

# Winchester District Local Plan (2020-2040)

## Hearing Statement Relating to Matter 5 On Behalf of Bargate Homes

April 2025

Contents

	Page
1. Introduction	3
2. Our Responses to the Matters Issues and Questions:	5

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Client

Bargate Homes

Date of Issue

4<sup>th</sup> April 2025

## **1.0 Introduction**

1.1 This Hearing Statement has been prepared on behalf of our client Bargate Homes Limited in response to the publication of the Winchester District Local Plan 2020-2040 (the 'Plan').

1.2 Representations have previously been submitted to the Council's Regulation 18 and Regulation 19 stages of the Plan on behalf of Bargate Homes; this included documentation which set out the significant planning benefits of their sites, which adjoin the settlement boundary of Waltham Chase.

### **Bargate Homes' Interests**

1.3 Bargate Homes have various interests within the Plan area, and two interests in Waltham Chase for which we are instructed to assist, and to which this Statement relates.

1.4 These two interests are Land at Forest Farm and Land South of Lower Chase Road.

### **Land at Forest Farm**

1.5 Land at Forest Farm is located on Winchester Road (B2177) a main road into Waltham Chase from Bishop's Waltham to the north and Wickham to the south. The site comprises a double field paddock framed by a mature hedgerow interspersed with trees on its northern, eastern and southern boundaries and a modest hedgerow on its western boundary.

1.6 The site measures 8.7 hectares and is currently an undeveloped parcel adjoining the settlement boundary. The site is situated between dwellings to the south and north and the character of the site is influenced by these dwellings and solar farm to the north.

1.7 The site is sustainably located within walking distance of the village centre and is connected by a footpath. The walking distance between the site and shopping parade is just 410 metres.

1.8 There are bus stops located on Winchester Road just 70 metres to the south providing good connections to Bishop's Waltham, Winchester, Fareham and Portsmouth and numerous small settlements between, including Wickham and Swanmore. The site is a sustainable location for development and represents a valuable opportunity for a development which would relate well to the existing settlement.

1.9 The site was submitted via the call for sites exercise in 2021 and has been published in the SHELAA 2021 and assigned site the number 'SH09'. The site was considered by officers to have a capacity of 131 dwellings at a density of 30 dwellings per hectare; the site was deemed to be deliverable and developable within five years.

1.10 The site has not been allocated for development; it is an 'omission site' and we continue to promote it because of concerns that the Plan will not deliver enough homes that are required. The site is shown outlined in red on the aerial photograph below.



Aerial Photograph Showing the Site Outlined in Red © Google All Rights Reserved

#### **Land South of Lower Chase Road**

1.11 Land South of Lower Chase Road is located to the east of Waltham Chase and extends to 4.3 hectares. Existing residential development at The Ridings lies to the west and the completed Bargate Homes Hawthorn Grove development to the south, through which the site would be accessed.

1.12 The site has not been allocated for development; it is an 'omission site' and we continue to promote it because of concerns that the Plan will not deliver enough homes. The site is shown outlined in red on the aerial photograph below.



Aerial Photograph Showing the Site Outlined in Red © Google All Rights Reserved

### **This Statement**

- 1.13 We do not seek to unnecessarily repeat points raised in the representations submitted by Bargate Homes, but we have answered a question posed by the Planning Inspector in the MIQs (ED13) because we feel it is helpful to do so.

## 2.0 Our Responses to the Matters, Issues and Questions

### Matter 5 – Site Allocation Methodology

**Issue:** Whether the site allocation methodology for proposed housing, mixed-use and non-residential site allocations is justified, effective and consistent with national policy?

#### Methodology and application

**Q6.** The Council has set out tables relating to housing supply in each of the settlements within the spatial areas in the ‘Development Allocations’ section of the Plan. In relation to each spatial area, the Council should provide robust evidence to justify the number of dwellings anticipated to be delivered in the Plan period, including net completions, outstanding permissions, windfall allowance, and development equivalents, Neighbourhood Plan allocations, extant Plan existing commitments, and new site allocations.

