



NOTICE OF DECISION
TOWN AND COUNTRY PLANNING ACT 1990
(AS AMENDED)

Name and Address of Agent/Applicant :

Greystoke Land Limited
c/o Pegasus Group
Mr David Hutchison
Pegasus House
Querns Business Centre
Whitworth Road
Cirencester
GL7 1RT

Date Registered: 2nd April 2019

Proposal: Residential development of up to 18 dwellings with associated access, internal roads, car parking, public open space, landscaping, drainage and other associated infrastructure

Location: Land North Of, Southfield Farm, North Lane, Weston On The Green

Parish(es): Weston On The Green

REFUSAL OF PERMISSION FOR DEVELOPMENT

The Cherwell District Council, as Local Planning Authority, hereby **REFUSES** to grant planning permission for the development described in the above-mentioned application, the accompanying plans and drawings and any clarifying or amending information. **THE REASONS FOR REFUSAL ARE SET OUT IN THE ATTACHED SCHEDULE.**

Cherwell District Council
Bodicote House
Bodicote
BANBURY
OX15 4AA

Robert Jolley

**Assistant Director
Planning and Economy**

Date of Decision: 21st June 2019

Checked by: NS (Officer initials)

REASONS FOR REFUSAL

- 1 The development proposed, by reason of its scale and siting beyond the built up limits of the village, encroachment into the open countryside, and taking account of the Council's ability to demonstrate an up-to-date five year housing land supply, is considered to be unnecessary, undesirable and unsustainable new development that would harm the rural character and setting of the village. The proposal is therefore unacceptable in principle and contrary to Policies ESD13, ESD15 and Villages 2 of the Cherwell Local Plan 2011-2031 Part 1 and saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.
- 2 The development proposed, by reason of its poor connectivity and links to the existing village and position adjacent to the busy Northampton Road, and the relative lack of facilities within the village, would represent an unsustainable form of development, that would not give future occupiers a realistic choice of travel means. The proposed development would therefore be contrary to Policies SLE4, ESD1 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework which seeks to ensure that new development facilitates sustainable modes of transport and provides opportunities for the use of public transport, walking and cycling.
- 3 The submitted Drainage Strategy is inadequate and does not provide sufficient information to demonstrate that a drainage strategy based on Sustainable Urban Drainage Systems has been explored for the site. The proposal is therefore contrary to Policy ESD7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance in the National Planning Policy Framework.
- 4 In the absence of the completion of a satisfactory Planning Obligation, the Local Planning Authority is not convinced that the necessary infrastructure directly required as a result of this development, in the interests of supporting the sustainability of the village and the development, and in the interests of safeguarding public infrastructure and securing on site future maintenance arrangements, will be provided. The proposal therefore conflicts with Policies BSC3 and INF1 of the Cherwell Local Plan 2011-2031 Part 1 and Government advice within the National Planning Policy Framework.

STATEMENT OF ENGAGEMENT

In accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) and paragraph 38 of the National Planning Policy Framework, Cherwell Council has given consideration to whether amendments or additional information would overcome its concerns with the application, but unfortunately it has concluded that it would not be possible to resolve those concerns within the scope and timescales of this application. Cherwell Council has resolved that the application proposals do not amount to sustainable development and consent must accordingly be refused.

The case officer's report and recommendation in respect of this application is available to view online at: <http://www.cherwell.gov.uk/viewplanningapp>. The agenda, minutes and webcast recording of the Planning Committee meeting at which this application was determined 20 June 2019 are also available to view online at: <http://modgov.cherwell.gov.uk/ieListMeetings.aspx?CId=117&Year=0>.



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NOTES TO THE APPLICANT

REFUSAL OF PERMISSION

The Local Planning Authority has refused consent for the reasons set out in the schedule forming part of this notice of refusal. A further explanation of the reasons for the decision can be found in the planning officer's report, which can be viewed in Public Access via the council's web site.

If you wish to examine any of the development plans which set out the Local Planning Authority's policies and proposals for the development and use of land in its area, these are available for inspection on our website, or at the District Council offices, Bodicote House, Bodicote, during normal office hours.

APPEALS TO THE SECRETARY OF STATE

If you are aggrieved by the decision of the Local Planning Authority to refuse the application you can appeal to the First Secretary of State in accordance with Section 78(1) of the Town and Country Planning Act 1990.

If you wish to appeal then you must do so within six months of the date of this notice. Forms can be obtained from the **Planning Inspectorate, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN. Tel 0303 444 5000.**

The Secretary of State can allow a longer period for giving notice of an appeal, but he will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to him that the Local Planning Authority could not have granted permission or approval for the proposed development, having regard to the statutory requirements, to the provisions of the development order and to any directions given under the order.

In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

PURCHASE NOTICES

If either the Local Planning Authority or the First Secretary of State refuses planning permission or approval for the development of land, the owner may claim that he/she can neither put the land to a reasonably beneficial use in its existing state nor render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted.

In these circumstances the owner may serve a purchase notice on the District Council. This notice will require the Council to purchase his/her interest in the land in accordance with the provisions of Part VI of the Town and Country Planning Act 1990.

COMPENSATION

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused by the Secretary of State on appeal or on reference of the application to him.

These circumstances are set out in the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.

Appendix 24b

Weston on green appeal decision 3233293



Appeal Decision

Hearing Held on 29 October 2019

Site visit made on 29 October 2019

by A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 17 December 2019

Appeal Ref: APP/C3105/W/19/3233293

Land to the West of Northampton Road, Weston-on-the-Green OX25 3RQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Greystoke Land Limited against the decision of Cherwell District Council.
 - The application Ref 19/00596/OUT, dated 14 March 2019, was refused by notice dated 21 June 2019.
 - The development proposed is described as for residential development of up to 18 dwellings with associated access, internal roads, car parking, public open space, landscaping, drainage and other associated infrastructure.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During the course of the appeal, the Appellant sought to make an amendment to the proposed development with the intention that the amended proposal be considered and determined on the basis of 100% affordable housing provision. At the Hearing the main parties were given the opportunity to provide final verbal submissions in respect of the proposed amendment.
3. In deciding whether to accept the proposed amendment to the appeal scheme, I am mindful of the principles of *Bernard Wheatcroft Ltd v SSE* [JPL 1982 P37] and the guidance contained within the *Planning Appeals: Procedural Guide*. In this instance I have concluded that, by reason of the nature of the proposed amendment, the amended proposal would be so changed, that to make my decision on that basis would deprive those who should have been consulted the opportunity of such consultation. Consequently, this appeal has been determined on the basis of the original application and submissions.
4. Following the submission of the planning application and appeal in relation to this matter, the Weston-on-the-Green Neighbourhood Plan (the WNP) has been submitted for, and has progressed through, the examination process. I have considered the Report of the Examination as provided within the appeal submissions and, by reason of its advanced stage, I have given substantial weight to the WNP in the determination of this appeal.
5. Outline planning permission is sought with all matters reserved. The details submitted with the application include reference to layout. Whilst not formally part of the scheme and provided for illustrative purposes, I have nevertheless

treated these details as a useful guide as to how the site might be developed. I have determined the appeal on this basis.

6. At the Hearing, the Council confirmed that it has withdrawn its objections in relation to the effect of the proposed development on the existing drainage network and the potential for flooding in the surrounding area. The Appellant has been made aware of this change to the reasons for refusal and has had the opportunity to comment. However, at the Hearing interested parties raised further concerns regarding the potential for flooding and, consequently, whilst I have not considered this matter to form part of the main issues in this appeal, I will return to this subject within the Other Matters section provided below.

Main Issues

7. The main issues in this appeal are:
 - Whether the proposal would constitute an appropriate form of development with particular regard to the provisions of local and national policy in respect of the location of the development and the effect of the proposal on the character and appearance of the surrounding area;
 - Whether the proposed development is in a suitable location for housing with particular reference to the accessibility of services and facilities; and,
 - Whether the proposed development makes adequate provision for any additional need for infrastructure, services and facilities arising from the development.

Reasons

Principle of development

8. Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications are determined in accordance with the development plan unless material considerations indicate otherwise. In this instance, the development plan comprises the Cherwell Local Plan 2011-2031 Part 1¹ (the CLPP1) and the saved policies of the Cherwell Local Plan (1996) (the CLP).
9. Policy Villages 1 of the CLPP1 confirms that Weston-on-the-Green is a **Category A village. Whilst I acknowledge the Council's comments regarding the variety of sizes and populations for Category A villages within the District, in the context of the development plan, Category A villages are considered to be the most sustainable rural settlements in the district.**
10. Policy Villages 2 of the CLPP1 concerns the distribution of growth across rural **areas within the district and provides that "a total of 750 homes will be delivered at Category A villages", in addition to rural allowance** for small site windfalls and planning permissions for ten or more dwellings as at 31 March 2014. This policy further confirms that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of planning permission applications.

¹ Adopted July 2015

11. It is agreed between the main parties that the 750 homes figure provided under Policy Villages 2 of the CLPP1, is not a cap or ceiling and therefore does not represent a maximum number of homes to be delivered. It has been put to me by the Council that, as of the date of the Hearing, planning permission for a total of 750 homes have been granted since April 2014 under the provisions of Policy Villages 2 of the CLPP1 and that approximately 271 homes have been completed.
12. As such, the Council contends that if planning permission were to be granted then the 750 homes figure for dwellings at Category A Villages would be exceeded well in advance of the end of the plan period. The Council maintains that by exceeding this figure, the proposed development would undermine the **District's aim to focus growth at the larger settlements of Banbury and Bicester**, and would make it more difficult for other Category A Villages within the District to meet their potential housing needs later on during the plan period.
13. The main parties have cited a number of previous appeal decisions in support of their submissions, which include a previous appeal decision which relates to this appeal site² (the previous appeal decision). In this regard, several of the referenced appeal decisions concerned development proposals where the 750 homes figure had not been exceeded. However, the recent decision in relation to a site located at Ambrosden³ (the Ambrosden Appeal) concerned development where, as in this present case, it was shown that the number of homes delivered during the relevant period, in combination with planning permissions that had been granted, had reached the 750 homes figure.
14. In this regard, **whilst I acknowledge the Council's submissions in relation to this proposal, I concur with the Inspector's findings in the Ambrosden Appeal** in that such proposals will not harm the strategy of concentrating development in Bicester and Banbury and, furthermore, that development at Category A Villages which exceeds the 750 homes figure need not place any undue constraint on other villages to meet any specific or identified housing needs, as other policies contained within the development plan, for example Policy Villages 1 and Policy Villages 3 of the CLPP1, would be relevant considerations to cater for any such needs.
15. Indeed, as noted above, the WNP is at an advanced stage and recognises that additional housing, and specifically affordable housing, is needed in Weston-on-the-Green. Whilst there is disagreement between the main parties regarding the total number of houses that will now be required to meet the aims and objectives of the WNP and further disagreement regarding the availability of alternative suitable sites within the village to meet any such needs, it is clear that in order to meet these objectives it will necessitate exceeding the already reached goal of providing 750 homes in Category A Villages within the District.
16. In summary of the above, I consider the proposed scheme would not **necessarily undermine the District's housing strategy nor place any undue constraint on other villages to meet any specific or identified housing needs during the relevant plan period**. Furthermore, I acknowledge that the scheme

² Appeal Reference: APP/C3105/W/16/3158925

³ Appeal Reference: APP/C3105/W/19/3228169

would provide some affordable housing units which would assist in meeting the objectives of the WNP.

17. However, I accept that notwithstanding the above finding, other forms of harm may arise for example in respect of the effect of the scheme on the character and appearance of the surrounding area or in respect of the location of the site with regards to access to services and facilities. These are matters which I shall now turn to as below.

Character and appearance

18. The appeal site comprises part of a substantial and relatively flat parcel of open land which has been divided into a number of separate paddocks. The site is located outside of the village and adjacent to land which has been granted permission for a scheme of up to twenty dwellings⁴.
19. I acknowledge that existing hedgerows and vegetation would partially screen the site from views from the surrounding locality and, consistent with the findings of the Inspector in the previous appeal decision, I acknowledge the conclusions of the Landscape and Visual Impact Appraisal that the effect on the wider landscape would be limited.
20. However, and notwithstanding the above, whilst the proposed scheme would reduce the total number of dwellings to be provided at this site when compared to the scheme considered under the previous appeal decision, the appeal proposal would still alter the agricultural appearance of the site to that of a domestic residential one and, consequently, would have an urbanising effect on this countryside location. As stated by the Appellant, the proposal would create a new settlement edge and, consequently, the scheme would appear as an encroachment into the open countryside. In my view, this would represent an undue visual intrusion into the open countryside and would thereby detract from the rural character of the surrounding area.
21. Further to the above, the proposed scheme would appear as a modern estate which would not reflect the mixture of older and newer housing that can be found throughout Weston-on-the-Green and, consequently, the proposed scheme would be harmful to the character and setting of this village.
22. For the above reasons, the proposed development would conflict with Policies Villages 2, ESD13 and ESD15 of the CLPP1 which, amongst other matters, seek to ensure that development contributes positively to the character of the area and does not cause an undue visual intrusion into the open countryside. Furthermore, the proposal would not accord with those parts of the National Planning Policy Framework (the NPPF) which seek to protect the countryside from inappropriate development. Saved Policy C28 of the CLP concerns layout, design and external appearance and as the planning application is in outline with all matters reserved, no assessment of the proposal in light of this policy is required.

Access to services and facilities

23. As highlighted by the Inspector in relation to the previous appeal decision, Weston-on-the-Green contains a basic core of services which includes access to

⁴ Council Reference: 13/01796/OUT

a Post Office, a general store, public houses, a church and village hall. The appeal site would be within reasonable walking distance of these facilities for most people and, whilst I acknowledge the concerns of interested parties with regards to the safety of pedestrians entering the centre of the village along the B340 road, I am satisfied that the provision of the proposed footpath would be sufficient to allow for safe access to the village.

24. However, as noted by the Inspector in the previous appeal decision at this site, while there would be access to some basic core services and facilities within Weston-on-the-Green, these services are limited and consequently potential future residents would have to travel further afield to access facilities which are likely to be required on a day to day basis, for example schooling, healthcare, shopping and leisure.
25. The Appellant has put it to me that access to a wider range of services could be achieved other than by means of private motor vehicle. In this regard, the Appellant maintains that children would have access to free transport to the nearest available schools and that there are alternative community services, such as the Oxfordshire Comet bookable transport service, which would provide choice for future residents.
26. However, I would again concur with the findings of the Inspector in the previous appeal decision, in that as residents would have no real choice of transport other than by private vehicle or community transport this would bring into question the sustainability of the village and the proposed development itself. This position would not be changed by the introduction of additional train services from Oxford Parkway station into Oxford.
27. Furthermore, whilst I acknowledge the proposed contribution towards new bus **services and acknowledge the Appellant's submissions regarding the need to** provide housing in order to maintain a suitable level of local employees with respect to employment opportunities within Weston-on-the-Green, the evidence before me indicates that the financial contribution would be insufficient to secure the long term viability of any new bus service. Additionally, there is no evidence before me which demonstrates that there are insufficient potential employees currently residing within the village to meet the needs of local businesses.
28. In my view, it is therefore likely that future occupants of the proposed scheme would be reliant on private motor vehicles in order to access day to day services such as schools, medical facilities or wider transport links. Whilst dependence on private vehicles may be expected in rural locations, the proposal would only exacerbate this level of reliance. It would contribute to a pattern of development that would be likely to cause environmental harm as a result of increased car journeys and hence carbon emissions.
29. For the above reasons, the proposed development would conflict with Policies Villages 2, ESD1 and SLE4 of the CLPP1 and would not accord with those provisions of the NPPF which, amongst other things, requires that development should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling.

Planning Obligations

30. At the Hearing, the Appellant confirmed that it was their intention to provide deeds pursuant to Section 106 of the Town and Country Planning Act 1990 which would secure any planning obligations that were necessary to make the appeal proposal acceptable in planning terms. It was put to me that the details of such obligations had been agreed in principle with the Council and that the relevant deeds were in the process of being executed. Consequently, it was agreed that further time would be provided in order that the said obligations could be completed. However, at the date upon which this appeal has been determined, no such completed obligations have been provided.
31. Paragraph 56 of the NPPF explains that planning obligations must only be sought where they meet all of the following tests as set out in Regulation 122(2) of the Community Infrastructure Levy Regulations (CIL Regs) 2010, as amended: a) necessary to make the development acceptable in planning terms; b) directly related to the development; and c) fairly and reasonably related in scale and kind to the development.
32. Policies BSC10 and BSC11 of the CLPP1 require the provision of open space to support new housing growth in accordance with Table 7: Local Standards of Provision. Policy BSC3 of the CLPP1 requires the provision of 35% Affordable Housing as part of the proposed development. The Developer Contributions SPD (2018) requires financial contributions towards provision of refuse/recycling bins for the development, as well as contributions towards improvements to off-site sports facilities and new community facilities or the improvement of any such existing facilities.
33. Policy INF1 of the CLPP1 provides that development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. The evidence before me indicates and confirms that financial contributions towards education provision, specifically in relation to the expansion of Chesterton Primary School are required in respect of the appeal scheme.
34. On the basis of the evidence submitted in relation to this appeal, I am satisfied that it has been demonstrated that the above contributions are reasonable and necessary. As noted above, no legal agreement has been submitted as part of this appeal and, consequently, in the absence of any legal agreements which secure the above requirements, the proposal would conflict with Policies BSC3, BSC10, BSC11 and INF1 of the CLPP1. Furthermore, the appeal scheme would not accord with the provisions of the NPPF.

Other Matters

35. Interested parties raise several additional objections to the proposal including the effect of the proposal on highway safety, residential amenity, ecology and, as noted above, in relation to its effect on drainage and flood risk. These are important matters and I have considered all the evidence before me. However, given my findings in relation to the main issues, these are not matters which have been critical to my decision and consequently require no further consideration or assessment in relation to this appeal.

Planning Balance

36. The NPPF provides that the concept of sustainable development comprises three mutually dependent dimensions – being the economic, social and environmental elements of the proposal. Paragraph 11 of the NPPF confirms that proposed development that accords with an up to date development plan should be approved without delay. In this respect, the evidence before me indicates that the development plan is up to date and it is agreed that the Council can currently demonstrate a five year supply of deliverable housing sites.
37. However, the proposal would provide social benefits in terms of contribution towards housing supply, comprising a mixture of housing types including affordable housing. I acknowledge that the provision of such housing may result in the improvement of living conditions for those, especially children, who currently reside in unsatisfactory housing and consequently I attach substantial weight to these benefits in the determination of this appeal.
38. The appeal scheme would further provide economic benefits in terms of employment opportunities during the construction phase and I accept that housing at this location may help maintain the vitality of Weston-on-the-Green and other nearby settlements. I attach moderate weight to these considerations in the determination of this appeal.
39. It has been further put to me by the Appellant that the appeal scheme would provide benefits in terms of financial contributions towards a new bus service. However, for the reasons given above, there is doubt as to whether the level of financial contribution towards a new bus service would be sufficient to ensure its long term viability and, consequently, I attached very limited weight to this consideration in the determination of this appeal.
40. In terms of environmental benefits, I accept that additional planting and landscaping may result in biodiversity enhancement, but I attach only limited weight to this consideration in the determination of this appeal by reason of the scale of the development.
41. Set against the potential benefits of the appeal scheme as described above, the development plan conflict in relation to the effect of the proposal on the character and appearance of the area and the setting of Weston-on-the-Green, **and the conflict in relation to the appeal site's location with regards to access** to services and facilities by means other than by private motor vehicle, weighs significantly against the proposal. Furthermore, I recognise that the WNP provides that twenty additional houses are sufficient at present, and that as the proposal would be for housing in excess of this, the appeal scheme would not accord with the aims and objectives of the WNP.
42. Whilst I acknowledge the suggestion by the Appellant that the Planning Obligation could be secured by means of a Grampian condition, most of the contributions secured by such documents would carry neutral weight in the planning balance as they are designed to make the development acceptable. The proposal would secure affordable housing which would have positive weight. However, this would still not be of sufficient weight to outweigh the harm identified above. Accordingly, I find that, in the event that planning obligations were secured, this would not alter the outcome of this decision in the overall planning balance.

43. **In summary of the above, the proposal's conflict with the development plan** when taken as a whole, and the environmental harm that would arise due to the likely reliance of future residents on use of private vehicles, weighs significantly against the appeal scheme. For the reasons given, I conclude that the potential benefits described above, either individually or in combination, would not outweigh the harm identified in relation to the development plan conflict. Consequently, the appeal scheme would not accord with the aims and objectives of the NPPF with regards to sustainable development.

Conclusion

44. For the reasons given above, I conclude that the appeal should be dismissed.

A Spencer-Peet

INSPECTOR

APPEARANCES

FOR THE APPELLANT

A Crean	Greystoke Land Limited
D Hutchison	Pegasus Planning Group Limited

FOR THE LOCAL AUTHORITY

N Stock	Cherwell District Council
M Chadwick	Cherwell District Council
T Plant	Cherwell District Council
C Cherry	Cherwell District Council

INTERESTED PERSONS

1. D Bohm
2. E Bohm
3. R Oliver
4. L Ricketts

DOCUMENTS SUBMITTED AT HEARING

1. Letters of Notification dated 8 October 2019.
2. Draft Statement of Common Ground with Appendices dated 18 October 2019.
3. **Local Planning Authority's Revised Suggested Draft Conditions Document.**
4. **Appellant's Draft Conditions Document**
5. Copy of Planning Inspectorate Appeal Decision Reference: APP/C3105/W/19/3228169.
6. Report of the Examination into the Weston-on-the-Green Neighbourhood Plan 2018-2031 with copy Cherwell District Council Executive Consideration **of the Examiner's Report for the Weston-on-the-Green Neighbourhood Plan.**

Appendix 25

Fritwell committee report

Case Officer: James Kirkham

Applicant: CALA Homes (Chiltern) Ltd

Proposal: The erection of up to 28 dwellings and associated site access onto Fewcott Road

Ward: Deddington

Councillors: Councillor Hugo Brown, Councillor Bryn Williams, Councillor Mike Kerford-Byrnes

Reason for Referral: Major development – 10 or more new dwellings

Expiry Date: 29 November 2019

Committee Date: 18th December 2019

EXECUTIVE SUMMARY OF PROPOSALS AND RECOMMENDATION

RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO A S106 LEGAL AGREEMENT

Proposal

The current application seeks permission for up to 28 dwellings on the site. The application is made in outline will all matters reserved except the principle means of access from Fewcott Road. An indicative layout has been provided demonstrating one way this quantum of development could be provided on the site.

Consultations

The following consultees have raised **objections** to the application:

- Oxfordshire Clinical Commissioning Group

The following consultees have raised **no objections** to the application:

- OCC Highways, OCC Rights of Way, Lead Local Flood Authority, OCC Education, CDC Planning Policy, CDC Ecology, CDC Tree Officer, CDC Strategic Housing, CDC Leisure and Recreation, CDC Environmental Protection Anglian Water

The following consultees are **in support** of the application:

- Fritwell Parish Council (subject to requirements), Mid-Cherwell Neighbourhood Forum (subject to requirements)

45 letters of objection have been received and 7 letters of support have been received.

Planning Policy and Constraints

A public footpath runs adjacent to the southern boundary of the site. The site is also located in the area covered by the Mid Cherwell Neighbourhood Plan and is lies outside the settlement areas identified in the Neighbourhood Plan. Fritwell Conservation Area also exists to the south west of the site.

The application has also been assessed against the relevant policies in the NPPF, the adopted Local Plan and other relevant guidance as listed in detail at Section 8 of the report.

Conclusion

The key issues arising from the application details are:

- Principle of Development
- Landscape and Visual Impact
- Site Layout and Design Principles
- Heritage
- Highways
- Ecology
- Affordable Housing and Housing Mix
- Flood Risk and Drainage
- Residential Amenity
- Impact on Local Infrastructure
- Other matters

The report looks into the key planning issues in detail, and Officers conclude that the proposal is acceptable subject to conditions and a legal agreement.

Members are advised that the above is a summary of the proposals and key issues contained in the main report below which provides full details of all consultation responses, planning policies, the Officer's assessment and recommendations, and Members are advised that this summary should be read in conjunction with the detailed report.

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site consists of a small grouping of fields forming part of the open countryside on the eastern edge of Fritwell, south of Fewcott Road. The site is relatively flat with the boundaries delineated by varying densities of trees and hedgerows. The site contains some small informally arranged outbuildings in its northeast corner. A public footpath runs immediately to the south of the site which separated from the site from a hedgerow and links through to Southfield Lane and on to East Street.
- 1.2. To the north of the site on the opposite side of Fewcott Road lies flat and expansive open countryside consisting of arable farmland. To the south and beyond the public footpath lies more paddock land, Lodge Farm and its associated farm buildings together with its fishing lakes. A track linking Lodge Farm with Fewcott Road passes down the eastern edge of the site. The 1990s residential development of Hodgson Close is located to the west where combinations of rear gardens and general amenity space border the site.
- 1.3. The site itself is not subject to any specific statutory or locally designated environmental or heritage constraints though the designated Fritwell Conservation Area lies to the south-west and incorporates not just buildings within the historic core of the village but also paddock land to the south-west of the site.

2. CONSTRAINTS

- 2.1. A public footpath runs adjacent to the southern boundary of the site and continues further to the east and west.
- 2.2. The site is also located in the area covered by the Mid Cherwell Neighbourhood Plan. Fritwell Conservation Area also exists to the south west of the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The current application seeks outline permission for to 28 dwellings on the site. All matters are reserved expect the principal means of access from Fewcott Road. This would also include the provision of a new public footpath to the south of Fewcott Road which would connect to the existing footpath adjacent to Hodgson Close.
- 3.2. An indicative layout has been provided with the application with shows the provision of 28 dwellings, public open space and a small paddock to the south of the site. It is also proposed to create a new pedestrian link to the public footpath of the south of the site.
- 3.3. When the original application was submitted the application was for 38 dwellings. Further to discussions with officers the application was reduced to 28 dwellings and the access to the site was moved closer to the village along Fewcott Road. These amendments have been subject to re-consultation.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

<u>Application Ref.</u>	<u>Proposal</u>	<u>Decision</u>
16/01594/F	Erection of 34 dwellings	Withdrawn

This application was for development of the southern part of the existing site (it excluded the northern parcel of land closest to the village in this application) and was made in full. It was withdrawn prior to be formally determined by the Council. A Committee report was however published for the scheme which recommended it for refusal. The reasons for refusal included that the poor sustainability of the village to accommodate this level of growth (due to lack of services facilities, and public transport); the harm to the rural character of the village; the failure to integrate and respect the pattern of development; unacceptable mix of affordable and market houses; unacceptable in terms of design detail; inadequate amenity spaces and inadequate access. It should be noted that this scheme related to different overall site area, was prior to the adoption of the Mid Cherwell Neighbourhood Plan and considered matters relating to layout, appearance, landscaping and scale which are reserved in the current application.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

17/00283/PREAPP - Proposed residential development of 43 dwellings. This only related to the southern parcel of land and was prior to the adoption of the Mid Cherwell Neighbourhood Plan. This reiterated the advice given on the withdrawn planning application.

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was 30/10/2019, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. The comments raised by third parties are summarised as follows:

Object (45)

- Principle – The site is outside the boundaries of the village; Site is not previously developed land as supported in the MCNP; The proposals would undermine public faith in the planning system and the Neighbourhood Plan. There are already new houses under construction in the village. These should count towards the Neighbourhood Plan number. The Council's rural housing allocation has already been met. No need for more housing and existing properties struggle to sell. Many developments to meet housing need elsewhere in Bicester, Upper Heyford, etc. Similar applications have been resisted in the past and the current proposal is already. The reasons remain relevant. Proposal will set a precedent for more developments in the village. There is a proposal for further housing development by Lagan Homes elsewhere in the village.
- Sustainability – The village is unsustainable for this level of growth with limited services, facilities and very limited public transport. Occupiers will be car dependant to access services and facilities. Categorisation of the village as a Cat A is wrong. Public house in the village is no longer open.
- Impact on character and appearance of the area – Loss of greenfield countryside between villages contrary to MCNP; Impact on the rural character of the area; Loss of trees and landscaping; The development would result in prominent intrusion into open countryside. Upgrading the footpath would be detrimental to the rural character of the area and impact on the amenity of residents adjacent to this route.
- Impact on character and/or setting of the village – Detrimental visual impact on the village; Proposal is not integrated into the village. Scale of growth is inappropriate for the size of the village.
- Impact on residential amenity – Loss of privacy, outlook and light to neighbouring properties in Hodgson Close. Increase in noise, disturbance, overlooking and light pollution
- Impact on highway safety – Access is unsafe due to vehicle speeds and will lead to accidents. Village is already a 'rat run'. Increase in traffic. Inadequate visibility from the access. Inadequate parking
- Impact on wildlife and ecology. Little evidence of 'net gains'.
- Impact on infrastructure – Concerns regarding capacity of sewage system which has already suffered problems and increased flooding. Proposed footway may impact on drainage ditch. Additional pressure on local infrastructure. Developer should contribute to new infrastructure. Objections to this money being spent outside of the village. Additional community facilities should be provided or funds to buy the local pub

- The Parish Council's support – The Parish Council's comments are not correct and do not fairly represent the views of the community. Strongly disagree with the views of the Parish Council. Requests for the parish to remove support for scheme.
- Other – Affordable (social) housing should be provided. The application is in outline and the details may change. This is not transparent and matters of design, layout and housing mix. The submission documents are inaccurate. Support OCCG comments. Impact on Human Rights. No attempt by the developer to engage with the community.
- Benefits overstated – Any support the application will provide to the school will be short lived until children grow up. No direct link between the shop remaining open and the development.
- Planning obligations – Request for outdoor sport facilities contribution towards playing field including details of usage and potential projects. Fritwell Village Hall Committee requested contributions towards improvement which are detailed in their submission.

Support (7)

- Need – Support need for new housing. More residents means more people to support village facilities.
- Housing mix – Site has been identified as most appropriate site for new housing. Important there is a mix of dwellings to meet local need.
- Benefits to infrastructure – The School has written in support of the application as likely to increase school roll which has fallen in recent years.

Non material considerations

- Right to Light. Loss of view over field.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. FRITWELL PARISH COUNCIL: Originally raised a number of concerns regarding the scheme and requested further information including the scale of the development; the highway impacts of the proposal; contributions for local facilities and mitigation; biodiversity enhancement; and drainage and sewerage. Following receipt of amended plans have the following comments:

7.3. **Supports** the application subject to a number of issues. Support housing for young people and downsizers to support community facilities. Note the inclusion of the site in the HELAA as 'suitable, available and achievable'. Consider the site is the most appropriate and sustainable for further development in Fritwell. The reduction in number of dwellings more closely complies with the Neighbourhood Plan and 35% is

proposed. The inclusion of 2 bungalows and 4 x 2 bed houses response to the views of residents. The amount of 3 and 4/5 bed houses needs to be reviewed. Request developer considered Neighbourhood Plans Forums comments on building design, construction and energy use.

- 7.4. Support the responses made by the playing field committee, village hall committee and primary school for the contributions to help improve and mitigate impacts of the development.
- 7.5. In relation transport note the village has no bus service and continues to campaign for a rural bus service and request a contribution towards subsidies for transport services. Parking should be increased to the maximum standard on the development given all occupants are likely to own a car. Parish welcome the inclusion of road calming along Fewcott Road including new signage, road markings and vehicle activated sign alongside proposal to move the spend limit. Request that further place making style road calming such as planted areas to narrow the entrance to the village and rumble strips (in keeping with those in Hodgson Close), and paved road areas be considered. Also welcomes connection to public right of way to the south of the site which should be surfaced to provide year-round access.
- 7.6. Support the Neighbourhood Plans response to consider low cost biodiversity measures like wild flower planting along verges or off-site.
- 7.7. MID CHERWELL NEIGHBOURHOOD PLAN FORUM: Objected to original proposal on ground of conflict with Policy PD1 and overall scale of development significantly exceeding the indicative growth of 25 dwellings.
- 7.8. Amended proposal: Supports subject to modification to housing mix to meet requirements set out in Policy PH1 and a clear statement for the developer they are prepared to consider the below points.
- 7.9. Pleased to see a reduction in number of dwellings but still exceeds indicative figure of 25 set out in the Neighbourhood Plan. Furthermore have concern that taking the scale of the current development would mean the whole allocation for housing growth in the village would be taken up immediately and may prevent any further development in the village for the rest of the plan period. They also raised concern with the housing mix against Policy PH1 and note there are too many '4 or more' bedroom properties and not sufficient 3 bed properties. In order to support the proposal, requests a number of outcomes are committed to in a Section 106:
 - Should be an exemplar scheme in respect of climate change designed to minimise energy consumption and avoid use of fossil fuels. Use of ground source heat pumps and highly insulated dwellings should be considered.
 - Serious consideration of making the scheme a pilot for off-site modular construction
 - Provide net gain biodiversity which exceeds the minimum
 - Provide support for local transport options; charging points for electric vehicles; traffic calming measures; new speed signs linked to mains electricity; enhancement of children's play area on playing field; provision of more recreational and sports facilities within Fritwell for all ages; support for the existing Village Hall, including additional storage, repairs and improved car park; developer funding directed to works in the village to benefit Fritwell residents

CONSULTEES

- 7.10. OCC HIGHWAYS: Objected to original application.
- 7.11. Amended plans: **No objection** subject to S106 to secure £15,000 for improvements to the Public Right of Way to the south of the site and an obligation to enter into a S278 agreement (construction of the site access, extension of the 30mph speed limit, construction of footway from site access to join existing footpath in village, land ownership and visibility splays, village entry treatment including traffic calming) and planning condition.
- 7.12. The traffic impact of the development is considered to be acceptable and not result in severe impact. The reduction in dwellings further reduces this impact. This site access has been amended and it has been sufficient visibility based on the speed surveys for the site can be achieved. The land within the visibility splays appears to be land either owned by the application, classified as public highway or is the highway ditch. As part of the S278 agreement part of this ditch will need to become within the applicants control through the land registry.
- 7.13. The application includes alterations to the highway directly in front of the application site, this includes extending the 30mph speed limit, new VAS speed limit sign and relocation of gateway and dragons teeth on carriageway. This will be done via S278 agreement and will require consultation.
- 7.14. In terms of pedestrian access the proposal is for a 1.8m footway to Fewcott Road. This is required to enable residents to walk into the village. The link to the south allows more permeability and better access to other parts of Fritwell and a contribution is sought to upgrade this to allow increase use to a better standard.
- 7.15. The indicative level of parking of 54 allocated and 10 visitor spaces in accordance with the OCC Standard however visitor bays need to be increase in width. Cycle parking provision should also be made for the dwellings.
- 7.16. Travel information packs should be provided for residents to encourage sustainable transport choices and vehicle tracking will be required.
- 7.17. OCC RIGHTS OF WAY: **No objection** subject to a upgrading the public right of way to the south of the site. Also request conditions on no obstruction of the footpath, no changes to footpath without agreement, no vehicular access along footpath and no gates opening onto footpath.
- 7.18. CDC ECOLOGY: **No objections** subject to conditions. The report is sufficient in scope and depth. No significant protected issues on the site however there is potential for bats to be present in the trees and potential reptiles and nesting birds and timing constraints and methodology of clearance is needs. These are covered in the submitted survey and could be including in CEMP for Biodiversity condition
- 7.19. The Biodiversity Metric submitted indicates there will be a reasonable level of net gain however raises queries where the open water and marginal vegetation will be provided. The fencing and walls must have gaps at their base and bird and bat boxes provided.
- 7.20. NATURAL ENGLAND: **No comments.**
- 7.21. CDC TREE OFFICER: **No objections.** The amended layout has lessened concerns regarding the site entrance, vision splays and plots to the south of the site.
- 7.22. CDC LANDSCAPE OFFICER: (on original submission) Comment. The existing boundary planting is a major design constraint. It does not appearance to have

informed the LVIA. The loss of planting for the visibility splay needs to be better understood. Viewpoints from the public right of way to the north of the site would have a major significance of effect which could be moderated over time will planting. Space is required between the visibility space and the plots on the northern boundary to help mitigate impact of PROW and roadside receptors. Concerns regarding plots very close to southern boundary and there may be pressure to reduce height of hedge increasing visual impacts. Suggest properties are moved from the southern boundary. No attenuation tanks should be provided under the LAP.

- 7.23. LEAD LOCAL FLOOD AUTHORITY: **No objection** subject to conditions on details surface water strategy, management and maintenance.
- 7.24. OCC EDUCATION: **No objections** subject to contributions towards secondary school capacity at Heyford Park School. No contributions sought to nursery, primary or SEN provision.
- 7.25. ANGLIAN WATER: **No objection.** The wastewater treatment and sewerage system has capacity for these flows. The proposal does not propose to discharge surface water to Anglian Water assets. Request informative regarding assets near the site, connections and protection of existing assets.
- 7.26. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: **Objects** on the basis it will put further pressure on primary care services supporting the Fritwell Area. The main GP practices which cover this area are Deddington Practice and Alchester Medical group. The application will increase the population by c.67 people, which will put direct pressure on the ability of the practices to continue to provide primary care services, without funding to support their infrastructure needs. Highlight growth in population in both these areas. Seek £360 per head to support capital projects associated with either of the two practices, to ensure primary care services are provided directly or indirectly to the development population.
- 7.27. CDC STRATEGIC HOUSING: **No objection.** Requests 10 affordable units with the indicative mix of tenures and sized:
- 2 x 1b2pM – Social Rent
 - 3 x 2b4pH – Social Rent
 - 2 x 2b4pH – Shared Ownership
 - 1 x 3b5pH – Social Rent
 - 1 x 3b5pH – Shared Ownership
 - 1 x 4b7pH – Social Rent
- 7.28. This represents a 70/30 split between (Social Rent level) rented units and Shared Ownership units as stated in our adopted Local Plan Part 1, Policy BSC3 and blends the findings of the most recent county-wide Strategic Housing Market Assessment, with our own district-specific levels of in-house data. 50% of the social rent should meet M4(2)(2) requirement and all rental units should be to national space standard. Expect parking for all units
- 7.29. CDC LEISURE AND RECREATION: **Comment.** Request contributions towards improvements to Fritwell Village Hall, outdoor sports (improvements to Fritwell Playing field for benefit/improvement of sport) and off-site indoor sports facilities

(contribution towards Bicester Gymnastics Club to develop a specialist gymnastics in Bicester for the Bicester and District Gymnastics Club)

7.30. CDC BUILDING CONTROL: **No comment.**

7.31. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to Construction Environmental Management Plan, full land investigation conditions, air quality condition and electric charging points. No comments in relation to odour or light.

8. RELEVANT PLANNING POLICY AND GUIDANCE

8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

MID-CHERWELL NEIGHBOURHOOD PLAN 2018-2031 (Feb 2019)

- PD1 – Development at Category A Villages
- PD4 – Protection of Important Views and Vistas
- PD5 – Buildings and Site Design
- PD6 – Control of Light Pollution
- PH1 – Open Market Housing Schemes
- PH3 – Adaptable housing
- PH5 – Parking, garaging and storage
- PC2 – Health Facility at Heyford

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031 Part 1)

- PSD1 – Presumption in Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems (SuDs)
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 – The Character of the Built and Historic Environment
- Villages 1 – Village Categorisation

- Villages 2 – Distribution Growth Across the Rural Areas
- INF1 – Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18 – New dwellings in the countryside
- C8 – Sporadic development in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design of new residential development
- ENV1 – Environmental pollution
- ENV12 – Potentially contaminated land

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2018
- Cherwell Residential Design Guide SPD 2018
- Developer Contributions SPD 2018
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of Development
- Landscape and Visual Impact
- Site Layout and Design Principles
- Heritage
- Highways
- Ecology
- Affordable Housing and Housing Mix
- Flood Risk and Drainage
- Residential Amenity
- Impact on Local Infrastructure
- Other matters

Principle of Development

Policy Context

9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996. The Development Plan in this area also includes the Mid-Cherwell Neighbourhood Plan which was adopted in February 2019.

9.3. The National Planning Policy Framework (NPPF) explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. Paragraph 7 of the NPPF sets out

the Government's view of what sustainable development means in practice for the planning system – the three strands being the economic, social and environmental roles. It is clear from this that as well as proximity to facilities, sustainability also relates to ensuring the physical and natural environment is conserved and enhanced as well as contributing to building a strong economy through the provision of new housing of the right type in the right location at the right time.

- 9.4. The NPPF does not change the statutory status of the development plan as the starting point for decision making. Proposed development that conflicts with the Local Plan should be refused unless other material considerations indicate otherwise. Cherwell District Council has an up-to-date Local Plan which was adopted on 20th July 2015 and can demonstrate a 5 year housing land supply. The Written Ministerial Statement of 12 September 2018 now considers important policies for determining the application to be out of date only where a 3 year supply of deliverable sites cannot be demonstrated in Cherwell.
- 9.5. Policy PD1 of the Mid-Cherwell Neighbourhood Plan (MCNP) states that in Category A Villages, such as Fritwell infill, conversion and minor development will be supported in principle within the settlement limits (as defined in the Neighbourhood Plan). It states that residential development proposals outside the settlement areas in such villages must have regard to the following criteria:
- Be immediately adjacent to the village
 - Not be best and most versatile agricultural land and previously developed land is particularly likely to be acceptable.
 - Conserve and, wherever possible, enhance the landscape.
 - Conserve and, where possible, enhance heritage assets
 - Not give rise to coalescence with other nearby settlements.
- 9.6. Policy PD1 of the MCNP goes onto state that the *'total indicative number of additional dwellings permitted during the plan period either within the settlement area of those villages, or adjacent to them, shall be approximately 25 for Fritwell'*.
- 9.7. The overall housing strategy in the Cherwell Local Plan 2011-2031 (including Policy BSC1) is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. With regards to villages, the Local Plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does however advise that there is a need within the rural areas to meet local and Cherwell-wide needs.
- 9.8. Policy Villages 1 of the CLP 2031 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Fritwell is classified as a Category A village.
- 9.9. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation

of the Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

9.10. Policy Villages 2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:

- *“Whether the land has been previously developed land or is of less environmental value;*
- *Whether significant adverse impact on heritage and wildlife assets could be avoided;*
- *Whether development would contribute in enhancing the built environment;*
- *Whether best and most versatile agricultural land could be avoided;*
- *Whether significant adverse landscape impacts could be avoided;*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided;*
- *Whether the site is well located to services and facilities;*
- *Whether necessary infrastructure could be provided;*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period;*
- *Whether land the subject of an application for planning permission could be delivered within the next five years; and*
- *Whether development would have an adverse impact on flood risk.”*

Assessment

9.11. As outlined above the Development Plan in this case consists of both the Cherwell Local Plan Part 1 (2015) (CLP) and the MCNP (2019). The application site is considered to fall outside of the built up limits of the village and is also outside the settlement boundaries identified in the MCNP. The most relevant policy to consider in relation to this application under the CLP (2015) would be Policy Villages 2, which provides a rural allocation of 750 dwellings to be provided at Category A Villages and significant progress has been made in regard to this allocation.

9.12. However, in this case Policy PD1 of the MCNP identifies an indicative level of growth to the Fritwell over the plan period (as outlined below) and there may be considered to be some conflict between these policies. The Planning Practice Guidance (PPG) and Section 38(5) of the Planning and Compulsory Purchase Act 2004 states that, where policy in a development plan for an area conflicts with another policy in the development plan, the conflict should be resolved in favour of the policy which is contained in the last document to be adopted, approved or published. In this case this would be the MCNP. Therefore, MCNP Policy PD1 is considered to take precedent over Policy Villages 2 – although the criteria of Policy Villages 2 are still considered to be relevant to the consideration of the application.

9.13. Policy PD1 of the MCNP states that an indicative number of additional dwellings permitted within or adjacent to Fritwell over the plan period (2018-2031) will be approximately 25 dwellings. It is clear from the use of the words ‘indicative’ and ‘approximately’ in the policy that 25 dwellings is not a ceiling and must be viewed as a guideline for the level of growth envisaged, and flexibility therefore applied in this respect whilst having regard 25.

9.14. At the current time 1 dwelling has been granted permission in the plan period (i.e. 2018-2031) in Fritwell (19/01402/OUT refers) and another single dwelling (19/02162/F refer) is pending consideration. Several objectors to the application

has referred to existing housing sites which are undergoing construction at the Former George and Dragon Site (17/01954/F refers for 7 dwellings) and a development of 8 dwellings on Fewcott Road (13/01347/F refers) which they consider should count towards this allocation. However, given these were granted prior to the plan period for the Neighbourhood Plan which covers the period 2018-2031, they do not count towards the level of growth specified in the Neighbourhood Plan (i.e. approximately indicatively 25 dwellings).

- 9.15. During the course of the application the number of dwellings proposed as part of the current application has been reduced from 38 dwellings to 28 dwellings in response to significant concerns raised by officers regarding the scale of growth proposed as originally submitted in the context of the housing strategy in the Neighbourhood Plan. Granting planning permission for the current application would result in a total of 30 dwellings being permitted in Fritwell within the plan period (if a pending separate application is approved for a single dwelling elsewhere in the village). Officers consider, on balance, that this level of growth complies with the indicative level of growth that is proposed to be provided in Fritwell through the Neighbourhood Plan.
- 9.16. Several concerns have been raised by neighbours over the general sustainability of village to accommodate this level of growth and prior to the adoption of the MCNP this was a significant concern of Officers. The village of Fritwell has relatively limited services and facilities including a school, a small shop, a play area, pub (albeit currently closed) and village hall. There is also no meaningful public transport to the village resulting in residents being highly reliant on the private car. Whilst these concerns do still exist, the MCNP clearly indicates a level of growth for the village and as outlined above the proposal is considered to accord with the MCNP's housing strategy. There has been no significant change in services to the village since the adoption of the MCNP which would justify taking a different position on this issue.
- 9.17. The basis of the planning system is plan-led and therefore the aforesaid concerns regarding the general sustainability of the village do not outweigh the provision of the recently adopted neighbourhood plan in regard to the scale of growth appropriate for the village. It should also be noted that the proposed development is likely to help support the existing services and facilities (shop, school and pub – in the event it re-opens) in the village to some extent although this is hard to fully quantify; and the governors of the primary school have supported the application.
- 9.18. The Neighbourhood Plan Forum has noted that Policy PD1 relates to all new housing 'within' and 'outside' of the built limits of the village over the whole of the plan period and has concerns that permitting 28 dwellings on the current site at an early point in the plan period may result in further development in the village taking the level of growth in the village into what they regard as 'unacceptable territory'. Whilst Officers sympathise with this view to some extent, Policy PD1 does not include any phasing of the indicative level of growth of 25 dwellings over the plan period and there is no limit on the amount of the envisaged development that comes forward on any one site. There are some benefits of allowing growth on a larger site (as opposed to multiple smaller sites) as planning obligations can be provided to mitigate impacts on infrastructure and affordable housing can be secured. This could not be insisted upon on smaller sites (of under 10 units). Each future application would need to be assessed on its own merits so any future growth in Fritwell would need to be considered in the context of the housing strategy outlined in Policy PD1 of the MCNP and other relevant policies and a view taken at the time as to whether the level of growth proposed would conflict with the Development Plan when read as a whole. Therefore, this matter is not considered to be a matter that would justify refusing consent on its own.

- 9.19. Policy PD1 goes onto provide several criteria to which applications for development outside the settlement must have particular regard. It is important to note that the policy has no requirement for all these criteria to be met although they clearly are material considerations in undertaking the planning balance. The current proposal is considered to comply with a number of these criteria. The site is located immediately adjacent to the village and would conserve heritage assets (as outlined below). It would also not give rise to coalescence with other settlements given the distance that would exist to the neighbouring villages. The site is not previously developed so does not gain support from that criteria. The issues relating to the use of best and most versatile agricultural land and landscape impact are outlined elsewhere in this report and need to be considered in the planning balance.
- 9.20. Several comments have also referred a proposal by Lagan Homes at Forge Place which may come forward in the future. However, this is not relevant to the current application and each application has to be assessed on its own merits. The Council has no formal proposals before them for an alternative development. Therefore, this is not considered to carry any significant weight in the context of the current application.

Conclusion

- 9.21. The most relevant policy to consider the principle of the application against is considered to be Policy PD1 of the MCNP. On balance, the scale of growth is considered to broadly comply with the Policy PD1 and therefore to accord with the growth strategy outlined in the Neighbourhood Plan. Subject to other material considerations the principle of this level of growth at Fritwell is therefore considered to be acceptable.

Landscape and visual impact and impact on the character of the area

Policy context

- 9.22. Government guidance contained within the NPPF towards achieving well-designed places states that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve. The NPPG goes on to note that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Further, Paragraph 130 of the NPPF states that permission should be refused for development of poor design that fails to take the opportunities for improving the character and quality of an area and the way it functions. Paragraph 170 states planning decisions should contribute and enhance the natural and local environment recognising the intrinsic character and beauty of the countryside.
- 9.5. Paragraph 127 of the NPPF states that planning decisions should ensure that developments:
- Will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;
 - Are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
 - Are sympathetic to local character and history, including the surrounding built environment and landscape setting
 - Establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

9.23. Policy ESD15 of the Cherwell Local Plan Part 1 states that: *“New development proposals should:*

- *Contribute positively to an area’s character and identity by creating or reinforcing local distinctiveness and respecting local topography, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views.*
- *Respect the traditional pattern routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages.”*

9.24. Policy ESD13 of the Cherwell Local Plan Part 1 states that: *“Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would:*

- *Cause undue visual intrusion into the open countryside;*
- *Cause undue harm to important natural landscape features and topography;*
- *Be inconsistent with local character;*
- *Harm the setting of settlements, buildings, structures or other landmark features;*
- *Harm the historic value of the landscape.”*

9.25. Policy Villages 2 also states regard will be had to whether a proposal would have significant adverse impacts on heritage, whether development would contribute to enhancing the built environment and whether significant adverse landscape and impacts can be avoided in determining applications under that policy.

9.26. Saved Policy C28 of the Cherwell Local Plan 1996 exercises control over all new developments to ensure that the standards of layout, design and external appearance are sympathetic to the character of the context and Saved Policy C8 seeks to limit sporadic development beyond the built limits of settlements.

9.27. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

9.28. Policy PD5 of the MCNP states that new development is required to high quality and reflect the guidance and principles set out in the Heritage and Character Assessment accompanying the Neighbourhood Plan. It goes onto state proposals should include appropriate landscape measure to mitigate impacts and be in keeping with the rural character of the village.

Assessment

9.29. The application is a flat grassland paddock with hedgerows along the southern, eastern and western boundaries. It is part of the wider paddock land to the east of Fritwell with expansive flat open arable farmland beyond to the north east and east. The natural landscape of the area is defined within the Oxfordshire Wildlife and Landscape Study of 2004 (OWLS) (referenced in Policy ESD13 of the CLP 2031 Part 1) as being of Farmland Plateau landscape type which is generally characterised by large level arable fields, sparse settlements with small grassland fields surrounding villages with long straight country roads between villages. The

strategy for this area as set out in OWLS is to conserve the open and remote character of the landscape type.

- 9.30. On entry to Fritwell from the east along Fewcott Road the village is prominent in views within its surrounding flat farmland landscape which creates a rural setting for the village. Whilst the site itself is not part of a designated landscape or intrinsically interesting or beautiful in landscape terms, it is nonetheless an archetypal part of the rural north Oxfordshire countryside and complements the Farmland Plateau landscape character with its surrounding paddocks and farmland contributing towards the experience of the rural character of the village.
- 9.31. The site is separated from the wider open countryside by the track serving Lodge Farm to the east and is arranged in a smaller field pattern than the surrounding more expansive fields which surround the village in this location. Hedgerows on the boundaries of the site and the presence of some informal buildings in the north west corner of the site also give the site a sense of enclosure and some sense of separation from the surround countryside.
- 9.32. The proposed development would lead to the loss of this site to development and would represent an encroachment into the open countryside as any loss of greenfield site at the edge of the village would. However, as noted above this site already has a different character to the wider more expansive countryside setting of the village which exists to the north and east of the site which somewhat limits the impact on the wider landscape character.
- 9.33. The illustrative layout for the proposed development seeks to retain and strengthen the planting on the eastern boundary of the site which borders the large arable field to the east. This would provide a further degree of containment to the site in terms of the wider landscape and visual impacts. Whilst views of the development from Fewcott Road to the west of the site and the public footpath that crosses the field to the west of the site would still be available, these would be filtered to some extent and diminish in time and distance.
- 9.34. The hedgerow to the south of the site, which separates the development from the public footpath (ref: 219/6/10), is largely to be retained with the exception of a small amount which would be lost to provide a pedestrian connection to this footpath which links back into the village. This footpath already runs along the side of several properties to the west of the site and the indicative plans have been amended to create a small paddock to the south of the site which would help soften the views of the development from the south and set the development away from this boundary.
- 9.35. The requirement for visibility splays at the site access with Fewcott Road means that much of the planting to the east of the proposed access on the northern boundary will need to be removed and this will open up views of the site in views from the road and the areas to the northern of the site. This would include the public bridleway (ref 219/11/10) which traverses the agricultural field approximately 200 metres to the north of the site and extends between the recreation ground and M40. Views from this footpath and the road to the front of the site would be relatively stark upon completion and would lead to some harm. However, it is proposed to plant new trees, shrubs and hedgerow planting in native species in this location on the northern boundary to help mitigate the impacts of the development to some extent and with landscaping being a reserved matter this could be controlled through subsequent applications. Furthermore, views from the public right of way are viewed in the context of the existing development at the edge of the village and are viewed from a distance of approximately 250 metres.

- 9.36. Views of the proposal would also be visible from other public footpaths to the east of the site; however, given the relatively flat topography of the area, existence of planting, and the fact many would be seen in the context of the existing built form of the village, these are not considered to lead to significant adverse impacts
- 9.37. In terms of the impact of the development on the immediate setting of the village, the proposed development would undoubtedly lead to some harm through the urbanisation of the site. However, the proposed development has to be viewed in the context of the aspirations of the MCNP to direct some growth to the village and given the scale of growth this is likely in officers' opinion to lead to the development of existing open land outside the settlement limits. The proposal is located at one of the less sensitive edges of the village from a heritage perspective and the proposed development would be viewed in the context of the existing more modern development at Fewcott View and Hodgson Close, the latter of which also provides development in a similar depth to the current proposal at the edge of the village. The screening which exists around the site and presence of the access to Lodge Farm also provides visual containment to the site and the countryside beyond.
- 9.38. Views of the proposal would also be available from the properties within Hodgson Close; however, these would be generally private views from properties over open countryside which are not given the same weight in planning decisions given that the planning system operates in the public rather than private interests. The impact on the residential amenity of these properties is covered elsewhere in this report.
- 9.39. The site was recently considered in the Housing and Economic Land Availability Assessment (HELAA 2018) where it was concluded that the site was suitable, available and achievable for housing. However, this document is only part of the evidence base to inform the plan making process and it is not considered to carry significant weight in decision making. It has not been subject to the robust scrutiny of public examination and it does not allocate land for development. It merely provides part of an evidence basis to allow the local authority to proactively plan for their housing and economic growth needs in future plans. The starting point for decision making is the up to date Development Plan and the development should be assessed in accordance with the policies within the Development Plan. This is reinforced by the Planning Practice Guidance. This matter is therefore only given limited weight in favour of the proposal.

Conclusion

- 9.40. Overall the impact of the development on the landscape character area is considered to moderate. There would be visual impacts associated with the development and with the more significant visual impacts of the development particularly from the north and east however these can be mitigated to some extent through additional planting and screening to the boundaries. The site is at one of the less sensitive entrances to the village to change and is relatively well contained by existing features. This harm needs to be weighed in the planning balance when considering the development as a whole.

Site Layout and Design Principles

Policy Context

- 9.41. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National

Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.

- 9.42. Policy PD5 states that new development is required to high quality and reflect the guidance and principles set out in the Heritage and Character Assessment accompanying the Neighbourhood Plan. It goes onto state proposal should include appropriate landscape measure to mitigate impacts and be in keeping with the rural character of the village. Policy PH5 states parking should be built in direct association with the dwellings they serve and should be large enough to accommodate modern cars and bicycles.
- 9.43. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.44. The application is in outline with all matters reserved except for access from Fewcott Road. The application is accompanied by an indicative layout and a Design and Access Statement, which indicates one way in which the site could be developed. It includes a public open space to the centre of the development around a mature tree, a small paddock area to the south and landscape buffers to north and east of the site.
- 9.45. Whilst many of the principles (including those outlined above) within the proposed indicative layout are considered appropriate for the site officers have several concerns which would need to be fully addressed as a part of a subsequent reserved matters application. For example, whilst frontage is created to the majority of Fewcott Road, the plot closest to the village is shown to have a side garden boundary wall creating the frontage which would not be in keeping with the pattern of development where there is generally a stronger frontage facing onto Fewcott Road. It is also considered that the plots to the east of the site should be further set into the plot to provide a gentler transition into the village.
- 9.46. Officers also have concerns that the proposed dwellings appear to be based on the more modern developments in the local village with deep plan forms and narrow frontage rather than the more traditional vernacular building form which is generally shallower plan form and wider frontage. The layout also appears rather gappy in places and lacks any continuous frontage; and the building styles indicated in the submitted Design and Access Statement would be overly complex and would not reflect the simpler vernacular form and detail. More defined boundary treatment and the use of limestone would all aid in improving the quality of the scheme and reflect the aspirations of the MCNP and other policy. However, given the current application is made in outline, these matters could be addressed through a reserved matters application.
- 9.47. The density of the scheme (excluding the paddock area to the south) equates to approximately 20 dwelling per hectare and is therefore relatively low density. Policy BSC2 of the CLP states that dwellings should be provided at 30dph unless there are justifiable planning reasons for a lower density. In this case the site lies at the edge of the village where the surrounding development has a relative low density. Furthermore, there is a need to provide landscape mitigation to the boundaries of the site. On balance the density is considered acceptable.

- 9.48. The illustrative layout seeks to retain the higher value trees on the site and integrate them into the layout and public open spaces. The layout demonstrates an appropriate level of public open space can be provided at the site including the area to the centre of the site countryside and areas around the boundaries of the site to comply with the requirements to general amenity space under Policy BSC11 of the CLP 2015 (approx. 0.2 hectares). Policy BSC11 also requires the provision of a local area of play (LAP); however, the parish council had requested a commuted sum to help upgrade the existing play area near the school and this can be secured through a legal agreement. This play area is approximately 250 metres from the site and is considered an acceptable alternative by officers to on-site provision.
- 9.49. In terms of integration with the surround movement network the proposal seeks to provide a new footpath along the frontage of Fewcott Road to join with Hodgson Close which will allow residents to access the village in a safe fashion on foot. It is also proposed to update the surface of the public footpath to the south of the site which would provide an alternative and more convenient link to Southfield Lane and East Street where the shop and public house exist. Whilst this route is not ideal it does improve the permeability of the development and the integration into the village.
- 9.50. Overall therefore it is considered that an acceptable layout and detailing can be negotiated at a reserved matters stage when matters of layout, appearance and landscaping are fully considered.

Heritage Impact

- 9.51. The designated Fritwell Conservation Area lies to the west and south-west of the site covering both the historic built core of the village as well as some of the paddocks to the south. Conservation Areas are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 and Policy PD4 echoes this guidance and this extends to the consideration of setting if the Conservation Area.
- 9.52. The development of the type and scale proposed on the site is not considered to be readily experienced from within the Conservation Area subject to an appropriate layout and is not considered to impact notably on its setting from main viewpoints from the Conservation Area in this locality given the intervening modern housing developments as well as landscape features. Officers are therefore satisfied that the proposals would not directly or indirectly harm the special character and appearance of the Conservation Area and so the proposals would not conflict with national or local planning policy in this regard

Highways

- 9.53. Policy ESD15 of the Cherwell Local Plan Part 1 states that: "New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions." Policy SLE4 states that: "All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported." Policy PD5 of the MCNP seeks to ensure requires the provision of new footpaths to provide access to services and facilities of the village. The NPPF

advises that development should provide safe and suitable access for all and development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe.

Assessment

- 9.54. The current application proposes to create a new 5.5 metre wide vehicle access from Fewcott Road into the development and also provide a new public footpath along Fewcott Road to link into the existing footpath at Hodgson Close.
- 9.55. When the application was originally submitted the Local Highway Authority (LHA) raised concerns over the visibility from the proposed access given the posted speed limit (60mph). Since this time the access has been relocated closer to the village and information of speed surveys undertaken at the site frontage been provided showing the 85th percentile speeds of 34.4mph for northbound traffic and 36.7mph for southbound traffic. The applicant has also proposed a number of works to the highway to help reduce vehicle speeds including the relocating the existing speed gate feature on Fewcott Road to a point approximately 30 metres to the south of the proposed site access, the provision of a Vehicle Activated Sign (VAS) and “dragons teeth” road markings. It is also proposed to relocate the existing 30mph speed limit which would be subject to a Traffic Regulation Order. Further to this information the LHA has raised no objection to the provision the new access and it is considered to be acceptable in terms of visibility and tracking. The works outlined above to create the access and undertake the highway improvement works would need to be secured through a S278 Agreement via the Section 106 agreement. The pedestrian link back to the village along Fewcott Road is also considered to be essential to provide pedestrian access and integration to the remainder of the village and the LHA is now satisfied this can be achieved in an acceptable manner.
- 9.56. The Parish Council has requested that further place making style road calming such as planted areas to narrow the entrance to the village and rumble strips (in keeping with those in Hodgson Close), and paved road areas be considered along Fewcott Road. However, Officers do not consider this is justified or necessary to make the proposal acceptable in planning terms in light of the LHA’s comments.
- 9.57. The LHA has not raised any objection to the application in terms of the impact of traffic generation on the highway network terms. Government guidance in the NPPF is clear that development should not be resisted on transport grounds except where the cumulative impact of congestion would be ‘severe’. This is a high test and is not considered the case in this application where the traffic impact would be relatively modest given the scale of the development and where there is no evidence that the existing highway network is at or near capacity.
- 9.58. The layout submitted is indicative, but it is also proposed to create a new link to the public right of way which exists to the south of the site and provides access to the East Street. This is considered important in terms of connecting and linking the site to the surrounding movement network and its provision can be controlled through a planning condition. The Highway Engineer and the Public Rights of Way (PRW) Officer at the County Council have both noted that surface of the existing public right of way needs to be improved to provide a more suitable access for residents and the Developer has agreed to undertake these under a Section S278. This needs to be secured through the legal agreement. The PRW Officer has requested a number of conditions relating to the protection of the right of way. However, the right of way is situated outside of the application site and obstruction of the right of way could be enforced by the LHA through other means.

- 9.59. The detailed matters raised by the LHA regarding the parking provision and vehicle tracking around the site would be considered as part of a reserved matters application as the layout of the site would be considered at that point.
- 9.60. It is noted that the Parish Council has requested a contribution toward future subsidies for public transport services serving the village. However, in light of there not being any public transport available in the village and given the fact there have been no requests for contributions for the County Council who may administer subsidies this is not considered to be reasonable or related to the development. Furthermore the County Council's request for Travel Information packs to new residents is also not considered to be justified given the limited choices available to new residents.

Ecology Impact

Legislative context

- 9.61. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.
- 9.62. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Policy Context

- 9.63. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity.
- 9.64. Paragraph 175 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity

resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

- 9.65. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.66. Policy ESD10 of the Cherwell Local Plan 2011-2031 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.67. Policy PD5 of the MCNP seeks net gain in biodiversity from planting.
- 9.68. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.69. The application is supported by a detailed Ecological Survey which concluded that there are no significant protected species issues on the site. The Council's Ecologist (CE) is satisfied with the detail and scope of the assessments and has noted that there is potential for bats to be present in some of the trees which will require checking if removed. Furthermore, there is potential for both reptiles and nesting birds to be affected so timing constraints and methods of clearance of vegetation need to be adhered to. These are outlined in the submitted reports and can be controlled by condition.
- 9.70. During the course of the application the CE requested that information be provided to demonstrate that a net gain in biodiversity can be achieved through the development. Given the outline nature of the application a indicative calculation has been undertaken which shows a net gain can be provided. The CE has queried where a number of features on which this calculation relies would be provided on the site. However, given the outline nature of the application where the layout is only indicative and the fact that the scheme will be relatively low density it is considered that it would be appropriate to control submission of these details to be provide with a the reserved matters application when these could be considered alongside the detailed layout of the proposal. This would also be considered through the proposed Landscape and Environmental Management Plan (LEMP) which is recommended to be conditioned.
- 9.71. Overall officers are satisfied, on the basis of the CE's advice and the absence of any objection from Natural England, and subject to conditions, that the welfare of any

European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Affordable Housing and Housing Mix

Policy

- 9.72. Policy BSC3 of the Cherwell Local Plan (2011-2031) states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing being for rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to meet current and expected future demand creating socially mixed and inclusive communities.
- 9.73. Policy PH1 of the MCNP relates to the housing mix of proposed market houses on development sites. This states new market should favour homes with a smaller number of bedrooms and states housing mix will be determined on the basis of the Strategic Housing Market Assessment (SHMA) or more up to date published evidence. It also goes onto state that regard will also be had to the characteristics of the site. On the basis of the SHMA, development of 10 dwellings or more should have the following indicative mix: 30% 1 or 2 bedrooms, 46% 3 bedrooms and no more than 24% with 4 or more bedrooms.
- 9.74. Policy PH3 of the MCNP seeks to favour development which provides dwellings which are designed to enable residents to live their through different stages of their life. It also offers support of new homes to be built to accessible standards (wheelchair adaptable or wheelchair accessible) and dwellings on a single level suitable for older people and those with disabilities.

Assessment

- 9.75. The applicant has committed to providing 35% affordable housing on the site in line with Policy BSC3. The detailed housing mix would be determined at reserved matters stage and at the current time the plans are only indicative. This would equate to 10 affordable units which would be split 70% rent and 30% shared ownership/intermediate housing. The Councils Housing Officer has suggested a proposed mix of tenures and sizes and these would form the basis of negotiations on the reserved matters application.
- 9.76. In relation to the market housing mix the Local Planning Authority was not provided details when the application was submitted. However, the Neighbourhood Plan Forum and Parish Council have both raised concerns regarding the number of 4 bedroom properties and consider the mix should be altered to reflect the Neighbourhood Plan housing mix with less '4 or more' and an increase in 3 bed properties. The applicant has responded providing an indicative mix of market dwellings as outlined below:

Unit Type	Proposed market Housing	Proposed %	MCNP %requirement
2 Bed	5 (incl 2 x bungalow)	28%	30%

3 Bed	8	44%	46%
4/5 Bed	5	28%	24%
Total	18	100%	100%

- 9.77. In officers view the revised indicative mix broadly complies with the policy in the Neighbourhood Plan. Furthermore, it must be remembered that full details of the housing mix both of market and affordable housing would be determined at reserved matters stage (although it would need to reflect that set out in the table above, unless a greater number of smaller dwellings are proposed at that time). The affordable housing would need to be secured by a legal agreement.
- 9.78. The applicant is also proposing to provide 2 bungalows on the site as part of the housing mix. The applicant has agreed that these will be provided to Part M 4(2) (accessible and adaptable dwellings) standard and this can be secured as a planning condition which weighs in favour of the development in terms of gaining support from Policy PH3 of the MCNP.
- 9.79. Overall therefore officers consider the level of affordable housing and housing mix has been adequately addressed.

Flooding Risk and Drainage

- 9.80. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding. Policy ESD7 of the Local Plan requires the use of Sustainable Urban Drainage Systems (SUDS) to manage surface water drainage. This is all with the aim to manage and reduce flood risk in the District.

Assessment

- 9.81. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding which has the lowest probability of flooding. The site also lies in an area identified as very low risk of surface water flooding on the Environment Agency's flood risk maps. The site is accompanied by a Flood Risk Assessment. This proposed an outline surface water drainage strategy which indicates it is proposed to discharge the surface water through a combination of domestic soakaways, permeable paving and restricted discharge to the ditch on the south east boundary of the site. The report states that infiltration is likely to be feasible.
- 9.82. The LLFA has raised a number of queries in relation to surface water drainage scheme however given the outline nature of the scheme they are satisfied that a detailed drainage scheme can be conditioned and be considered at part of the detailed layout of the site. Officers agree with this assessment. Concerns have also been raised that the provision of a footway along Fewcott Road may impact on the existing roadside ditch. If this does occur full details of this can be considered in the detailed drainage scheme.
- 9.83. A number of concerns have been raised regarding the adequacy of the existing sewerage infrastructure to accommodate the development including statements that issues have occurred in other parts of the village. However, Anglian Water has been

consulted and have stated that there is adequate capacity in their existing systems to accommodate the demands of the proposed development and the developer would need to contact them to arrangement the relevant connections. Given they are the statutory undertaker in this regard this is considered to be acceptable.

Impact on neighbouring amenity

- 9.84. Policy ESD 15 of the CLP 2031 (Part 1) requires new development to consider the amenity of both existing and future occupants, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space.

Assessment

- 9.85. The layout submitted is only indicative so it is difficult to make a full assessment of the impacts of the development on residential amenity as these would be subject to consideration in the reserved matters application where layout and appearance would be fully considered. However, the residential nature of the proposal is considered to be compatible with the surrounding land uses which are residential and agricultural. Whilst concerns have been raised regarding noise and disturbance to existing properties these are not considered to lead to material harm given the residential nature of the proposal.

- 9.86. The properties which would be most significantly impacted upon by the proposals are those properties which face onto the western boundary of the site in Hodgson Close. The proposal would clearly alter the view experienced over the application site from these properties which is currently over an undeveloped field; however, it is a long-established planning principle that there is no right to a private view. The indicative layout suggests the proposal would exceed the separation distances outlined in the Council's Residential Development Design Guide SPD which seeks to ensure that new development does not result in significantly harmful impacts to neighbouring properties in terms of loss of privacy, light or outlook. Therefore, whilst acknowledging there would be some increase in overlooking, loss of outlook and light to the adjoining residential properties this is considered to ensure a good standard of residential amenity would be retained for these properties.

Impact on Local Infrastructure

Policy Context

- 9.87. Policy INF1 of the CLP 2015 states that: *"Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."*
- 9.88. Policy BSC11 of the CLP 2015 states that: *"Development proposals will be required to contribute to the provision of open space, sport and recreation, together with secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement."* Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.
- 9.89. The Developer Contributions Supplementary Planning Document (SPD) sets out the position in respect of requiring financial and onsite contributions towards ensuring

the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.90. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development;
 - c) Fairly and reasonably related in scale and kind to the development.
- 9.91. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.
- 9.92. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows etc) in accordance with the Policy BSC11 of the CLP (approx. 0.2ha of informal open space)
- Provision of a commuted sum of £2,306.68 per dwelling to the upgrading/provision of local play equipment in Fritwell as no play provision is being provided on site
- Off-site outdoor sports facilities capital provision – improvement of sports fields in Fritwell to benefit sports provision including potential green gym equipment. This has included discussions with the Recreation Officer and the Playing Fields Committee. A request was made to spend this money on a zip wire however this was considered by officers to be play related rather than sports related therefore it was not considered appropriate. Based on £2017.03 per dwelling. 28no dwellings = £56,476.84
- Off-site indoor sports facilities – Towards Bicester Gymnastics Club to develop a specialist gymnastics (identified in the Councils District Sports Study). Whilst concerns have been raised this should be spend in the village there are no specific indoor sports facilities in the village and the population of the development will clearly be reliant on the neighbouring towns such as Bicester for wider indoor sports provision. This is a project is identified in the District Sports Study - £23,378.51
- Community hall facilities - £32,266.00 – To be spent on improvements/enhancements to Fritwell Village Hall
- £106 per dwelling for bins
- Affordable housing provision – 35% (10 units)

Oxfordshire County Council

- Contribution towards creation of additional secondary school capacity through expansion of Heyford Park School (£118,662 based on current housing mix but will change with different housing mix)
- No contributions are sought to primary education, SEN provision or nursery provision as there is capacity in the local area to accommodate the development taking into account the scale of the development.
- An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
 - Construction of the site access.
 - Extension of the 30mph speed limit.
 - Construction of footway from site access to join existing footpath in village at Hodgson Close
 - Identification of areas to be provided as public highway and provision of visibility splays.
 - Village entry treatment including new vehicle activated sign, relocation of gateway feature and dragons teeth on carriageway.
- Obligation to enter into a S278 agreement to provide upgrades to the public right of way to the south of the site.

Other

- OCCG group have requested a contribution to support capital projects associated with either Deddington surgery or Alchester Medical group (£360 per person – circa 67 people). Whilst they have pointed to growth in population in these catchments over recent years they have not indicated whether these surgeries are operating at or above capacity and what infrastructure the contributions would be used to fund to mitigate the impacts of the development. At the current time it is not considered that such a contribution can be justified however further information has been requested from the OCCG.

Conclusion

9.93. A number of items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts.

Other Matters

9.94. Saved Policy ENV12 of the CLP1996 sets out that development on land which is known or suspect to be contaminated will only be permitted if,

- (i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
- (ii) The development is not likely to result in contamination of surface or underground water resources
- (iii) The proposed use does not conflict with other policies in the plan.

9.95. The site is on land which is potentially contaminated and the Council's Environmental Protection Officer (EPO) has therefore recommended that phased contaminated land conditions need to be attached should permission be granted. Officers agree with this assessment.

- 9.96. The Council's EPO has requested a condition in regard to the installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. It is considered reasonable and necessary for this to be secured through a condition of any permission given.
- 9.97. Policy ESD1 of the CLP 2031 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2031 seeks to achieve carbon emission reductions. Policy ESD3 of the CLP 2031 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. These could be controlled through a condition. The Neighbourhood Plan Forum has requested that the developer make the scheme an exemplar scheme in terms of energy usage and insulation. However, this does not form part of the proposals currently advanced by the applicant and it is not a requirement of the Development Plan to do this. This is therefore not considered to be justified and it is not considered there would be sufficient policy grounds to require this given the conclusion that the development as a whole complies with the Development Plan.
- 9.98. Policy PD6 requires the consideration of external lighting and the impact of this on the character and appearance of the locality and nature conservation. Given the outline nature of this application full details of this could be controlled through condition.
- 9.99. In relation to the best and most versatile agricultural land (BMV), a report has been submitted with the application that concludes the site falls within Grade 3A which is classified as being best and most versatile agricultural land (alongside Grade 1 and 2 land) which Policy Villages 2 of the Cherwell Local Plan and Policy PD1 of the MCNP requires the consideration of this issue. The NPPF also states planning decisions should recognise the economic and other benefits BMV land. The applicant has provided an analysis of this matter and it is noted that the site has previously been used as roughly grazed paddock and a small private allotment. Given the size of the site and the multiple ownerships it is not considered likely to be used for arable cropping in the future and even if it were to be the economic contribution this land would make would be limited given its size. Furthermore, they have reviewed the Predictive BMV Land Assessment maps from DEFRA and note that all the land around Fritwell has a moderate to high likelihood to include BMV agricultural land. Therefore, any development outside the settlement has a relatively high potential to impact on BMV land. Given these matters this issue are only considered to carry limited weight against the proposal.
- 9.100. Concerns have been raised by a number of local residents that they do not consider the comments of the parish represent the views of local residents. However, these are not matters that impact on the determination of the planning application. The views of the Parish Council as an organisation may differ from the views of the individuals making comments on the application. Officers have considered and had regard to all the comments on the application in forming a recommendation the application.
- 9.101. Finance considerations - Section 70(2) of the Town and Country Planning Act 1990 (as amended) provides that a local planning authority must have regard to a local finance consideration as far as it is material. Section 70(4) of the 1990 Act (as amended) defines a local finance consideration as a grant or other financial

assistance that has been, that will or that could be provided to a relevant authority by a Minister of the Crown (such as New Homes Bonus payments), or sums that a relevant authority has received, or will or could receive, in payment of the Community Infrastructure Levy.

