

# **Winchester Local Plan Part 2**

## **Examination**

### **Matter 10 Colden Common**

Land adjacent to Glen Park

Mrs Marguerite Farthing

June 2016

## **Matter 10 Colden Common – Policies CC1-2**

### **i) Are the policies and proposals for growth and change in this area appropriate and justified, including in relation to the NPPF/PPG, and in terms of environmental, economic and social impacts?**

#### ***Why does it fail?***

- 1.1 Our client, Mrs Marguerite Farthing has considerable concerns in relation to whether, as currently prepared, the policies and the proposals identified to deliver the remaining housing requirement can be 'Justified'.
- 1.2 Whilst we have no objection to the identification of the 'Sandyfields' housing allocation per se, we do have concerns in relation to the Council's decision making process which led to the identification of the 'preferred' housing site options. Accordingly, we cannot agree the proposed approach to the delivery of housing at Colden Common is 'sound'.

#### ***What particular part of the document is unsound?***

- 1.3 For absolute clarity, our client has an interest at land adjacent Glen Park, Colden Common (see Appendix 1) which has been promoted as a suitable site for housing delivery through the Council's Strategic Housing Land Availability Assessment (SHLAA) under site reference 2389, and more recently through 'Commonview' as part of the work to inform the Village Development Strategy.
- 1.4 The Council's Housing Site Assessment [EBT4] indicates that the shortlisted sites identified a development strategy "*centred along Main Road.... based on the most suitable sites according to their attributes and public preferences*" (paragraph 7.10). Indeed, the results from the Residents Questionnaire in July 2013 confirmed that land adjacent to Glen Park (ref. 2389) was the 'most favoured' by local residents.
- 1.5 Despite this, an 'Initial Site Sieving' process set out by the Council's Initial Site [EBCC13] suggested the site's designation as a Site of Importance for Nature Conservation (SINC) was an 'absolute constraint (no mitigation possible)'. As a result, our client has significant concerns that the Council has mistakenly concluded that this is an overriding constraint to the delivery of the site. For example, there is no reference to the fact the quality and value of such local non-statutory designations can vary considerably, nor is there any differentiation made between statutory and non-statutory ecologically protected sites.
- 1.6 At this particular point in time, the City Council's conclusions were premature, and did not take into account the potential to mitigate any ecological impacts. It is therefore our client's contention that this overly cautious assessment unduly prejudiced the consideration of the site through the Village Development Strategy, and subsequently through the LPP2. Indeed, the Sandyfields housing allocation (Policy CC2) was awarded an 'Amber' score against the 'Natural Designations' criteria despite being similarly subject to a SINC designation. Apparently this was by virtue of some allowance to mitigate such ecological impacts, and yet, in our client's case no allowance has been made for the parts of the SINC which may be suitable for development.

- 1.7 Following the results of the site assessment exercise, our client has commissioned an independent and extensive ecological survey of the site. The results of this survey indicate there are some less ecologically sensitive areas on the site that could be developed, with the potential to deliver 15-20 dwellings. This scale of development would also provide an opportunity to enhance the ecological value of the undeveloped parts of the site through biodiversity and habitat enhancement. Whilst our client is a very responsible landowner and already undertakes sensitive management of the site, it is important to note the existing SINC designation offers limited protection and it is likely to be of benefit to the local community if the site were to be subject of a more formal ecological management plan for the benefit of the local community i.e. public access, that could be secured through the redevelopment of the site.
- 1.8 However, there has not since been an opportunity to provide a response or put forward additional information to either City Council Officers or the Parish Council.
- 1.9 Indeed, there is no evidence to suggest that an explanation was given to the local community that parts of the SINC are less sensitive in ecological terms, and could be developed without undue harm. . Significantly the ecological survey work suggests there is an opportunity to enhance the value of the habitats on site through positive interventions through an appropriate management regime which could be secured as part of the development proposals.

***Which soundness test(s) does it fail?***

- 1.10 As has been currently prepared, the Plan cannot be considered to be 'Justified', as it has not been demonstrated the preferred housing proposals have been identified through a fair and thorough site assessment process.
- 1.11 It is our contention the Council's decision to 'discount' our client's site from the site sieving exercise was unfounded, and has not paid sufficient regard to the potential to mitigate such site constraints. As such, we do not consider the Plan has been 'Positively Prepared'.

