

West Berkshire Local Plan Review to 2037

Regulation 19 Consultation (February 2023)

Prepared by Fisher German LLP on behalf of
of Mr Musgrave and Mr Begley

Project Title

Land adjacent to Oxford Road, Chieveley

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1. Introduction

1.1 This consultation response has been prepared by Fisher German on behalf of our Clients Mr M Musgrave and Mr W Begley in respect of their land adjacent to Oxford Road, Chieveley, as illustrated on the below figure 1.

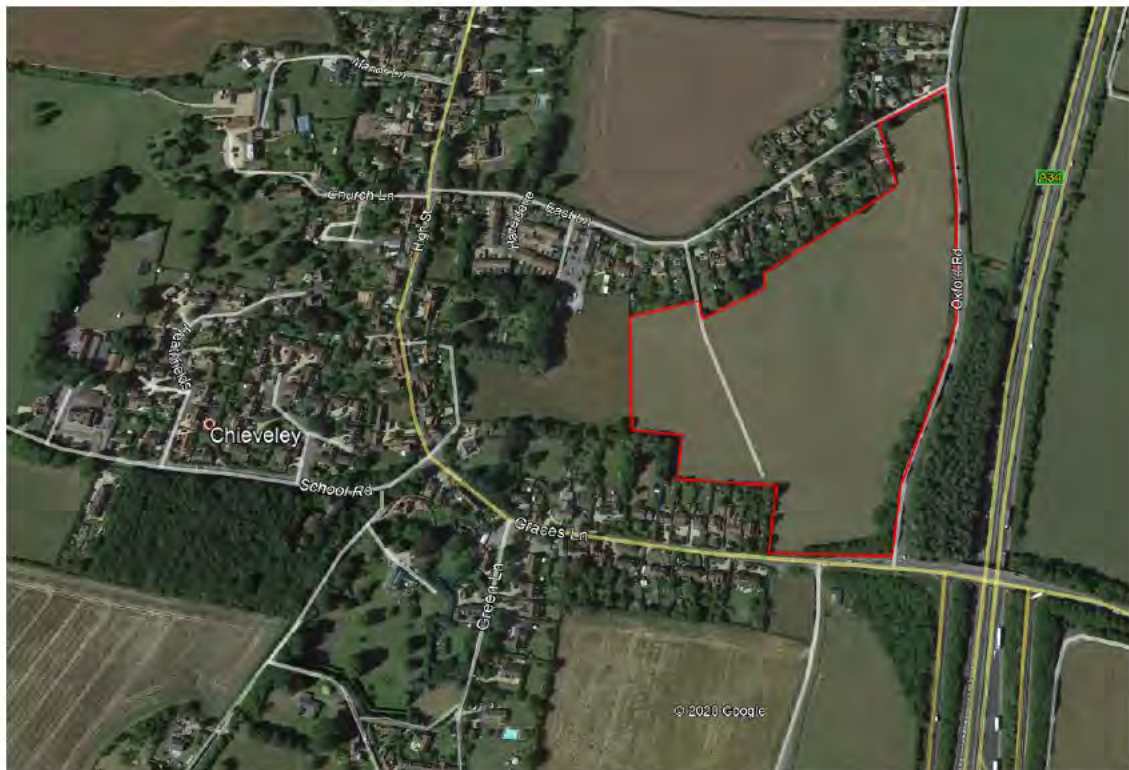


Figure 1. Land adjacent Oxford Road, Chieveley

- 1.2 This land, which extends to circa 6.58ha, is located to the east of Chieveley. The site is defined by residential development and Graces Lane to the south, Oxford Road to the east, residential development and East Lane to the north and a field to the west. The site benefits from mature boundary planting and forms a logical infill location close to the centre of Chieveley.
- 1.3 These representations follow the order of the policies within the Submission Plan, wherein we have not commented we have no specific comments at this stage. If you have any questions regarding these representations, please contact the author.