- 9.102. In this particular instance, the above financial payments are not considered to be material to the decision as they would not make the development acceptable in planning terms. It would not be appropriate to make a decision based on the potential for the development to raise money for a local authority.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 advises that the three dimensions to sustainable development (economic, social and environmental), which are interdependent; need to be pursued in mutually supportive ways.
- 10.2. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay.
- 10.3. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.4. The site is not specifically allocated for development however it is located adjacent to the settlement boundary of Fritwell which is a Category A settlement. The MCNP provides an indicative/approximate level of growth of 25 dwellings, which is considered to be acceptable at Fritwell over the plan period. On balance the scale of the current proposal would comply with this level of growth and would bring economic and social benefits arising for the provision of new housing which carry moderate weight in the planning balance. The proposal would also bring benefits in terms of the provision of affordable housing to the village and would also provide 2 accessible bungalows which is supported by the MCNP. These matters weigh in favour of the development.
- 10.5. The proposal would result in some harm to the rural character and appearance of the locality and the urbanisation of the site at the edge of the village. However, these impacts could be reduced through the provision of additional landscaping which over time would reduce the more significant impacts. There would also be some harm to the landscape character of the area. However, this would be limited given the scale of the scheme and relationship to existing settlement. Officers consider that the scale of growth outlined at Fritwell in the MCNP is very likely to require the provision a site(s) outside the built up limits of the village and Policy PD1 does allow for such sites to come forward. Therefore, the loss of open countryside is likely to occur to accommodate the growth planned at the village. The application site is located at one of the less sensitive edges of the village in heritage terms and would be seen in the context of existing modern development. Furthermore, given the features on site, the site has a relatively strong visual connection to the settlement and a degree of visual containment. The loss of Best and Most Versatile

Agricultural Land also weighs against the proposal; however, given the nature and size of the site this harm is considered to be limited.

- 10.6. Whilst acknowledging there would be some harm to the character and appearance of the area, the benefits of the proposal are considered to outweigh the identified harm, and when viewed together the proposals are considered to comply with the Development Plan when read as a whole. It is therefore recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

- a) Provision of and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows etc) in accordance with the Policy BSC11 of the CLP (approx. 0.2ha of informal open space)
- b) Provision of a commuted sum of £2,306.68 per dwelling to the upgrading/provision of local play equipment in Fritwell as no play provision is being provided on site
- c) Off-site outdoor sports facilities capital provision towards improvement of sports fields in Fritwell. Based on £2017.03 per dwelling. 28no dwellings = £56,476.84
- d) Off-site indoor sports facilities – Towards Bicester Gymnastics Club to develop a specialist gymnastics (identified in the Councils District Sports Study) - £23,378.51
- e) Community hall facilities - To be spent on improvements/enhancements to Fritwell Village Hall - £32,266.00
- f) £106 per dwelling for bins
- g) Affordable housing provision – 35% (10 units)
- h) Contribution towards creation of additional secondary school capacity through expansion of Heyford Park School (£118,662 based on current housing mix but will change with different housing mix)
- i) An obligation to enter into a S278 Agreement will be required to secure mitigation/improvement works, including:
 - Construction of the site access.
 - Extension of the 30mph speed limit.
 - Construction of footway from site access to join existing footpath in village at Hodgson Close
 - Identification of areas to be provided as public highway and provision of visibility splays.
 - Village entry treatment including new vehicle activated sign, relocation of gateway feature and dragons teeth on carriageway.
- j) Obligation to enter into a S278 agreement to provide upgrades to the public right of way to the south of the site.

CONDITIONS

Time Limits

1. No development shall commence until full details of the layout (including the

layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason : To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

Compliance with Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: Application form and drawing number PL.01 and drawing number J32-3847-PS-001 Rev F included in Mode Transport Planning Technical Note (dated 30.9.19)

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

Finished floor levels

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Accessible and adaptable homes

6. As part of the reserved matters the proposal shall include the provision of at least 2 bungalows which shall be constructed to meet the Building Regulations M4(2) standards for accessible and adaptable homes. The dwellings shall be provided on site to accord with this standard and shall be retained as such thereafter.

Reason: To provide a mix of dwellings as supported by Policy PH3 of the Mid-Cherwell Neighbourhood Plan (2019), Policy ESD15 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

Land Contamination Desk Study / Site Walkover

7. Prior to the submission of any reserved matters and prior to the commencement of development a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

Reason: To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation

8. If a potential risk from contamination is identified as a result of the work carried out under condition 7, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Scheme

9. If contamination is found by undertaking the work carried out under condition 8, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and

the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Works

10. If remedial works have been identified in condition 9, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 9. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

Detailed Drainage Scheme

11. As part of any reserved matters for layout and prior to the development commencing detailed designs of the proposed surface water drainage scheme including details of implementation, maintenance and management shall be submitted to and approved in writing by the local planning authority. Those details shall include:
 - a) Information about the design storm period and intensity, critical storm duration (1 in 30 & 1 in 100 (+40% allowance for climate change), discharge rates and volumes (both pre and post development), temporary storage facilities, means of access for maintenance, the methods employed to delay and control surface water discharged from the site, and the measures taken to prevent flooding and pollution of the receiving groundwater and/or surface waters;
 - b) Any works required off-site to ensure adequate discharge of surface water without causing flooding or pollution (which should include refurbishment of existing culverts and headwalls or removal of unused culverts where relevant);
 - c) Flood water exceedance routes, both on and off site;
 - d) A timetable for implementation;
 - e) Site investigation and test results to confirm infiltrations rates; and
 - f) A management and maintenance plan, in perpetuity, for the lifetime of the development which shall include the arrangements for adoption by an appropriate public body or statutory undertaker, management and maintenance by a Residents' Management Company or any other arrangements to secure the operation of the surface water drainage scheme throughout its lifetime.

No building hereby permitted shall be occupied until the sustainable drainage scheme for this site has been completed in accordance with the approved details. The sustainable drainage scheme shall be managed and maintained thereafter in accordance with the agreed management and maintenance plan.

Reasons: To ensure that the proposed development can be adequately drained and to manage the flood risk on or off the site resulting from the proposed development in accordance with Policy ESD6 and ESD7 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

Full details of access

12. Prior to the commencement of the development hereby approved, details of the means of access between the land and the highway on Fewcott Road, including position, layout and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the occupation of any of the dwellings, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework

Details of connection to footpath

13. As part of the reserved matters for layout, full details of the proposed new connection to the public footpath adjacent to the southern boundary of the site shall be submitted and approved in writing by the local planning authority. The connection shall be provided in accordance with the approved details in accordance with a timetable to be first submitted and approved in writing by the Local Planning Authority prior to any works above slab level on any of the dwellings hereby permitted.

Reason: To integrate the development into the surrounding movement network and promote walking in accordance with Policy SLE4 of the Cherwell Local Plan (2015) and advice in the NPPF.

Construction Traffic Management Plan

14. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

Construction Environment Management Plan

15. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with local residents shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason – To protect the amenity of the neighbouring properties in accordance with Policy ESD15 of the Cherwell Local Plan and advice in the National Planning Policy Framework.

Energy Statement

16. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

Reason - In the interests of environmental sustainability in construction in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance in the National Planning Policy Framework.

Biodiversity enhancement

17. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

NOTE: It is advised that this condition include a Biodiversity Impact Assessment to show how a clear net gain for biodiversity will be achieved.

Landscape and Ecological Management Plan (LEMP)

18. Prior to the commencement of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. This shall include details of all planting, soft landscaping and biodiversity features and management and maintenance ongoing (including funding details and timetable). Thereafter, the development shall not be carried out other than in accordance with the approved LEMP.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Electric charging points infrastructure

19. No development shall commence above slab level until a scheme for a system of ducting to allow for the future installation of electrical vehicle charging infrastructure to serve each dwelling or a scheme showing the provision of electrical vehicle charging points for each dwelling has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the first

occupation of the dwelling.

Reason: To comply with Policies SLE 4, ESD 1, ESD 3 and ESD 5 of the Cherwell Local Plan 2011-2031 Part 1 and to maximise opportunities for sustainable transport modes in accordance with paragraph 110(e) of the National Planning Policy Framework.

Lighting strategy

20. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved details.

Reason -To protect the amenity of the locality and habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Water usage

21. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Compliance with ecological appraisal

22. The development hereby approved shall be carried out strictly in accordance with the recommendations outlined in sections 9.7, 9.8 and 8.9-8.11 of Extended Phase 1 Survey Report prepared by Lockhart Garratt, dated 12/11/2018.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Cycle Parking Provision

23. No dwelling of the development hereby permitted shall be occupied until cycle parking has been provided according to a plan showing the number, location and design of cycle parking for the dwellings that has previously been submitted to and approved in writing by the Local Planning Authority. The cycle parking will be permanently retained and maintained for the parking of cycles in connection with the development.

Reason - To ensure appropriate levels of cycle parking are available at all times to serve the development, and to comply with Government guidance contained within the National Planning Policy Framework.

Appendix 26

Banbury Rd, appeal decision

Appeal Decision

Inquiry held on 29 July 2014

Site visit made on 4 August 2014

by **S R G Baird BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 September 2014

Appeal Ref: APP/C3105/A/14/2213263

Land off Banbury Road, Adderbury, Oxfordshire OX17

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Cala Homes Limited against the decision of Cherwell District Council.
 - The application Ref 13/00996F, dated 28 June 2013, was refused by notice dated 4 October 2013.
 - The development proposed is residential development of 26 units.
-

Preliminary Matter

1. The appellant asked that the appeal be determined on the basis of the erection of 25 dwellings along with alterations to the proposed elevations. The reasons for the amendments are to provide a Local Area of Play (LAP) and to address concerns relating to appearance. The appellant carried out public consultation and submitted a planning application for 25 units to the local planning authority (lpa), which was refused on 20 June 2014.
2. Given the consultation exercise and the lpa's formal consideration of a broadly similar scheme, there would be no prejudice to any party by determining this appeal on the basis of the scheme as amended. Accordingly, this appeal has been decided on the basis of the refusal of planning permission for residential development of 25 units as shown on Drawing Nos. 13-843-001; 003 Location Plan only); 014A; 131; 132; 133; 135; 136; 138; 141; 143; 150; 151; 152; 060; 061 and 062.
3. Reason for Refusal (RfR) 2 relating to Footpath 1 (10/11) was added to the decision notice in error and was not pursued by the lpa.
4. A copy of an engrossed S106 Agreement between the land owners, Cala, Cherwell District Council and Oxfordshire County Council was submitted.

Decision

5. The appeal is allowed and planning permission is granted for residential development of 25 units on land off Banbury Road, Adderbury, Oxfordshire OX17 in accordance with the terms of the application, Ref 13/00996F, dated 28 June 2013, subject to the conditions set out in the attached Schedule of Conditions.

Main Issues

6. The first issue is the effect on the character and appearance of the area. The second issue is whether having regard to the design, layout and housing mix, the proposal would constitute a high quality and inclusive design. The third issue is whether the proposal provides an acceptable mix of affordable housing to meet the needs of the local community. The fourth issue is whether any harm arising from the development would be outweighed by any other material considerations.

Planning Policy

Planning Policy

7. The National Planning Policy Framework (Framework) seeks, amongst other things, “...to boost significantly the supply of housing..., the achievement of high quality and inclusive design... and to ...contribute to and enhance the natural and local environment...” Framework paragraph 49 says that relevant policies for the supply of housing should not be considered up-to-date if the lpa cannot demonstrate a 5-year supply of deliverable housing sites. Whilst not accepting the appellant’s calculation of housing land supply, the lpa acknowledged that it does not have a 5-year supply of deliverable housing sites and therefore the guidance at Framework paragraph 14 is engaged.
8. Framework paragraph 14 says that where, amongst other things, relevant policies are out-of-date, planning permission should be granted unless, “any adverse impacts in doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole...”. At paragraph 215, the Framework goes on to say, “...due weight should be given to relevant policies... according to their degree of consistency with this framework...” As to emerging plans, paragraph 216 says that weight may be given to relevant policies depending on, amongst other things, the stage of preparation of the emerging plan and the degree of consistency of relevant policies to policies in the Framework. The Framework, the High Court (HC) judgements¹ and appeal decisions that were placed before the Inquiry set the context for my consideration of the development plan.
9. The development plan includes saved policies in the Cherwell Local Plan (LP) adopted in 1996. Although the Non-Statutory Cherwell Local Plan 2004 was approved as interim planning policy for decision making purposes, it was never submitted for examination nor formally adopted and as such attracts very little weight. Whilst the Proposed Submission Cherwell Local Plan 2013 was submitted for examination, that process has been suspended because the plan did not reflect the District’s objectively assessed housing need. As such and given the nature of this appeal, this plan attracts little weight. The Draft Adderbury Plan is a Neighbourhood Plan being prepared by the Parish Council. This plan has not been submitted to the Council or for examination. In this context and given that the Parish Council could not indicate when the plan would be submitted for examination, it attracts very little weight.

¹ (1) William Davis, (2) Jelson Limited and (1) Secretary of State for Communities & Local Government, (2) North West Leicestershire District Council, [2013] EWHC 3058 (Admin) & South Northamptonshire Council and Secretary of State for Communities and Local Government & Barwood Land and Estates Limited. [2014] EWHC 573 (Admin).

10. The appeal site adjoins the built-up area of Adderbury and for planning policy purposes is located in the countryside. As LP Policies H12 and H13 refer to development within settlements, they are not relevant to this case. None of the criteria set out in LP Policy H18, which allows new dwellings in the countryside, apply in this case. Moreover, given the guidance at Framework paragraph 49, the lpa acknowledged that LP Policy H18 is, "...to a large extent ...redundant..." and "...of no real assistance in this case". I have no reason to disagree with the lpa's conclusion on the relevance of LP Policy H18.
11. The LP contains policies relating to rural and urban conservation and design. LP Policy C7 says that development will not normally be permitted if it would cause demonstrable harm to the topography and character of the landscape. This policy is not inconsistent with the Framework and as such attracts due weight. LP Policy C8 indicates that sporadic development in the countryside will generally be resisted. The supporting text says that this policy applies to all new developments beyond the built-up limits of settlements. Assessing this policy in light of the Framework, HC judgements and appeal decisions and given that the policy clearly says that it is to be applied to all development, I conclude that it is a policy relevant to the supply of housing and, in the absence of a 5-year supply of housing land, is out of date.
12. The site falls within an area identified in the LP as an Area of High Landscape Value (AHLV) where the objective of LP Policy C13 is to conserve and enhance the environment. Noting that the emerging LP does not intend to take forward the AHLV designations and guidance in the Framework, which expects development plans to give protection to landscapes commensurate with their status through criteria based policies, LP Policy C18 is inconsistent with the Framework and as such attracts reduced weight. LP Policies C28 and C30, seek to achieve a high standard of development and are generally consistent with the objectives of the Framework attract appropriate weight.

Reasons

Issue 1 - Character & Appearance

13. The site comprises a field of rough pasture located on the north-western edge of the settlement and straddles the upper slopes of a localised valley associated with the Sor Brook to the west. The boundary with Banbury Road is formed by a dense mainly deciduous hedgerow containing a number of mature trees, which generally obscures views of the open countryside to the south-west, west and north-west from the road and views of the houses on the opposite side of the road from the west. Where there are gaps in the mature hedgerow on the northern approach to Adderbury along Banbury Road, glimpses of the spire of the Church of St. Mary located within the village core are obtained. The site dips steeply to the west following the east/west line of the valley. To the north, beyond a low post and rail fence and a sporadic hedge, the land rises, steeply in parts, to the north. To the south is a small area of open space that, along with built development that curves to the east along a ridge line, overlooks the Sor Brook valley. These developments form a prominent and, in places, harsh built-up fringe of this part of Adderbury. The southern and western boundaries of the site are formed by a low post and rail fence with very little hedgerow planting.

14. Having regard to the position of the site within the AHLV and the local landscape characteristics², but more particularly the prominent and harsh edge formed by houses on Banbury Road and at Adderbury Court and the limited zone of visibility of the site, I consider the site has medium-high landscape value. Whilst the development would result in encroachment into the countryside, given the sloping nature of the site and that houses would be seen against existing built development, the site has a medium susceptibility to change. In this context, the development would not appear isolated or incongruous in the landscape and as such would have a moderate adverse effect on landscape character.
15. The countryside to the north-west and around the site contains a network of public footpaths. The eastern, northern and western site boundaries have public footpaths either within the site or outside it running broadly parallel to its boundaries. Immediately adjoining the proposed site access on Banbury Road, a public footpath runs through the open space, and Adderbury Court to the village core. These paths form part of, or link into, paths that run into the wider countryside. Other than the overgrown and inaccessible path that runs parallel to Banbury Road through the site, the remainder of the paths appear to be well used. The Adderbury Conservation Area Appraisal identifies a "Positive Vista" which appears to be from a point at the north-eastern corner of the site on the inaccessible footpath.
16. Having walked several of the paths and along Banbury Road southwards from Green Hill House, given the topography of the area and the availability of intervening planting and screening, the proposed development would have a limited visual impact in medium to the long distance views. One area of particular concern was the potential impact of the development on views of the northern edge of the village and the Church of St Mary from Banbury Road and the Positive Vista Point. As the Positive Vista point is within the site, this would be lost through the development. However, the path is inaccessible and that view cannot be experienced.
17. Produced using computer modelling, the appellant produced a photomontage (PM) of the development viewed from Footpath 101/1 to the north of the site. This PM suggests that the development would sit below the ridge line of properties at Adderbury Court, well below the ridge on which the village sits, the ridge lines of properties along northern edge of the village and would not block views of the church spire. The lpa, acknowledging that it had not carried out a similar computer-based exercise, submitted a revised PM which suggested that the appellant's PM significantly underestimates the impact of the scheme in terms of its height in relation to the ridge and ridge lines of houses beyond and its projection to the west. The photograph on which both PMs are based was taken during the winter. However, at the time of the Inquiry, the view south and west was completely obscured by a crop of sweet-corn and I was unable to come to a conclusion regarding the veracity of the lpa's submission. However, what is clear is that in both PMs, the development would sit below the ridge line on which the village sits and the view of the church spire would not be obscured in views from Banbury Road to the north of the site.

² The Cherwell District Landscape Assessment 995. The Cherwell Countryside Design Summary 1998 and the Oxfordshire Wildlife and Landscape Study 2004

18. Notwithstanding my conclusions above, whilst the visual impact of the scheme would be partly mitigated by the introduction of strong boundary hedge planting on the northern, western and southern boundaries, the development would have a significant and major adverse visual impact on users of the public footpaths near to and around the site. In particular these adverse impacts would be felt from the public footpath through the open space to the north of Adderbury Court, from the southern end of Croft Lane where the Adderbury Circular Trail leaves the village and from Footpath 101/11 immediately to the west of the site. In terms of views along Banbury Road, whilst these would change with the loss of the mature hedge, given the built-up nature of the area, the visual impact would be moderate adverse.
19. Drawing the above together, the proposed scheme would have a moderate adverse effect on landscape character and a major adverse visual impact when viewed from the public footpaths to the west and south. As such the proposal would conflict with the objectives of LP Policies C7, C13 and C18.

Issue 2 - Design and layout

20. One of the core planning principles identified at Framework paragraph 17 is securing high quality design and a good standard of amenity for existing and future occupants of land and buildings. The Framework, at Section 7, says that good design is indivisible from good planning and should contribute positively to making places better for people. Paragraph 61 identifies that securing high quality and inclusive design goes beyond aesthetic considerations and should address the connections between people and places and the integration of new development into the natural and built environment. Amongst other things, decisions should aim to ensure that a development functions well and adds to the overall quality of the area; establishes a strong sense of place; responds to local character and reflects the identity of local surroundings and materials; creates safe and accessible environments and is visually attractive as a result of good architecture and landscaping. Development that fails to take opportunities available for improving the character and quality of an area and the way it functions should be refused.
21. The lpa expressed concern that as the LAP was originally designed to provide a housing unit and on 2 sides abutted private garages it lacked permeability and surveillance. As such it would not function well or create a safe environment. LAPs are intended to be small areas used for informal play and social interaction. To provide for security and to avoid anti-social activity, LAPs should be designed and located to allow for informal observation and supervision. In terms of surveillance, other than suggesting that LAPs should be located to allow for surveillance from adjacent well-used pedestrian routes and property, no evidence was submitted to suggest that it should be overlooked by a minimum number of dwellings or that there should be 360 degree overlooking. Indeed, the Fields in Trust guidance provided by the lpa indicates that, "*gable ends or other exposed walls can be protected ...by providing a dense strip of planting...*" indicating that 360 degree surveillance is not a pre-requisite to the successful location and design of a LAP.
22. Here, the LAP would be located on a corner, adjacent to a footpath and estate road that the residents of 22 of the proposed dwellings would have to walk and drive along. At a minimum the area would be directly overlooked by 5

- dwellings and partly overlooked by a further 3, albeit these would be further away. In this context, the LAP is located such that there would be adequate informal supervision to provide security for play. Moreover, the boundary treatment of the LAP and feature landscaping could be designed and maintained so as to maintain informal surveillance and permeability.
23. It is suggested that by providing the affordable housing as mostly higher density apartments and locating them in the north-eastern corner of the site this would ensure they were distinguishable from the market housing and as such fail to demonstrate inclusive design. This, the Ipa suggests conflicts with local and national guidance that affordable housing should not be distinguishable from private housing by its design or be banished to the least attractive part of the site. In terms of design and the nature of the finishing materials to be used there would be nothing, in my judgement, that would distinguish this block from the rest of the development. Similarly, given the scale of the site there is nothing that suggests that the north-eastern corner of the site would qualify as the least attractive part of the site. Indeed, the Council's Strategic Housing Officer (SHO) records that he accepts the location of the affordable housing. In this context, the fact that these dwellings are apartments would not immediately suggest that they are affordable units.
24. It is my experience that mixed developments are encouraged so as to provide diversity and social cohesion. Moreover, many developments contain a range of house types to react to market demand and housing need. People choose to live in apartments for a variety of reasons i.e. they are downsizing or they do not want a garden. The fact that people live in flats does not show that they are in need of affordable housing. Drawing this together, there is nothing in the design, location and type of accommodation intended as affordable housing that would suggest that this development would not be inclusive.
25. A variety of criticisms are levelled at the development including the use of a cul-de-sac layout, the detached nature of the housing and the absence of links from the development to the public footpath network particularly to the north-west, west and south-west. Other concerns relate to the scale and design of the flats, particularly the use of false doors to 2 of the flats on the Banbury Road frontage, the nature of the Banbury Road frontage and the incorporation of non-functioning chimneys.
26. The split level design of the apartment block responds to the change in levels at the north-eastern corner thus optimising the potential of the site. In terms of its appearance looking north along Banbury Road, the building would appear as row of 2-storey terraced houses taking its cue, in terms of scale and massing, from the traditional dwellings located in the village core and later houses on the eastern side of Banbury Road. In this context, the use of false front doors to 2 of the units as a design tool to reinforce this impression would not appear incongruous or obtrusive. Similarly, the use of non-functioning chimneys as a design feature in a settlement where the majority of dwellings have chimneys does not strike me as an example of poor design. Whilst the chimneys may not serve fires they can serve as outlets for soil stacks and other ventilation features thus removing unsightly pipe work from external elevations. Moreover, I noted that the use of false design features does have some pedigree in the village where some dwellings have false windows painted onto their elevations. When viewed from the north along

Banbury Road and from the west on the public footpath, the scale of the building and massing of the building would be more obvious. However, the impact and impression of the building would be mitigated by the generally dense mature hedge along the Banbury Road to the north and the opportunity to include within the landscaping scheme substantial tree and hedgerow planting along the northern boundary and in the north-eastern corner.

27. I note the concerns raised regarding security, particularly in relation to the apartments and the positioning of its access. However, I consider that the submission of details relating to the achievement of Security by Design measures, which is a matter that could appropriately be covered by a condition would ensure that such concerns are ameliorated.
28. Adderbury is a substantial settlement and whilst the original core is characterised by mainly mature terraced housing of varying design and scale set at the back of or close to the pavement, the settlement has been extended very substantially to the west along New Water Lane, Cross Hill Road and Horn Hill Road and to a lesser extent to the east to the north and south of Aynho Road. These more recent and extensive areas reflect the designs, styles and types of dwellings of their periods. Thus, it would be difficult to pin down the defining character of Adderbury as a whole and conclude that this scheme failed to reflect and enhance local character.
29. In terms of the position of the access, the orientation and alignment of the road layout these, in my view, optimise the potential of the site for development. Whilst the historic core of the village may not feature true cul-de-sacs or a preponderance of detached houses, I saw several examples of this type of development on the east and west of the settlement where the developments were largely inward looking. In terms of their scale and massing, the proposed dwellings are consistent with many in the settlement and, whilst I make an allowance for artistic interpretation, the visualisations provided do indicate to me that the development would create an appropriate sense of place for future residents and that the Banbury Road frontage would not appear incongruous or obtrusive in the existing street scene.
30. The Ipa is critical of the failure of the development to link with the public footpaths on the northern and western edges of the site. Whilst this would appear to be an opportunity lost, other than the inaccessible public footpath that runs parallel to Banbury Road the paths that run along the northern and western boundaries are set away from the site boundary on land not within the appellant's control. To access the network of paths to the north and west, the occupants of the development, bar those of Flat 8, would have to use the site access and walk, a relatively short distance, along Banbury Road. To access the settlement, occupants would use the site access and Banbury Road, which would give access to the primary school at the junction with Aynho Road and the village core, or access the village core using the public footpath through Adderbury Court and Croft Lane. Whilst I agree that the development would not optimise links to the existing public footpath network and some residents would have to walk further to access countryside walks or the village core, the distances are not excessive or a deterrence and would not on its own be a reason to dismiss this appeal.
31. Drawing the threads of this issue together, whilst I accept there are issues relating to security and permeability these matters on their own would not be

sufficient to warrant the dismissal of this scheme. Overall, I conclude that the design and layout of the proposed development would be acceptable and would not conflict with the objectives of development plan Policies C28 and C30 or national planning policy in terms of achieving high quality and inclusive design.

Issue 3 - Affordable Housing Mix

32. The scheme would provide for 9 affordable houses comprising 2 one-bed flats, 5 two-bed flats and 2 three-bed semi-detached houses. In percentage terms, this mix of 1, 2 and 3-bed properties would be consistent with the SHO's request. However, rather than 2-bed flats the Council seeks the provision of 2-bed houses. Notwithstanding this request, the SHO has indicated that "*...the Council does not consider the failure to provide affordable housing in accordance with the locally assessed need would constitute a reason for refusal in itself.*" In terms of local need, i.e. Adderbury, the most recent information before the Inquiry relates to a Housing Needs Survey³ carried out in December 2011. Under affordable housing need, the survey indicates that some 10% of respondents would like a flat. Other than identifying that the Ipa has resolved to grant planning permission for residential development on the eastern edge of Adderbury which would include 4 one and two-bed flats there was no other evidence to indicate that the local need for flats had been satisfied. Accordingly, on the evidence before me, I conclude that the proposal would provide an acceptable mix of affordable housing to meet the needs of the local community.

Issue 4 – Planning Balance

33. As indicated earlier paragraph 14 of the Framework indicates that where relevant policies are out-of-date, planning permission should be granted unless any adverse impacts in doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In this case, I conclude that on-balance the proposed scheme would represent high quality and inclusive design and provide an acceptable mix of affordable housing to meet the needs of the local community. The scheme would have a moderate adverse effect on landscape character and a major adverse, albeit localised, visual impact conflicting with the objectives of relevant LP policies. However, having regard to the Framework as a whole, I conclude that these matters do not demonstrably outweigh the significant benefit of delivering 25 units of residential accommodation of which 9 would be affordable housing in a settlement which is acknowledged as sustainable and an area where there is a lack of a 5-year supply of housing sites. Accordingly, taking the above and all other matters into consideration I proposed to allow this appeal.

S106 Agreement

34. In response to a request from Cherwell District Council, the Agreement contains obligations to cover the provision and retention of the proposed Affordable Housing, the laying out of the LAP and the provision of £30,620 as a commuted sum towards the cost of future maintenance, a sum of £38.96 per sq. m of hedgerow and £2,752 per tree for hedgerow and tree maintenance; the sum of £1,687.50 to provide 3 refuse bins and a food caddy

³ Adderbury Housing Needs Survey Report December 2011, Oxfordshire Rural Community Council.

per dwelling based on £64 for bins and £3.50 towards recycling banks and a £3,000 monitoring fee.

35. In response to request made by Oxfordshire County Council, the Agreement includes sums of £92,656, £140,756 and £6,316 for the provision of primary, secondary and special needs education respectively; £6,715 for library provision; £5,056 for strategic waste recycling/disposal facilities; £359 towards expansion of the County Museum Resource Centre; £800 towards adult learning; £5,500 towards day-care facilities; £25,000 as a public transport subsidy and £3,750 for administration.
36. Framework paragraph 204 and CIL Regulation 122 say that Planning Obligations should only be sought and weight attached to their provisions where they meet all of the following tests. These are: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
37. On the information before me, I consider the contributions relating to library provision; primary, secondary and special needs education; contributions to public open space/hedgerow/tree maintenance in the event that the public LAP is transferred to the Council and, in the absence of appropriate planning conditions, the provisions relating to the provision and retention of affordable housing satisfy the requirements of Framework paragraph 204 and CIL R122 and I have taken them into account in coming to my decision.
38. In the absence of a planned and costed proposal for additional waste recycling/disposal facilities; the absence of a finalised scheme for an adult learning facility in Banbury town centre and evidence to support a conclusion that the extension of the Museum Resource Centre and the provision of day care facilities are directly related to the proposed development, I consider that these contributions do not satisfy the tests at Framework paragraph 204 and CIL R122. Therefore, I have not attached weight to them in coming to my conclusion. With regard to the provision of refuse bins and the payment of monitoring fees, the purchase of refuse bins by the developer rather than the Council or individual home owners and the payment of a monitoring/administration fee are not necessary to make the development acceptable in planning terms.
39. As to the public transport contribution, the County Council seeks a contribution towards the development of the S4 service to provide 2 buses per hour along with an evening and Sunday service. The total cost is "*...assumed to be £400,000...to produce an eventual commercially viable bus service. The aspiration provision of this improved level of service is cross-referenced in the forthcoming Bus Strategy, and is required to provide the minimum credible level of service for journeys to work in Banbury.*" For journeys to work there is an existing S4 service that provides 2 buses in the morning before 0830 hours and a return service in the evening after 1700 hours. This is in addition to the 50, 59A and 59B services through Adderbury at similar times. Given that there is an existing bus service for which there was no evidence of any dissatisfaction, the paucity of the justification provided does not allow me to conclude that the contribution sought is necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Accordingly, I

consider that this contribution does not satisfy the tests at Framework paragraph 204 and CIL R122. Therefore, I have not attached weight to it in coming to my conclusion.

Planning Conditions

40. Conditions relating to the submission of details and the implementation of approved schemes in relation to: finishing materials (3)⁴, a sample panel of stone (4), landscaping (5, 6 & 7), the treatment of the open space (8), details ground levels (14), a Construction Environment Management Plan (9); street lighting (10), road surfacing, parking, drainage and location of fire hydrants; the access with Banbury Road and the estate roads (11, 12, 17 & 18); biodiversity enhancement (13) and achieving security by design (15) are reasonable and necessary in the interests of the appearance of the area, highway safety and the protection neighbours' living conditions. In the interests of protecting neighbour's and potential resident' living conditions, conditions relating to hours of construction (16), the implementation of flood risk measures (19) and potential ground contamination (20) are reasonable and necessary. In the interests of protecting ecology and achieving sustainable construction, conditions relating to site clearance and the avoidance of works during the nesting season, further ecological surveys and the achievement of BREAM Level 4 construction are reasonable and necessary. For the avoidance of doubt and in the interests of proper planning and I have imposed a condition relating to the specification of plans (2). Where necessary in the interests of precision and enforceability I have reworded the suggested conditions.
41. I have not imposed the suggested conditions relating to public rights of way as these matters are covered by other legislation. I have not imposed the suggested condition relating to submission of details relating full details of doors and windows. Planning Practice Guidance (PPG) indicates that such conditions should only be used where the decision maker is satisfied that the requirements of the condition are so fundamental to the development permitted that it would have been necessary to refuse the whole scheme. Here, given the nature and location of the proposed development, such a condition would be unnecessarily onerous and not relevant. Given the changes in level across the site and in the interests of protecting neighbours' living conditions, the lpa suggests conditions removing permitted development rights in relation to the use of garages and the erection of walls, fences and extensions. Whilst I have noted the concerns regarding changes in levels, the lpa's concerns do not, in my view, accord with the guidance in PPG, which indicates that conditions restricting the future use of permitted development rights will rarely pass the test of necessity and should only be used in exceptional circumstances.

George Baird

INSPECTOR

⁴ Numbers relate to those in the Schedule of Conditions.

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with Drawing Nos. 13-843-001; 13-843-003 (Location Plan only); 13-843-014A; 13-843-131; 13-843-132; 13-843-133; 13-843-135; 13-843-136; 13-843-138; 13-843-141; 13-843-143; 13-843-150; 13-843-151; 13-843-152; 13-843-060; 13-843-061 and 13-843-062.
- 3) Prior to the commencement of the development hereby permitted, a schedule of materials and finishes with samples for the external walls, roofs and hard surfaces of the development hereby approved shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved schedule and samples.
- 4) Prior to the commencement of the development hereby permitted, a stone sample panel (minimum 1 sq. m in size) shall be constructed on site in natural stone, which shall be inspected and approved in writing by the local planning authority. Thereafter, the external walls of the development shall be laid, dressed, coursed and pointed in strict accordance with the approved panel.
- 5) Prior to the commencement of the development hereby permitted, a landscaping scheme shall be submitted to and approved in writing by the local planning authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps;
 - (d) details of minor artefacts/structures (i.e. surfaces, benches, fencing, walling etc) which comprise public art.
- 6) All species used in the planting proposals associated with the development shall be native species of UK provenance and should refer to those species recommended within section 4.10 of the Extended Phase 1 and Protected Species Survey Report, prepared by FPCR dated 11 June 2013.
- 7) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the

- completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.
- 8) Prior to the commencement of the development hereby permitted full details of the provision, landscaping and treatment of open space/play space within the site together with a programme for its implementation and long term maintenance and management shall be submitted to and approved in writing by the local planning authority. Thereafter, the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and programme and retained at all times as open space/play space.
 - 9) Prior to the commencement of the development hereby permitted a Construction Environment Management Plan (CEMP), which shall include details of: hours of deliveries and traffic management measures to be taken to ensure construction works do not adversely affect residential properties on or adjacent to the site and details of wheel washing facilities for site vehicles, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with approved CEMP.
 - 10) Prior to the commencement of development hereby permitted full details of a street lighting scheme for each phase of development shall be submitted to and approved in writing by the local planning authority. Prior to first occupation of each phase, the lighting scheme for that phase shall be completed in all respects in accordance with the approved details, inclusive of parking courts, and maintained in working order thereafter.
 - 11) Prior to the commencement of development of the development hereby permitted full design details of the vehicular access, footways and visibility splays, to be provided shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be carried out prior to the first occupation of the development. The vision splays shall not be obstructed by any object, structure, planting or other material of a height exceeding 0.6m measured from the carriageway level.
 - 12) Prior to the commencement of the development hereby permitted full design details of the estate road (or roads) for each phase including a means of surface water disposal and details of fire hydrants shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the development or the phase to which it relates.
 - 13) Prior to the commencement of the development hereby permitted including any demolition and any works of site clearance, a method statement for enhancing biodiversity on site shall be submitted to and approved in writing by the local planning authority. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.
 - 14) Prior to the commencement of the development hereby permitted full details of existing and proposed ground levels and all boundary

- treatments and means of enclosure shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 15) No development shall commence until a strategy that details the measures to be incorporated into the development to demonstrate how 'Secured by Design (SBD)' will be achieved, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
 - 16) Construction work shall only take place between the hours of 0700 – 1700 hours Monday to Friday inclusive and 0700 – 1300 hours on Saturdays with no such work on a Sunday or Public Holiday.
 - 17) No dwelling shall be occupied until the access road between that dwelling and the existing county highway, including footways and turning heads (where applicable), has been laid out in accordance with the approved plans and details approved under condition No. 12 and constructed to at least base course level.
 - 18) No dwelling shall be occupied until the car parking and associated turning area for that dwelling has been completed and marked out in accordance with the approved plans. The car parking area and turning areas shall thereafter be retained in accordance with the approved plans and available for use as car parking and turning areas and no other use whatsoever.
 - 19) The development hereby approved shall proceed in accordance with the Flood Risk Assessment and Drainage Strategy prepared by MJA Consulting dated June 2013.
 - 20) If, during development, contamination not previously identified is found to be present at the site, no further development shall be carried out until full details of a remediation strategy detailing how the contamination shall be dealt with has been submitted to and approved in writing by the local planning authority. Thereafter the remediation strategy shall be carried out in accordance with the approved details.
 - 21) All site clearance (including removal of vegetation) shall be timed so as to avoid the bird nesting/breeding season from 1st March to 31st August inclusive, unless a suitable method statement for the removal of vegetation is submitted to and agreed in writing with the local planning authority.
 - 22) Should more than 2 years pass from the date of the submitted ecological report (11 June 2013) before development commences, then prior to, the commencement of the development, the site shall be thoroughly checked by a suitably qualified ecologist to ensure that no protected species, which could be harmed by the development, have moved on to the site since the previous surveys were carried out. Should any protected species be found during this check, full details of mitigation measures to prevent their harm shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved mitigation scheme.
 - 23) The dwellings shall achieve Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

APPEARANCES

FOR THE APPELLANT

Satnam Choongh of Counsel instructed Cala Homes Limited.

He Called:

Mr K Charsley BA (Hons); Dip LA; CMLI.
Associate Director of Aspect Landscape Planning Limited.

Mr G Worsfold P.G. Dip (Dist). Arch. Hist; IHBC; FRSA; MCSD (Design).
Director, Scott Worsfold Associates, Chartered Architects.

Mr A C Bateman BA (Hons) TP; MRICS; MCMI; MIOd; FRSA.
Managing Director, Pegasus Planning Group Limited.

FOR THE LOCAL PLANNING AUTHORITY

Ned Westaway of Counsel instructed by the Head of Law and Governance, Cherwell District Council.

He called:

Mrs T Morrissey Dip TP; MRTPI.
Principal Planning Officer, Major Developments, Cherwell District Council.

Mrs N Brown BA (Hons); BLandArch; Cert UD; CMLI.
Landscape Architect, David Huskinsson Associates.

Mr E Booth BA; Dip UD; MRTPI; IHBC; FSA.
Director, The Conservation Studio.

INTERESTED PERSONS

Mr Griffiths.
Adderbury Parish Council.

Mr I Prosser
Oxfordshire County Council.

DOCUMENTS SUBMITTED AT THE INQUIRY

- Doc 1 - Statement of Common Ground.
- Doc 2 - Copy of Section 106 Agreement dated 28 July 2014.
- Doc 3 - Schedule of Amended Plans.
- Doc 4 - (1) William Davis, (2) Jelson Limited and (1) Secretary of State for Communities & Local Government, (2) North West Leicestershire District Council, [2013] EWHC 3058 (Admin).
- Doc 5 - South Northamptonshire Council and Secretary of State for Communities and Local Government & Barwood Land and Estates Limited. [2014] EWHC 573 (Admin).
- Doc 6 - Analysis of road gradients at junction with A4260.
- Doc 7 - Rejected housing sites – Extract from SHLAA.
- Doc 8 - Pages 76 to 79, Extract from GLVIA 3rd Edition.
- Doc 9 - Copy of letter dated 28 July 2014 Waterloo Housing Group to Cala Homes Limited.
- Doc 10 - Drawing No. 13-843-014D. Finished Floor levels and road spot heights.
- Doc 11 - Land off Aynho Road, Adderbury. Site Layout Bloor Homes.
- Doc 12 - land at Milton Road, Adderbury. Site Layout Berkeley Homes.
- Doc 13 - Drawing No. 13-843-565 - LAP Surveillance.
- Doc 14 - Copy of email dated 8 April 2014. T Morrissey to G Worsfold and Drawing Nos. 13-843- 014/A & B. Sufficiency of LAP.
- Doc 15 - LPA's assessment of the modelled extent of proposed development.
- Doc 16 - Various extracts from GLVIA 3rd Edition.
- Doc 17 - Landscape Advice Note 01/11.
- Doc 18 - Comparison of Visual Effects Assessments.
- Doc 19 - Written statement of Mr G Owens, Strategic Housing Officer.
- Doc 20 - APP/C3105/A/13/2208385.
- Doc 21 - APP/C3105/A/13/2201339.
- Doc 22 - APP/M1520/A/12/2177157.
- Doc 23 - Design Planning Practice Guidance.
- Doc 24 - List of suggested planning conditions
- Doc 25 - Copy of email dated 1 August 2014 from Oxfordshire County regarding suggested conditions relating to public rights of way..
- Doc 26 - Cherwell District Council Public Art Policy.
- Doc 27 - Bundle of Documents relating to S106 Contributions.
- Doc 28 - Recreation and Amenity Open Space Provisions SPG.
- Doc 29 - Planning Obligations Draft SPG.

Appendix 27
Appeals summary

Appeal 3188671 - Launton

1.1 The appeal was against CDCs decision to refuse an application for outline planning permission for up to 72 dwellings on land off Blackthorn Road, Launton by notice dated 04/08/2017. The appeal was allowed on 18/09/2018.

1.2 With regard LPp1 policy PV2, the Inspector states:

Policy Villages 2 confirms that over the plan period a total of 750 homes will be delivered at category A villages. There is no further distribution of delivery within the villages and there is no timeframe or trajectory for delivery associated with the overall figure. All parties accept that the headline figure is not a ceiling and that conflict would only arise if there was a material increase over and above the identified 750 dwellings. (para. 13)

1.3 At the time of the Inquiry (July 2018), the housing identified for Category A development was set out in the 2017 Annual Monitoring Report (AMR). The Inspector summarised the position as follows:

The 2017 Annual Monitoring Report for the district identifies that a total of 664 dwellings have been identified for meeting the Policy Villages 2 requirement. By March 2017 there had been 103 completions on those sites. The proposed development would make provision for up to a further 72 dwellings taking the total to 736 (664 + 72). The 750 figure in the policy would not be breached. Furthermore the 750 figure refers to dwellings delivered, of which to date there are only 103, substantially below the 750 figure. As a matter of fact allowing this appeal would not breach this aspect of Policy Villages 2, I return to the criteria based aspects below. (para. 14)

1.4 The Inspector found that the proposals would not result in a breach of the 750-figure aspect of PV2 or the overall plan strategy.

Whilst the level of planning permissions and resolutions to approve is approaching 750 the number of units built is still substantially below that figure. That equates to a delivery rate of some 34 units per annum based on the delivery since 2014. If that were continued the delivery would be too low to reach 750 in the plan period. The latest AMR figures demonstrate that completions and planning permissions outstanding in the two principle towns of Bicester and Banbury amount to in the region of two thirds of housing delivery. The remaining one third being delivery in the rural areas, a substantial proportion of which is at a strategic allocation location. This demonstrates that the overall intention of the strategy to deliver housing in the most sustainable

locations of the main towns and strategic allocation and to limit development in the rural areas is succeeding. The proportion of housing being delivered at the smaller villages is significantly less than half of delivery as was identified as a main driver for the development of the strategy. (para. 17)

The 750 figure is not an upper limit and it would require a material exceedance to justify arriving at a conclusion the policy was being breached. Whilst the figure is moving towards the actual figure there is still some headroom available. Time has moved on and we are now further into the plan period, any permissions that are now granted will take time to produce the delivery of housing and therefore it is likely that the delivery of the units identified in this appeal would not arise until the plan was in the second half of its term. It is in my view no longer appropriate to characterise this as early in the plan period. The CLP 2031 (part 2) plan has the potential to review the implications of these policies or a formal review of the part 1 plan could come forward.(para. 18)

In any event, there is evidence to demonstrate that housing delivery is strengthening. That it is focussing in the main towns of Bicester and Banbury and the strategic allocation and that the contribution from the more sustainable villages (category A villages) in the rural area to the overall delivery of housing is achieving the plans overall need in a manner consistent with the strategy. Whilst I accept that the delivery of all of the level of housing anticipated through Policy Villages 2 could reduce the flexibility later in the plan period I have been provided with no evidence that the granting of permission here would prevent development at a more sustainable location in another Category A village. (para. 20)

Any future developments at Category A villages in the future would need to be considered in the context of the circumstances pertaining at that time which would include, but not be limited to, matters such as whether the 750 figure had been materially exceeded, the specific needs for that development in relation to the village and the effect on the overall settlement strategy. (para. 22)

On the basis of the above conclusions I am satisfied that the location and scale of the proposed development would not conflict with the development plan's strategy for the distribution of housing in the district. The development would not conflict with policy BSC1, Policy Villages 1 or Policy Villages 2 and would not undermine the overall strategy of the development plan, with which it would comply. (para. 23)

Appeal 3228169 - Ambrosden

1.5 The appeal was against CDCs decision to refuse an application for outline planning permission for up to 84 dwellings on land at Merton Road, Ambrosden by notice dated 20/02/2019. The appeal was allowed on 09/09/2019.

1.6 With regard LPp1 policy PV2, the Inspector states:

CLPP1 Policy Villages 2 (PV2) concerns the distribution of growth across the district's rural areas. It indicates that a total of 750 homes will be delivered at Category A villages². This is in addition to the rural allowance for small site windfalls and planning permissions for 10 or more dwellings that existed as at 31 March 2014. Category A villages are 'Service Centres' listed under Policy Villages 1. These are considered to be the most sustainable villages, of which Ambrosden is one, which offer a wider range of services and are well connected to major urban areas, particularly by public transport. (para. #)

1.7 At the time of the appeal, the housing identified for Category A development was as follows:

The Council's evidence notes that the totals of completed dwellings under PV2 (271) and those benefitting from permissions (479) add up to the 750-figure sought under the policy. It is not claimed there would be a current breach of the policy (since only 271 have been delivered). However, granting permission for up to 84 dwellings, which would be likely to be built out within a short time, together with the other 479 committed and deliverable dwellings, could give rise to a total of 834 dwellings being delivered several years prior to 2031, the end date of CLPP1. (para. 20)

1.8 The Inspector assessed the appeal proposals against PV2:

I am not convinced by the evidence provided by the Appellant's planning witness that the 750-figure has no development management significance. The Inspector determining the appeal against a residential development for up to 51 dwellings in Chesterton considered the use of figure of 750 in PV2 must have some form of constraining effect on total numbers, otherwise the policy would be meaningless in terms of its contribution towards the overall strategy of the plan. Nevertheless, neither within Policy PV2 itself nor within CLPP1 as a whole is the term 'material exceedance' found. Even if to exceed the 750-figure by 84 units now at a point less than halfway through the CLPP1 plan

period was to be regarded as a material exceedance, the question arises what planning harm would arise from such a breach? This is bearing in mind that such a quantum of housing would not be delivered until later in the plan period.

Policy PV2 does not contain any temporal dimension in that it does not specify when during the plan period housing should be delivered, nor does it contain any phasing element. Similarly, other than relating to Category A villages, the policy has no spatial dimension.

A concern of the Council is that to allow an exceedance of the magnitude envisaged could lead to unrestrained growth in Category A villages, although it was acknowledged at the inquiry that a precedent argument was not being advanced. However, I accept that there is force in the point advanced by the Appellant that the specific management criteria of Policy PV2 would seem to ensure that it is a self-regulating policy; if the point is reached where the number of dwellings granted in Category A villages is likely to undermine the Council's overall spatial strategy, a series of planning harms is likely to emerge. These might include the point where local infrastructure is unable to cope, land of higher environmental value is sought, or out-commuting and traffic congestion manifest themselves. (para. 23 – 25)

Overall, I consider the proposal would not materially undermine the Council's housing strategy or prejudice the achieving of a more balanced housing growth. (para. 35)

- 1.9 In refusing application #, RfR 1 made reference to the “*the number of dwellings already permitted in Adderbury*”. The Committee Report confirms that CDC considers Adderbury has already accommodated enough of the overall Category A provision. The Report states that “*the 120 dwellings approved under Policy Villages 2 (i.e. since 31 March 2014) represents 16% of the 750 dwellings*” (para. 9.26) and continues to state that “*concentrating a large proportion of the number of new dwellings in a few larger villages would conflict with the spatial strategy of the Local Plan*” (para. 9.27). CDC attempted to run this argument for appeal 3228169.

Further concerns of the Council are that allowing the proposal would lead to an over-concentration of development in Ambrosden and a disproportionate share of the PV2 housing provision. Existing recent housing developments in the village (Church Leys Farm and Ambrosden Court) permitted under Policy PV2 amount to 129 units, which is 17% of 75010. If allowed, the proposal would represent a 25% share of the increased total of 834.

In an appeal decision on a 54-dwelling proposal in the Category A village of Hook Norton, acknowledged as a relatively sustainable location, the Secretary of State took the view that it would be acceptable for the village to provide a relatively larger share of the 750 dwellings than the other villages listed in PV211. There are some 23 Category A villages which display a wide range of populations, facilities and locations. Whilst the Council categorises these as the more sustainable settlements it is apparent that, comparatively, some settlements are clearly more sustainable than others.

Ambrosden is by population the fifth largest Category A village, with a population of in the region of 2,25012. It benefits from a range of services including pre-school nurseries, primary school, food shop, post office / general store, village hall, two churches, hairdresser's, public house, recreational facilities and a limited opening doctor's surgery. It is some 4.6km from Bicester, has two bus services through the village which connect to Bicester and Oxford, the more frequent S5 providing an hourly service through the week and on Saturdays. An off-road cycle path links the village with Bicester.

The CLPP1 allocates a considerable amount of land for employment uses on the southern and south-eastern outskirts of Bicester between the edge of the town and Ambrosden, with some development already in place. Whilst these areas are beyond what could be regarded as realistic daily walking distances for most people, they are within ready cycling distances. I address the more specific locational considerations of the appeal site in relation to village services and facilities below.

By comparison with the location and the range of facilities available in many of the other Category A villages, Ambrosden is one of the most sustainable settlements. There is agreement between the Appellant and the Council that this is the case. It is therefore unsurprising that recent housing schemes within the village have been permitted. On this basis, and against a background of no spatial apportionment of additional housing between Category A villages, and the intent of Policy PV2 that development should be enabled in the most sustainable locations, further development of the nature proposed would not be disproportionate. (para. 26 - 30)

- 1.10 CDC sought to challenge the decision. CDC applied for permission to apply for Planning Statutory Review. Permission was refused on 29/11/2019 by order of the Honourable Mrs Justice Lang DBE¹ who gave the following reason:

I agree with the First and Second Defendants' submission in their Summary Grounds of Defence that it is unarguable that the Inspector misinterpreted Policy PV2. He correctly identified the issue as whether the proposal would lead to an over—concentration of new housing development in Ambrosden which would undermine the Council's housing strategy and prejudice a more balanced distribution of housing growth, contrary to Cherwell Local Plan policy and policies in the National Planning Policy Framework ("the Framework"), and he determined that issue by applying a series of planning judgments to the material before him. He concluded that the proposal would not materially undermine the Council's housing strategy or prejudice the achieving of a more balanced housing growth (at paragraph 35). Policy PV2 did not impose a strict ceiling of 750 homes, and although it had a constraining effect on total numbers, it did not limit the number of dwellings which could be built at any one Category A Village, at any particular time in the plan period.

Moreover, the Inspector was entitled to find that strict control of development in the countryside, under CLPP1's spatial strategy, would not be consistent with the Framework's absence of a blanket protection of the countryside.

¹ Appendix #: Refusal of permission to challenge

Appeal 3222428 - Bodicote

1.11 The appeal was against CDCs decision to refuse an application for outline planning permission for up to 46 dwellings on land at Tappers Farm, Oxford Road, Bodicote by notice dated 04/05/2018. The appeal was allowed on 30/10/2019.

1.12 With regard LPp1 policy PV2, the Inspector states:

PV2 identifies that 750 homes will be delivered at Category A villages, of which Bodicote is one of twenty-three, as defined in Policy Villages 1 (PV1). It was highlighted at the hearing that Policy Villages 2 contains no requirements in respect of the distribution of housing across the Category A villages, as well as no timeframe or trajectory for their delivery. Both main parties agreed that the 750-figure provided in the policy is not a ceiling or limit. It is also noteworthy that the policy requires the delivery of 750 units, not just a requirement to grant planning permission for this number.

1.13 At the time of the appeal, the housing identified for Category A development was as follows:

Furthermore, the figure refers to dwellings delivered, not consented, of which according to the Council there are 271. There are also a further 425 under construction (para. 11)

1.14 The AMR 2018 stated that there were another # dwellings on sites with permission but not under construction. It was agreed that the Council had resolved to approve a further 21 dwellings at Deddington and the Inspector took account of the 84 dwellings arising from appeal 3228169. This provided a total of # dwellings contributing to Category A development.

1.15 The appellant argued that a 10% non-implementation rate should apply in recognition that not all sites granted planning permission will necessarily come forward. The Inspector stated "*I do not consider it realistic to expect a 100% delivery rate for the permitted dwellings*" (para. 13). CDC has since applied a 10% non-implementation rate in the 2019 Annual Monitoring Report.

1.16 The Inspector assesses the proposals against PV2:

Even if all sites were delivered, and as I state above, I am not convinced that they will be, it is accepted by the Council that the grant of permission for an

additional 46 dwellings would not lead to a material increase over the figure expected by PV2. (para. 14)

The grant of permission for these 84 dwellings adds to the number of dwellings above 750 which have permission, but the number of dwellings that have currently been delivered falls far short of this figure (271 as referred to above). There will undoubtedly be a point where there will be a situation that will result in the material increase over the 750 dwellings figure and at that time there will be some planning harm arising from the figure being exceeded, for example harm to the overall locational strategy of new housing in the district. There is no substantive evidence before me to demonstrate that this is the case in this appeal. Clearly, when considering any subsequent schemes however, this matter will need to be carefully scrutinised. (para. 18)

However, at this time, no evidence of such harm has been presented and, in my view, the allowing of this appeal for 46 dwellings would not harm the overall strategy of the development plan which is to concentrate housing development in and around Banbury and Bicester. This is particularly so given the specific circumstances of this site, including its close proximity to Banbury. (para. 19)

Accordingly, I am satisfied that the scheme would not result in a material increase over the target of delivering 750 dwellings and thus the principle of development is acceptable on this site in accordance with Policy PV2 of the CLP 2011. (para. 21)

- 1.17 CDC attempted to argue that Bodicote had already accommodated enough Category A housing. The Inspector addressed this as follows:

I note that reference is made to Bodicote having been subject to permissions for a number of developments which would deliver 99 new dwellings. However, there is no reference in PV2 to any distribution of new dwellings across the twenty-three Category A villages. Furthermore, given the close proximity of Bodicote and the appeal site to Banbury, together with good accessibility to larger settlements and the services that are within Bodicote itself, the site would be one of the most accessible locations, with access to services, for new residential development, which is reflected in its categorisation in PV1 as a Category A or "Service" village. (para. 15)

The Council also has concern that allowing the appeal scheme would restrict the potential for a more even spread of housing across all of the Category A villages. However, PV2 does not require any spatial distribution. Moreover, the

development is near to one of the main settlements, Banbury, which provides for access to a good range of services and with access to a range of transport modes. (para. 16)

Appeal 3229631 – Sibford Ferris

1.18 The appeal was against CDCs decision to refuse an application for outline planning permission for up to 25 dwellings on land off Hook Norton Road, Sibford Ferris by notice dated 30/04/2019. The appeal was allowed on 05/11/2019.

1.19 With regard LPp1 policy PV2, the Inspector states:

Policy Villages 2 (PV2) provides a rural allocation of sites of 10 or more dwellings at the Category A villages. This policy identifies that 750 houses will be delivered at Category A villages; this would be in addition to the 'rural allowance' of small site windfalls and planning permissions that existed at 31st March 2014. Underpinning this policy is a recognition of the need to deliver housing growth evenly across the whole District at the larger villages. A range of criteria to guide new development in Category A villages is identified in policy PV2 covering matters such as the environmental qualities of sites, agricultural value, access to services and landscape impacts. (para. 10)

1.20 At the time of the appeal, the housing identified for Category A development was as follows:

The Council identifies that by 31st March 2019 planning permissions had been granted for over 750 houses on 18 large sites and to date 271 units had been built out on these sites in line with policy PV2 (para. #)

1.21 These figures are set out in the 2019 AMR. The 2019 AMR was only published in December 2019 but it is assumed that some/all of the data relating to Category A villages was provided for appeal 3229631 by CDC. The 2019 AMR states that “a total of 920 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings” (para. 5.94). This figure allows for a 10% non-implementation rate as suggested for appeal 3222428 but also incorporates the site of appeal 3229631. It is also of note that the decision for appeal 3229631 was published on 05/11/2019, shortly after the decision on appeal 3222428 on 30/10/2019; it is therefore assumed that the Inspector would not have taken the Bodicote decision into account. As such, it can be reasonably assumed that the Inspector for appeal 3229631 based his decision on there being 841 dwellings (920 – 46(-10%) – 25(10%)) identified for meeting the requirement of PV2.

1.22 The Inspector assessed the appeal proposals against PV2:

The Council acknowledges that the 750 housing figure is not a target. A point reinforced by my colleague inspectors in recent appeal decisions. However, it should be regarded as a benchmark to govern future decisions on applications for housing development otherwise the integrity of the plan would be

undermined. The Council can identify 5.2 years housing land supply in excess of the requirement for just 3 years required for the Oxfordshire Districts. Furthermore, it can demonstrate that 168 houses have been delivered against the PV2 target of 750 houses despite the Plan being only 4 years through its 16 years 'life'. The Council's statement identifies that across the District 7,455 houses were completed of which 2,765 are in the rest of the District and a further 6,715 houses are committed of which 1,129 are in the rest of the District.

The Council identifies that by 31st March 2019 planning permissions had been granted for over 750 houses on 18 large sites and to date 271 units had been built out on these sites in line with policy PV2. However, none of these have been permitted within the Sibfords. Evidence provided through the Annual Monitoring Report (AMR) acknowledges the accelerating rate of delivery since 2015 and the Council anticipate that the 750 homes will be built out by 2028.

During the Hearing both parties made references to a large number of appeal decisions involving similar housing schemes throughout the District. Underpinning many of these decisions is the issue of 'material exceedance', a term used to describe the extent to which decisions to allow development above the figure of 750 houses for the Category A villages would erode the basis of the CLPP1. Whilst I do not have all the evidence before me regarding each of these appeal decisions there was discussion during the Hearing of a recent appeal decision, which had been allowed for an additional 84 dwellings at Ambrosden, another Category A village within the District albeit with a much larger population and containing a broader range of services. Again the issue of 'material exceedance' had informed the decision to allow the Appeal.

I do not consider 'material exceedance' to be an issue for this appeal given the modest number of units proposed and the categorisation and size of the Sibfords. The Category A status of the village in the plan warrants further investment in housing. Although the plan period is only 4 years old I do not consider that a decision to allow this appeal would undermine the essential thrust of policy PV2 and by extension the local plan.

For the above reasons on this main issue I conclude that the proposals would be in line with adopted housing policies and in line with the Framework. The proposals are in line with policies PSD1, PSV1 and PSV2 of the CHPP1. They are not in conflict with 'saved' policy H18 given the status of the village defined by PSV1 and PSV2. The scheme would not amount to a material exceedance in breach of policy PV2 and would deliver housing in line with other policies of the Plan. (para. 23)

Appeal 3233293 – Weston-on-the-Green

1.23 The appeal was against CDCs decision to refuse an application for outline planning permission for up to 18 dwellings on land west of Northampton Road, Weston-on-the-Green by notice dated 21/06/2019. The appeal was dismissed on 17/12/2019.

1.24 With regard LPp1 policy PV2, the Inspector states:

Policy Villages 2 of the CLPP1 concerns the distribution of growth across rural areas within the district and provides that “a total of 750 homes will be delivered at Category A villages”, in addition to rural allowance for small site windfalls and planning permissions for ten or more dwellings as at 31 March 2014. This policy further confirms that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable and through the determination of planning permission applications.

It is agreed between the main parties that the 750 homes figure provided under Policy Villages 2 of the CLPP1, is not a cap or ceiling and therefore does not represent a maximum number of homes to be delivered. (para. 10-11)

1.25 At the time of the appeal, the housing identified for Category A development was as follows:

It has been put to me by the Council that, as of the date of the Hearing, planning permission for a total of 750 homes have been granted since April 2014 under the provisions of Policy Villages 2 of the CLPP1 and that approximately 271 homes have been completed.

1.26 It can be reasonably assumed that the Inspector based the decision on 1021 dwellings contributing to the PV2 requirement.

1.27 The Inspector assessed the appeal proposals against PV2:

As such, the Council contends that if planning permission were to be granted then the 750 homes figure for dwellings at Category A Villages would be exceeded well in advance of the end of the plan period. The Council maintains that by exceeding this figure, the proposed development would undermine the District’s aim to focus growth at the larger settlements of Banbury and Bicester, and would make it more difficult for other Category A Villages within the District to meet their potential housing needs later on during the plan period.

The main parties have cited a number of previous appeal decisions in support of their submissions, which include a previous appeal decision which relates to this appeal site (the previous appeal decision). In this regard, several of the referenced appeal decisions concerned development proposals where the 750 homes figure had not been exceeded. However, the recent decision in relation to a site located at Ambrosden (the Ambrosden Appeal) concerned development where, as in this present case, it was shown that the number of homes delivered during the relevant period, in combination with planning permissions that had been granted, had reached the 750 homes figure.

In this regard, whilst I acknowledge the Council's submissions in relation to this proposal, I concur with the Inspector's findings in the Ambrosden Appeal in that such proposals will not harm the strategy of concentrating development in Bicester and Banbury and, furthermore, that development at Category A Villages which exceeds the 750 homes figure need not place any undue constraint on other villages to meet any specific or identified housing needs, as other policies contained within the development plan, for example Policy Villages 1 and Policy Villages 3 of the CLPP1, would be relevant considerations to cater for any such needs.

Indeed, as noted above, the WNP is at an advanced stage and recognises that additional housing, and specifically affordable housing, is needed in Weston-on-the-Green. Whilst there is disagreement between the main parties regarding the total number of houses that will now be required to meet the aims and objectives of the WNP and further disagreement regarding the availability of alternative suitable sites within the village to meet any such needs, it is clear that in order to meet these objectives it will necessitate exceeding the already reached goal of providing 750 homes in Category A Villages within the District.

In summary of the above, I consider the proposed scheme would not necessarily undermine the District's housing strategy nor place any undue constraint on other villages to meet any specific or identified housing needs during the relevant plan period. Furthermore, I acknowledge that the scheme would provide some affordable housing units which would assist in meeting the objectives of the WNP. (para 12 - 16)

Appeal 3242236 and 3247698 – Deddington

1.28 The appeals were against CDCs decisions to refuse applications for outline planning permission for up to 14 and up to 15 dwellings respectively, on land south of Clifton Road, Deddington by notice dated 14/02/2020 and 16/08/2019 respectively. The appeals were allowed on 19/10/2020.

1.29 With regard LPp1 policy PV2, the Inspector states:

Reaffirming this point, Policy Villages 2 of the Cherwell Local Plan Part 1 2015 (CLP1), does not include a limiting spatial dimension and development can be delivered at category A villages (such as Deddington) both within and outside of built-up limits. So long as development has at least some relationship with the village and its pattern of development, it would be permitted in principle subject to the criteria set out within the policy. (para. 17)

The Council raised matters of whether the site was previously developed land or best and most versatile agricultural land. These matters were raised briefly at the end of its statement of case, did not underpin its reasons for refusal and have not been elaborated on to any extent. Under the wording of Policy Villages 2, although it is encouraged that regard should be given to these matters, there is no absolute requirement to do so. (para. 39)

1.30 At the time of the appeal, the housing identified for Category A development was as per the 2019 AMR, updated by the Committee Report for application 19/02341/F (Kidlington, June 2020).

1.31 It can be reasonably assumed that the Inspector based the decision on 948 dwellings contributing to the PV2 requirement.

Appendix 28a
Ambrosden challenge



**In the High Court of Justice
Queen's Bench Division
Planning Court**



CO/4091/2019

In the matter of a claim for Planning Statutory Review

CHERWELL DISTRICT COUNCIL

Claimant

versus

**(1) SECRETARY OF STATE FOR HOUSING,
COMMUNITIES AND LOCAL GOVERNMENT
(2) GLADMAN DEVELOPMENTS LIMITED**

Defendants

**Application for permission to apply for Planning Statutory Review
NOTIFICATION of the Judge's decision (CPR PD 8C 7.1 to 7.6)**

Following consideration of the documents lodged by the Claimant and the Acknowledgements of service filed by the Defendants;

Order by the Honourable Mrs Justice Lang DBE

1. Permission is hereby refused.
2. The Claimant do pay the First Defendant's costs of preparation of the Acknowledgment of Service in the sum of £3,067. This is a final order unless within 14 days the Claimant files at court and serves on the First Defendant written objections to it. In that event, the First Defendant has 14 days in which to file and serve a response and the Claimant has a further 7 days in which to file and serve a reply. A Judge will then make a final determination on costs, either on the papers or at a hearing of any renewed application for permission.
3. The Claimant do pay the Second Defendant's costs of preparation of the Acknowledgment of Service in the sum of £3,627.50 This is a final order unless within 14 days the Claimant files at court and serves on the Second Defendant written objections to it. In that event, the Second Defendant has 14 days in which to file and serve a response and the Claimant has a further 7 days in which to file and serve a reply. A Judge will then make a final determination on costs, either on the papers or at a hearing of any renewed application for permission.

Reasons:

Ground 1


I agree with the First and Second Defendants' submission in their Summary Grounds of Defence that it is unarguable that the Inspector misinterpreted Policy PV2. He correctly identified the issue as whether the proposal would lead to an over-concentration of new housing development in Ambrosden which would undermine the Council's housing strategy and prejudice a more balanced distribution of housing growth, contrary to Cherwell Local Plan policy and policies in the National Planning Policy Framework ("the Framework"), and he determined that issue by applying a series of planning judgments to the material before him. He concluded that the proposal would not materially undermine the Council's housing strategy or prejudice the achieving of a more balanced housing growth (at paragraph 35).

Policy PV2 did not impose a strict ceiling of 750 homes, and although it had a constraining effect on total numbers, it did not limit the number of dwellings which could be built at any one Category A Village, at any particular time in the plan period.

Moreover, the Inspector was entitled to find that strict control of development in the countryside, under CLPP1's spatial strategy, would not be consistent with the Framework's absence of a blanket protection of the countryside.

Ground 2

In my view, it is unarguable that the Inspector's reasons did not meet the required standard. They were clear, intelligible and adequate, and enabled the parties to the appeal to understand why he had concluded as he did on the main issues identified.

Signed: 

27.11.19

The date of service of this order is calculated from the date in the section below

For completion by the Planning Court

Sent / Handed to the Claimant, Defendant and any Interested Party / the Claimant's, Defendant's, and any Interested Party's solicitors on (date):

Solicitors:
Ref No:

29 NOV 2019

Notes for the Claimant

If you request the decision to be reconsidered at a hearing in open court under CPR PD 8C 7.8, you must complete and serve the enclosed FORM 86B within 7 days of the service of this order



**In the High Court of Justice
Queen's Bench Division
Planning Court
Administrative Court**

CO Ref no: CO/4091/2019

In the matter of a claim for Planning Statutory Review

CHERWELL DISTRICT COUNCIL

**versus SECRETARY OF STATE FOR HOUSING COMMUNITIES AND
LOCAL GOVERNMENT and Others**

Notice of RENEWAL of claim for permission to apply for Planning Statutory Review (CPR PD 8C 7.4)

- 1. This notice must be lodged in the Planning Court Administrative Court Office, by post or in person and be served upon the defendant (and interested parties who were served with the claim form) within 7 days of the service on the claimant or his solicitor of the notice that the claim for permission has been refused.*
- 2. If this form has not been lodged within 7 days of service (para 1 above) please set out below the reasons for delay:*

- 3. Set out below the grounds for seeking reconsideration:*

4. Please supply

COUNSEL'S NAME:

COUNSEL TELEPHONE NUMBER:

Signed

Dated

Claimant's Ref No.

Tel.No.

Fax No.

**To the Planning Court Administrative Court Office, Royal Courts of Justice, Strand,
London, WC2A 2LL**

FORM 86B PLN

Appendix 28b
Ambrosden challenge

IN THE HIGH COURT OF JUSTICE

CO/4091/2019

QUEEN'S BENCH DIVISION

PLANNING COURT

BEFORE HIS HONOUR JUDGE BIRD sitting as a Judge of the HIGH COURT

BETWEEN:



CHERWELL DISTRICT COUNCIL

Claimant

and

**SECRETARY OF STATE FOR HOUSING, COMMUNITIES AND LOCAL GOVERNMENT
(2) GLADMAN DEVELOPMENTS LIMITED**

Defendants

ORDER

UPON the Claimant's renewed application for permission to apply for statutory review of the decision of the First Defendant's Inspector dated 9th September 2019 pursuant to s.288 of the Town and Country Planning Act 1990.

AND UPON the Claimant not having filed any representations in respect of costs ordered by Lang J, refusing permission on the papers, in her Order dated 27th November 2019

AND UPON hearing Mr David Forsdick QC for the Claimant, Ms Jacqueline Lean (counsel) for the First Defendant and Mr Jonathan Easton (counsel) for the Second Defendant

IT IS ORDERED THAT:

1. Permission to apply for statutory review is refused.
2. The costs order of Lang J is affirmed. The Claimant do pay the First Defendant's costs of preparation of the Acknowledgement of Service in the sum of £3,067 and the Second Defendant's costs of preparation of the Acknowledgment of Service in the sum of £3,627.50.

Date: 14 January 2020

BY THE COURT

Law and Governance

21 JAN 2020

Appendix 29

2019 AMR

your place • your space • your say



Annual Monitoring Report 2019

(01/04/2018 – 31/03/2019)



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1.0 Introduction

What is the Annual Monitoring Report?

- 1.1 Our AMR reviews progress in preparing the Council's planning policy documents and assesses whether development plan policies are being effective. It provides monitoring information, amongst other things, on employment, housing and the natural environment.
- 1.2 This year's AMR covers the period 1 April 2018 – 31 March 2019. A base date of 31 March 2019 is therefore used for monitoring performance against specified indicators. However, the AMR includes an up-to-date report on Local Plan progress when measured against the Local Development Scheme (LDS), the programme for producing Local Development Documents. It also includes up-to-date information on the future deliverability of development.
- 1.3 The Cherwell Local Plan 2011-2031 Part 1 was formally adopted by Cherwell District Council on 20 July 2015. The Plan provides the strategic planning policy framework for the District. Policies within the Plan replace some of the saved policies of the adopted Cherwell Local Plan 1996. Policy Bicester 13 of the Local Plan was re-adopted on 19 December 2016 following the outcome of a legal challenge. The re-adopted policy is identical to that originally adopted by the Council on 20 July 2015, other than the deletion of the words, '*That part of the site within the Conservation Target Area should be kept free from built development*' from the third bullet point of the policy's key site specific design and place shaping principles.
- 1.4 This is the fifth AMR to monitor against the indicators and targets from the adopted Local Plan 2011-2031 Part 1. However, as the Plan was adopted on 20 July 2015 which is partly through the monitoring period of 2015/16 this is the third AMR that fully reports on these indicators. There are some data that are still unavailable therefore not all indicators can be reported in this AMR.

Purpose of the Annual Monitoring Report

- 1.5 The purpose of this AMR is to:
 - monitor the preparation of Cherwell's Local Plan against timetables in the Local Development Scheme;
 - assess the extent to which policies are being achieved;
 - review key actions taken under the Duty to co-operate.

Legislative Background

- 1.6 The Council has a statutory obligation to produce a monitoring report. The Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended) sets out the requirements that must be satisfied by the report.

- 1.7 Subject to those requirements, it is a matter for individual Councils to decide the content on their monitoring reports. There is no longer a requirement to submit the report to the Secretary of State for Housing, Communities and Local Government.

Structure of the Annual Monitoring Report

- 1.8 **Section 2** presents the key findings from the monitoring work undertaken during this monitoring year.
- 1.9 **Section 3** reports on the delivery of Cherwell District’s Local Plan and other supporting documents, providing a review of progress against the targets and milestones set out in the Local Development Scheme.
- 1.10 **Section 4** looks at the progress made on neighbourhood planning within the district.
- 1.11 **Section 5** sets out detailed monitoring results using specific indicators from the adopted Local Plan 2011-2031 Part 1.
- 1.12 **Section 6** looks at progress on infrastructure delivery.
- 1.13 For further information relating to the AMR, please contact the Council’s Planning Policy, Conservation and Design team:

Tel: 01295 227985

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2.0 Key Findings

2.1 This chapter sets out the key findings of the AMR for the monitoring year 2018/19. They are discussed in more detail in Chapter 5.

