

Planning Policy  
West Oxfordshire District Council  
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**BY EMAIL:** [community.development@westoxon.gov.uk](mailto:community.development@westoxon.gov.uk)

28860/A3/JS/KV/sw

20<sup>th</sup> December 2018

Dear Sir/Madam

### **HAILEY NEIGHBOURHOOD PLAN – SUBMISSION DRAFT FOR CONSULTATION**

We are instructed by our client, Sharba Homes Ltd, to submit representations to the consultation on the submission version of the Hailey Neighbourhood Plan (Regulation 16 Consultation) in relation to their interests at their site at land southwest of Charlbury Road, Hailey ('the Site' hereafter).

The Site sits outside of, but adjacent to, the designated area for Hailey Neighbourhood Plan (which encompasses only land within Hailey Parish). Although, the Site is unable to be considered as part of the Neighbourhood Plan process, the Site is closely related to the settlement of Hailey and clearly any development on this site would contribute towards meeting housing need in the village.

#### **Policy H1 Number of New Homes**

Policy H1 states that planning applications will be supported for around 33 new homes in the rural villages as a whole (see figure 5.4). Masterplans for each site (plus the North Witney development) should provide balanced and appropriate mix of residential accommodation to meet identified needs, including affordable housing (where appropriate).

Although the need for the growth of the village and the need for new homes is recognised through the allocation of two sites totalling 23 dwellings and an expectation of 10 dwellings to come forward through windfall, the size of these sites does not provide opportunity to meet the extent of local housing needs (specifically affordable housing). This is expanded further under Policy H4 and H5. Furthermore, there is no evidence to explain the rationale for 33 dwellings, which is not a cap on development in any case.

Under paragraph 5.12, windfall development is defined as speculative development on sites that are not known to WODC or the Parish Council and have therefore not been assessed or allocated for housing. This fits with the definition within the newly adopted West Oxfordshire Local Plan and the NPPF.

Paragraph 5.1 also refers to Policy H2 of the Local Plan, which provides criteria/circumstances for when new dwellings will be permitted. It goes on to set out that as the windfall allocation 276



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dwellings within the Witney sub-area has already been substantially consumed by speculative applications (a significant proportion of which have already been given planning approval). Therefore, the 33 new homes are to be delivered through infill under Policy H3 and the Neighbourhood Plan does not anticipate any further urban extension windfall approvals to be required. This is an incorrect understanding of Policy H2 of the Local Plan. The 276 dwellings to be delivered via windfall development are windfalls coming forward on unknown sites from 31<sup>st</sup> March 2017 i.e. those which were already consented prior to this date are counted as 'committed sites' and are not deducted from the windfall allowance. As such, the windfall number is far from being substantially consumed indeed only a small number of windfall developments in the sub-area have been consented post 31<sup>st</sup> March 2017. The windfall allowance is a minimum and only part of an indicative distribution that Policy H1 of the Local Plan states should not be taken as an absolute target for each sub-area or maximum ceiling to limit development. Indeed, the allocations within the Local Plan fall short of identified need, and to meet minimum need requirements further windfall will have to come forward.

The Neighbourhood Plan seeks to limit the type of windfall development that would be acceptable in Hailey and fails to incorporate the full set of criteria at Policy H2 of the Local Plan; and does not comply with National Policy. This should be amended in line with Local Plan policy.

### **Policy H2 Scale of New Development**

Policy H2 seeks to encourage small scale developments of in the region of 15 dwellings per site. Planning permission may be granted for new homes on any allocated site within the rural villages, provided the scale of development is modest in size. As discussed under Policy H4 and H5 there are local housing needs within Hailey that have been recognised through the preparation of the Neighbourhood Plan and it should be considered whether the allocated sites/sites of this size can meet this recognised need.

Figure 5.4 shows only one allocated site within the Neighbourhood Plan that is suggested as capable of providing affordable housing. It is estimated by the Neighbourhood Plan that Land adjacent to Hailey Rugby Club, Hailey Road will provide 15 dwellings (6 of which are to be affordable). Historically, sites of this size have come forward in Hailey and have then been reduced to incorporate a smaller number of units (and no affordable housing). For example, paragraph 5.14 refers to the site 'Land south of Giernalls Road' with permission granted for 9 dwellings although the site was assessed as capable of accommodating 15 dwellings. It is unlikely that this Rugby Club site will come forward with the predicted amount of, or any, affordable housing. In addition, schemes of this size would only yield 9 private dwellings, require more land and be required to make Section 106 contributions, all of which would further impact the viability.

The scale of development proposed is therefore unlikely to contribute towards or meet local affordable housing needs. Effectively therefore the NHP is planning for the delivery of 33 market dwellings and no affordable provision. This should be set against the affordable need for Hailey as identified by the Council, of 60 dwellings (as referenced in the Officers Report to Planning Committee for the Sharba Homes site in Hailey). The affordable housing need in Hailey will therefore fail to be met through planned growth.

### **Policy H3 Infill**

Policy H3 states that applications for small residential windfall developments on infill or redevelopment (brownfield) sites within the rural villages will supported subject to other relevant policies. The comments under Policy H1 and H2 provide detail on how infill windfall development alone will not enable adequate development to provide a meaningful contribution towards meeting local housing needs. Furthermore, there is no reason for windfall sites to be restricted to infill and/or brownfield sites as this definition does not accord with either Policy H2 of the WODC Adopted Local Plan or the NPPF – neither of which restrict support for windfall development to only these locations.