2. Representations

Policy SP2: North Wessex Downs AONB

- 2.1 We support the overarching aim of the policy which seeks to protect the special landscape area. However, we have fundamental issues with elements of the policy. In particular, the presumption that development within the AONB can be simply delivered elsewhere. There are a number of settlements within the AONB that should be allowed to grow sensibly and sustainably to support their long term interests. Whilst housing can be delivered elsewhere, clearly this does not provide the localised benefits, including the delivery of new market and affordable housing, to enable young people and families to buy in these AONB areas. Failure to deliver new housing will serve to increase house prices and drive away young people. The Council's own evidence (Updated Housing Needs Assessment May 2022) highlights a significant affordable housing need within the AONB, equating to 173 dwellings per annum. This provides significant justification for a sensible approach to housing delivery in the AONB.
- 2.2 Failure to deliver new housing will also result in the ageing of the population, as younger people are forced to move out of the area, to the detriment of localised services and facilities and the aim of delivering balanced, healthy and distinct communities. Sites within the AONB should be looked at on their own individual merits, including overall contribution to the AONB. Sites which are of lower value should be viewed as acceptable, where they deliver significant localised community benefits, including new market and affordable housing.

Policy SP3: Settlement Hierarchy

- 2.3 The identification of Chieveley as one of the more sustainable settlements in West Berkshire is supported, as is its identification as a 'Service Village'. As demonstrated by the Council's published supporting Settlement Audit, Chieveley benefits from a high level of service provision, which serves both the settlement itself and wider rural hinterland, particularly the smaller hamlets to the north and west.
- 2.4 Policy SP3 states that Service Villages "offer some limited and small-scale development potential, appropriate to the character and function of the village". Such development will be delivered to meet local needs through development within the settlement boundary and through new allocations. Whilst windfall infill development can be appropriate, it is vital to ensure that there is sufficient land allocated to deliver housing needs for a number of reasons. Firstly, the supply of infill land is likely to be highly constrained, particularly having regard for the level of such

development to date. Suitable infill land is a highly finite resource, and it cannot be expected to continue to deliver at past rates, as suitable sites and opportunities to deliver such development will have diminished by now. Secondly, there is considered to be significant benefit in seeking to positively meet local housing needs through housing allocations, as piecemeal development will not contribute to the funding of infrastructure through developer contributions nor contribute to the delivery of much needed affordable housing. The positive allocation of land, combined with robust site-specific policies, will ensure the delivery of high-quality developments, the provision of funding for any infrastructure deficiencies and the provision of much needed affordable housing. Finally, such an approach can promote garden grabbing and other forms of development which can be harmful to settlement character.

Policy SP12: Approach to Housing Delivery

- 2.5 The Council set out that their Local Housing Need (LHN), as derived from the Standard Method, at the time of publication is 513 dwellings per annum. This forms the Council's proposed baseline housing requirement.
- 2.6 The PPG is clear that when establishing a housing requirement *"the standard method for assessing local housing need provides a minimum starting point in determining the number of homes needed in an area... Therefore, there will be circumstances where it is appropriate to consider whether actual housing need is higher than the standard method indicates."* [our emphasis] (Paragraph: 010 Reference ID: 2a-010-20201216). Examples of scenarios which may justify an increase of housing requirement include growth strategies, the delivery strategic infrastructure improvements or the requirement of an authority to take on unmet need from a neighbouring authority.
- 2.7 It is important to note that the PPG sets out that the consideration of whether uplifts to the housing requirement from local housing need are necessary should be undertaken prior to and independently from any consideration of the ability of an area to meet that need.
- 2.8 It is therefore noticeable that independent studies commissioned by West Berkshire suggests strongly that the housing requirement should be higher to ensure economic growth ambitions can be realised, equating to 600 dwellings per annum at a minimum – some 87 dpa higher than the LHN.
- 2.9 The Icen West Berkshire Updated Housing Needs Assessment insinuates at paragraph 4.46 that households will form at a rate of 1,002 dwellings per annum, with two-fifths of these being unable

to afford private market housing. Whilst some of these forming households will be able to purchase or rent existing housing stock, it has not been demonstrated that the delivery of only 513 dwellings per annum will be sufficient to ensure that there is an adequate housing supply to meet household formation rates. This may result in overcrowding or people being forced out of the area due to unavailable housing. Post-recession this will result in disproportionate house price growth.