Local Plan Progress / Local Development Scheme

Progress in the Monitoring Year 2018/19

- The Adderbury Neighbourhood Plan referendum was held on 21 June 2018, which resulted in a favourable decision. On 16 July 2018 Cherwell District Council formally 'made' the Adderbury Neighbourhood Plan.
- The Cherwell Residential Design Guide Supplementary Planning Document was adopted by the Council on 16 July 2018.
- The Local Development Scheme was updated, approved and published in December 2018.
- The Council's Brownfield Land Register was published in December 2018.
- The Examination Hearings to the Cherwell Local Plan Part 1 Partial Review: Oxford's unmet housing need were held between 5 and 13 February 2019.
- The Shipton-on-Cherwell and Thrupp Neighbourhood Area was designated on 11 February 2019.

Progress since the end of the Monitoring Year

- The Mid-Cherwell Neighbourhood Plan referendum was held on 21 March 2019, which resulted in a favourable decision. On 14 May 2019 Cherwell District Council formally 'made' the Mid-Cherwell Neighbourhood Plan.
- The Examination of the Deddington Neighbourhood Plan commenced on 28 April 2019 with the Examiner's Report issued on 3 September 2019.

Employment

- The district has seen a considerable gain in employment floorspace with 100,523 sqm completed over 2018/19 following a low gain in 2017/18 (951 sqm).
- At 31 March 2019 there was over 392,000 sqm (net) of employment floorspace with planning permission.
- There is planning permission in place for 184 ha of land on allocations.
- There are 81 ha of remaining allocated employment land yet to receive planning permission.
- Only 0.29 ha of employment land was lost to non-employment use during 2018/19.
- Overall there was a loss of 1870.87 sqm (net) floorspace in tourism related developments over the course of 2018/19.

Housing

- There were 1,489 housing completions (net) during 2018/19.
- The total number of housing completions (net) between 2011 and 2019 is 7,455 dwellings.
- 30% of housing completions (net) in 2018/19 were on previously developed land.
- Net affordable housing completions in 2018/19 were 507.
- At 31 March 2019 there are extant planning permissions for a total of 6,722 dwellings. These are homes with planning permissions but not yet built.
- The District presently has a 4.6 year housing land supply for the period 2019-2020 and a 4.4 year housing land supply for the period 2020-2025 (commencing 1 April 2020).

Natural Environment

- There were 7 planning applications granted permission contrary to Environment Agency's advice on flood risk grounds, however no permissions granted on water quality grounds objection.
- 6 planning permissions were approved for renewable energy schemes including one for a wind turbine, one for a ground source heat pump and four for solar photovoltaics (PVs).
- There has been an increase in total area of priority habitats from 3,913 ha to 3,925 ha (increase of 12 ha).
- The number of priority species listed in the District has very slightly decreased from 126 to 125.
- 97.1% of the SSSI units are in Favourable or Unfavourable recovering conditions, which is a decrease of 1.9% since last year.

3.0 Cherwell Planning Policy Documents

- 3.1 The existing statutory Development Plan comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (July 2015 incorporating Policy Bicester 13 re-adopted December 2016), the saved policies of the adopted Cherwell Local Plan 1996, the made (adopted) Hook Norton, Bloxham, Adderbury and Mid Cherwell Neighbourhood Development Plans. The Development Plan also includes the saved policies of the Oxfordshire Minerals and Waste Local Plan 1996, the production of which is a County Council function. A new Minerals and Waste Core Strategy Part 1 was adopted on 12 September 2017. Progress on the Minerals and Waste Local Plan Part 2 – Site Allocations was made with the Issues and Options consultation held between August and October 2018.
- 3.2 The Cherwell Local Plan 1996 was adopted in November 1996 and its relevant policies were saved from 27 September 2007.
- 3.3 The Cherwell Local Plan 2011-2031 Part 1, containing strategic development sites and policies, was adopted on 20 July 2015. It replaced many of the saved policies of the adopted Cherwell Local Plan 1996. Appendix 7 of the adopted Local Plan 2011-2031 provides a list of the saved policies.
- 3.4 The following Neighbourhood Development Plans have been ‘made’ and therefore form part of the statutory development plan for their designated area:
- Hook Norton – made 19 October 2015
 - Bloxham – made 19 December 2016
 - Adderbury – made 16 July 2018
 - Mid Cherwell – made 14 May 2019

Local Development Scheme Progress

- 3.5 The Local Development Scheme (LDS) is a rolling business plan for the preparation of key planning policy documents relevant to future planning decisions. The LDS that this AMR reports on was published in December 2018. It provided for:
- **Partial Review of the Cherwell Local Plan 2011-2031 (Part 1)** – a supplemental planning strategy with strategic development sites in order for the district to contribute in meeting the identified unmet housing needs of Oxford City.
 - **Oxfordshire Plan 2050 (formerly known as Joint Statutory Spatial Plan (JSSP))** – a new countywide strategic plan prepared jointly by the six Oxfordshire Councils through the Oxfordshire Growth Board.

- **Cherwell Local Plan Review** – a review of the adopted Cherwell Local Plan 2011-2031 to ensure key planning policies are kept up to date, to assist implementation of the JSSP and to replace the remaining saved policies of the 1996 Local Plan.
- **Supplementary Planning Documents (SPDs)** which expand upon and provide further detail to policies in Development Plan Documents. The Banbury Canalside SPD was highlighted.
- **Community Infrastructure Levy Charging Schedule** which raise funds to deliver off-site infrastructure that will support the development proposed within Cherwell.

Partial Review of the Cherwell Local Plan 2011-2031 (Part 1)

- 3.6 In paragraph B.95 of the adopted Local Plan Part 1 the Council recognises that Oxford may not be able to accommodate the whole of its new housing requirement (as identified in the 2014 Oxfordshire Strategic Housing Market Assessment) within its administrative boundary.
- 3.7 The Partial Review process is the means by which Cherwell makes its contribution (4,400 homes) to meeting the identified unmet need from Oxford City. The Partial Review was submitted to Secretary of State for Housing, Communities and Local Government for formal examination on 5 March 2018. Following the Plan's submission, the Plan's progress is guided by the Planning Inspector's examination process and programme.
- 3.8 A Preliminary Hearing took place on 28 September 2018 followed by Main Hearings in February 2019. In response to the Inspector's Post-Hearings Advice Note dated July 2019, the Council prepared a schedule of proposed Main Modifications to the Partial Review. The consultation period on the modifications ended on 20 December 2019.

Supplementary Planning Documents

- 3.9 A draft **Banbury Canalside Development Area SPD** was published for informal consultation between January 2018 and February 2018. Further work on the SPD will be recommenced in 2020.
- 3.10 The **Cherwell Residential Design Guide SPD** was adopted by the Council on 16 July 2018.

Community Infrastructure Levy (CIL) Charging Schedule

- 3.11 The Council has previously consulted upon a Preliminary Draft (Feb/March 2016) and a Draft CIL Charging Schedule (Nov 2016 – Jan 2017). However, work was then paused pending the outcome of the Government's review of CIL. Following the recent completion of this review work it was envisaged that further consultation on a Draft Charging Schedule is expected in September/October 2019 however it has not been progressed due to other commitments. Further work will be recommenced in 2020.

Duty to Co-operate

3.12 Local Councils are expected to consider strategic issues relevant to their areas through a statutory 'Duty to Co-operate' established by the Localism Act (2011) and described in the National Planning Policy Framework (NPPF).

3.13 The Duty:

- relates to sustainable development or use of land that would have a significant impact on at least two local planning areas or on a planning matter that falls within the remit of a County Council;
- requires that councils set out planning policies to address such issues;
- requires that councils and public bodies engage constructively, actively and on an on-going basis to develop strategic policies; and
- requires councils to consider joint approaches to plan making.

3.14 During the monitoring period 2018/19 the Council:

- continued work with the Oxfordshire authorities as part of the Oxfordshire Growth Board to implement the Oxfordshire Housing and Growth Deal 2018. The first stage of public consultation (Regulation 18 part1) of the Oxfordshire Local Plan 2050 was completed in February-March 2019.
- prepared and agreed Statements of Common Ground with the Oxfordshire authorities and a number of prescribed bodies supporting the preparation of the Local Plan Partial Review (February 2019). Published as part of the Plan's examination evidence.
- agreed a Statement of Common Ground (22 March 2019) with the Oxfordshire authorities as part of the submission of the Oxford Local Plan 2036 and South Oxfordshire Local Plan 2034 to the Secretary of State for examination. Published as part of these plans' evidence.

4.0 Neighbourhood Planning

- 4.1 In addition to the made neighbourhood plans listed at paragraph 3.4 above, five Parish Councils have had their administrative areas designated as Neighbourhood Areas. These are shown below.

Neighbourhood Plan Area	Designated Date	Monitoring Year
Bodicote	04/01/2016	2015/16
Deddington	02/12/2013	2013/14
Merton	02/12/2013	2013/14
Stratton Audley	03/06/2013	2013/14
Weston on the Green	02/11/2015	2015/16
Shipton on Cherwell & Thrupp	11/02/2019	2018/19

Deddington

- 4.2 The Deddington Pre-Submission Neighbourhood Plan was consulted upon from 1 October to 19 November 2017 over a seven week period.
- 4.3 Deddington Parish Council submitted their Neighbourhood Plan to Cherwell District Council on 1 October 2019. Cherwell District Council then undertook a six-week public consultation on the draft (Submission) Plan between 8 November 2018 and 21 December 2018. Following the consultation an independent examiner was appointed in April 2019 to carry out the independent examination of the Deddington Neighbourhood Plan. The Examiner's report was published on 3 September 2019. Following receipt of the Examiner's report Deddington Parish Council resolved at their meeting on 20 November 2019 to withdraw the Neighbourhood Plan. It is their intention to continue with the Neighbourhood Plan process and to submit a revised plan at the earliest opportunity.

Weston on the Green

- 4.4 The Weston on the Green Pre-Submission Neighbourhood Plan was consulted from 15 May to 26 June 2017.
- 4.5 The Weston on the Green draft Submission Neighbourhood Plan was submitted by Weston on the Green Parish Council to Cherwell District Council on 11 October 2018. The Neighbourhood Plan and supporting documents were publicised as required and public consultation took place between 19 November 2018 and 11 January 2019. Following the consultation, the Council, in agreement with the Parish Council, appointed an Independent Examiner to undertake the independent examination. The Examiner's report is dated 11 September 2019.
- 4.6 On 4 November 2019 Cherwell District Council, having considered each of the recommendations made by the examiner:

1. approved all the Examiner's recommendations and modifications with the exception of Modifications 15,21, 24, 26 and 27
 2. Agreed not to proceed to referendum on the Weston on the Green Neighbourhood Plan at this time
 3. Approved the area for the future referendum as being the designated Neighbourhood Plan area in accordance with the examiner's recommendations, noting that there will be no extension to the area
- 4.7 The Council is currently inviting comments on its proposed alternative modifications 15, 21, 24, 26 and 27, and the reasons for its decision.

5.0 Monitoring Results

5.1 This section sets out the detailed monitoring results using specific indicators from the adopted Local Plan 2011-2031 (Part 1).

Theme One: Developing a Sustainable Local Economy

Policy	Indicator	Target	Progress
SLE 1 Employment Development	Employment commitments and completions on allocated employment land per sub area (Banbury, Bicester, Kidlington, Rural Areas)	100% take up of allocations by the end of the plan period	<p>During 2018/19, 85,688.8 sqm of employment floorspace was completed. At 31 March 2019 there was permission for 36,6126.3 sqm of employment floorspace yet to be built.</p> <p>At 31 March 2019 the total remaining allocated employment land available in Cherwell District (yet to receive planning permission) was 81.34 ha.</p> <p>There is planning permission for 184.14 ha of land on Local Plan allocations.</p>
SLE 1 Employment Development	Employment commitments and completions on non-allocated employment land per sub area (Banbury, Bicester, Kidlington, Rural Areas)	Yearly increase in employment use class commitments and completions	<p>During 2018/19, 14,834.69 sqm of employment floorspace was completed. At 31 March 2019 there was permission for 26,228.49 sqm of employment floorspace yet to be built.</p>
SLE 1 Employment Development	Completions resulting in a loss of employment use to non-employment use per sub area (Banbury, Bicester, Kidlington, Rural Areas)	No overall net loss of employment land	<p>During 2018/19, a total of 0.29 ha of employment land was lost to non-employment uses.</p>

5.2 The strategic employment allocations (including mixed use sites for housing and employment) in the 2015 Local Plan, as well as development on non-allocated sites, are monitored in this section. Until the adoption of the next Local Plan, non-strategic

employment allocations from the Non-Statutory Local Plan 2011 and saved policies from the adopted 1996 Local Plan are also monitored. Employment (non-commercial) monitoring for 2018/19 was only carried out on sites where more than 200 sqm of employment floorspace is proposed.

Table 1 - Employment completions on allocated land during 2018/19 (sqm)

Location	B1a	B1b	B1c	B1 unable to split	Total B1	B2	B8	Mixed B Use	Total
Banbury	929	0	0	0	929	0	30384.5	0	31313.5
Bicester	13224	0	12077	0	25301	12077	12077	0	49455
Kidlington	0	0	740.15	0	740.15	0	740.15	0	1480.3
Rural Areas	0	0	0	0	0	125.5	3314.5	0	3440
Cherwell Total	14153	0	12817.15	0	26970.15	12202.5	46516.15	0	85688.8

Table 2 - Employment commitments on allocated land at 31/03/19 (sqm)

Location	B1a	B1b	B1c	B1 unable to split	Total B1	B2	B8	Mixed B Use	Total
Banbury	2601.5	0	0	810	3411.5	7548.25	55323.75	2700	68983.5
Bicester	-8959	27525	12077	17871.36	48514.36	29743.7	173611.7	23420	275289.8
Kidlington	0	0	0	0	0	0	0	0	0
Rural Areas	0	0	0	1020	1020	0	0	20833	21853
Cherwell Total	-6357.5	27525	12077	19701.36	52945.86	37291.95	228935.5	46953	366126.3

Table 3 - Policy SLE 1 - Employment completions on non-allocated land during 2018/19 (sqm)

Location	B1a	B1b	B1c	B1 unable to split	Total B1	B2	B8	Mixed B Use	Total
Banbury	-346	0	0	-87.97	-433.97	919.53	6264.53	0	6750.09
Bicester	-210	0	-201.7	550	138.3	0	-201.7	0	-63.4
Kidlington	0	0	0	0	0	0	0	0	0
Rural Areas	117	0	311	0	428	0	7720	0	8148
Cherwell Total	-439	0	109.3	462.03	132.33	919.53	13782.83	0	14834.69

Table 4 - Employment commitments on non-allocated land at 31/03/19 (sqm)

Location	B1a	B1b	B1c	B1 unable to split	Total B1	B2	B8	Mixed B Use	Total
Banbury	-3380	0	7325.33	655	4600.33	4683.33	-10899.17	0	-1615.51
Bicester	2320	0	255	13522	16097	0	-2510	0	13587

Kidlington	-1100	0	-1543.6	23.5	-2620.1	253	-339.4	2238.5	-468
Rural Areas	-178	0	391	12664.5	12877.5	1286.5	561	0	14725
Cherwell Total	-2338	0	6427.73	26865	30954.73	6222.83	-13187.57	2238.5	26228.49

Table 5 - Employment completions during 2018/19 (sqm)

Location	B1a	B1b	B1c	B1 unable to split	Total B1	B2	B8	Mixed B Use	Total
Banbury	583	0	0	-87.97	495.03	919.53	36649.03	0	38063.59
Bicester	13014	0	11875.3	550	25439.3	12077	11875.3	0	49391.6
Kidlington	0	0	740.15	0	740.15	0	740.15	0	1480.3
Rural Areas	117	0	311	0	428	125.5	11034.5	0	11588
Cherwell Total	13714	0	12926.45	462.03	27102.48	13122.03	60298.98	0	100523.5

Table 6 - Employment commitments at 31/03/2019 (sqm)

Location	B1a	B1b	B1c	B1 unable to split	Total B1	B2	B8	Mixed B Use	Total
Banbury	-778.5	0	7325.33	1465	8011.83	12231.58	44424.58	2700	67367.99
Bicester	-6639	27525	12332	31393.36	64611.36	29743.7	171101.7	23420	288876.8
Kidlington	-1100	0	-1543.6	23.5	-2620.1	253	-339.4	2238.5	-468
Rural Areas	-178	0	391	13684.5	13897.5	1286.5	561	20833	36578
Cherwell Total	-8695.5	27525	18504.73	46566.36	83900.59	43514.78	215747.9	49191.5	392354.8

Employment Completions

5.3 Table 5 shows the total employment floorspace completed during 2018/19 (net). The 'net' figures reflect the overall completion totals taking into account any losses which include redevelopments and changes of use away from commercial use.

5.4 In 2017/18, Cherwell saw a gain of 951 sqm of employment floorspace completed and gains in floorspace were located mainly in the rural areas, including for example 10 new employment units at Wroxton. At Bicester a heritage centre and employment building were completed at Bicester airfield. In 2018/19, Cherwell saw a considerable gain of 100,523.5 sqm of employment floorspace completed which was mostly in B8 uses in Banbury and mixed B1 uses in Bicester.

Employment Commitments

- 5.5 Employment commitments include sites which have been granted planning permission in the past and remain extant. The total number of employment commitments have decreased slightly compared to the last monitoring year. At 31 March 2019, there was outstanding employment floorspace to be implemented equating to 392,354.8 sqm. Bicester contributed to majority of the total commitments (74%) followed by Banbury with 17% and Rural Areas with 9%. Kidlington shows a net loss, with -468 sqm of floorspace committed.
- 5.6 Banbury – There are commitments totalling 67,367.99 sqm of employment floorspace, mainly for B8 uses (44,424.58 sqm). Land south of Overthorpe Road and adjacent to the M40 (Local Plan site Banbury 6) remains the most significant commitment at Banbury, where construction continues.
- 5.7 Bicester – There are net gains across all the different B use classes in Bicester with a significant commitment of over 288,876.8 sqm of employment floorspace predominantly in B8 use class (171,101.7 sqm). Planning permission has been granted for employment development at North West Bicester (Local Plan site Bicester 1), Land North East of Skimmingdish Lane (Local Plan site Bicester 11), at South East Bicester (Local Plan site Bicester 12), and at land adjacent to the Oxford Road (Local Plan site Bicester 10) where construction on these sites are underway.
- 5.8 Kidlington and Rural Areas – A range of applications have been granted permission in the rural areas during the monitoring year including at Begbroke Science Park for up to 12 B1 and ancillary D1 units. The Former RAF Upper Heyford site (Villages 5) which is a strategic allocation for mixed use in the adopted Local Plan 2011-2031 proposes 1,075 new homes and over 120,000 sqm of mixed B use class. This site is currently under construction.

Table 7 – Remaining Local Plan Employment Allocations - 31/03/19 (ha)

Location	Remaining Allocated Area (ha)	Comments
Banbury	25.34	The majority of this remaining allocated land consists of the allocation at Employment Land North East of Junction 11 (Local Plan Policy Banbury 15), which has a resolution to approve; and there is no planning on the remaining part at employment Land West of M40 (Local Plan Policy Banbury 6).
Bicester	50.01	The majority of this remaining allocated land consists of a number of sites allocated such as Bicester Business Park (Local Plan Policy Bicester 4), where a new planning application on part of the site is pending; no planning on the remaining part at Bicester Gateway (Local Plan Policy Bicester 10); and South East Bicester (Local Plan Policy Bicester 12), which has a resolution to approve on the larger part of the site.

Rural Areas	5.99	Remaining Non-Statutory Local Plan allocation at Banbury Business Park Phase 2 (Adderbury), Brymbo Ironworks (Hook Norton) and PA Turneys (Weston on the Green). No allocations were made in the adopted Local Plan 2011-2031.
Total	81.34	

5.9 Table 7 shows the total remaining allocated land available in the District (81.34 ha), excluding land with planning permission on Local Plan allocations. However sites ‘committed’ for development (i.e. with planning permission) are still ‘available’ since it is possible that the permission may expire unimplemented or may be superseded by another. The majority of the remaining allocated land available is at strategic sites in the adopted Local Plan 2011-2031. Planning permissions are shown in Table 8.

5.10 The employment trajectory in the Local Plan 2011-2031 shows how strategic sites will be delivered and the Council is working to bring forward strategic sites, for example at Graven Hill (Bicester 2) and North West Bicester (Bicester 1) where planning permissions have been granted. The Council will be exploring the potential of sites for employment through the next Local Plan.

Table 8 – Employment Permissions at 31/03/19 (ha)

Extant permissions on allocations		Extant Permissions on Non-Allocations		Total Extant Permissions	
Location	Site Area (ha)	Location	Site Area (ha)	Location	Site Area (ha)
Banbury	9.66	Banbury	4.55	Banbury	14.21
Bicester	89.05	Bicester	1.66	Bicester	90.71
Kidlington	8.35	Kidlington	0.62	Kidlington	8.97
Rural Areas	77.08	Rural Areas	13.54	Rural Areas	90.62
Total	184.14	Total	20.37	Total	204.51

5.11 Table 8 shows the amount of land taken up with planning permissions at 31/03/19. A total of 204 ha has been permitted with 90% being at strategic allocations. In terms of the planning permissions in Table 8, only new build employment development is shown, not changes of use between employment uses since this would result in no overall gain in employment land.

Table 9 – Total Employment Land on Allocations (adopted Local Plan 2011-2031 and Non-Statutory Local Plan 2011) at 31/03/19 (ha)

Location	Total Area (ha)
Banbury	35.00
Bicester	139.06
Kidlington	8.35

Rural Areas	83.07
Total	265.48

5.12 The total employment land available on Local Plan allocations is 265.48 ha (this includes remaining undeveloped land within allocated sites, a proportion of which will have planning permission). Planning permissions are in place on 184.14 ha of this allocated land. A large proportion of this is located at Bicester where there are six strategic allocations for employment and mixed use development.

Table 10 - Loss of employment land to non-employment use (includes completions on allocations and non-allocations) during 2018/19

Location	Land Area (ha)
Banbury	0.07
Bicester	0.22
Kidlington	0
Rural Areas	0
Cherwell Total	0.29

5.13 During 2018/19, only 0.29 ha of employment land was lost to other uses which was slightly lower than the previous year (0.51 ha).

Policy	Indicator	Target	Progress
SLE 2 Securing Dynamic Town Centres	Town centre uses (including use classes A1-A5, B1a, D2) completions within and outside of each of the town centres	No net loss of town centre use floor space within town centres	This indicator is monitored as part of Bicester 5 and Banbury 7.
SLE 2 Securing Dynamic Town Centres	No. of retail impact assessments submitted with planning applications	100% of applications over the thresholds set out in Policy SLE2	No retail impact assessments were received during 2018/19 as the scale of the applications received did not exceed the thresholds set out in Policy SLE2.

5.14 Please see Bicester 5 and Banbury 7 for the monitoring of the indicator on completions of town centre uses within and outside of Banbury and Bicester town centres.

Policy	Indicator	Target	Progress
Policy SLE 3 Supporting Tourism Growth	Completed tourism developments (including D use class uses and Sui Generis)	An annual increase in completed tourism developments over the plan period	Overall there was a net loss of 1870.87 sqm during 2018/19. The main loss was in SG use which came from a change of use from a military storage building to storage purposes (B8) at Heyford Park.
Policy SLE 3 Supporting Tourism Growth	Number of visitors to tourist attractions in the District	An annual increase over the plan period	Between January and December 2018 there were 8,147,873 visitors to the district, day and overnight.

Table 11 – Completed tourism developments during 2018/19

Use Class	Net floorspace completions (sqm) 2018/19
D1	1485.3
D2	48.1
Sui Generis	-3404.27
Total	-1870.87

5.15 Between January and December 2018 there were 8,147,873 visitors to the district (an increase of over 495,000 visitors from last year): 7,743,873 of day visitors; and 404,000 of overnight trips. The total visitors spend for the year is £370,886,000 which is an increase of £22,963,000 from last year. The total tourism value is £453,549,000.

Policy	Indicator	Target	Progress
Policy SLE 4 Improved Transport and Connections	Completed transport improvement schemes	Timely provision of transport infrastructure in accordance with strategic site delivery and as set out in the IDP	Progress of Transport Schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of completed and new transport infrastructure projects including completion of: <ul style="list-style-type: none"> - Pedestrian crossing over SW Bicester

			<p>perimeter road (Vendee Drive), Oxford Road and Middleton Stoney Road</p> <ul style="list-style-type: none"> - Jubilee Ride, 9.5 mile circular equestrian / mountain bike route to the north of Bicester - Bus service improvements between Bloxham and Banbury - New bus service between Hardwick Farm/Southam Road to Banbury town centre - Improvements to cycling and walking routes on Duke Meadow Drive and between Hanwell Fields and Southam Road, Banbury.
Policy SLE 4 Improved Transport and Connections	Developer contributions to transport infrastructure	To meet development needs, as set out in the IDP	See IDP Update. Specific contributions data not available at this time.

Policy	Indicator	Target	Progress
Policy SLE 5 High Speed Rail 2 – London to Birmingham	Level of Council involvement with the proposed High Speed Rail Link	<p>Respond to all relevant Government consultations on HS2.</p> <p>Respond to all planning</p>	<ul style="list-style-type: none"> - Meetings ongoing. A Works Programme update from HS2 is expected soon. - First Schedule 17 applications are likely to be received in the early part of 2020.

		applications relating to HS2.	
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Theme Two: Building Sustainable Communities

Policy	Indicator	Target	Progress
Policy BSC 1 District Wide Housing Distribution	Housing commitments and completions per sub area (Banbury, Bicester, Kidlington, rural areas)	As set out in Policy BSC 1	<p>During 2018/19, there were 1,489 housing completions (net) and as at 31 March 2019 there were extant planning permissions for another 6,722 dwellings.</p> <p>From 2011-2019, completions were as follows:</p> <p>Banbury – 2,571 Bicester – 2,119 Kidlington – 307 Remaining Areas – 2,458</p> <p>At 31/3/19, the stock of planning permissions was as follows:</p> <p>Banbury – 2,245 homes Bicester – 3,348 homes Kidlington – 151 homes Remaining Areas – 978 homes</p>
Policy BSC 2 The Effective and Efficient Use of Land	% of residential completions on previously developed land	As set out in Policy BSC 2	30% of the 1,489 housing completions were on previously developed land.

Housing Requirement

- 5.16 The housing requirement against which housing delivery and housing land supply is measured against is set out in the adopted Cherwell Local Plan 2011-2031 Part 1 (2015). Policy BSC1: District Wide Housing Distribution plans for 22,840 dwellings to be delivered between 2011 and 2031, which equates to an annual requirement of 1,142 dwellings to meet the needs of Cherwell.
- 5.17 The housing requirement was based on the Oxfordshire Strategic Housing Market Assessment (SHMA) (April 2014) which provided the objective assessment of housing need for the district.

Housing Completions

Table 12 – Housing Completions (net) 2011 - 2019

	Banbury			Bicester			Elsewhere			District			
	GF	PDL	Total	GF	PDL	Total	GF	PDL	Total	GF	PDL	Total	PDL %
2011 / 12	34	102	136	40	26	66	118	36	154	192	164	356	46%
2012 / 13	4	38	42	116	14	130	50	118	168	170	170	340	50%
2013 / 14	12	22	34	137	33	170	119	87	206	268	142	410	35%
2014 / 15	222	106	328	193	30	223	119	276	395	534	412	946	44%
2015 / 16	257	96	353	307	60	367	316	389	705	880	545	1425	38%
2016 / 17	349	59	408	309	62	371	141	182	323	799	303	1102	27%
2017 / 18	530	86	616	315	40	355	266	150	416	1111	276	1387	20%
2018 / 19	521	133	654	272	165	437	252	146	398	1045	444	1489	30%
Totals	1929	642	2571	1689	430	2119	1381	1384	2765	4999	2456	7455	33%

- 5.18 Table 12 shows the annual housing completions in Cherwell since 2011. The total number of housing completions (net) between 2011 and 2019 is 7,455 dwellings. During 2018/19, 1,489 (net) housing completions were recorded. This is higher than the previous highest recorded completion figure during 2015/16 (1,425).
- 5.19 As a consequence of the local plan and SHMA period being from 2011 onwards (pre-dating adoption of the Local Plan in 2015) there is a ‘shortfall’ of some 1,681 homes for the period 2011 to 2019 which must be made up.
- 5.20 In 2018/19, 44% of completions were at Banbury, 29% at Bicester and 27% elsewhere. 30% of the 1,489 homes delivered were on previously developed land.
- 5.21 Delivery on strategic development sites has included Longford Park, Banbury (96 dwellings); Southam Road, Banbury (122 dwellings); North of Hanwell Fields, Banbury (117 dwellings); Graven Hill, Bicester (122 dwellings); Kingsmere, Bicester (205 dwellings); and Heyford Park, Upper Heyford (97 dwellings).
- 5.22 There was good progress made at West of Bretch Hill, Banbury; West of Bloxham Road (South of Salt Way), Banbury; and at the North West Bicester eco-development. The sites progressing well in rural areas include Church Leys Field, Ambrosden; Land North of Station Road, Bletchingdon; Land South of Milton Road, Bloxham; Land South of Blackwood Place and Molyneux Drive, Bodicote; and Sibford Road, Hook Norton.

5.23 Table 13 shows the progress being made on strategic sites (100 or more dwellings) that are under construction.

Table 13 – Progress of strategic Sites

Site	No. of developers (Oct 2019)	Completions during 2018/19	Completions during 2017/18	Completions during 2016/17	Completions during 2015/16	Completions during 2014/15
Bankside Phase 1, Banbury (Longford Park)	3	96	142	140	218	148
Land adjoining and West of Warwick Road, Banbury	2	11	0	0	0	0
Land East of Southam Road, Banbury (Local Plan Site Banbury 2)	2	122	100	99	6	0
Land South of Salt Way and West of Bloxham Road, Banbury (Local Plan Site Banbury 16)	1	42	0	0	0	0
North of Hanwell Fields, Banbury (Local Plan Site Banbury 5)	2	117	106	57	0	0
South of Salt Way – East (Local Plan Site Banbury 17)	1	16	62	37	27	0
West of Bretch Hill, Banbury (Local Plan Site Banbury 3)	1	85	93	14	0	0
Graven Hill, Bicester (Local Plan Site Bicester 2)	Primarily 1 with multiple self-builders	122	28	1	0	0
Kingsmere, South West Bicester Phase 1	4	205	196	231	210	179
North West Bicester Eco-Town Exemplar Project, Bicester (Local Plan Site Bicester 1)	1	29	65	0	90	0
Former RAF Upper Heyford (Local Plan Site Villages 5)	2	97	103	106	166	46

5.24 Table 14 shows the housing completions recorded since 2011 for strategic sites (100 or more), non-strategic sites (10-99) and windfall development (<10 homes).

Table 14 – Breakdown of Housing Completions (net) 2011 - 2019

	Banbury	Bicester	Elsewhere	District
Strategic Sites	1792	1659	540	3991
Non-Strategic Sites	429	329	1597	2355
Windfalls (<10)	350	131	628	1109
Totals	2571	2119	2765	7455

Planning Permissions

Table 15 - Housing Commitments as at 31/03/2019

		No. of dwellings
Banbury	GF	1983
	PDL	262
	Total	2238
Bicester	GF	1501
	PDL	1847
	Total	3348
Elsewhere	GF	557
	PDL	572
	Total	1129
District	GF	4041
	PDL	2674
	Total	6722

5.25 At 31 March 2019, there were extant planning permissions for a total of 6,722 dwellings that had not yet been built.

5.26 In Banbury, most of the permissions relate to strategic, greenfield sites such as Southam Road East, West of Bloxham Road (South of Salt Way), West of Warwick Road and West of Bretch Hill. At Bicester there are permissions for greenfield development at Kingsmere (South West Bicester), SW Bicester Phase 2 and the North West Bicester eco-development. Permission also exists for the development of previously developed land at Graven Hill and Bessemer Close/Launton Road.

5.27 There were 323 homes with permission at Former RAF Upper Heyford which have yet to be built. Other extant planning permissions in the rural areas include 65 dwellings at

Ambrosden; 95 dwellings at Bodicote; 40 dwellings at Hook Norton; 54 dwellings at Kidlington and 72 dwellings at Launton.

Housing Land Supply

5.28 The NPPF (paragraph 73) requires local planning authorities to *'identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old. The supply of specific sites should in addition include a buffer (moved forward from later in the plan period) of:*

- a) 5% to ensure choice and competition in the market for land; or*
- b) 10% where the local planning authority wishes to demonstrate a five year supply of deliverable sites through an annual position statement or recently adopted plan, to account for any fluctuations in the market during that year; or*
- c) 20% where there has been significant under delivery of housing over the previous three years, to improve the prospect of achieving the planned supply.'*

5.29 The NPPF defines what is required for sites to be considered to be deliverable within its glossary and states that:

'To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years. In particular:

- a) sites which do not involve major development and have planning permission, and all sites with detailed planning permission, should be considered deliverable until permission expires, unless there is clear evidence that homes will not be delivered within five years (for example because they are no longer viable, there is no longer a demand for the type of units or sites have long term phasing plans).*
- b) where a site has outline planning permission for major development, has been allocated in a development plan, has a grant of permission in principle, or is identified on a brownfield register, it should only be considered deliverable where there is clear evidence that housing completions will begin on site within five years.'*

5.30 The PPG (paragraph 007 Reference ID: 68-007-20190722) provides further clarification on assessing deliverability and the evidence required. For sites with outline planning permission, permission in principle, allocated in a development plan or identified on a brownfield register, *'Such evidence, to demonstrate deliverability, may include:*

- *current planning status – for example, on larger scale sites with outline or hybrid permission how much progress has been made towards approving reserved matters, or whether these link to a planning performance agreement that sets out*

the timescale for approval of reserved matters applications and discharge of conditions;

- *firm progress being made towards the submission of an application – for example, a written agreement between the local planning authority and the site developer(s) which confirms the developers’ delivery intentions and anticipated start and build-out rates;*
- *firm progress with site assessment work; or*
- *clear relevant information about site viability, ownership constraints or infrastructure provision, such as successful participation in bids for large-scale infrastructure funding or other similar projects.’*

- 5.31 A comprehensive review of housing land supply has been undertaken. All known sites of 10 or more dwellings were individually identified and examined.
- 5.32 Site promoters, developers and agents were engaged in reviewing the deliverability of these sites with each being sent a form containing details on planning applications and permissions and, where applicable, the expected delivery rates from the last AMR. Information was requested concerning progress on planning, expected build-out rates, the number of housebuilders currently on site and/or expected and build-out rates. The responses received were considered in reviewing the deliverability of sites and the projected timescale for delivery having regard to lead-in times, site preparation and infrastructure provision. The base date for updating the progress on individual sites and reviewing deliverability and delivery assumptions was 12 November 2019.
- 5.33 The review included consultation with Development Management officers and other Council services involved in the delivery of sites to ensure that assessments of deliverability were realistic. Sites were discounted as being ‘deliverable’ if there was insufficient demonstrable evidence such as Gavray Drive in Bicester, Land at Merton Road in Ambrosden and Land North of Shortlands and South of High Rock in Sibford Ferris. Consideration was given to the outcome of planning appeals where relevant to the assessment of housing land supply particularly the Inspectors comments regarding evidence for justifying deliverability of sites. This is reflected in the site update forms that were sent to site promoters, developers and agents.
- 5.34 Where site promoters/developers did not respond to requests for information, chasing enquiries were made. Where, ultimately, no update was received, officers made an informed judgement about deliverability and delivery timescales having regard to the information available, to internal consultations and with the benefit of contextual information from the review of other sites.
- 5.35 A peak delivery assumption of 50 dwellings per annum for each housebuilder on strategic sites based on recent evidence (see Table 13), unless specific circumstances suggest otherwise. The results of site visits undertaken for 2019/20 site monitoring (separately for quarters 1 and 2) were used to help understand the most up to date delivery position. The number of developers on site can change over time and at peak build-out, 3-5 developers can be seen on larger strategic sites. At one point there were 5 developers on site at Kingsmere during 2015/16 before coming down to 4 developers from 2016/17.

Once completions start on site a rate of approximately 50 dwellings per year per developer is considered to be a reasonable assumption for strategic sites as demonstrated by Table 13.

- 5.36 Deliverability, timescales and rates of delivery were considered on a site by site basis. For all sites of 10 or more dwellings, no assumptions were made that because a site had planning permission it would be delivered. Consequently, applying a generic lapse rate to planning permissions for those sites was not appropriate.
- 5.37 Sites not considered to be deliverable were assessed for developability over a longer period of time.
- 5.38 The NPPF and the PPG set out that a windfall allowance for small sites (unidentified sites or less than 10 dwellings) may be justified in the five-year supply if a local planning authority has compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Housing and Economic Land Availability Assessment (HELAA), historic windfall delivery rates and expected future trends, and should not include residential gardens.
- 5.39 The Housing Delivery Monitor (HDM) at Appendix 2 includes a windfall allowance of 35 dwellings per year at Banbury, 10 dwellings per year at Bicester and 61 dwellings per year at rural areas. These assumptions have been lowered for the second half of the plan period in the interest of caution. A total of 530 dwellings are added to the five year supply calculation.
- 5.40 The 2018 HELAA (section 5) provides the evidence on windfall allowance. It considered historic completions of small, unidentified sites, the identification of sites on previously developed land, expiries of planning permissions and completions against permissions. The conclusion led to 106 dwellings per year with a breakdown by areas as shown in para 5.39.
- 5.41 The results of the review of housing land supply are presented in the Housing Delivery Monitor at Appendix 2. The Housing Delivery Monitor distinguishes between sites that are considered to be deliverable (those contributing to the 5 year land supply) from those only presently considered to be developable at a future point.

Five Year Housing Land Supply Position

- 5.42 Table 16 provides the calculation of the current five year land supply based on the Housing Delivery Monitor at Appendix 2. Only sites considered to be 'deliverable' are included in the calculation of the five year housing land supply.

Table 16 – Calculation of housing land supply from deliverable sites

		Five Year Period 2019-24 (current period)	Five Year Period 2020- 25 (from 1 April 2020)
a	Plan Requirement (2011-2031)	22840	22840
b	Annual Requirement (a/20)	1142	1142
c	Requirement to date (b*years)	9136	10278
d	Completions	7455	8903
e	Shortfall at 31/3/19 (c-d)	1681	1375
f	Base Requirement over next 5 years (b x 5)	5710	5710
g	Base Requirement over next 5 years plus shortfall (f + e)	7391	7085
h	5 Year Requirement and shortfall plus 5% (g+5%)	7761	7439
i	Revised Annual Requirement over next 5 years (h/5)	1552.1	1487.9
j	Deliverable Supply over next 5 Years	7096	6573
k	Total years supply over next 5 years (j/i)	4.6	4.4
l	'Shortfall' (j – h)	665	866

**projected completions of 1,448 for 2019/20 added to roll forward to 2020/2025*

- 5.43 There are two five year periods shown. The current assessment of supply is for the period 2019 to 2024. However, to ensure that a calculation is provided for the next five years in full, a calculation is also shown for 2020 to 2025 which will be applied in decision making from 1 April 2020. There is no duplication or overlap in the figures as the calculations are produced at the same point in time having regard to the same assessment of supply. The only adjustment necessary to roll forward the five year period is to add the projected completions for 19/20 to overall completions for 2011-2020 and to consider the projected deliverable supply from 2020-2025 rather than 2019-2024.
- 5.44 Table 16 illustrates that the District can demonstrate a 4.6 year supply for the current period 2019-2024 and a 4.4 year supply for the next five year period (2020-2025) commencing on 1 April 2020. The calculations include a 5% buffer to both the base housing requirement and the shortfall and the making up of a delivery shortfall within five years. This AMR shows that a supply of 7,096 homes is expected from deliverable sites from 2019 to 2024 and a supply of 6,573 homes is expected for 2020-2025.
- 5.45 The fall in the district's housing land supply position does not result from recent under-delivery but reflects some caution in the projections for future delivery. This particularly the case for a number of large, complex development sites some of which have been the

subject of protracted discussion. The circumstances of individual sites and developers and market conditions also affects the speed at which homes can be delivered.

- 5.46 The Council considers that the extent of the five year land supply shortfall is manageable and reversible. High levels of delivery in the district demonstrate the demand that exists and a number of large sites are expected to move forward. As illustrated in the Housing Delivery Monitor, the district is experiencing a high level of growth and the supply of development land is evidently abundant. The issue going forward is more one of bringing forward sites that have not commenced and ensuring that higher rates of delivery are achieved where there is current caution.

- 5.47 As site specific issues are resolved, and with the assistance of targeted funds from the Oxfordshire Housing and Growth Deal, it is expected that the five year land supply position will improve. Furthermore, The Housing Delivery Monitor shows that there is some potential additional supply from other developable (rather than deliverable) sites in the medium term which will help maintain a healthy land supply.

Housing Land Supply in Oxfordshire: Written Ministerial Statement, 12 September 2018 (HCWS955)

- 5.48 On 12 September 2018, the Secretary of State for Ministry of Housing, Communities and Local Government issued a written statement containing a *‘temporary change to housing land supply policies as they apply in Oxfordshire’*. Ministerial Statement HCWS955 is a Government commitment as part of the Oxfordshire Housing Growth Deal providing a temporary planning flexibility pending the adoption of the Oxfordshire Plan 2050. For the purpose of decision-taking under paragraph 11(d), footnote 7 of the Framework will apply where the authorities in Oxfordshire cannot demonstrate a three year supply of deliverable housing sites with the appropriate buffer. This statement is a material consideration in planning decisions.

- 5.49 Although the Council presently cannot demonstrate a five year supply, its position exceeds the current three year housing land supply requirement as set out in the Written Ministerial Statement therefore paragraph 11(d) of the NPPF is not engaged for reasons of housing land supply.

Housing Density

Policy	Indicator	Target	Progress
Policy BSC 2 The Effective and Efficient Use of Land	Net housing density of completions	As set out in Policy BSC 2	The housing density of large completed sites (10 or more dwellings) during 2018/19 is 20.7 dwellings per hectare (dph).

Table 17 - Housing density of large completed sites during 2018/19 (10 or more dwellings)

	2018/19
Total Site area (gross)	46.06
No. of dwellings on large sites	953
Housing Density	20.7

- 5.50 The indicator looks at net housing density of completions however for the purpose of this AMR the gross site areas were used therefore the housing density recorded is actually lower than it should have achieved.
- 5.51 The housing density of large completed sites (10 or more dwellings) during 2018/19 is 20.7 dwellings per hectare (dph) which is lower than the previous year (26.3) and below the target set out in Policy BSC 2. Out of the 57 large completed sites, 35 of them have exceeded the target of 30 dph. Examples of completed sites with higher housing densities are primarily on parcels at Graven Hill (various densities) and the Oxford & Cherwell Valley College site (98 dph).

Affordable Housing

Policy	Indicator	Target	Progress
Policy BSC 3 Affordable Housing	Net affordable housing completions/acquisitions per tenure	As set out in Policy BSC 3	During 2018/19 there were 507 net affordable housing completions.
Policy BSC 3 Affordable Housing	No. of self-build completions	An annual increase in the number of self-build completions	There were 122 self-build completions in 2018/19.

Table 18 – Net Affordable Housing Completions

Year	Affordable housing completions (net)
2011/12	204
2012/13	113
2013/14	140
2014/15	191
2015/16	322
2016/17	278
2017/18	426
2018/19	507
Totals	2181

- 5.52 There were 507 net affordable housing completions during 2018/19 which is the highest recorded delivery for affordable housing. This excludes 14 acquisitions (i.e. transfers from market housing stock). The number of affordable housing completions has continued to increase which reflects the higher overall rate of housing delivery across the district. The level of affordable housing completion has continued to exceed the Council’s affordable housing target of 190 dwellings per year.
- 5.53 From the 507 affordable housing completions there were 335 in affordable rented and 172 in shared ownership. There continues to be no delivery of social rented homes.
- 5.54 During 2018/19, there were 122 self-build affordable housing completions in the District which took place at the Graven Hill site (Bicester 2 allocation in the Local Plan). Graven Hill has planning permission for 1,900 self-build dwellings and will be the largest self-build development in the country. The site has made considerable progress during 2018/19 with several plots under construction.

Policy	Indicator	Target	Progress
Policy BSC 4 Housing Mix	Number of completed dwellings per number of bedrooms	As set out in Policy BSC 4	No data is available at this time.
Policy BSC 4 Housing Mix	Number of ‘extra care’ completions	As set out in Policy BSC 4	There were 78 extra care completions during 2018-19.

- 5.55 There were 78 extra-care dwellings completed during 2018/19, all delivered at the Oxford and Cherwell Valley College site on Broughton Road, Banbury.

Area Renewal

Policy	Indicator	Target	Progress
Policy BSC 5 Area Renewal	Completed development per type in the ‘area of renewal’	Improvements in levels of deprivation in the District	Progress recorded in The Brighter Futures in Banbury Programme Annual Report 2018/19.
Policy BSC 5 Area Renewal	The ‘Brighter Futures in Banbury’ performance Measures Package Reports	Positive trends across all the Programme’s indicators	Progress recorded in The Brighter Futures in Banbury Programme Annual Report 2018/19.

- 5.56 Brighter Futures in Banbury is a strong long term partnership programme delivering new opportunities, innovative projects and high quality focussed services in Ruscote, Neithrop and Grimsbury and Castle Wards.
- 5.57 The Brighter Futures in Banbury Programme Annual Report 2018/19 is available to view on the Council’s website
<https://www.cherwell.gov.uk/info/118/communities/483/brighter-futures-in-banbury/2>)

Travelling Communities

Policy	Indicator	Target	Progress
Policy BSC 6 Travelling Communities	Completed/Lost Gypsy & Traveller Plots/Travelling Showpeople Pitches, by location (location criteria as set out in Policy BSC 6)	Provision for new pitches to meet identified shortfall as set out in Policy BSC 6	There remains a need to meet policy requirements and to secure 5 year land supplies. A separate needs assessment was published in June 2017. Applications continue to be considered against the criteria in Policy BSC6.

- 5.58 The Government’s overarching aim is to ensure fair and equal treatment for travellers, in a way that facilitates the traditional and nomadic way of life of travellers whilst respecting the interests of the settled community. Local Planning Authorities should:
- Make their own assessment of need for the purposes of planning
 - Develop fair and effective strategies to meet need through the identification of land for sites
 - Plan for sites over a reasonable timescale
 - Ensure that their Local Plan includes fair, realistic and inclusive policies
 - To have due regard to the protection of local amenity and local environment.

Table 19 – Existing Supply of Gypsy and Traveller Pitches at 31 March 2019 (Policy BSC 6)

Site	Net Loss / Gain								Net Running Totals
	Supply at 31 March 2012	12/13	13/14	14/15	15/16	16/17	17/18	18/19	
Bicester Trailer Park, Chesterton	8	0	0	0	0	0	0	0	8

Corner Meadow, Fanborough Road, Mollington	4	0	5	0	0	6	0	0	15
Horwood Site, Ardley Road, Ardley	1	0	0	0	0	0	0	0	1
Land adjoining A34 by Hampton Gay and Poyle	8	0	0	0	0	0	3	0	11
Land South West of Woodstock Road, Yarnton	3	0	0	0	0	0	0	0	3
Lower Heyford Road, Caulcott	0	0	0	0	5	0	0	0	5
OS Parcel 3431 Adjoining And North East Of Blackthorn Road Launton	0	2	0	0	0	0	0	0	2
Smiths Caravan Park, Milton	36	0	0	-16	0	-20	0	0	0
Station Caravan Park, Banbury	10	0	0	0	0	0	-10	0	0
Summer Place, Blackthorn Road, Launton	0	0	0	0	0	0	2	0	2
The Stable Block, Fanborough Road, Mollington	0	0	0	0	0	5	0	0	5
Totals	70	2	5	-16	5	-9	-5	0	52

5.59 At 31 March 2019, the total supply of Gypsy and Traveller pitches was 52 which remains unchanged from the previous year due to no new pitches being approved during 2018/19. Therefore there is a net loss of 18 pitches since 1 April 2012.

5.60 Policy BSC 6: Travelling Communities of the adopted Cherwell Local Plan 2011-2031 (Part 1) provides a sequential and criteria based approach for considering opportunities and planning applications. The Policy sets a requirement of 19 (net) additional pitches to meet the needs of Gypsies and Travellers from 2012 to 2031. It also requires 24 (net) additional plots for Travelling Showpeople from 2012 to 2031.

5.61 Tables 20 and 21 below show the remaining Local Plan requirement for Gypsy and Traveller sites and the latest projections for future supply.

Table 20 – Meeting planned requirements for Gypsy and Traveller Pitches (Policy BSC 6)

Policy BSC 6 Requirements	
No. of additional pitches required 2012-2031	19
Completions (2012-2019)	-18
Remaining Requirement 2018-2031	37 pitches (19+18)

5.62 There is a total of 10 new pitches that were given permission during 2019/20 (4 pitches at Summer Place, Launton and 6 pitches at Widnell Lane, Piddington). There is currently a live planning appeal for 3 pitches at Land West of M40, Kirtlington Road, Chesterton and there are no current planning applications pending.

Site	Permissions at 31/3/19	19/20	20/21	21/22	22/23	23/24	24/25	Details
Land North East of HM Bullingdon Prison, Widnell Lane, Piddington	0	0	6	0	0	0	0	Planning permission for 6 pitches - 17/01962/F (28/10/2019). Expected delivery during 2020/21.
Summer Place, Blackthorn Road, Launton	0	0	4	0	0	0	0	Planning permission for 4 pitches - 18/01259/F (13/09/2019). Expected delivery during 2020/21.
Totals	0	0	10	0	0	0	0	

5.63 There is a requirement for Local Planning Authorities, in producing their Local Plan, to identify and update annually, a supply of specific deliverable sites sufficient to provide 5 years' worth of sites against their locally set targets.

5.64 Table 21 provides the five year supply calculation on the basis of Local Plan requirements.

Table 21 – Calculation of 5 Year Land Supply for Gypsy and Traveller Pitches (Policy BSC 6)

		Five Year Period 2019 - 24 (current period)	Five Year Period 2020 - 25 (from 1 April 2020)
a	Plan Requirement (2012-2031)	19	19
b	Annual Requirement (a/19)	1	1
c	Requirement to date (b x years)	7	8
d	Completions	-18	-18*
e	Shortfall at 31/3/19 (c-d)	25	26
f	Base Requirement over next 5 years (b x 5)	5	5
g	Base Requirement over next 5 years plus shortfall (f + e)	30	31
h	Revised Annual Requirement over next 5 years (g/5)	6	6.2
i	Deliverable Supply over next 5 Years	10	10
j	Total years supply over next 5 years (i/h)	1.7	1.6
k	Shortfall (g- i)	20	21

* There is no projected completion for 2019/20 added to roll forward to 2020-2025

- 5.65 A Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) for Cherwell, Oxford, South Oxfordshire and Vale of White Horse Councils was published in June 2017 (<https://www.cherwell.gov.uk/downloads/download/318/gypsy-traveller-and-travelling-showpeople-accommodation-assessment-oxford-cherwell-south-oxfordshire-and-vale-of-white-horse-june-2017>). It identifies a new objective assessment of need for each authority based on the definitions of Gypsies and Travellers and Travelling Showpeople for planning purposes (Annex 1 of the Government’s Planning Policy for Traveller Sites (PPTS, 2015)). It identifies a need for 7 additional pitches for households for Cherwell by 2032 where it is known that they meet the planning definition.
- 5.66 The Assessment highlights that there are many households where it is 'unknown' whether or not the new planning definition of Gypsies and Travellers is met. Should further information arise, it states that the overall need could increase by up to 12 pitches. Additionally, a potential need for 8 pitches is highlighted due to the closure of a site (Smiths Caravan Park).
- 5.67 The Assessment advises that that for 'unknown' travellers 'it would not be appropriate when producing a robust assessment of need to make any firm assumptions about whether or not they meet the planning definition...' based on interviews that have taken place (para.7.28 of the study).

5.68 An alternative five year supply calculation is presented in Table 22 which does not include an allowance for 'unknown' need but which includes the potential need for 8 pitches arising from the Smiths site (a site that was previously included in the district's supply).

Table 22 – Calculation of 5 Year Land Supply for Gypsy and Traveller Pitches (GTAA, June 2017)

		Five Year Period 2019 - 24 (current period)	Five Year Period 2020 - 25 (from 1 April 2020)
a	Objective Assessment of Need (2017 - 2032) (meeting the Planning Definition)	15 (7+8)	15 (7+8)
b	Annual Requirement (a/15)	1	1
c	Requirement to date (b x years)	2	3
d	Completions	-5	-5*
e	Shortfall at 31/3/19 (c-d)	7	8
f	Base Requirement over next 5 years (b x 5)	5	5
g	Base Requirement over next 5 years plus shortfall (f + e)	12	13
h	Revised Annual Requirement over next 5 years (g/5)	2.4	2.6
i	Deliverable Supply over next 5 Years	10	10
j	Total years supply over next 5 years (i/h)	4.2	3.8
k	Shortfall (g- i)	2	3

* There is no projected completion for 2019/20 added to roll forward to 2020-2025

5.69 Tables 23 and 24 show the current supply position for plots for Travelling Showpeople. Table 25 shows the five year supply calculation based on Local Plan requirements. Table 26 provides an alternative five year supply calculation based on the Accommodation Assessment and a need for 12 plots from 2017-2032. The 'unknown' need for Travelling Showpeople (not included in the calculation) is only 1 plot. Although the identified need is lower than Local Plan requirements, there remains a five year land supply of zero years for both 2018-23 and 2019-24 as no new supply has yet been identified. Policy BSC6 provides a sequential and criteria based approach for considering opportunities and planning applications.

Table 23 – Existing Supply of Travelling Showpeople Plots (Policy BSC 6)

Site	No. of plots in 2008	Net Loss / Gain										
		08/09	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17	17/18	18/19
Rose's Yard, Blue Pitts, Bloxham	3	0	0	0	0	0	0	0	0	0	0	0
Carousel Park, Bloxham	2	0	0	0	0	0	0	0	0	0	0	0
Faircare, Bloxham	6	0	0	0	0	0	0	0	0	0	0	0
Hebborn's Yard, Gosford	3	0	0	0	0	0	0	0	0	0	0	0
Totals	14	14	14	14	14	14	14	14	14	14	14	14

Table 24 – Meeting planned requirements for Travelling Showpeople Plots (Policy BSC 6)

Policy BSC 6 Requirements	
No. of additional pitches required 2012-2031	24
Completions	0
Remaining Requirement 2019-2031	24 plots
Current Projected Supply 2019-2031	0 plots

Table 25 – Calculation of 5 Year Land Supply for Travelling Showpeople plots (Policy BSC 6)

		Five Year Period 2019 - 24 (current period)	Five Year Period 2020 - 25 (from 1 April 2020)
a	Plot Requirement (2012-2031)	24 (2008-31)	24 (2008-31)
b	Annual Requirement (a/19)	1.26	1.26
c	Requirement to date (b x years)	8.8	10.1
d	Completions	0	0*
e	Shortfall at 31/3/19 (c-d)	8.8	10.1
f	Base Requirement over next 5 years (b x 5)	6.3	6.3
g	Base Requirement over next 5 years plus shortfall (f + e)	15.2	16.4
h	Revised Annual Requirement over next 5 years (g/5)	3.0	3.3
i	Deliverable Supply over next 5 Years	0	0
j	Total years supply over next 5 years (i/h)	0	0
k	Shortfall (g- i)	15	16

* projected completion of 0 for 2019/20 added to roll forward to 2020-2025

Table 26 – Alternative Calculation of 5 Year Land Supply for Travelling Showpeople plots (GTAA, June 2017)

		Five Year Period 2019 - 24 (current period)	Five Year Period 2020 - 25 (from 1 April 2020)
a	Plot Requirement (2017 - 2032) (meeting the Planning Definition)	12	12
b	Annual Requirement (a/15)	0.80	0.80
c	Requirement to date (b x years)	1.6	2.4
d	Completions	0	0*
e	Shortfall at 31/3/19 (c-d)	1.6	2.4
f	Base Requirement over next 5 years (b x 5)	4.0	4.0
g	Base Requirement over next 5 years plus shortfall (f + e)	5.6	6.4
h	Revised Annual Requirement over next 5 years (g/5)	1.1	1.3
i	Deliverable Supply over next 5 Years	0	0
j	Total years supply over next 5 years (i/h)	0	0
k	Shortfall (g- i)	6	6

* projected completion of 0 for 2019/20 added to roll forward to 2020-2025

Policy	Indicator	Target	Progress
Policy BSC 7 Meeting Education Needs	Completed education infrastructure	Timely provision of education infrastructure in accordance with strategic site delivery and as set out in the IDP	Progress of education schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of completed and new education infrastructure projects including completion of: - Expansion of Warriner School, Bloxham by an additional 56 places per year group - Expansion of Chesterton CE (VA) Primary School from

			an admission number of 20 to 25 pupils.
Policy BSC 7 Meeting Education Needs	Developer contributions to education infrastructure	To meet development needs, as set out in the IDP	See IDP Update. Specific contributions data not available at this time.

Policy	Indicator	Target	Progress
Policy BSC 8 Securing Health and Well Being	Completed health care infrastructure	Timely provision of health infrastructure in accordance with strategic site delivery and as set out in the IDP	Progress of Health and Well Being Schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of new health schemes. There are no completed health schemes reported in this AMR period.
Policy BSC 8 Securing Health and Well Being	Developer contributions to health care infrastructure	To meet development needs, as set out in the IDP	See IDP Update. Specific contributions data not available at this time.
Policy BSC 8 Securing Health and Well Being	Completions at Bicester Community Hospital	Replacement of Bicester Community Hospital within the plan period	The new community hospital was completed during 2014/15.

Policy	Indicator	Target	Progress
Policy BSC 9 Public Services and Utilities	Completed public services/utilities infrastructure	Timely provision of public services/utilities infrastructure in accordance with strategic site delivery and as set out in the IDP	Progress of public services and utilities infrastructure schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of completed and new public services and utilities infrastructure

			<p>projects including completion of:</p> <ul style="list-style-type: none"> - Temporary relocation of Bicester Green Reuse Centre to Claydon's Yard
Policy BSC 9 Public Services and Utilities	Developer contributions to public services/utilities	To meet development needs, as set out in the IDP	See IDP Update. Specific contributions data not available at this time.

Policy	Indicator	Target	Progress
Policy BSC 10 Open Space, Outdoor Sport & Recreation Provision	Amount, type and location of open space/sport/recreation facilities	No net loss of open space/outdoor sport/recreation sites	Progress of Open Space, Outdoor Sport and Recreation Schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of completed and new open space and recreation infrastructure projects.
Policy BSC 10 Open Space, Outdoor Sport & Recreation Provision	Areas deficient in recreation provision by type and amount	Annual improvements over the plan period	Open space, sport and play areas assessment which is nearing completion will identify current deficiencies in open space and play provision. The updated Playing Pitch and Sports Facilities Strategies (2018) contain baseline information on deficiencies in recreation provision. The findings informed the Active Communities Strategy 2019-2023 approved by the Council in June 2019. This indicator will be

			reported in the 2020 AMR.
Policy BSC 10 Open Space, Outdoor Sport & Recreation Provision	Completed built development on (former) sites of open space, outdoor sport and recreation	No net loss of open space/outdoor sport/recreation sites	Progress has been made on updating open space, sport and recreation assessments which will provide updated baseline information. The Open Space and Play Areas Strategy is nearing completion and the Sports Facilities Strategy and Playing Pitch Strategy were published at the end of 2018. The findings informed the Active Communities Strategy 2019-2023 approved by the Council in June 2019. This indicator will be reported in the 2020 AMR.
Policy BSC 10 Open Space, Outdoor Sport & Recreation Provision	Open spaces in the District meeting quality standards	A yearly improvement in the quality of sites/facilities	Progress has been made on updating open space, sport and recreation assessments which will provide updated baseline information. The Open Space and Play Areas Strategy is nearing completion and the Sports Facilities Strategy and Playing Pitch Strategy were published at the end of 2018. The findings informed the Active Communities Strategy 2019-2023 approved by the Council in June 2019. This indicator will be reported in the 2020 AMR.

Policy	Indicator	Target	Progress
Policy BSC 11 Local Standards of Provision - Outdoor Recreation	Developer contributions to open space/sport/recreation facilities per typology	As set out in policy BSC11	See IDP Update. Specific contributions data not available at this time.

Policy	Indicator	Target	Progress
Policy BSC 12 Indoor Sport, Recreation and Community Facilities	Developer contributions to open space/sport/recreation facilities per typology	As set out in policy BSC12	Progress of Indoor Sport and Recreation and community facilities Schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1 and contains a summary of completed and new schemes including: - The Kingsmere Community Centre was completed in July 2018.
Policy BSC 12 Indoor Sport, Recreation and Community Facilities	Completed community facilities infrastructure	As set out in policy BSC12	See IDP Update. Specific contributions data not available at this time.

Theme Three: Ensuring Sustainable Development

Policy	Indicator	Target	Progress
Policy ESD 1 Mitigating and Adapting to Climate Change	Carbon emissions in the District per capita	Reductions over the plan period	Carbon emissions in the District per capita were 9.8 tonnes in 2011. In 2017, the latest year for which data is available estimates the figure to be 8.5 tonnes.
Policy ESD 1 Mitigating and Adapting to Climate Change	Permissions granted contrary to Environment Agency advice on Flood Risk grounds	No permissions granted contrary to EA advice on flood risk grounds	There were 7 permissions granted with unresolved objections from the Environment Agency. This applies to the same indicator under Policy ESD 6.
Policy ESD 1 Mitigating and Adapting to Climate Change	Access to services and facilities by public transport, walking and cycling	Improvement over the plan period, linked to Oxfordshire LAA target (National Indicator 175)	Refer to Policy SLE4.

5.70 There were 7 planning permissions granted (or allowed on appeal) between 1 April 2018 and 31 March 2019 to which the Environment Agency had initially objected on flood risk grounds.

Policy	Indicator	Target	Progress
Policy ESD 2 Energy Hierarchy	Number of Energy Statements submitted	As set out in Policy ESD2 i.e. required for all major applications	No data is available at this time.

Policy	Indicator	Target	Progress
Policy ESD 3 Sustainable Construction	% of new dwellings completed achieving water use below 110 litres/person/day	As set out in Policy ESD3	All new dwellings are required to meet the mandatory national standard set out in the Building Regulations of 125 litres/person/day. Policy ESD3 seeks a reduced level of water

			use in recognition of the district being in an area of water stress. The reduced limit of 110 litres/person/day is not however currently monitored and requires further liaison with Development Management and water utility companies to identify how best to achieve this target.
Policy ESD 3 Sustainable Construction	Completed non residential development achieving BREEAM Very Good, BREEAM Excellent	As set out in Policy ESD3	All non-residential development is typically required by condition to be constructed to achieve at least a BREEAM 'Very Good' rating based on the relevant BREEAM standard for that building type applicable at the time of the decision. There is however currently no requirement for developers to provide evidence that the development has achieved the required BREEAM rating.

Policy	Indicator	Target	Progress
Policy ESD 4 Decentralised Energy Systems	Number of District Heating Feasibility Assessments submitted	As set out in Policy ESD4 i.e. required for all applications for 100 dwellings or more	No data is available at this time.
Policy ESD 4 Decentralised Energy Systems	Number of permitted District heating schemes in the District	Increase over the plan period	No district heating schemes were permitted during 2018/19.

Policy	Indicator	Target	Progress
Policy ESD 5 Renewable Energy	Permitted renewable energy capacity per type	Increase over the plan period	6 planning permissions were approved for renewable energy schemes.

Table 27 – Permitted renewable energy capacity per type

Type	No. of applications granted permission in 2018/19
Wind	1
Solar PV	4
Solar thermal	0
Ground source	1
Air source	0
Biomass	0
Total	6

5.71 During 2018/19, 6 planning permissions were approved for renewable energy schemes which is an increase of one from 2017/18. The renewable energy schemes approved were small-scale domestic installations. It should be noted that the majority of small scale energy schemes, especially solar PV schemes, benefit from permitted development rights and do not require planning permission. It is not therefore possible to identify and record these installations.

Policy	Indicator	Target	Progress
Policy ESD 6 Sustainable Flood Risk Management	Permissions granted contrary to Environment Agency advice on flood risk grounds	No permissions granted contrary to EA advice on flood risk grounds	There were 7 permissions granted with unresolved objections from the Environment Agency. This applies to the same indicator under Policy ESD 6.
Policy ESD 6 Sustainable Flood Risk Management	Flood Risk Assessments received for development proposals within Flood Zones 2 & 3, within 1 ha of Flood Zone 1, or 9m of any watercourse	As set out in Policy ESD6 i.e. required for all proposals meeting the locational criteria	There were 295 planning applications for development proposals within Flood Zones 2 & 3, 9m of any watercourse or greater than 1ha in area and located within Flood Zone 1.

Table 28 – Planning applications received during 2018/19 for development proposals within Flood Zone 1, 2 or 3, or within 9m of any watercourse

Development Location	Applications Received
Flood Zone 1 exceeding 1 ha in area	147
Flood Zones 2 or 3	110
Within 9m of any watercourse	38
Total	295

5.72 During 2018/19, there were 295 planning applications for development proposals within Flood Zones 2 and 3, 9m of any watercourse or greater than 1 ha in area and located within Flood Zone 1.

Note: This data contains duplicate entries where a development proposal is located in more than one development location. For example, if a development proposal is located in Flood Zone 2 and is also within 9m of a watercourse then it will be counted twice, once per development location.

Policy	Indicator	Target	Progress
Policy ESD 7 Sustainable Drainage Systems (SuDS)	Completed SuDS schemes in the District	Annual increase over the plan period	No data is available at this time.

Policy	Indicator	Target	Progress
Policy ESD 8 Water Resources	Number of permissions granted contrary to Environment Agency advice on water quality grounds	No permissions granted contrary to EA advice on water quality grounds	There have been no planning permissions granted contrary to an Environment Agency objection on water quality grounds.

Policy	Indicator	Target	Progress
Policy ESD 9 Protection of the Oxford Meadows SAC	Number of permissions granted contrary to consultee (Environment Agency, BBOWT, CDC/OCC etc.) advice on water quality grounds within the SAC catchment	No permissions granted contrary to consultee (EA, BBOWT, CDC/OCC etc.) advice on water quality	There were no planning permissions granted within 1000m of the Oxford Meadows SAC contrary to consultee advice.

		grounds within the SAC catchment	
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5.73 There were no planning permissions granted within 1000m of the Oxford Meadows SAC contrary to consultee advice.

Policy	Indicator	Target	Progress
Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Total LWS/LGS area	A net gain in total areas of biodiversity importance in the District	The area of Local Wildlife Sites in Cherwell has increased by 12.8 hectares since last year. The area of Local Geological Sites in Cherwell has remained unchanged at 146 ha.
Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Changes in priority habitats by number & type	An annual increase over the plan period	The area of priority habitats has increased from 3,913 ha (2018) to 3,925 ha (2019), an increase of 12 ha.
Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Changes in priority species by number & type	A net gain in priority species by number and type	The number of priority species listed in Cherwell has decreased from 126 (2008-2018) to 125 (2009-2019).
Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Ecological condition of SSSIs	100% of SSSI units in favourable or unfavourable recovering condition	97.1% of the SSSI units in Cherwell are in Favourable or Unfavourable recovering conditions. This represents a decrease of 1.9% compared to 2018.

Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Distribution and status of farmland birds	A yearly increase in the District index of farmland bird presence	There was a small decline in the farmland bird presence index trend from 1.1 (2017) to 1.0 (2018).
Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Distribution and status of water voles	A yearly increase in the presence of water voles	There were 8 water vole surveys undertaken in Cherwell in 2018. Of the sixteen sections of the Oxford Canal that were surveyed, two had signs of low water vole activity although no positive sightings were recorded. The number of positive sightings has declined from last year at 20%.
Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Permissions granted contrary to tree officer advice	No permissions granted contrary to tree officer advice	No data is available at this time.
Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Permissions granted contrary to biodiversity consultee advice	No permissions granted contrary to biodiversity consultee advice	
Policy ESD 10 Protection and Enhancement of	Number of Ecological Surveys submitted with applications	Ecological Surveys to accompany all planning applications which may affect a site,	

Biodiversity and the Natural Environment		habitat or species of known or potential ecological value	
Policy ESD 10 Protection and Enhancement of Biodiversity and the Natural Environment	Local Sites in Positive Conservation Management	A net gain in Local Sites in Positive Conservation Management	There was a significant increase in the number of Local Wildlife Sites in positive conservation management between 2016-17 and 2017-18. After a gradual decline from 2013-2017, this year shows a slight increase in site condition.

5.74 Information on biodiversity has been provided by the Thames Valley Environmental Records Centre (TVERC) in their Biodiversity Annual Monitoring Report.

Table 29 – Total Local Wildlife Sites and Local Geological Sites

Designated Site	Area in hectares (2018)	Area in hectares (2019)	As % of Cherwell (2019)
Local Wildlife Sites (LWS)	1,571	1,584	2.69%
Local Geological Sites (LGS)	146	146	0.25%

5.75 There are 90 Local Wildlife Sites and 12 Local Geological Sites within Cherwell. The area of Local Wildlife Sites has increased by 12.8 hectares since last year. The area of Local Geological Sites remains unchanged.

Table 30 – Changes in priority habitats by number and type

UK priority habitat type	Area (ha) 2017-18	Area (ha) 2018-19
Coastal and floodplain grazing marsh	1,432.23	1,432.71
Eutrophic standing water	108.15	108.34
Lowland beech and yew woodland	0.16	0.16
Lowland calcareous grassland	108.63	108.71
Lowland dry acid grassland	7.34	7.35

Lowland fens	39.90	39.97
Lowland meadows	517.61	517.99
Lowland mixed deciduous woodland	1,029.60	1,040.99
Lowland wood pasture and parkland	443.02	443.35
Open mosaic habitats on previously developed land	83.66	83.72
Ponds	1.75	1.74
Purple moor grass and rush pastures	5.56	5.58
Reedbeds	17.50	17.52
Rivers	19.26	19
Traditional orchards	26.77	26.79
Wet woodland	29.87	29.63
Total area of priority habitat	3,912.66	3,925.22

5.76 Table 30 provides details of the 41 UK priority habitats which have been identified within Cherwell. The changes in the UK priority habitats are mostly attributable to new information such as confirmation of boundaries or habitat types, rather than the creation or loss of habitat.

Table 31 – Change in numbers of UK priority species

	2008-2018	2009-2019
Number of UK priority species	126	125

5.77 The number of priority species listed in Cherwell is 125. One species has been removed from the list as no new records have been made since 2008:

- Oblique Carpet

Table 32 – SSSI condition for 2018-2019

Condition	No. of units or part units 2018/19	Sum of hectares 2018/19	% in Cherwell
Favourable	30	457	74%
Unfavourable declining	1	3	0%
Unfavourable no change	1	6	1%
Unfavourable recovering	12	142	23%
Destroyed	2	9	1%
Total	44	665	

5.78 There are 18 SSSI's wholly or partly within Cherwell covering 0.01% of the District. No SSSI sites were surveyed during 2018-2019 in Cherwell.

Table 33 – Distribution and Status of Farmland Birds (Mean counts per squares (i.e. density per square kilometre) of farmland birds in Cherwell. Results generated from data supplied by the BTO/JNCC/RSPB Breeding Bird Survey)

Species	2012	2013	2014	2015	2016	2017	2018
Corn Bunting	0	0	0	0	0	0	0
Goldfinch	10	4.4	4	6.5	15.2	7.2	10.4
Greenfinch	1.5	0.8	7	3.5	3.6	1.6	0.8
Grey Partridge	0	0	0	0	0.6	0	0
Jackdaw	4	2.8	1.5	3.5	20.6	8	10.4
Kestrel	1	1.6	3.5	1	0	1.2	0.8
Lapwing	14.5	2.8	4.5	3	1.6	5.2	5.2
Linnet	8.5	6.8	11	10.5	10.8	12	11.2
Reed Bunting	6	6.4	7	9.5	4.8	7.2	4.4
Rook	95.5	24.4	27	31.5	15.2	25.6	25.2
Skylark	19.5	13.2	17.5	13	9.6	12.8	18.4
Starling	42	70.4	15.5	0	62.6	9.6	4.4
Stock Dove	1	1.2	1	0	1.2	7.2	5.6
Tree Sparrow	0	0	3	0	7.6	0	0
Turtle Dove	0	1.2	0	0	0	0.4	0
Whitethroat	8.5	10.4	8.5	7.5	3.6	6.4	7.6
Woodpigeon	39	73.6	74	49.5	55.2	62.8	45.2
Yellow Wagtail	0	0.4	0	0	0	0	0.8
Yellowhammer	37	8	17	7.5	6.4	6.4	7.6
Index	1.9	1.5	1.3	0.96	1.4	1.1	1.0

5.79 This indicator uses an established list of 19 species, identifiable as farmland birds, compiled by the RSPB. Survey data were generated by the British Trust for Ornithology

(BTO), survey volunteers and compiled by BTO officers from the BTO/JNCC/RSPB Breeding Bird Surveys, in specific 1km by 1km squares and then used to determine a farmland bird index. These records were then made available to TVERC for processing at a district-specific level, using the methodology established by RSPB Central England Office staff.

5.80 There was a change in the index compared with 2017. Survey effort was changed compared to last year. Most species have shown declines in population density compared to last year, but the index remains higher than the baseline in 2018.

Table 34 – Distribution and Status of Water Voles

Year	Number of sections surveyed along the Oxford Canal (per 500m stretch)	Number of surveys in Cherwell	Number of sites with positive signs in Cherwell
2018	16	8	0 (0%)

5.81 Sixteen sections of the Oxford Canal were surveyed during 2018, two had signs of low water vole activity, however anecdotal reports suggest activity may extend further than the surveys suggest. No water voles were recorded through Kidlington, where small numbers were seen in 2017.

Policy	Indicator	Target	Progress
Policy ESD 11 Conservation Target Areas	Total amount of Natural Environment and Rural Communities (NERC) Act s41 Habitats of Principal Importance within active Conservation Target Areas (CTAs)	A net gain of relevant NERC Act Habitats in active CTAs within the District	The total area of UK priority habitat resource in Conservation Target Areas in Cherwell has risen from 2162.13 ha in 2018 to 2218.23 ha in 2019.
Policy ESD 11 Conservation Target Areas	Permissions granted in Conservation Target Areas contrary to biodiversity consultee advice	No permissions granted in Conservation Target Areas contrary to biodiversity consultee advice	No data is available at this time.