- 2.1 First, we note it is not so much a question, as a more of a statement of the inadequacies of the evidence prepared by the Council. It is therefore useful to review the table for Waltham Chase, shared below.

Waltham Chase Housing Sources	No. of dwellings
Net Completions in or adjoining settlement (2020-2023)	8
Outstanding permissions (at 2023)	9
Remaining Local Plan allocations (at 2023) carried forward (Policy WC1)	80
Windfall allowance	20
Total Provision 2020 – 2040	117

- 2.2 As stated in paragraphs 5.29 to 5.36, 5.60 and 5.61 of our Regulation 19 Representations, we have expressed major concerns regarding the windfall allowance. We note the Council’s reliance on the 2021 Windfall Assessment Report and we expect that the EiP will focus on recent trends in windfall allowances occurring since nutrient neutrality and BNG have become considerable constraints to the delivery of development.
- 2.3 A more positive and plan-led approach to providing Waltham Chase with the homes it needs, particularly noting that Morgan’s Yard has not come forward for development would be to allocate additional sites to provide a buffer, and more certainty, as opposed to relying on windfalls constrained by Policy SP3.
- 2.4 We remain concerned with the Plan’s reliance on just one ‘rolled over’ allocation in the Plan and so the Council’s evidence on the expected delivery of this single site is going to

be key to understanding if the Plan is effective. We have stated in our Regulation 19 representations that the anticipated number of dwellings on the site has already been lowered from 98 (as originally sought via the planning application) down to 80 and that the affordable housing provision will only be 10% - confirmed later in this Statement.

- 2.5 Since we prepared our Regulation 19 representations there has been some progress with the Morgan's Yard planning application referred to at paragraphs 5.67 onwards in our representations.
- 2.6 The progress includes the signing of the S106 Agreement on 2<sup>nd</sup> December 2024 and the grant of full planning permission on 3<sup>rd</sup> December 2024 subject to planning conditions.
- 2.7 This progress however is marred by a few worrying elements. As we understand it the site is constrained by contamination and this is hampering development viability.
- 2.8 We are not surprised that an application seeking a Non-Material Amendment was submitted to the Council on 17<sup>th</sup> December 2024 seeking an NMA to application 21/02439/FUL to include construction and demolition phasing plans and amend the Description of Development to include "phased development". The Description of Development therefore now reads "Full planning permission for phased development of 80 dwellings...".
- 2.9 The NMA was accepted and a decision was issued on 9th January 2025. The decision notice advises that "For the avoidance of doubt the following plans have been approved:
- Drawing No: D00018/015 - demolition plan
  - 'Construction Phasing Plan' submitted to the Local Planning Authority 17.12.2024"
- 2.10 We are concerned that the "Construction Phasing Plan" submitted to the Local Planning Authority on 17th December 2024 is not published in the public domain; and we have not been able to review it. We would ask that this is shared at the Examination in Public.
- 2.11 We can however see from the CIL forms submitted to the Council at the end of February that the development will come forward in two phases, namely:
- Phase 1 of phased development comprising 43 dwellings etc.
  - Phase 2 of phased development comprising 37 dwellings etc.



- 2.12 We note also that an application seeking to discharge planning conditions 1 (SAP's and Water Calculations), 2 (Remediation Strategy), 3 (Construction Transport Management Plan), 4 (Levels), 5 (Arboriculture), 6 (External Lighting), 7 (Drainage Strategy), 8 (Pre-Commencement Strategy), 9 and 11a (Archaeology) and 10 (Water Course Condition) was submitted to the LPA on 11<sup>th</sup> December 2024 and validated by the LPA on 8<sup>th</sup> January 2025.
- 2.13 To date, only condition 5 (arboriculture) and condition 10 (Water Course Condition) have been discharged.
- 2.14 We also note that a revised Remediation Strategy was submitted to the LPA on 20<sup>th</sup> March 2025.
- 2.15 To add to the confusion surrounding the phasing of the development the Construction Traffic Management Plan submitted to discharge planning conditions refers to three phases, namely:

## 2. Phasing and Site Establishment

The development will be constructed in three phases.