- 2.10 In respect of affordable housing, it is apparent from the Council's evidence (West Berkshire Updated Housing Needs Assessment) that there is a significant affordable need in the District (between 223-330 dwellings per annum) and within the AONB specifically. Whilst the evidence document concludes that it is not practicable to directly link affordable housing need and overall housing need, it is clear given the high numbers involved that it would be proportionate to uplift housing need beyond LHN to at least ensure that the issue can be reduced as far as reasonably practicable.
- 2.11 This issue is particularly significant in the AONB, with an annual residual need for affordable housing equating to as much as 150 dwellings per annum, but also where major housing sites are to be largely restricted, despite these forming the bulk provider of affordable housing. This demonstrates the acute need for some form of policy allowance for a pragmatic approach to housing delivery in the AONB.
- 2.12 It is imperative that the Council can demonstrate clearly that the Plan will contain sufficient sites, including sufficient lead in times, to deliver a robust five-year housing land supply at the time of adoption and also the overall quantum of housing required over the entire Plan period.
- 2.13 The Council proposes a 5% buffer, reduced from the 10% previously suggested. The Council justify this approach at paragraph 2.33 of the Housing Background Paper (January 2023) by stating this strikes the appropriate balance between *"boosting housing supply in the district while considering the limitations and constraints of a largely rural district"*. The Paper then considers the Written Ministerial Statement of the 5th December 2022 which sets out that LHN is an advisory starting point, not mandatory and that local authorities will have some autonomy to deviate from LHN. It is noticeable however that this does not materially alter the established Standard Method which always enabled deviation if circumstances justified. It is also noted that current actions and rhetoric undertaken by the Government are likely politically motivated. It is clear from the Council's own evidence that the requirement, including the proposed buffer as discussed below, is likely to

be insufficient, to the detriment of local people, particularly those in affordable housing need, maintaining balanced communities, particularly in the AONB and will not deliver economic growth. In the current economic climate, such outcomes will be particularly undesirable. Furthermore, Paragraph 60 of the NPPF confirms that the national objective is to boost significantly the supply of housing.

- 2.14 It is noted that the proposed 5% buffer results in headroom of just 421 dwellings over the Plan period, or 24 dwellings per annum. This would leave the Plan highly vulnerable and is not at all robust. We consider that a buffer of at least 10% is more appropriate and would more suitably safeguard the Plan from issues of non-delivery or slower than anticipated delivery of strategic sites. This approach would also serve to contribute to additional affordable housing and economic growth if delivered.
- 2.15 It is noted that a significant amount of supply relied upon by this Local Plan is derived from extant allocations. Clearly given the amount of time a number of these sites have been allocated for, approximately six years, it is not clear if they are deliverable. Particularly the non-strategic sites which would have reasonably expected to commence by now. Significant evidence would be required to demonstrate that all sites relied upon are actually deliverable having regard for the non-delivery to date.
- 2.16 Further concern is raised in that the Council's assumptions for windfall development, and that past trends of windfall delivery can accurately predict future supply, where logically every windfall development delivered removes a potentially suitable site from future supply. It does not stand to reason that within the settlement boundaries which are not extended, the number of windfalls will remain consistent, unless there is clear and compelling evidence that there remains enough suitable land available for such delivery.
- 2.17 Whilst we would always support appropriate development within the settlement boundary, due regard must be had for the contribution that green spaces and open gaps make within settlement boundaries. Encouraging their development can urbanise settlement centres, having a damaging impact on their form and character. As set out previously, this approach places weight on the approval of windfall schemes, which ultimately may be harmful to settlement character, such as garden grabbing or the intensification of housing delivery within existing curtilage plots. We do not consider the Council's approach to windfall development is sound, and we do not consider the methodology used is justified in light of the above, nor is likely to be effective. The expected rate

of windfall delivery should be reduced on the above basis. Moreover, as set out previously, a strong reliance on windfall delivery logically will reduce the level of affordable housing delivered which is not appropriate given the evidenced acute need.

- 2.18 We therefore consider for the various reasons set out above that the Policy is not sound, as it is not effective, justified or consistent with national policy.

Policy SP13: Sites allocated for residential and mixed-use development in Newbury and Thatcham

- 2.19 A critical part of the Council's supply equating to c30% of the housing requirement derives from two large scale allocations in Newbury and Thatcham; Sandleford Park, Newbury (1,500 dwellings) and North East Thatcham (1,500 dwellings). We have a number of concerns relating to the reliance on these sites, as clearly if there were to be issues in delivering these strategic sites this would mean the Plan would significantly underdeliver against even base Local Housing Need, let alone any uplift, only delivering circa 6,146 dwellings assuming all other sites were delivered and the windfall rate was maintained.