Table 35: UK priority habitat resource in CTAs in Cherwell

Priority Habitat	Total area (ha.) 2018	Total area (ha.) 2019
Coastal and floodplain grazing marsh	912.16	909.94
Eutrophic standing waters	81.02	28.42
Lowland beech and yew woodland	0.16	0
Lowland calcareous grassland	22.51	90.96

Lowland dry acid grassland	3.95	7.32
Lowland fens	33.66	32.68
Lowland meadows	485.56	414.65
Lowland mixed deciduous woodland	319.79	384.68
Lowland wood pasture and parkland	241.25	284.13
Open mosaic habitats on previously developed land	0.11	0.11
Ponds	0.3	0.29
Purple moor grass and rush Pasture	5.55	5.54
Reedbeds	17.15	16.44
Rivers	4.36	6.5
Traditional orchards	4.6	4.26
Wet woodland	17.97	17.84
TOTAL	2162.13	2218.23

Policy	Indicator	Target	Progress
Policy ESD 12 Cotswold AONB	Built development permitted in the AONB	No major development in AONB	No planning permissions were granted for major development within the AONB during 2018/19.
Policy ESD 12 Cotswold AONB	Permissions granted contrary to the advice of the AONB Management Board	No permissions granted contrary to the advice of the AONB Management Board	No planning permissions were granted for development within the AONB contrary to the advice of the AONB Management Board.

Policy	Indicator	Target	Progress
Policy ESD 13 Local Landscape Protection and Enhancement	Number and location of urban fringe restoration / improvement schemes completed	An annual increase over the plan period	No data is available at this time.
Policy ESD 13 Local Landscape Protection and Enhancement	Permissions granted contrary to Landscape Officer advice	No permissions granted contrary to Landscape Officer advice	

Policy	Indicator	Target	Progress
Policy ESD 14 Oxford Green Belt	Completed development (per type) in the Green Belt	All development in Green Belt to comply with Policy ESD14	No data is available at this time.

Policy	Indicator	Target	Progress
Policy ESD 15 The Character of the Built and Historic Environment	Permissions granted contrary to the advice of English Heritage / consultee advice on heritage grounds	All development impacting on non designated/designated heritage assets to comply with ESD15	No data is available at this time.
Policy ESD 15 The Character of the Built and Historic Environment	Permissions granted contrary to design consultee advice on design grounds	No permissions granted contrary to design consultee advice on design grounds	
Policy ESD 15 The Character of the Built and Historic Environment	% of permitted and completed developments with Design and Access Statements (that address the criteria of policy ESD15).	All new developments to complete a Design and Access Statement	
Policy ESD 15 The Character of the Built and Historic Environment	Number of new (and reviews of) conservation area appraisals	Review 6 Conservation Areas annually	

A post 2005 appraisal and management plan for all 60 conservation areas in the district was achieved in 2018/19.
5 conservation area appraisals were reviewed in 2018/19.

Policy	Indicator	Target	Progress
Policy ESD 16 The Oxford Canal	Completed transport/recreation/leisure/tourism uses within 1km of the Oxford Canal	Increase over the plan period	No substantial transport/recreation/leisure or tourism uses have been completed during 2018/19. There are however a number of projects in progress

			including the redevelopment and extension of the Castle Quay Shopping Centre and hotels in Kidlington and Banbury.
Policy ESD 16 The Oxford Canal	Permissions granted contrary to consultee advice on heritage grounds	No permissions granted contrary to consultee advice on heritage grounds	There were no planning permissions granted contrary to consultee advice on heritage grounds.

Policy	Indicator	Target	Progress
Policy ESD 17 Green Infrastructure	Completed green infrastructure schemes	A net gain in green infrastructure provision over the plan period	Progress of GI Schemes is recorded in the IDP Update. Section 6 of this AMR monitors the implementation of Policy INF 1. No completed GI infrastructure projects reported in this AMR period.
Policy ESD 17 Green Infrastructure	Developer contributions to green infrastructure	To meet development needs and as identified in IDP/Green Infrastructure Strategy	No data is available at this time.

Cherwell’s Places

Completions at strategic allocations: Bicester

Policy	Indicator	Target	Progress
Policy Bicester 1 North West Bicester Eco-Town	Housing, infrastructure, employment completions at North West Bicester	As set out in policy Bicester 1 (and agreed masterplan/detailed planning documents)	The site is under construction with 184 dwellings completed at 31 March 2019. The Eco Business Centre has recently opened during 2019/20.

Policy Bicester 2 Graven Hill	Housing, infrastructure, and employment completions at Graven Hill	As set out in policy Bicester 2 (and agreed masterplan/detailed planning documents)	Planning permission granted for 1900 dwellings (11/01494/OUT). A Local Development Order for 276 dwellings was approved in December 2017. The site is under construction with 151 completions at 31 March 2019.
Policy Bicester 3 South West Bicester Phase 2	Housing and infrastructure completions at South West Bicester Phase 2	As set out in policy Bicester 3 (and agreed masterplan/detailed planning documents)	Planning permission granted for 709 dwellings (13/00847/OUT) with currently 2 Reserved Matters approved. The site is currently under construction by CALA Homes, Ashberry Homes and Bellway Homes.
Policy Bicester 4 Bicester Business Park	Completed employment development at Bicester Business Park	As set out in policy Bicester 4 (and agreed masterplan/detailed planning documents)	Planning permission granted for a business park (07/01106/OUT) but not yet started.
Policy Bicester 8 Former RAF Bicester	Completed development at former RAF Bicester	Development to accord with any agreed masterplan/detailed planning documents	No completed development at former RAF Bicester during 2018/19.
Policy Bicester 10 Bicester Gateway	Employment and infrastructure completions at Bicester Gateway site	As set out in Policy Bicester 10 (and agreed masterplan/detailed planning documents)	Planning permission granted for employment use and a hotel on part of the site (16/02586/OUT). Reserved matters was approved for the hotel (17/02557/REM) in 2017/18 and

			construction has now started.
Policy Bicester 11 Employment Land at North East Bicester	Employment and infrastructure completions at Employment Land at North East Bicester	As set out in Policy Bicester 11 (and agreed masterplan/detailed planning documents)	Planning permission granted for employment use on part of the site (17/01289/REM) was completed in 2018/19. A separate Reserved Matters application (18/00584/REM) is under construction.
Policy Bicester 12 South East Bicester	Employment, housing and infrastructure completions at South East Bicester	As set out in Policy Bicester 12 (and agreed masterplan/detailed planning documents)	Planning permission granted for employment use on a small part of the site (16/00861/HYBRID) which is part completed. For the remaining area, a planning application (16/01268/OUT) for 1500 dwellings, 18ha of employment land, local centre with retail and community use and primary school was approved on 25 October 2018 subject to legal agreement.
Policy Bicester 13 Gavray Drive	Housing and infrastructure completions at Gavray Drive	As set out in policy Bicester 13 (and agreed masterplan/detailed planning documents)	A planning application (15/00837/OUT) for 180 dwellings was refused in June 2017 and dismissed at appeal on 16 July 2018.

5.82 At 31 March 2019 there have been 335 housing completions on the strategic allocations at Bicester, Details on the delivery of housing sites are provided in Appendix 2 - Housing Delivery Monitor. At 31 March 2019 there were planning permissions at the above sites for 2,817 dwellings.

Completions at strategic allocations: Banbury

Policy	Indicator	Target	Progress
Policy Banbury 1 Banbury Canalside	Employment, housing and infrastructure completions at Canalside	As set out in Policy Banbury 1 and Canalside SPD (i.e. masterplan/detailed planning documents)	Further work on the Canalside SPD has been put on hold due to other commitments. Planning permissions granted for 51 dwellings at 31 March 2019.
Policy Banbury 2 Hardwick Farm, Southam Road (East and West)	Housing and infrastructure completions at Southam Road	As set out in Policy Banbury 2 (and agreed masterplan/detailed planning documents)	Planning permissions for a total of 604 dwellings granted. Southam Road East is under construction with 327 completions at 31 March 2019.
Policy Banbury 3 West of Bretch Hill	Employment, housing and infrastructure completions at West of Bretch Hill	As set out in Policy Banbury 3 (and agreed masterplan/detailed planning documents)	Planning permissions for 480 dwellings and 500 sqm of employment floorspace granted. The site is under construction with 192 completions at 31 March 2019.
Policy Banbury 4 Bankside Phase 2	Housing and infrastructure completions at Bankside Phase 2	As set out in Policy Banbury 4 (and agreed masterplan/detailed planning documents)	Outline planning applications for 700 and 850 dwellings are pending consideration.
Policy Banbury 5 Land North of Hanwell Fields	Housing and infrastructure completions at Land North of Hanwell Fields	As set out in Policy Banbury 5 (and agreed masterplan/detailed planning documents)	Planning permissions for a total of 515 dwellings granted. The site is under construction with 280 completions at 31 March 2019.
Policy Banbury 6 Employment	Employment and infrastructure completions at Land West of the M40	As set out in policy Banbury 6 (and agreed	Planning permissions for a total of approximately 120,000

Land West of the M40		masterplan/detailed planning documents)	sqm employment floorspace granted. Application 18/00108/F for 30007.5sqm of B8 and 929sqm of B1a was completed during 2018/19.
Policy Banbury 8 Bolton Road Development Area	Housing, Retail and Leisure Completions on the Bolton Road site	In accordance with Policy Banbury 8 and the Masterplan/detailed planning documents for the site	The Bolton Road multi-storey car park has been demolished with a replacement surface long stay car park provided.
Policy Banbury 9 Spiceball Development Area	Completions at the Spiceball Development Area	In accordance with Policy Banbury 9 and the Masterplan/detailed planning documents for the site	Planning permission for a retail foodstore, hotel, cinema, restaurants and cafes has been granted but not yet started.
Policy Banbury 10 Bretch Hill Regeneration Area	Completed development in the Bretch Hill Regeneration Area by type	Increase over the plan period	Progress recorded in The Brighter Futures in Banbury Programme Annual Report 2018/19.
Policy Banbury 15 Employment Land North East of Junction 11	Employment and infrastructure completions at Employment Land North East of Junction 11	As set out in policy Banbury 15 (and agreed masterplan/detailed planning documents)	A planning application for employment uses (19/00128/HYBRID) has a resolution to approve.
Policy Banbury 16 Land South of Salt Way: West	Housing and infrastructure completions at Land at South of Salt Way: West	As set out in policy Banbury 16 (and agreed masterplan/detailed planning documents)	Planning permission for a total of 350 dwellings granted. The site is under construction with 42 completions at 31 March 2019.
Policy Banbury 17 Land South of Salt Way: East	Housing and infrastructure completions at Land at South of Salt Way: East	As set out in policy Banbury 17 (and agreed masterplan/detailed planning documents)	A planning application for 1,000 dwellings has a resolution to approve. A separate planning application for 280 dwellings was allowed

			at appeal on 20 December 2017 with a Reserved Matters application pending consideration. The site benefits from a planning permission for 145 dwellings which delivered 142 completions at 31 March 2019.
Policy Banbury 18 Land at Drayton Lodge Farm	Housing and infrastructure completions at Land at Drayton Lodge Farm	As set out in policy Banbury 18 (and agreed masterplan/detailed planning documents)	Outline application for 320 dwellings has a resolution to approve.
Policy Banbury 19 Land at Higham Way	Housing and infrastructure completions at Land at Higham Way	As set out in policy Banbury 19 (and agreed masterplan/detailed planning documents)	A planning application for approximately 200 dwellings is pending consideration.

5.83 At 31 March 2019 there have been 983 completions on the strategic allocations at Banbury. At 31 March 2019 there were planning permissions at the above sites for 1,442 dwellings.

Completions at strategic allocations: Former RAF Upper Heyford

Policy	Indicator	Target	Progress
Policy Villages 5 Former RAF Upper Heyford	Housing, employment and infrastructure completions at Former RAF Upper Heyford	As set out in policy Villages 5, and agreed masterplan/detailed planning documents	At 31 March 2019 there have been 540 housing completions. 2 small permissions for employment use were completed during 2018/19.

Table 36 - Completions at Strategic Allocations: Former RAF Upper Heyford (at 31/3/19)

Strategic Allocations	Housing completed	Employment completed	Infrastructure completed	Other uses completed
Former RAF Upper Heyford (Policy Villages 5)	540	1.26 ha	0	0

5.84 Planning permission was given in December 2011 for 1,075 dwellings (gross) with a net gain of 761 dwellings. A number of Reserved Matter applications have been approved and the site is currently under construction. Total number of dwellings with permission is 863. There were 540 dwellings completed at 31 March 2019.

Other Indicators – Policy Bicester 1 North West Bicester Eco-Town

Policy	Indicator	Target	Progress
Policy Bicester 1 North West Bicester Eco-Town	Environmental standards of completed development at NW Bicester	As set out in policy Bicester 1	No data is available at this time.
Policy Bicester 1 North West Bicester Eco-Town	Embodied impacts of construction to be monitored, managed and minimised	As set out in policy Bicester 1	
Policy Bicester 1 North West Bicester Eco-Town	Sustainability metrics to be agreed and monitored	As set out in policy Bicester 1	

Other Indicators – Policy Bicester 5 Strengthening Bicester Town

Policy	Indicator	Target	Progress
Policy Bicester 5 Strengthening Town Centre	Permitted residential development at ground floor level in Bicester Town Centre	No residential floorspace permitted at ground floor level	There were no permissions granted during 2018/19.
Policy Bicester 5 Strengthening Town Centre	Town centre vacancies	No increase in vacancy rates over the plan period	No data is available at this time. An update will be provided in the next

			AMR if data becomes available.
Policy Bicester 5 Strengthening Town Centre	Diversity of uses	Maintain or improve the balance of uses within the town centre over the plan period	There was 1 completed scheme in the Bicester town centre during 2018/19 which resulted in a change of use from A1 use to flexible use within Classes A1 and A3.
Policy Bicester 5 Strengthening Town Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Bicester Town Centre	No net loss of town centre use floorspace within Bicester Town Centre	There was a net loss of 210 sqm of town centre uses within Bicester town centre.

5.85 There were no permissions granted for residential development at ground floor level in Bicester town centre during 2018/19.

Table 37 - Town Centre uses completions within and outside of Bicester town centre

Location	A1	A2	A3	A4	A5	B1a	D2	Total
Within Bicester town centre	-150	0	150	0	0	-210	0	-210
Outside Bicester town centre	421.2	21.2	295.2	21.2	295.2	13224	0	14278
Bicester Total	271.2	21.2	445.2	21.2	295.2	13014	0	14068

5.86 Overall, there was an overall net gain of floorspace (14,068 sqm) at Bicester which primarily took place outside of the Bicester town centre. E.g. completion of a mixed use Class B1/B2/B8 development at Land North East of Skimmingdish Lane, Launton (17/01289/REM).

Other Indicators – Policy Bicester 7 Meeting the Need for Open Space, Sport & Recreation

Policy	Indicator	Target	Progress
Policy Bicester 7 Meeting the Need for Open Space, Sport & Recreation	Urban edge park schemes in Bicester	An annual increase in such schemes over the plan period	Refer to Policy BSC10.

Policy Bicester 7 Meeting the Need for Open Space, Sport & Recreation	Community woodland provision in Bicester	An annual increase in provision over the plan period	No data is available at this time.
Policy Bicester 7 Meeting the Need for Open Space, Sport & Recreation	Type of permitted/completed development at Stratton Audley Quarry	In accordance with a planning consent	

Other Indicators – Policy Bicester 9 Burial Site Provision in Bicester

Policy	Indicator	Target	Progress
Policy Bicester 9 Burial Site Provision in Bicester	Developer contributions for Burial Site in Bicester	To meet needs and as set out in IDP	No data is available at this time.

Other Indicators – Policy Banbury 1 Banbury Canalside

Policy	Indicator	Target	Progress
Policy Banbury 1 Banbury Canalside	Progress on completing the Canalside Supplementary Planning Document	As set out in an up to date Local Development Scheme	December 2018 LDS - Consultation is scheduled for March – April 2019 which did not take place. Further work on the SPD has been put on hold due to other commitments.

Other Indicators – Policy Banbury 7 Strengthening Banbury Town Centre

Policy	Indicator	Target	Progress
Policy Banbury 7 Strengthening	Permitted residential development at ground floor level in Banbury Town Centre	No residential floorspace permitted at ground floor level	There were no permissions granted during 2018/19.

Banbury Town Centre			
Policy Banbury 7 Strengthening Banbury Town Centre	Town centre vacancies	No increase in vacancy rates over the plan period	No data is available at this time. An update will be provided in the next AMR if data becomes available.
Policy Banbury 7 Strengthening Banbury Town Centre	Diversity of uses	Maintain or improve the balance of uses over the plan period	There were 3 completed schemes during 2018/19 which resulted in small net losses of -346 sqm in B1a and -8 sqm in A1 uses.
Policy Banbury 7 Strengthening Banbury Town Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Banbury Town Centre	No net loss of town centre use floorspace within Banbury Town Centre	There was a net loss of -354 sqm of town centre uses within Banbury town centre.

5.87 There were no permissions granted for residential development at ground floor level in Banbury town centre during 2018/19.

Table 38 - Town Centre uses completions within and outside of Banbury town centre

Location	A1	A2	A3	A4	A5	B1a	D2	Total
Within Banbury town centre	-8	0	0	0	0	-346	0	-354
Outside Banbury town centre	0	0	0	0	0	929	0	929
Banbury Total	-8	0	0	0	0	583	0	575

5.88 Town centre uses within Banbury town centre received a greater loss of -354 sqm of B1a and A1 use classes, however there was a net gain outside of Banbury town centre with 929 sqm. Overall, there was a net gain of 575 sqm of town centre uses in Banbury.

Other Indicators – Policy Banbury 11 Meeting the need for Open Space, Sport & Recreation

Policy	Indicator	Target	Progress
Policy Banbury 11 Meeting the	Completed open space/sport/recreation facility provision within Banbury	As set out in Policy BSC10 and BSC11	Refer to Policy BSC10.

need for Open Space, Sport & Recreation			
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Other Indicators – Policy Banbury 12 Meeting the Need for Open Space, Sport & Recreation

Policy	Indicator	Target	Progress
Policy Banbury 12 Meeting the Need for Open Space, Sport & Recreation	Completions at the relocation site for Banbury United FC	As set out in policy Banbury 12, to be achieved over the plan period	None.

Other Indicators – Policy Banbury 13 Burial Site Provision in Banbury

Policy	Indicator	Target	Progress
Policy Banbury 13 Burial Site Provision in Banbury	Developer contributions for Burial Site in Banbury	To meet needs and as set out in the IDP	No data is available at this time.

Other Indicators – Policy Banbury 14 Cherwell Country Park

Policy	Indicator	Target	Progress
Policy Banbury 14 Cherwell Country Park	Progress on delivering the Cherwell Country Park	As set out in Policy Banbury 11	Refer to Policy BSC10.

Other Indicators – Policy Kidlington 1 Accommodating High Value Employment Needs

Policy	Indicator	Target	Progress
Policy Kidlington 1 Accommodating High Value Employment Needs	Employment completions in Kidlington (at a. Langford Lane/London-Oxford Airport and b. Begbroke Science Park)	An annual increase over the plan period	Planning permission for a new technology park comprising 40,362 sqm of employment floorspace (14/02067/OUT) has been granted.

			Reserved Matters permission (17/01542/REM) for Phase 1 was granted on 24 November 2017 and construction has started during 2018/19.
Policy Kidlington 1 Accommodating High Value Employment Needs	Completed employment development on Green Belt land in Kidlington beyond review areas	To accord with Policy ESD14	No employment development recorded during 2018/19.

Other Indicators – Policy Kidlington 2 Strengthening Kidlington Village Centre

Policy	Indicator	Target	Progress
Policy Kidlington 2 Strengthening Kidlington Village Centre	Permitted residential development at ground floor level in Kidlington Village Centre	No residential floorspace permitted at ground floor level	There were no permissions granted during 2018/19.
Policy Kidlington 2 Strengthening Kidlington Village Centre	Village centre vacancies	No increase in vacancy rates over the plan period	No data is available at this time. An update will be provided in the next AMR if data becomes available.
Policy Kidlington 2 Strengthening Kidlington Village Centre	Diversity of uses	Maintain or improve the balance of uses within the town centre over the plan period	There was 1 completed scheme in Kidlington village centre during 2018/19 which resulted in a change of use from A2 to a nail and beauty salon (SG).
Policy Kidlington 2 Strengthening Kidlington Village Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Kidlington Village Centre	No net loss of town centre use floorspace within Kidlington Village Centre	There was a net loss of 140.8 sqm of town centre uses within the Kidlington village centre.

Table 39 - Town Centre uses completions within and outside of Kidlington Village Centre

Location	A1	A2	A3	A4	A5	B1a	D2	Total
Within Kidlington village centre	0	-140.8	0	0	0	0	0	-140.8
Outside Kidlington centre	0	0	0	0	0	0	48.1	48.1
Kidlington Total	0	-140.8	0	0	0	0	48.1	-92.7

5.89 Overall, there was a net loss of floorspace (92.7 sqm) in town centre uses within and outside the Kidlington village centre with the majority being within A2. This was due to the change of use of a bank/building society to a nail and beauty salon.

Other Indicators – Policy Villages 1 Village Categorisation

Policy	Indicator	Target	Progress
Policy Villages 1 Village Categorisation	Completed development per village category and size of scheme (number of dwellings)	As set out in policy Villages 1	Progress is recorded in the Housing Delivery Monitor in Appendix 2.

Other Indicators – Policy Villages 2 Distributing Growth Across the Rural Areas

Policy	Indicator	Target	Progress
Policy Villages 2 Distributing Growth Across the Rural Areas	Land allocations made in the rural areas	As set out in policy Villages 2 and to be set out in the Local Plan Part 2.	No non-strategic allocations at this time. There are no land allocations in the 4 'made' Neighbourhood Plans over and above existing planning permissions.
Policy Villages 2 Distributing Growth Across the Rural Areas	Completions on allocated sites in rural areas	100% take up of allocations over the plan period	There are presently no new non-strategic allocations.
Policy Villages 2 Distributing Growth Across the Rural Areas	Completions on non-allocated sites in rural areas	As set out in the criteria in policy Villages 1 and 2	There were 103 completions at Category A villages during 2018/19 that contributes to Policy Villages 2.

- 5.90 Policy Villages 2 of the adopted Local Plan 2011-2031 provides for an additional 750 dwellings at Category A villages (2014-2031) in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014. Therefore new planning permissions given at the Category A villages from 1 April 2014 and completions on those sites will contribute to the requirement of 750 dwellings.
- 5.91 Table 40 show 582 dwellings are either completed or under construction on sites with planning permission in Category A villages. During 2018/19 there were 103 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. There are also 311 dwellings that are under construction from the supply of permitted sites. Between 1 April 2014 and 31 March 2019 there were a total of 271 net housing completions on the above sites. This equates to 36.1% of the total requirement of 750 dwellings. These sites are fully committed to help deliver the Policy Villages 2 requirement.

Delivering Policies Villages 1 and Villages 2 and the Local Plan strategy

- 5.92 Cherwell Local Plan (2011-2031) directs the majority of development to the 2 main towns in Cherwell with a proportion of the overall growth expected to come forward in the rural areas. Policy Villages 1 is intended to manage small scale development in the built-up limits of villages while Policy Villages 2 identifies 750 dwellings to be delivered in Category A villages on sites of 10 or more dwellings. It was intended that sites would be allocated in an emerging Local Plan Part 2 (now Local Plan Review).
- 5.93 Table 41 show sites with planning permission but not yet started (333 dwellings), sites with resolution to approve (21 dwellings) and identified sites without planning permission (17 dwellings) which comprises 371 dwellings. If a 10% non-implementation rate has been applied to sites with permission but not started therefore reducing from 333 dwellings to 300 dwellings.
- 5.94 Since 1 April 2014 a total of 920 dwellings have been identified for meeting the Policy Villages 2 requirement of 750 dwellings. These are included in the Housing Delivery Monitor in Appendix 2. Policy Villages 2 requirement has already been exceeded by 170 dwellings when considering all of the planning permissions and identified sites without planning permission in the above (582+300+38).
- 5.95 There is one rural strategic allocation namely the Former RAF Upper Heyford included in the adopted Local Plan 2011-2031. The completion figure below excludes any completions at this strategic allocation.

**Table 40 - Housing completions at Category A villages for meeting Policy Villages 2 (10 or more dwellings)
(Sites with planning permission that have been completed or under construction at 31/03/2019)**

Site	Location	Dwellings with planning permission	Completions during 14/15	Completions during 15/16	Completions during 16/17	Completions during 17/18	Completions during 18/19	Total Completions	Site Status
East of Deene Close, Aynho Road, Adderbury	Adderbury	60	2	49	9	0	0	60	Complete
Land North of Milton Road, Adderbury	Adderbury	37	0	0	1	30	5	36	Under construction
Land off Banbury Road, Adderbury	Adderbury	25	0	0	0	6	3	9	Under construction
Ambrosden Court, Merton Road, Ambrosden	Ambrosden	44	0	0	22	22	0	44	Complete
Church Leys Field, Blackthorn Road, Ambrosden	Ambrosden	85	0	0	0	0	20	20	Under construction
Land North of Station Road, Bletchingdon	Bletchingdon	61	0	0	0	5	19	24	Under construction
Cotefield Farm, Bodicote	Bodicote	4	0	0	0	0	4	4	Complete
Cotefield Farm, Bodicote Phase 2, Bodicote	Bodicote	95	0	0	0	0	0	0	Under construction
The Paddocks, Chesterton	Chesterton	45	0	0	0	2	38	40	Under construction
Land North of Hook Norton Primary School And South Of Redland Farm, Sibford Road, Hook Norton	Hook Norton	54	0	0	0	0	14	14	Under construction
4 The Rookery, Kidlington	Kidlington	20	0	20	0	0	0	20	Complete
Co Op, 26 High Street, Kidlington	Kidlington	52	0	0	0	0	0	0	Under construction
TOTAL		582	2	69	32	65	103	271	

**Please see Appendix 2 for further details on sites.*

**Table 41 - Housing Sites at Category A villages for meeting Policy Villages 2 (10 or more dwellings)
(Sites with planning permission but not started and sites without planning permission at 12/11/2019)**

Site	Location	Dwellings with planning permission	Permitted Dwellings not started with a 10% non-implementation rate	Dwellings without planning permission
Land at Merton Road, Ambrosden	Ambrosden	84	76	0
Land at Arncott Hill Farm, Buchanan Road, Arncott	Arncott	0	-	17
Land at Tappers Farm, Oxford Road, Bodicote	Bodicote	46	41	0
Stone Pits, Hempton Road, Deddington	Deddington	0	-	21
2 - 4 High Street, Kidlington	Kidlington	16	14	0
British Waterways Site, Langford Lane, Kidlington	Kidlington	10	9	0
Kings Two Wheel Centre, 139 Oxford Road, Kidlington	Kidlington	10	9	0
Taylor Livock Cowan, Suite F, Kidlington Centre, High St, Kidlington	Kidlington	10	9	0
South East Of Launton Road And North East Of Sewage Works Blackthorn Road, Launton	Launton	72	65	0
Land North of The Green and adj. Oak Farm Drive, Milcombe	Milcombe	40	36	0
Land North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris	Sibford Ferris	25	23	0
Land North of Oak View, Weston on the Green	Weston on the Green	20	18	0
	TOTAL	333	300	38

Other Indicators – Policy Villages 3 Rural Exception Sites

Policy	Indicator	Target	Progress
Policy Villages 3 Rural Exception Sites	Completions on rural exception sites	To meet needs as per Policy Villages 3	No affordable homes on exception sites completed during 2018/19.

Other Indicators – Policy Villages 4 Meeting the Need for Open Space, Sport & Recreation

Policy	Indicator	Target	Progress
Policy Villages 4 Meeting the Need for Open Space, Sport & Recreation	Developer contributions to open space/sport/recreation facilities in the rural areas	As set out in policy BSC11 and BSC12 and the Infrastructure Delivery Plan	Refer to Policy BSC10.
Policy Villages 4 Meeting the Need for Open Space, Sport & Recreation	Open space/sport/recreation facilities created in the rural areas	As set out in policy Villages 4, BSC11, BSC12 and the Infrastructure Delivery Plan	Open space, sport and play areas assessment which is nearing completion will identify current deficiencies in open space and play provision. The updated Playing Pitch and Sports Facilities Strategies (2018) contain baseline information on deficiencies in recreation provision. The findings informed the Active Communities Strategy 2019-2023 approved by the Council in June 2019. This indicator will be reported in the 2020 AMR.

SA/SEA Adoption Statement – Cherwell Local Plan 2011-2031 Part 1 (July 2015)

SA Objectives and Suggested Indicators

5.96 The SA/SEA Adoption Statement (July 2015) sets out the monitoring indicators for monitoring the effects of the Cherwell Local Plan 2011-2031 Part 1 on the SA objectives. The majority of the suggested indicators have already been included in the Monitoring Framework of the adopted Local Plan Part 1. However there were three not included which related to SA Objectives 5 (crime) and 14 (waste).

SA Objective	Suggested Indicator	Progress
5. To reduce crime and disorder and the fear of crime	Crime levels in Cherwell District	During 2018/19 there were a total of 10,643 recorded crimes in the district.
14. To reduce waste generation and disposal, and achieve the sustainable management of waste	% of household waste sent for re-use, recycling and compost	The latest data published by DEFRA confirms that in 2017/18, 55.64% of Cherwell’s household waste was sent for reuse, recycling and compost.
14. To reduce waste generation and disposal, and achieve the sustainable management of waste	% of construction and demolition waste re-used	Oxfordshire County Council is responsible for minerals and waste. Progress will be recorded on the County’s website. https://www.oxfordshire.gov.uk/cms/content/new-minerals-and-waste-local-plan

Table 42 - Crime Rates in Cherwell District during 2018/19 (Source: www.ukcrimestats.com)

	ASB	Burglary	Robbery	Vehicle	Violent	Shoplifting	CD&A	Other Theft	Drugs	Bike Theft	Theft from the person	Weapons	Public Order	Other	Total
March 2019	125	41	4	59	272	75	80	81	39	5	18	8	27	22	856
February 2019	96	42	3	56	218	86	75	72	35	5	6	5	31	22	752
January 2019	110	58	2	50	215	80	109	90	37	9	8	3	32	34	837
December 2018	100	61	12	36	197	74	67	90	24	13	24	5	29	28	760
November 2018	108	58	10	64	277	81	79	95	33	12	20	6	21	40	904

October 2018	106	43	5	68	263	74	103	90	32	11	15	9	34	21	874
September 2018	117	49	9	81	256	54	81	97	22	18	7	4	43	21	859
August 2018	156	57	8	66	267	65	98	94	34	10	9	4	37	16	921
July 2018	183	38	9	70	317	78	82	129	38	28	10	7	41	32	1062
June 2018	165	43	4	74	294	127	103	104	23	14	22	8	36	24	1041
May 2018	144	29	5	39	247	124	74	105	31	12	14	5	57	23	909
April 2018	136	45	3	59	237	120	65	95	36	5	10	9	30	18	868
Total	1546	564	74	722	3060	1038	1016	1142	384	142	163	73	418	301	10643

5.97 During 2018/19 there were a total of 10,643 recorded crimes in the district which is a decrease of 690 from the previous year (11,333). Similar to the previous year the majority of crimes recorded were in violent (28.8%) and anti-social behaviour (14.5%) followed by other theft (10.7%), shoplifting (9.8%) and criminal damage and arson (9.5%).

Table 43 – Percentage of household waste sent for reuse, recycling and composting (annual) in Cherwell District during 2012/13 – 2018/19 (Source: lginform.local.gov.uk)

Period	Percentage
2012/13	54.80
2013/14	53.90
2014/15	54.80
2015/16	55.10
2016/17	56.50
2017/18	55.64
2018/19	Data not available

6.0 Monitoring progress of infrastructure provision

- 6.1 The Infrastructure Delivery Plan (IDP) contains the infrastructure required to support the adopted Cherwell Local Plan 2011-2031 Part 1 (July 2015) and it is set out in Appendix 8 of the Plan.
- 6.2 The IDP is a live document adjusted over time to reflect changes in circumstances and strategies alongside the annual monitoring of Local Plan infrastructure Policy INF1.
- 6.3 This AMR update includes summary tables of infrastructure progress. IDP Update December 2019 can be viewed at www.cherwell.gov.uk/monitoring.
- 6.4 Appendix 6 of this AMR shows progress on infrastructure delivery including new projects, known to CDC Officers at November 2019. The tables also indicate pipeline projects, those known to be at early project development stage. These pipeline projects could potentially be included in next IDP updates subject to their progression as part of infrastructure providers' plans and programmes.
- 6.5 IDP Update December 2019 includes adjusted phasing periods to reflect project updates as the plan period progresses and projects are completed: Short term: 2017-2020, Medium term: 2020-2025 and Long term 2025-2031.
- 6.6 More detailed information on infrastructure provision will arise through the progression of new Local Plans and Neighbourhood Plans. This includes the Local Plan Part 1 Partial Review.

7.0 Future Monitoring

- 7.1 The Local Plan 2011-2031 Part 1 was adopted in July 2015 which means that this is the second third AMR to cover the full monitoring year. There are still a number of indicators from the Monitoring Framework within the Plan that cannot be monitored but which will be reported upon next year.

- 7.2 Monitoring is important to ensuring the successful delivery and implementation of the Cherwell Local Plan 2011-2031 and in preparing future evidence and policy documents. Monitoring highlights good and poor performance, where action might be necessary and ultimately where policies might need to be reviewed.

- 7.3 The Local Plan Monitoring Framework is closely linked to the monitoring framework developed for the Local Plan Sustainability Appraisal, which sets out the monitoring indicators for monitoring the effects of the Cherwell Local Plan 2011-2031 Part 1 on the SA objectives.

Appendices

Appendix 1: List of Replaced and Retained Saved Policies

Appendix 1: List of Replaced and Retained Saved Policies

Policy Number	Description	Replaced or Retained	Replacement Policy	Does this Affect the Adopted Proposals Map 1996?
Saved Policies of the Cherwell Local Plan 1996				
GB1	Development in the Green Belt	replaced	ESD 14	Yes
GB2	Outdoor Recreation in the Green Belt	retained	-	
GB3	Major Development Sites in the Green Belt	retained	-	
H1	Allocation of sites for housing	replaced	BSC 1 Bicester 1 Bicester 2 Bicester 3 Bicester 12 Bicester 13 Banbury 1 Banbury 2 Banbury 3 Banbury 4 Banbury 5 Banbury 8 Banbury 16 Banbury 17 Banbury 18 Banbury 19 Villages 2 Villages 5	Yes (except BSC1 and Villages 2)
H4	Housing schemes for the elderly and disabled	replaced	BSC 4	No
H5	Affordable Housing	replaced	BSC 3	No
H6	Rural Exception Sites	replaced	Villages 3	No
H12	Housing in the rural areas	replaced	Villages 1 Villages 2 Villages 3	No
H13	Residential development in category 1 settlements	replaced	Villages 1	No
H14	Residential development in category 2 settlements	replaced	Villages 1	No
H15	Residential development in category 3 settlements	replaced	Villages 1	No
H16	White land at Yarnton	retained	-	
H17	Replacement dwellings	retained	-	

H18	New dwellings in the countryside	retained	-	
H19	Conversion of buildings in the countryside	retained	-	
H20	Conversion of farmstead buildings	retained	-	
H21	Conversion of buildings in settlements	retained	-	
H23	Residential Caravans	retained	-	
H25	Sites for travelling showpeople	replaced	BSC6	No
H26	Residential canal moorings	retained	-	
EMP1	Allocation of sites for employment generating development	part replaced sites replaced at Bicester, Banbury and Kidlington Rural sites retained	SLE 1 Bicester 1 Bicester 2 Bicester 4 Bicester 10 Bicester 11 Bicester 12 Banbury 1 Banbury 6 Banbury 15 Kidlington 1 Villages 5	Yes
EMP3	Employment generating development at Kidlington, Yarnton and Begbroke (East)	replaced	SLE1	No
EMP4	Employment generating development in the rural areas	replaced	SLE1	No
S2	Proposals for retail development in the shopping centre and town centre, Banbury	replaced	SLE 2 Banbury 7	Yes
S3	Primary shopping frontages, Banbury	replaced	Banbury 7	Yes
S8	Redevelopment of land north of Bridge Street and east of the inner relief road, Banbury for recreational or cultural use	replaced	Banbury 1	Yes
S9	Change of use of residential buildings in Banbury town centre	replaced	Banbury 7	Yes
S10	Development in Banbury commercial areas	replaced	Banbury 7	Yes
S12	Development proposals in Bicester town centre	replaced	SLE 2 Bicester 5	Yes
S13	Primary shopping frontages, Bicester	replaced	Bicester 5	Yes
S15	Redevelopment of land at Franklin's	replaced	Bicester 6	Yes

	Yard, Bicester			
S21	Development in Kidlington shopping centre	replaced	SLE 2 Kidlington 2	Yes
S22	Provision of rear servicing, Kidlington	retained	-	
S25	Retail development in the rural areas	replaced	SLE2	No
S26	Small scale ancillary retail outlets in the rural areas	retained	-	
S27	Garden centres in the rural areas	retained	-	
S28	Proposals for small shops and extensions to existing shops outside Banbury, Bicester and Kidlington shopping centres	retained	-	
S29	Loss of existing village services	retained	-	
TR1	Transportation funding	retained	-	
TR7	Development attracting traffic on minor roads	retained	-	
TR8	Commercial facilities for the motorist	retained	-	
TR10	Heavy Goods vehicles	retained	-	
TR11	Oxford Canal	retained	-	
TR14	Formation of new accesses to the inner relief road and Hennef Way, Banbury	retained	-	
TR16	Access Improvements in the vicinity of Banbury Railway Station	retained	-	
TR20	Reservation of land for road schemes at Bicester	replaced	SLE 4	Yes
TR22	Reservation of land for road schemes in the countryside	retained	-	
R1	Allocation of land for recreation use	part replaced	Bicester 13	Yes
R5	Use of redundant railway lines and disused quarries for recreation purposes	retained	-	
R7	Protection and enhancement of the recreational roles of the Oxford Canal and River Cherwell	replaced	ESD 16	No
R9	Facilities for canal users	replaced	ESD 16	No
R12	Provision of public open space in association with new residential development	replaced	BSC 11	No
R14	Reservation of land for community buildings in association with housing	replaced	BSC 12	No

	developments at Hanwell Fields, Banbury and Slade Farm, Bicester			
T2	Proposals for hotels, motels, guest houses and restaurants within settlements	retained	-	
T3	Land reserved for hotel and associated tourist or leisure based development, in vicinity of junction 11 of the M40, Banbury	retained	-	
T5	Proposals for new hotels, motels, guesthouses and restaurants in the countryside	retained	-	
T7	Conversion of buildings beyond settlements to self-catering holiday accommodation	retained	-	
AG2	Construction of farm buildings	retained	-	
AG3	Siting of new or extension to existing intensive livestock and poultry units	retained	-	
AG4	Waste disposal from intensive livestock and poultry units	retained	-	
AG5	Development involving horses	retained	-	
C1	Protection of sites of nature conservation value	replaced	ESD 10	Yes
C2	Development affecting protected species	replaced	ESD 10 ESD 11	No
C4	Creation of new habitats	replaced	ESD 10	No
C5	Protection of ecological value and rural character of specified features of value in the District	retained	-	
C6	Development proposals adjacent to the River Thames	retained	-	
C7	Landscape conservation	replaced	ESD 13	No
C8	Sporadic development in the open countryside	retained	-	
C9	Scale of development compatible with a rural location	replaced	ESD 13	No
C10	Historic landscapes, parks and gardens and historic battlefields	replaced	ESD 13 ESD 15	Yes
C11	Protection of the vista and setting of Rousham Park	retained	-	
C12	Development in the Cotswold Area of Outstanding Natural Beauty	replaced	ESD 12	Yes

C13	Areas of High Landscape Value	replaced	ESD 13	Yes
C14	Countryside Management Projects	retained	-	
C15	Prevention of coalescence of settlements	retained	-	
C17	Enhancement of the urban fringe through tree and woodland planting	replaced	ESD 13	Yes
C18	Development proposals affecting a listed building	retained	-	
C21	Proposals for re-use of a listed building	retained	-	
C23	Retention of features contributing to character or appearance of a conservation area	retained	-	
C25	Development affecting the site or setting of a schedule ancient monument	retained	-	
C27	Development in villages to respect historic settlement pattern	replaced	ESD 15	No
C28	Layout, design and external appearance of new development	retained	-	
C29	Appearance of development adjacent to the Oxford Canal	retained	-	
C30	Design Control	retained	-	
C31	Compatibility of proposals in residential areas	retained	-	
C32	Provision of facilities for disabled people	retained	-	
C33	Protection of important gaps of undeveloped land	retained	-	
C34	Protection of views of St Mary's Church, Banbury	retained	-	
C38	Satellite dishes in conservation areas and on listed buildings	retained	-	
C39	Telecommunication masts and structures	retained	-	
ENV1	Development likely to cause detrimental levels of pollution	retained	-	
ENV2	Redevelopment of sites causing serious detriment to local amenity	retained	-	
ENV6	Development at Oxford Airport, Kidlington likely to increase noise nuisance	retained	-	

ENV7	Development affecting water quality	replaced	ESD 8	No
ENV10	Development proposals likely to damage or be at risk from hazardous installations	retained	-	
ENV11	Proposals for installations handling hazardous substances	retained	-	
ENV12	Development on contaminated land	retained	-	
OA2	Protection of land at Yarnton Road Recreation ground, Kidlington for a new primary school	retained	-	
GB1	Saved Policy of the Central Oxfordshire Local Plan (Cherwell) 1992 - Development in the Green Belt	replaced	ESD 14	Yes
H2	Saved Policy of the Oxfordshire Structure Plan 2005 - Upper Heyford	replaced	Villages 5	Yes

Appendices

Appendix 2: Housing Delivery Monitor

Sites	Site Area (ha)	Local Plan Status	Planning Application / Permission Status	Information from developer / agent / landowner	Scheme Progress	Planning Permissions at 31/3/19 minus units built & recorded at 31/03/19 (net)	Completions 01/04/11 to 31/03/19	Projection 19/20	Projection 20/21	Projection 21/22	Projection 22/23	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Total Completions and Projected Completions 2011-2031	
1. BANBURY																					
Banbury - Completed Identified Sites (10 or more dwellings)																					
46 West Bar Street	0.09	-	Prior Approval - Planning application 16/01096/O56 for change of use from B1(a) office to C3 residential - 17 units was approved on 8 August 2016.	-	Site completed in September 2017 (2017/18).	0	17	0	0	0	0	0	0	0	0	0	0	0	0	0	17
62 64 and land to the rear of 58, 60 Oxford Road	0.41	-	Full - Planning permission 07/02377/F for 11 homes (gross) granted on appeal on 1 October 2008.	-	Site completed in January 2012 (2011/12).	0	9	0	0	0	0	0	0	0	0	0	0	0	0	0	9
Calthorpe House, 60 Calthorpe Street	0.08	Part of land identified for mixed use development in the Non-Statutory Local Plan (2011)	Full - Application (13/01709/CDC) for 15 dwellings was approved on 25 April 2014.	-	Site completed in December 2015 (2015/16).	0	15	0	0	0	0	0	0	0	0	0	0	0	0	0	15
Canalside House, Tramway Road	0.15	-	Prior Approval - A Commercial Prior Approval (13/01124/CPA) for change of use from office (B1a) to residential (C3) - Conversion to provide 14 dwellings was accepted on 6 September 2013.	-	Site completed in December 2015 (2015/16).	0	14	0	0	0	0	0	0	0	0	0	0	0	0	0	14
Dashwood School	0.29	-	Full - Full planning permission 10/00664/F granted 1 April 2011. Amended by 11/00683/F.	-	Site completed in October 2012 (2012/13).	0	19	0	0	0	0	0	0	0	0	0	0	0	0	0	19
Farima Properties, Mercia House, 51 South Bar Street	0.15	-	Full - 16/02363/F - Conversion of existing office building to form 10 No residential apartments was approved on 17 February 2017.	-	Site completed in December 2017 (2017/18).	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	10
Former allotment, Miller Road	0.15	-	Full - Planning permission (10/01053/F) granted for 10 flats on 16 September 2010.	-	Site completed in February 2012 (2011/12).	0	10	0	0	0	0	0	0	0	0	0	0	0	0	0	10
Junction of Warwick Road & Foundry Street, 92-94 Warwick Road	0.13	-	Full - Planning permission 03/02616/F granted on 28 February 2005.	-	Site completed in March 2015 (2014/15).	0	22	0	0	0	0	0	0	0	0	0	0	0	0	0	22
Land adjoining and north west of 35 Crouch Hill Road	0.6	-	Reserved Matters/Full - 13/00402/REM for 26 dwellings was approved on 18 June 2013. A separate application (13/01238/F) for 2 dwellings (net 1) was approved on 30 October 2013. This is in addition to the 26 that were previously approved.	-	Site completed in December 2014 (2014/15).	0	27	0	0	0	0	0	0	0	0	0	0	0	0	0	27
Land to the rear of Methodist Church, The Fairway	0.25	-	Full - Application 13/01372/CDC for 11 dwellings was approved on 14 December 2015.	-	Site completed in December 2017 (2017/18).	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	11
Lincoln House, Lincoln Close	0.4	-	Full - Application for change of use from former care home to residential to provide 18 units (13/01880/CDC) was approved on 20 October 2014.	-	Site completed in March 2016 (2015/16).	0	18	0	0	0	0	0	0	0	0	0	0	0	0	0	18
North East Of Crouch Hill Farm Adjoining Broughton Road	2.81	-	Reserved Matters - Outline application 13/01528/OUT for residential development including means of access from Broughton Road was approved on 2 October 2014. A Reserved Matters application for 40 dwellings (15/01215/REM) was approved on 22 March 2016.	-	Site completed in March 2019 (2018/19).	0	40	0	0	0	0	0	0	0	0	0	0	0	0	0	40
Old Stanbridge Hall, Banbury School, Ruskin Road	0.95	-	Full - Full permission granted on 20 September 2010 (10/00907/F).	-	Site completed in March 2012 (2011/12).	0	70	0	0	0	0	0	0	0	0	0	0	0	0	0	70
Orchard Lodge, Warwick Road	0.33	-	Full - Application for change of use from former care home to residential use to provide 16 residential units (13/01879/CDC) was approved on 25 April 2014.	-	Site completed in September 2015 (2015/16).	0	16	0	0	0	0	0	0	0	0	0	0	0	0	0	16

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Oxford & Cherwell Valley College, Broughton Road	0.81	-	Full - Application (15/01024/F) for demolition of existing buildings and change of use from D1 non residential to C3 dwelling houses comprising 78 no 1 bedroom and 2 bedroom extra care residential apartments with associated ancillary accommodation. Approved on 18 February 2016.	-	Site completed in March 2019 (2018/19).	0	78	0	0	0	0	0	0	0	0	0	0	0	0	0	78
Penrose House, 67 Hightown Road	0.16	-	Full - Planning Permission 04/01395/F for 12 flats superseded by 11/00820/F for 14 flats which was granted permission on 20 December 2011.	-	14 new dwellings were completed in December 2015 (2015/16).	0	14	0	0	0	0	0	0	0	0	0	0	0	0	0	14
Town Centre House, Southam Road	0.19	-	Prior Approval - Commercial Prior Approval (15/00581/PAJ) for conversion of existing building from its current use (Class B1 offices) to a residential use comprising multiple apartments (Class C3) (39 1 bedroom apartments) was approved on 19 June 2015.	-	Site completed in June 2016 (2016/17).	0	39	0	0	0	0	0	0	0	0	0	0	0	0	0	39
1A Banbury - Completed Identified Sites Sub-Totals						0	429	0	0	0	0	0	0	0	0	0	0	0	0	0	429
Banbury - Deliverable (Available, Suitable and Achievable) Sites (10 or more dwellings) - Contributing to the '5 year land supply'																					
1 - 6 Malthouse Walk, Banbury	0.07	-	Prior Approval - Change of use of the first and second floors from office (B1a) to residential to create 20 self-contained flats was approved on 18 October 2019 (19/01734/O56).	Agents (UPP Consultants Ltd) advised (November 2019) that the scheme will be converted over the next 12 months and is expected to be completed by January 2021.	This is a small brownfield site in a very sustainable location. Prior approval has already been obtained.	0	0	0	0	20	0	0	0	0	0	0	0	0	0	0	20
3 West Bar Street	0.14	-	Prior Approval/Full - change of use of existing offices to C3 (8 dwellings) was approved on 30 January 2018 (17/02425/O56). This has been superseded by a recent Full permissions for change of existing building together with a 2.5 storey high extension to the eastern elevation to facilitate the conversion of the building to 8 no residential units which was approved on 2 August 2019 (19/00958/F). A separate Full application (17/00914/F) for demolition of existing single storey element and erection of new building to provide 4 flats was approved on 4 July 2017.	Agents (JPPC) advised (October 2019) that they are no longer involved since the latest planning permission was obtained therefore is unable to provide an update.	Full planning permissions secured. This is a small brownfield site in a very sustainable location. Due to the latest planning permission only recently been issued and that the site has not yet started the expected delivery rate is pushed back a year.	12	0	0	12	0	0	0	0	0	0	0	0	0	0	0	12
30 Crouch Street	0.06	-	Prior Approval - Change of use from B1 (office) to C3 (dwelling) to provide 13 residential units was approved on 12 July 2019. (19/00746/O56)	Agents (Walker Graham Architects) advised (October 2019) that development on site is expected to start in November 2019 and will be completed by September 2020.	This is a small brownfield site in a very sustainable location. Prior approval has already been obtained.	0	0	0	13	0	0	0	0	0	0	0	0	0	0	0	13
60-62 Broad Street, Banbury	0.06	-	Full - Planning application for alterations to building and change of use to form retail units at ground floor level and 12 No self contained flats over (16/02529/F) was approved on 24 April 2017.	-	This is a small brownfield site in a very sustainable location. The site is currently under construction (since March 2019). Delivery rate to remain unchanged.	12	0	12	0	0	0	0	0	0	0	0	0	0	0	0	12
Bankside Phase 1 (Longford Park)	75.1	-	Full/Reserved Matters - Permission granted on 30 September 2009 for 1070 homes (05/01337/OUT). Separate (but linked) permission for another 20 dwellings (net) (13/01682/F) which was approved on 5 November 2014. Multiple Reserved Matters have been approved. Total number of homes - 1090 dwellings.	Housebuilders Taylor Wimpey, Barratts and Bovis are developing the site. The three housebuilders have provided (October 2019) combined expected delivery rates of 142 in 2019/20 and 54 in 2020/21. Bovis Homes is likely to be the only housebuilder on site from end of 2020. Bovis Homes advised that their Phase 4 is expected to start in February 2020.	Permitted urban extension for up to 1070 homes. The site is very advanced with over 70% of the homes already built. There are currently 3 housebuilders on site.	292	798	142	54	50	46	0	0	0	0	0	0	0	0	1090	

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Canalside - Crown House, caravan site (Station Road) and Robert Keith Cars Sales	1.31 (part of 26)	Local Plan allocation (2015) - Banbury 1	Full/Outline - There are multiple planning permissions on a small area of the site (Crown House). The most relevant permissions are 17/00243/F - change of use of existing office building into 37 apartments (30/03/2017), 17/00288/F - extension to create 10 apartments (22/5/2017), 17/00658/F - change of use of existing building to create coffee shop (A3) and 4 dwellings (19/6/17). A variation of condition application (19/00279/F) for reducing 10 dwellings to 9 dwellings was approved on 26/04/2019. This supersedes 17/00288/F. A separate application for 63 dwellings (18/00293/OUT) at Station Road was approved on 25 June 2019. An additional application (18/01569/F) for mixed use development comprising 19 apartments, commercial space and associated cycle and bin storage was approved on 7 November 2019. Total number of homes - 132 dwellings.	The Crown House site is owned by Cherwell District Council and was completed in September 2019 (46 dwellings). Station Road - Agent was contacted but no update was received. Robert Keith Car Sales - Agents (SF Planning Ltd) advised (October 2019) that the Section106 is expected to be signed imminently. Conditions will need to be discharged. Development on site is expected to start in April 2020 or earlier depending on the discharge of conditions. The site is expected to be completed in 12 months (2021/22).	Part of a strategic allocation in the adopted Local Plan 2011-2031 for 700 dwellings (Banbury 1). A Supplementary Planning Document is being prepared and will be out for consultation in spring 2019. The remaining Canalside allocation is included as a developable site. HELAA (2018) site HELAA258. Development at Crown House (46 dwellings) was completed in September 2019 (2019/20) . i.e. after basedate for completions. The Robert Keith Car Sales site has recently received full planning permission. Expected delivery rates on the remaining 2 sites allows sufficient time for lead-in.	51	0	50	0	19	63	0	0	0	0	0	0	0	0	0	132
Drayton Lodge Farm	15	Local Plan allocation (2015) - Banbury 18	Outline - Outline application (18/01882/OUT) for up to 320 dwellings including affordable housing, together with a local centre of 0.5ha (providing retail and community facilities) was approved subject to legal agreement on 20 June 2019.	Agents (Savills) advised (October 2019) that there is likely to be 1 or 2 housebuilders on site. Reserved Matters application is unlikely to be submitted until end of 2020/21, however it is envisaged that development on site is expected to start in 2021. Expected build-out rate at 2-3 units per month (36 per year).	Outline planning permission is expected to be issued by end of 2019. A strategic allocation in the adopted Local Plan 2011-2031 for 250 dwellings. HELAA (2018) site HELAA255. The build-out rates are based on 50 dwellings per year per housebuilder. The expected delivery rates allows sufficient lead-in time.	0	0	0	0	0	50	100	100	50	20	0	0	0	0	320	
Former The Admiral Holland, Woodgreen Avenue	0.3	-	Full - Application (18/01591/CDC) for development of 8 No houses and 6 No flats was approved on 28 March 2019.	This is a council owned site. CDC Housing advised (October 2019) that the site is expected to be completed by April 2020. Delivery rate to remain unchanged.	The site is currently under construction (since September 2019) and is expected to be completed by March 2020.	14	0	14	0	0	0	0	0	0	0	0	0	0	0	14	
Land Adjoining And West Of Warwick Road	12.14	-	Reserved Matters - Outline application 13/00656/OUT for up to 300 dwellings with access from Warwick Road together with associated open space, allotments and a 500 sq m retail store was allowed on appeal on 3 March 2014. Reserved Matters application 15/00277/REM was approved on 7 March 2017. A separate Reserved Matters application 16/02428/REM for 148 dwellings was approved on 29 June 2018. This is part of the overall 300 dwellings.	Housebuilder (Taylor Wimpey) provided (October 2019) updated expected delivery rates for their site only as: 42 in 2019/20, 54 in 2020/21 and 39 in 2021/22. There are currently 2 housebuilders on site. Housebuilder - Miller Homes was contacted but no update was received.	The site is being developed by 2 housebuilders (Taylor Wimpey and Miller Homes) and is now under construction. The expected delivery rates are updated based on information from Taylor Wimpey and that both housebuilders are making progress on site. The 2018 AMR identified 50 completions will be expected during 2019/20. The Council's monitoring for quarters 1-2 (19/20) suggests that this is likely to be exceeded.	289	11	100	100	89	0	0	0	0	0	0	0	0	0	300	
Land at Higham Way	3.1	Local Plan allocation (2015) - Banbury 19	Outline - Outline application (16/00472/OUT) for approximately 200 dwellings is pending consideration.	Agents (JSA Architects) advised (October 2019) that there has been some planning delays. It is unclear if the land will be sold to a housebuilder or will be developed by the applicant. No other information is available.	A strategic allocation in the adopted Local Plan 2011-2031 for 150 dwellings. This is not an extensive site and in the interest of caution the site should remain with 150 dwellings as per Local Plan allocation. The Council's Development Management Officer leading on the site advised (November 2019) that the application is expected to go to December's Planning Committee with a recommendation for approval subject to a S106 agreement. There is an outstanding matter with Thames Water which requires survey work therefore the issue of permission could be slightly delayed. The expected delivery rates to be pushed back 2 years to allow sufficient time for determining the Outline application and obtaining a Reserved Matters permission.	0	0	0	0	25	100	25	0	0	0	0	0	0	0	150	
Land East of Southam Road	25.61	Local Plan allocation (2015) - Banbury 2	Reserved Matters/Full - Planning application for 510 homes (13/00159/OUT) was approved on 18 December 2013. A Reserved Matters application (14/02140/REM) for the first 98 homes was approved on 17 July 2015. Reserved Matters (15/00961/REM) for 412 dwellings (phase 2) was approved on 23 October 2015. Separate full applications: 18/00376/F for erection of four pairs of semi-detached houses with detached garages was approved on 09/05/2018. 18/01614/F for 83 dwellings comprising a partial re-plan of the approved layout under 15/00961/REM to include an uplift of 23 dwellings was approved on 12 September 2019. Total number of homes - 537 dwellings.	Housebuilder (Bellway Homes) provided (October 2019) updated expected delivery rates for their site only as: 44 in 2019/20, 77 in 2020/21, 42 in 2021/22 and 18 in 2022/23. There are currently 2 housebuilders on site. Housebuilder Ashberry Homes was contacted but no update was received.	One part of a strategic allocation in the adopted Local Plan 2011-2031 (Banbury 2). There are 2 housebuilders (Bellway Homes and Ashberry Homes) and is under construction. The 2018 AMR identified 50 completions will be expected during 2019/20. The Council's monitoring for quarters 1-2 (19/20) suggests that this is likely to be exceeded.	187	327	70	70	40	30	0	0	0	0	0	0	0	0	537	

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Land South of Salt Way and West of Bloxham Road	18.45	Local Plan allocation (2015) - Banbury 16	Reserved Matters - Outline application (14/01188/OUT) for 350 dwellings was approved on 13 November 2015. Reserved Matters application 17/00669/REM for 318 dwellings was approved on 12 October 2017. A new Reserved Matters application (18/01973/REM) was approved on 29 March 2019.	Housebuilder (Redrow Homes) advised (October 2019) that the site is still expected to be completed in 2024/25 and that the expected delivery rates should remain unchanged.	A strategic allocation in the adopted Local Plan 2011-2031 (Banbury 16). The site is currently under construction by Redrow Homes. The 2018 AMR identified 50 completions will be expected during 2019/20. The Council's monitoring for quarters 1-2 (2019/20) suggests that this is likely to be achieved.	308	42	50	50	50	50	50	26	0	0	0	0	0	0	0	318
Land to the rear of 7 and 7A High Street	0.12	-	Full - Application (18/00487/F) for part three storey, part two storey development of 14 flats with ground floor commercial units, on land to rear on 7 High Street; car parking area to rear accessed from George Street was approved subject to legal agreement on 18 April 2019.	Agents (Cumming Anderton Architects) advised (October 2019) that the S106 is still being discussed. Currently the applicant is looking to develop the site himself. Expect the earliest start on site to be in 2021/22 with a 12 month build programme.	This is a small brownfield site in a very sustainable location. Full planning permission is expected to be issued shortly. The Council's Development Management Officer leading on the site advised (November 2019) that the S106 is currently with the applicants and that the decision is likely to be issued by end of this year. The expected delivery rate allows a sufficient lead-in time.	0	0	0	0	0	14	0	0	0	0	0	0	0	0	0	14
Land West of Southam Road	17.62 (gross)	Local Plan allocation (2015) - Banbury 2	Outline - Outline application (18/00273/OUT) for development of up to 90 residential units (Use Class C3), Class A Uses, Class D Use and associated access, landscaping/open space, parking and related works was approved on 12 November 2018. A Reserved Matters application (19/02226/REM) was submitted in October 2019 and is pending consideration.	Sanctuary Housing advised (October 2019) that the Reserved Matters pre-application was made and a meeting was held in February 2019. A Reserved Matters application was submitted in October 2019. Should Planning be determined within the 13 weeks period the decision is expected in February 2020 with a start on site envisaged May/June 2020. First units would be handed over after circa 9 months from SOS being around March 2021 with handovers subject to sales rates but would envisage 2/3 per month at this moment in time subject to market conditions. Expected delivery rates to be 10 in 2020/21, 40 in 2021/22 and 40 in 2022/23. Only 1 housebuilder is expected on site. Build-out rates 2-3 per month subject to market conditions.	The site is to be developed by Sanctuary Housing who has already submitted a Reserved Matters application. The expected delivery rates updated takes into account information from Sanctuary Housing.	90	0	0	10	40	40	0	0	0	0	0	0	0	0	0	90
Neithrop House, 39 Warwick Road	0.08	-	Full - 05/01431/F was approved on 22 December 2012. 14 dwellings in total, 7 already provided.	-	Site completed in June 2019 (2019/20). i.e. after basedate for completions.	7	0	7	0	0	0	0	0	0	0	0	0	0	0	0	7
North of Hanwell Fields	18.75	Local Plan allocation (2015) - Banbury 5	Full/Reserved Matters - Application for 350 homes (12/01789/OUT) was submitted by Persimmon Homes and was approved on 2 September 2014. First Reserved Matters (15/00462/REM) for 118 dwellings was approved on 13 November 2015. Application (14/00066/OUT) for an additional 160 dwellings was approved on 2 April 2015. Reserved Matters (15/01115/REM) for 160 dwellings from Davidsons Developments was approved on 17 December 2015. Reserved Matters (15/01589/REM) for Phase 2 for 210 dwellings was approved on 18 November 2018. Application 16/01210/F for erection of 20 no. dwellings was approved on 15 March 2017 (partly supersedes the 118 dwellings). Another 20 dwellings approved on 21 May 2018 (17/00708/F). A separate outline application for up to 46 dwellings (18/01206/OUT) was approved subject to legal agreement on 30 May 2019. An additional Full application (19/02126/F) for an extra 34 dwellings was submitted in September 2019 and is pending consideration. The 2 Council schemes for 11 dwellings (16/01484/CDC and 16/01485/CDC) were completed in September 2017. Total number of homes - 595.	Persimmon Homes provided (October 2019) updated expected delivery rates for their phase 2 as: 25 in 2019/20, 55 in 2020/21, 55 in 2021/22, 55 in 2022/23 and 20 in 2023/24. Phase 3 is for another 34 dwellings (19/02126/F) which the application is still pending. The build-out rate is 55 per year. There are currently 2 housebuilders on site.	A strategic allocation in the adopted Local Plan 2011-2031 (Banbury 5). Two housebuilders are currently on site: Persimmon Homes (378 dwellings) and Davidson Homes (160 dwellings), however the Davidson Homes parcel has recently been completed in September 2019 (2019/20).	235	280	50	55	55	55	55	45	0	0	0	0	0	0	595	

Appendix 2 - 2019 AMR Housing Delivery Monitor

Sites	Site Area (ha)	Local Plan Status	Planning Application / Permission Status	Information from developer / agent / landowner	Scheme Progress	Planning Permissions at 31/3/19 minus units built & recorded at 31/03/19 (net)	Completions 01/04/11 to 31/03/19	Projection 19/20	Projection 20/21	Projection 21/22	Projection 22/23	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Total Completions and Projected Completions 2011-2031
South of Salt Way - East	68	Local Plan allocation (2015) - Banbury 17	Outline/Reserved Matters - Planning permission (12/00080/OUT) given for 145 dwellings on part of the site (on appeal) on 23 September 2013. Reserved Matters application (14/01225/REM) was approved on 28 November 2014. Planning application for 280 dwellings (15/01326/OUT) was allowed on appeal on 20 December 2017. Reserved Matters (19/01037/REM) for 280 dwellings is pending consideration. Planning application for 1,000 homes (14/01932/OUT) was approved on 4 August 2016 subject to legal agreement.	Housebuilder (David Wilson Homes) advised (October 2019) for their site only for 280 homes which relates to 15/01326/OUT and the subsequent Reserved Matters 19/01037/REM. Provided updated expected delivery rates as: 39 in 2020/21, 82 in 2021/22, 82 in 2022/23 and 77 in 2023/24. Development on site is expected to start in May 2020. Only 1 housebuilder is expected on site. The Reserved Matters application is pending but decision is expected by end of 2019. Agents (David Lock Associates) provided (November 2019) updated expected delivery rates for their site only based on the assumption that grant of permission this year and that details requiring approval prior to submission of reserved matters are dealt with by OCC and CDC expeditiously, early in the new year to enable start on site in 2020. Delivery rates as: 50 in 2021/22, 75 in 2022/23, 100 in years 2023/24-26/27, 125 in years 2027/28-2029/30 and 100 in 2030/31.	A strategic allocation in the adopted Local Plan 2011-2031 (Banbury 17). Planning permission for 145 homes on part of the site (north-west corner) which is developed by Morris Homes has recently been completed in June 2019 (2019/20). The David Wilson Home's permission for 280 homes relates to the eastern part of the site. Reserved Matters permission is expected soon. Planning permission is expected to be issued imminently for the Gallagher Estate's outline application for 1000 homes. This covers the remaining area of the site which is the majority of the strategic allocation. Expected delivery rates updated based on a peak of 3 developers, 50 homes per year per developer. The Council's Development Management Officer leading on the site advised (November 2019) that the S106 is nearly finalised and is a matter of the bond with Oxfordshire County Council. An extension of time until 1 December 2019 was agreed therefore the permission is expected to be issued by end of the year.	283	142	3	39	132	157	177	100	100	100	125	125	125	100	1425
West of Bretch Hill	27.03	Local Plan allocation (2015) - Banbury 3	Full/Reserved Matters - Application 13/00444/OUT for 400 dwellings was approved on 9 March 2016. Reserved Matters (16/00576/REM) for the first 110 dwellings was approved on 25 August 2016. Reserved Matters (16/02437/REM) for a specialised housing scheme comprising of 51 units was approved on 24 March 2017. A separate planning application for 319 dwellings (17/00189/F) was approved on 10 November 2017. Total number of homes - 480 dwellings.	Housebuilder (Bloor Homes) advised (November 2019) that 200 dwellings have been completed prior to 2019 with a balance of 280 left to complete. Build-out rate of 60 units per year. Provided updated expected delivery rates as: 60 in years 2019/20-2022/23 and 40 in 2023/24. There is only 1 housebuilder on site.	The site is currently under construction by Bloor Homes. The 2018 AMR identified 60 completions will be expected during 2019/20. The Council's monitoring for quarters 1-2 (19/20) suggests that this is likely to be achieved.	288	192	60	60	60	60	48	0	0	0	0	0	0	0	480
Windfall Allowance (<10 dwellings)					Projection based on the 2018 HELAA. For previously developed sites only and discounted to allow for non-implementation. Expectations lowered for second half of plan period in the interest of caution. Windfall completions on sites less than 10 dwellings are also recorded.	177	350	35	35	35	35	35	17	17	17	17	17	17	17	644
1B Banbury - Deliverable (Available, Suitable and Achievable) Sites Sub-Totals						2245	2142	593	498	615	700	490	288	167	137	142	142	142	117	6173
Banbury - Specific, Developable Sites (10 or more dwellings) - Identified developable sites not yet considered to be deliverable																				
Bankside Phase 2	21.5	Local Plan allocation (2015) - Banbury 4	Outline - Planning application for 700 dwellings (17/01408/OUT) was received on 30 June 2017 and is pending consideration. A new application (19/01047/OUT) for a residential development of up to 850 dwellings was received on 05/06/2019 and is pending consideration.	Agents (Framptons) was contacted but no update was received.	A strategic allocation (Banbury 4) in the adopted Local Plan 2011-2031 for 600 dwellings which will continue from Bankside Phase 1. Planning is ongoing - expected delivery rates to be pushed back a year. 2 developers at a peak with 50 dwellings per year per developer.	0	0	0	0	0	50	100	100	100	100	50	0	0	600	
Bolton Road	2	Local Plan allocation (2015) - Banbury 8			A strategic allocation in the adopted Local Plan 2011-2031 for mixed use development including 200 dwellings (Banbury 8). Includes site of a multi-storey car park which has already been demolished. However, development scheme awaited. A Supplementary Planning Document is expected to be prepared but has been put on hold due to other commitments. Expected delivery rates to be pushed back 2 years. HELAA (2018) site HELAA257.	0	0	0	0	0	75	75	50	0	0	0	0	0	0	200
Canalside - excluding Crown House, the caravan park (Station Road) and Robert Keith Cars Sales	24.69 remaining	Local Plan allocation (2015) - Banbury 1			A strategic allocation in the adopted Local Plan 2011-2031 for 700 dwellings (Banbury 1). Work on the Supplementary Planning Document has been put on hold due to other commitments. Expected delivery rates to be pushed back a year. HELAA (2018) site HELAA258.	0	0	0	0	0	50	50	100	100	100	100	86	0	0	586

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Land adjacent Bretch Hill Reservoir	2.5	-	-	A site to be Cherwell led. CDC Housing advised (October 2019) that the site is still being considered and there are ongoing discussions. The expected number of homes still remains at 40.	A site that was identified internally for potential housing in the near future. HELAA (2018) site HELAA259. 2018 HELAA concluded that the site is not suitable and has no housing potential. Update provided from the Council's Housing team indicate the site is suitable and could accommodate 40 dwellings on a smaller part of the site. In interest of caution delivery will be pushed back to 2022/23 to allow more lead-in time.	0	0	0	0	0	40	0	0	0	0	0	0	0	0	0	40
Land at Banbury AAT Academy	2.03	-	-	-	The planning permission for 44 dwellings including the variation of condition expired on 24 April 2017. HELAA (2018) site HELAA278. Expected delivery rates to be pushed back 2 years to allow more lead-in time. The site should be kept under review.	0	0	0	0	0	10	34	0	0	0	0	0	0	0	0	44
1C Banbury - Specific, Developable Sites Sub-Totals																					
						0	0	0	0	0	225	259	250	200	200	200	136	0	0	1470	
1D Banbury - Remaining Allocation - Non-Strategic Sites																					
						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1A BANBURY - COMPLETED IDENTIFIED SITES																					
						0	429	0	0	0	0	0	0	0	0	0	0	0	0	429	
1B BANBURY - DELIVERABLE (AVAILABLE, SUITABLE & ACHIEVABLE) SITES																					
						2245	2142	593	498	615	700	490	288	167	137	142	142	142	117	6173	
1C BANBURY - SPECIFIC, DEVELOPABLE SITES																					
						0	0	0	0	0	225	259	250	200	200	200	136	0	0	1470	
1D BANBURY - REMAINING ALLOCATION FOR NON-STRATEGIC SITES																					
						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
1E BANBURY- HOUSING LAND AVAILABILITY TOTAL (1A + 1B + 1C + 1D)																					
						2245	2571	593	498	615	925	749	538	367	337	342	278	142	117	8072	
2. BICESTER																					
Bicester Completed Identified Sites (10 or more dwellings)																					
Bicester Community Hospital Kings End	0.9	-	Full - Application (12/00809/F) for demolition of existing community hospital and redevelopment of site to provide a new community hospital and 14 residential units was approved on 27 September 2012.	-	Site completed in March 2017 (2016/17).	0	14	0	0	0	0	0	0	0	0	0	0	0	0	14	
Former Oxfordshire County Council Highways Depot	0.56	Identified for 30 dwellings in the Non-Statutory Local Plan (2011)	Full - Outline permission 06/01003/OUT granted for 60 dwellings and a care home. Reserved Matters approvals 06/01166/REM & 09/01077/REM. An amended application (09/01076/F) approved extending permission to 7 October 2014. An alternative application for 42 dwellings (13/01708/CDC) was approved on 25 April 2014. Total number of homes - 62.	-	Site completed in March 2016 (2015/16).	0	62	0	0	0	0	0	0	0	0	0	0	0	0	62	
Land South of Talisman Road	3.83	-	Reserved Matters - Outline application 09/01592/OUT for 140 dwellings granted on appeal (APP/C3105/A/11/2147212) on 18 August 2011. Reserved Matters application for 125 dwellings (13/01226/REM) was approved on 13 February 2014.	-	Site completed in March 2018 (2017/18).	0	125	0	0	0	0	0	0	0	0	0	0	0	0	125	
Transco Depot, Launton Road	0.4	Identified for 25 dwellings in the Non-Statutory Local Plan (2011)	Full - 12/01216/F approved 5 March 2013 for 23 dwellings.	-	Site completed in December 2013 (2013/14).	0	23	0	0	0	0	0	0	0	0	0	0	0	0	23	
West of Chapel St. & Bryan House	0.5	-	Full - Application (10/00106/F) for 23 homes (5 net) was approved on 11 January 2011.	-	Site completed in September 2012 (2012/13).	0	5	0	0	0	0	0	0	0	0	0	0	0	0	5	
Winners Bargain Centres, Victoria Road	0.33	-	Full - Application (15/00412/F) for redevelopment to form 42 sheltered apartments for the elderly, communal facilities, access, car parking and landscaping was approved on 15 June 2015.	-	Site completed in September 2016 (2016/17).	0	42	0	0	0	0	0	0	0	0	0	0	0	0	42	
2A Bicester - Completed Identified Sites Sub-Totals																					
						0	271	0	0	0	0	0	0	0	0	0	0	0	0	271	
Bicester - Deliverable (Available, Suitable and Achievable) Sites (10 or more dwellings) - Contributing to the '5 year land supply'																					

