of remediating contamination. The Council sought to

resolve the viability issue by commissioning a Land Allocation Viability Appraisal which, whilst showing that development would produce an uplift in value, does not take into consideration the cost of remediation of contaminated land; one of the very issues raised by the promoters themselves. Given that costs relating to the remediation of contamination is usually a major constraint to development, it is the view of the respondent that there must remain a very significant doubt over the true development potential of the site and thus the proposed allocation should fail to the test of effectiveness.

16. Attached to this Statement at Appendix 3 is a plan showing the proposed urban edges of Waltham Chase and Swanmore with the developable extent of Van Diemens Field shown hatched. Although illustrated simplistically, it is clear that the development of the subject site would not result in an unacceptable intrusion into the Strategic Gap.
17. It is also relevant that the failure of Morgans Yard to come forward for development, would damage the effectiveness of the other policy allocations in that the requirement to contribute to the expansion of St. John the Baptist Primary School is totally meaningless if the land is not made available as Policy WC1 requires. The fact that planning permissions have already been given without the land for a school expansion having already been secured, raises a question of the real need. Should this prove to be the case, the residual housing requirement for Waltham Chase could be met through the allocation of Van Diemens Field via Modifications to the Plan. In any event, LPP2 cannot claim to be positively prepared whilst a major doubt remains over the delivery of a major community facility.

#### **Current Housing Supply.**

18. With regard to the point made in respect to the Plan not being positively prepared, it is the case that the function of the LLP 2 is to allocate the housing provision contained within the Joint Core Strategy. The overall provision of 12,500 houses for the District comprises, inter alia, 6000 homes to be produced from the South Hampshire Urban Areas between 2011 and 2031 (West of Waterlooville and Whiteley) and 4000 homes from Winchester (partly Barton Farm). However, it is the respondent's view that this amount of housing is very unlikely to be produced from these sources and reference is made to the Council's Annual Monitoring Report 2015 in order to justify this conclusion.
19. Firstly, it is suggested, that the expectation of 200 units/year being constructed at West of Waterlooville is overly optimistic given that there are only two developers currently marketing properties at Wellington Park and Berewood; it. However, it is in respect to the other two locations where most concerns lay.
20. The Council's Annual Monitoring Report 2015 shows that by 2018, 425 houses will have been produced and yet at the halfway point of 2016, not a single property has been constructed at either Whiteley or Barton Farm. It is understood that the former has yet to achieve planning permission and once this is achieved there are a number of different land ownerships comprising the route of the new spine road. The continuous delay can be further evidenced by the fact that the last meeting of the

North Whiteley Development Forum was 3<sup>rd</sup> July 2014 and at which it was stated that in 2016, access would be provided to allow the construction of a primary school together with 100 houses. Clearly it will take many years to reach this phase and thus it proves the point that the perceived progress of the site was and still is based upon a high degree of optimism rather than a realistic assessment of major developments and the time taken in the pre-development stage.

21. With regard to Barton Farm, although planning permission has been achieved, other than an access spur, no development has occurred and there are anecdotal suggestions that the reason relates to land ownership issues. Although the Council's comment on their understanding of the current situation would be welcomed, the fact remains that the production of housing from the Barton Farm site remains many months away.
22. In any event, there are clear and obvious impediments to the delivery of the development programme contained within the Core Strategy.
23. Both these cases clearly point to an under provision of housing occurring within the whole Plan period and not an uneven production rate, which has been the accepted argument in the past (The Zurich challenge to Barton Farm).
24. This likely under provision within the Plan period will be exacerbated by the need for the Council to plan for increased housing numbers in order to meet its objectively assessed needs.

#### **Future Housing Supply.**

25. The current housing requirement has emerged from the 2012 SHMA. However, the Partnership for Urban South Hampshire (PUSH) has recently produced a Spatial Position Statement, based upon up to date housing figures, which makes provision for 104,350 new homes, which in order to boost the rate of housing delivery by 34% compared to performance over the last 19 years and representing very substantial further provision. In the case of that part of Winchester District which falls within the PUSH area, this represents an additional 9000 houses over the period 2011-2034 which is only 3 years longer than the period for which the District is currently planning. However, the Position Statement estimates that 72% of the overall total is already planned for or can be delivered in urban areas. Therefore, if this percentage is applied to the case of Winchester, another 2500 houses will have to be found on sites currently beyond settlement boundaries and within this Local Plan period. These figures, only recently produced, require further analysis and undoubtedly Hearing time will be taken up in doing so and further comments will be made if necessary. However, whatever the final numbers, the situation remains that further housing is required within Winchester District more quickly than the process for the production of a new Development Plan will allow.
26. Accordingly, LPP2 will not deliver the housing allocated within the Core Strategy and nor that required in order to meet current objectively assessed needs; therefore it cannot be found to be sound.

#### **Recommendations.**

27. It is a requirement of this Statement to seek remedies to the injustices resulting from the various flawed processes.
28. In respect of seeking to have an allocated site withdrawn from the Plan in favour of Van Diemens Field, it is a fruitless exercise given that planning permission has already been granted on 3 of the sites; but there remains the issue of Morgans Yard. Proper consideration has to be given as to whether or not this is a true development opportunity and it would appear that more detail and information needs to be given to the extent of contamination before a true appraisal can be made. Should it be proven that a viable development scheme, in accordance with the Policies of LLP2 cannot be implemented, there must be flexibility within the Plan to enable the introduction of the proven development potential on Van Diemens Field.
29. The Council must produce an up to date Housing Monitoring Report which clearly and realistically sets out the delivery timetable of housing from the urban extensions. If as predicted, the Core Strategy housing requirement cannot be met within the Plan period, provision has to be made for the appraisal and introduction of additional sites in order for the Council to meet its obligations and provide for its objectively assessed needs.
30. The Council is faced with having to deal with an immediate requirement to increase housing above that currently proposed. Therefore, it is respectfully suggested that the report on the Examination of LLP2 strongly recommends that a Local Plan review is immediately instigated and that in this instance, in accordance with para. 153 of NPPF, the new Plan should be a combination of LPP1 and LLP2 in order to reduce the preparation time and ensure the earliest release of housing; as the PUSH Position Statement recommends:-  
**‘Local authorities should actively seek opportunities to identify additional potential for housing provision to address the shortfall against the objectively assessed need through the local plan process. Any such potential opportunities will be tested against the principles of sustainable development set out in the NPPF and this Position Statement’.**

### **Conclusion.**

31. In the light of the foregoing, it is concluded that policies within LPP2 are not proper and justified and nor will they deliver the required growth.