- Phase.1 - 42 residential units ( Southern end of the site )
- Phase.2 - 38 residential units ( Northern end of the site )
- Phase.3 - Light Industrial units and Flexible Employment building.

- 2.16 We are concerned that planning conditions have not been discharged and they would appear to be some way off being acceptable, and we are also very concerned that the agreement to the phasing of the development by the Council may mean that the development may only deliver a single phase.
- 2.17 As set out in our Regulation 19 representations, we have expressed concerns that there were many reasonable alternatives available to the Council, including the allocation of omission sites such as Bargate Homes' two sites in Waltham Chase; both of them being a sustainable location for new homes, and located in a higher order settlement when considering Waltham Chase's intertwined relationship with Swanmore and not relying on the flawed Settlement Hierarchy which treats these settlements separately.
- 2.18 As we advised at paragraph 5.72 of our representations, the Morgan's Yard development is delivering a sub-standard amount of affordable housing. The signed S106 confirms that the development of 80 dwellings will only be delivering 8 affordable homes, and



these are broken down as 6 apartments offered as affordable rented and 2 houses offered as shared ownership.

- 2.19 It remains unclear whether these affordable homes are being delivered in phase 1, phase 2 or in both phases. Regardless, the provision of affordable homes in Waltham Chase via the Plan is poor.
- 2.20 We do not see how any more affordable homes can come forward in Waltham Chase without an additional allocation. It is clear that, even if 20 windfall dwellings were to come forward it would most likely be on multiple sites, and as such the provision of affordable housing may not be a policy requirement.
- 2.21 Noting the constraints of Policy SP3, it would need to be a development within the tightly drawn settlement boundary, such as a brownfield site, or 20 affordable homes to meet the exception tests element of the policy. We do not consider that there are any brownfield sites that will be available during the Plan period in Waltham Chase.
- 2.22 Noting that the Regulation 18 Draft Local Plan envisaged 98 dwellings on Morgan's Yard and a policy expectation of 40% affordable housing, this site was expected to deliver 39 affordable homes. 20 windfalls, even if they are all affordable, when measured in combination with the 8 affordable homes (which remain questionable) on Morgan's Yard would still only deliver 28 affordable dwellings. 28 affordable dwellings is still 11 affordable dwellings short of the Regulation 18 expectation.
- 2.23 It is clear that the Plan is failing to deliver a meaningful amount of affordable homes in Waltham Chase, and this is not effective, nor is it consistent with national policy.
- 2.24 As we advised at paragraph 7.15 of our Regulation 19 representations, it was our opinion that additional assessments, evidence gathering and further justification was required before the Local Plan was submitted to the Planning Inspectorate for examination.
- 2.25 We note Question 6 on Page 9 of the MIQs, this is in our opinion, proof that further work should have been prepared before the Plan was submitted for examination, and proof that the Plan was rushed.
- 2.26 Paragraph 2.4 of the Council's Housing Topic Paper Update (ED02) dated January 2025; which is just another piece of evidence that is being retrofitted to the rushed and incomplete Plan, acknowledges that many respondents have criticised the Council for rushing its local plan through, it states *"this was a decision for the Council, not a matter for the Local Plan examination"*.