- 2.20 Sandleford Park is a locally difficult site, with multiple applications refused in the previous five years. This impasse ultimately resulted in an appeal which was allowed last year, dissecting the site in two (Sandleford Park East and West). The record of uncooperative working and multiple refusals leads to severe concerns on the timely delivery of an acceptable scheme. The housing trajectory within the background paper outlines that the Council anticipate delivery will commence in 2025/26 with 100 dwellings being delivered in each of the first two years (Sandleford Park East). This increases to 150 units per annum once Sandleford Park West comes on stream in 2027/28 and continuing until 2034/25 where development reaches an anticipated completion. We do not believe it is likely that the scheme will commence delivery in only 2 years from now, and that immediate delivery will be 100 units. Given there are currently no Reserved Matters applications pending and the difficulty associated with the site's development to date, we consider there remains a number of years before delivery will begin in earnest, having regard for the need to gain a planning permission, marketing, initial site works and infrastructure delivery. When delivery commences, we do not consider it likely that the first year of delivery will yield 100 dwellings. We also consider it unlikely that the site will deliver 150 dwellings per annum at its peak. Having regard for these factors, we consider it highly unlikely that the site will contribute positively to the five year supply on adoption, nor will be fully built out by the end of the Plan period. A shortfall of around 400 dwellings is anticipated at a minimum, though it could very reasonably be higher.

- 2.21 North East Thatcham also has a chequered planning history, with the Council refusing an application for part of the site in February 2015, ref 15/00296/OUTMAJ, citing a multitude of reasons for refusal, including impacts on landscape. The applicants appealed this decision and following a public inquiry the appeal was to be allowed, due to Paragraph 14 of the NPPF being engaged owing to a lack of housing land supply, however the decision was called in by the Secretary of State who dismissed the appeal in July 2017, against the recommendation of the Inspector.
- 2.22 The previous iteration of the Plan set out that 1,250 dwellings would be delivered over the Plan period. This has been increased to 1,500 without compelling justification. The trajectory assumes a start in 2029/30, which is considered to be more robust, given there is no current planning applications for the site and the sites history.
- 2.23 As acknowledged by the Site Selection Background Paper (2020), there is a lack of evidence as to the ability to service the site and what works would be required to ensure that there is utilities capacity to deliver the site at the rate the site is expected to deliver. There is currently no comprehensive application for the delivery of the site, and it is unclear when one will be submitted. Given the various issues associated with the delivery of Sandleford Park, and the time taken thus far, it is vital that realistic and robust assumptions are made for the delivery of the North East Thatcham site.
- 2.24 Again the trajectory assumes high delivery in the first year equating to 150 dwellings, continued thereafter. It is clearly not sensible to assume a strategic site will deliver 150 dwellings in its first year of delivery. Whilst this could normally be overlooked, to achieve the Council's target of 1500 dwellings within the Plan period, as set out in the trajectory, 150 dwellings are required annually from 2029/30 to 2038/39. Given the Plan period ends in 2038/39, any slippage automatically results in a reduction of the total number of dwellings delivered in the Plan period. Again, the ability to deliver 150 dwellings per annum continuously is challenged and 100 dwellings considered to be more robust. Assuming 100 can be delivered in the first year, which again is doubtful, this results in a shortfall of 500 units.
- 2.25 Considering the above, the Council will entirely lose the proposed 5% buffer of c.400 dwellings and have a shortfall of overall housing land supply against the housing requirement of circa 500 dwellings. Additional allocations are therefore required to ameliorate this shortfall, and to reintroduce an acceptable buffer as the 5% assumes all other sites, and the windfall rate, will

deliver as anticipated which is seriously doubted. Failure to respond positively to this issue should result in the Plan being found unsound.

Policy SP 15: Sites allocated for residential development in North Wessex Downs AONB & Policy RSA 26: Land at Chieveley Glebe