## **Policy H4 Tenancy Mix**

Policy H4 sets out that proposals for development will need to consider local housing need and should aim to provide a significant percentage of affordable homes for renting and shared ownership (intermediate housing) unless viability or other local factors show a robust justification for a different mix. As set out previously, the allocations as proposed will fail to deliver any affordable housing and given they will not trigger the threshold for provision as set out in the WODC Adopted Local Plan, there will be not any requirement for this to be justified.

## **Policy H5 Affordable Housing**

Policy H5 outlines that proposals for developments of greater than 10 dwellings will be expected to provide a minimum of 40% affordable housing on the site which will be fully integrated into the development unless viability or other material considerations demonstrate a robust justification for a different percentage. Sharba Homes Ltd support this requirement, which reflects the targets and thresholds set out in Policy H3 of the recently adopted Local Plan, however, remain concerned that this local housing need will not be met unless substantially larger sites are permitted. The evidence within the Neighbourhood Plan is outlined below.

Paragraph 5.24 sets out that Hailey needs more young people and families for the community to recover its age balance, but the current shortage of affordable housing denies some young people and families the opportunity to live in the village where they grew up and fails to attract other young people and families to the area.

At paragraph 5.25, it states that in June 2017 there was 60 households in the NHP area registered on WODC's waiting list as qualifying to affordable housing. However, Figure 5.4 shows that from the proposed two allocated sites and windfall sites totalling 33 units, it is estimated by the draft Neighbourhood Plan that only 6 will be affordable homes. For the reasons which have been set out above, it is simply not financial sense for a developer to deliver a scheme of 15 dwellings which would result in a scheme of 9 market dwellings and 6 affordable dwellings (and attract planning obligations based on 15 dwellings) when they could deliver a scheme of 9 market dwellings and avoid payment of planning obligations due to the size of the scheme. This has already happened in Hailey at the Giernalls Road site, and the same pattern will repeat itself.

Policy H2 of the Neighbourhood Plan sets out that the plan seeks to encourage small scale developments in the region of 15 dwellings per site. The policy refers to figure 5.4 of the plan, which establishes the source of new housing in the Neighbourhood Plan Area, comprising: land opposite 'The Hollies', New Yatt Lane, New Yatt (8 dwellings); land adjacent to Witney Rugby Club (15 dwellings, including six affordable homes); and through windfall sites (10 dwellings). As discussed above, and in light of the local needs listed above, the Neighbourhood Plan appears to be incapable of satisfactorily addressing the acute affordable housing needs of Hailey. Furthermore, the New Yatt site in particular is located in an area which has no local services or facilities and no footways which can be used to reach Hailey or Witney on foot.

## **Policy ED1 Hailey CE Primary School as a community facility**

Policy ED1 states that the Neighbourhood Plan supports the aspiration of the Governors of the school to expand Hailey CE Primary School to a single form entry school, admitting 30 pupils per year ground. However, Paragraph 7.7 recognises that insufficient housing coming forward with the catchment area or changes to government policy on viability could cause the school to close. When considering local needs, there should also be a focus on other services and facilities within the village that would benefit from growth and the provision of appropriate tenures of housing to encourage a more balanced mix of age balance and young families. It is however clear that there is a need for more development within the village to ensure that the primary school remains open and to ensure that there is a balance population profile in the village.

## **Policy T1 Traffic calming at Delly End Crossroads**

Policy T1 sets out that in order to reduce traffic speeds at the junction of the B4022 with Delly End and Priest Hill Lane, available traffic calming measures such as the installation of vehicle activated signs should be considered. Traffic calming measures can be beneficial, and it is agreed that drivers should be encouraged to travel no higher than the speed limit.

This junction sits to the east of the Site and it should be noted that a review of the Crashmap website reveals that there have been no recorded injury accidents at the junction within the most recent 5-year preferred period available (2013 – 2017 inclusive). This evidence of use without a significant personal injury accident record indicates that the junction operates satisfactorily and that drivers using the junction are able to interact with each other safely. There is no evidence from either road safety data or from the Highway Authority to identify the need for these works.

## **Policy C1 Community Facilities**

Policy C1 seeks to ensure that all proposed housing developments, including North Witney, shall ensure that new residents have at least the same access to community facilities within the HNP Area as existing residents and that new developments shall, as far as in reasonably practicable, preserve or enhance existing facilities.

Hailey has a number of services and facilities including Hailey Church of England Primary School, The Lamb and Flag public house, Hailey Village Hall, a playground, playing pitches, a hairdresser, a chiropractor and a church (The Church of St. John the Evangelist). Paragraph 10.1 discusses the different groups and activity that the Village hosts and also refers to the long term of the community to bring back Hailey Cricket Club to the village from their current home at West Witney recreation ground. The need for growth has been recognised and planned for through the preparation of the Neighbourhood, however, this is not far-reaching enough to provide critical mass to sustain or expand these services and facilities (including the primary school as discussed earlier).

## **Policy E1 Hailey Conservation Area**

Policy E1 states that the special architectural, historic and environmental character of the Conservation Area will be conserved or enhanced. Every effort will be made to ensure that the character and appearance is not eroded by the introduction of unsympathetic development proposals either within or affecting the setting of the Conservation Area. This wording complies with Policy EH9 (Historic Environment) of the newly adopted West Oxfordshire Local Plan as well as Sections 69 and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

As a general comment, it should be noted that the policy references and extracts will require updating to reflect the adopted version of the West Oxfordshire Local Plan and the updated version of the NPPF published in July 2018.

We trust that the enclosed comments will be taken into consideration as part of the ongoing preparation of the Hailey Neighbourhood Plan. If you require any further information or wish to discuss the above in greater detail, then please do not hesitate to contact me or my colleague, Jodi Stokes.

Yours faithfully,



**KATHRYN VENTHAM**  
Partner