***How could the document be made sound and/or what is the precise change that is sought?***

- 1.12 In order for the Plan to be 'Justified', a re-assessment of the housing site options promoted through the Village Development Strategy and the District's Site Allocation Plan is required, having regard to the comprehensive ecological work undertaken in respect of land adjacent to Glen Park, so that a fairer and more robust approach to allocations can be made.

**ii) Are they clear and deliverable, including in respect of the associated infrastructure requirements?**

***Why does it fail?***

- 1.13 Our client, Mrs Marguerite Farthing does not consider that the Plan identifies sufficient housing land to guarantee that Colden Common's housing requirement (250 dwellings) will be delivered over the Plan period.
- 1.14 As currently prepared, it cannot therefore be concluded that there is sufficient flexibility to adapt to rapid change particularly in the context of ensuring objectively assessed housing needs can be met. The Plan cannot therefore be considered to be 'Positively Prepared', 'Effective' nor 'Consistent with National Guidance'.
- 1.15 As such, we are unable to conclude that the Plan forms a sound basis for the delivery of housing at Colden Common in accordance with the requirements of Policy MTRA2 of the Joint Core Strategy.

***What particular part of the document is unsound?***

- 1.16 Paragraphs 4.3.2-4.3.7 of the Plan's supporting text identify the Council's approach to the housing delivery in response to the development needs set out through the JCS, and specifically the provision of about 250 dwellings over the plan period between 2011 and 2031.

**SHLAA sites within settlement boundary**

- 1.17 53 dwellings are identified to be delivered from the Avondale Park caravan site. Although described as a 'SHLAA sites within the settlement boundary', these are identified as a separate allocation under emerging Policy CC2.
- 1.18 As set out through our Regulation 19 representations, the existing use(s) and operations on site which comprise caravan storage and sales mean the delivery of the site is likely to be dependent on the relocation of these existing commercial uses.
- 1.19 The Council's housing supply evidence [OD15 Appendix 3] suggests that timescales for delivery (SHLAA period 1 (2015-2020) and period 2 (2020-2025) "*remain realistic based on informal pre-application discussions*").
- 1.20 It is likely there will be a need to deliver the site on a phased basis given the separate site promotion by the respective landowners under SHLAA refs. 888 and 889, and the indicative phasing provided by the developer. By the Council's own admission, the supporting text (paragraph 4.3.19) also suggests "*whilst a comprehensive development scheme for the combined area is preferable there is potential for development to be phased to allow for the relocation of the existing commercial uses*" which is likely to reduce the overall potential yield.
- 1.21 In short, there remain some uncertainties about the true capacity of the site(s) to deliver the balance for the development needs under Policy MTRA2 of the Joint Core Strategy accordingly.

### Windfall Allowance

- 1.22 Paragraph 4.3.6 of the supporting text indicates that 'no allowance' has been made to the development of unidentified ('windfall') sites that may come forward within the defined settlement boundary on infill or redeveloped sites over the Plan period.
- 1.23 Whilst our client supports this approach in principle, being consistent with the findings of the Windfall Trends and Potential study for Colden Common [EBCC7], we have concerns with specific reference to *"where [such proposals are] approved, [it] will provide flexibility in maintaining the supply of housing in the village."* We reaffirm our client's position set out at Regulation 18 and 19 stage respectively which contends the assertion that any flexibility could be provided by windfall contradicts the Council's own study on the matter [EBCC7] is unfounded.
- 1.24 As such, in the absence of any 'compelling evidence' (quite the contrary in fact), this would be in direct conflict with paragraph 48 of the Framework.