- 2.27 In our view, and clearly in the view of the ‘many respondents’ referred to; there were and still are other realistic options for the distribution of development that would see areas such as Waltham Chase take more housing and economic growth, and so we remain of the view that not all realistic options have been fully explored.
- 2.28 As we stated at paragraph 2.7 of our Regulation 19 representations, the Introduction of the Plan acknowledges that *“Over 90% of the sites that developers put forward have not been included in this plan.”* In our opinion this shows that the development industry is willing and ready to help Winchester and the wider sub-region to grow and meet its objectively assessed needs; but the Council appears to start off on a defensive footing, resisting development in favour of preservation.
- 2.29 The evidence base for the Plan confirms that Waltham Chase was downgraded to an ‘Intermediate Settlement’ in the 2024 settlement hierarchy, and judged to have a moderate level of services and facilities. This downgrading is a result of a flawed assessment that ignores the presence of Swanmore. We will not repeat our concerns with this classification. We do however note that the 2023 SHELAA identified nine sites adjacent to the settlement of Waltham Chase with an estimated capacity of 425 dwellings. It seems that many of these sites were ruled out purely on grounds of the potential for visual coalescence of Waltham Chase and Swanmore.
- 2.30 It is churlish for the Council to conclude that the two settlements are too close to be able to accommodate development between them, and then claim that the settlements are so far apart that they act separately in the settlement hierarchy.
- 2.31 Despite the obvious sustainability of Waltham Chase, it is only required to allocate 80 dwellings in the form of a ‘rolled over’ allocation and to speculate and allow for a windfall allowance of 20 dwellings. We consider that this level of housing provision is disproportionately low given the sustainability benefits and availability of sites in Waltham Chase.
- 2.32 Whilst the Council consider that the decision to proceed to submit the Plan was a matter for the Council it is for the Inspector to determine if the Plan has been prepared in a positive manner; and in our opinion, it was not.
- 2.33 It is perhaps worth noting again that the Plan area is experiencing a housing crisis, and it remains our view that the Council should have properly assessed the number of dwellings anticipated to be delivered in the Plan period, including net completions, outstanding permissions, windfalls, commitments and new allocations etc..

- 2.34 We also note that the table at Appendix A of the Housing Topic Paper entitled 'Local Plan Housing Trajectory' shows a rather arbitrary prediction of 20 dwellings being delivered in 2027-2028, 50 dwellings being delivered in 2028-2029 and 10 dwellings being delivered in 2029-2030 at Morgan's Yard. This does not appear to reflect a development that is now going to come forward in at least two phases.
- 2.35 The Council's failure to properly understand the housing position in the Plan area is perhaps why the Council lost a planning appeal recently.
- 2.36 Appeal Decision APP/L1765/W/24/3350662 dated 31<sup>st</sup> March 2025 relating to Land off School Lane, Denmead contains an up to date picture of the housing crisis in Winchester confirming that the Council doesn't have a five-year supply of land for homes; paragraphs 32 to 35 state:

32. The Framework, published in December 2024, sets out that its new five year supply provisions should take immediate effect and include a revised standard methodology for calculating housing needs, along with the need for an appropriate buffer. As set out in Appendix 3 of the Addendum Statement of Common Ground, the Council acknowledge that the annual requirement under the Framework is for 1,157 dwellings per annum. As an illustration of the vast difference, the housing figure under the current development plan, which is over five years old, is for 676 dwellings per annum. The Council have also sought to justify a 5% rather than 20% buffer and I find no reason to disagree with this approach...

33. The Council emphasise that the examination into the eLP is due to commence in April 2025 and will be seeking to establish a lower housing requirement than that required by the Framework under the transitional arrangements. The figure promoted in the eLP is 773 dwellings per annum. The Council's calculation of its five year supply for this appeal is therefore based on a combination of the Framework requirement for year one and the need for years 2-5 being set by the eLP, assuming adoption in late 2025.

34. Whilst the Council suggests that it can demonstrate a 5.4 year supply of housing based on its hybrid approach to calculating need and making a healthy deduction based on past over supply, I am not content that the adoption of the eLP can be considered so certain or so imminent to accept this as a robust position. It is clear that the Council are progressing its eLP, but it was indicated at the hearing that it was only capable of attracting very limited weight. Therefore, whilst I do not seek to replicate the role of the examination, I am not persuaded by the evidence of the Council as part of this particular

appeal that it can demonstrate a 5 year supply of housing land with appropriate 5% buffer.

35. Absent of any more robust evidence of the Council to the contrary as part of this appeal, I adopt the appellant's position which indicates that the presumption in favour of sustainable development set out in paragraph 11 d) of the Framework is engaged for decision making purposes.

Underlining is our emphasis.

2.37 Accordingly, we remain of the view that the Plan is flawed and ineffective and will not lead to an increase in supply and improvements to affordability of homes.