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Graven Hill	207.23	Local Plan allocation (2015) - Bicester 2	Outline/LDO/Reserved Matters - Outline application (11/01494/OUT) granted on 8 August 2014 for redevelopment of former MOD sites including demolition of existing buildings, development of 1900 homes; local centre to include a 2 form entry primary school (class D1), a community hall of 660sqm, five local shops or facilities to include A1, A2, A3, A5 and D1 uses totalling up to 1358sqm, up to 1000sqm gross A1 uses, a pub/restaurant/hotel (class A4/A3/C1) up to 1000sqm and parking areas; employment floorspace comprising up to B1(a) 2160sqm, B1(b) 2400sqm, B1(c) and B2 20520sqm and B8 uses up to 66960sqm; creation of public open space and associated highway improvement works, sustainable urban drainage systems, biodiversity improvements, public transport improvements and services infrastructure. Local Development Order for 276 dwellings (17/02107/LDO) was adopted on 20 December 2017. Reserved Matters application for demonstrator plots was approved on 19 December 2016. Multiple Reserved Matters have been approved.	Graven Hill Development Company provided (October 2019) updated expected delivery rates: 71 in 2019/20, 325 in 2020/21, 334 in 2021/22, 192 in 2022/23, 171 in 2023/24, 147 in 2024/25, 113 in 2025/26, 90 in 2026/27, 56 in 2027/28, 54 in years 2028/29 - 2030/31. An additional 57 in 2031/32 and 5 in 2032/33. The high delivery rates in 2020/21 and 2021/22 will be from the completion of apartment blocks which account for 104 and 161 and also for the 65 extra care units. The delivery rates are based on the latest version of the viability evidence. Various housebuilders - self build and custom. Build-out rate varies. Multiple Reserved Matters applications ongoing.	A strategic allocation in the adopted Local Plan 2011-2031 for 2100 dwellings (Bicester 2). The site has been acquired by the Council and transferred to a Graven Hill Village Holding Company. The MoD is contractually obliged to transfer the land in two phases. Phase 1 - 2015 and Phase 2 - 2019. Lead housebuilder - Graven Hill Development Company Ltd. Infrastructure is in place and the site is now under construction. 9 of the first 10 demonstrator plots have been completed to date and the remaining 1 plot is near completion. A revised Local Development Order for 276 plots was approved in December 2017 which will help facilitate the delivery of initial self-build dwellings on the site. Several of these plots are now under construction. The remaining 200 homes will be provided on land at Langford Park. This is a self-build development with primarily 1 housebuilder therefore in interest of caution the expected delivery rates have been amended.	1749	151	71	200	200	200	171	147	113	90	56	54	54	54	54	1561
Inside Out Interiors, 85-87 Churchill Road, Bicester	1.18	-	Outline - Outline planning application for conversion of existing building to provide 5 no. two bed house, 1 no. two bed flat and 1 no. one bed flat. New build to provide 1 no. commercial unit with outside space parking and cycle storage + 3 no. two bed flats (16/02461/OUT) was approved on 19 May 2017. A Reserved Matters application (19/01276/REM) for 10 dwellings was received in July 2019 and is pending consideration.	Agents (Richard Court Designs Ltd) advised (October 2019) that the Reserved Matters permission is expected to be issued shortly with the applicant planning to start on site in early 2020. The current business to remain therefore the units to the rear will be constructed first followed by the conversion to allow for the business to be relocated to the new premises. A 12 month build programme is expected.	This is a brownfield site in a very sustainable location. There is a plan to relocate the existing commercial units on site which would not affect the housing delivery. The expected delivery rate is based on the information from the agents.	10	0	0	0	10	0	0	0	0	0	0	0	0	0	10	
Kingsmere (South West Bicester) - Phase 1	82.7	Identified in the Non-Statutory Local Plan (2011)	Full/Reserved Matters - Outline planning permission for an urban extension (1631 homes - 06/00967/OUT (1585) & 14/010207/OUT (46). Reserved Matters for the 46 dwellings (16/00192/REM) was approved on 8 June 2016. Application (11/01840/F) for conversion of existing barns to form 7 no. dwellings and construction of 4 no. dwellings was approved on 15 July 2013 which was completed in September 2014 (2014/15). Planning application for an additional 100 homes (13/00433/OUT) was approved on 15 August 2016. The 100 homes are delivered across all the remaining parcels and were subsequently approved through various Reserved Matters applications. Application for 9 dwellings above the local centre (17/01849/F) was approved on 9 January 2018. A separate application for 57 dwellings (18/01721/OUT) is pending consideration. Reserved Matters approvals ongoing. Total number of homes - 1799 dwellings.	Countryside Properties on behalf of the housebuilders advised (October 2019) that there are currently 4 housebuilders on site, reducing to 3 housebuilders from 2019/20 followed by 1 housebuilder from 2021/22. Provided updated expected delivery rates based on a build-out rate of 200 homes per year.	Countryside Properties joint venture. There are currently 4 housebuilders on site (Bovis Homes, Bellway Homes, Linden Homes and Persimmon Homes). The site is under construction and is very advanced with approximately 70% of the site already delivered. The 2018 AMR identified 200 completions will be expected during 2019/20. The Council's monitoring for quarters 1-2 (19/20) suggests that this is likely to be achieved.	418	1324	200	200	50	25	0	0	0	0	0	0	0	0	1799	
Land at Bessemer Close / Launton Road	3.35	Identified for 70 dwellings in the Non-Statutory Local Plan (2011)	Reserved Matters - A planning application (15/02074/OUT) for demolition of existing industrial buildings and erection of 21 affordable dwellings and 49 open market dwellings was allowed on appeal on 3 May 2017. A Reserved Matters application (17/01253/REM) was approved on 25 August 2017.	Housebuilder (Vanderbilt Homes) was contacted but no update was received.	The site is currently under construction by Vanderbilt Homes. The 2018 AMR identified 52 completions will be expected during 2019/20. First completions were recorded during 2018/19. The Council's monitoring for quarters 1-2 (19/20) suggests that the remaining homes will be built out during 2019/20 and 2020/21.	55	15	40	15	0	0	0	0	0	0	0	0	0	0	0	70
Land at Skimmingdish Lane	2.4	-	Full - Application (14/00697/F) for 46 dwellings was approved on 9 December 2015.	-	Site completed in September 2019 (2019/20). i.e. after basedate for completions.	14	32	14	0	0	0	0	0	0	0	0	0	0	0	46	
Land South of Church Lane (Old Place Yard and St Edburghs)	0.63	Identified for 15 dwellings in the Non-Statutory Local Plan (2011)	Full - Planning application 16/00043/F for 11 self-contained flats for adults with physical disabilities/learning disabilities and autistic spectrum condition was approved on 13 June 2016.	Council led scheme. CDC Housing advised (October 2019) that the remaining part of the site is likely to deliver only 3 houses. Internal discussions ongoing. A planning application is currently being prepared which is likely to be submitted in December 2019. Development on site is expected to start in Autumn 2020 with the site being completed by end of 2021.	This is a brownfield site in a very sustainable location. The 11 approved dwellings were completed in June 2018. The former Bicester Library still remains vacant. Development principles approved in June 2007. The former library is owned by Cherwell District Council and a planning application for 3 dwellings is expected to be submitted.	0	11	0	0	3	0	0	0	0	0	0	0	0	0	14	

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North West Bicester Eco-Town Exemplar Project	22.4	Local Plan allocation (2015) - Bicester 1 Identified in Annex A of the Eco-Towns PPS (2009).	Full - Full approval (10/01780/HYBRID) for 393 residential units, an energy centre (up to 400 square metres), means of access, car parking, landscape, amenity space and service infrastructure and outline permission for a nursery of up to 350 square metres (use class D2), a community centre of up to 350 square metres (sui generis), 3 retail units of up to 770 square metres (including but not exclusively a convenience store, a post office and a pharmacy (use class A1), an Eco-Business Centre of up to 1,800 square metres (use class B1), office accommodation of up to 1,100 square metres (use class B1), an Eco-Pub of up to 190 square metres (use class A4), and a primary school site measuring up to 1.34 hectares with access and layout to be determined. (Approved 10 July 2012).	Housebuilder (A2Dominion) provided (October 2019) updated expected delivery rates: 67 in 2019/20, 56 in 2020/21, 77 in 2021/22, 34 in 2022/23.	The site is currently under construction by A2Dominion and Crest Nicholson. This is the first stage of Council endorsed eco-development. The new primary school (Gagle Brook) was opened in September 2018. The 2018 AMR identified 65 completions will be expected during 2019/20. The Council's monitoring for quarters 1-2 (19/20) suggests that this is likely to be achieved. The expected delivery rates updated takes into account information from A2Dominion and actual completions data recorded by the Council.	209	184	67	56	56	30	0	0	0	0	0	0	0	0	0	393	
North West Bicester Phase 2	322.6	Local Plan allocation (2015) - Bicester 1 Identified in Annex A of the Eco-Towns PPS (2009).	Outline/Full - Application 17/00455/HYBRID for highways and residential development (150 dwellings) was approved on 7 August 2017, however a previous application (14/01675/OUT) for a similar scheme for employment use and 4.5ha of residential land was allowed on appeal on 28 November 2017. (Albion Land) Resolutions to approve: 14/01641/OUT for 900 dwellings (A2Dominion), 14/01384/OUT for 2600 dwellings (A2Dominion) and 14/02121/OUT for 1700 dwellings (P3Eco Ltd) (24/10/19). Outline planning application for 75 dwellings (18/00484/OUT-SGR (Bicester)1 Ltd) is pending consideration. Application 14/01968/F for the construction of a new road from Middleton Stoney Road roundabout to join Lord's Lane and to include a new crossing under the existing railway line was approved on 21 August 2019.	Housebuilder, A2Dominion who is the main residential developer advised (October 2019) that there are no dates available for future phases. Agents (Quod) advised (October 2019) that the Albion Land parcel is expected to be offered to the market at some point in the future as the applicant is not a housebuilder. No information is available on delivery. Agents (Quod) advised (October 2019) that the application for the SGR parcel is currently with the Council and has not been determined. Given the application is in outline only, the delivery rates are currently unknown. Agents (Turleys) for the P3Eco Ltd parcel was contacted but no update was received.	The North West Bicester site is allocated for 6000 homes in total with 393 in Phase 1 and at least a further 3293 to be delivered in Phase 2 by 2031 (the Plan does not preclude earlier delivery). Main residential developer is A2 Dominion with other housebuilders expected on site. There are outstanding resolutions to approve, ongoing planning applications pending consideration. The Council's Development Management Officer leading on the site advised (October 2019) that Albion Land are restricted from delivering any of the residential development until the realigned Howes Lane are delivered and opened to vehicular traffic. Tunnels are expected to be delivered by April 2021 followed by the delivery of roads in 2022. Reserved Matters are needed so first completions are expected during 2023/24. There is currently 1 outline permission for 150 dwellings with other outline applications with resolutions to approve. Due to infrastructure requirements and the need for Reserved Matters applications the expected delivery rates are pushed back to allow more lead-in time. Ongoing discussions between the Council and the applicants.	150	0	0	0	0	0	50	155	220	220	220	220	220	220	220	220	1525
South East Bicester	40	Local Plan allocation (2015) - Bicester 12	Outline - A planning application (16/01268/OUT) for up to 1500 dwellings, up to 18ha of employment land for B1 and/or B8, a local centre with retail and community use to include A1 and/or A2 and/or A3 and/or A4 and/or A5 and/or D1 and/or D2A and/or B1 and/or uses considered as sui generis, up to a 3 Form Primary School was approved on 25 October 2018 subject to legal agreement.	Agents (Boyer Planning) was contacted but no update was received.	Site promoted by Boyer Planning on behalf of Redrow Homes/Wates. Outline permission awaited - S106 is unlikely to be signed off by end of this year. Due to the need for the Outline permission to be issued and Reserved Matters applications to be submitted the expected delivery rates are pushed back 2 years to allow more lead-in time.	0	0	0	0	0	50	100	150	200	200	200	200	200	200	100	1400	
South West Bicester Phase 2	36.88	Local Plan allocation (2015) - Bicester 3	Outline/Reserved Matters - Application 13/00847/OUT for 709 dwellings was approved on 30 May 2017. A Reserved Matters application for 247 dwellings (18/00647/REM) was approved on 16 October 2018. A separate Reserved Matters for 176 dwellings (18/01777/REM) was approved on 1 March 2019. Reserved Matters application for 226 dwellings was received on 10 October 2019 and is pending consideration. A separate application for 60 dwellings is expected.	Countryside Properties on behalf of the housebuilders advised (October 2019) that there are currently 3 housebuilders on site increasing up to 5 housebuilders. Provided updated delivery rates based on a build-out rate of 200 homes per year.	Countryside Properties joint venture. This is phase 2 of the Kingsmere development which is at an advanced build stage. The Reserved Matters for 247 dwellings was submitted by Cala Homes. A separate Reserved Matters application for 176 dwellings was submitted by Bellway Homes. Ashberry Homes to develop on part of the Bellway's site therefore resulting in 3 housebuilders. The site is expected to have up to 6 housebuilders. In interest of caution the expected delivery rate for the first year is lower as construction had only commenced since June 2019.	709	0	50	200	200	200	59	0	0	0	0	0	0	0	0	709	
Windfall Allowance (<10 dwellings)					Projection based on 2018 HELAA. For previously developed sites only and discounted to allow for non-implementation. Expectations lowered for second half of plan period in the interest of caution. Windfall completions on sites less than 10 dwellings are also recorded.	34	131	10	10	10	10	10	5	5	5	5	5	5	5	5	216	
2B Bicester - Deliverable (Available, Suitable and Achievable) Sites Sub-Totals						3348	1848	452	681	529	515	390	457	538	515	481	479	479	379	7743		
Bicester - Specific, Developable Sites (10 or more dwellings) - Identified developable sites not yet considered to be deliverable																						

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Sites	Site Area (ha)	Local Plan Status	Planning Application / Permission Status	Information from developer / agent / landowner	Scheme Progress	Planning Permissions at 31/3/19 minus units built & recorded at 31/03/19 (net)	Completions 01/04/11 to 31/03/19	Projection 19/20	Projection 20/21	Projection 21/22	Projection 22/23	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Total Completions and Projected Completions 2011-2031	
Cattle Market	0.79	Identified for 40 dwellings in the Non-Statutory Local Plan (2011)		Council owned site. CDC Parking Services advised (October 2019) that there is no update for the site therefore comments from the 2018 AMR remains relevant. The Cattle Market is the only long stay car park in Bicester town centre and has recently been upgraded to pay on exit. The car park is very well used by local businesses and residents. The car park offers cheap all day parking, the Apcoa contract runs until 31 May 2022 and there are no pending plans to change the position with Apcoa.	Previously granted outline permission subject to s.106 (01/00073/CDC) but granted temporary change of use to public car park (04/00779/CDC & 09/00828/CDC). The site is required as a public car park during town centre redevelopment. Phase 1 has been completed. A review of the town's car parking capacity will need to be undertaken before the site is released. No more than 40 dwellings are likely to be provided due to the anticipated need for some informal parking and/or more scope to provide an attractive, open environment (square/open space). HELAA (2018) site HELAA264. The 2018 HELAA has considered the site to be developable. In temporary use as a public car park. Planning permission to extend the use of existing car park for a further 5 years (14/00461/CDC) was given on 20 June 2014. A new 5 year management plan has recently been signed by the Council which retains the car park use until September 2022. No update since last year - Expected delivery rates to remain unchanged.	0	0	0	0	0	0	20	20	0	0	0	0	0	0	0	40
Gavray Drive	23	Local Plan allocation (2015) - Bicester 13	Outline - Application (15/00837/OUT) for 180 dwellings was refused on 22 June 2017 and was dismissed at appeal on 16 July 2018.	Agents (David Lock Associates) advised (October 2019) that a new and comprehensive application is being prepared for the full site for next year. A more robust assumption would be to push back the start date by a year given that there is no current planning permission on the site allocation. Expected delivery rates: 25 in 2021/22, 75 in 2022/23, 100 in 2023/24, 75 in 2024/25 and 25 in 2025/26.	A strategic allocation in the adopted Local Plan 2011-2031 for 300 dwellings (Bicester 13). The site is located in a sustainable location and close to Bicester town centre. Development could provide integration with the existing Langford Village development to the south and west. Appeal was dismissed due to the uncertainty whether the balance of 120 dwellings can be delivered on the eastern part of the site in a manner that would adequately protect and enhance locally significant ecological interest. There is currently no live planning application therefore the site has been changed to a developable site as there is no prospect of the site being brought forward at present time. Expected delivery rate to be pushed back by an additional year to allow more lead-in time. The site should be kept under review.	0	0	0	0	0	25	75	100	75	25	0	0	0	0	0	300
St. Edburg's School, Cemetery Road	0.7				Planning application 17/01578/OUT for erection of 10 dwellings was received in July 2017 and was withdrawn in September 2017. Due to the uncertainty of the site, it has been taken out of the 5 year housing land supply. This is a potential site if needed to address any identified shortfall in the Council's housing supply. Development principles approved in October 2008. HELAA (2018) site HELAA262. The site is included in the Council's 2018 Brownfield Land Register. Expected delivery to be pushed back 2 years to allow more lead-in time. The site should be kept under review.	0	0	0	0	0	10	0	0	0	0	0	0	0	0	0	10
2C Bicester - Specific, Developable Sites Sub-Totals						0	0	0	0	0	35	95	120	75	25	0	0	0	0	0	350
2D Bicester - Remaining Allocation - Non-Strategic Sites						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2A BICESTER - COMPLETED IDENTIFIED SITES						0	271	0	0	0	0	0	0	0	0	0	0	0	0	0	271
2B BICESTER - DELIVERABLE (AVAILABLE, SUITABLE & ACHIEVABLE) SITES						3348	1848	452	681	529	515	390	457	538	515	481	479	479	379	379	7743
2C BICESTER - SPECIFIC, DEVELOPABLE SITES						0	0	0	0	0	35	95	120	75	25	0	0	0	0	0	350
2D BICESTER - REMAINING ALLOCATION FOR NON-STRATEGIC SITES						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2E BICESTER - HOUSING LAND AVAILABILITY TOTALS (2A + 2B + 2C + 2D)						3348	2119	452	681	529	550	485	577	613	540	481	479	479	379	379	8364
3. OTHER AREAS																					
Other Areas - Completed Identified Sites (10 or more dwellings)																					

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1-20 Lakesmere Close, Kidlington	0.32	-	Prior Approval - A Commercial Prior Approval (13/00948/CPA) for conversion from 20 office units to provide 18 dwellings and 4 apartments was accepted on 19 August 2013.	-	Site completed in March 2015 (2014/15).	0	22	0	0	0	0	0	0	0	0	0	0	0	0	0	22
4 The Rookery, Kidlington	0.5	-	Full - Outline permission for 11 dwellings (10 net) (12/01321/OUT) was approved on 22 November 2012. Superseded by application 13/01947/F for redevelopment to form 31 retirement living apartments (30 net) was approved on 28 August 2014.	-	Site completed in March 2016 (2015/16).	0	30	0	0	0	0	0	0	0	0	0	0	0	0	0	30
Ambrosden Court, Merton Road, Ambrosden	1.62	-	Reserved Matters - Outline application 13/00621/OUT for demolition of Ambrosden Court and erection of 45 no residential units (44 net) was allowed on appeal on 2 April 2014. Reserved Matters application (15/00480/REM) was approved on 13 October 2015.	-	Site completed in September 2017 (2017/18).	0	44	0	0	0	0	0	0	0	0	0	0	0	0	0	44
Chestnut Close, Launton	0.36	-	Full - Application 13/00186/F for 11 dwellings was approved on 4 September 2013.	-	Site completed in September 2015 (2015/16).	0	11	0	0	0	0	0	0	0	0	0	0	0	0	0	11
Cotefield Farm, Bodicote	4.1	-	Full/Reserved Matters - Permission granted 26 March 2012 (11/00617/OUT) on appeal (APP/C3105/A/11/2159619). Reserved Matters application 12/01802/REM for 82 dwellings was approved on 10 April 2013. A separate application (16/01599/F) for amendment to create an additional 4 dwellings was approved on 10 March 2017. Total number of proposed homes on site - 86 dwellings.	-	Site completed in December 2018 (2018/19).	0	86	0	0	0	0	0	0	0	0	0	0	0	0	0	86
DJ Stanton (Engineering) Ltd Station Road, Hook Norton	1.88	-	Full - Permission for 37 units (09/01450/F, 11/00585/F & 12/00472/F approved.	-	Site completed in September 2015 (2015/16).	0	37	0	0	0	0	0	0	0	0	0	0	0	0	0	37
Former DLO Caversfield	9.52	-	Full - 11/00151/F - approved on 16 December 2011 - change of use and conversion of buildings to form 160 new dwellings, construction of 27 new dwellings, change of use to a shop/cafe, change of use to B8 storage and ancillary development. 11/00805/F - additional 8 dwellings. 12/00764/F - additional 1 dwelling. Separate applications (13/00764/F) for change of use at Building 22 to 2 dwellings (net 1) approved on 22 July 2013 and (14/00877/F) for change of use at Building 19 for 2 dwellings was approved on 31 July 2014. Application (15/00141/F) for conversion of part of building 16 to form three dwellings (1 net gain) was approved on 14 April 2015. Total number of proposed homes on site - 200 dwellings.	-	Site completed in December 2015 (2015/16).	0	200	0	0	0	0	0	0	0	0	0	0	0	0	0	200
Former Little Bourton Service Station (now Pinson Close), Southam Road, Little Bourton	0.55	-	Full/Reserved Matters - Outline Planning Permission 06/00698/OUT. Alternative reserved matter applications (07/00856/REM (22 dwellings) & 07/01670/REM (20 dwellings) both allowed on appeal on 1 May 2008. Permission for a further 2 dwellings instead of a shop and flat (10/00002/F).	-	Site completed in August 2012 (2012/13).	0	5	0	0	0	0	0	0	0	0	0	0	0	0	0	5
Land adjoining and South of St Christopher Lodge, Barford Road, Bloxham	2.65	-	Reserved Matters - Outline application 12/00926/OUT for 75 dwellings was refused in December 2012, called in by the Secretary of State and was allowed on appeal on 23 September 2013. Reserved Matters application (14/00761/REM) was approved on 9 January 2015.	-	Site completed in December 2016 (2016/17).	0	75	0	0	0	0	0	0	0	0	0	0	0	0	0	75
Land Adjoining Fenway & West Of Shepherd's Hill, Steeple Aston	0.43	-	Full - Planning application (12/01611/F) for 12 dwellings was approved on 24 July 2013.	-	Site completed in March 2014 (2013/14).	0	12	0	0	0	0	0	0	0	0	0	0	0	0	0	12
Land East Of Deene Close, Aynho Road, Adderbury	3.14	-	Full - Application 13/01768/F for demolition of existing agricultural building and development of 60 dwellings was approved on 19 June 2014.	-	Site completed in September 2016 (2016/17).	0	60	0	0	0	0	0	0	0	0	0	0	0	0	0	60

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Land North of The Bourne and adjoining Bourne Lane, Hook Norton	3.7	-	Reserved Matters - Outline application 11/01755/OUT of up to 70 dwellings was refused in September 2006, called in by the Secretary of State and was allowed on appeal on 23 September 2013. Reserved Matters application (14/00379/REM) for 66 dwellings was approved on 17 October 2014.	-	Site completed in September 2016 (2016/17).	0	66	0	0	0	0	0	0	0	0	0	0	0	0	0	66
Land North of Gaveston Gardens, Deddington	3.79	-	Reserved Matters - Granted permission on appeal on 18 December 2013 for 85 homes (13/00301/OUT). A Reserved Matters (14/02111/REM) was approved on 26 May 2015.	-	Site completed in December 2018 (2018/19).	0	85	0	0	0	0	0	0	0	0	0	0	0	0	0	85
Land South West of Orchard Close and adjoining Murcott Road, Arncott	1.7	-	Reserved Matters - Outline planning permission granted on 13/7/11 (10/00807/OUT) for 50 dwellings. Reserved Matters application (12/00799/REM) for 48 dwellings approved 31 May 2012.	-	Site completed in June 2014 (2014/15).	0	48	0	0	0	0	0	0	0	0	0	0	0	0	0	48
Land to the South West of Tadmarton Road, Bloxham	6.23	-	Reserved Matters - Outline application 13/00496/OUT for erection of up to 60 dwellings was allowed on appeal on 27 March 2014. A Reserved Matters application (14/01634/REM) was approved on 20 April 2015.	-	Site completed in September 2018 (2018/19).	0	60	0	0	0	0	0	0	0	0	0	0	0	0	0	60
Land to the West of Garners House, Main Street, Great Bourton	1.91	-	Full - Planning application for 43 dwellings (16/01979/F) was approved on 31 May 2017.	-	Site completed in March 2019 (2018/19).	0	43	0	0	0	0	0	0	0	0	0	0	0	0	0	43
North of Cassington Road (land adjacent to Exeter Farm), Yarnton	5.87	Identified for 135 dwellings in the Non-Statutory Local Plan (2011)	Full - Full Planning Permission 08/02541/F for 168 dwellings and 08/02594/F for 63 bed nursing home. Permission granted for 50 extra care homes on 23 November 2011 (10/01302/F). Subsequent variation of conditions. Total number of homes - 115.	-	Site completed in September 2013 (2013/14).	0	115	0	0	0	0	0	0	0	0	0	0	0	0	0	115
Oak Farm, Milcombe	0.93	-	Reserved Matters - Outline permission (10/00967/OUT) granted on 5 April 2011 for 29 dwellings. Non-statutory allocation for 15 dwellings. Reserved Matters application 12/01095/REM approved on 27 January 2012.	-	Site completed in December 2014 (2014/15).	0	29	0	0	0	0	0	0	0	0	0	0	0	0	0	29
OS Parcel 4100 Adjoining and South of Milton Road, Adderbury	4.8	-	Reserved Matters - Application 13/00456/OUT for erection of 65 dwellings with associated access, open space and structural landscaping was allowed on appeal on 23 January 2014. Reserved Matters application 14/01673/REM was approved on 17 December 2014.	-	Site completed in December 2016 (2016/17).	0	65	0	0	0	0	0	0	0	0	0	0	0	0	0	65
South of Milton Road, Bloxham	1.9	-	Full - Full planning permission (09/01811/F) for 61 dwellings was approved on 26 July 2010.	-	Site completed in September 2012 (2012/13).	0	61	0	0	0	0	0	0	0	0	0	0	0	0	0	61
Springfield Farm, Ambrosden	8.19	-	Full - Application for 90 dwellings (89 net) (13/00344/HYBRID) was approved on 3 March 2014.	-	Site completed in September 2016 (2016/17).	0	89	0	0	0	0	0	0	0	0	0	0	0	0	0	89
The Green, Chesterton	4.75	-	Reserved Matters - 12/00305/OUT for 44 units village hall/sports pavilion and associated car parking, enlarged playing pitches, new children's play area, access and landscaping granted on appeal on 21 February 2013 (12/00050/REFAPP). Reserved Matters for 44 dwellings (13/01525/REM) was approved on 15 January 2014. A separate application for 6 dwellings with associated means of access, car parking and landscaping was approved on 5 August 2016. Total number of homes - 50.	-	Site completed in March 2016 (2015/16).	0	50	0	0	0	0	0	0	0	0	0	0	0	0	0	50
Thornbury House, The Moors, Kidlington	0.72	-	Full - Planning application (13/00395/F) for 54 extra care flats was approved on 30 August 2013.	-	Site completed in September 2015 (2015/16).	0	54	0	0	0	0	0	0	0	0	0	0	0	0	0	54
Yew Tree Farm, Station Road, Launton	2.58	-	Full - Application 11/01907/F for 40 dwellings (including 3 barn conversions) was approved on 11 February 2013.	-	Site completed in September 2015 (2015/16).	0	40	0	0	0	0	0	0	0	0	0	0	0	0	0	40
3A Other Areas - Completed Identified Sites Sub-Totals						0	1387	0	0	0	0	0	0	0	0	0	0	0	0	0	1387
Other Areas - Deliverable (Available, Suitable and Achievable) Sites (10 or more dwellings) - 'Contributing to the '5 year land supply'																					

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2 - 4 High Street, Kidlington	0.11	-	Prior Approval (18/00809/O56) - Change of Use from Class B1(a) offices to Class C3 residential - 16 No one and two bedroom and studio flats was approved on 12 July 2018.	Agents (Mike Gilbert Planning Ltd) advised (October 2019) the housebuilder, Ede Homes is looking to start on site in March 2020 and expect the site to be completed by Spring 2021.	This is a brownfield site in a very sustainable location. A housebuilder is involved. The expected delivery rate is a realistic date to allow for the change of use to be implemented.	16	0	0	0	16	0	0	0	0	0	0	0	0	0	0	16
British Waterways Site, Langford Lane, Kidlington	0.4	-	Full - application (17/01556/F) for redevelopment of site comprising the erection of 10 residential dwellings was approved on 2 July 2018.	Applicants (Canal & River Trust) advised (October 2019) that a housebuilder is currently in the process of working on discharging conditions and one aspect has already been agreed with the Council. Once details are agreed development is anticipated to commence immediately with a construction period of around 12 months. Occupation will follow completion of the whole scheme and as such occupation is anticipated in the monitoring year 2021/22. 10 completions during 2021/22. 1 housebuilder is expected and is looking to start on site in spring/summer 2020.	This is a small brownfield site in a reasonably sustainable location. A housebuilder is involved. Full planning permission is secured and the expected delivery rate allows a sufficient lead-in time.	10	0	0	0	10	0	0	0	0	0	0	0	0	0	0	10
Church Leys Field, Blackthorn Road, Ambrosden	5.6	-	Full - Planning application for 85 dwellings (16/02370/F) was approved on 25 January 2018.	Housebuilder (Bellway Homes) advised (October 2019) that there is currently 1 housebuilder on site and provided updated expected delivery rates: 46 in 2019/20 and 39 in 2020/21.	The site is currently under construction by Bellway Homes (since June 2018). The expected delivery rates updated takes into account information from Bellway Homes and actual completions data recorded by the Council.	65	20	40	25	0	0	0	0	0	0	0	0	0	0	0	85
Co Op, 26 High Street, Kidlington	0.55	-	Full - Application (15/01872/F) for 54 dwellings was refused on 22 February 2017 but allowed on appeal on 3 January 2018.	Housebuilder (Cantay Estates) advised (November 2019) that phase 1 residential units are to be occupied in early 2020 and phase 2 comprising 44 units will be completed and ready for occupation in March 2021.	This is a brownfield site in a very sustainable location. The site is currently under construction by Cantay Estates (since June 2019). Phase 1 for 8 dwellings is near completion and are expected to be completed by March 2020. This is based on information from Cantay Estates and the Council's monitoring information. Expected delivery rates to remain unchanged.	54	0	8	44	0	0	0	0	0	0	0	0	0	0	0	52
Cotefield Farm Phase 2, Bodicote	5.4	-	Outline/Reserved Matters - Application (14/02156/OUT) for 95 homes was approved on 3 October 2016. Reserved Matters application for 37 dwellings (18/00193/REM) was approved on 28 August 2018. Reserved Matters application for 58 dwellings (18/01309/REM) was approved on 5 November 2018.	Housebuilder (Crest Nicholson) was contacted but no update was received.	The site is currently under construction by Crest Nicholson (since March 2019). Reserved Matters permissions secured. Show homes are opened. The 2018 AMR identified 30 completions will be expected during 2019/20. The Council's monitoring for quarters 1-2 (19/20) suggests that this is likely to be achieved. In interest of caution the expected delivery rates are updated slightly in years 2 and 3.	95	0	30	50	15	0	0	0	0	0	0	0	0	0	0	95
Former RAF Upper Heyford	505	Local Plan allocation (2015) - Villages 5	Outline/Full/Reserved Matters - Outline permission 08/00716/OUT for a new settlement of 1075 (there are 314 existing homes, leaving a net new build of 761) dwellings, together with associated works and facilities including employment uses, community uses, school, playing fields and other physical and social infrastructure was granted on appeal on 11 January 2010. Revised outline application 10/01642/OUT permitted on 22 December 2011. Reserved Matters approvals ongoing. A separate application for additional 60 dwellings (13/01811/OUT) was approved on 31 March 2016 with the Reserved Matters (16/00627/REM) approved on 31 August 2016. A Full application for 43 dwellings (16/00263/F) was approved on 8 May 2017. A permission for 13 dwellings (16/00627/REM) which resulted in a net loss of 1. Resolution to approve for 79 homes (15/01357/F) on a greenfield site within the strategic allocation by Pye Homes and 297 homes (16/02446/F) by Dorchester on the western part of the site. A new Hybrid application (18/00825/HYBRID) for 1175 dwellings is pending. Total number of homes on site with planning permission (including completions at 31/3/18) is 863.	Housebuilder (Dorchester Living) advised (November 2019) that due to unforeseen contamination issues the 2018/19 year saw a drop in delivery. Provided updated expected delivery rates for their site only as: 64 in 2019/20, 130 in years 2020/21 and 2021/22, 150 in years 2022/23-2030/31. On target to get back up to the delivery rates of 130 units per year in the 2020/21 year and expect the Hybrid planning application for 1,175 units to go to Planning Committee in early 2020. There are currently 2 housebuilders on site. There is a team onsite who can deliver circa 150 units per year however quicker determination of planning applications and S106 negotiations will be needed to deliver full potential. Housebuilder (Bovis Homes) provided (October 2019) updated expected delivery rates as: 71 in 2019/20 and 2020/21. Advised the build-out rate of 71 units per year. Phase 6 is expected to start shortly with phase 4a and 4b in 2020. Housebuilder, Pye Homes to develop on a separate parcel for 79 dwellings. Contact was made but no update was received.	The site has been acquired by the Dorchester Group who have signed up Bovis Homes as a partner housebuilder. The site is currently under construction with over 60% of the permitted dwellings delivered. Expected delivery rates takes into account information from the housebuilders.	323	540	130	150	130	150	150	150	150	150	150	150	150	150	150	2300
Kings Two Wheel Centre, 139 Oxford Road, Kidlington	0.1	-	Full - Application (18/01388/F) for demolition of existing vacant workshop and show room buildings, and erection of two and three storey building to provide 10no. dwellings (8 x 2-bed and 2 x 1-bed) was approved on 28 March 2019.	Agents (JP Planning Ltd) was contacted by no update was received.	This is a small brownfield site in a very sustainable location. Full planning permission is secured. The commercial unit has already been demolished and work on the residential has commenced. The site is expected to be completed during 2020/21,	10	0	0	10	0	0	0	0	0	0	0	0	0	0	0	10

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Land adj to Cotswold Country Club and South Of properties on Bunkers Hill, Shipton On Cherwell	0.97	-	Outline - application (18/01491/OUT) for demolition of existing club house, bowling club pavilion and ancillary store, and erection of 10 no. dwellings was approved on 21 June 2019. A Reserved Matters application (19/01410/REM) was approved on 23 October 2019.	Housebuilder (Keble Homes) advised (November 2019) that the site is expected to be completed during 2020/21.	Reserved Matters permission secured. A small site with a housebuilder involved. Expected delivery rate is based on the information from Keble Homes.	0	0	0	10	0	0	0	0	0	0	0	0	0	0	10
Land at Station Road, Enslow	0.58	-	Full - Planning application for 14 dwellings (15/00822/F) was approved on 21 November 2016.	Housebuilder (Portdevon) advised (October 2019) that the site is expected to be completed in 2019/20. Delivery rate to remain unchanged.	The site is currently under construction with Portdevon. The site is expected to be completed by March 2020.	12	2	12	0	0	0	0	0	0	0	0	0	0	0	14
Land at Tappers Farm, Oxford Road, Bodicote	2.19	-	Outline - application (18/00792/OUT) for the demolition of existing buildings and erection of up to 52 no. dwellings (now 46) with associated works and provision of open space was allowed on appeal on 30 October 2019.	-	Outline planning permission secured. The agents (Hollins Strategic Land) advised in the Appeal Statement (February 2019) that the 46 dwellings are expected to be completed within 5 years. Expected to start the development on site within 12 months with a 18 months build programme. In August 2019 Bovis Homes has expressed an interest in opening negotiations to acquire the site therefore there has already been discussions with a housebuilder. A Reserved Matters application will be needed therefore the expected delivery rates allows a sufficient lead-in time.	0	0	0	0	0	20	26	0	0	0	0	0	0	0	46
Land East Of Jersey Cottages Station Road, Ardley	0.357	-	Full - Planning application (18/01881/F) for erection of 13 new affordable dwellings together with associated external works, car parking and landscaping was approved on 28 March 2019.	Agents (Oakley Architects Ltd) advised (October 2019) that contract has commenced and work on site is expected to start in December 2019. The site is expected to be completed by end of 2020.	A rural exception site. The site is owned by Waterloo housing association who will be developing the site. The site is part of the Oxfordshire Housing and Growth Deal therefore will be offered funding to assist the delivery of the site. This is one of the priority sites to be delivered within a short timeframe. Full planning permission is secured and the housebuilder is expected to start on site by end of this year. Expected delivery rate to remain unchanged.	13	0	0	13	0	0	0	0	0	0	0	0	0	0	13
Land North of Hook Norton Primary School And South Of Redland Farm, Sibford Road, Hook Norton	2.68	-	Reserved Matters - Planning application 14/00844/OUT for erection of 54 dwellings, landscape, public open space and associated works was approved on 8 December 2015. Reserved Matters application (17/00950/REM) was approved on 21 December 2017.	Housebuilder (Lioncourt Homes) was contacted but no update was received.	The site is currently under construction by Lioncourt Homes. The site is expected to be completed during 2019/20.	40	14	40	0	0	0	0	0	0	0	0	0	0	0	54
Land North of Milton Road, Adderbury	5.83	-	Full - Planning application (14/00250/F) for 31 dwellings was approved on 1 December 2014. A separate planning application for 5 additional dwellings on land previously allocated for possible community use (17/00813/F) was approved on 9 November 2017. A separate application (18/00691/F) for an additional dwelling was approved on 12 November 2018.	-	Site completed in June 2019 (2019/20). i.e after basedate for completions.	1	36	1	0	0	0	0	0	0	0	0	0	0	0	37
Land North Of Oak View, Weston On The Green	0.89	The site is included in the pre-submission Weston on the Green Neighbourhood Plan for 20 dwellings.	Reserved Matters - Outline application 13/01796/OUT for residential development of up to 20 dwellings was approved on 7 April 2015. A Reserved Matters application (16/00574/REM) was approved on 20 December 2016. A variation of condition application (17/01458/OUT) to amend the details to layout, appearance, access and landscaping; including alterations to the Courtyard arrangement and alterations to the layout & plots was approved on 8 May 2018. An additional 4 dwellings was approved on 30 July 2019 (18/02066/F).	Agent (Msquare Architects) was contacted but no update was received.	This is a reasonably small greenfield site with Reserved Matters permission. In interest of caution the expected delivery rate is pushed back a year.	20	0	0	24	0	0	0	0	0	0	0	0	0	0	24
Land North of Station Road, Bletchington	3.92	-	Full/Reserved Matters - Application (13/00004/OUT) for 40 market homes plus 18 affordable, school, village hall, shop was approved on 14 May 2014. Reserved Matters application (14/01141/REM) was approved on 18 December 2014. A Variation of condition (16/00362/F) was approved on 2 September 2016. A separate planning application (16/02616/F) for conversion of 2 proposed houses into 5 flats (net gain of 3) was approved on 21 February 2017.	Applicants (Places For People) advised (October 2019) that delivery has been slower than the Council's assumed programme due to the bespoke product and the need to maintain construction output aligned with sales rate. Provided updated expected delivery rates: 30 in 2019/20 and 15 in 2020/21.	The site is currently under construction by ZeroC with over 70% of the permitted dwellings delivered. The expected delivery rates updated takes into account information from the applicants and actual completions data recorded by the Council. The site is expected to be completed by March 2021.	37	24	30	7	0	0	0	0	0	0	0	0	0	0	61

Appendix 2 - 2019 AMR Housing Delivery Monitor

Sites	Site Area (ha)	Local Plan Status	Planning Application / Permission Status	Information from developer / agent / landowner	Scheme Progress	Planning Permissions at 31/3/19 minus units built & recorded at 31/03/19 (net)	Completions 01/04/11 to 31/03/19	Projection 19/20	Projection 20/21	Projection 21/22	Projection 22/23	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Total Completions and Projected Completions 2011-2031	
Land North of The Green and adj. Oak Farm Drive, Milcombe	1.43	-	Outline - Outline application 15/02068/OUT for 40 dwellings was approved on 25 October 2017. A Variation of Condition (19/00045/OUT) in relation to footpath links and open space/play spaces was approved on 14 October 2019. Reserved Matters (19/00046/REM) for 40 dwellings was received in January 2019 and is pending consideration.	Sanctuary Housing advised (October 2019) that the Reserved Matters application is with the Council and that a revised outline permission (variation of condition) is still outstanding however this is expected to be issued shortly. The Reserved Matters permission is expected to follow. Development on site is expected to start on site in March 2020 with 30 completions in 2021 and remaining balance in 2022 (30 in 2021/22 and 10 in 2022/23).	The site is owned by Sanctuary Housing who will be developing the site. Ongoing discussions between Sanctuary Housing and the Council's Development Management team. The Reserved Matters application is received and is expected to be issued soon. The updated expected delivery rates are based on the information from Sanctuary Housing which allows a sufficient lead-in team.	40	0	0	0	30	10	0	0	0	0	0	0	0	0	0	40
Land off Banbury Road, Adderbury	0.84	-	Full - Planning application (13/00996/F) for 26 dwellings was allowed on appeal on 3 September 2014. A Variation of condition (16/01459/F) was approved on 15 March 2017. 25 dwellings being proposed on the site.	Housebuilder (Barwood Homes) was contacted but no update was received.	The site is currently under construction by Barwood Homes. The block of apartments are near to completion. The Council's monitoring for quarters 1-2 (19/20) suggests that the site is expected to be completed by March 2020.	16	9	16	0	0	0	0	0	0	0	0	0	0	0	0	25
Land South of Milton Road, Bloxham	5.4	-	Reserved Matters - Outline application 12/01139/OUT of up to 85 dwellings was undetermined, called in by the Secretary of State and allowed on appeal on 23 September 2013. Permission expired on 23 September 2014. Planning application (14/01017/OUT) for 85 dwellings was approved on 9 February 2015. Reserved Matters application (15/01021/REM) was approved on 21 December 2016.	Housebuilder (Miller Homes) was contacted but no update was received.	The site is currently under construction by Miller Homes. The Council's monitoring for quarters 1-2 (19/20) suggests that the site is expected to be completed by March 2020.	30	55	30	0	0	0	0	0	0	0	0	0	0	0	0	85
South East Of Launton Road And North East Of Sewage Works Blackthorn Road, Launton	5.34	-	Outline - application (17/01173/OUT) for development of up to 72 dwellings with associated large area of public open space was allowed at appeal on 18 September 2018. A Reserved Matters application for 65 dwellings (19/02419/REM) submitted by Mulberry Homes was received on 29 October 2019 and is pending consideration.	Agent/Housebuilder (Manor Oak Homes) advised (October 2019) that the site has been sold to a housebuilder and there is no other information available. Housebuilder (Mulberry Homes) who has purchased the site was contacted but no update was received.	The site has been purchased by a housebuilder (Mulberry Homes) who has recently submitted a Reserved Matters application for 65 dwellings. Expected delivery rates to be pushed back a year to allow more lead-in time.	72	0	0	0	15	30	20	0	0	0	0	0	0	0	0	65
Stone Pits, Hempton Road, Deddington	1.02	-	Outline - application (18/02147/OUT) for up to 21 dwellings comprising 1, 2, 3 and 4 bedroom dwellings was approved subject to legal agreement on 30 May 2019.	Agents (Pembury Estates Ltd) was contacted but no update was received.	Outline permission is expected to be issued by end of this year. The Council's Development Management Officer leading on the site advised (November 2019) that the S106 is currently with the applicant and there is only 1 outstanding issue to resolve. Ground investigations work is being undertaken before the site is expected to be put on the market. The expected delivery rate allows a sufficient lead-in time.	0	0	0	0	0	21	0	0	0	0	0	0	0	0	0	21
Taylor Livock Cowan, Suite F Kidlington Centre, High Street, Kidlington	0.05	-	Full - application (18/00587/F) for the erection of ten residential flats with associated undercroft car parking, cycle storage and bin storage was approved on 6 November 2019.	Agents (Edgars Ltd) advised (October 2019) that the S106 is still pending. If permission is issued by end of the year, development on site is expected by middle of 2020 with a 12 month build programme. The site is expected to be completed in 2021/22.	This is a small brownfield site in a very sustainable location. Full planning permission is secured. The expected delivery rate is based on the information from the agents which allows a sufficient lead-in time.	0	0	0	0	10	0	0	0	0	0	0	0	0	0	0	10
The Paddocks, Chesterton	3.08	-	Reserved Matters - Planning application (14/01737/OUT) for 45 dwellings was approved on 2 February 2016. A Reserved Matters application (16/00219/REM) was approved on 9 December 2016.	-	Site completed in June 2019 (2019/20). i.e after baselate for completions.	5	40	5	0	0	0	0	0	0	0	0	0	0	0	0	45
Windfall Allowance (<10 dwellings)		-	-	-	Projection based on 2018 HELAA. For previously developed sites only and discounted to allow for non-implementation. Expectations lowered for second half of plan period in the interest of caution. Windfall completions on sites less than 10 dwellings are also recorded.	270	638	61	61	61	61	61	30	30	30	30	30	30	30	30	1153
3B Other Areas - Deliverable (Available, Suitable and Achievable) Sites Sub-Totals						1129	1378	403	394	287	292	257	180	180	180	180	180	180	180	180	4271
Other Areas - Specific, Developable Sites (10 or more dwellings) - Identified developable sites not yet considered to be deliverable																					
Land at Arncott Hill Farm, Buchanan Road, Arncott	0.58	-	-	-	A Reserved Matter application (12/01003/REM) was approved on 18/10/12. Implementation was required within a year of the decision (18 Oct 2012). Planning permission lapsed on 18 October 2013. Site taken out of the 5 year housing land supply. This is a potential site if needed to address any identified shortfall in the Council's housing supply. HELAA (2018) site HELAA265. The 2018 HELAA considered the site to be developable. Site to be kept under review.	0	0	0	17	0	0	0	0	0	0	0	0	0	0	0	17

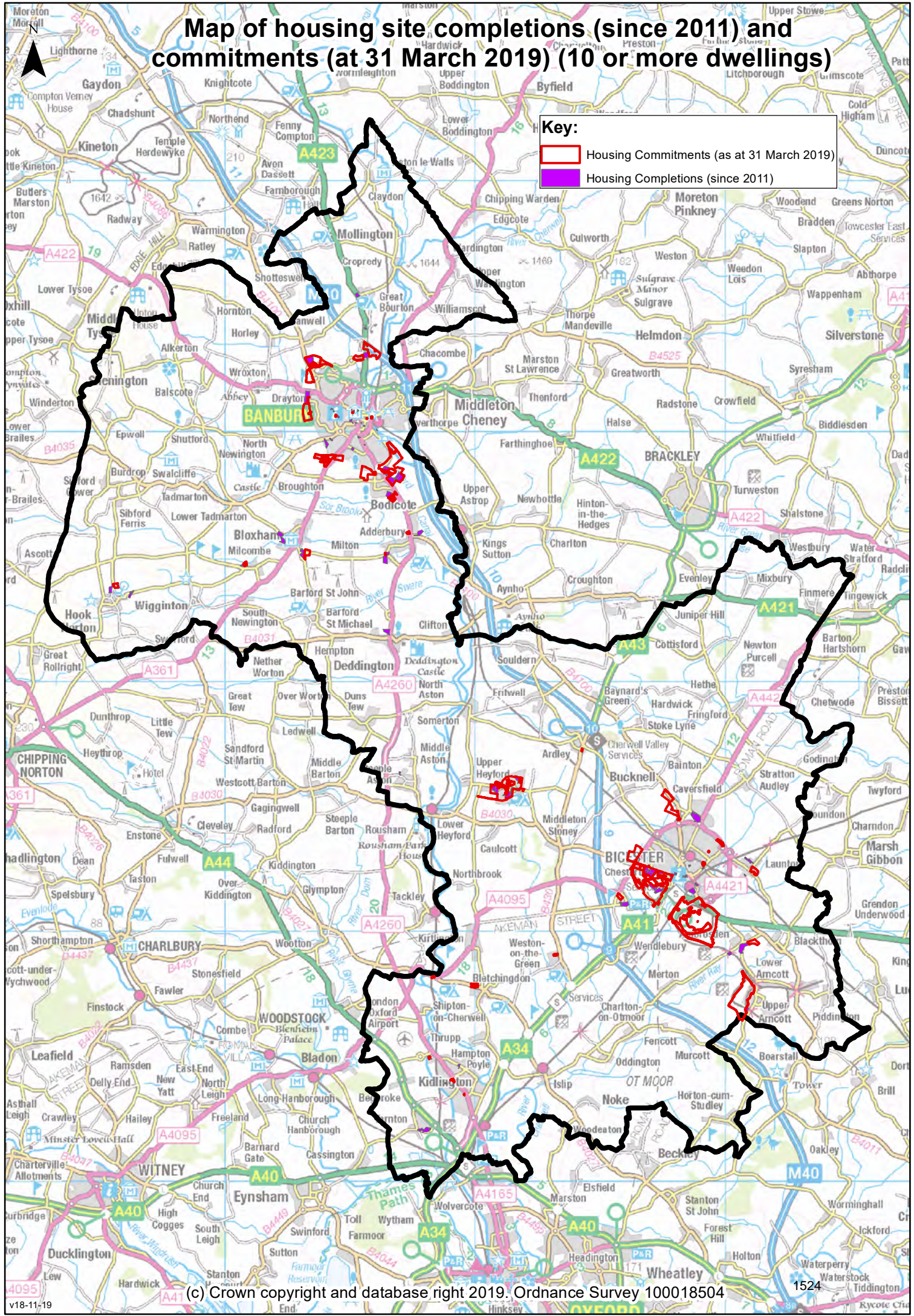
Appendix 2 - 2019 AMR Housing Delivery Monitor

Sites	Site Area (ha)	Local Plan Status	Planning Application / Permission Status	Information from developer / agent / landowner	Scheme Progress	Planning Permissions at 31/3/19 minus units built & recorded at 31/03/19 (net)	Completions 01/04/11 to 31/03/19	Projection 19/20	Projection 20/21	Projection 21/22	Projection 22/23	Projection 23/24	Projection 24/25	Projection 25/26	Projection 26/27	Projection 27/28	Projection 28/29	Projection 29/30	Projection 30/31	Total Completions and Projected Completions 2011-2031		
Land at Merton Road, Ambrosden	4.12	-	Outline - application (18/02056/OUT) for 84 dwellings was allowed on appeal on 9 September 2019.	Agents (Gladman) was contacted but no update was received.	Outline planning permission secured. The site will need to be marketed before a Reserved Matters application is submitted. No information in available at this stage. Expected delivery rates allows sufficient lead-in time. Site to be kept under review.	0	0	0	0	30	30	24	0	0	0	0	0	0	0	0	84	
Land North of Shortlands and South of High Rock, Hook Norton Road, Sibford Ferris	3.7	-	Outline - application (18/01894/OUT) for up to 25 dwellings with associated open space, parking and sustainable drainage was allowed on appeal on 5 November 2019.	-	Outline planning permission recently secured on a site comprising 25 dwellings. A Reserved Matters application will be needed therefore the expected delivery rate allows a sufficient lead-in time.	0	0	0	0	0	25	0	0	0	0	0	0	0	0	0	25	
3C Other Areas - Specific, Developable Sites Sub-Totals						0	0	0	17	30	55	24	0	0	0	0	0	0	0	0	126	
3D Other Areas - Remaining Allocation - Non-Strategic Sites						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3A OTHER AREAS - COMPLETED IDENTIFIED SITES						0	1387	0	0	0	0	0	0	0	0	0	0	0	0	0	1387	
3B OTHER AREAS - DELIVERABLE (AVAILABLE, SUITABLE & ACHIEVABLE) SITES						1129	1378	403	394	287	292	257	180	180	180	180	180	180	180	180	4271	
3C OTHER AREAS - SPECIFIC, DEVELOPABLE SITES						0	0	0	17	30	55	24	0	0	0	0	0	0	0	0	126	
3D OTHER AREAS - REMAINING ALLOCATION FOR NON-STRATEGIC SITES						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
3E OTHER AREAS - HOUSING LAND AVAILABILITY TOTALS (3A + 3B + 3C + 3D)						1129	2765	403	411	317	347	281	180	180	180	180	180	180	180	180	5784	
4. DISTRICT TOTALS																						
4A DISTRICT - COMPLETED IDENTIFIED SITES (1A + 2A + 3A)						0	2087	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2087
4B DISTRICT - DELIVERABLE (AVAILABLE, SUITABLE AND ACHIEVABLE) SITES (YEARS 1-5) (1B + 2B + 3B)						6722	5368	1448	1573	1431	1507	1137	925	885	832	803	801	801	676	18187		
4C DISTRICT - SPECIFIC, DEVELOPABLE SITES (YEARS 6-15) (1C + 2C + 3C)						0	0	0	17	30	315	378	370	275	225	200	136	0	0	1946		
4D DISTRICT - REMAINING ALLOCATION FOR NON-STRATEGIC SITES						0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
4E DISTRICT - HOUSING LAND AVAILABILITY TOTALS (4A + 4B + 4C + 4D)						6722	7455	1448	1590	1461	1822	1515	1295	1160	1057	1003	937	801	676	22220		

Appendices

**Appendix 3: Map of housing site completions (since 2011) and commitments (at 31 March 2019)
(10 or more dwellings)**

Map of housing site completions (since 2011) and commitments (at 31 March 2019) (10 or more dwellings)



Key:

- Housing Commitments (as at 31 March 2019)
- Housing Completions (since 2011)

Appendices

Appendix 4: Adopted Local Plan 2011-2031 Monitoring Framework

Appendix 4: Adopted Local Plan 2011-2031 Monitoring Framework

A Strategy for Development in Cherwell

Policy Reference	Policy Title	Local Plan Indicators	Target
PSD 1	Presumption in favour of Sustainable Development	Monitoring of PSD1 is undertaken by Sustainability Indicators	Monitoring of PSD1 is undertaken by Sustainability Indicators

Policies for Development in Cherwell

Theme One: Policies for Developing a Sustainable Local Economy

Policy Reference	Policy Title	Local Plan Indicators	Target
SLE 1	Employment Development	Employment commitments and completions on allocated employment land per sub area (Banbury, Bicester, Kidlington, Rural Areas)	100% take up of allocations by the end of the plan period
SLE 1	Employment Development	Employment commitments and completions on non-allocated employment land per sub area (Banbury, Bicester, Kidlington, Rural Areas)	Yearly increase in employment use class commitments and completions
SLE 1	Employment Development	Completions resulting in a loss of employment use to non employment use per sub area (Banbury, Bicester, Kidlington, Rural Areas)	No overall net loss of employment land
SLE 2	Securing Dynamic Town Centres	Town centre use (including use classes A1-A5, B1a, D2) completions within and outside of each of the town centres	No net loss of town centre use floor space within town centres
SLE 2	Securing Dynamic Town Centres	No. of retail impact assessments submitted with planning applications	100% of applications over the thresholds set out in Policy SLE2
SLE 3	Supporting Tourism Growth	Completed tourism developments (including D use class uses, Sui Generis uses)	An annual increase in completed tourism developments over the plan period
SLE 3	Supporting Tourism Growth	Number of visitors to tourist attractions in the District	An annual increase over the plan period
SLE 3	Supporting Tourism Growth	Number of visitors to tourist attractions in the District	An annual increase over the plan period

SLE 4	Improved Transport and Connections	Completed transport improvement schemes	Timely provision of transport infrastructure in accordance with strategic site delivery and as set out in the IDP
SLE 4	Improved Transport and Connections	Developer contributions to transport infrastructure	To meet development needs, as set out in the IDP
SLE 5	High Speed Rail 2 – London to Birmingham	Level of Council involvement with the proposed High Speed Rail Link	Respond to all relevant Government consultations on HS2 Respond to all planning applications relating to HS2.

Theme Two: Policies for Building Sustainable Communities

Policy Reference	Policy Title	Local Plan Indicators	Target
BSC 1	District Wide Housing distribution	Housing commitments and completions per sub area (Banbury, Bicester, Kidlington, rural areas)	As set out in Policy BSC1
BSC 2	The Effective and Efficient Use of Land	% of residential completions on previously developed land	As set out in Policy BSC2
BSC 2	The Effective and Efficient Use of Land	Net housing density of completions	As set out in Policy BSC2
BSC 3	Affordable Housing	Net affordable housing completions/acquisitions per tenure	As set out in Policy BSC3
BSC 3	Affordable Housing	No. of self-build completions	An annual increase in the number of self-build completions
BSC 4	Housing Mix	Number of completed dwellings per number of bedrooms	As set out in Policy BSC4
BSC 4	Housing Mix	Number of 'extra care' completions	As set out in Policy BSC4
BSC 5	Area Renewal	Completed development per type in the 'area of renewal'	Improvements in levels of deprivation in the District
BSC 5	Area Renewal	The 'Brighter Futures in Banbury' Performance Measures Package Reports	Positive trends across all the Programme's indicators
BSC 6	Travelling Communities	Completed/Lost Gypsy & Traveller Plots/Travelling Showpeople Pitches, by location (location criteria as set out in Policy BSC6)	Provision for new pitches to meet identified shortfall as set out in Policy BSC6

BSC 7	Meeting Education Needs	Completed education infrastructure	Timely provision of education infrastructure in accordance with strategic site delivery and as set out in the IDP
BSC 7	Meeting Education Needs	Developer contributions to education infrastructure	To meet development needs, as set out in the IDP
BSC 8	Securing Health and Well Being	Completed health care infrastructure	Timely provision of health infrastructure in accordance with strategic site delivery and as set out in the IDP
BSC 8	Securing Health and Well Being	Developer contributions to health care infrastructure	To meet development needs, as set out in the IDP
BSC 8	Securing Health and Well Being	Completions at Bicester Community Hospital	Replacement of Bicester Community Hospital within the plan period
BSC 9	Public Services and Utilities	Completed public services/utilities infrastructure	Timely provision of public services/utilities infrastructure in accordance with strategic site delivery and as set out in the IDP
BSC 9	Public Services and Utilities	Developer contributions to public services/utilities	To meet development needs, as set out in the IDP
BSC 10	Open Space, Outdoor Sport & Recreation Provision	Amount, type and location of open space/sport/recreation facilities	No net loss of open space/outdoor sport/recreation sites
BSC 10	Open Space, Outdoor Sport & Recreation Provision	Areas deficient in recreation provision by type and amount	Annual improvements over the plan period
BSC 10	Open Space, Outdoor Sport & Recreation Provision	Completed built development on (former) sites of open space, outdoor sport and recreation	No net loss of open space/outdoor sport/recreation sites
BSC 10	Open Space, Outdoor Sport & Recreation Provision	Open spaces in the District meeting quality standards	A yearly improvement in the quality of sites/facilities
BSC 11	Local Standards of Provision - Outdoor Recreation	Developer contributions to open space/sport/recreation facilities per typology	As set out in policy BSC11
BSC 12	Indoor Sport, Recreation and Community	Developer contributions to open space/sport/recreation facilities per typology	As set out in policy BSC12

	Facilities		
BSC 12	Indoor Sport, Recreation and Community Facilities	Completed community facilities infrastructure	As set out in policy BSC12

Theme Three: Policies for Ensuring Sustainable Development

Policy Reference	Policy Title	Local Plan Indicators	Target
ESD 1	Mitigating and Adapting to Climate Change	Carbon emissions in the District per capita	Reductions over the plan period
ESD 1	Mitigating and Adapting to Climate Change	Permissions granted contrary to Environment Agency advice on Flood Risk grounds	No permissions granted contrary to EA advice on flood risk grounds
ESD 1	Mitigating and Adapting to Climate Change	Access to services and facilities by public transport, walking and cycling	Improvement over the plan period, linked to Oxfordshire LAA target (National Indicator 175)
ESD 2	Energy Hierarchy	Number of Energy Statements submitted	As set out in Policy ESD2 i.e. required for all major applications
ESD 3	Sustainable Construction	% of new dwellings completed achieving water use below 110 litres/person/day	As set out in Policy ESD3
ESD 3	Sustainable Construction	Completed non residential development achieving BREEAM Very Good, BREEAM Excellent	As set out in Policy ESD3
ESD 4	Decentralised Energy Systems	Number of District Heating Feasibility Assessments submitted	As set out in Policy ESD4 i.e. required for all applications for 100 dwellings or more
ESD 4	Decentralised Energy Systems	Number of permitted District heating schemes in the District	Increase over the plan period
ESD 5	Renewable Energy	Permitted renewable energy capacity per type	Increase over the plan period
ESD 6	Sustainable Flood Risk Management	Permissions granted contrary to Environment Agency advice on flood risk grounds	No permissions granted contrary to EA advice on flood risk grounds
ESD 6	Sustainable Flood Risk Management	Flood Risk Assessments received for development proposals within Flood Zones 2 & 3, within 1 ha of Flood Zone 1, or 9m of any watercourse	As set out in Policy ESD6 i.e. required for all proposals meeting the locational criteria
ESD 7	Sustainable Drainage	Completed SuDS schemes in the District	Annual increase over the plan period

	Systems (SuDS)		
ESD 8	Water Resources	Number of permissions granted contrary to Environment Agency advice on water quality grounds	No permissions granted contrary to EA advice on water quality grounds
ESD 9	Protection of the Oxford Meadows SAC	Number of permissions granted contrary to consultee (Environment Agency, BBOWT, CDC/OCC etc) advice on water quality grounds within the SAC catchment	No permissions granted contrary to consultee (EA, BBOWT, CDC/OCC etc) advice on water quality grounds within the SAC catchment
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Total LWS/LGS area	A net gain in total areas of biodiversity importance in the District
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Changes in priority habitats by number & type	An annual increase over the plan period
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Changes in priority species by number & type	A net gain in priority species by number and type
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Ecological condition of SSSIs	100% of SSSI units in favourable or unfavourable recovering condition
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Distribution and status of farmland birds	A yearly increase in the District index of farmland bird presence
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Distribution and status of water voles	A yearly increase in the presence of water voles
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Permissions granted contrary to tree officer advice	No permissions granted contrary to tree officer advice
ESD 10	Protection and	Permissions granted contrary to	No permissions granted

	Enhancement of Biodiversity and the Natural Environment	biodiversity consultee advice	contrary to biodiversity consultee advice
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Number of Ecological Surveys submitted with applications	Ecological Surveys to accompany all planning applications which may affect a site, habitat or species of known or potential ecological value
ESD 10	Protection and Enhancement of Biodiversity and the Natural Environment	Local Sites in Positive Conservation Management	A net gain in Local Sites in Positive Conservation Management
ESD 11	Conservation Target Areas	Total amount of Natural Environment and Rural Communities (NERC) Act s41 Habitats of Principal Importance within active Conservation Target Areas (CTAs)	A net gain of relevant NERC Act Habitats in active CTAs within the District
ESD 11	Conservation Target Areas	Permissions granted in Conservation Target Areas contrary to biodiversity consultee advice	No permissions granted in Conservation Target Areas contrary to biodiversity consultee advice
ESD 12	Cotswolds AONB	Built development permitted in the AONB	No major development in AONB
ESD 12	Cotswolds AONB	Permissions granted contrary to the advice of the AONB Management Board	No permissions granted contrary to the advice of the AONB Management Board
ESD 13	Local Landscape Protection and Enhancement	Number and location of urban fringe restoration/improvement schemes completed	An annual increase over the plan period
ESD 13	Local Landscape Protection and Enhancement	Permissions granted contrary to Landscape Officer advice	No permissions granted contrary to Landscape Officer advice
ESD 14	Oxford Green Belt	Completed development (per type) in the Green Belt	All development in Green Belt to comply with Policy ESD14
ESD15	The Character of the Built Environment	Permissions granted contrary to the advice of English Heritage/consultee advice on heritage grounds	All development impacting on non designated/designated heritage assets to comply with ESD15
ESD15	The Character of the Built Environment	Permissions granted contrary to design consultee advice on design grounds	No permissions granted contrary to design consultee advice on design

			grounds
ESD15	The Character of the Built Environment	% of permitted and completed developments with Design and Access Statements (that address the criteria of policy ESD15).	All new developments to complete a Design and Access Statement
ESD15	The Character of the Built Environment	Number of new (and reviews of) conservation area appraisals	Review 6 Conservation Areas annually
ESD16	The Oxford Canal	Completed transport/recreation/leisure/tourism uses within 1km of the Oxford Canal	Increase over the plan period
ESD16	The Oxford Canal	Permissions granted contrary to consultee advice on heritage grounds	No permissions granted contrary to consultee advice on heritage grounds
ESD17	Green Infrastructure	Completed green infrastructure schemes	A net gain in green infrastructure provision over the plan period
ESD17	Green Infrastructure	Developer contributions to green infrastructure	To meet development needs and as identified in IDP/Green Infrastructure Strategy

Policies for Cherwell's Places

Bicester

Policy Reference	Policy Title	Local Plan Indicators	Target
Bicester 1	North West Bicester Eco-Town	Housing, infrastructure, employment completions at North West Bicester	As set out in policy Bicester 1 (and agreed masterplan/detailed planning documents)
Bicester 1	North West Bicester Eco-Town	Environmental standards of completed development at NW Bicester	As set out in policy Bicester 1
Bicester 1	North West Bicester Eco-Town	Embodied impacts of construction to be monitored, managed and minimised	As set out in policy Bicester 1
Bicester 1	North West Bicester Eco-Town	Sustainability metrics to be agreed and monitored	As set out in policy Bicester 1
Bicester 2	Graven Hill	Housing, infrastructure, and employment completions at Graven Hill	As set out in policy Bicester 2 (and agreed masterplan/detailed planning documents)
Bicester 3	South West Bicester Phase 2	Housing and infrastructure completions at South West	As set out in policy Bicester 3 (and agreed

		Bicester Phase 2	masterplan/detailed planning documents)
Bicester 4	Bicester Business Park	Completed employment development at Bicester Business Park	As set out in policy Bicester 4 (and agreed masterplan/detailed planning documents)
Bicester 5	Strengthening Bicester Town Centre	Permitted residential development at ground floor level in Bicester Town Centre	No residential floorspace permitted at ground floor level
Bicester 5	Strengthening Bicester Town Centre	Town centre vacancies	No increase in vacancy rates over the plan period
Bicester 5	Strengthening Bicester Town Centre	Diversity of uses	Maintain or improve the balance of uses within the town centre over the plan period
Bicester 5	Strengthening Bicester Town Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Bicester Town Centre	No net loss of town centre use floorspace within Bicester Town Centre
Bicester 6	Bure Place Town Centre Redevelopment Phase 2	Completions (plot level) at Bicester Town Centre Phase 1 & 2	Development to accord with Policy BIC6 and agreed masterplan/detailed planning documents for the site
Bicester 7	Meeting the Need for Open Space, Sport & Recreation	Urban edge park schemes in Bicester	An annual increase in such schemes over the plan period
Bicester 7	Meeting the Need for Open Space, Sport & Recreation	Community woodland provision in Bicester	An annual increase in provision over the plan period
Bicester 7	Meeting the Need for Open Space, Sport & Recreation	Type of permitted/completed development at Stratton Audley Quarry	In accordance with a planning consent
Bicester 8	Former RAF Bicester	Completed development at former RAF Bicester	Development to accord with any agreed masterplan/detailed planning documents
Bicester 9	Burial Site Provision in Bicester	Developer contributions for Burial Site in Bicester	To meet needs and as set out in IDP
Bicester 10	Bicester Gateway	Employment and infrastructure completions at Bicester Gateway site	As set out in Policy Bicester 10 (and agreed masterplan/detailed planning documents)
Bicester 11	Employment Land at North East Bicester	Employment and infrastructure completions at Employment	As set out in Policy Bicester 11 (and agreed

		Land at North East Bicester	masterplan/detailed planning documents)
Bicester 12	South East Bicester	Employment, housing and infrastructure completions at South East Bicester	As set out in Policy Bicester 12 (and agreed masterplan/detailed planning documents)
Bicester 13	Gavray Drive	Housing and infrastructure completions at Gavray Drive	As set out in policy Bicester 13 (and agreed masterplan/detailed planning documents)

Policies for Cherwell's Places

Banbury

Policy Reference	Policy Title	Local Plan Indicators	Target
Banbury 1	Banbury Canalside	Employment, housing and infrastructure completions at Canalside	As set out in Policy Banbury 1 and Canalside SPD (i.e. masterplan/detailed planning documents)
Banbury 1	Banbury Canalside	Progress on completing the Canalside Supplementary Planning Document	As set out in an up to date Local Development Scheme
Banbury 2	Hardwick Farm, Southam Road (East and West)	Housing and infrastructure completions at Southam Road	As set out in Policy Banbury 2 (and agreed masterplan/detailed planning documents)
Banbury 3	West of Bretch Hill	Employment, housing and infrastructure completions at West of Bretch Hill	As set out in Policy Banbury 3 (and agreed masterplan/detailed planning documents)
Banbury 4	Bankside Phase 2	Housing and infrastructure completions at Bankside Phase 2	As set out in Policy Banbury 4 (and agreed masterplan/detailed planning documents)
Banbury 5	Land North of Hanwell Fields	Housing and infrastructure completions at Land North of Hanwell Fields	As set out in Policy Banbury 5 (and agreed masterplan/detailed planning documents)
Banbury 6	Employment Land West of the M40	Employment and infrastructure completions at Land West of the M40	As set out in policy Banbury 6 (and agreed masterplan/detailed planning documents)
Banbury 7	Strengthening Banbury Town Centre	Permitted residential development at ground floor level in Banbury Town Centre	No residential floorspace permitted at ground floor level

Banbury 7	Strengthening Banbury Town Centre	Town centre vacancies	No increase in vacancy rates over the plan period
Banbury 7	Strengthening Banbury Town Centre	Diversity of uses	Maintain or improve the balance of uses over the plan period
Banbury 7	Strengthening Banbury Town Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Banbury Town Centre	No net loss of town centre use floorspace within Banbury Town Centre
Banbury 8	Bolton Road Development Area	Housing, Retail and Leisure Completions on the Bolton Road site	In accordance with Policy Banbury 8 and the Masterplan/detailed planning documents for the site
Banbury 9	Spiceball Development Area	Completions at the Spiceball Development Area	In accordance with Policy Banbury 9 and the Masterplan/detailed planning documents for the site
Banbury 10	Bretch Hill Regeneration Area	Completed development in the Bretch Hill Regeneration Area by type	Increase over the plan period
Banbury 11	Meeting the Need for Open Space, Sport & Recreation	Completed open space/sport/recreation facility provision within Banbury	As set out in Policy BSC10 and BSC11
Banbury 12	Meeting the Need for Open Space, Sport & Recreation	Completions at the relocation site for Banbury United FC	As set out in policy Banbury 12, to be achieved over the plan period
Banbury 13	Burial Site Provision in Banbury	Developer contributions for Burial Site in Banbury	To meet needs and as set out in the IDP
Banbury 14	Cherwell Country Park	Progress on delivering the Cherwell Country Park	As set out in Policy Banbury 11
Banbury 15	Employment Land North East of Junction 11	Employment and infrastructure completions at Employment Land North East of Junction 11	As set out in policy Banbury 15 (and agreed masterplan/detailed planning documents)
Banbury 16	Land South of Salt Way: West	Housing and infrastructure completions at Land at South of Salt Way: West	As set out in policy Banbury 16 (and agreed masterplan/detailed planning documents)
Banbury 17	Land South of Salt Way: East	Housing and infrastructure completions at Land at South of Salt Way: East	As set out in policy Banbury 17 (and agreed masterplan/detailed planning documents)
Banbury	Land at Drayton	Housing and infrastructure	As set out in policy Banbury 18

18	Lodge Farm:	completions at Land at Drayton Lodge Farm	(and agreed masterplan/detailed planning documents)
Banbury 19	Land at Higham Way	Housing and infrastructure completions at Land at Higham Way	As set out in policy Banbury 19 (and agreed masterplan/detailed planning documents)

Policies for Cherwell's Places Kidlington

Policy Reference	Policy Title	Local Plan Indicators	Target
Kidlington 1	Accommodating High Value Employment Needs	Employment completions in Kidlington (at a. Langford Lane/London-Oxford Airport and b. Begbroke Science Park)	An annual increase over the plan period
Kidlington 1	Accommodating High Value Employment Needs	Completed employment development on Green Belt land in Kidlington beyond review areas	To accord with Policy ESD14
Kidlington 2	Strengthening Kidlington Village Centre	Permitted residential development at ground floor level in Kidlington Village Centre	No residential floorspace permitted at ground floor level
Kidlington 2	Strengthening Kidlington Village Centre	Village centre vacancies	No increase in vacancy rates over the plan period
Kidlington 2	Strengthening Kidlington Village Centre	Diversity of uses	Maintain or improve the balance of uses within the town centre over the plan period
Kidlington 2	Strengthening Kidlington Village Centre	Completed town centre uses (including use classes A1-A5, B1a, D2) within and outside of Kidlington Village Centre	No net loss of town centre use floorspace within Kidlington Village Centre

Policies for Cherwell's Places Our Villages and Rural Areas

Policy Reference	Policy Title	Local Plan Indicators	Target
Villages 1	Village Categorisation	Completed development per village category and size of scheme (number of dwellings)	As set out in policy Villages 1
Villages 2	Distributing Growth Across the Rural Areas	Land allocations made in the rural areas	As set out in policy Villages 2 and to be set out in the Local Plan Part 2.

Villages 2	Distributing Growth Across the Rural Areas	Completions on allocated sites in rural areas	100% take up of allocations over the plan period
Villages 2	Distributing Growth Across the Rural Areas	Completions on non-allocated sites in rural areas	As set out in the criteria in policy Villages 1 and 2
Villages 3	Rural Exception Sites	Completions on rural exception sites	To meet needs as per Policy Villages 3
Villages 4	Meeting the Need for Open Space, Sport & Recreation	Developer contributions to open space/sport/recreation facilities in the rural areas	As set out in policy BSC11 and BSC12 and the Infrastructure Delivery Plan
Villages 4	Meeting the Need for Open Space, Sport & Recreation	Open space/sport/recreation facilities created in the rural areas	As set out in policy Villages 4, BSC11, BSC12 and the Infrastructure Delivery Plan
Villages 5	Former RAF Upper Heyford	Housing, employment and infrastructure completions at Former RAF Upper Heyford	As set out in policy Villages 5, and agreed masterplan/detailed planning documents

The Infrastructure Delivery Plan

Policy Reference	Policy Title	Local Plan Indicators	Target
INF 1	Infrastructure	Projects provided to date in the Infrastructure Delivery Plan	Key infrastructure to be delivered in accordance with the Infrastructure Delivery Plan

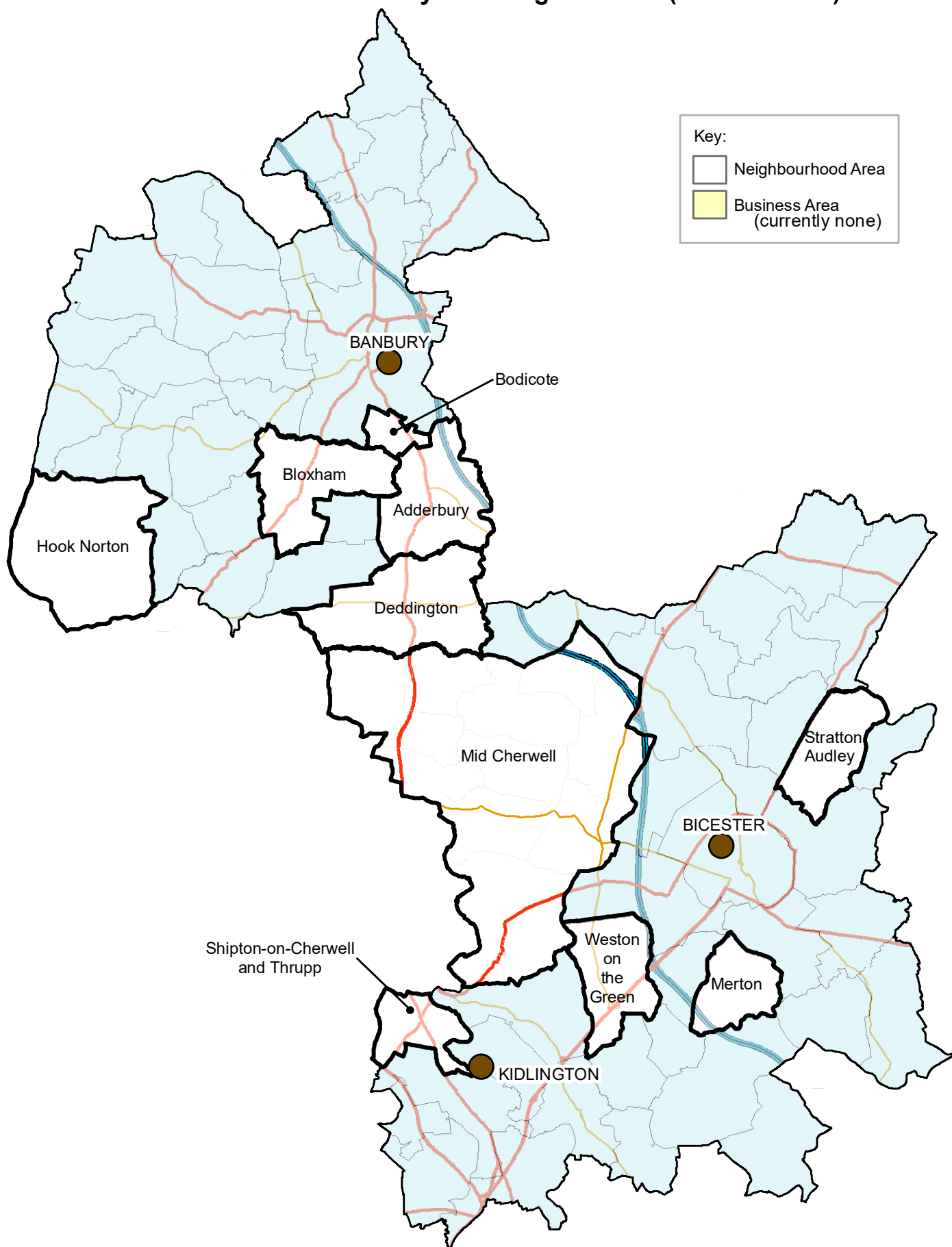
Duty to Cooperate

Reference	Title	Local Plan Indicators	Target
DTC 1	Duty to cooperate – Partial Review of the Cherwell Local Plan Part 1	Meet milestones for Partial Review of the Cherwell Local Plan Part 1 as set out in the Local Development Scheme (Nov 2014)	Adoption of a Partial Review of the Cherwell Local Plan 2011-31 Part 1 addressing wider unmet need within the housing market area within 2 years of Local Plan Part 1 adoption.