- 2.26 We welcome and support the Council's acknowledgement that Chieveley should receive residential allocations. This will assist to ensure its long-term vitality and vibrancy by meeting local housing needs. Whilst within the AONB, high quality new development which fits with existing settlements is considered to have a limited impact on this wider designation. The failure to deliver sufficient housing will however have very real impacts on the day to day lives of residents, forcing young people away due to rising house prices and lack of suitable available homes. Populations in rural areas will likely age, trends which can be seen locally and nationally, and average house occupancy will lower as children grow up and move away. This lowering and ageing of the rural population will have repercussions on the ability of services and facilities to stay open, which will lead to a gradual decline of sustainability. Chieveley has a high level of service provision, as demonstrated by the Settlement Audit, and this is something which must be supported by commensurate new housing, ensuring the vitality of the community.
- 2.27 Whilst we recognise the Council has allocated a site in Chieveley, for the reasons set out in these representations we consider there to be significant merit in additional allocations in Chieveley, as 15 dwellings alone is clearly insufficient having regard for the high level of housing need, particularly affordable. As such we consider the Council should positively consider our client's land for allocation. Whilst the entirety of the site is considered available, a smaller section of the site can be selected. The larger nature of the site provides for significant opportunities for associated landscaping, amenity space and biodiversity net gains, whilst contributing to the overall attractiveness and value of the AONB.
- 2.28 In respect of our client's site, the Council's stage 1 sieving document concludes: *"Development would result in harm to the AONB, and would be inappropriate in the context of the existing settlement form and pattern."* Highways raised concerns about the lack of pedestrian route into Chieveley, and difficulties in providing one.
- 2.29 Linear development similar to that allocated by the Draft Local Plan, on Graces Lane and/or East Lane would have no more impact in terms of harm to the AONB than the preferred allocation, and arguably even less so when having regard for the potential harm to historic designated assets

associated with the current allocation's location. Linear development would also not be inappropriate in terms of existing settlement form and pattern, it would be entirely in accordance with the prevailing settlement form, which is frontage development onto the existing road network. Whilst the highways concern is noted, it is clearly not a demonstrable issue for existing residents, and it would equally be applicable to the draft allocation, so cannot reasonably form a reason for exclusion.

- 2.30 Development on our client's site would have a highly limited impact on the historic core of Chieveley, unlike the draft allocation, by virtue of being located away from the historic core of the settlement, its Conservation Area and Listed Buildings. Development here would also not impact on highways, as on street parking is less of an issue here, and there isn't the pressure for parking from the services and facilities in the village centre.
- 2.31 Whilst there would need to be some removal of hedgerow, it is considered the ecological impact would be far less than the draft allocation. Particularly so on land north of Graces Lane, as access could be gained from east of the public right of way, where there is only low-level scrub. This would have a significantly less impact than that proposed by the draft allocation. The removal of this vegetation is considered to have a limited impact on settlement character, unlike the removal of the mature vegetation on the draft allocation, which will have more significant impacts.
- 2.32 On the basis of the above, it is considered that there is compelling justification to allocate our client's land to provide significant local benefits. We do not consider sufficient justification has been provided as to why the Council have considered a smaller section of the draft allocation, and seemingly not any omission sites. As set out in previous representations and submissions, the site provided is just our client's land in its totality, but we are entirely content with a smaller parcel being allocated if preferable. This approach is prejudicial to those landowners whose sites have been excluded early, as the approach taken has not been consistent. Clearly, we argue if that approach is adopted in respect of our client's land, there are two opportunities to allocate land (linear development along Graces and East Lane) which are commensurate to the Council's preferred allocation, for the reasons set out above.
- 2.33 We also consider that land under our client's control can be allocated to assist and deliver any shortfall of housing land supply, particularly to assist in meeting any needs arising in respect of the Council's preferred allocations, particularly the strategic allocations. Despite being in the AONB, Chieveley is a sustainable settlement which can deliver a higher quantum of growth than

is currently proposed, without causing any undue harm to the AONB. Having regard for the more acute housing needs in this area, particularly affordable, the benefits associated with this delivery would be significant.

Policy DM 1: Residential Development in the Countryside

- 2.34 Whilst we broadly support Policy DM1, we consider a further criterion must be added to ensure the Plan is as flexible and robust as possible. Whilst there is an allowance for rural exception sites, we consider that this policy does not go far enough in that it only relates to affordable housing need. Clearly there may be market housing need in any given settlement, and it is considered unfair and prejudicial that by not qualifying for affordable housing this would preclude people from having access to suitable housing in their chosen area. Smaller settlements do not always have suitable market housing available for sale at any time, so this cannot be used as justification for such an approach. It is considered that market and affordable housing needs could exist in a given settlement and should be treated equally, or this would serve to unfairly treat the housing need associated for those who would not qualify for social housing, but equally may have legitimate housing needs that otherwise would not be satisfied.
- 2.35 To manage such a criterion, there could be a requirement that any such scheme must be supported by appropriate evidence, for example a housing needs survey. If there is a need for market housing, it could be a requirement that it must be demonstrated that there is not appropriate accommodation for sale. This approach ensures that market housing is not built unduly and is considered fair, ensuring that the Plan remains flexible and is able to respond to emerging rural housing needs throughout the Plan period. This approach would also assist the Council in meeting its high windfall targets.