### Sandyfields Housing Allocation

- 1.25 Notwithstanding our strong reservations in respect of the Council's conclusions in relation to the 'remaining housing requirement' (calculated to be 165 dwellings), our client has significant concerns as to whether the full potential of the Sandyfields housing allocation, under Policy CC1, can be realised. It is acknowledged the site allocation was recently the subject of a resolution to grant outline planning consent subject to the completion of a Section 106 at Planning Committee in May (ref. 14/01993/OUT) and at this stage, the proposals include an indicative site layout for up to 165 dwellings.
- 1.26 Whilst the Officer's report concludes the Masterplan demonstrates the site is capable of delivery of up to 165 dwellings, this is dependent on adjacent land at 111 Main Road and properties at 105 to 109 Main Road (which were not covered by the original Masterplan submitted with the application). It is understood that these parcels of land are subject to control by a separate landowner, and there is no guarantee of their delivery.
- 1.27 For instance, it is understood that the parcel(s) of land adjacent to Main Road relate to SHLAA site ref. 2495 which was only included at a late stage in the Village Development Strategy (paragraph 4.3.8). Although the Report to Colden Common Parish Council dated 3 March 2014 suggests that the landowners of sites 275 (Sandyfields Nurseries) and 2495 (land fronting Main Road) confirmed that *"as a single combined site, it is available for development immediately and that there are no issues relating to land assembly"* there is no further evidence to suggest that the site can be comprehensively developed.
- 1.28 In the very short term, there will therefore need to be a separate application(s) submitted to secure outline planning permission for these two plots of land at the very least. As such, only 157 dwellings are illustrated within the application red line, and our client questions the deliverability of the balance (8 units) accordingly.
- 1.29 Notwithstanding the uncertainties in relationship to the ownership of the site, we would also question the likely capacity of the site to deliver 165 dwellings in order to fulfil the

'remainder' of the housing requirement. Indeed, the Commonview report dated 3 March 2014 suggests the Sandyfields site was initially anticipated to accommodate 125 dwellings.

- 1.30 Though Officers have subsequently accepted that, on the basis of the indicative Masterplan, the site is capable of accommodating up to 165 dwellings, we are also aware that as part of the applicant's agent's discussions with the Council<sup>1</sup> that an alternative site layout yielding just 140 dwellings was presented. Notably this followed concerns in relation to whether appropriate access to the woodland could be achieved (notwithstanding its SINC designation), and whether the large trees could be appropriately accommodated within the site layout.
- 1.31 Our client has considerable concerns in relation to the effectiveness of the Plan, and its delivery accordingly.

***Which soundness test(s) does it fail?***

- 1.32 As currently prepared, the Plan will fall far short of the housing requirement for Colden Common, and we have concerns in relation to ensure that it can maintain an up-to-date delivery of supply in accordance with paragraph 47, and Footnotes 11 and 12 of the Framework.
- 1.33 On this basis, the Plan cannot therefore be concluded to be 'Positively Prepared', 'Justified', 'Effective' nor 'Consistent with National Guidance.'

***How could the document be made sound and/or what is the precise change that is sought?***

- 1.34 To ensure the necessary flexibility and deliverability of the Plan, and in particular, the housing requirement for Colden Common, the identification of additional greenfield site of approximately 15-20 dwellings is required to ensure that objectively assessed needs can be met.
- 1.35 On this basis, we request the identification of an additional greenfield allocation at land adjacent Glen Park to provide increased certainty and flexibility in order to meet objectively assessed needs, and ensure that the Council is able to meet the development needs of the settlement.
- 1.36 We therefore reaffirm our clients' site should be allocated as one of the 'most favoured' by local residents as part of Commonview's preferred development strategy for growth at Main Road.

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<sup>1</sup> See email from Simon Avery to Ian Donohue dated 26 January 2015 15:49 as part of Dossier of evidence submitted in support of appeal references, APP/L1765/W/16/3141664 & 3141667 (Statement of Case, Appendix F).

## **Appendix 1: Site Plan**



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 Site boundary

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Client:  
**Mrs Marguerite Farthing**  
 Project:  
**Colden Common, Winchester**  
 Drawing:  
**Land adjacent to Glen Park**  
**(site ref. 2389)**

Drawing Number: <b>10_</b>	Revision: <b>01</b>
Project Number: <b>FARW2002</b>	Status: <b>Final</b>
Date: <b>December 2015</b>	Scale: <b>NTS @ A4</b>

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