Appendices

Appendix 5: Neighbourhood Planning Parishes Map (March 2019)

**Cherwell District Council
Neighbourhood and Business Area Designations
Under Sections 61G (8) and 61H (4)
of the Town and Country Planning Act 1990 (As Amended)**



Key:

- Neighbourhood Area
- Business Area (currently none)



Appendices

Appendix 6: Summary of Infrastructure Updates – December 2019

Bicester Projects

No. Project	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Update
Transport and movement				
(1) Comp	East West Rail Phase 1 – Oxford to Bicester Village Station (formerly known as Evergreen 3) New station at Oxford Parkway (Water Eaton), upgrades to the current stations at Islip and Bicester Village and a new fast Chiltern Railways service between Oxford and London Marylebone	Supporting economic growth and new homes with better access to the national rail network	Necessary	Completed in Autumn 2015
(2) Comp	Introducing bus facilities at Bicester Village Station, including a bus turning head and new bus stops on London Road	Improving access and facilities at train stations	Critical	Completed
(7b) Comp	Ensuring delivery of high-quality public transport from all Strategic Sites to Bicester Town Centre and Rail Stations: South West Bicester Phase 1	Improving access and facilities at town centres and train stations	Critical	Completed
(7c) Comp	Ensuring delivery of high-quality public transport from all Strategic Sites to Bicester Town Centre and Rail Stations: North West Bicester Ecotown Phase 1 (Exemplar site)	Improving access and facilities at town centres and train stations	Critical	Completed
(9) Comp	Cycle parking facilities at Bicester Village station	Improving access and facilities at train stations at Bicester North. Some cycle parking has already been installed	Desirable	Completed
(10) Comp	New bus interchange hub in Manorsfield Road and 500 space multi-storey car park		Necessary	Completed in July 2013
(10a) Comp	Oxford Road corridor: Pingle Drive access	Improvements to strategic highways capacity – Reduce traffic congestion into the Tesco and Bicester Village development and implement a park and ride at South West Bicester	Necessary	Completed in January 2017
(10b) Comp	A41 Oxford Road corridor: Widening of A41 for right and left turn lanes and new signalised crossing	Improvements to strategic highways capacity – Reduce traffic congestion into the Tesco and Bicester Village development and implement a park and ride at South West Bicester	Necessary	Completed
Comp	Central corridor: Improve Queens Avenue junction with the Community College junction to provide a better pedestrian environment	To improve pedestrian environment and provide environmental improvements	Necessary	Completed
(11) Comp	Bringing Bicester area bus stops to Premium Route standard: Town Centre	To reduce traffic congestion, provide environmental improvements and increase attractiveness of the town centre	Necessary	Completed in July 2013
(13) Comp	Park & Ride to serve Bicester town centre, employment and rail stations, Bicester Village and Oxford. South West of Bicester	To reduce traffic congestion, provide environmental improvements and increase attractiveness of the town centre	Necessary	Completed in November 2015
(13a) Comp	Improvements to Middleton Stoney Road roundabout western end: Shakespeare Drive and Howes Lane roundabouts	To improve journey time reliability and traffic flow while improving access for all forms of transport	Necessary	Completed
(14a) Comp	M40 Motorway capacity enhancements: M40, Junction 9	Improvements to strategic highways capacity	Critical	Completed Spring 2015
(14b) Comp	M40 Motorway capacity enhancements: M40, Junction 10	Improvements to strategic highways capacity	Critical	Completed Spring 2015
(16) Comp	Bicester Strategic Highway Improvements: South West Peripheral Route (Vendee Drive)	Improvements to strategic highways capacity To improve journey time reliability and traffic flow while improving access for all forms of transport To facilitate integration of new development with the town	Critical	Completed in April 2012
(16a) Comp	Highway capacity improvements to peripheral routes: Western corridor. Improvements to Howes Lane / Bucknell Road Junction: North West Bicester Ecotown Phase 1	Improvements to strategic highways capacity To improve journey time reliability and traffic flow while improving access for all forms of transport To facilitate integration of new development with the town	Critical	Completed
(17a) Comp	A41 Oxford Road corridor: A41 Oxford Road / Boundary Way roundabout	Improvements to strategic highways capacity – Reduce traffic congestion into the Tesco and Bicester Village development and implement a park and ride at South West Bicester	Necessary	Completed in January 2017
(17h) Comp	Bicester pedestrian and cycle links – Footpath and appropriate signage from Priory Lane to Bicester Village Station	Physical improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Completed
Comp	Bicester pedestrian and cycle links – Pedestrian crossing over South West Perimeter Road (Vendee Drive), Oxford Road and Middleton Stoney Roads	Physical improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Completed
Comp	Bicester pedestrian and cycle links – Jubilee Ride 9.5-mile circular equestrian / mountain bike route to the north of Bicester	Improving public rights of way	Desirable	Completed

No. Project	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Update
(19a) Comp	Town centre access improvements Phase 1: Sheep Street and Manorsfield Road junction improvements (junctions remodelled)	To improve journey time reliability and traffic flow while improving access for all forms of transport – including buses, cyclists and pedestrians to improve access to Bicester town centre and sustainable travel	Necessary	Completed in July 2013
(20) Comp	Bicester Wayfinding Project	Improve facilities for pedestrians with better legibility and wayfinding to key facilities	Desirable	Completed
(21a) Comp	Improvements to Middleton Stoney Road Roundabout western-end: Shakespeare Drive and Howes Lane roundabouts	To improve journey time reliability and traffic flow while improving access for all forms of transport	Necessary	Completed
(23) Comp	Improvements to St. John's Street and the 5-arm junction at the northern end of Field Street . to allow for 2-way traffic, linking with the Bus Interchange and Bure Place	To reduce traffic congestion and provide environmental improvements	Necessary	Completed in July 2013
(24b) Comp	Vehicle charging points installed at Bicester North Rail Station and Bure Place	To reduce pollution from road traffic.	Desirable	Completed
(26a) Comp	Bicester pedestrian and cycle links: Northwest Bicester (Phase 1- Exemplar site) to town centre - implementation of new cycle route on the B4100 from site to Lord's Lane junction and across Lord's Lane	Physical improvements to cycling and walking routes to key destinations. Deliver improved cycle/footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel.	Necessary	Completed
(26e) Comp	Bicester Pedestrian and cycle links Bridge Over Railway - Tubbs Crossing	Bridge to facilitate access over railway replacing level crossing	Necessary	Completed
(4b) Del	London Road level crossing solution – pedestrian/cycle link	To avoid severance of town centre from the development areas to the south east of the town	Necessary	Project DELETED from IDP given its removal from OCC capital programme. A scheme remains for road access: 3b London Road level crossing - vehicular solution
1	East West Rail Phase 2 - Oxford to Milton Keynes, Bletchley to Bedford	Supporting economic growth and new homes with better access to the national rail network.	Necessary	Public Inquiry into the western section to take place in February 2019. Advance works are already started (removal of track) under existing Network Rail powers.
(7) Comp	Cycle parking facilities at Bicester North station	Improving access and facilities at train stations at Bicester North. Some cycle parking has already been installed	Desirable	Completed
(14a) Comp	Electric vehicle initiatives. Charging points at Bicester North and Bicester Village Stations, Elmsbrook, Sainsbury's at Pioneer Square, Bicester Little Chef and Grovesbury Cars	To reduce pollution from road traffic.	Desirable	Completed
(15a) Comp	Car Club at Elmsbrook (NW Bicester Phase 1)	To reduce pollution from road traffic.	Desirable	Completed
Pipeline	A34 Oxford to Cambridge Expressway	Improvements to strategic highways capacity	TBC	Part of the Government's Road Investment Strategy, commissioned by the Department for Transport Preferred corridor B 'east-West Rail route' announced in September 2018 Announcement of preferred route in 2020 Commencement of work in 2025 Expressway opening in 2030
Pipeline	Investigating and delivering better cycle routes to Bicester Village station.	Improving access and facilities at train stations at Bicester North. Some cycle parking has already been installed	Desirable	Projects to be aligned with the Bicester Sustainable Transport Strategy published in October 2015 with project plan currently under development
Pipeline	Investigating and delivering better cycle routes to Bicester North station.	Improving access and facilities at train stations at Bicester North. Some cycle parking has already been installed	Desirable	Projects to be aligned with the Bicester Sustainable Transport Strategy published in October 2015 with project plan currently under development
Pipeline	Strategic Road Network: A new motorway junction at Arncott, Bicester (new motorway junction and link road)	Improvements to strategic highways capacity	TBC	Garden town project investigating a motorway option to take strategic highway traffic away from the town and reduce congestion on key links. Currently at project development stage
Pipeline	Highway capacity improvements to peripheral routes: eastern corridor. Skimmingdish Lane dualling and signalisation of junctions.	Improvements to strategic highways capacity	Critical	Progression of IDP scheme 9a
Pipeline	Highway capacity improvements to peripheral routes: eastern corridor. Provision of a new south east link road (western end)	Improvements to strategic highways capacity	Critical	South East link road option now identified by OCC. Both projects are now part of IDP scheme 9c Highway capacity improvements to peripheral routes: southern corridor Provision of new highway link in the form of a south east perimeter road

No. Project	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Update
Pipeline	Highway capacity improvements to peripheral routes: eastern corridor. Provision of a new south east link road -section from A41 Pioneer Road junction to Gavray Drive junction on Wretchwick Way	Improvements to strategic highways capacity	Critical	South East link road option now identified by OCC. Both projects are now part of IDP scheme 9c Highway capacity improvements to peripheral routes: southern corridor Provision of new highway link in the form of a south east perimeter road
Pipeline	The Causeway	Physical improvements to cycling and walking routes to key destinations. Deliver improved cycle / footpath links around the town and into the neighbourhoods to encourage visits to the town centre and sustainable travel	Necessary	Projects to be aligned with the Bicester Sustainable Transport Strategy published in October 2015 with project plan currently under development.
Pipeline	Increasing long term highway capacity. New M40/Southam Road slip roads	Improvements to strategic highways capacity	TBC	Whilst a new link road east of M40 J11 (Overthorpe Road to A422) was an option to increase long term highway capacity reported in the 2018 IDP, OCC are currently exploring a solution incorporating new slip roads onto the M40 at Southam Road. Optioneering for this proposal will take place during 2019/20; consultation will be undertaken at the project level and through LTCP5.
Education				
(22) Comp	Primary school (1 x 2FE) - North West Bicester phase 1 – Exemplar site (Elmsbrook) Gagle Brook Primary School	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	School opened in 2018 as a 1 FE. Timing of expansion to 2FE will depend on housing delivery.
(31) Comp	Expansion and relocation of St Edburg's Primary - Southwest Bicester phase 1 (Kingsmere) 2FE with inclusive Foundation Stages	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	Completed
(33a) Comp	New secondary school provision to accommodate growth to 2031: Expansion of The Cooper School	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	Completed
(33d) Comp	Bicester Technology Studio	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	Completed
Utilities				
(34) Comp	Waste water treatment - foul drainage Upgrading sewage treatment works near Horton and Horley	Ensure utilities infrastructure grows at the same rate as communities	Critical	Completed
(42) Comp	Biomass Boiler - Bicester Leisure Centre	Ensure utilities infrastructure grows at the same rate as communities	Desirable	Completed
(43) Comp	Bicester Green Reuse Centre McKay Trading Estates	Ensure utilities infrastructure grows at the same rate as communities	Necessary	Completed
33 a, b, c	Reinforcement of existing electricity network: East Claydon to Bicester	Ensure utilities infrastructure grows at the same rate as communities	Critical	The entire 18.6km route from East Claydon to the new grid substation at Bicester North is now ducted, with over 80% of this being cabled and jointed successfully. The next phase is to build the resilience of the local electricity infrastructure, this has commenced.
34a Comp	Bicester Green Reuse Centre temporary relocation to Claydon's Yard	Ensure utilities infrastructure grows at the same rate as communities	Necessary	Temporary relocation
35a	CHP and use of heat from Ardley Energy Recovery Facility: North West Bicester 12.5 MW supply capacity from Ardley 5.3 km transmission length	Ensure utilities infrastructure grows at the same rate as communities	Desirable	Feasibility completed, project no being pursued at this stage.
Flood risk				
(45) Comp	Realignment of the River Bure	Reduce probability of flooding	Critical	Completed
Emergency and rescue services				

No. Project	BICESTER Projects	Main aim	Priority Critical Necessary Desirable	Update
39b NEW	Provision of touchdown police facilities as part of community facilities	Ensure emergency and rescue infrastructure grows at the same rate as communities	Necessary	New scheme to be explored as part of provision of community facilities
Health				
(48) Comp	Conversion of existing non-GP space at Bicester Health Centre to create the additional capacity needed in East Bicester and Upper Heyford	Ensure health infrastructure grows at the same rate as communities	Critical	Completed
(50a) Comp	Bicester Community Hospital	Ensure health infrastructure grows at the same rate as communities	Critical	Completed in December 2014
Community Infrastructure				
(55) Comp	Civic Building within the Town Centre Redevelopment: Relocated and expanded library	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Completed
(56) Comp	Adult Learning Service within the Town Centre Redevelopment – Bicester Adult Learning Centre	Ensure social infrastructure grows at the same rate as communities	Necessary	Completed
43	Sports Facilities Strategy, October 2018 The strategy identifies future needs for sport and recreation up to 2031.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Sports Facilities Strategy completed. Projects to address needs to be identified in 2019
(43d) Comp	Community facility/centre - South West Bicester Phase 1 (Kingsmere) South West Bicester Phase 2 – expected to be served by provision at SW Phase 1 with an increase in size to accommodate increased use.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Completed in September 2018
(44) Del.	Increased floor area of community facilities built to support increased demand for Adult Learning 40m2 increased floor space at 2 centres	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Project DELETED – No longer pursued by County Council, it does not directly affect implementation of local plan policies
(45) Del.	Older People's Resource Centre integrated within a new Extra Care Housing development	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Project DELETED – No longer pursued by County Council, it does not directly affect implementation of local plan policies
(46) Del.	Early Years Facilities. Increased floor area of community facilities Increase of 30m2 at four centres	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Project DELETED – No longer pursued by County Council, it does not directly affect implementation of local plan policies
(48) Del.	Early Intervention Hub - Expansion of facilities in the town centre Increase of 15m2 at four centres	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Project DELETED – No longer pursued by County Council, it does not directly affect implementation of local plan policies
(49) Del.	Expansion of Registration Service	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Project DELETED – No longer pursued by County Council, it does not directly affect implementation of local plan policies
(50) Del.	Expansion of Health and Wellbeing Centre, Launton Road	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Project DELETED – No longer pursued by County Council, it does not directly affect implementation of local plan policies
(43d) Comp	Community facility/centre - South West Bicester Phase 1 (Kingsmere) South West Bicester Phase 2 – expected to be served by provision at SW Phase 1 with an increase in size to accommodate increased use.	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Completed in September 2018
(46) NEW	The provision of public art to enhance the quality of the place, legibility and identity. Installation of public art including participatory workshop in SW Bicester	Improve health, social and cultural wellbeing	Desirable	Participatory workshop in progress. Artwork installed including: mosaic panels, wooden benches, metal pergola and marker post
(47) Comp	The provision of public art to enhance the quality of the place, legibility and identity. Installation of 'The Magical Forest' public art featuring silver birch lit trees forming an entrance feature to Bicester Village (on the former Tesco site)	Improve health, social and cultural wellbeing	Desirable	Completed
Open space, recreation and biodiversity				
53	Playing Pitches and Sports Facilities strategies. Identify future needs for sport and recreation up to 2031 taking into account the housing requirements in the adopted Cherwell Local Plan 2011-2031 (Part 1)	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Playing Pitches and Sports Facilities strategies completed in 2018. Projects addressing need to be identified in 2019.
(53c) Comp	Whitelands Sports Village Phase 1 and 2 P1- construction of grass pitches (full size rugby compliant) P2- pavilion and car park P3a – 3G synthetic pitch	Ensure play and sports infrastructure grows at the same rate as communities and develop competition level facilities	Necessary	Completed
Pipeline	Ecological enhancement and restoration opportunities in the Rivers Cherwell and Ray Catchment Areas (Rivers Cherwell and Ray Catchment Plan)	To identify ecological enhancement and restoration opportunities in the catchments and prioritise them	Desirable	Rivers Cherwell and Ray Catchment Plan due to be agreed by the Cherwell and Ray Catchment Partnership. Funding will be sought by the partnership to carry out the work

Banbury Projects

No. Project	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Update
Transport and movement				
(3) Comp.	Multi-storey car parks to serve Banbury railway station (700 space)	Deliver new railway station car park without increasing traffic congestion	Desirable	Completed
(3) Comp	Calthorpe Street Multi-storey car park	Rationalisation of existing car parking sites to be replaced with new multi-storey parking integrated into the planned commercial and employment areas	Necessary	Completed
(10a) Comp.	Delivering bus stop improvements to a Premium Route standard: Routes S4	New or improved bus services Improve the transport and movement networks into and through the town	Necessary	Completed
(10b) Comp.	Delivering bus stop improvements to a Premium Route standard: Routes B1, B2, B5 and B8	New or improved bus services Improve the transport and movement networks into and through the town	Necessary	Completed
(16b) Comp.	Vehicle charging point installed at Banbury Railway Station	To reduce pollution from road traffic.	Desirable	Completed
(24) Comp.	Grimsbury environmental improvements - East Street and Centre Street	Improvements to public realm	Necessary	Completed in February 2013.
(9a) Comp.	Bus service from Bankside developments (Longford Park)	New or improved bus services	Critical	Completed, service commenced in November 2017.
(7) Comp	Developing interurban services through enhancements or new services: Improving the Oxford to Banbury bus service (especially on the Banbury to Deddington section) and quality of bus, along with equipping vehicles with real-time information equipment Improve the frequency of the Deddington to Banbury bus service.	New or improved bus services	Necessary	Improvements made to Banbury to Oxford S4 service. Deddington Service has been withdrawn for commercial unviability reasons.
(8) Comp	Improve the frequency of the Bloxham to Banbury bus service	New or improved bus services	Desirable	Frequency has been stabilised at one bus per hour
(9b) Comp	Bus link between Bridge Street and Tramway Road to better serve the railway station, Canalside redevelopment and Longford Park (Bankside);	New or improved bus services Improve the transport and movement networks into and through the town	Necessary	New service to Warwick Road (B9 service) also serving the western end of Dukes Meadow Drive. New B4 route serves the eastern end of Dukes Meadow Drive. Community Transport Service now covering the Daimler A venue section of the B8 service.
(9c) Comp	Bus service from Hardwick Farm/Southam Road to town centre	New or improved bus services Improve the transport and movement networks into and through the town	Necessary	Completed
(9d) Comp	Bus service linking development sites to the town centre via Highlands and Longelandes Way	New or improved bus services Improve the transport and movement networks into and through the town	Necessary	Completed
12	Improving the routing, quality and level of bus services and facilities to employment areas and new residential areas.	New or improved bus services Improve the transport and movement networks into and through the town	Desirable	A trial service started in November 2017 to extend the B5 service from Bretch Hill across to Ermont Way during peak periods. It has not been a popular service and is being withdrawn in January 2019.
(19b) Comp	Provide footways and cycleways from all Strategic Sites: Improve track from Hanwell Fields to A361 Southam Road with surface and safety improvements for walking and cycling.	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists	Desirable	Completed
(22) Comp	Potential crossing upgrades. Cycle and pedestrian way on Dukes Meadow Drive and Southam Road	Improving cycling and walking routes Provide sustainable movement routes for pedestrians and cyclists	Desirable	Completed
Pipeline	Increasing long term highway capacity: Link Road East of M40 J11 (Overthorpe Road to A422)	Improving capacity of the highways network and anticipated traffic growth at M40 Junction 11	TBC	New schemes from LTP4
Pipeline	Increasing long term highway capacity: Potential link road crossing from Tramway to Higham Way or a South East Link Road	Improving capacity of the highways network and anticipated traffic growth at M40 Junction 11	TBC	New schemes from LTP4
Education				
(32) Comp.	2FE primary school - Bankside Phase 1 & 2 (Longford Park Primary School)	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Longford Park Primary School opened in September 2017 as a 1.5 FE school. Expansion to 2FE not yet scheduled. It will depend on housing delivery.

No. Project	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Update
		Provide opportunities for local people to improve the quality of their life: Skills, training and education		
33	Expansion of one or more existing schools to the equivalent of at least 1FE primary school (to serve Warwick Rd & Bretch Hill and Drayton Lodge Farm)	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	Recent expansions of Hill View and Hanwell Fields provide sufficient capacity for now; further expansion may still be required in the longer term
(36) Comp.	School expansions at Hanwell Fields Primary School and Hill View Primary School	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	Completed
(35) Comp.	School expansion to 2 FE at Queensway Primary School	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education	Critical	Completed
Utilities				
(34) Comp.	Waste water treatment - foul drainage Upgrading sewage treatment works near Horton and Horley	Ensure utilities infrastructure grows at the same rate as communities	Critical	Completed
Pipeline	Potential water conservation measures resulting from emerging Water Cycle Study supporting new Local Plans	Ensure utilities infrastructure grows at the same rate as communities and respond to Climate change and Water Stress	Necessary	New schemes to be explored
Flood risk				
(42) Comp.	Banbury Flood Alleviation scheme	Reduce probability of flooding	Critical	Completed in 2012
Emergency and rescue services				
No updates				
Health				
No updates				
Community Infrastructure				
(59) Comp	Improvements to Woodgreen Leisure Centre	Ensure social infrastructure grows at the same rate as communities	Necessary	Completed
(58) Comp.	Improvements to the Sunshine Centre Phase 1 – Internal works	Ensure social infrastructure grows at the same rate as communities	Necessary	Completed
56	Sports Facilities Strategy, October 2018 The strategy identifies future needs for sport and recreation in Cherwell to 2031.	Ensure social infrastructure grows at the same rate as communities	Necessary	Strategy completed. Projects addressing need to be identified in 2019.
56	Sports Facilities Strategy, October 2018 The strategy identifies future needs for sport and recreation in Cherwell to 2031.	Ensure social infrastructure grows at the same rate as communities	Necessary	Strategy completed. Projects addressing need to be identified in 2019.
(65) Comp.	Expansion of the Health & Wellbeing Centre - Stanbridge House Re-provision of Banbury Resource Centre as part of new extra care	Ensure social infrastructure grows at the same rate as communities	Necessary	Completed
(62) NEW	Provision of public art to enhance the quality of the place, legibility and identity. Installation of public artwork at Central M40, Banbury	Improve health, social and cultural wellbeing	Desirable	Artist appointed to create 'The Figure of Industry' sculpture
(63) NEW	Provision of public art to enhance the quality of the place, legibility and identity. Installation of public artwork at Oxford and Cherwell College, Broughton Road, Banbury	Improve health, social and cultural wellbeing	Desirable	Artist commissioned by the college for the project
(64) NEW	Provision of public art to enhance the quality of the place, legibility and identity. Installation of public artwork at Crown House, Bridge Street, Banbury	Improve health, social and cultural wellbeing	Desirable	Artist commissioned to create artwork for the walkway
(65) NEW	Provision of public art to enhance the quality of the place, legibility and identity. Installation of public artwork at Broughton Road, Banbury	Improve health, social and cultural wellbeing	Desirable	Artist commissioned to create either a feature or seating
60	Exploring provision of community hub facilities that enable multi agency facilities to be co-located including provision of library accommodation of an appropriate size.	Project changed from increasing size of existing library to facilitating community hub facilities with library accommodation		
(61) Del.	Adult Learning Service – Spiceball Development Area	Project DELETED - No longer pursued by County Council, it does not directly affect implementation of local plan policies.		
(62) Del.	Early Intervention Centre – Increase of 15m2 at two centres	Project DELETED - No longer pursued by County Council, it does not directly affect implementation of local plan policies.		

No. Project	BANBURY Projects	Main aim	Priority Critical Necessary Desirable	Update
(63) Del.	Registration Service – Bodicote House	Project DELETED - No longer pursued by County Council, it does not directly affect implementation of local plan policies.		
(65) Del.	Increased floor area of community facilities built to support increased demand for Adult Learning 40 m2 increased floor space at one centre	Project DELETED - No longer pursued by County Council, it does not directly affect implementation of local plan policies.		
(66) Del.	Early Years Facility Increased floor area of community facilities 30 m2 increased floor space at 4 centres	Project DELETED - No longer pursued by County Council, it does not directly affect implementation of local plan policies.		
Open space, recreation and biodiversity				
73	Playing Pitches and Sports Facilities Strategies Identify future needs for sport and recreation up to 2031 taking into account the housing requirements in the adopted Cherwell Local Plan 2011-2031 (Part 1) (2015).	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Playing Pitches Strategy and Sports Facilities Strategy completed. Projects to address forecasted need to be identified in 2019.
Pipeline	Ecological enhancement and restoration opportunities in the Rivers Cherwell and Ray Catchment Areas (Rivers Cherwell and Ray Catchment Plan)	To identify ecological enhancement and restoration opportunities in the catchments and prioritise them	Desirable	Rivers Cherwell and Ray Catchment Plan due to be agreed by the Cherwell and Ray Catchment Partnership. Funding will be sought by the partnership to carry out the work

Kidlington and Rural Areas Projects

No. Project	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Update
Transport and movement				
(3a) Comp.	Oxford Parkway - New station at Water Eaton as part of the East West Rail Phase 1 (Evergreen 3 project) The station is served every 30 minutes by trains running in both directions between Oxford and London Marylebone. The	Supporting economic growth and new homes with better access to the national rail network.	Desirable	Completed
(3b) Comp.	Improved Park & Ride and highway to support the new stations	Supporting economic growth and new homes with better access to the national rail network.	Desirable	Completed
(4a) Comp.	Integration of bus and rail transport: Extending the existing Oxford Plus bus zone to include Water Eaton station	Ensuring delivery of high-quality public transport. Integration of rail and bus transport	Desirable	Completed
(4b) Comp.	Integration of bus and rail transport: Bus link to the rail network (probably via Water Eaton station)	Ensuring delivery of high-quality public transport. Integration of rail and bus transport	Necessary	Completed
(4c) Comp.	Direct bus services from Kidlington and/or Water Eaton to serve Oxford's Eastern Arc	Ensuring delivery of high-quality public transport. Integration of rail and bus transport	Necessary	Completed. 700 Service runs from Kidlington to Oxford Parkway, JR and Churchill Hospital
Pipeline	Oxford Corridor Phase 2 Project Nationally significant improvements to the 'corridor' Didcot to Banbury / Leamington, linking to other main 'arteries' at Birmingham/Coventry / Nuneaton The project is also an 'enabler' via works in the Oxford station area for East West Rail 2 trains from Oxford to Bicester/Bletchley/Milton Keynes/Bedford.	Delivering increased train paths which will allow more trains to run and with less conflict/delay between trains. Ensure that the level crossing risk overall on the 'corridor' is less going forward. The increased number of trains cannot be achieved without closure of Yarnton Lane and Sandy Lane Automatic Half Barrier (AHB) crossings AHB crossings	TBC	TBC
Education				
(17a) Comp.	Heyford Park Free School - Providing 500 secondary and sixth form school places	Expand the schools and colleges provision to match the needs of residents and businesses.	Critical	Completed

No. Project	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Update
		Provide opportunities for local people to improve the quality of their life: Skills, training and education.		
19 (25)	Permanent expansion to 1 FE: Launton CE Primary School, Launton	Project not currently being progressed – capacity currently exists at schools in Bicester		
(21) Comp.	Expansion of Christopher Rawlins CE (VA) Primary School, Adderbury	Expand the schools and colleges provision to match the needs of residents and businesses. Provide opportunities for local people to improve the quality of their life: Skills, training and education.	Critical	Completed
24a NEW	Special Needs Education – expansion of existing provision	Expand the schools and colleges provision to match the needs of residents and businesses	Critical	In addition to the new school at Bloxham and existing schools, additional space may be needed
Utilities				
28 NEW	Water supply links and network upgrades within Anglian Water area of responsibility (Ardley, Cottisford, Finmere, Fringford, Fritwell, Godington, Hardwick with Tusmore, Hethe, Mixbury, Newton Purcell with Shelswell, Somerton, Stoke Lyne and Stratton Audley)	Ensure utilities infrastructure grows at the same rate as communities	Critical	A site (including windfall sites) within AW area of responsibility will require a connection to the existing foul sewerage network which may include upgrades. Additional development may have an impact on existing water recycling centres (formerly wastewater treatment works) dependent upon the location of proposed sites. The adopted Local Plan Part 1 does not identify specific housing allocations within AW area of responsibility. No Updates for 2018 IDP
29a NEW	Sewerage links and treatment works upgrade within Anglian Water area of responsibility (Ardley, Cottisford, Finmere, Fringford, Fritwell, Godington, Hardwick with Tusmore, Hethe, Mixbury, Newton Purcell with Shelswell, Somerton, Stoke Lyne and Stratton Audley)	Ensure utilities infrastructure grows at the same rate as communities	Critical	A site (including windfall sites) within AW area of responsibility will require a connection to the existing foul sewerage network which may include upgrades. Additional development may have an impact on existing water recycling centres (formerly wastewater treatment works) dependent upon the location of proposed sites. The adopted Local Plan Part 1 does not identify specific housing allocations within AW area of responsibility. No Updates for 2018 IDP
Flood risk				
EA considering projects for future capital works at the time of this update				
Emergency and rescue services				
No updates				
Health				
No updates				
Community Infrastructure				
Comp.	Chester ton Community Hall	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Completed in 2016
37	Sports Facilities Strategy 2018 Identifies future needs for sport and recreation up to 2031 taking into account the housing requirements in the adopted Cherwell Local Plan 2011-2031 (Part 1)	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Sports Facilities Strategy completed. Projects to addressing need to be identified in 2019.
Comp.	Chesterton Community Hall – Provision of a new community hall	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Completed in 2016
Comp	Retained sports hall at Former RAF – Upper Heyford for educational and community use	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Completed
38	Creation of a new community hub at Former RAF Upper Heyford that has the capability to accommodate multiple community related services including access to library, children and adult facilities	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Desirable	Seeking the provision of a community space capable of accommodating community uses including library access rather than a stand-alone library provision. It does not directly affect implementation of local plan policies.
(37c) Comp	Improvements to Ellen Hinde Hall, Bloxham	Ensure social infrastructure grows at the same rate as communities and there are opportunities for culture and leisure	Necessary	Completed

No. Project	Kidlington and Rural Areas Projects	Main aim	Priority Critical Necessary Desirable	Update
(39) Comp	The provision of public art to enhance the quality of the place, legibility and identity. Installation of metal sculpture on the Sainsbury's roundabout in Kidlington	Improve health, social and cultural wellbeing	Desirable	Completed
Open space, recreation and biodiversity				
Comp.	Refurbishment and increase of community use including daytime use and functions at Stratfield Brake	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Completed in September 2017
46	Playing Pitch Strategy 2018 Identifies future needs for sport and recreation up to 2031 taking into account the housing requirements in the adopted Cherwell Local Plan 2011-2031 (Part 1)	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Playing Pitches Strategy completed. Projects addressing need to be identified in 2019.
47	Playing Pitch Strategy 2018 Identifies future needs for sport and recreation up to 2031 taking into account the housing requirements in the adopted Cherwell Local Plan 2011-2031 (Part 1)	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Playing Pitches Strategy completed. Projects addressing need to be identified in 2019.
48	Playing Pitch Strategy 2018 Identifies future needs for sport and recreation up to 2031 taking into account the housing requirements in the adopted Cherwell Local Plan 2011-2031 (Part 1)	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Playing Pitches Strategy completed. Projects addressing need to be identified in 2019.
49	Playing Pitch Strategy 2018 Identifies future needs for sport and recreation up to 2031 taking into account the housing requirements in the adopted Cherwell Local Plan 2011-2031 (Part 1)	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Playing Pitches Strategy completed. Projects addressing need to be identified in 2019.
(48b) Comp.	Expansion of the Windmill Centre's multi use games area (MUGA), Deddington	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Completed, September 2018
(47) Comp	Provision of multi-use games area (MUGA) at Warrinor School, Bloxham for educational and community use	Ensure play and sports infrastructure grows at the same rate as communities and current deficiencies in provision are addressed	Necessary	Completed
54a	Restoration, maintenance and new habitat creation at Upper and Lower Cherwell Conservation Target Areas: RSPB Upper Thames Wader Project Annual project	Enhance natural environment by maximising opportunities for improving biodiversity; including maintenance, restoration and creation of BAP habitats.	Desirable	Working with 7 farms in the two CTAs, totalling 630ha of wet grassland and/or hay meadow in the floodplain since April 2016. CDC funds the RSPB Upper Thames Wader Project on an annual basis. On-going project with yearly completions of work. The project provided support and advice on the creation, restoration and maintenance of wet grassland habitats.
Pipeline	Ecological enhancement and restoration opportunities in the Rivers Cherwell and Ray Catchment Areas (Rivers Cherwell and Ray Catchment Plan)	To identify ecological enhancement and restoration opportunities in the catchments and prioritise them	Desirable	Rivers Cherwell and Ray Catchment Plan due to be agreed by the Cherwell and Ray Catchment Partnership. Funding will be sought by the partnership to carry out the work

Appendix 30

Table showing populations in Cat A villages

Cat A Village	Population¹	Ranking (1 = highest)
Adderbury	2819	3
Ambrosden	2248	5
Arncott	1738	9
Begbroke	783	16
Bletchington	910	14
Bloxham	3374	2
Bodicote	2126	7
Chesterton	850	15
Cropredy	717	18
Deddington	2146	6
Finmere	466	23
Fringford	602	20
Fritwell	736	17
Hook Norton	2117	8
Kidlington	13723	1
Kirtlington	988	11
Launton	1204	10
Millcombe	613	19
Sibford Ferris/Sibford Gower	984	12
Steeple aston	947	13
Weston on the Green	523	22
Wrexton	546	21
Yarnton	2545	4

¹ These figures do not take account of potential populations arising from approved developments pre and post-31/03/14

Appendix 31

Table showing services - facilities in Cat A villages

Cat A Village	No. of services	Ranking (1 = most)
Adderbury	8 + 1	4
Ambrosden	8 + 0.5	8
Arncott	5	17
Begbroke	6	15
Bletchington	5	17
Bloxham	8 + 3	1
Bodicote	8	9
Chesterton	5	17
Cropredy	8 + 1	4
Deddington	8 + 3	1
Finmere	5	17
Fringford	6	15
Fritwell	7	11
Hook Norton	8 + 3	1
Kidlington	-	-
Kirtlington	7	11
Launton	8 + 1	4
Millcombe	4	21
Sibford Ferris/Sibford Gower	7 + 1	10
Steeple aston	7	11
Weston on the Green	7	11
Wrexton	4	21
Yarnton	8 + 1	4

Appendix 32

Table showing distances to main settlements

Cat A Village	Distance to main settlement (Banbury/Bicester) (km)	Ranking (1 = closest)
Adderbury	6.1	7
Ambrosden	4.7	3
Arccott	6.8	8
Begbroke	19.3	23
Bletchington	13.1	16
Bloxham	5.7	6
Bodicote	4.1	1
Chesterton	4.7	3
Cropredy	6.9	9
Deddington	9.9	13
Finmere	13.1	16
Fringford	7.4	10
Fritwell	10.6	14
Hook Norton	14.1	19
Kidlington	14.2	20
Kirtlington	14.3	21
Launton	4.4	2
Millcombe	8.1	11
Sibford Ferris/Sibford Gower	12.2	15
Steeple aston	13.5	18
Weston on the Green	8.2	12
Wrexton	4.8	5
Yarnton	18.1	22

Distances measured using google maps (driving routes from settlement to settlement)

Appendix 33

WOTG Examiners Report

Weston-on-the-Green Neighbourhood Plan 2018- 2031

Submission Version

A Report to Cherwell District Council on the Partial Examination of the
Weston-on-the-Green Neighbourhood Plan

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8th June 2020

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Executive Summary

My examination has concluded that the Weston-on-the-Green Neighbourhood Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- That the changes proposed by CDC to Policy E1 be accepted.
- That the proposed change to Policy C1 not be accepted and that Policy C1 should be deleted from the plan although reference to the community's aspirations for The Schoolfield site, under the consequential changes can be retained in the document.

Introduction

1. Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the adopted Cherwell Local Plan 2011-2031. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.
2. The neighbourhood plan making process has been led by Weston-on-the-Green Parish Council. A Steering Group was appointed to undertake the plan preparation made up of both parish councillors and local volunteers. Weston-on-the-Green Parish Council is a “qualifying body” under the Neighbourhood Planning legislation.
3. This report is the outcome of the second examination of the Submission Version of the Weston-on-the-Green Neighbourhood Plan. The plan was originally submitted to Cherwell District Council in 2018 and was the subject of independent examination carried out by Timothy Jones QC, an experienced planning barrister and examiner, who issued his report on 11th September 2019.
4. This examination is what is known as a partial examination which is only looking at the District Council’s responses to a specific number of the recommended modifications, namely Modification 15 which relates to Policy E1, Modification 21 which relates to Policy C1 and consequential modifications to the plan set out as Modifications 24, 26 and 27. It is being conducted under the provisions of Paragraph 13(2) of Schedule 4B of the Town and Country Planning Act 1990.
5. The District Council has already agreed in its Decision Statement dated 4th November 2019 to accept all the other modifications recommended by the original examiner. At that time, it resolved not to put the plan to referendum presumably until these remaining matters had been resolved. However, in the light of the COVID 19 crisis, subsequent legislation dictates that a referendum cannot be held until at least May 2021.
6. Following the issuing of Secretary of State amended guidance, upon the issuing of the Decision Statement under Regulation 19 by Cherwell District Council, on how it intends to respond to the first set of modifications, those policies including those modified, will be accorded *significant weight* in development management decisions, until such time as a referendum can be held. The two policies the subject to this partial examination cannot be given such weight as they are dependent on the outcome of this examination and the decisions that Cherwell DC take on my recommendations.

The Examiner's Role

7. I was appointed by Cherwell District Council in March 2020, with the agreement of Weston-on-the-Green Parish Council to conduct this partial examination.
8. In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 41 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant and director of John Slater Planning Ltd. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both Cherwell District Council and Weston-on-the-Green Parish Council. I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.
9. Under the terms of the neighbourhood planning legislation, I am required to make one of three possible recommendations:
 - That the plan should proceed to referendum on the basis that it meets all the legal requirements.
 - That the plan should proceed to referendum, if modified.
 - That the plan should not proceed to referendum on the basis that it does not meet all the legal requirements
10. In examining the Plan on the limited basis of my remit, I will only be addressing the following legal questions as they relate to the proposed policies.
 - Do the specific policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
 - Do the specific policies relate to matters which are referred to as "excluded development"?
11. All the other legal matters, that are set out in the legislation, have already been dealt with by the original examiner, including the plan period and confirmation that there are no other neighbourhood plans affecting this plan area.
12. I am able to confirm that the Plan does relate only to the development and use of land, covering the area designated by Cherwell District Council, for the Weston-on-the-Green Neighbourhood Plan, on 2nd November 2015, *if it is modified in accordance with my recommendations*.
13. I can confirm that the policies do not cover "excluded development".

The Examination Process

14. The presumption is that the neighbourhood plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if he considers a person has a fair chance to put a case.

15. I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.
16. I visited the parish of Weston-on-the-Green on Friday 20th March 2020. I initially toured the village and saw the general disposition of development, both inside and outside of the Green Belt. Driving through the village, I saw the housing allocation site at the northern fringes of the village before seeing the airfield to the north of the parish. On returning to the village, I also noted the protected green spaces. However, the next stage of my visit concentrated on The Schoolfield site. I parked in the village hall car park and then using the rights of way, I spent some time crossing and re crossing the site and saw for myself its relationship with the rest of the conservation area. On returning to my car, I saw the site from North Lane, Shepherd Lane and Westlands Avenue. I then visited each of the sites which were identified as HEELA sites in Appendix F of the plan, including Fir Tree Farm.
17. On 23rd March 2020, I issued a preliminary document entitled *Initial Comments* which asked specific questions of the Parish Council, the District Council and Pegasus Group on behalf of Lagan Homes. My initial view was that I would be able to conduct the examination solely on the basis of the written material. I received a response from Pegasus Group on 14th April 2020 and from the two councils on 21st April 2020. The information in these responses introduced new material which prompted me to conclude that I needed to hear oral representations, to explore some of these matters and their implications for the examination, in greater detail.
18. Unfortunately, due to the restrictions imposed, as a result of the COVID 19 outbreak, the submission of these oral representations could only be conducted, “virtually” via “teleconferencing” The Secretary of State had a couple of weeks earlier, issued PPG advice that these would be appropriate for neighbourhood plan examinations, where needed. I therefore issued a further document entitled “Further Comments of the Independent Examiner” on 30th April 2020, which indicated my decision and the topics that would be covered. Prior to the conference call taking place, via a video platform, (facilitated by Cherwell District Council), the District Council circulated a legal note as to the status of a Section 52 agreement, that had been referred to in the Parish Council’s response to my Initial Comments paper, plus an Inspectors decision letter in respect of a dismissed appeal for a site immediately to the north of the Site A allocation site.
19. The video conference took place on 19th May and lasted three hours and a record of that session is available on the following You Tube site via this link <https://www.youtube.com/watch?v=LrUKA2VNtdc&feature=youtu.be>
20. I wish to express my gratitude for the contributions and positive engagement of all contributors, for what was a new experience for all of us.

The Consultation Process

21. On 4th November 2019, the District Council’s Executive considered the Examiners Report and resolved to accept all his recommendations with the exception of Modifications 15,21,24,26 and 27 and agreed the Proposed Changes to the two policies, E1 and C1 and the other consequential changes. It agreed that these

changes should be the subject of a period of further consultation, as allowed by Regulation 19 of the Neighbourhood Planning Regulations. This was the subject of a public consultation period, that ran from 15th November 2019 to 10th January 2020 and as a result 7 responses were received from:

- Scottish and Southern Electricity Network
- Environment Agency
- Natural England
- Oxfordshire County Council
- Weston-on-the-Green Parish Council
- Highways England
- The Pegasus Group on behalf of Lagan Homes

The Basic Conditions

22. The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. The Neighbourhood Plan is tested against what is known as the Basic Conditions which are set down in legislation. It will be against these criteria that my examination must focus.

23. The five questions, which seek to establish that the Neighbourhood Plan meets the basic conditions test, are: -

- Is it appropriate to make the Plan having regard to the national policies and advice contained in the guidance issued by the Secretary of State?
- Will the making of the Plan contribute to the achievement of sustainable development?
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area?
- Will the making of the Plan breach or be otherwise incompatible with EU obligations or human rights legislation?
- Will the making of the Plan breach the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017?

24. The neighbourhood plan was submitted before 24th January 2019, which was the cut-off date set in paragraph 214 of the 2018 version of the NPPF that stated, that under the transitional arrangements, examinations would be conducted having regard to the 2012 version of the NPPF.

Compliance with the Development Plan

25. To meet the basic conditions test, the Neighbourhood Plan is required to be in general conformity with the strategic policies of the Development Plan, which in this case is the Cherwell Local Plan, adopted in July 2015 and the saved policies of the Cherwell Local Plan 1996.

26. In the adopted local plan, Weston-on-the-Green is identified as a Category A village in Policy Villages 1. Policy Villages 2 states that a total of 750 homes will be provided within this category of settlement, in addition to small sites, windfall and planning permissions for 10 or more dwellings. The selection of sites can be through the preparation of neighbourhood plans and the policy sets a range of criteria, for considering the acceptability of sites. Policies for the Green Belt are set out in Policy ESD 14.
27. Other policies relevant to this examination, as they have been quoted by Cherwell District Council in their reasons for not accepting the first Examiner's recommendations, are Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment, Policy ESD 13: Local Landscape Protection and Enhancement and Policy ESD 15 The Character of the Built and Historic Environment.

Compliance with European and Human Rights Legislation

28. The original Examiner, in paragraph 28 of his report, confirmed that he had no issues of compatibility or breaches of European obligations and would be compatible with the requirements of the Conservation of Habitat and Species Regulations. I do not believe that the matters the subject of this examination would change that conclusion, but the District Council as Competent Authority may choose to formally screen the amended plan under the Habitat Regulations.
29. The previous Examiner also considered that there is no conflict with the Human Rights Act and my recommendations will not change that situation.

Policies C1 and E1: An Overview

30. In the context of the two policies at the heart of this examination, Policies C1 and E1, it is clear that the first examiner had concerns that the extent of constraints affecting the village, imposed through the Green Belt, local green spaces, important green spaces, floodplain, conservation area and ecological designations, could potentially prevent the achievement of "sustainable development" and hence would not meet the basic conditions without modification. My partial examination is also bound to have regard to the same legal requirements and the basic conditions.
31. I fully recognise that there can be tensions between the test of contributing to the delivery of sustainable development and the matter of general conformity issues with strategic development plan policy. This can be an issue reflecting the way that the neighbourhood plan legislation was drafted and requires a holistic assessment of all the basic conditions before a recommendation is made as to whether the plan can move forward to referendum.
32. The achievement of sustainable development has three strands, which are set out in paragraph 7 of the NPPF (2012), namely an economic role, a social role and an environmental role. Of particular relevance to my considerations of this examination, is the social dimension, of supporting strong vibrant and healthy

communities, by providing a supply of housing required to meet the needs of present and future generations. The environmental role is of equal importance, which recognises the role of the planning system to protect and enhance the natural, built and historic environment.

33. The examiner's recommendations recognise that development may be required in locations which would ordinarily be constrained, outside of the village confines, alongside the B430 and also possibly on The Schoolfield site, if there is shown to be a need for "sustainable development" which cannot be met in "a more sustainable location".
34. My approach to the limited scope of this examination has been to seek to test whether the neighbourhood plan is likely to be able to deliver its housing requirements, in a way that could be consistent with the existing development plan policy, as proposed by the District Council proposed re wording of Policy E1.
35. The parish's housing needs identified by the neighbourhood plan, are found on page 45 of the plan, which sets out an objective of a 15% growth in new housing over the plan period 2017 - 2031, which equates to 38 new homes. I note that Cherwell District Council accepts the figure and it has not been challenged on the basis of what new housing is required to meet the village's own housing requirements.
36. During the video conference, I heard evidence that may have not been available to the previous examiner, specifically, that in addition to the 20 units allocated on Site A, other planning permissions have been granted in recent years and during the period since this version of the plan had been prepared. The position according to evidence given by the District Council's representative is that, as of 31st March 2020, there were planning permissions in place for 26 units (one at The Dower House, four at Southfield Farm, one rear of Ladygrass, Church Lane as well as the 20 units approved on Site A, plus there had been two additional completions.
37. Therefore, that leaves an outstanding requirement for 10 further houses to be provided within the plan period to meet Weston-on-the-Green's housing needs for the plan period.
38. I then turned to the question of how that these houses could be provided in a manner consistent with strategic policies. I heard evidence that windfalls had delivered a total of 19 units within the parish, over the period 2011 to 2019, which averages at close to 2 dwellings per year. There can be some confidence that windfall development will continue to contribute to housing numbers under schemes allowed under Policy H2 of the neighbourhood plan.
39. However, I recognise that it is not just the total number of units which is important but whether that housing would meet the village's housing requirements going forward. I am confident that the types of housing can be influenced in the future by Policy H3, once the plan becomes part of the development plan and is used in the development management context.
40. I did hear concerns regarding the "affordability" question. Affordable housing will only be required on sites of 10 units or more, under the new Policy H9. However, I learnt that the Parish Council is proposing to deliver affordable housing for local people, on land which it is to be gifted at Fir Tree Farm. The Parish Council had indicated in its response to CDC's Housing and Employment Land Availability

Assessment (HELAA) following a call for sites, that in respect of Site HELAA 229 in Appendix F, it fully supported development on the site, “if planning conditions could be met”. It transpired that the Parish Council had been advised by Cherwell District Council that it could not allocate the site due to its Green Belt status and development could only proceed if the site was to be taken out of the Green Belt, which is not normally within the scope of a neighbourhood plan.

41. I do not agree with that assertion, as paragraph 89 of the NPPF (2012) allows “limited infilling in villages and limited affordable housing for local community needs under policies set out in the local plan”. If development is “appropriate development” in Green Belt terms, I do not consider that there is anything to prevent a community within its neighbourhood plan from allocating a site for such development within the Green Belt. Such an allocation could, in my opinion, meet the basic conditions test and could comply with Policy ESD 14 of the Cherwell Local Plan. I have been sent details of the terms of the proposed gifting of the land to the Parish Council. If the development is appropriate then there is no reason for saying that the site must come out of the Green Belt.
42. The District Council contest that this would be a strategic matter and I would agree that it would be if it was allocating land in the Green Belt that did not fall into the definition of appropriate development or the neighbourhood plan was promoting Green Belt boundary changes, (in the absence of a strategic policy framework that supports such changes). I have been pointed towards the comments of the Examiner of the Chalfont St Giles NP where the Examiner is purported to be stating that neighbourhood plans cannot be allocating sites in the Green Belt, but her comments were made in the context of representations made at Regulation 16 from promoters seeking to allocate Green Belt land for housing development that would not have been appropriate development. I would contend that my interpretation is consistent with CDC Local Plan Policy ESD 14 which refers to the assessment of proposals in accordance with national policy, which allows “limited infilling in villages”.
43. It is not necessary as part of my examination to pursue this matter, in terms of my recommendations, but the Parish Council could choose to include the site as a future allocation, then that could be taken forward in a neighbourhood plan review, which is something I will return to later in this report. Alternatively, it could propose a Community Right to Build Order which would effectively grant planning permission for the development and could provide ongoing protection as social rented accommodation against general “right to buy” provisions.
44. I heard that another site at Gallisbrook Way could be developed for affordable housing as it is owned by Sanctuary Housing, a registered social landlord, but as I had not visited the site, I do not intend to comment or rely upon its suitability.
45. Based on the level of completions and commitments, past rates of windfall development and specific information that more affordable housing could be delivered in the village over the plan period, I am satisfied that the community’s housing needs for the present and future housing needs of the village can be delivered, which is one of the indicators whether the plan will be delivering sustainable development.

46. As a Category A village, it is possible that additional homes could be promoted under the provisions of Local Plan Policies Villages 1 and 2, which could contribute to meeting the wider housing needs of the district.
47. This major conclusion has implications for the proposed wording of both Policy E1 and C1, as modified by the first examiner, in that I can be satisfied that despite the constraints within the village, that the housing needs of the community can be achieved in the way that is consistent with the other policies in the neighbourhood plan and the general local plan. This has implications for my conclusions in respect of the examiner's proposed modifications in respect of Policies E1 and C1 based on this new information.
48. I will be recommending that the District Council's proposed amendments to Policy E1 be retained but I cannot agree with its reasons for not accepting the Examiner's recommendations in its entirety. I do not consider that the implications of his recommendations would necessarily have led to inefficient use of the land. I interpreted his proposed policy wording as seeking to restrict the amount of land required to be developed to the extent required to meet the need, rather than to restrict the amount of development that took place on the site to that required to meet the need, irrespective of the size of the site.
49. Similarly, I believe that the test of whether there is a more sustainable place for development to take place, would have to be restricted to the plan area and effectively the sequential approach would have considered whether other sites are more or less sustainable and that search should be restricted to within Weston-on-the-Green. and hence the development would be focused on one of the designated villages deemed to be acceptable to accept some development in the strategic policies in the local plan. I do not believe that the examiner's intention was that the village's housing needs would need to be tested against the availability of sites in less sustainable locations beyond the plan area.
50. The reference to Policies ESD 10, ESD 13 and ESD 15 in the reasons for not accepting the two modifications, 15 and 21, is not necessarily justified, as these three policies would not necessarily rule out development. Rather they set criteria on how development should take place in terms of protecting and enhancing biodiversity, the character of the built and historic environment of the area and local landscape. As no schemes have been put forward, I do not see how it can be concluded that the modifications would actually be inconsistent with these policies to protect the natural, built and historic environment.
51. My consideration of Policy C1 has not been so straightforward. I am satisfied that the protection of the Schoolfield site has been something of a touchstone for the village. That was recognised by the first Examiner, who acknowledged the importance the community attached to its protection and his recommendation was only countenancing development on that site, if unmet housing need had been established and it was shown that no more sustainable sites were available.
52. I agree with the plan's contention that the Schoolfield is seen by the village as a valuable green space. However, as was discussed during the video conference, the current land-use is agricultural, it is primarily used for grazing. I suspect that the current ecological value of the eastern section of the site is limited, but I can fully appreciate the importance of the western part of the site away from the

- surrounding houses, which extends to the west of the north-south footpath crossing the site. I saw for myself the clear evidence of “ridge and furrow” being present, a feature which I am familiar with from other neighbourhood plans in the Midlands, which have chosen to designate such features as non-designated heritage assets. Authorised public access to the field is currently restricted to users of the public footpaths which runs across the site. The land is in private ownership and any public recreational use beyond the footpaths would be unauthorised.
53. The original policy and Cherwell District Council’s proposed replacement policy refer to the site as “a habitat” and its use as “recreational open space”. In terms of land-use, it would appear that the plan is anticipating a change of use from agricultural to recreational open space, although upon being pressed on the matter, it was confirmed that this was not necessarily the aspiration, if public access could be achieved.
54. Public access can only normally be secured through public ownership or with the consent of the landowner. It cannot be something that can be conferred through a planning policy. The representation submitted on behalf of the landowners, Lagan Homes, indicated that the intention is that the land will remain in private ownership. No parties have suggested the possible use of Compulsory Purchase powers. I am also conscious of the Secretary of State’s advice that neighbourhood plans “should be prepared positively in a way that is aspirational but *deliverable*”.
55. Whilst the District Council’s proposal for this policy is that such usage “will be encouraged”. I consider that the expectations of the policy will never be realised without the agreement of a willing landowner and as such the policy is undeliverable. I do not believe that the Parish Council has recognised that the proposal as submitted would constitute a material change of use of the land which would require the submission of a planning application.
56. The matter has been further complicated by the information, which had not been apparent as part of the first examination, that a Section 52 agreement, covering the entirety of Area B was completed in 1980, which restricts the usage of the land to its “*current use*”, which everyone agreed was agricultural use, both then and remains so to date. Whilst this agreement could, under certain circumstances, be used to frustrate the residential development of the site, equally it could be argued that its terms, would prevent the change of use from agricultural to recreational land.
57. The legal advice which was circulated before the video conference, and was not challenged, was that the Section 52 covenants could only be set aside by the District Council acting as party to the agreement, separate from its role as local planning authority. Without their explicit consent, there is only one way that the covenants could be set aside, and that is by application to the Upper Tribunal (Land Division) under the Law of Property Act 1925.
58. That Section 52 agreement would also have been a material consideration had I been minded to recommend the allocation of the Schoolfield site or part thereof as a residential site. In my view of my conclusions elsewhere, such an allocation is not required or justified, but if I had needed to consider it, the existence of the covenant could have cast doubt on the deliverability of that allocation. It also

- undermines, in my opinion, the first Examiner's proposed modification to Policy C1, although it goes without saying, that he was not aware of its existence.
59. A detailed analysis of the drafting of the Proposed Modification to Policy C1 equally throws up questions on whether the new policy meets basic conditions and the legal tests for a neighbourhood plan policy.
60. The policy wording refers to the "*preservation*", of "*a potential* grassland habitat." The use of "*potential*" implies that it currently does not exist and therefore cannot be something that can be "*preserved*". If it is a potential habitat, then the policy should have referred to the "*creation*" of that habitat. The policy also refers to the "*management*" of that habitat. How land is "*managed*" is not a matter that ordinarily would require planning permission as it is not development and "habitat" is a description of the role of land in terms of its ecological value, it is not a land use. How land is managed and maintained is a matter for the land owner and any obligations he/ she is bound by, such as Stewardship Schemes.
61. I have therefore concluded that Policy C1 is not "a policy for the development and use of land" as it principally refers to the "preservation", "maintenance" and "management" of the land as habitat and as a lowland meadow. Similarly, a planning policy cannot grant access onto private land for passive recreational open space. From the comments made during the video conference call it was not the intention of the Parish Council to seek to change the agricultural use of the land, although that is how the policy actually reads, but merely to enable public access to an area which will be managed in the way that enhances its biodiversity. This, however, is beyond the scope of planning control.
62. I have concluded that even though the policy is now worded as a matter of "encouragement", it is not a policy that meets the statutory definition of being a policy for "the development and use of land". I will therefore be recommending that the policy be deleted although the community's aspirations for this land and its management can be included within the plan document, but not as a development plan policy.
63. If the expectations of the neighbourhood plan had been to seek to prevent development because of the importance attached to the green space by the *whole community*, as opposed to just the properties that back onto the site, then it could have chosen to designate it as a Local Green Space, which effectively would rule out development, except in very special circumstances. It would have to be demonstrated that it met all the requirements set out in paragraph 76 and 77 of the NPPF (2012).
64. I probed this issue in my Initial Comments document and at during the video conference. In hindsight, the Parish Council conceded that it was an opportunity missed. It is not my role to introduce a new local green space designation into the plan at this late stage of an examination. That is not really within an examiner's remit and such a designation would need to be subject to public consultation and direct contact with the landowner about possible designation, as set out in Planning Practice Guidance advice. If the Parish Council were to be minded to pursue this route in the future, then this would either have to be dealt with as a modification to the plan, once a referendum is held, or if a formal review of the neighbourhood plan were conducted.

65. In conclusion, my overall recommendations on this partial examination are:

- to accept Cherwell District Council's proposed modification to Policy E1 on the basis that it meets basic conditions, particularly in terms of being in general conformity with strategic policies in the Cherwell Local Plan, has regard to Secretary of State advice and policy and it will contribute to the delivery of sustainable development and other legal tests are complied with.
- but to recommend not to proceed with the Policy C1 whether as submitted, or as proposed to be changed by the District Council, as it does not meet the legal definition of being a policy for the use and development of land and, in view of my conclusions in respect of Policy E1, to not proceed with the modification proposed by the first Examiner,

66. The impact of my recommendation to delete policy C1 will have consequential implications for the proposed responses to modifications 24,26 and 27. It will require consequential amendments to subsequent policy numbering and the removal of sections of the supporting text.

67. Finally, there is a minor point that may have been missed in the response to the Examiner's report. The first Examiner's Modification 15 included "Replace ", in particular" in Policy E2 with "and where appropriate"

68. I consider that to be a necessary amendment which may have been inadvertently overlooked in the District Council's Decision Statement which stated that Modification 15 be not accepted. I will include it in Recommendation 1.

Recommendations

Recommendation 1

Modification15

That the District Council 's proposed changes to Policy E1 be accepted, but that the last element of the Examiners Modification 15 be accepted, which amends the wording of Policy E2.

Recommendation 2

Modification21

That the District Council's proposed alternative wording of Policy C1 should not be accepted and that Policy C1 should be removed from the plan and all the other policy numbers be amended accordingly.

Recommendation 3

Consequential changes

Amend Executive summary to remove reference to Policy C1

Page 26 – remove from the second sentence: "and the subject to Policy C1((Area B))"

Page 37 – remove from the final paragraph "(see Policy C1 and)

Page 38 –from the final paragraph change "propose for protection" to "wish to see protected"

Remove just the wording “(Area B)” from Figure 15

Recommendation 4

Modification 24

Remove Box C1 on Page 84 in its entirety and renumber policies accordingly

Recommendation 5

Modification 26

Replace the title “The policy proposes Policy C1 of the Plan: Area B” on page 140 with “The Parish Council’s aspirations in terms of The Schoolfield”

Recommendation 6

Modification 27

On page 43 replace in the third paragraph “The intention of Policy C1...” with “The Parish Council desires...”

Remove paragraph on Page 144 beginning “Policy C1 embodies...”

Delete the paragraph immediately above the map on Page 144

Map on Page 146 Remove the wording “(Area B)” and the map to be coloured as per first Examiners Modification 10 (which has already been agreed. In the Decision Statement”

Amend Map on Page 144- Replace “Area B: Community Neighbourhood Green Space (to be managed as lowland meadow” with “The Schoolfield-The Parish Council would wish to see the area managed as a lowland meadow”

Delete the last sentence on Page 152

Summary

69. This examination has been a focussed examination conducted under the provisions of Paragraph 13(2) of Schedule 4B of the Town and Country Planning Act 1990, which has concentrated on two specific policies and consequential modifications that had been proposed by the first examiner, which had not been accepted by the District Council. I have recommended acceptance of one of the proposed changes, the revised wording of Policy E1, as it meets the basic conditions.
70. However, I am not recommending acceptance of the proposed alternative wording to Policy C1 and I go further, by recommending that the original policy as well as the Council’s proposed change, be deleted on the basis that neither are a policy that meets the definition of a policy for the use and development of land.
71. As all the original examiners other recommendations, not considered by this report, have already been accepted by the District Council in its Decision Statement including confirmation that the referendum area does not need to be extended, I am delighted to recommend to Cherwell District Council that the

Weston-on-the-Green Neighbourhood Plan, if my recommendations are accepted, should proceed in due course, to referendum.

JOHN SLATER BA(Hons), DMS, MRTPI

John Slater Planning Ltd

8th June 2020

Appendix 34

SoS Decision



Ministry of Housing,
Communities &
Local Government

Miss S Eastwood
Avison Young
3 Brindleyplace
Birmingham
B1 2JB

Our ref: APP/Q3115/W/19/3230827
Your ref: P17/S4254/O

23 April 2020

Dear Madam,

**TOWN AND COUNTRY PLANNING ACT 1990 – SECTION 78
APPEAL MADE BY OXFORD BROOKES UNIVERSITY
OXFORD BROOKES UNIVERSITY, WHEATLEY CAMPUS, COLLEGE CLOSE,
WHEATLEY, OXFORD OX33 1HX APPLICATION REF: P17/S4254**

1. I am directed by the Secretary of State to say that consideration has been given to the report of D M Young BSc(Hons), Ma MRTPI MIHE, who held a public local inquiry between 22 and 31 October 2019 into your client's appeal against the decision of South Oxfordshire District Council to refuse your client's application for outline planning permission with all matters reserved for subsequent approval except details of vehicular access, for demolition of all existing structures and redevelopment of the site with up to 500 dwellings and associated works including; engineering operations, including site clearance, remediation, remodelling and deposition of inert fill material arising from demolition on site; installation of new and modification of existing services and utilities; construction of foul and surface water drainage systems, including SuDS; creation of noise mitigation bund and fencing; creation of public open space, leisure, sport and recreation facilities including equipped play areas; ecological mitigation works; construction of a building for community/sport use and associated car parking; construction of internal estate roads, private drives and other highways infrastructure and construction of pedestrian footpaths, in accordance with application ref: P17/S4254/O dated 19 January 2018.
2. On 12 July 2019 this appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990.

Inspector's recommendation and summary of the decision

3. The Inspector recommended that the appeal be allowed.
4. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions except where stated, and agrees with his recommendation. He has decided

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to allow this appeal. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Environmental Statement

5. In reaching this position, the Secretary of State has taken into account the Environmental Statement which was submitted under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011, the Environmental Statement addendum dated October 2018, and the ES Addendum Review letter dated 6 June 2019. Having taken account of the Inspector's comments at IR1.8, the Secretary of State is satisfied that the Environmental Statement complies with the above Regulations and that sufficient information has been provided for him to assess the environmental impact of the proposal.

Procedural matters

6. The Secretary of State considers that the matters described in IR1.6 have been overtaken by events since the Inquiry, and he deals with these matters in paragraphs 13-16 of this letter below. The Secretary of State agrees with the Inspector for the reasons given in IR1.7 that no injustice would be caused due to consideration of the plans as amended after the Council's decision was issued.

Matters arising since the close of the inquiry

7. The Secretary of State received a representation from John Howell MP dated 10 March 2020, sent on behalf of a number of residents of the village of Wheatley subsequent to the issuing of the Wheatley Neighbourhood Plan Examiner's report dated 27 February 2020. A further representation was received by email dated 6 April from South Oxfordshire District Council confirming their decision to accept the modifications recommended by the Examiner and proceed to referendum.
8. The Secretary of State is satisfied that the issues raised do not affect his decision, and no other new issues were raised in this correspondence to warrant further investigation or necessitate additional referrals back to parties. Copies of these representations may be obtained on written request to the address at the foot of the first page of this letter.

Policy and statutory considerations

9. In reaching his decision, the Secretary of State has had regard to section 38(6) of the Planning and Compulsory Purchase Act 2004 which requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise.
10. In this case the development plan consists of saved policies in the "*South Oxfordshire Local Plan 2011*" (the LP) adopted 2006 and the "*South Oxfordshire Core Strategy 2012*" adopted 2012 (the CS). The Secretary of State considers that relevant development plan policies include those set out at IR3.12-3.15 and in the Planning Statement of Common Ground.
11. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework ('the Framework') and associated planning guidance ('the Guidance'), as well as the Oxfordshire Housing and Growth Deal (OHGD) updated 14 September 2018 and the Written Ministerial Statement "Housing Land Supply in Oxfordshire", published on 12 September 2018. The revised National Planning Policy

Framework was published on 24 July 2018 and further revised in February 2019. Unless otherwise specified, any references to the Framework in this letter are to the 2019 Framework.

12. In accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the LBCA Act), the Secretary of State has paid special regard to the desirability of preserving those listed buildings potentially affected by the proposals, or their settings or any features of special architectural or historic interest which they may possess.

Emerging plan

13. The emerging local plan (eLP) comprises “*Local Plan 2034*”. On 3 March, the Secretary of State lifted the holding direction he issued on 9 October 2019. This had prevented the Council taking any further action in relation to their submitted Local Plan, including withdrawal of the plan, whilst he considered use of his intervention powers. His letter of 3 March also made legally binding directions that require the Council to progress their plan through examination and adoption by December 2020, pursuant to powers in section 27(2)(b) of the Planning and Compulsory Purchase 2004 Act.
14. The Examiner’s report on the emerging “*Wheatley Neighbourhood Plan*” (eWNP) was issued on 27 February 2020, and concluded that, subject to modifications, the Wheatley Neighbourhood Plan meets all necessary legal requirements. South Oxfordshire District Council has made the decision to progress the plan to referendum. Policy SPOBU – WHE25 of the referendum version of the emerging Neighbourhood Plan states that the comprehensive redevelopment for residential purposes of the Wheatley Campus site will be supported where they conform with certain development principles, including:
 - the development of the site is underpinned by a masterplan addressing infrastructure, access, landscaping, and recreation/open space issues;
 - the layout, design and height of the new buildings take account of the openness of the Oxford Green Belt and as identified generally in national planning policy (NPPF145g);
 - the development of the site should incorporate the provision of affordable housing to the most up-to-date standards of South Oxfordshire District Council;
 - the development of the site should incorporate high quality public realm and open space; and
 - the development of the site should address opportunities to incorporate safe, convenient and attractive pedestrian and cycling access to and from Wheatley
15. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.
16. In light of the lifting of the Holding Direction on the eLP, the Secretary of State considers that it carries limited weight, given that it is yet to proceed to Examination. In accordance with the revisions to Planning Practice Guidance of 7 April 2020, the Secretary of State

considers that the emerging Wheatley Neighbourhood Plan is now a material consideration of significant weight.

Main issues

17. The Secretary of State agrees with the Inspector that the main issues with regard to the determination of this case are those set out at IR13.2.

Most important policies

18. For the reasons given in IR13.3-13.17 the Secretary of State agrees with the Inspector at IR13.17 that the majority of the most important policies for determining this appeal are out of date. He therefore concludes that paragraph 11(d) of the Framework is engaged which indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole. The appeal site is located outside the built limits of Wheatley and Holton where large-scale development would not normally be appropriate, and would therefore conflict with policies CSS1 and CSH1. However, the Secretary of State finds these policies to be out of date where they are used to restrict development outside settlement boundaries (IR13.8-13.9). He also finds the following policies to be out of date: Policies relating to Landscape, Protection and Enhancement of the Environment and Green Belt CSEN1 (IR13.10), G2 (IR13.10) and GB4 (IR13.12); Policies relating to heritage and archaeology CSEN3 (IR13.13); CON5 (IR13.14) and CON11 (IR13.14).

Green Belt

19. The Secretary of State agrees with the Inspector at IR13.18 that, although the site is proposed to be removed from the GB and allocated for development in the eLP, given that Plan has yet to proceed to Examination and attracts only limited weight, the site currently remains in the Green Belt. He also agrees with the Inspector at IR13.18, that, in the absence of up to date Green Belt development management policies, the proposal should be considered against advice in the Framework.
20. For the reasons given in IR13.22-13.24 the Secretary of State considers that the central and eastern sections of the proposal site, together with the sports pitches and circulation areas around them can be considered previously developed land (PDL) and can therefore be considered against para 145g and Annex 2 of the Framework.
21. Further he agrees with the Inspector at IR13.25 that, as no development is proposed in the north-west quadrant, the principle Green Belt objection relates to the south-west quadrant only which accounts for approximately 14% of the site. The Secretary of State agrees with the Inspector for the reasons given at IR13.26 that the south-west quadrant is not curtilage and cannot therefore be considered PDL as defined in the Framework.
22. For those parts of the site that are considered to be PDL, the Secretary of State agrees with the Inspector for the reasons given in IR13.27-13.33 that the development would address an affordable housing need, would have a broadly neutral effect on openness as experienced from within the appeal site, and that there would be a significant net-beneficial effect on the openness of the wider Green Belt through the removal of the tower. He concludes that, save for the south-west quadrant, the development would not

be inappropriate development in the Green Belt. Like the Inspector at IR13.110, the Secretary of State finds that the significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt resulting from the removal of the tower and other large, unsightly structures on the site carries very substantial weight in favour of the scheme.

23. The Secretary of State agrees with the Inspector at IR13.34 that the proposed development in the south-west quadrant would be inappropriate development, and that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The Secretary of State considers that the harm arising from that part of the development which would be inappropriate must be afforded substantial weight, in line with the Framework.

Character and Appearance

24. The Secretary of State has carefully considered the Inspector's assessment at IR13.35-13.48. He notes at IR13.38 that the site is not a designated or a 'valued' landscape in the terms set out in the Framework, and that it was common ground between the parties that the removal of the tower and other dilapidated structures would be beneficial in landscape terms.
25. For the reasons given in IR13.39-13.41, the Secretary of State agrees with the Inspector that the illustrative masterplan does not necessarily conflict with the requirement to "focus" development on the previously developed area. While Policy STRAT14 of the eLP indicates that development on the western part of the site will not be considered appropriate with the exception of an access route and functional green space, given the progress of the eLP, this is a consideration of only limited weight.
26. For the reasons given in IR13.42-IR13.45 the Secretary of State agrees with the Inspector that the scheme is in general accordance with the recommendations of the Kirkham Study, and that the character of the southwest quadrant is not particularly sensitive in landscape or visual terms such that it should be excluded from development. For the reasons given in IR13.46-13.48 he further agrees with the Inspector that there would be an overall net-gain in landscape and visual terms over the wider area, that the development would not therefore harm the character and appearance of the area, and that there would be no conflict with CS Policy CSEN1 or LP Policies G2, C4 and C9 insofar as they seek to protect the district's countryside and settlements from adverse development.

Heritage assets

27. For the reasons given in IR13.50-13.60 the Secretary of State agrees with the Inspector that while there would be some limited harm to the setting of the Scheduled Monument (SM) arising from the encroachment of housing and from the spine road on its southern flank, this would be towards at the lower end of "less than substantial" harm, and would be clearly outweighed by a combination of the proposed landscape improvements in the north-west quadrant, the SM improvement scheme and also the removal of the existing university buildings which form a stark backdrop in eastward views of the SM. Accordingly, the Secretary of State concludes that there would be an overall heritage benefit to the SM.
28. For the reasons given in IR13.61-13.65 the Secretary of State agrees with the Inspector at IR13.66 that as houses would not encroach into the sensitive open area between Holton Park and the SM, and as the appeal scheme would retain and enhance the

openness of the north-west quadrant through a landscaping scheme that would return this part of the site to something more akin to its original parkland setting, the appeal scheme would lead to an enhancement to the setting of Holton Park.

