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# West Berkshire District Council Housing Site Allocations Development Plan Document

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<b>Committee considering report:</b>	Council
<b>Date of Committee:</b>	9 May 2017
<b>Portfolio Member:</b>	Councillor Hilary Cole
<b>Date Portfolio Member agreed report:</b>	27 April 2017
<b>Report Author:</b>	Bryan Lyttle
<b>Forward Plan Ref:</b>	C3227

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## 1. Purpose of the Report

- 1.1 To inform Council of the receipt of the Inspector's Report into the Examination of the West Berkshire District Council Housing Site Allocations Development Plan Document (HSA DPD).
- 1.2 To consider the adoption of the West Berkshire Housing Site Allocations Development Plan Document as attached in Appendix A.

## 2. Recommendations

- 2.1 That Council resolves that:
  - (1) The West Berkshire Housing Site Allocations Development Plan Document as attached in Appendix A is adopted in accordance with Section 23 of the Planning and Compulsory Purchase Act 2004 (as amended).
  - (2) Delegated authority is given to the Head of Development and Planning to agree any minor typographical and formatting refinements to the West Berkshire Housing Site Allocations Development Plan Document before publication.

## 3. Implications

- 3.1 **Financial:** The cost to the Council has been met within budget 2016/17
- 3.2 **Policy:** The HSA DPD is a "daughter document" to the Core Strategy and does not reassess the housing requirement. A new Local Plan, looking longer term, will be prepared to meet the objectively assessed need, as far as is consistent with the policies in the NPPF.
- 3.3 **Personnel:** n/a
- 3.4 **Legal:** Once Council adopts the HSA DPD it is still subject to a potential Judicial Review (JR) either by a developer or

member of the public. Requests for a JR must be made within 6 weeks following the day of adoption.

3.5 **Risk Management:** n/a

3.6 **Property:** n/a

3.7 **Other:** n/a

**4. Other options considered**

None

## Executive Summary

### 5. Introduction / Background

- 5.1 The Housing Site Allocations Development Plan Document (HSA DPD) was submitted to the Secretary of State on 6<sup>th</sup> April 2016. Examination sessions were held in June and July 2016 to discuss a number of issues upon which the Inspector required clarification. During the hearing sessions, the Inspector asked the Council to undertake additional work on a number of issues.
- 5.2 This work was completed in August 2016 and submitted to the Inspector at the beginning of September. The Inspector then sought additional comments on this work from those participants who attended the relevant hearing sessions.
- 5.3 At the same time, in accordance with Section 20 (7c) of the Planning and Compulsory Purchase Act 2004 (as amended), the Council formally requested that the Inspector recommended necessary modifications to the DPD in order to ensure legal compliance/soundness.
- 5.4 On 17<sup>th</sup> October 2016 the Inspector issued his preliminary findings and proposed a number of Main Modifications to the DPD. These proposed Main Modifications were subject to a further 7 week consultation between 12 December 2016 and 30 January 2017. They received a total of 105 responses which the Council duly sent on to the Inspector at the end of February together with the Council's response to them. These were all considered by the Inspector in reaching his conclusions.

### 6. Inspector's Report

- 6.1 The Inspector's Report was received on 28 March 2017 for 'fact checking'. This provided an opportunity for officers to identify any factual errors and to seek clarification on any conclusions that were unclear – but did not provide any scope to question conclusions. Officers completed the 'fact check' and the final report was then received from the Planning Inspectorate on 6 April 2017. The final Inspector's Report is attached as Appendix B.
- 6.2 The Inspector concluded that all legal and regulatory requirements had been met and that the West Berkshire Housing Site Allocations Development Plan Document provides an appropriate basis for the planning of the area, providing a number of modifications are made to the plan. These are set out in the appendix to his report. All of the required modifications were actually proposed by the Council during the course of the Examination and the Inspector recommended their inclusion after considering the representations on them from other parties.
- 6.3 The Main Modifications are summarised as follows:
  - To set out the role of the DPD, its relationship to the adopted Core Strategy, the policies Map, Neighbourhood Plans and the forthcoming "new" Local Plan.
  - To clarify that the DPD has only reviewed the settlement boundaries for those settlements within the settlement hierarchy set out in the Core Strategy. All settlement boundaries will be reviewed through the preparation of the new Local Plan.

- To make specific changes to policies dealing with individual housing sites, including the clarification of developable areas and the development potential of some sites. The most significant of these are:
  - the removal of Policy HSA14 North Lakeside, Theale and redrawing the settlement boundary of Theale around the whole of the Lakeside site. The southern portion of the site already has an extant planning permission for residential development and inclusion of the whole site would help to enable a comprehensive scheme which takes account of the nature and character of the area.
  - to increase the developable area of site ref:THE009 land between the A340 and The Green, Theale (Policy HSA 12) from 2.3 hectares to 3.4 hectares and increase the development potential of the site from approximately 70 dwellings to approximately 100 dwellings.
  - to increase the developable area of site ref:EUA025 land adjacent to Junction 12 of M4, Bath Road, Calcot (Policy HSA 12) from 1.7 hectares to approximately 4 hectares and increase the development potential of the site from approximately 100 dwellings to between 150 and 200 dwellings.
  - the removal of Policy TS3 relating to Clappers Farm Area of Search, Beech Hill (site ref:GTTS6).
- To make specific changes to some settlement boundaries, the most significant of which are:
  - to delete the proposed inclusion of Green Lane within the settlement boundary of Chieveley
  - to include the properties at Hermitage Green within the settlement boundary of Hermitage
- To clarify that there is a presumption in favour of development and redevelopment within the settlement boundaries of Burghfield, Curridge, Donnington, Eddington, Upper Bucklebury and Wickham. These settlements had been erroneously omitted from Policy C1 at the submission stage.
- To clarify Policy C1 that the circumstances where new dwellings in the countryside can be permitted will include limited infill in settlements in the countryside with no defined boundary.
- To clarify that Policy C5 does not apply to the existing educational and institutional establishments within the rural area of West Berkshire. The policy provisions for new development associated with these establishments are set out in saved policy ENV.27 of the West Berkshire District Local Plan.
- To clarify Policy P1, parking standards in relation to new development, with regard to visitor spaces for flats and change the requirement for two bed flats in Zone 1 to one space per dwelling in line with two bed houses in this zone.

## 7. Conclusion

- 7.1. The Inspector has concluded that the West Berkshire Housing Site Allocations Development Plan Document provides an appropriate basis for the planning of the area, providing a number of modifications are made to the plan. West Berkshire Council has specifically requested that the Inspector recommends any modifications necessary to enable the plan to be adopted.
- 7.2 If the Council resolves to adopt the West Berkshire Housing Site Allocations Development Plan Document, the plan will be formally advertised in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012. This triggers a six week period within which any person aggrieved by the West Berkshire Housing Site Allocations Development Plan Document may make an application to the High Court under section 113 of the Planning and Compulsory Purchase Act 2004 (as amended) on the grounds that either:
- (a) The document is not within the appropriate power; or
  - (b) A procedural requirement has not been complied with.
- 7.3 Once adopted, the West Berkshire Housing Site Allocations Development Plan Document becomes part of the Development Plan.

## 8. Appendices

- Appendix A – final text of the Housing Site Allocations Development Plan Document (including Main Modifications as set out in the Inspector’s Report and Minor Modifications as set out in the Schedule of Proposed Minor Changes (December 2016)
- Appendix B - Inspector’s Report on the Examination into the West Berkshire Housing Site Allocations Development Plan Document (6 April 2017)