29. For the reasons given in IR13.67-13.69, the Secretary of State agrees with the Inspector that the removal of the tower would improve views southwards from the churchyard of St Bartholomew's Church, and would represent a heritage benefit.
30. The Secretary of State therefore concludes, like the Inspector at IR13.73, that no overall heritage harm has been found. He has not therefore found it necessary to undertake the heritage balancing exercise required by paragraph 196 of the Framework. Like the Inspector at IR13.113, he concludes that the heritage benefits arising from the on-site mitigation, the removal of the existing buildings and the opening up of the site and the SM to public appreciation, carries significant weight in favour of the proposal.

Accessibility

31. For the reasons given in IR13.75-13.84, the Secretary of State agrees with the Inspector that, bearing in mind the rural nature of the area, the site and particularly the south-west quadrant are well located to services and facilities in Wheatley, and that accordingly, there would be no conflict with CS Policies CS1, CSS1, CSM1 and CSM2 of the CS or Policies T1, T2 and T7 of the LP. He further agrees that the extensive nature of the off-site highway works, and the bus service contribution mean that there would be accessibility gains to the local community. He concludes that these benefits should carry significant weight in favour of the scheme.

Housing Land Supply – Housing Need

32. The Secretary of State notes at IR13.86 to 13.90 that there is no dispute over the Council's ability to demonstrate a 5 year housing land supply.

Other considerations

33. In paragraph 23 of this letter, the Secretary of State has concluded that the proposed development in the south-west quadrant would be inappropriate development. The Framework states that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. Like the Inspector at IR13.93, the Secretary of State has not identified any other harm in addition to the harm by virtue of inappropriateness.
34. The Secretary of State has concluded in paragraph 22 of this letter that the significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt resulting from the removal of the tower and other large, unsightly structures on the site is a consideration that carries very substantial weight.
35. While he has concluded that the council are able to demonstrate a 5 year supply of housing land, the Secretary of State agrees that, for the reasons given in IR13.97 to 13.102, the proposed development would contribute significantly towards the Council's affordable housing shortfall. Given the seriousness of the affordable housing shortage in South Oxfordshire, described as "acute" by the Council, he agrees with the Inspector at IR13.111, that the delivery of up to 500 houses, 173 of which would be affordable, are considerations that carry very substantial weight.

36. The Secretary of State also agrees with the Inspector's assessment of the economic benefits of the scheme at IR13.103, except in relation to New Homes Bonus revenues, where, as he has seen no evidence of the proposed usage of the Bonus, he does not give them any weight in relation to his decision. He agrees with the Inspector at IR13.112 that the economic benefits of the scheme should be afforded significant weight.
37. At paragraphs 27 to 31 of this letter, the Secretary of State has considered the development in terms of its impact on heritage assets and on accessibility. For the reasons given in IR13.104 and 13.106-13.107, he has concluded, like the Inspector at IR13.113-114 that both issues are benefits which should be afforded significant weight.
38. For the reasons given in IR13.105, the Secretary of State considers, like the Inspector at IR13.115, that the net benefit to biodiversity that would be delivered by the scheme is a consideration of moderate weight in favour of the scheme. He also finds for the reasons given in IR13.108, that the reinvestment of the proceeds arising from the sale of the land into the education sector is a benefit of the proposal which should be afforded significant weight (IR13.115).
39. The Secretary of State agrees with the Inspector at IR13.116 that the overall benefit to the openness of the Green Belt alone would be enough to outweigh the harm by reason of inappropriateness. Like the Inspector at IR13.117, he considers that the 'other considerations' identified above clearly outweigh the 'definitional harm' to the Green Belt by virtue of inappropriateness identified in this case. He therefore concludes that very special circumstances exist, which would justify development in the Green Belt, and that the proposal would not conflict with CS Policy CSEN2, LP Policy GB4 or Green Belt policy in Section 13 of the Framework.

Planning conditions

40. The Secretary of State has given consideration to the Inspector's analysis at IR11.1-11.8, the recommended conditions set out at the end of the IR and the reasons for them, and to national policy in paragraph 55 of the Framework and the relevant Guidance. He is satisfied that the conditions recommended by the Inspector comply with the policy test set out at paragraph 55 of the Framework and that the conditions set out at Annex B should form part of his decision.

Planning obligations

41. Having had regard to the Inspector's analysis at IR12.1-12.14, the planning obligation dated 15 November 2019, paragraph 56 of the Framework, the Guidance and the Community Infrastructure Levy Regulations 2010, as amended, the Secretary of State agrees with the Inspector's conclusion for the reasons given that, with the exception of:

- the £96,001 active communities contribution in Schedule 2 (IR12.5-12.7);
- the street naming contribution of £134 per 10 dwellings in Schedule 2 (IR12.8); and
- the provision of "expert advice" in relation to the construction of the sports pavilion, bowling green and cricket pitch (IR12.10-12.11);

the obligation complies with Regulation 122 of the CIL Regulations and the tests at paragraph 56 of the Framework.

Planning balance and overall conclusion

42. For the reasons given above, the Secretary of State considers that the appeal scheme is in accordance with the following policies of the development plan: CS Policy CSEN2, LP Policy GB4. He has identified an overall benefit to heritage assets, so has found no conflict with heritage policies CSEN3, CON5 and CON11. He has found no conflict with CS Policy CSEN1 or LP Policies G2, C4 and C9 insofar as they seek to protect the district's countryside and settlements from adverse development. While he has found conflict with policies CSS1 and CSH1 regarding the amount and spatial distribution of housing, he has found these policies to be out of date. He has therefore concluded that the appeal scheme is in accordance with the development plan overall. He has gone on to consider whether there are material considerations which indicate that the proposal should be determined other than in accordance with the development plan.
43. At IR13.118, the Inspector, having concluded that the proposed development would not conflict with the development plan, states that it should be approved without delay in accordance with paragraph 11c) of the Framework. The Secretary of State disagrees. Paragraph 11 c) of the Framework refers to "development proposals that accord with an up-to-date development plan". As the Secretary of State has concluded that the policies which are most important for determining this appeal are out-of-date, he considers that paragraph 11 c) of the Framework does not apply.
44. Paragraph 11(d) of the Framework indicates that planning permission should be granted unless: (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or (ii) any adverse impacts of doing so significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.
45. The Secretary of State considers the harm to the Green Belt on that part of the site where development is considered inappropriate carries substantial weight.
46. The Secretary of State considers that the significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt and the delivery of up to 500 houses, 173 of which would be affordable, are both considerations that carry very substantial weight.
47. The Secretary of State considers that the economic benefits of the scheme should be afforded significant weight.
48. The Secretary of State has considered the development in terms of its impact on heritage assets and on accessibility and considers that both offer benefits that should be afforded significant weight.
49. The net benefit to biodiversity that would be delivered by the scheme is a consideration of moderate weight, and the reinvestment of the proceeds arising from the sale of the land into the education sector should be afforded significant weight.
50. Given his findings in this letter, the Secretary of State considers that the proposal meets the emerging Neighbourhood Plan site-specific development principles in respect of Green Belt, affordable housing and accessibility, and public open space.
51. Having concluded at paragraph 39 of this letter that very special circumstances exist the Secretary of State considers that there are no policies in the Framework that protect areas or assets of particular importance that provide a clear reason for refusing the development proposed. He also concludes that any adverse impacts of granting

permission do not significantly and demonstrably outweigh the benefits, when assessed against policies in the Framework taken as a whole.

52. Overall the Secretary of State considers that the material considerations in this case indicate a decision in line with the development plan.

53. The Secretary of State therefore concludes that the appeal should be allowed, and planning permission granted.

Formal decision

54. Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendation. He hereby allows your client's appeal and grants outline planning permission subject to the conditions set out in Annex B of this decision letter, with all matters reserved for subsequent approval except details of vehicular access, for demolition of all existing structures and redevelopment of the site with up to 500 dwellings and associated works including; engineering operations, including site clearance, remediation, remodelling and deposition of inert fill material arising from demolition on site; installation of new and modification of existing services and utilities; construction of foul and surface water drainage systems, including SuDS; creation of noise mitigation bund and fencing; creation of public open space, leisure, sport and recreation facilities including equipped play areas; ecological mitigation works; construction of a building for community/sport use and associated car parking; construction of internal estate roads, private drives and other highways infrastructure and construction of pedestrian footpaths, in accordance with application ref: P17/S4254 dated 29 January, amended as described in IR1.7.

55. This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

56. A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged. This must be done by making an application to the High Court within 6 weeks from the day after the date of this letter for leave to bring a statutory review under section 288 of the Town and Country Planning Act 1990.

57. An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

58. A copy of this letter has been sent to South Oxfordshire District Council, and notification has been sent to others who asked to be informed of the decision.

Yours faithfully

Andrew Lynch

Authorised by the Secretary of State to sign in that behalf

Annex A List of representations

General representations

Party	Date
John Howell OBE MP	10 March 2020
South Oxfordshire District Council	6 April 2020

Annex B List of conditions

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4) The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan (Drawing no: 7590-L-17RevA)

Parameters Plan 1: Land Use (Drawing no: 7590-L-18RevG)

Parameters Plan 2: Green Infrastructure (Drawing no: 7590-L19Rev F)

Parameters Plan 3: Building Heights (Drawing no: 7590-L-20RevF)

Reason: For the avoidance of doubt.

- 5) No development shall take place until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide the following information for each phase or sub phases:
 - a) The number and mix (bedroom number) of market dwellings;
 - b) The number and mix (bedroom number) and gross internal floor areas of affordable housing to meet the latest evidence of affordable housing need (the total amount of affordable housing to cumulatively be 34.57% of the total amount of housing across the site);
 - c) The tenure of each affordable unit;
 - d) The number of accessible and adaptable homes to be built to Building Regulations Part M4(2) category 2 for both market (which shall be a minimum of 10% overall) and affordable sectors;
 - e) Location and boundaries of public open space, play areas, green infrastructure, leisure and sports pitches/pavilion, associated parking areas to be provided and a scheme for their future management;
 - f) Key infrastructure including means of vehicular and pedestrian and cycle access and links to serve each phase;
 - g) Drainage and landscaping works including future management arrangements;
 - h) Existing and proposed ground and ridge levels;

An updated Phasing Plan shall be provided with each subsequent reserved matter application showing how each of these elements of the development is to be phased. The development shall be implemented in accordance with the approved Phasing Plan/s.

Reason: In order to secure the satisfactory development of the site

- 6) Prior to commencement of the development, details of the works to the site accesses onto Waterperry Road and Holton Park Drive, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details and timescales.

Reason: In the interest of highway safety in accordance with Policy T1 of the Local Plan 2012.

- 7) Prior to the commencement of any development (including demolition works), a Construction Method Statement, incorporating a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Statement will have been prepared in the light of Outline Construction and Demolition Environmental Management Plan dated January 2018 and shall include details of the following:
 - a) Vehicle parking facilities for construction workers, other site operatives and visitors;
 - b) Site offices and other temporary buildings;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used during construction;
 - e) Vehicle wheel washing facilities;
 - f) Measures to control the emission of dust and dirt;
 - g) A scheme for recycling and/or disposing of waste materials arising from the demolition and construction works;
 - h) Installation and maintenance of security hoarding/fencing;
 - i) Hours of construction

The development hereby approved shall be undertaken in accordance with the details approved in accordance with this condition and complied with throughout the construction period

Reason: In the interests of visual and residential amenity and highway safety (Policies D1, and T1 of the Local Plan.

- 8) No development hereby permitted shall begin until surface and foul water drainage schemes for the site have been submitted to and agreed in writing by the Local Planning Authority. The surface water scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The schemes shall subsequently be implemented in accordance with the approved details.

Reason: To ensure the effective drainage of the site and to avoid flooding (Policy DC14 of the adopted Local Plan).

- 9) Prior to the commencement of the development hereby approved an Archaeological Written Scheme of Investigation, relating to the application site area, shall be submitted to and approved in writing by the Local Planning Authority.

Following the approval of the Written Scheme of Investigation and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with Policy CSEN3 of the Core Strategy and Policies CON11, CON13 and CON14 of the Local Plan.

- 10) Prior to the commencement of the development a phased risk Assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority. Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy. A remediation strategy shall be submitted to and approved by the LPA to ensure the site will be rendered suitable for its proposed use and the development shall not be occupied until the approved remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

- 11) Either prior to, or concurrent with the submission of each reserved matters application a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) Risk Assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction;
 - d) A mitigation strategy for all protected species ensuring that each species long term conservation status is protected and enhanced;
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication, and
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure the protection of habitats and species on the site, in accordance with Policy CSB1 of the Core Strategy and Policy C8 of the Local Plan.

- 12) Concurrent with the submission of the first reserved matters application, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan should demonstrate how the development can achieve a no net loss of biodiversity overall compared to the

biodiversity value of the site prior to development. The plan should include both habitat and species enhancements and should use a suitable form of biodiversity accounting to prove that no net loss can be achieved. The BEP should include:

- a) Details of habitat creation or enhancements (this could cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required;
- b) Details of species enhancements including relevant scale plans and drawings showing the location, elevation and type of features such as bat and bird boxes etc. as appropriate;
- c) Selection of appropriate strategies for creating/restoring target habitats or introducing target species;
- d) Selection of specific techniques and practices for establishing vegetation;
- e) Sources of habitat materials (e.g. plant stock) or species individuals;
- f) Method statement for site preparation and establishment of target features;
- g) Extent and location of proposed works, and
- h) Details of the biodiversity offsetting metric calculations that clearly demonstrate that the proposals contained in the plan avoid a net loss of biodiversity.

Thereafter, the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements should be delivered prior to final occupation.

Reason: To avoid a net loss of biodiversity in accordance with Policy CSB1 of the Core Strategy and government guidance as stated in paragraphs 170(d) and 175 of the Framework.

- 13) No development shall take place until the tree protection measures detailed in Appendix B of the Arboricultural Assessment dated January 2018 are erected around any trees affected by construction activity.

Reason: To safeguard trees which are visually important in accordance with Policies CSEN1 and CSQ3 of the Core Strategy 2027 and Policies G2, C9 and D1 of the Local Plan 2011.

- 14) Before any dwelling hereby permitted is first occupied, the proposed vehicular accesses, driveways and turning areas that serve that dwelling shall be constructed, laid out, surfaced and drained in accordance with the specification details that have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works.

Reason: To ensure a satisfactory residential environment in accordance with policy D1 and EP2 of the Local Plan.

- 15) Prior to the occupation of the first dwelling hereby permitted a Travel Plan in general accordance with the Framework Travel Plan dated 5 January 2018 shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: To promote the use of non-car modes of transport in accordance with Policy CSM2 of the Core Strategy.

- 16) Prior to first occupation of any dwelling or building to which they relate electric vehicle charging points shall be installed and be operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory standards of air quality for the residents of the development and surrounding residential properties in accordance with Policies G2 and EP1 of the Local Plan, CSQ2 of the Core Strategy and paragraphs 105 and 181 of the Framework.

- 17) Prior to the occupation of the first dwelling hereby approved details of the means by which the dwellings may be connected to the utilities to be provided on site to facilitate super-fast broadband connectivity have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate homeworking and to reduce the need to travel in accordance with Policies CSM1 and CSM2 of the Core Strategy.

- 18) Prior to first occupation of any dwelling a noise mitigation strategy including full details of the proposed noise bund to be erected along the southern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained thereafter.

Reason: To minimise the noise levels from the adjacent A40 and to ensure a satisfactory residential environment in accordance with policy D1 and EP2 of the Local Plan.

- 19) Prior to the occupation of the first dwelling, details of a scheme for the enhancement and protection of the on-site Scheduled Ancient Monument on the site shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall include details of the following;
- a) strimming / mowing and removal of scrub vegetation and self-set trees from the monument;
 - b) a management plan for the preservation / maintenance of the monument in the future, prepared with the objective of removing the need to secure scheduled monument consent to carry out future maintenance of the monument;
 - c) consultation with Historic England and the Local Planning Authority Archaeology Officer in respect of research into the history and the origins of the monument;
 - d) Design and location of an interpretation and information board in respect of the monument. The board shall include information in respect of the monument. It shall also include details of the statutory protection and security measures that the monument benefits from and the repercussions for any individuals who damage the monument through illegal or unauthorised activities, such as metal detecting, and
 - e) Design and location of a seating area, comprising at least one bench and associated hard standing, adjacent to, but outside, the perimeter of the monument. The perimeter of the monument is defined as the extremities of ditch, plus an additional two metre buffer zone.

The interpretation board and seating area shall be installed and the SAM maintained in accordance with the details set out in the SAM enhancement scheme as approved by the Council and shall be maintained thereafter for the lifetime of the development unless otherwise agreed in writing by the LPA.

Reason: To ensure adequate mitigation of a designated heritage asset in accordance with Policy CSEN3 of the Core Strategy.



Report to the Secretary of State for Housing, Communities and Local Government

by D M Young BSc (Hons) MA MRTPI MI HE

An Inspector appointed by the Secretary of State

Date: 27 December 2019

TOWN AND COUNTRY PLANNING ACT 1990

SOUTH OXFORDSHIRE DISTRICT COUNCIL

APPEAL MADE BY

OXFORD BROOKES UNIVERSITY

Inquiry Held on 22-25, 29-31 October 2019

Oxford Brookes University, Wheatley Campus, College Close, Wheatley, Oxford OX33 1HX

File Ref: APP/Q3115/W/19/3230827

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Appendices

- A Appearances
- B Inquiry Documents
- C Core Documents
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- E Respective positions of the parties on housing land supply

GLOSSARY

5YHLS	5 Year Housing Land Supply
3YHLS	3 Year Housing Land Supply
CD	Core Document
CIL	Community Infrastructure Levy
DAS	Design and Access Statement
DPD	Development Plan Document
dph	dwellings per hectare
eLP	Emerging Local Plan
EIA	Environmental Impact Assessment
eWNP	emerging Wheatley Neighbourhood Plan
ES	Environmental Statement
GI	Green Infrastructure
HE	Historic England
HLSS	Housing Land Supply Statement
HMA	Housing Market Area
ID	Inquiry Document
JSSP	Joint Spatial Structure Plan (Oxfordshire Plan 2050)
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
NIC	National Infrastructure Commission
OAN	Objectively Assessed Need
OCC	Oxfordshire County Council
OHGD	Oxfordshire Housing and Growth Deal
PDL	Previously Developed Land
PoE	Proof of Evidence
PPG	Planning Practice Guidance
RfR	Reason for Refusal
S106	Section 106 of the Town and Country Planning Act 1990
SM	Scheduled Monument
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
SODC	South Oxfordshire District Council
SoS	Secretary of State
SuDS	Sustainable Drainage System
TA	Transport Assessment
WMS	Written Ministerial Statement

Appeal Ref: APP/Q3115/W/19/3230827

Oxford Brookes University, Wheatley Campus, College Close, Wheatley, Oxford OX33 1HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Oxford Brookes University against the decision of South Oxfordshire District Council.
- The application Ref P17/S4254/O dated 19 January 2018 was refused by notice dated 13 December 2018.
- The development proposed is a Outline planning application, with all matters reserved for subsequent approval except details of vehicular access, for demolition of all existing structures and redevelopment of the site with up to 500 dwellings and associated works including; engineering operations, including site clearance, remediation, remodelling and deposition of inert fill material arising from demolition on site; installation of new and modification of existing services and utilities; construction of foul and surface water drainage systems, including SuDS; creation of noise mitigation bund and fencing; creation of public open space, leisure, sport and recreation facilities including equipped play areas; ecological mitigation works; construction of a building for community/sport use and associated car parking; construction of internal estate roads, private drives and other highways infrastructure and construction of pedestrian footpaths.

Summary of recommendation: the appeal be allowed

1. Procedural Matters

- 1.1 The appeal was recovered by the Secretary of State (SoS) for his own determination by means of a Direction dated 12 July 2019¹. The reasons for the Direction are that the appeal involves proposals for residential development over 150 units or on sites over 5 hectares in the Green Belt, which would significantly **impact on the Government's objective to secure a better balance** between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
- 1.2 The Inquiry sat for 7 days between 22 and 31 October 2019. The venue was located on the appeal site and therefore I undertook numerous site visits during the course of the Inquiry. In addition, I carried out an unaccompanied visit to the site and surrounding area on 21 October 2019. Having heard all the relevant evidence in relation to landscape, Green Belt and accessibility matters I undertook an accompanied site visit on 28 October.
- 1.3 Although the application was submitted in outline with only access to be determined, it was accompanied by an illustrative masterplan and set of parameter plans as well as a raft of supporting technical documentation contained in an Environmental Impact Assessment (EIA)². This material is broadly accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation.
- 1.4 The application was refused against officer recommendation for 5 reasons. Reason for Refusal (RfR) 1 alleges the development would be inappropriate

¹ See main file

² See Appendix 2 of Planning SOCG for full list of amended plans and documents (CD16.1)

development in the Green Belt and cause harm to its openness with no very special circumstances identified to outweigh this harm. RfR 2 considers that the development would harm the setting of nearby heritage assets with little public benefit to offset the harm. The Council accept that the wording of RfR2 erroneously refers to Policy CON15 instead of Policy CON11 which relates to nationally important archaeological remains. RfR3 focuses on the location of the development and alleges that it would be poorly related to local settlements and facilities leading to an over reliance on car borne trips. RfRs 4 and 5 relate to the absence of a planning obligation to secure affordable housing and infrastructure.

- 1.5 A signed and dated agreement under s106³ of the Town and Country Planning Act 1990 (S106) was submitted after the close of the Inquiry. Amongst other things, this contains obligations to both South Oxfordshire District Council (the Council) and Oxfordshire County Council (OCC) in respect of affordable housing, off-site sports facilities and highway works. A draft version of the agreement was discussed at the Inquiry⁴. All the proposed obligations need to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter I return to later. On the basis of the S106 RfRs 4 and 5 fall away.
- 1.6 On 9 October 2019, the SoS issued a Holding Direction⁵ to prevent the Council taking any further action in relation to the emerging South Oxfordshire Local Plan (the eLP), including its withdrawal, whilst he considers use of his intervention powers, under s21A of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). This direction remains in force until the SoS withdraws it or gives a direction under section 21 of the 2004 Act in relation to the Plan. Section 21A (2) of the 2004 Act indicates that; *“A document to which a direction under this section relates has no effect while the direction is in force”*. The eLP therefore has no effect whilst the Holding Direction remains in place and, consequently, policies within the plan are of no effect also. I return to the matter of the evidence base later in my report.
- 1.7 During the determination period, the scheme was amended to reflect discussions between the Appellant and Council officers. Amongst other things the amendments included the introduction of a retail shop⁶. After the Council issued its decision, the requirement for a retail shop was omitted from the January 2019 version of the eLP. The appeal scheme was hence amended a second time to remove the shop. The Appellant conducted a further round of public consultation between 9 May and 4 June 2019 to give interested persons the opportunity to comment on this amendment. Having regard to the principles set out in the Wheatcroft judgement⁷, and bearing in mind the original scheme did not include a shop, I do not consider the post-decision amendment materially alters the substance of the proposal. In any event, given the Appellant’s consultation exercise, I am satisfied that local residents as well as the Council have had ample opportunity to comment on the change. In these

³ See main file

⁴ ID26

⁵ <https://www.gov.uk/government/publications/south-oxfordshire-local-plan-holding-direction-letter-to-council>

⁶ This was included to reflect the requirements of Policy STRAT10 of the ‘Publication Version’ of the eLP, dated October 2017.

⁷ Bernard Wheatcroft Ltd v SSE (JPL 1982) (CD9.1)

circumstances, I am satisfied that no injustice would be caused if I were to consider the revised plans.

- 1.8 As the proposal is EIA development, the various amendments resulted in the submission of an Environmental Statement (ES) Addendum dated October 2018 and an ES Addendum Review letter dated 6 June 2019⁸. The conclusions of both documents were that the findings of the original ES are unchanged by the amendments. The Council do not disagree. I am therefore satisfied that the ES remains robust and does not require amendment.
- 1.9 A pre-Inquiry Case Management Conference was held on 14 August 2019 to discuss the arrangements for the Inquiry and deadlines for the submission of various documents. A summary of the conference was subsequently sent to the main parties⁹.

2. The Site and Surroundings

- 2.1 The appeal site covers a total area of 21.5 hectares located immediately north of the A40 dual-carriageway, approximately 3.5km east of Oxford. To the south of the site, beyond the A40 London Road, lies Wheatley which is a relatively large, rural village with a good range of facilities and amenities. Waterperry Road adjoins the eastern site boundary and serves as the main point of vehicular access to the site. To the north, there are agricultural fields which separate the site from the rural settlement of Holton. To the west lies an education and leisure complex comprising the John Watson/Wheatley Park schools and the Park Sport Centre and gym. Holton Park, sometimes referred to as Old House, is a Grade II Listed Building¹⁰ situated at the eastern end of the **complex adjacent to the site's western boundary**.
- 2.2 The site itself is currently in use as a university campus although Oxford Brookes University (OBU) intends to vacate the site by 2021/2022. Prior to the current use, the site was used as a military hospital during the Second World War and before that it once formed part of a medieval field system which subsequently became a deer park around the late 18th Century remaining until the early part of the 20th Century.
- 2.3 As it is today, a range of buildings are located within the eastern and central parts of the site, most of which date from the mid/late 20th Century. The heights of the existing buildings range from single storey to a 12-storey tower block approximately 35m tall. There are 2 residential properties located within the eastern part of the site, and a row of houses located within the centre of the site known as College Close. The campus also includes a range of informal recreational green spaces along with various grass and artificial playing pitches which are predominantly located on the western side of the site. In the north-west quadrant lies a Scheduled Monument¹¹ (SM) which comprises a circular, ditched, landscape feature. The south-west quadrant is a visually distinct, undeveloped green space that accounts for approximately 13.75% of the site¹².

⁸ CD3.2

⁹ Summary of Case Conference (CD18.2)

¹⁰ List Entry No. 1369201

¹¹ Ref: SM1018425

¹² Table 2, Bolger PoE

2.4 The site is generally well vegetated particularly along its site boundaries with a number of existing mature trees, hedgerows and shrubs which are the subject of a Tree Preservation Order¹³ (reference 35/2005). The landscaping most of which would be retained along with local topography provides for a degree of visual containment such that the majority of existing buildings are not visible outside the site boundaries.

3. Planning Policy and Guidance

3.1 Section 38(6) of the 2004 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which can **override development plan policy if it is not consistent with the Framework's** provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.

3.2 The latest version of the Framework was issued in February 2019. Like earlier versions it emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through 3 over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area.

3.3 To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

3.4 Of particular relevance in this case are those parts of the Framework which deal with Green Belt, heritage assets and housing provision. Section 13 of the **Framework is entitled "Protecting the Green Belt", with paragraph 136 making it** clear that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Paragraph 143 reaffirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved, except in very special circumstances.

3.5 Paragraph 144 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

¹³ Council ref: 35/2005

- 3.6 With regard to housing, paragraph 59 of the Framework confirms that it is the **Government's objective to significantly boost the supply of homes** and to ensure that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. In considering ways to boost supply, paragraph 72 advises that the supply of large numbers of new homes can often be best achieved through planning for larger-scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well-located and designed, and supported by the necessary infrastructure and facilities.
- 3.7 Paragraph 73 requires local planning authorities to identify and update annually **a supply of specific deliverable sites sufficient to provide a minimum of 5 years'** worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.
- 3.8 Paragraph 190 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 advises that when considering the impact of a proposed development on the significance of a designated **heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be)**. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In those circumstances where less than substantial harm is identified, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.9 Other relevant paragraphs in the Framework are referenced, as appropriate, later in this Report. The Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this appeal.

The Development Plan

- 3.10 **The Development Plan comprises saved policies in the "South Oxfordshire Local Plan 2011"¹⁴ (the LP) and the "South Oxfordshire Core Strategy 2012"¹⁵ (the CS).**
- 3.11 The LP was adopted in 2006 and covered the relatively short period up to 2011. The housing requirements for the LP were derived from the now defunct Regional Planning Guidance¹⁶ (RPG) for the South East (as amended) which was adopted in 2001 and the Oxfordshire Structure Plan which was adopted in August 1998. Various policies in the LP were saved by the SoS in 2008. Following the adoption of the CS, the LP was reviewed, and those policies found **to be superseded by or inconsistent with the CS were 'struck through'**.
- 3.12 The Planning SoCG¹⁷ identifies 36 'relevant' LP policies. Of these, only 7 are referred to in the contested RfRs, these are: GB4 (Visual Amenity of the Green

¹⁴ CD5.1

¹⁵ CD5.2

¹⁶ ID14: RPG Revocation Order 2013 No. 427

¹⁷ CD16.1

Belt), CON5 (Setting Of Listed Buildings), CON11 (Archaeological remains), T1 (Safe, Convenient And Adequate Highway Network For All users), T2 (Unloading, Turning and Parking For All Highway Users) and T7 (Improvements And Extensions To Footpaths And Cycle Network).

- 3.13 Whilst the LP is time expired, that does not mean the aforementioned policies and any other relevant policies are necessarily inconsistent with the Framework. I will return to the issue of consistency later in my report.

The Core Strategy

- 3.14 The CS was adopted in 2012 following the publication of the original version of the Framework. It sets out the vision for South Oxfordshire to 2027. Although the Examining Inspector found the CS to be generally consistent with the provisions of the Framework¹⁸, much of the evidence base underpinning the plan and the Examination hearings themselves pre-dated the March 2012 Framework. The housing requirement of the CS was based upon the constrained supply contained in the RPG which remained in force at the time of adoption and therefore the Examining Inspector (and Council) were obliged to rely on it under the transitional arrangements set out in paragraph 218 of Annex 1 of the 2012 Framework.
- 3.15 The Planning SoCG includes a list of 19 relevant CS policies of which the following 6 are cited in the RfRs: CSEN2 (Green Belt), CSEN3 (Historic Environment), Policy CSM2 (Transport Assessments and Travel Plans), Policy CSM1 – Transport, CS1 (Presumption in favour of sustainable development) and CSS1 (The overall strategy). As paragraph 1.10 of the CS makes clear, the aforementioned policies are of a strategic nature and are intended to be supplemented by more detailed policies in a Development Management Policies DPD. That document was abandoned at an early stage in favour of a new local plan.

The eLP

- 3.16 The eLP¹⁹ was submitted for Examination on 29 March 2019. Despite the advanced stage of preparation **at the time of the Council's decision, none of the RfRs refer to policies in the eLP.** Even before the **SoS's** Holding Direction, it was common ground that the eLP carries only limited weight in the determination of this appeal.
- 3.17 Notwithstanding the current status of the eLP, it has been submitted for Examination and the SoS has publicly confirmed his support for it²⁰. Although the Cabinet has recommended that the plan is withdrawn²¹, the **Council's** planning witness confirmed that it is still committed to the eLP for plan-making purposes. In these circumstances, I consider the evidence base which has been thoroughly and diligently compiled over several years is a material consideration in this appeal.

¹⁸ Paragraph 144-146, of the Examining Inspector's Report (CD5.3)

¹⁹ CD6.1

²⁰ CD15.4, CD15.11 & CD15.15

²¹ Council Cabinet's decision 3 October 2019

- 3.18 In relation to housing growth in the district over the plan period, the evidence base supports an annual housing requirement of 775 homes per year or an overall requirement of 17,825 homes between 2011 and 2034. This represents the midpoint in the annualised housing requirement range identified for South Oxfordshire District in the Strategic Housing Market Assessment (SHMA)²².
- 3.19 The evidence base also supports Policy STRAT 14 (formerly STRAT10) which proposes to remove the appeal site from the Green Belt and allocate it for a development to deliver at least 300 new homes within the plan period.

The Wheatley Neighbourhood Plan

- 3.20 Part of the appeal site falls within the emerging Wheatley Neighbourhood Plan²³ (the eWNP) area designated on 31 March 2016. The second draft of the eWNP was published for consultation in May 2019. On 3 September 2019 it was submitted to the Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. This document was then the subject of statutory consultation ending on 18 October 2019.
- 3.21 **The eWNP sets out the community's vision for the future of the area** during the plan period (2019 - 2033) and provides a land use framework for development in the area. The vision confirms that a main objective of the plan will be to *"provide a range of different types of new houses across all tenures to meet the needs of all income and age ranges, including key workers, within Wheatley and its catchment area using design guidance..."*. It identifies that the main housing needs are for affordable housing, starter homes and supported housing for the elderly²⁴. It aims to promote the provision of 40% affordable homes, in line with the policy of the eLP.
- 3.22 The eWNP acknowledges the importance of bus services to Wheatley²⁵ and seeks to locate new homes within walking distance of the village centre which is described in the following terms:
- "The retail activities in Wheatley centre are mainly food shops (the Co-op, Costcutter, a well-established baker and butcher) and catering (pub, restaurant, chip shop and take away). Among other High Street services there is the post office, hairdressers, pharmacy, dog grooming, estate agent, a laundrette and a tattooist. Above the High Street on Church Road services include another pub, **an architect's business, garage, dentist, the library, the parish church and a further estate agent.** A car tyre supplier operates on Holloway Road and a veterinary practice can be found on Roman Road. On the village perimeter, there is a motel complex, an ASDA store and petrol station, a car sales outlet, a coach depot and 2 garden centres. The seven pubs of 1975 have now been reduced to two (and one private club). There are four worshipping congregations: Anglican, Catholic, United Reform and Community Church."*²⁶
- 3.23 Policy SPOBU-WHE25 supports the release of the appeal site from the Green Belt and its allocation as a strategic housing site. It goes on to advise that

²² CD10.6 & CD10.7

²³ Chapter 9 (CD6.2)

²⁴ Paragraph 8.8 (CD6.2)

²⁵ Paragraph 4.22 (CD 6.2)

²⁶ Paragraph 4.16 (CD 6.2)

alterations or replacement of existing buildings should be focused on the previously developed part of the site and should avoid an adverse impact on the SM. In general, development on undeveloped parts of the site will not be considered appropriate with the exception of access routes and functional green spaces.

- 3.24 Some of the requirements of SPOBU-WHE25 relate to the area outside of Wheatley parish and the plan is subject to a number of unresolved objections in that regard. Accordingly, it was common ground at the Inquiry that only limited weight can be given to the eWNP at this time.

The Growth Deal

- 3.25 In 2016 the Government instructed the National Infrastructure Commission (NIC) to undertake a review of the potential for growth in the geographic corridor containing Oxford, Milton Keynes and Cambridge. Sitting at the Western end of the arc, Oxfordshire has a major role to play in delivering on the **Government's ambitions for this area, and beyond. The NIC's final report**²⁷ was published in late 2017. It found that Oxford with other cities in the arc is successful and fast-growing. However, a sustained shortfall in housing supply has led to high house prices and low levels of affordability which is having a constraining effect on future growth.
- 3.26 The Oxfordshire Housing and Growth Deal (OHGD)²⁸ is a response to those problems and seeks to unlock the growth potential of the area. It requires the Council along with, Oxford City Council, Vale of White Horse, Cherwell and West Oxfordshire District Councils to plan and deliver 100,000 homes by 2031 in exchange for £215m of Government investment. The OHGD requires the constituent authorities to submit and adopt a joint statutory spatial plan (JSSP) covering all 5 district councils in Oxfordshire by 2021.
- 3.27 In addition to the investment, the Government has committed to certain time-limited planning flexibilities for the relevant authorities. In a Written Ministerial Statement (the WMS), published on 12 September 2018²⁹, the SoS implemented a temporary change to **the Framework's** housing land supply policies as they apply in Oxfordshire. It confirmed that:

"For the purposes of decision-taking under paragraph 11(d), footnote 7 of the National Planning Policy Framework will apply where the authorities in Oxfordshire cannot demonstrate a 3-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). This policy flexibility does not apply to the Housing Delivery Test limb of footnote 7 of the National Planning Policy Framework nor plan making policy in paragraph 67. If a local authority intends to fix their land supply under paragraph 74 they will still be required to demonstrate a minimum of 5 year supply of deliverable housing sites, with the appropriate buffer."

- 3.28 The WMS is a material consideration in planning decisions and applies to South Oxfordshire provided the timescales agreed in the OHGD are adhered to. It

²⁷ Partnering for Prosperity: A new deal for the Cambridge-Milton Keynes-Oxford Arc (CD20.5)

²⁸ CD10.4

²⁹ CD10.3

confirms that the SoS will monitor progress with plan-making and keep the planning flexibilities under review. The OHGD is not an assessment of housing need and as such does not identify a housing requirement for each district, nor does it attempt to apportion any housing needs from one authority to another. The overall aspirational housing target in the deal is derived from the SHMA.

4. The Application Proposal

- 4.1 The appeal proposal seeks outline planning permission for the development of up to 500 houses. 2 points of vehicular and pedestrian access are proposed from Waterperry Road in the east and Holton Park Drive in the west. In addition to housing, the development includes generous areas of green infrastructure including; a Local Equipped Area of Play (LEAP), bowling green, cricket pitch, sports pavilion, structural landscaping and an ecological area. The green infrastructure would amount to at least 10.69ha, approximately 50% of the site.
- 4.2 An illustrative layout plan³⁰ which is to be read alongside 3 parameter plans³¹ show how the site might be developed. These plans were supplemented at the appeal stage by a suite of photomontages³². The principle components of the layout are a central spine road which links the 2 access points. Areas of housing are interspersed between the areas of landscaping. The majority of existing trees on the site would be retained.
- 4.3 The central and eastern sections of the site would be dominated by 3 and 4-storey housing. This is where the largest buildings are currently located. Low density 2-storey housing would be confined to the south-west and north-central quadrants. The north-west quadrant which is currently occupied by sports pitches would be kept largely free of development with the SM being incorporated within the proposed green infrastructure.

5. Background

- 5.1 Following **OBU's** decision to vacate the appeal site by 2021, the Appellant pursued a housing allocation in the eLP. At the same time and following discussions with Council officers a planning application was submitted for the redevelopment of the site. Pre-application discussions took place between September 2016 through to early 2018. The full details of these discussions are set out in paragraph 7 of the Appellant's **Closing Submissions**³³ and I need not repeat all of that information here.
- 5.2 The planning application was submitted on 19 January 2018 and was given the reference number P17/S4254/O. Due to the scale of the development, an EIA was submitted in support of the application. During the determination period, the scheme was amended to reflect discussions that had taken place between the Appellant, the Council and various statutory consultees. These amendments were reflected in amended parameter and layout plans that were subject to re-consultation. Amongst other things, the amendments provided for:

³⁰ Drawing ref: 7590-L-60

³¹ Drawing refs: 7590-L-19 F, 7590-L-20 F & 7590-L-18 G

³² ID1 & Appendix 6 Holliday PoE

³³ ID28

- an expansion of proposed areas of publicly accessible green open space;
- a reduction in the extent of housing in the western portion of the site;
- an expansion of open space around the SM;
- the introduction of a retail shop;
- various landscaping and biodiversity improvements, and
- an increase in the amount of 4-storey development.

5.3 **The application was considered by the Council's Planning Committee at their meeting dated 28 November 2018.** In recommending approval, the Committee Report³⁴ concluded:

*"very special circumstances exist that demonstrate that the principle of residential development in the Green Belt is acceptable. In addition to being a previously developed site, an increase in openness achieved by the flattening and wider dispersal of buildings, demonstrates the proposal would not have any greater impact on the openness of the Green Belt than existing development. Revisions to the layout and parameter plans have resulted in a scheme that responds appropriately to the site constraints and areas of importance within the site. There are public benefits and on-site mitigation delivered through the **proposal, which outweigh the identified 'less than substantial harm' to the heritage significance, as well as on and off-site infrastructure secured through the legal agreement. On this basis, the development accords with the revised National Framework and the Development Plan, and officers recommend approval of the outline planning permission.**"*

5.4 According to the Minutes supplied by the Council³⁵ the Committee expressed concerns about encroachment of the proposed built form to the south-west quadrant, a higher number of dwellings than is provided for in the eWNP, the impact on the setting of Holton Park; and the lack of connectivity with Holton. The Decision Notice³⁶ was issued on the 13 December 2018.

6. Agreed Facts

6.1 The following SoCG's have been agreed between the Council and the Appellant:

- 1) Main Planning SoCG dated 16 August 2019³⁷
- 2) Landscape SoCG including 10 appendices dated 27 September 2019³⁸
- 3) Heritage SoCG dated September 2019³⁹
- 4) Accessibility SoCG dated 30 September 2019⁴⁰

³⁴ Core Document CD4.1

³⁵ Page 3, CD4.2

³⁶ See main file

³⁷ CD16.1

³⁸ CD16.2

³⁹ CD16.3

⁴⁰ CD16.4

5) Affordable Housing SoCG October 2019⁴¹

- 6.2 The main planning SoCG sets out the application description, the submitted plans and a brief description of the proposal, the site and its surroundings. It confirms that the application was subject to amendment relating to the convenience store during the determination period and then again after the **Council's decision**. It confirms the RfRs and the date of the **Council's decision**. Section 5 covers the Development Plan and lists 35 Local Plan and 19 Core Strategy policies that are relevant to the appeal. It confirms that the Framework, PPG, The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act), the OHGD, the eLP and the eWNP are all material considerations.
- 6.3 The Landscape SOCG lists all the relevant landscape and Green Belt studies. It goes on to identify 4 agreed matters which are: 1) the Wheatley Campus Map is helpful when discussing the parts of the site; 2) there would be landscape, visual and Green Belt benefits from the removal of the approximately 35m tall tower; 3) there would be landscape and visual benefits from the removal of buildings and structures within the site that have become dilapidated, and 4) the current visibility of buildings within the site is limited and only the tower is visible from the wider landscape.
- 6.4 The Heritage SoCG confirms the duty under the 1990 Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses⁴². The matters agreed are listed as:
- 1) The designated heritage assets which are, to a greater or lesser degree, affected by the appeal proposals are the SM on the appeal site; Holton Park **'Old House' at the adjacent Wheatley Park School site, St. Bartholomew's Church, Holton**⁴³, and a Scheduled Monument⁴⁴ and listed buildings and structures on the adjacent Wheatley Park School site comprising stretches of listed wall, a bridge, ice house and stable block.
 - 2) **There would be an impact on the setting of Holton Park 'Old House' as a result of the appeal proposals. The setting of Holton Park 'Old House' is currently affected by the present situation on the appeal site.**
 - 3) The former deer park, of which the appeal site is a part, is neither a designated nor non-designated heritage asset.
- 6.5 The Accessibility SoCG agrees the distances from the centre of the appeal site to various local destinations⁴⁵. It is also agreed that the Wheatley Park School and sports centre complex, which lies at the far western end of Holton village, is within reasonable walking distance of the site. It is further agreed that distance alone is not the only factor that affects the attractiveness of walking and that the quality of footways and crossings, perceived personal security, quality and the good appearance of routes are also relevant.

⁴¹ CD16.5

⁴² The SM is not a listed building and therefore is not covered by the duty under s66 of the 1990 Act

⁴³ List No. 1047596

⁴⁴ SM1018424

⁴⁵ Table 2, page 5

- 6.6 The Affordable Housing SoCG sets out the **party's** respective position on the housing need and supply in South Oxfordshire. It confirms that the Council is able to demonstrate a 5YHLS against the figure which arises from the standard method which defines a Local Housing Need of 632 dwellings per annum (dpa).
- 6.7 It is also agreed that the OHGD commits the Oxfordshire authorities to plan for and support the delivery of 100,000 new homes between 2011 and 2031, and to progress their respective local plans to achieve this as well as a JSSP to address longer-term development needs to 2050. The 100,000 homes figure is derived from the 2014 Oxfordshire SHMA which breaks down the need for each of the 5 **Oxfordshire authorities. South Oxfordshire's need was assessed at 15,500 homes between 2011-31, equivalent to 775dpa. Oxford's unmet need is 15,000 homes.** The Oxfordshire authorities have agreed how this should be distributed through a Memorandum of Understanding, which South Oxfordshire did not sign, and the more recent Statement of Common Ground in support of the Oxford Local Plan 2036 and South Oxfordshire Local Plan 2034, which South Oxfordshire has signed up to. This statement agrees that apportionment of unmet housing need, arising from the Oxfordshire Housing Market Area, must be strategically and cooperatively considered through the Oxfordshire Growth Board, and that the latest agreed apportionment figure is 4,950 for South Oxfordshire.
- 6.8 The Council submitted its Local Plan in March 2019 on the basis of the above. Planning Inspectors at three Oxfordshire local plan Examinations have found the **calculations of Oxford's unmet need to be sound, and the SoS himself has drawn the Council's attention to this in a recent letter on 26th August 2019⁴⁶.**
- 6.9 It is also agreed that the WMS, which sets out that paragraph 11 d) of the Framework will be engaged where authorities cannot demonstrate a 3-year supply of deliverable land (3YHLS), has been developed within the specific context of the OHGD. It is common ground that the WMS recognises that in the *"short-term this will result in fewer permissions granted under paragraph 11 but that it is important to support ambitious plans that will deliver more housing in the longer term"*.
- 6.10 Other agreed matters include:
- Period of Assessment: housing land supply will be assessed for the period 1st April 2019 to 31st March 2024.
 - The 2019 Housing Land Supply Statement⁴⁷ (HLSS), has a base date of 1st April 2019;
 - Buffer: a 5% buffer is appropriate when calculating the 5YHLS; requirement, and
 - There is also agreement on the relevant parts of the Framework and PPG that deal with housing delivery.

⁴⁶ CD15.11

⁴⁷ CD10.1

7. The Case for South Oxfordshire District Council

The case for the Council is summarised as follows.

Overview

- 7.1 This appeal scheme is speculative development of a very substantial scale in the Green Belt where national policy is firmly against such an approach. There is an emerging allocation, but the scheme proposed is substantially bigger in terms of dwelling numbers than that proposed in the eLP which supports development of **"at least 300 new homes", rather** than the 500 proposed. Moreover, the overall spread of development across the site is in stark conflict with the **eLP's** emphasis on accommodating dwellings in the east and not the sensitive western half of the site.
- 7.2 The eLP was submitted for Examination by 1st April 2019 in accordance with the OHGD timetable and has been following a similar timetable to Oxford **City's** emerging plan. It is only since the Holding Direction that progress on the eLP has faltered. Even before the Holding Direction the eLP attracted only limited weight and with the Direction in place it attracts no weight.
- 7.3 The scheme would result in Green Belt, landscape and heritage harm and is not plan-led, and there is nothing about the benefits that take us into the territory of very special circumstances.

Green Belt – Inappropriate development

- 7.4 Only the area on the brownfield land register plan⁴⁸ is previously developed land (PDL). Consequently, the appeal scheme does not benefit from the exemption in paragraph 145g) of the Framework and is inappropriate development in the Green Belt.
- 7.5 Curtilage is not defined in the Framework or legislation. Case law provides some assistance, although the cases are very fact sensitive. Curtilage is generally viewed as being limited in scope and applicable to an individual building, not a group of buildings⁴⁹. There are open spaces in and around campus buildings which are within curtilage. But no authority has been provided for the proposition that the buildings can be aggregated in a way that leads to them having a very large curtilage, as contended by the Appellant.
- 7.6 It is not correct to suggest that the areas of playing fields, which are quite separate in character and function from the developed area of the campus, should be considered curtilage in ordinary language. Having failed the PDL hurdle, the appeal scheme cannot come within paragraph 145g).
- 7.7 Even if one takes a different view on PDL, the appeal scheme would cause substantial harm to the openness of the Green Belt and therefore fails to satisfy the first indent of paragraph 145g).

⁴⁸ Appendix 6, CD16.1

⁴⁹ See *Dyer v Dorset CC*, 1988 WL 622738 (1989) & *Skerritts of Nottingham Ltd v Secretary of State*, (2000) WL 389505 (CD19.1 & CD19.3)

Openness

- 7.8 **The Government's commitment to the protection of the Green Belt is unequivocal. The Government attaches "great importance to Green Belts"⁵⁰** and it is difficult to think of a higher hurdle in policy terms than very special circumstances.
- 7.9 **The rigour with which this site's contribution to the Green Belt is assessed** must reflect the importance given to Green Belts. It would not be sufficient to focus on the existing concentration of buildings in the centre of the site. Built development quickly thins out and by far the majority of the site does not contain significant built development⁵¹. Openness is defined by the absence of built development. The site is predominantly open and therefore serves the fundamental aim of Green Belt policy of keeping land permanently open.
- 7.10 This contribution to the Green Belt is recognised in the 2015 Kirkham Green Belt Study⁵² which drew an inset boundary around the built form and hardstanding on the site, plus the southern recreational area, and excluded the north-west and south-west quadrants. These inset areas are those which do not display essential Green Belt characteristics; the point being, that the rest of the campus outside the proposed inset boundary does display those essential characteristics.
- 7.11 The Kirkham Study also aligns with **the Council's** assessment of the contribution of the site to the Green Belt purposes. In respect of purpose 2 (to prevent neighbouring towns merging into one another), the study notes that while the area between Wheatley and Holton does not contribute to the separation of towns, the area does contribute to the separation of Wheatley and Holton and any substantial development would lead to the perception of settlements merging. In respect of purpose 3 (safeguarding the countryside from encroachment), the open areas with a wooded and parkland character in the west plainly safeguard the countryside from encroachment.
- 7.12 The 2018 LUC Green Belt study⁵³ downgrades **the site's** contribution to the Green Belt but still finds that harm could be caused by its release. **The study's** overall judgement of 'low moderate' harm needs to be treated with significant caution in light, of conflicts with the earlier Kirkham Study and the evidence of the Council's landscape witness.
- 7.13 The harm to openness is multi-faceted. On a parcel by parcel analysis of the site, the proposal would result in approximately 70% of the site being dominated by built development, rather than 33% now⁵⁴. In respect of the visual element of openness, the site is currently experienced from within as largely open but for the concentration of development in the centre and east. Visually the site would be radically changed, from an open university campus to a dense residential estate, with the exception of the north-western quadrant only.

⁵⁰ Paragraph 133 of the Framework

⁵¹ Bolger PoE paragraph 4.2.1-15

⁵² Kirkham Landscape Planning Local Green Belt Study for South Oxfordshire: Final Report 14 September 2015 (CD16.2, Appendix 6)

⁵³ Green Belt Assessment of Strategic Sites in South Oxfordshire Final Report (Appendix 7 to CD16.2)

⁵⁴ Bolger PoE paragraph 8.2.3

7.14 The 4-storey development on the south of the site would be visible from the A40 and Waterperry Road outside of the site. The removal of the tower would be a clear benefit in openness terms. However, the actual extent of this benefit to openness needs careful assessment. It is a single tall tower, and from many viewpoints there is considerable screening of the bottom half of it by trees. The visual Assessment in the LVIA is that, where the tower can be seen, there are only glimpsed views and that the removal of the tower would only give rise to a “*minor beneficial*” effect.

Volume

7.15 The Appellant’s description of “*flattening and dispersing*” is not accurate. The **tower’s demolition is flattening, but elsewhere currently** developed areas see a substantial increase in height. As the PPG states⁵⁵, an analysis of existing v proposed volumes are part of the assessment of impact on Green Belt openness even at the outline stage.

7.16 The volume of the existing built form on site is agreed to be around 125,500m³. By overlaying the illustrative layout and the building heights parameters plan, the Council has calculated⁵⁶ a building envelope of around 203,500 m³. That equates to a 62% increase on the existing volume – a substantial increase.

7.17 Although it is not possible to know the exact volume of development that would come forward in the future, the parameter plans do control the limits of development. A planning permission granted in the terms sought would be for up to 500 dwellings, such that no more dwellings could be built, but dwellings filling the 203,500 m³ would be consistent with that permission.

7.18 The alternative approach to volume **involves a ‘bottom up’ approach, whereby** a SHMA compliant mix of dwellings is used to calculate a volume for 500 dwellings. On this approach, the Council has calculated⁵⁷ a volume of approximately 170,000m³. The Appellant volume figure of 125,563m³ has been calculated using a higher proportion of 1 and 2 bed flats⁵⁸ as requested by the Council during the application stage. However, this is likely to be a significant underestimate for the following reasons:

- a. It makes no allowance for storage, communal storage, lifts, lobbies or pitched roofs to any of the 3 or 4 storey flats, and
- b. Discussions with local affordable housing providers indicate that the dwellings are unrealistically small in terms of floorspace.

7.19 On either of **the Council’s approaches to volume**, there would be a substantial increase in built volume under the appeal scheme. This further bolsters the conclusions set out above that there would be a significant impact on openness.

⁵⁵ Paragraph ID64-001.

⁵⁶ Kashdan-Brown Rebuttal PoE Appendix JKB1 paragraph 2.

⁵⁷ Kashdan-Brown Rebuttal PoE paragraph 16.

⁵⁸ Gardner PoE paragraph 12.36

7.20 The Appellant cites the Wheatley Campus SPD⁵⁹ (the SPD) which provided for up to 194,995m³ of volume. However, the SPD shows a redevelopment scheme which is essentially confined to the area of existing built form.

Character and appearance

7.21 There is a distinction in character between the western and eastern halves of the site. The eastern and central areas are dominated by large scale development whereas the west, is largely open and significant elements of the former historic parkland are retained: the open and expansive grassland, the specimen parkland trees, the wooded area in the south-west quadrant, and the view to the mansion house of Holton Park just set back from its north-western boundary. Despite the use of the term '**relict parkland**' in the application documents, there is more than just fragments: the parkland character is quite evident and links in particular to the parkland setting of the school to the west.

7.22 The parkland character is acknowledged in the Oxfordshire Wildlife and Landscape Study 2004⁶⁰, the western half of the site falls in the Wooded Estatelands landscape type, while the eastern half is in the Rolling Farmland landscape type. These landscape types can cover quite large swathes of land around Oxford, but the drawing of the line down through the middle of the site evidences the different character of the western half. **"Large parklands and mansion houses"** are characteristic of the Wooded Estatelands landscape type. The appeal site sits in just such a former park with the mansion house overlooking it, and although the whole is not intact, unlike for instance Shotover Park to the east, the character is still evident.

7.23 The Appellant's use of the term "*institutional*" is unhelpful and various landscape studies⁶¹ have referenced **the site's** parkland character. The scheme would harm this character with built development dominating the currently wooded south-west quadrant, enclose the southern boundary of the north-western quadrant and advance west some way into the north-west quadrant itself at the north of the site. In doing so not only would areas with parkland character be lost to dense residential development, but the remaining north-western quadrant would be significantly more influenced by the built development on its boundaries.

7.24 The scheme would conflict with the aforementioned landscape studies which advise that development should be focussed on the previously developed parts of the site. These studies form the evidence base that fed into the principle in eLP Policy STRAT14 that "*development on the western, undeveloped part of the site will not be considered appropriate*".

7.25 In visual terms, there would be harm to the visual amenity of the users of the campus (which include the public). On the western side the university buildings do not become prominent until pedestrians and cyclists are well into the site, especially in summer. The change to close views of the edge of residential development would be adverse. The proposed 4-storey development in the

⁵⁹ Oxford Brookes University Wheatley Masterplan SPD December 2012 (ID21).

⁶⁰ Appendix 3, CD16.2

⁶¹ SODC Landscape Sensitivity Assessment – Potential Strategic Allocations 2018 by KLP & South Oxfordshire District Council - Landscape Assessment Update 2018 by HDA 2018 (Appendices 9 & 10 CD16.2)

south-east quadrant is likely to be visible from the A40, including at night, and would harm the current impression of a rural landscape to the north. Users of Waterperry Road are also likely to have views of the development, impacting on the existing rural character of the road.

- 7.26 There would be some benefits to users of the Public Rights of Way network and residents in Holton, for whom the proposed development is unlikely to be visible, and who would benefit from the demolition of the tower. Care needs to be taken, however, that the undoubted benefits from the removal of the tower in landscape and visual terms, are not exaggerated.

Heritage

- 7.27 The western half of the site is sensitive in heritage terms with an on-site SM and a strong visual connection to Holton Park beyond which is a further SM and a collection of listed structures. There is no inter-visibility with this off-site SM and listed structures, but setting is not dependent on inter-visibility.
- 7.28 As **the Council's witness** explained these heritage assets are part of the same story **of the Manor House's shifting locations through the centuries across the site and its surroundings**. Holton Park has been orientated and positioned to take advantage of views to the south-east, and despite the intervening fence and vegetation there remain long views from Holton Park over its historic parkland.
- 7.29 The current open settings of the on-site SM and off-site Holton Park allow their inter-relationship to be understood. Despite the inability to be certain as to the nature of the monument, Historic England (HE) note that the on-site SM's **setting has "good open views in all directions"** and **that "in all of the possible interpretations of this feature, there is a connection with the earthwork and the relatively open and rural space surrounding it"**.⁶²
- 7.30 The John Moore report⁶³ **highlights an area (in green) which is "the area that should be withheld from development to ensure the least impact to these heritage assets"**. This **"designed landscape setting implication" is essentially all** of the north and south west quadrants of the site. The figure on page 266 of the same report includes a smaller shaded **orange area described as "Scheduled monument and listed building setting implication"**. **That shows an area where each heritage asset has a relationship with the other**. There are no grounds to **suggest that the "designed landscape setting implication"** in the John Moore report was influenced by the outcome of the decision on the planning application.
- 7.31 The appeal scheme fails to respect the open context which allows the relevant heritage assets to be understood. The scheme mostly fills the south-west quadrant of the appeal site with residential development, and comes within 50m of the SM. Although the majority of the north-west quadrant is left open there is nonetheless encroachment of development into this area. This would leave the assets heavily influenced by suburban residential development.

⁶² CD20.1

⁶³ Paragraph 4.7.3 of the John Moore Heritage Services: Heritage Impact Assessment of South Oxfordshire Local Plan 2034 Potential Strategic Sites, March 2019 (CD13.3)

- 7.32 The existing university buildings occupy only 70 degrees of the field of view from the on-site SM. They leave it predominantly open. The proposed development would see this extend to more than 180 degrees, due to the spreading of development to the north and to the south west of the site. This impact would be exacerbated by the new access road which would comprise a double streetway, with kerbing and streetlighting. The illustrative layouts suggest a corridor could be kept open to the south of the on-site SM, but this would be a channelled view through residential development. By reducing openness in this way, the effect of the proposed development would be to significantly diminish the context of the SM and Holton Park that enables them to be understood and tell the Holton Park manorial story.
- 7.33 In terms of Holton Park, only 40 of the 130-degree view cone from the rear windows of the building comprise built development. This would increase to 93 degrees. Presently, the closest 2 storey buildings on the appeal site are 265m away, but the proposed development would be as close as 180m, with the access road being closer still.⁶⁴
- 7.34 Based on changes to the setting of the SM, the Council considers the proposal would result in less than substantial harm of a moderate extent. There would be noticeable changes to the setting of Holton Park, which supports a conclusion of less than substantial harm of minor extent. The same extent of adverse impact would be seen in respect of the off-site SM and associated listed structures. It is striking that HE, **the Council's Conservation Officer** and the authors of the John Moore report come to similar conclusions.
- 7.35 The removal of the tower would have a minor positive effect upon the significance of the heritage assets. In respect of the SM and Holton Park, the tower is several hundred metres away and well screened by parkland trees. The view of the tower from the churchyard is a seasonal, filtered, distant and incidental one. Although there may be some limited heritage benefit in redesign and tree planting in the north-west quadrant, it falls well short of counterbalancing the harm that would be caused by the encroachment of built form into the settings of the heritage assets and the reduction of the north-west open area itself by 0.8ha.
- 7.36 Paragraph 196 of the Framework requires harm to be identified. It is only then that benefits can come into play in determining whether any harm is outweighed. This approach is supported by paragraph 193 and the requirement **to give "great weight" to an asset's conservation**. This must require a separate consideration of harms from benefits.

Accessibility

- 7.37 There is a good range of facilities and services in Wheatley but to comply with the Development Plan and national policy and guidance those facilities and services need to be accessible by sustainable modes of transport.
- 7.38 The distances to the facilities and services in Wheatley are significant. With the exception of the Wheatley Park Secondary School and the Park Sports Centre (both of which are on the Holton side of the A40) and the doctor's surgery at

⁶⁴ ID12

Morland House, all of the facilities are over 1km away, with the primary school 1,407m and the Asda 1,739m⁶⁵.

- 7.39 The IHT's Guidelines for Providing for Journeys on Foot 2000⁶⁶, gives a '*desirable*' walking distance of 400m, an '*acceptable*' walking distance of 800m, and a '*preferred maximum*' distance of 1,200m. All the facilities exceed the acceptable distance, and many exceed the preferred maximum. Paragraph 4.4.1 of Manual for Streets⁶⁷ states:

"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2 km. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents."

- 7.40 Two other factors emphasise the need for sustainability improvements to be very effective if the appeal scheme is to be sustainable. First, the A40 adds to the perception of separation. Walking through an underpass or on an overbridge to get across 4 lanes of trunk road is unattractive and a deterrent. Secondly, the scale of the appeal scheme is strategic. When so many people are affected, it is particularly important that the scheme is a sustainable one.
- 7.41 The eLP recognises this. STRAT14 notes that provision is likely to be needed for "*cycling and walking links into the centres of Holton and Wheatley and to the primary school*". The cycle and pedestrian provision across the bridge is unsatisfactory. The scope for further cycle lanes to, from and around Wheatley could also be explored; the narrowness of some historic streets may mean there are limits to what can be achieved, but the Council is not satisfied that all avenues have been explored.
- 7.42 The Appellant has proposed accessibility and connectivity improvements from the site to Wheatley, which have been sufficient to satisfy the Highway Authority. The Council have had regard to that view but have reached a different judgement that in light of all the above factors.
- 7.43 In the direction of Holton, the shortcomings of the scheme are particularly stark. There are no existing adequate footpath or safe cycle links with Holton. The scheme does nothing to improve this, providing no connectivity improvements with Holton. Being divorced from Holton in this way despite lying in its parish is unsatisfactory in social and sustainability terms.

Housing requirement

- 7.44 This issue is of importance both to this appeal and more widely. The starting point must be national policy in the Framework. Paragraph 73 and footnote 37 are the principal provisions. In the present case, where strategic policies are more than 5 years old, paragraph 73 and footnote 37 are clear that housing

⁶⁵ Accessibility SOCG table 5.1 (CD16.4)

⁶⁶ CD14.17

⁶⁷ CD14.3

supply is to be calculated against local housing need. For these purposes, local housing need is expressly defined as “*the standard method set out in national planning guidance*”. **There is a critical difference with plan-making.** In the plan-making context, paragraph 60 entertains the possibility that exceptional circumstances might justify an alternative approach to the standard method. In the decision-making context, paragraph 73 entertains no such possibility. **Annex 2 puts the matter beyond doubt: in the “context of preparing strategic policies only” can an alternative to the standard method be adopted.**

- 7.45 The October 2018 Technical Consultation explains that these amendments to footnote 37 and Annex 2 were introduced to remove any ambiguity on this issue⁶⁸. The PPG is to the same effect: ID68-005 and other paragraphs provide that the standard method is to be used in these circumstances. The Appellant’s reliance on ID21-010 regarding alternative, higher housing requirements than that derived from the standard method fails to have regard to the fact that that paragraph is clearly talking about plan-making.
- 7.46 The Appellant has sought to argue that the Framework permits a different approach, by reference to: (i) the WMS, (ii) the OHGD, and (iii) the **Government’s response to the ‘Partnering for Prosperity’ NIC report**⁶⁹. For the following reasons, it is considered the Appellant’s **approach is wrong** in relation to all 3 documents.
- 7.47 Paragraph 6 of the Framework provides that Written Ministerial Statements may, as statements of government policy, be material. The WMS does not however, change the housing requirement for the Oxfordshire authorities. Its actual effect is to implement one specific change to national policy. This is found **in the fourth paragraph of the WMS: “For the purposes of decision taking under paragraph 11(d), footnote 7 of the Framework will apply where authorities in Oxfordshire cannot demonstrate a 3-year supply of deliverable housing sites (with appropriate buffer, as set out in paragraph 73)”**. That amends footnote 7 as it applies in Oxfordshire. Nowhere does the WMS amend paragraph 73 or Annex 2 so as to provide that the Oxfordshire authorities should calculate housing supply by reference to a requirement other than that derived from the standard method.
- 7.48 The actual words of the WMS must be respected. It is not possible to read in to the WMS, as the Appellant would like to do, an obligation on the Oxfordshire authorities to calculate supply for decision-taking purposes by reference to a housing requirement derived from the SHMA, including a sizeable chunk of **Oxford City’s unmet need**. Nor does the OHGD amend national policy so as to mean that South Oxfordshire is obliged to use a non-standard method housing requirement. The OHGD is all about planned growth⁷⁰. The 100,000 homes should not therefore be delivered through speculative applications and appeals outside the plan-led system, such as the present one.
- 7.49 The Government response to the NIC report became a key plank of the Appellant’s case, **despite it only featuring in a single footnote in Mr Ireland’s PoE**. Paragraph 6 of the Framework also **provides that “endorsed**

⁶⁸ Appendix 7 paragraphs 30-34 (PoE/NI)

⁶⁹ CD 20.6

⁷⁰ Paragraph 1.2.3 of the OHGD Delivery Agreement (CD15.7)

recommendations of National Infrastructure Commission” are statements of government policy which may be material. However, recommendation 6 which states, that agreements between central and local government must not lead to a drop-in supply⁷¹, is not an endorsed recommendation. Rather the response explains that it has negotiated a bespoke agreement with the Oxfordshire authorities. That obviously implies that one must look at the precise terms of the bespoke agreement itself to understand its implications.

- 7.50 The Appellant **also relies on the reference to “ensuring land supply will increase despite flexibilities agreed to the application of the 5-year land supply requirement” and the “authorities planning for significantly greater levels of housing growth than their Local Housing Need assessment”**⁷². However, the Government’s response is plainly referring to the WMS’s expectation that although fewer permissions may be issued in the short term, land supply would increase in the longer term through the significant growth being planned for. Using the standard method together with a 3YHLS is entirely consistent with that. It is also consistent with the purpose for which the WMS 3-year flexibility was negotiated: temporary breathing space to allow resources to be focused on ambitious plan-making, without resources being constantly diverted to dealing with speculative applications and appeals based on an alleged lack of land supply. This is set out in the Growth Board report and consultation documents which preceded the adoption of the flexibility.
- 7.51 The WMS provides that the SoS will monitor progress against the Growth Deal timescales and keep the 3-year flexibility under review. No alterations have been made to the flexibility, no doubt because all the plans were submitted by the 1st April deadline and the JSSP is progressing.

Housing land supply

- 7.52 As set out above, the Council is required to demonstrate a 3YHLS against a housing requirement derived from the Standard Method. This it can do very comfortably with a supply of 9.71 years⁷³. Even on the Appellant’s supply figures, the Council can demonstrate a 3YHLS of 5.4 years.
- 7.53 The figure only drops below 3 years in Table 3⁷⁴ if: (i) the housing requirement is made to match the housing numbers in the OHGD, i.e. 775pa and 495pa from 2021; and (ii) the Appellant’s supply figures are used.
- 7.54 For the reasons set out above, the OHGD housing numbers cannot possibly be the appropriate housing requirement for decision making in advance of plan adoption. Accordingly, whether the Council’s or Appellant’s deliverable supply figures are used, the Council has requisite supply and paragraph 11(d) of the Framework is not engaged. As observed in the Lower Shiplake decision⁷⁵, there is no point in examining the supply figures.
- 7.55 Nevertheless, as the Appellant has advanced its argument based on a higher requirement figure, it is necessary for the Council to address the supply issues.

⁷¹ Final paragraph page 16 (CD20.6)

⁷² Page 17 (CD20.6)

⁷³ Table 2, Housing SOCG (CD16.5) reproduced in Appendix E

⁷⁴ Appendix E to this report

⁷⁵ PINS Ref: APP/Q3115/W/19/3220425 Paragraph 48 (ID4)

The starting point is to have close regard to the definition of deliverable in Annex 2 of the Framework. As the SoS made clear in the recent North Worcestershire Golf Club decision⁷⁶ *“realistic prospect’ remains the central test against which the deliverability of all sites must be measured”*.

- 7.56 On several of the disputed sites specific SoCGs have been signed by the Council and the developer. These are important because they are evidence direct from the developer, i.e. the person who is in the best position to assess deliverability. The Appellant **warns against developer’s ‘talking up’ delivery to curry favour** with the Council. However, as the Appellant’s witness accepted, there is no real **basis to approach the developer’s statements on that disbelieving basis**. The information listed in the SoCGs is carefully aligned to the categories of evidence suggested in the PPG⁷⁷.
- 7.57 The Appellant’s **approach to supply** is essentially to identify where more information particularly around the status of reserved matters applications could be provided. But discussing the progress of every reserved matters application would be disproportionate and excessive. Unless there has been some significant delay in the determination of a reserved matters application, the **submission of a reserved matters can of itself contribute to ‘clear evidence’**.
- 7.58 The Appellant has raised concerns about the dates of some of the SoCGs. However, there is no requirement for evidence to pre-date the base date. Neither the Framework nor PPG support that and the Inspector in the North Worcestershire Golf Club appeal expressly recognised that evidence could legitimately post-date the base date⁷⁸.
- 7.59 A proper understanding of the nature of the exercise means that evidence is likely to post-date the base date. The base date is a fixed point in time for monitoring and data collection. All completions must be collected up to that date. All outline and detailed permissions issued up to that date, along with all allocations (e.g. in a Neighbourhood Plan) and resolutions to grant need to be taken into account. Given that completions / permissions / allocations / resolutions will still be happening up to the end of 31st March, collection of evidence as to the deliverability of those permissions / allocations / resolutions will necessarily be a retrospective exercise after 31st March. Even if a permission has been issued well before 31st March, deliverability needs to be assessed around the base date. The Appellant suggested the Council should collect all the evidence in January / February. But in addition to missing permissions / allocations / resolutions from after that date, the Council would miss any change of circumstances up to the base date.
- 7.60 **The Council’s evidence of lead in times and build out rates, contained in** Appendices B and C of the HLSS is also important in contributing to the clear evidence required. Its robustness derives from the fact that it is both recent and derived from the local area. The Appellant was critical that one of the averages was derived from 4 sites, which was asserted not to be sufficient. But there is no reason why an average from 4 recent and local sites should not give a reasonable idea of future rates.

⁷⁶ PINS Ref: APP/P4605/W/18/3192918 (Duffy Rebuttal PoE Appendix N)

⁷⁷ ID68-007

⁷⁸ Paragraph 14.48

- 7.61 On windfalls and non-implementation rate, the Appellant appears to have **misunderstood the Council's approach. The Council** includes 666 small site permissions for years 1 – 3 because they have got permission, not because they are windfalls. For years 4 – 5, the Council does include a windfall allowance of 100pa, because past windfall rates provide the compelling evidence that paragraph 70 of the Framework requires. The Appellant's **attempt to** apply a windfall rate across all of years 1 – 5 fails to appreciate that for years 1–3 the existence of actual permissions means that there is no need to apply a windfall rate.
- 7.62 Finally, on supply, the Appellant was critical of the inclusion of allocations and resolutions to grant in the supply. But the Framework expressly lists allocations as a category for which clear evidence may be sufficient to show deliverability. If allocations can be deliverable, it must follow that resolutions to grant can be deliverable, given that a resolution shows a site more advanced than if it only has an allocation. The Councils housing supply figures are set out in Appendix E to this report.

Affordable housing

- 7.63 The affordable housing proposed is a significant benefit of the scheme. Affordability is an issue in the district and there is need for affordable housing.
- 7.64 That said, the extent of the benefit should not be overstated. The Government does not impose any separate policy requirement in respect of affordable housing supply or delivery. The Council is meeting the two key policies in respect of housing supply and delivery, of which affordable housing supply and delivery will form part: 5YHLS and the Housing Delivery Test.
- 7.65 The Appellant criticises the Council for not having met the affordable housing **need in full. The SHMA identifies a full need of 331pa and the Council's average** over the last 7 years or so is 201pa. But the trend is upwards, and last year the 331pa was exceeded. Further, the difficulties of delivering affordable housing to meet the need in full are well recognised in the SHMA⁷⁹.
- 7.66 The **Standard Method is the Government's default methodology for arriving at a** housing requirement and while it incorporates an uplift for affordability, it does not attempt to impose a requirement which incorporates full affordable housing need.

Very special circumstances and the planning balance

- 7.67 The scheme is inappropriate development in the Green Belt. Very special circumstances are required for permission to be granted. On the harm side, there is the definitional harm by reason of inappropriateness, along with the other Green Belt harm, i.e. to openness and conflict with Green Belt purposes. Substantial weight must be given to all that harm.
- 7.68 There is also non-Green Belt harm. This includes the overall landscape and visual harm, the harm by reason of poorly connected and inaccessible development, and heritage harm. In accordance with paragraph 193 of the Framework great weight must be given to the heritage harm.

⁷⁹ Paragraph 6.82 (CD10.6)

- 7.69 On the benefits side of the balance, significant weight is to be given to the affordable housing. The market housing does not attract significant weight, given the Council has a comfortable 5YHLS. The removal of the tower is a benefit. This is so in landscape, visual and Green Belt openness terms, but the **Council's evidence** concludes that it does not outweigh the harm caused in respect of those matters. It is less of a heritage benefit: any heritage harm that is being caused by the tower is minor and any benefit by its removal is correspondingly minor. Other heritage benefits, for example some parkland tree planting in the north-west quadrant, are also minor. There would be some sustainability benefits to residents of Wheatley as a result of the package of accessibility improvements, benefits as a result of reinvestment of funds in other OBU campuses, and some short-term construction benefits, but none of **these are in the 'significant' category.**
- 7.70 The 2 Green Belt Ministerial Statements⁸⁰ are highly relevant in the very special circumstances balance. The Government has made clear that unmet need is **"unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development in the Green Belt"**. The effect of the ministerial statements is that, when an Appellant relies on meeting housing need as the principal benefit of a scheme, as the Appellant is clearly doing in the present case, they are unlikely to be able to establish very special circumstances.
- 7.71 Paragraph 11(d) of the Framework requires it to be asked whether the policies **which "are most important for determining the application are out of date"**. The most important policies are those in the RfRs. The Core Strategy policies relied on are clearly not out of date, having been adopted after the Framework and having been tested for consistency with it. The tilted balance is therefore not engaged. Even if it was, the application of Green Belt and / or heritage policies would provide a clear reason for refusing the appeal scheme in the present case.
- 7.72 There is conflict with the adopted development plan as a whole. There is conflict with the eLP, insofar as any weight can be given to it. There is conflict with national policy and therefore the appeal should be dismissed.

8. The Case for Oxford Brookes University

The case for the Appellant is summarised as follows.

Overview

- 8.1 The appeal scheme is a proposal for housing on a site proposed as a major draft housing allocation in the eLP. The site has been identified as suitable for housing, being previously developed land in the Green Belt, visually well contained, located on the edge of a large village with plenty of local services, in close proximity to Oxford, accessible by a dedicated cycle route and with good existing bus services. The proposal would also see the removal of a collection of large and unsightly institutional scale buildings including an incongruous 35m tower block.

⁸⁰ CD11.1 & 11.2

- 8.2 The proposal was recommended for approval by the professional planning officers of the Council. The site is wholly owned and promoted for development by OBU. The receipts from the land sale would be used to improve and expand the University's main Headington campus in Oxford, which would deliver a much better experience for the students who go to study there. The relocation from the appeal site has already commenced and is due to be completed by 2020/2021. After this, the site would become a large vacant and abandoned site, containing a huge mass of vacant and abandoned buildings.
- 8.3 The appeal is to be determined by the SoS who is known to support the eLP, which includes this allocation to progress and be adopted as soon as possible. The actions of the new political administration in South Oxfordshire has led directly to the SoS's intervention in the plan-making process and his expressly stated view that the plan as proposed should progress as soon as possible.
- 8.4 When OBU first notified the Council of its intention to vacate the appeal site, Officers immediately recognised its potential. The Appellant was encouraged to both pursue an allocation in the eLP and to prepare and submit a planning application for its redevelopment. Extensive pre-application discussions took place between 2016 and early 2019, which followed precisely the approach advocated in paragraphs 39-42 of the Framework. After the planning application was submitted, it was subject to detailed discussion with officers and various amendments were made including a reduction of development in the western part of the site and a reduction in volume, which the Appellant achieved not through a reduction in numbers but through a move from houses to apartments as the main form of housing. Apartments which would, of course, be much more affordable than houses. The Appellant has been on a long journey with this proposal. Always seeking to achieve a planning permission without recourse to an appeal. It has fully engaged in public consultation. Indeed, as the Council accepted at the Inquiry, there is not much more the Appellant, nor its consultants could have done in terms of seeking to positively engage and promote the proposal.
- 8.5 **The Council's** decision to refuse planning permission is based largely on the view that only the central and eastern parts of the site should be developed. However, that is inconsistent with the decision to remove the whole site from the Green Belt in the eLP and policy in the Framework that planning authorities should "*make as much use as possible of suitable brownfield land and underutilised land.*"
- 8.6 Once the development of the site begins, the remaining parts of the campus would self-evidently be underutilised, as indeed is the case at the moment. The north-west quadrant is not proposed for development, save originally on the south western edge of it, because of the proximity of designated heritage assets. These issues do not however apply to the south-western quadrant of the site which is currently unused and contains no heritage assets. Development in this area makes sense in order to ensure the new community is well connected, not isolated from the rest of Wheatley and that pedestrians are well overlooked in that area.
- 8.7 It is critically important to note that the concept plan in eLP Policy STRAT14 which seeks now to limit the allocation to the central and eastern parts of the site, was only issued to the Appellant and wider public on 7 January 2019, well

after the Council had issued its decision. Given its timing, it is difficult to accept that the concept plan was not influenced by the decision of Members to refuse the application citing concerns about development on the western part of the site. With a difficult decision to defend, the Council had an opportunity to put in a defensive plan to suggest the western part of the site should not be allocated. At the very least, it is possible to say that the Members had an opportunity to produce a concept plan after the refusal which would assist in defending their RfRs.

Policy context

- 8.8 The Council has cited conflict with various saved policies with the LP adopted in 2006. This was a complete local plan, as was normal before the 2004 Act. It was adopted 6 years before the Framework was published and only covered the period to 2011, meaning it was adopted in only the last 5 years of the plan period.
- 8.9 The whole planning regime in 2006 was very different to the post Framework era. The housing requirement, the key component of the plan, was based on RPG and structure plan targets from household projections which are now about two decades out of date. There was no requirement to boost significantly the supply of housing, no requirement for identifying an Objectively Assessed Need (OAN) and no presumption in favour of sustainable development. Heritage and Green Belt policy was also different.
- 8.10 When the Council failed to adopt an LDF by 2007, the policies in the LP had to be saved by the SoS. This plan does not meet the requirement for the Council to have an up-to-date local plan. The LP is a plan which is now painfully out of date both in terms of its purpose, its strategy, its content, and its policies and is not a strong foundation upon which to refuse planning permission.
- 8.11 The CS is more recent, having been adopted in 2012. Although the Examining Inspector expressly stated that he had consideration to the Framework, the Examination hearings took place mostly in 2011, with just a few days in May and June 2012⁸¹. The CS is constrained by the need to use the housing requirement in the RPG which remained in place until 25 March 2013. Paragraph 218 of Annex 1 of the 2012 Framework allowed Councils and Inspectors to give full weight to relevant policies adopted since 2004, even if there was a limited degree of conflict with the Framework. Moreover, the Examining Inspector had to rely on RPG housing requirements because he had not been presented with an OAN figure at that stage. The guidance on how to calculate OAN was not published by the Government until March 2014. The consequence of all this, is that the Council do not have an OAN figure and therefore their housing requirement is not, and never has been, compliant with the Framework.
- 8.12 The policies contained in the CS were drafted, evolved and largely examined under the previous national guidance save for some modifications in 2012. Some of the policies relied upon by the Council such as Policies CSEN2 and CSEN3, are worded to be high-level strategic policies rather than development management policies. The Council should not really be relying upon them for development management purposes. This problem with the CS stems from the

⁸¹ CD5.3

fact that it is only half a plan. Core Strategies were intended to be the strategic element of the LDF. The CS was never meant to be the full plan and was supposed to be accompanied by a development management policy document and allocations DPD. Those documents were never produced, the result being a plan which fails in its purpose and content to be up to date and most especially contains policies which offer little guidance for determining applications such as this one.

- 8.13 In a recent s78 appeal decision⁸², the Inspector found **that the CS' plan strategy** and a series of landscape and countryside protection policies were out of date. The eLP is designed to overcome all of the problems with the existing plans. It is intended to be Framework compliant. A brief review of its proposed policies reveals a suite of policies which seek to address the OAN for housing in South Oxfordshire, meet unmet need from Oxford, allocate the sites needed to meet these housing needs and offer development management policies which are consistent and aligned with the Framework
- 8.14 The problem is the Council is now looking to withdraw the eLP as is made clear **from the resolution made by the Council's Cabinet in September**. So, having finally prepared a Framework compliant, up-to-date development plan, and having submitted it to the SoS, the Council are now looking to abandon it. The **Council's position is** untenable. Their claim that their existing plan is not out of date is completely lacking in credibility, as evidenced by their own eLP. The eLP should have been Examined by now. Instead there is no up-to-date plan at all. That is important when considering whether this proposal should be allowed because the appeal site is a key housing allocation in the eLP.
- 8.15 The Council has **referred to this as "speculative development"**. It is the antithesis of speculative development. It is a proposal on an allocation in a draft plan.
- 8.16 The Appellant has carefully considered the issue of datedness⁸³ following the Wavendon⁸⁴ approach. **The Appellant's conclusions on the matter are closely** aligned with those of the professional officers⁸⁵ as expressed through the Committee Report. The recommendation to approve the appeal scheme was not taken on the basis of compliance with the eLP but rather the existing development plan.
- 8.17 This is not a conclusion that was taken lightly by the professional planning officers of the Council. They know how their policies are designed to operate and the significance of compliance with the Framework and its requirements. It is not credible to suggest that Members of the Planning Committee, have the same level of understanding of planning policy as professional officers. The **Council's Members** who took the decision in this case were not present to give evidence at the Inquiry.

⁸² Lower Shiplake decision Ref: APP/Q3115/W/19/3220425 (ID4)

⁸³ Section 5, Gardner PoE

⁸⁴ Wavendon Properties Ltd and SoS for Housing Communities and Local Government and Milton Keynes Council [2019] EWHC 1534 Admin (CD9.15)

⁸⁵ Paragraph 7.1vii (CD4.1)

The eLP

- 8.18 The eLP proposes that the whole campus should be removed from the Green Belt and allocated for a minimum of 300 houses. The policy wording suggests the development should be focussed on the previously and eastern part of the site and that is what the appeal scheme seeks to do with the overwhelming majority of the development and the units focussed in this way.
- 8.19 The sensitive north-west quadrant would not be developed for houses, whilst the housing proposed in the south west quadrant is very much lower density, with numerous green areas proposed, as is clear from the land use parameters plan. The plan also shows that nearly half the site is proposed for green infrastructure, the overwhelming majority of which would be on the western part of the site.
- 8.20 The **SoS, who is known to have reservations about the Council's intention to withdraw the eLP**, will make the decision in this case. Withdrawing the plan has profound implications not just for the Council, but also for the Growth Deal which has been signed by all the local authorities in Oxfordshire. It also has profound implications for the future progress of housing in this country, as this is by far the highest profile Growth Deal, forming the first part of the Arc of Growth proposed between Oxford and Cambridge, a matter which the SoS himself has invested a huge amount of his time and effort before he was elevated to the position of SoS in July of this year.
- 8.21 On 29 March 2019, the eLP was submitted to the SoS for Examination. Following local Council elections in May, the new political administration sought to abandon the eLP, in doing so, to turn its back on the pressing need for more housing in the district and the county and significant investment which was to be made in infrastructure.
- 8.22 There was at this inquiry, a rare opportunity to cross-examine both the previous head of the planning committee who promoted the eLP and one of the new Councillors. The contrast in their approach could not be more evident. The former member spoke passionately about the plan and the Growth Deal, the need for the investment in South Oxfordshire and the county as a whole.
- 8.23 The new elected Councillor was, by contrast, concerned primarily with seeking to question the housing growth under the guise of a concern for climate change. The climate change agenda is not a sound basis for refusing to provide people with homes and the homes they can afford. In fact, it does the exact opposite. It causes such people to have to live further and further away from where they work, adding to travel distances, congestion and air pollution.
- 8.24 This is a Council where many of the new local councillors were elected on a NIMBY stop-the-plan ticket, with no sense of any wider responsibility for addressing the housing crisis in South Oxfordshire. During July and August 2019, the Council indicated their intention to review previous commitments to the eLP and OHGD. On 20 September 2019, the Ministry of Housing, **Communities and Local Government's** Director General for Decentralisation and Growth **wrote to the Council making clear that any withdrawal "would not be *without consequences*"** including putting at risk further Government investment which was dependent on providing "*certainty that the full number of houses will*

*be delivered*⁸⁶. On 9 October 2019, the Holding Direction was issued by the SoS seeking to prevent the plan from being abandoned by the Council. The Holding Direction advised the Council not to take any steps in connection with the adoption of the Plan, while he considered the matter further.

- 8.25 **The Council's proposed withdrawal of the plan is a seriously retrograde step**, flatly contrary to Government policy nationally and jeopardizing the position of the other Oxfordshire local planning authorities. In the prevailing development plan-led and OHGD context, the Council cannot avoid the clear national policy imperative of boosting the supply of housing, by abandoning their plan.
- 8.26 Should the SoS conduct his own examination, it is submitted that there is no prospect of the removal of Policy STRAT14. In their correspondence with him, the Council have highlighted the fact that the SoS has made clear he supports the plan. In the unlikely scenario that the plan is permitted to be withdrawn, a development plan vacuum would open in which the presumption must apply with particular force to support the grant of permission on previously allocated sites.
- 8.27 As such, in the short term, at least, those in need of housing in South Oxfordshire must again rely on the development industry and the planning appeal system to deliver new homes because as recent events testify, that is not something which this Council is well equipped to do. The University did not take the decision to appeal this proposal lightly. It spent a long time considering whether to do that in the first half of this year. But now it has, recent events suggest it was absolutely the right decision to make, as the plan may be years away, if indeed it is not abandoned.
- 8.28 Although no weight can be given to the eLP in the current circumstances, the same cannot be said for the evidence base. It is this evidence which lies behind the decision to select this site for large scale housing development and to release the site from the Green Belt. That is contained in the various reports which the Council commissioned into suitable Green Belt sites and which are set out in the SoCG on landscape.
- 8.29 This evidence base supports the development of the site for significant housing. The only real consequence for decision making at this stage is that the appeal must be approached on the basis that the site remains for now in the Green Belt, which means the policies relating to sites in the Green Belt must be addressed. That is how the Council officers approached the matter. In so doing, they reached the conclusion that the proposal met the Framework 11 c) test and therefore it was unnecessary to consider the tilted balance in paragraph 11 d).

Green Belt - Inappropriate development

- 8.30 The whole of the appeal site should be treated as PDL in light of the fact that the definition of PDL includes the land occupied not just by a permanent structure, but also the curtilage. In this way gardens around, big houses were often considered to be PDL for the purpose of what has become known as garden grabbing.

⁸⁶ CD15.15

- 8.31 'Curtilage' is not a term defined in legislation or the Framework. There is case law but it is vague in the extreme. Most of the case law relates to individual houses and the land around it. In that sense it has little currency in respect of this site. There is no case law relating to the definition of curtilage in respect of a university campus.
- 8.32 Where the case law does exist, it makes clear it is a matter of fact⁸⁷ and a matter of fact and degree⁸⁸. That makes a challenge to any decision on what is the curtilage by the decision maker very difficult to challenge.
- 8.33 A university campus is not a single house or building. In this case most of the buildings on the campus are not houses but large buildings located in close proximity together. With little space between the buildings, the open land is as much a part of the campus as the buildings. The open land around the buildings form part of the campus. The two plainly work together to create the campus and the open fields are very obviously necessary to the buildings and used in a reasonably useful way, because the open spaces and playing pitches are part and parcel of the whole composition that is a purpose build 1970s campus.
- 8.34 It is in the nature of a campus, properly understood, that the land and the buildings are intricately and inextricably linked to form the whole. The dictionary **definition of campus is** "*the buildings of a college or university and the land that surrounds them*"⁸⁹. That sits comfortably with the way in which the word curtilage is approached in the case law cited above.
- 8.35 On the basis that the land within the campus is PDL then its full redevelopment is to be judged not in appropriate development in the Green Belt if either of the two requirements in paragraph 145g) of the Framework are met. The first test requires the decision maker to consider whether the development would have a greater impact on the openness of the Green Belt than the existing development. The Appellant believes this test is met. The new second, and more permissive test, requires the decision maker to consider whether the development would cause substantial harm to the openness of the Green Belt, where the development would re-use PDL and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 8.36 The second test which allows the opening up of more opportunities for development in the Green Belt must be seen as a significant development, especially in the face of such strong political pressure to protect the Green Belt at a national level.
- 8.37 There is no dispute that the appeal proposal contributes to meeting an identified affordable housing need. The Council also accepts⁹⁰, that Framework paragraph 145g) applies to a significant amount of the site. The Appellant is plainly not seeking to develop any of the north-west quadrant, which is given over to sporting and recreational use, with the opportunity to enhance the area close to

⁸⁷ Methuen-Campbell v Walters [29179] QB 525. (CD19.2)

⁸⁸ Skerrits of Nottingham Ltd v SSETR [2000] 2 PLR 102 (CD19.3)

⁸⁹ Gardner PoE, paragraph 12.14

⁹⁰ Landscape SOCG (CD16.2)

the Holton Park with parkland. So the question is whether the proposal would cause substantial harm to openness. The critical issue is the effect of both the demolition of the existing built development and the effect of the new development on openness. That includes both the spatial and visual aspects of openness as set out in the PPG.

Openness

- 8.38 Whether the proposal causes harm to openness is a matter of planning judgement. The courts and now the PPG make clear that it is a matter to be looked out in both spatial and visual terms, and where volume is not the only measure.
- 8.39 The Appellant's approach to openness is two-fold. It relies on a volume analysis to demonstrate that the proposal falls within 145g) and if that fails, it seeks to demonstrate that very special circumstances exist. In *Turner v SSCLG*⁹¹ the Court of Appeal was keen to go out of its way to hold that openness is not solely about a volumetric issue but is more "*open-textured*". **The Court was keen to emphasise the implicit nature of the visual amenity aspect of the issue of openness.** This case was pre-dated the new second test in paragraph 145g)ii). Yet the importance and consideration of visual aspect surely lends itself more to **the new test of considering whether the proposal would cause "substantial harm to openness"**.
- 8.40 The volume of the existing buildings has been calculated as 125,500 sqm and is not disputed. It is accepted by the Council that the tower has an impact on openness which is greater than merely its volume. At 35m in height that is plainly so. It has a significant impact on openness. The removal of the tower, as proposed with this scheme, is a significant benefit to improving the openness of the Green Belt in this area. There is another significant benefit associated with the removal of the other large institutional buildings around the tower, which are appropriately described as an agglomeration of buildings. The removal of all the buildings is plainly beneficial to openness.
- 8.41 It is the net effect of the proposal with this removal and its replacement by the proposed development which is important. The appeal scheme proposes a development of up to 500 homes. As this is an outline scheme the **Council's professional officers accepted that "a precise volume calculation of the proposed buildings is not available"**⁹². The parameters plans do however indicate the maximum height of the development. On the basis of that information, the officers were happy to conclude the proposal could be built so that it had no greater volume. It is of course, entirely in the gift of the Council at the reserved matters stage, to ensure the development does not result in a material increase in volume.
- 8.42 The volume is therefore assumed to be similar. **The Council's** volume calculation is based on unsubstantiated assumptions that the proposal would have to come forward in accordance with a SHMA compliant mix of house types. In practice the site would come forward with a proposal suitable to this site. If the Council want the volume to match that of the existing development, it would be within

⁹¹ Paragraph 14 (CD9.7)

⁹² Page 19 of Committee Report (CD4.1)

their gift to control the housing mix to that end. It should be noted that the application was amended before determination at the behest of officers to move away from a SHMA-based mix to a largely apartment-based scheme to address the officer's concerns about matching the volume of the existing built development.

- 8.43 **The Council's evidence** also relies on a volume calculation which assumes the maximum heights used in the parameters plan for the whole site. Similarly, control over building heights would be entirely within the gift of the Council at the reserved matters stage. They control that process and can make such decisions at that stage. **The Council's arguments** about needing to include lifts and extra storage space are not based on any market evidence. The Appellant has approached a major housebuilder and established that lifts would not be required for apartments which are 3 and 4 storeys in height.
- 8.44 The national space standards are not required here as there is no adopted development plan policy which requires them, and the delay in the progress in the eLP is plainly the reason that now becomes a very bad point for the Council.
- 8.45 Overall, the development would simply lower and flatten built development across the eastern and central parts of the site. The Council officers accepted this approach as is clear from the last paragraph of the conclusion⁹³. **The development would cause no harm (let alone any "substantial harm") to the spatial openness of the Green Belt.**
- 8.46 The eastern and central part of the site is very institutional in character and has a clear visual bulk. The removal of the 35m tower would amount to a particular positive benefit in terms of openness, which by virtue of its significant height can be observed from outside the appeal site in numerous locations. It is completely incongruous with the local landscape being unashamedly urban and modern in design. It has no place within the rural character of the local landscape, being both discordant and inappropriate. It sits uncomfortably on the edge of the village of Wheatley undermining the role played by the local church. To simply take the volume of this building as the sum total of the harm it causes to openness is to completely miss the point.
- 8.47 As clarified at the Inquiry **the Council's only real dispute** is in respect of impacts on openness in the south-western quadrant, in the area between the A40 and the central spine road. As the Appellant's **Planning and Landscape PoEs** have set out, this area does not itself serve any Green Belt purpose. In terms of the visual impact, this corner of the site is very well contained which has a significant impact on the ability to contain the visual impact on openness. Consequently, the visual impact of the low-density housing would be inconspicuous **outside the site's boundaries**. Overall the proposal would have a neutral effect on the visual openness within the site and a beneficial effect over a wider area. That would satisfy 145g)i) of the Framework.
- 8.48 The Council may disagree, but their evidence is predicated on erroneous assumptions about SHMA mix, the applicability of the national space standards and the need for lifts. Added to which there is an SPD which allows the University to achieve nearly 200,000m² of built development. That is an

⁹³ Paragraph 7.1vi (CD4.1)

adopted SPD and it is something which the Council has judged acceptable in terms of openness, even whilst most of existing buildings (excluding the tower) would remain in situ.

- 8.49 In looking at openness, the impact of developing the site has been the subject of 3 studies which have considered the potential for development on this site and other parts of the Oxford Green Belt area, including 2 commissioned by the Council. Key conclusions from these studies are as follows:
- (a) All consider the campus is suitable for redevelopment, and generally one of the highest scoring sites in the District in terms of landscape capacity for development;
 - (b) The studies draw a clear distinction between the character of the site and the wider landscape character;
 - (c) They note the adverse effects of the existing 12 storey tower on landscape character, and openness of the Green Belt, and the benefits of its removal;
 - (d) They suggest retaining the north western part of the site in green uses and retaining the most important trees.
- 8.50 The proposal would not cause substantial harm to the openness of the Green Belt. The proposal should therefore be judged not inappropriate development. It follows that there would be no conflict with Policies CSEN1 and GB4 and subject to consideration of the other harms (character, heritage and accessibility, other Green Belt harm if relevant), the proposal should be allowed. There is no need to consider very special circumstances.
- 8.51 If the proposal is judged not to meet the requirements of paragraph 145g) of the Framework, then it will be inappropriate development in the Green Belt. The impact of the proposal on the openness of Green Belt will need to be considered in terms of the Green Belt harm as well as the definitional harm of being inappropriate development in the Green Belt. That is why in decisions where very special circumstances has been proved the Inspector will always look specifically at openness. The same evidence and approach in terms of looking at openness, as set out above, applies and the same conclusion from the Appellant can be adopted in that analysis.

Character and appearance

- 8.52 The appeal site is not a sensitive location in landscape character terms, given its history of built development/regrading and its edge of settlement location, adjacent to the A40. It has no landscape designation and the Council accept it is not a valued landscape.
- 8.53 The site is perceived as one site and the whole site is influenced by the existing buildings. For example, the character of the area of sports pitches is plainly **influenced by the buildings adjacent to it. The Council's characterisation of the** different parcels of land, with and without built development does not match how the site actually reads on the ground, which is read as whole, being, rather obviously, a campus.
- 8.54 The proposed residential land uses would be significantly smaller in scale than the current educational buildings, with far less bulk and mass than the present

agglomeration of buildings at an institutional scale and would present as more appropriate to a countryside edge location. The spacing and grain of the proposal is much more consistent with the local area.

- 8.55 The north-west quadrant, currently in use as pitches, has very clearly been re-profiled for sports use and has an engineered character. The character and appearance of this north western part of the site would be significantly enhanced by smoothing the engineered slopes and converting back to parkland with additional tree planting.
- 8.56 In this context, there would only be limited and localised harmful residual effects on landscape character and identifiable positive effects. There would be no material effect on the character of the wider landscape.
- 8.57 The **Council's case** is centred on the claim that the site is part of a historic parkland landscape and that to build upon it would degrade it. However, this is not a parkland. What dominates the site is the agglomeration of institutional scale buildings, including the 35-metre tall concrete tower. The site has already been completely compromised as a historic parkland. And that has been a long, on-going and continually evolving process. The parkland to which the Council refers has, as the John Moore report makes **clear, been "largely degraded following development in the Second World War and after"**. However, the Appellant's arboricultural assessment⁹⁴ confirms that many of the trees on site are not from the historic parkland. In any event only 2 mature trees are to be lost, as the proposal has sought to design around them.
- 8.58 The distinction between historic parkland and education campus is plain and obvious. It was brought sharply into focus by **the Council's** landscape character assessments of 2003 and 2017⁹⁵. These documents locate the appeal site within the **Semi-enclosed Farmed Hills and Valley's Character Type within the Mid-vale** ridge landscapes. That is in direct contrast to the Parkland and Estate Farmlands character area which lies very clearly on the other side of the A40.
- 8.59 There can be no doubt that the **Semi-enclosed Farmed Hills and Valley's** Character Type is most appropriate to the appeal site: it specifically describes as part of this character type the area around Wheatley. It does so in these **terms "landscape typically fragmented and intruded upon by roads and built development."** **That description could be written for the appeal site and the area to the west.** The A40, the new road system and roundabout by the school and the sheer extent of built development in the area are plain to see. What remains undeveloped land is largely in the form of playing pitches on engineered terraces. **'Terracing' being the word used by the Council's heritage consultants** to describe the character and nature of the sports pitches.
- 8.60 This is a University campus and there will be no harm to the character and appearance of the area arising from this development, when one looks at the fact it largely replaces the extent of the built development on site, but with far less height than the tower and no institutional scale buildings.

⁹⁴ CD1.9

⁹⁵ South Oxfordshire Landscape Assessment SPG (2003) (Appendix 4 to CD16.2) & Landscape Character Assessment for the Local Plan 2033 (Appendix 5 to CD16.2)

Heritage

- 8.61 There is one listed building, variously known as Holton Hall, Old Hall, Holton Park which is Grade II and faces directly onto the appeal site, and other such buildings located behind. There is also an on-site SM, which is designated under the Scheduled Ancient Monuments and Archaeological Areas Act 1979.
- 8.62 The appeal scheme does not involve any change to the listed buildings themselves nor the SM. There is however no disagreement that the appeal site falls within the setting of both Holton Park and the SM. The setting of heritage asset is defined in the Framework which makes clear it can change over time as has happened here.
- 8.63 The appeal site, in its current state, reflects the development of the campus from the 1960s onwards. The western part of the site retains little evidence today of its former character as historic parkland associated with the early 19th Century Holton Park. This is due to:
- (a) the extensive groundworks carried out to provide the existing sports pitches and tennis courts on the western part of the site; and
 - (b) its relationship with the developed central & eastern parts of the site, including the tower.
- 8.64 The park is not included on the HE Register of Parks & Gardens and does not have any other form of national or local heritage protection. As a result of the extensive alterations made to the landscape of the campus site in the late 20th Century, the contribution that it makes to the designated heritage assets most affected (Holton Park and the SM) is of a minimal nature.
- 8.65 The John Moore report identifies a brown area which is concerned with the setting of the heritage assets. The proposal does not seek to place development in that area and instead would return much of that area and more to a parkland setting as it has previously been. That is relevant to the listed buildings. It has less relevance to the SM because no one really knows what the SM is and therefore judging what its setting is relies largely on guess work. Nonetheless the Appellant acknowledges the designation and has carefully designed the scheme to leave an open area around the SM so that it can be appreciated by the public who will enjoy full access to the site.
- 8.66 The 2017 Heritage Impact Assessment⁹⁶, seeks to ensure no development takes **place "at the north-western boundary of the site, as this would visually separate the earlier moated settlement site from its successor" right next to where** Holton Park was located. It was not a concern about building on any of the western part of the appeal site.
- 8.67 The SM on the appeal site is almost certainly of post-medieval date, rather than being the site of an early medieval manor. Its setting is fairly described as **"bleak and forlorn". Nothing has been done to celebrate it or to interpret it to the public.** Again, the area to the south makes a minimal contribution to its setting.

⁹⁶ The South Oxfordshire Local Plan 2033 Heritage Impact Assessment (Oxford Archaeology, September 2017) (CD13.2)

8.68 **Both the Council's Conservation Officer and** HE recognized the considerable improvements made to the scheme during the determination process. The refusal of the appeal scheme was contrary to the recommendation for approval made the professional planning officers of the Council whose job it is to balance the competing interests in this case, and who expressly stated in the Report to Planning Committee that,

"Having had careful regard to the 'less than substantial' harm (alleged by the Council's Conservation Officer & Historic England), there are insufficient grounds to insist on further revisions, a larger retention of open space or a reduction in unit numbers, on heritage grounds. The location of the residential development (particularly on the western edge), by virtue of the revised layout, would not adversely affect the historic significance to a degree that would warrant refusal, and would not conflict with the Framework or Development Plan in terms of heritage and conservation policy."

8.69 **The Council's** expert heritage witness fails to give proper weight to the heritage benefits of the appeal scheme which include:

- Reinstatement of a more parkland-like landscape in the vicinity of Holton Park and the SM on the appeal site than that which currently exists, and
- removal of the tower block and the benefits that this will bring to the settings of the designated heritage assets affected.

8.70 These should both be seen as significant heritage benefits of the scheme. **The Council's heritage witness suggests the harm is the highest below substantial.** That is his explanation of moderate in his proof. That is simply not tenable. And as he accepted his whole approach to that level of harm ignores all the positive benefits to heritage. HE has objected but their opinions are only provided in writing. They cannot be challenged including the assertion about what the SM actually is. Their views must be taken into account. The officers were aware of **HE's comments but nonetheless** found the public benefits outweighed the harm.

8.71 The public benefits of the proposal outweigh any possible heritage harm. The Council's approach to consider heritage benefits as public benefits rather than reduce the heritage harm seems erroneous when one is tasked with assessing the impact of the proposal on the significance of the heritage asset. The correct approach is to look at the impact on the significance of the asset in terms of the effect of the scheme. Even if the Council is right that simply means there are more public benefits even if there is a degree of heritage harm and it makes no real difference either way. The proposal is said to have no harm on the Grade I listed church. But the heritage benefit is surely taken into account anyway even if that is not the case. Failing that the benefit of removing the tower from the view through the lychgate is a real public benefit⁹⁷.

8.72 In summary, the appeal proposals will not cause harm to what is significant about the setting of any of the designated heritage assets affected.

⁹⁷ Plate 20 Doggett PoE

Accessibility

- 8.73 The appeal site's proposed allocation in the eLP is a direct acknowledgment by the Council that the site is sustainably located. The evidence base undertaken as part of the eLP **process further acknowledges** "*Wheatley provides a number of services and facilities within walking distance from the site*".⁹⁸
- 8.74 LP Policy T7 states that the District Council will seek to encourage walking as the predominant mode of transport for journeys up to 1 mile, as they recognise that walking and cycling has the potential to replace car use for short trips. **The former Planning Policy Guidance Note 13 advised that** "*walking is the most important mode of transport at the local level and offers the greatest potential to replace short car trips, particularly those under 2km*". **Whilst** the PPG has been withdrawn, the advice is retained in paragraph 4.41 of the Department for **Transport's Manual** for Streets. **The eLP evidence base concludes that** "*over one third of all journeys to work originating in Wheatley are between 0-5km – a distance which could be made on foot or cycle by most residents*", **therefore the site is already well placed for travel by sustainable modes.**
- 8.75 There is a very good range of day-to-day facilities nearby, including both primary and secondary schools. Almost all lie within 1-mile walking distance of the site, including the primary and secondary schools, local shops (such as the Co-op foodstore, butchers, bakers), doctors, dentist, pharmacy, leisure facilities, library and post office. These walk distances have been agreed by the Council. Therefore, walk distances accord with local and national policy.
- 8.76 The appeal site has comparable or better accessibility when compared against 2 preferred residential sites in the eWNP. The site is also better located in terms of accessibility when compared to other residential developments which have either been granted planning permission or allowed at appeal. Many of these sites are located a considerable distance from secondary schools⁹⁹.
- 8.77 The Appellant has worked with OCC to develop improvements to the key facilities for pedestrians and cyclists and this demonstrates that the Highway Authority consider that walking and cycling is a realistic transport mode for future residents of the development. A package of improvements to the walk and cycle network have subsequently been agreed with the Highway Authority. These measures include provision of new footways, widening existing footways, provision of cycle lanes, provision of dropped kerbs and tactile paving, provision of formal crossing points, signage and resurfacing of 2 cycle crossing points/ cycleways along the A40. These improvements would benefit future residents of the development as well as existing residents in the village.
- 8.78 The development would also fund a new bus service, serving the site and Wheatley. A financial contribution of £720,000 is to be provided which would fund an additional bus in the commercial fleet for eight years, with a frequency **of 30 minutes; this is the highway authority's desired position for this scheme.** This has a significant potential to reduce car journeys, by providing an alternative and sustainable means of transport for future residents of the appeal site. The service would also be routed so that it would serve Wheatley village to

⁹⁸ Page 9 South Oxfordshire Local Plan 2034: Strategic Site Selection Background Paper Part 2 (CD 6.3)

⁹⁹ Section 6, Ubhi PoE

the benefit of existing residents, also increasing patronage and therefore viability.

- 8.79 A Travel Plan¹⁰⁰ has been prepared as part of the planning application and agreed by the Highway Authority. Travel Plans are strongly encouraged in both national and local transport policies **and seek to change people's travel** behaviour.
- 8.80 OCC did not ask for access improvements between the site and Holton. There are evidently very few destinations in Holton and therefore that calls in question why improvements are necessary to make the development acceptable. The **Council's case is limited to the church and the village hall**. It is also said that because this is a strategic-scale development then one needs to put some infrastructure there.
- 8.81 **The Council's** case rests to some extent on the fact that the site is in Holton parish. However, the site was selected because it is on the edge of Wheatley. The schools might be in Holton parish but they function as schools for Wheatley.
- 8.82 **The Council's case on the footbridge remains unclear and unconvincing. It is** said that the bridge road serves as a barrier. However, the site and pathway are at grade. Roads are entirely normal features. Schoolchildren regularly use the bridge without any obvious issue. There is no evidence of pedestrian accidents in this area.
- 8.83 The real nub of the issue is the allocation. The Council have agreed that the south-west quadrant is their main cause of objection. The balance of all destinations is close to that end of the site, and those houses would have the shortest walk, save for Asda. **The Council's planning witness** accepted that the western end of the village is better located.
- 8.84 Context is everything. This is not an urban area, it is a rural area. Therefore, what might be achieved in London is not applicable in rural Oxfordshire. Paragraph 77 of the Framework states that decisions should be responsive to local areas whilst paragraph 78 emphasises that development may support the vitality of rural communities and services. The Council accept that the development would support these services.
- 8.85 Accessibility is a factor which weighs significantly in favour of this scheme, notably at the south-west quadrant. It is not a proper basis for refusal.

Affordable Housing

- 8.86 The SHMA identifies an annual requirement of 331 dwellings pa between 2013-2031. The Sedgefield method seeks to address the backlog of 713 dwellings in the next 5 years. This equates to an annual figure of 474 affordable homes between 2019/20 and 2023/24¹⁰¹. The Sedgefield approach was endorsed by the Inspector in the Davenham appeal¹⁰² in 2016 who concluded:

¹⁰⁰ CD1.14

¹⁰¹ Pages 57-60, Stacey PoE

¹⁰² PINS ref: APP/A0655/W/15/3005148 (Appendix JS30)

*“The Strategic Housing Market Assessment 2013 identified a need for an additional 714 net affordable dwellings per annum between 2013 and 2018 if the backlog for such dwellings are included and delivered within 5 years. Whilst I understand this figure would be considerably less if the backlog of affordable housing demand were to be cleared over a longer time period, I do not **understand the Council’s justification for adopting such an approach, especially since it has adopted the ‘Sedgefield’ method in relation to dealing with its overall housing shortfall requirement.**”*

8.87 The development would provide up to 327 market homes and 173 affordable homes (34.57%). Those in most need should be dealt with in quickest possible time. It is agreed that the existence of either a 5YHLS or (if applicable) a 3YHLS cannot amount to any kind of cap on development. The Council consequently accept that the provision of market housing (irrespective of the **5YHLS position) is a benefit to which “significant weight” must be attached. They further accept that “significant weight” should be attached to affordable housing.**

Housing requirement

8.88 The Appellant puts forward 4 possible scenarios:

- 1) **Scenario A (the Council’s position) the Standard Method (632dpa from 2019)**¹⁰³;
- 2) Scenario B based on the Growth Deal (Oxfordshire SHMA OAN plus South **Oxfordshire’s contribution to meeting Oxford City’s unmet need (775dpa from 2011 plus 495 homes per year from 2021)**)¹⁰⁴;
- 3) Scenario C the Oxfordshire SHMA OAN (775dpa from 2011)¹⁰⁵, and
- 4) Scenario D the South Oxfordshire Local Housing Need (1,035dpa from 2019)¹⁰⁶.

8.89 Scenario A is not appropriate and the Council should not be permitted to rely upon the Standard Methodology figure for the following reasons:

- i. Paragraph 73 of the Framework and Footnote 37 have been amended by the Written Ministerial Statement, following agreement of the OHGD;
- ii. **The Council’s acceptance of the OHGD** expressly entails acceptance of a higher requirement, and
- iii. Application of the standard methodology would cause the Council to fall significantly behind the necessary growth figures.

8.90 **The Council’s case is premised on a narrow reading of** paragraph 73 and Footnote 37 of the Framework that local housing need must be calculated using the standard method set out in national guidance.

¹⁰³ Table 2, Appendix E

¹⁰⁴ Table 3, Appendix E

¹⁰⁵ Table 4, Appendix E

¹⁰⁶ Table 5, Appendix E

8.91 Both paragraph 73 and Footnote 37 must be read in the context of the Framework as a whole. Paragraph 59 sets out the national policy imperative of “*significantly boosting the supply of homes*”. Paragraph 60 provides that in determining the minimum number of homes required, it is permissible to use an alternative approach to the standard methodology. This is supported by PPG 2a-010 “*When might it be appropriate to plan for a higher housing need figure than the standard method indicates?*” **which identifies the following as “situations where increases in housing need are likely to exceed past trends”:**

- “*growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth;*
- *strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or*
- *an authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground;”*

8.92 Each of these apply directly to the position in Oxfordshire generally and in South Oxfordshire specifically as a constituent authority, as set out below under Scenario B. Paragraph 6 of the Framework further makes clear that its text can be supplemented by further statements of government policy (i.e. of equivalent force), in 2 specific forms:

“Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission.”

8.93 The 12 September 2018 WMS altered the wording of paragraph 11d of the Framework, by reference to the then provisions of paragraph 73. It was clearly the intention of both the Oxfordshire authorities and the Government that the 100,000 homes figure would form the basis for all calculations of housing land supply in Oxfordshire. The Technical Consultation on Updates to National Policy and Guidance did not alter the effect of the WMS, as it was intended to relate to the use of the standard methodology in general: i.e. outside the Growth Deal authorities. Furthermore, the Government had expressly endorsed the NIC Recommendation¹⁰⁷.

8.94 Scenario B is the housing requirement figure which is most consistent with national planning policy as expressed in the WMS. As set out in the Appellant’s evidence¹⁰⁸, the OHGD¹⁰⁹ links the time-limited planning flexibilities which support a 3YHLS threshold to the delivery of 100,000 homes across Oxfordshire between 2011-31, stating: “*any potential flexibility would be granted specifically to support delivery of the ambitious Oxfordshire housing deal to plan for and support the delivery of 100,000 new homes by 2031, and to submit and adopt a joint statutory spatial plan.*”

8.95 **The Council’s attempts to argue that a) the OHGD commitments are not relevant to decision-making; and b) decouple the planning flexibilities from the OHGD commitment to higher housing numbers are unfounded.** The OHGD and

¹⁰⁷ See CD20.5 & CD20.6

¹⁰⁸ Ireland PoE

¹⁰⁹ CD10.4

the flexibilities come as a package. This is clear from the NIC Report and the Government's response. The Government expressly endorsed the NIC recommendation that to maximise the economic potential of the Cambridge-Milton Keynes-Oxford Arc, current rates of housebuilding need to double to build up to one million homes by 2050. South Oxfordshire sits within the Arc.

- 8.96 **The Government's** mechanism for achieving this was, and remains, through Housing and Growth Deals of which that with Oxfordshire is the first within the Arc. Recommendation 6 in the NIC Report was that the Government should consider the need for extending flexibilities in the application of 5YHLS **requirements but** *"only in cases where local authorities agree deals to accommodate significantly higher levels of housing growth."* **Such agreements, the NIC said, should be kept under review and** *"subject to local areas demonstrating progress in the delivery of major housing growth."* **It set out that** *"in all cases, agreement must preserve the requirement for local authorities to maintain a supply of land sufficient to enable house building at a rate that would have been required in the absence of any deal to support additional housing growth."*
- 8.97 These recommendations were expressly endorsed by the Government in its response, which in respect of flexibilities in the application of 5YHLS **requirements which stated that** *"Government would work with local areas on a case by case basis to negotiate bespoke arrangements in exchange for commitment to substantial housing growth, which will ensure that overall land supply will increase despite flexibilities applied to the application of the 5YHLS requirement. The government has done this through the Oxfordshire Housing and Growth Deal, where local authorities are planning for significantly greater levels of housing growth than their Local Housing Need Assessment."*¹¹⁰
- 8.98 This therefore constituted a clear endorsement of the NIC recommendations that would thus be material to deciding planning applications. Indeed, the Government were not merely endorsing the recommendation, they were and remain in the process of actually implementing it in Oxfordshire. As examined in evidence, the application of the 3YHLS together with the standard method would result in a threshold deliverable supply of just 1,896 dwellings above which the tilted balance is not engaged. This falls substantially below the position in which a standard method is used with a 5-year threshold¹¹¹ clearly **showing that the Council's position is not consistent with the statements above.**
- 8.99 The rationale for the OHGD figure is set out across a series of documents. Each point to particular factors which ensure that the actual housing need is far higher in Oxfordshire than could be provided for under the standard method.
- 8.100 The Oxfordshire Baseline Economic Review¹¹² identified that Oxfordshire is one of the strongest economies in the UK. It is in a strategic location, forming an integral part of the Golden Triangle. It has a series of keystone assets in addition to the globally recognised universities, including two high-level research facilities and major funds of this ensures strong growth. Recent economic performance has been very robust: jobs growth has been 1,400 jobs

¹¹⁰ Pages 16-17, CD20.6

¹¹¹ Table 2, CD16.5

¹¹² CD10.12

per annum since 2011 and within Oxfordshire, 8,650 jobs per annum since 2011. Those are very substantial scales of job growth, absolutely and comparatively. There remains substantial future growth potential.

- 8.101 At the same time, there has been a major affordability problem. House prices **are well above regional and national averages. South Oxfordshire's house** price stand at 63% above national average. The National Housing Federation report¹¹³ finds that the average house prices in South Oxfordshire stand at 14 times average income. Between 2013 and 2018 average house prices increased in South Oxfordshire by 41%. There is a stronger relative supply/demand imbalance in South Oxfordshire which is already leading to a significant long-term strategic imbalance. Households on lower-quartile earnings are spending 44% gross earnings on rent such that affordability issues exist in both rental and sales market. Poor housing affordability acts as a deterrent to young **professionals hoping to live in Oxfordshire. Without these workers the area's ability to fill positions in high tech and innovative business sectors would be hampered weakening Oxfordshire's competitiveness:** Businesses already say that housing affordability is having a material impact, impacting upon innovation, research and productivity and threatening growth potential¹¹⁴.
- 8.102 The OHGD therefore commits Oxfordshire to planning for and support the delivery of 100,000 homes based upon the SHMA to a figure which was recognised as significantly in excess of the Local Housing Need. It is pertinent **to consider the implications of South Oxfordshire's withdrawal from the OHGD.**
- 8.103 The SHMA was identified as the only evidenced approach for the 100,000 target and accordingly it has been treated by the Council as a sound justification for an uplift consistent with the PPG¹¹⁵. The Scenario C figure does not make provision for the unmet need, it would fall short of meeting the Growth Deal target. However, it is a useful illustration of the extent of the housing need and the inadequacy of the standard method in this context.
- 8.104 Chapter 6 of Mr Ireland's PoE sets out the wider housing needs evidence in the context of the PPG's recognition that the standard method is merely a baseline and the Oxford authorities have recognised the need to plan for a higher growth figure. It considers more recent evidence than was available to the authors of the SHMA. Having adjusted for migration and household formation rates in younger households, it considers the severe affordability issues. It then considers the economic position and identifies that there is abundant supporting evidence of the need to accommodate employment growth. This identifies an incremental growth rate of 1.1% pa in jobs and transformational growth at 1.3 – 1.4% pa. The Appellant has modelled 1.3% in line with Transformational Growth. On this basis, it identifies the realistic Assessment of Local Housing Need as 1035dpa from 2019 onwards¹¹⁶.
- 8.105 The Appellant's **housing supply** scenarios are set out in Appendix E to this report.

¹¹³ National Housing Federation Press Release: 'England Short of Four Million Homes' (18 May 2018) – (Appendix 22 PoE/JS)

¹¹⁴ Section 6 (PoE/NI)

¹¹⁵ See paras 4.18-4.26 of the eLP (CD6.1)

¹¹⁶ Ireland PoE page 42

Planning balance and Green Belt balance

8.106 If the proposal is inappropriate development in the Green Belt then the Appellant must prove very special circumstances. The factors which go into making very special circumstances do not have to be rare or uncommon to be **special and there is no restriction on what might be considered as "other considerations"**¹¹⁷.

8.107 There is clearly a general need for housing given the shortage and affordability problems which is directly impacting on the economy and the social dimension of sustainable development in Oxfordshire and the acute need for affordable housing. The Ministerial statement from Greg Clark¹¹⁸ and Brandon Lewis¹¹⁹ make clear that housing need will not normally or usually be sufficient to demonstrate very special circumstances. These statements are acknowledged, and the Appellant's **case is not predicated solely** on the basis of just housing need. The Appellant has sought to focus on 6 key factors, which is a list similar in extent to that adopted by the Inspectors in Effingham¹²⁰ and West Malling¹²¹. They are in summary:

- 1) the shortage of housing in the area and serious affordability problems affecting the local economy and the delivery of to 327 market houses;
- 2) the acute need for affordable housing and the delivery of 173 units with this scheme;
- 3) the use of an extensive area of PDL in the Green Belt;
- 4) removal of a huge quantum unsightly buildings which are agreed to measure 125,500m³ which is the same volume as what is proposed. And replace it with a similar volume of built development, with in particular without the tall 35m tower and the agglomeration of institutional scale buildings which are completely alien in the Green Belt;
- 5) OBU is a charity and therefore the revenues from the land sale would fund the improvements to the University which is recognised to be a major contributing or part of the economy of Oxford, and
- 6) the fact the site has been identified in the evidence base to the eLP as a suitable location for at least 300 houses and removal of the site from the Green Belt.

8.108 Based on the above it is clear that the Appellant's **case does not rely solely on** housing need. However, if there is a shortfall in the 5YHLS or 3YHLS then that would be an **additional 'other consideration'**.

8.109 The purpose of including land in the Green Belt are concerned with designation of the site. The various Green Belt studies in the Landscape SoCG¹²² show that the degree of harm to the purpose of including land in the Green Belt is limited.

¹¹⁷ Wychavon DC v SSCLG and Butler [2008] EWCA Civ 692 & Brentwood BC v SSE [1996] 72 P&CR 61

¹¹⁸ CD11.01

¹¹⁹ 11.02

¹²⁰ CD8.6

¹²¹ CD7.35

¹²² CD16.2

One needs to be careful with the unit of analysis in these cases as sometimes it is an area larger than the site and sometimes it is not entirely clear where the area extends to. In the 2014 study¹²³ the site scored poorly against the purposes and only gave a high score on the assumption that Wheatley and Holton were settlements, but as they are not towns that is not consistent with paragraph 134b) of the Framework. The purposes were again examined in both the 2015 Kirkham Study in 2015 and the LUC report. With the removal of the tower the site is given a low moderate rating in terms of the harm, which was the lowest category applied to any of the sites in the study. This is entirely supportive of the Appellant's case. **It followed on from the Kirkham Study in 2015 and is clear that the LUC report "builds on the 2015 study and takes it to the next level of detail in terms of assessing the harm to the Green belt from the potential release of sites".**

- 8.110 To show very special circumstances the benefits need to outweigh the harm by reason of inappropriateness and any other harm. The Council say this includes harm to the purpose of including land in the Green Belt and harm to openness.
- 8.111 The Appellant's position is that there is no other harm here. There is no harm to openness, no harm to the purpose of including land in the Green Belt, no harm to heritage assets, the local character of the area or landscape harm and no harm in terms of accessibility. The Appellant says there is no harm but if there is harm then the 'other considerations' are so significant that such harm would be outweighed thus amounting to the very special circumstances.
- 8.112 Inspectors in other Green Belt cases have not felt the need to explore the issue of the tilted balance in their decisions when they have found there are very special circumstances. That is because all the harm will have been considered in the very special circumstances test: And if it passes that high hurdle, then surely planning permission should be granted.
- 8.113 But those were Inspectors' own decisions and this is a SoS case, so there is a basis for needing to explore this in case the SoS wishes to go on to consider the case against the tilted balance. The tilted balance here could be triggered by 2 events. The first is the shortfall in the 5YHLS, which is addressed in the evidence above. The second is if the policies most important for determining the application are out-of-date. The University argues both, but either is sufficient. As noted above the shortfall in the 5YHLS would also amount to an additional **part of the University's case on** very special circumstances.
- 8.114 On the assumption that the most important policies are out of date, then in this case one must turn to paragraph 11d(i) of the Framework because the site is affected by 2 of the policies identified in Footnote 6. The approach to take to this is set out in Monkhill¹²⁴. Sites in the Green Belt and affecting heritage assets are not automatically excluded from the tilted balance. It is just that such sites must pass the policy tests in those parts of the Framework, such that there is not a clear reason for refusing permission. In this case that requires the proposals to pass the test of being not inappropriate development in the Green Belt or that very special circumstances are proven, and that the test in

¹²³ OCC Investigation into the potential to accommodate urban extensions in Oxford's Green Belt: Informal Assessment 2014 (Appendix 8 CD16.2)

¹²⁴ Monkhill Ltd v SSHCLG [2019] EWHC 1993 (Admin) (CD9.16)

paragraph 196 of the Framework is passed as regards the heritage assets. If that occurs then as per paragraph 45 of the Monkhill case then the tilted balance should be applied.

8.115 Even if the tilted balance does not apply, planning permission should be granted here under the conventional statutory test of Section 38(6) of the 2004 Act because other material considerations plainly outweigh the development plan, which is out-of-date and inconsistent with the Framework such that its policies should be given reduced weight. This was the approach taken by the Inspector at paragraph 81 of the Lower Shiplake decision¹²⁵.

8.116 The basic planning merits of the case are straightforward. When viewed on the **basis of "need" vs "harm" there is a clear and demonstrable need for new dwellings** in South Oxfordshire. In contrast, there is very little, if anything, in the way of harm to suggest that that need should not be satisfied. Indeed, there are many improvements to the environment and amenities of the village arising as a result of the proposals as set out above.

8.117 The implications of not proceeding with the appeal scheme are that the site would ultimately fall into disuse, once vacated. The site would continue to present as an incongruous element, visible through the vacant tower on the horizon. This is a far cry from the obvious beneficial use of the site through housing development.

9. The Case for Interested Persons

9.1 The following paragraphs summarise the statements made by interested parties and their answers to questions. The full texts used by interested persons are within the Inquiry Documents. Points already covered by another interested party have not been repeated.

Cllr Sarah Gray

9.2 The proposed development is inappropriate due to its impact on the openness of the Green Belt. It spreads significantly beyond the curtilage of the existing buildings and its scale and form would be permanently detrimental in nature.

9.3 The Council is committed to a radical reduction in carbon emissions by 2030. This development would fail to meet the demands of 21st Century living within our ever more crowded district.

9.4 On the 11th April 2019, under its previous administration, the Council declared a climate emergency. In September 2019, the Council formed a Climate Emergency Advisory Committee with the responsibility to identify means of ensuring that SODC is carbon neutral within its own operations by 2030. To understand the environmental impact of this proposal, the following need to be considered:

- Climate change – How will the development improve air quality in the area (under cross examination Cllr Gray conceded that she had not read the relevant chapter of the ES which deals with Air Quality). How will the development reduce the contribution to climate change made by its buildings

¹²⁵ ID4

and other infrastructure? It must also support the resilience of the area to climate change including flooding.

- Transport –Currently the development has no real connectivity to either Holton or Wheatley. Wheatley already experiences traffic congestion and there is no scope to increase parking spaces. Sustainable transport measures are required (under cross examination Cllr Gray welcome the infrastructure improvements being proposed as part of the appeal scheme).
- Biodiversity – This requires that the development enhances the current open space to ensure it meets its full potential to supports flora and fauna. Extending the built-up area into existing open spaces is not an option.
- Landscape and heritage – Those open spaces that are vital to the character of the site and the historic environment must be protected.
- Land and resources – The development needs to ensure the efficient and effective use of land. Sustainable waste management solutions that encourage a reduction in waste and an increase in recycling should be promoted.
- Community and affordable housing – The development should cater for the needs of existing and future residents as well as the needs of different age groups in the community and improve access to local community services and facilities (under cross examination Cllr Gray accepted that there is a real need for housing in the area). Affordable housing of an appropriate mix and tenure needs to be provided (under Cross examination Cllr Gray accepted that the development would provide suitable levels of affordable housing and that the SoS should give weight to that benefit). The Council supports measures to address the shortfall of affordable and social housing in the area. There is no evidence that increasing the supply of houses reduces the cost.

9.5 Cllr Gray advocated a new Local Plan that prioritises the building of more social housing and cited examples from Eastleigh and Hampshire. It was estimated that it would take approximately 3 years to adopt a new plan.

Mr Kevin Heritage

9.6 Mr Heritage is a Wheatley Park School Manager and raised some legal issues relating to the western site access. There was also a request for new fencing **along the school's southern boundary** to assist with security.

Mr John Fox

9.7 Mr Fox is Chairman of the eWNP Committee and a former district Councillor who lost his seat in the May 2018 local elections.

9.8 The eWNP Committee has consistently supported the **Council's** allocation of 300 homes on the built form of the appeal site. The site is separated from Wheatley by the A40 and the lack of connectivity has been raised as a concern. Wheatley **has been described by OCC as a 'rat-run' and congestion is a problem.** The first draft of the eWNP in January 2018 looked at infrastructure challenges in the village. A new bridge over the A40 was ruled out at that stage.

9.9 The eWNP Committee opposes the current proposal for 500 homes. The area map was drawn up in November 2015 by Holton and Wheatley Parish Councils. In seeking to influence development outside the area boundary the eWNP may have strayed beyond its remit at times but that was in good faith.

Mr Roy Gordon

9.10 Mr Gordon is Vice-Chair of the eWNP Committee. Policy STRAT14 of the eLP is reflected in the eWNP. OBU has made representations on the eWNP that Policy SPOBU – WHE25 attempts to deal with matters outside the eWNP designated area. The wording in the latest draft has been amended to reflect this.

9.11 The walk into Wheatley from the appeal site is a lengthy one and takes approximately 25 minutes from the bus terminus. Such a distance will be a barrier to integration. This will lead to car dependency.

9.12 Previous development proposals on the appeal site have only been supported on the basis that they do not exceed 10% of the existing built form. The removal of the tower is welcomed as it is detrimental to many views in the area. However, this should not be used to justify volume dispersal across the site which simply transfers the negative vertical features into horizontal ones. Development should be contained to the existing built-up area.

Mr Robert Barter

9.13 Mr Barter is Chair of Holton Parish Council and states that less than half of the site is PDL. The development is therefore inappropriate development in the Green Belt. There are no very special circumstances.

9.14 The allocation in the eLP offers no help as that plan has caused so much uproar that it will not be allowed to proceed in its current form. An additional 500 dwellings would adversely transform the rural character of the village and the whole area. Because of its location it would be an isolated settlement where almost all journeys would be made by car.

9.15 In the words of the Council "*additional school capacity will be difficult if not impossible in the early years*". **An influx of 1500 new patients would overload the doctors' surgery.**

9.16 The status of the Appellant is irrelevant and any benefits to the education sector carry no weight.

Mr Smith

9.17 Mr Smith is a resident of Holton. He argues that cycling and walking will not happen and that the decision should be taken by local people. The SoS should not decide the outcome of the appeal.

10. Witten Representations

10.1 The officer report¹²⁶ does not record the number of representations received but does summarise the issues raised:

Objections

- Insufficient justification to build on undeveloped Green Belt land;
- The development will have an unacceptable visual impact on the open nature of the Green Belt;
- The development should be constrained to the eastern section, replacing the existing buildings only;
- 500 houses will significantly change the character;
- Proposal for 4-storey dwellings are completely out of character with the neighbouring villages;
- Scale of development is excessive – the eLP suggests 300, not 500;
- Development at this elevated end of the site will compromise the parkland setting of the listed building;
- Roads are already too congested, resulting in a displacement of traffic through Holton (creation of rat-runs etc). This would result in further congestion and risk to highway safety as there is a lack of pedestrian footpaths/pavements;
- Access roads are unlikely to be able to cope with the increased traffic - the centre of the village of Wheatley is extremely congested already, and parking is already an issue in Wheatley;
- The proposal has made no attempt to integrate Holton and Wheatley, despite the fact that the future residents will be using Wheatley for daily errands;
- Lack of infrastructure to support a development of such a scale;
- Facilities are too far from the site, meaning residents will be dependent on cars to drive into Wheatley and use services;
- There should be a footbridge over the A40;
- GP and other services will struggle to meet needs of more households;
- There are no additional services (shops, pubs etc) being provided and these would need to be created to serve the extra residents;
- Insufficient parking proposed to serve the new sports facilities and pavilion;
- Lack of information on who will provide and maintain the proposed onsite re-provision of sporting facilities;

¹²⁶ CD4.1

- The removal of sports facilities is unacceptable;
- Compatibility of proposed facilities with existing pitches;
- Security of school site, in light of proposed western access;
- Loss of important trees which were planted by the community;
- Risk of harm to protected species;
- This proposal only benefits Brookes and not any of the local residents, and
- Even with amenity space, the wildlife will be diminished and will suffer.

In support

- Building on a previously developed site is supported, over greenfield development, subject to the relevant infrastructure being provided;
- Affordable housing is needed and being provided as part of the proposal; thereby meeting the housing needs of young people and providing local families the opportunity to stay in the village;
- The buildings are in poor repair, and housing is needed in the local area;
- It is closer to city than other proposed sites, as well as facilities such as the hospital, employment and leisure;
- **Oxford Brookes are already planning to relocate, so if the site isn't developed it would leave a vacant site as an eyesore;**
- The location is close to good services and the site has easy access to the A40/M40 and the Oxford park and ride, and
- The development is located close to Wheatley and will therefore support the local economy, business and trade.

11. Conditions

11.1 A schedule of conditions¹²⁷ to be imposed should planning permission be granted, was discussed at the Inquiry. These are generally agreed between the parties. I raised the possibility of an additional condition relating to the SM and subsequently wrote to the main parties after the close of the Inquiry seeking their views. I have taken the responses into account¹²⁸.

11.2 The list of conditions that I recommend should be attached to the outline permission in the event that the SoS concludes that the appeal should be allowed is set out at Appendix D. In some instances, I have amended or combined the agreed conditions in the interests of brevity and to ensure compliance with the PPG.

11.3 Conditions 1-3 are standard conditions for outline planning permissions. The Council had sought to halve the standard time limits for the permission but in

¹²⁷ ID25

¹²⁸ See ID30

view of the advice in the PPG¹²⁹ and the complexity of the development including the amount of site clearance, I do not consider that would be appropriate in this instance. Condition 4 is imposed for the avoidance of doubt and to ensure that the development is carried out in general accordance with the approved plans and details.

- 11.4 A site-wide phasing plan is necessary to ensure the development comes forward in a coherent and planned manner (Condition 5). I have amended some of the wording around affordable housing to ensure sufficient flexibility to enable the development to respond to changing market conditions and housing needs. I have also incorporated the requirements of other suggested conditions into Condition 5 to avoid the need for multiple phasing plans and other strategies. Condition 6 is necessary in the interests of highway safety. A construction method statement (Condition 7) is necessary to protect the amenity of nearby residents. A drainage condition is necessary to ensure satisfactory drainage of the site in the interests of flood prevention (Condition 8). An archaeology condition is necessary to protect any archaeological assets that may be present (Condition 9). A land contamination condition is necessary to ensure the land is suitable for a residential use (Condition 10).
- 11.5 A significant amount of ecological information was submitted with the EIA¹³⁰. The scope of the various wildlife surveys was **agreed with the Council's** Countryside Officer beforehand. Those surveys confirm that some parts of the site support protected species including bats, great crested newts, reptiles, badger and nesting birds. These habitats would be retained, recreated and enhanced through management delivered through measures set out in a Construction and Demolition Environmental Management Plan (CEMP) (Condition 11). As the presence of protected species on the site has already been established and given that there is no suggestion from the Council that the surveys are out of date or deficient in any other way, I have omitted the requirement for updated surveys to be submitted. A biodiversity enhancement plan is necessary to avoid a net-loss to biodiversity (Condition 12).
- 11.6 A condition relating to tree protection measures is necessary to ensure trees are not damaged during the construction period (Condition 13). A condition is necessary to ensure the requisite parking and access arrangements for each dwelling are provided prior to occupation (Condition 14). A Travel Plan condition is necessary to promote sustainable travel habits (Condition 15). To assist the move to a low carbon future, conditions regarding electric vehicle charging points and super-fast broadband are necessary (Conditions 16 and 17). A noise mitigation strategy is necessary to protect future occupiers from road noise (Condition 18). Finally, to secure the heritage mitigation, a condition relating to the SM is necessary (Condition 19).
- 11.7 A condition restricting the development to no more than 500 dwellings is unnecessary as this development concerns operational development rather than a change of use and the application description explicitly limits the permission **to 'up to 500 dwellings'**. The suggested condition relating to gas boilers is not supported by a development plan policy. Moreover, I am not aware there is a

¹²⁹ Paragraph: 027 Reference ID: 21a-027-20140306

¹³⁰ CD1.15

designated Air Quality Management Area covering the site. I am therefore satisfied that the specification of the boilers is a matter that would be dealt with by other legislation. I have omitted those conditions accordingly. The requirements of several of the suggested conditions are repetitious and/or are covered by Condition 5 or the S106.

11.8 Conditions 5, 6, 7, 8, 9, 10 and 13 are pre-commencement form conditions and require certain actions before the commencement of development. In all cases the conditions were agreed by the Appellant and address matters that are of an importance or effect and need to be resolved before construction begins.

12. Planning Obligations

12.1 I have assessed the S106 in light of the CIL Regulations 2010 and paragraph 56 of the Framework which state that planning obligations must only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

12.2 Although the obligations are not in dispute, the agreement¹³¹ provides that if the decision letter concludes that any provision of the agreement is incompatible with any one of the statutory tests then the relevant obligation shall cease to have effect. The obligations contained in Schedules 1-4 relate to SODC and those in Schedule 5-7 to OCC.

12.3 Schedule 1 is concerned with affordable housing and would bind the site owners to ensure that 34.57% (172 units) of all dwellings constructed comprise affordable homes in accordance with the affordable housing mix of 75% Affordable Rent and 25% Shared Ownership. The Council has sought to secure 40% affordable housing in compliance with CS Policies CSH3 and CSH4. However, due to the existing buildings on site the scheme qualifies for a small reduction through the Vacant Building Credit. I am satisfied the affordable housing obligation meets the relevant tests.

12.4 Schedule 2 sets out the financial contributions to SODC and include the following:

- An off-site artificial football pitch (to be provided in the local area) contribution of £985,000;
- An off-site tennis court (to be provided in the local area) contribution of £365,000;
- An active communities contribution of £96,001 to fund a new member of staff at SODC;
- A public art contribution of £300 per dwelling. How this would be spent would be determined through a public art strategy which would need to be submitted to and approved in writing by the Council;

¹³¹ Paragraph 6.12, Page 9 (ID26)

- A recycling contribution of £170 per dwelling to provide each dwelling with the necessary bins;
- A street naming contribution of £134 per 10 dwellings, and
- A monitoring fee of £5,190

- 12.5 I am satisfied that the football pitch, tennis court, public art, recycling and monitoring contributions all meet the statutory tests. However, I have concerns **in respect of the 'active communities' contribution. According to the Council's Compliance Statement¹³² the contribution would fund a 2-year post at SODC the purpose of which would be to "secure the provision and management of sports facilities both on and off site. The replacement sports facilities are required directly as a result of the loss of sports facilities on this site".** However, it is not clear on the evidence before me what actual work would be involved.
- 12.6 A number of facilities are to be provided on-site as part of the development including a new cricket pitch and pavilion, a bowling green and a running route. These facilities would be designed and delivered by the developer as part of the reserved matters applications. Consequently, their delivery would not require a **significant amount of additional work on the Council's part.**
- 12.7 The off-site provision is to be dealt with by way of 2 financial contributions. Whilst there would inevitably be some work to identify suitable sites for these facilities, the evidence suggests that sites have already been identified at Holton Playing Field Association site or Wheatley Park school. Whilst some further feasibility work might be required, it is not reasonable to suggest that this would require a 2-year, full-time post holder. In any event, the build costs provided by Sport England for the football pitch and tennis courts, include an allowance of 6% for project management and other fees. That amounts to a sizeable sum which in my view would be more than sufficient to cover the **Council's costs. I therefore conclude that the 'active communities' contribution fails the 3 statutory tests.**
- 12.8 Street naming is an activity which usually falls within the normal, day-to-day functions of the Council. On the information before me it is not clear what additional work or expense would be incurred or exactly how the money would be spent. I am not therefore persuaded that this contribution is necessary to make the development acceptable in planning terms.
- 12.9 Schedules 3 and 4 secure the on-site LEAP, a marked **'active route' within the development**, public open space covering a minimum of 10.69ha, a bowling green, cricket pitch and pavilion as well as maintenance and sinking fund contributions for their future maintenance. I am satisfied that these obligations and contributions meet the statutory tests.
- 12.10 Schedule 4 **includes a £70,000 contribution towards the provision of 'expert advice' in relation** to the construction of the sports pavilion, bowling green and cricket pitch. The evidence supporting the contribution is **scant. The Council's CIL Compliance Statement** states that the costs have been calculated following quotes from relevant experts. However no further information is provided. In my view the construction of a bowling green and cricket pitch are not large and

¹³² Page 10, ID29

complex projects. The latter is to be provided in approximately the same location as the existing pitch. The areas would need to be laid out to certain standard specifications, but such information is relatively easy to obtain and certainly would not require the services of an expert. The pavilion would of course require more assessment but again I do not see the construction of a sports pavilion as an overly complex project that would require specialist advice to be engaged.

12.11 It is also pertinent that these facilities are to be designed and delivered by the developer who would bring their own experience to bear on these matters. Finally, it is also not clear to me why Sport England could not be consulted on the relevant reserved matters applications. Based on the foregoing the **'expert evidence' contribution** does not meet the relevant statutory tests.

12.12 The obligations to OCC in Schedule 5 comprise:

- £105,705.73 towards the provision of 3 pairs of bus stops within the site;
- A public transport contribution of £720,000;
- A Travel Plan monitoring fee of £2,040.

12.13 I am satisfied that these contributions are necessary to encourage non-car modes of travel and meet the statutory test. Schedules 6 and 7 deal with the agreed on and off-site highway works which are set out in paragraph 3.1. These would be delivered by the Appellant through the appropriate legal agreements with the Highway Authority. I am again satisfied that these obligations meet the statutory tests.

12.14 A request was made by the NHS Oxfordshire Clinical Commissioning Group for a developer contribution of £432,000 to support the improvement of local health care infrastructure. The Council has confirmed that **'increasing capacity at existing health services/local surgeries' is** covered by its CIL Regulation 123 list¹³³.

13. **Inspector's Conclusions**

13.1 On the evidence before me, the written representations, and my inspection of the appeal site and its surroundings, I have reached the following conclusions. References in square brackets [] are to earlier paragraphs in this report.

Main issues

13.2 The main parties hold differing views regarding the degree of heritage, landscape and Green Belt harm, the weight to be attributed to the various benefits of the scheme, the consistency of the relevant development plan policies with the Framework, whether the Council has a 5YHLS and the resulting planning balance. Against this background, and in view of the evidence submitted in writing and presented orally at the Inquiry, I consider the main issues are:

1. Whether the most important policies are out of date;

¹³³ See Page 10, CD4.1

2. Whether the development is inappropriate development in the Green Belt for the purposes of the Framework;
3. The effect of the development on the character and appearance of the area;
4. The effect of the development on the setting on heritage assets;
5. Whether the location of the development would be sustainable in transport terms;
6. Whether the Council can demonstrate a 5YHLS, and
7. If the development is inappropriate development, whether the harm by reason of inappropriateness, and any other relevant harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Most Important Policies

- 13.3 Section 38(6) of the 2004 Act requires that this application be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which can **override development plan policy if it is not consistent with the Framework's** provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.
- 13.4 Section 3 of the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 213 states that the weight to be given to relevant policies will depend on the degree of consistency with the Framework. The closer the policies in the plan to those in the Framework, the greater the weight that may be given.
- 13.5 Paragraph 11 of the Framework explains that there is a presumption in favour of sustainable development which comprises economic, social and environmental objectives. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted. [3.3]
- 13.6 There are differing views on which are the most important policies for determining the application. Whilst I have had regard to the list of relevant policies contained in the SoCG, I have exercised my own judgement following the approach set out in Wavendon which **confirms that "an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision."** [3.13,6,2,7,12,8,16,8,115]
- 13.7 The first point to make is that the LP is now of some vintage as the Council accepted at the Inquiry. [3.10-2,13,8,8-8,10] However, as paragraph 213 makes clear, policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. The CS contains policies that are high-level and strategic in nature. Accordingly, they lack the kind of detail one would normally expect to see in development management policies. This is because the CS was always intended to be supplemented by a DPD containing

detailed development management policies. [3.15,8.11-8.13] The consequence of this is that many of the CS policies cited in the RfRs are of little assistance in determining this appeal. [8.12]

- 13.8 The appeal site lies within the parish of Holton and is washed over by the Oxfordshire Green Belt. CS Policies CSS1 and CSH1 set out the overall amount and spatial distribution of housing for the district to deliver the CS housing target. They seek, among other things, to support and enhance the larger villages as local service centres, while focusing major development at Didcot and the market towns. The appeal site is located outside the built limits of Wheatley and Holton where large-scale development would not normally be appropriate.
- 13.9 However, the housing target identified in the CS is manifestly out of date being based on a constrained supply set out in the revoked RPG. [3.11-3.14,8.11] Existing settlement boundaries across the district reflect the need to deliver this constrained supply. The CS does not accord with the objectives of the Framework to meet a full OAN for housing. [8.9-8.11] Therefore, whilst the overall strategy and settlement boundaries may have been appropriate to guide the quantum of development envisaged in the CS back in 2006, they are clearly not appropriate today. I therefore consider that Policies CSH1 and CSS1 are out of date where they are used to restrict development outside settlement boundaries.
- 13.10 Although CS Policy CSEN1 is not referred to in the RfRs it is relevant inasmuch as it refers to the protection of landscapes against inappropriate development. Whilst its broad aims are agreeable with those of Section 15 of the Framework, it runs into the same problem as LP Policy G2 in seeking blanket protection for the natural environment. Apart from **'valued landscapes'**, paragraph 170 of the Framework entertains no such protection instead referring only to the need to recognise the intrinsic character and beauty of the countryside. In my view **'recognition' and 'protection' are not the same. They are** clearly distinguishable terms and accordingly I consider that Policies CSEN1 and G2 are inconsistent with the Framework and cannot be seen as being up to date. I note the Lower Shiplake Inspector came to a similar view in paragraph 77 of his decision in relation to Policy G2. [8.13]
- 13.11 CS Policy CSEN2 is a strategic Green Belt policy that recognises the OBU campus as a key previously developed site but defers to the Framework in terms of decision taking. Whilst the policy is not technically out of date, it offers little assistance to the assessment of the appeal scheme and instead it is the Framework that becomes the determinative document. To that end, I conclude that Policy CSEN2 is not one of the **'most important'** policies for determining the application.
- 13.12 LP Policy GB4 is a more detailed Green Belt policy that reflects the wording in Planning Policy Guidance Note 2 revoked in 2012. It **refers to "rural character or visual amenity" and applies a design test to development all of which are** inconsistent with the Framework. Its language is also couched in very different terms to the Framework and does not refer to inappropriate development or very special circumstances. I therefore conclude that Policy GB4 is out of date.
- 13.13 CS Policy CSEN3 is a strategic heritage policy that states that historic heritage assets will be conserved and enhanced for their historic significance. However,

the requirement to maintain and enhance the historic environment goes beyond the statutory duty and paragraph 185 of the Framework, the latter of which **requires decision makers to "take account of the desirability of sustaining and enhancing the significance of heritage assets"**. **Blanket protection for the historic environment cannot therefore be seen as being consistent with the Framework.** Policy CSEN3 is thus out of date.

- 13.14 **In a similar vein, LP Policy CON5 states that "proposals for development which would adversely affect the setting of a Listed building will be refused"**. Whilst the general thrust of this policy might well be consistent with the Framework, that is not enough in my view. The policy does not allow for the weighing of public benefits against heritage harm and therefore cannot be seen as being in conformity with the Framework. I therefore consider Policy CON5 is out of date. For similar reasons the approach to archaeological remains advocated by Policy CON11 is also inconsistent with the cost/benefit approach set out in the Framework.
- 13.15 CS Policy CSM1 is a strategic omnibus transport policy that includes various items most of which have no relevance to the appeal scheme. Insofar as it **'encourages' the use of sustainable modes of transport, it can be seen as being consistent with the Framework.** However, there is no recognition in the policy that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, as advised in paragraph 103 of the Framework. Despite that, I consider the policy is up to date insofar as it relates to the appeal scheme.
- 13.16 Finally, Policy CSM2 establishes that proposals for major development must be accompanied by a Travel Plan and a Transport Assessment. There is no suggestion that these documents have not been provided in the case. **Accordingly, I do not consider Policy CSM2 passes the 'most important' test.**
- 13.17 Based on the above exercise I consider that the majority of those policies which are most important for determining the application are out of date. As a result, the weight that can be attributed to these policies has to be commensurately reduced and irrespective of the Council 5YHLS position, the default position identified in paragraph 11 d) of the Framework is engaged. [6.9] This is a matter I will return to later in my report.

Inappropriate development in the Green Belt

- 13.18 Although the site is proposed to be removed from the Green Belt and allocated for development, as things currently stand the site remains in the Green Belt. As with the **Officer's Committee Report, my** assessment is therefore made on the basis of the existing Green Belt status of the site. [7.1,8.16,8.29] I have found that the Development Plan does not contain any up to date Green Belt development management policies, I have therefore defaulted to advice in the Framework, which both parties have referred to extensively in their evidence.
- 13.19 Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. It goes on to confirm that the essential characteristics of Green Belts are their openness and their permanence, with paragraph 134 explaining that Green Belt serves 5 purposes:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

13.20 In paragraph 145 of the Framework gives various exceptions of where the construction of new buildings in the Green Belt would not be inappropriate. One such exception is:

"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

– not have a greater impact on the openness of the Green Belt than the existing development; or

– not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority"

13.21 In order for the appeal scheme to benefit from this exemption, it must first be demonstrated that it is PDL. Annex 2 to the Framework provides the following definition of PDL:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

13.22 The determinative issue in this case is whether the appeal site is PDL in the terms set out in the Framework. As much of the western part of the site is devoid of permanent structures, the PDL question principally turns on whether the whole campus falls within the curtilage of those permanent structures on the site. [8.30]

13.23 The Courts have consistently held that the extent of a curtilage will be a matter of fact and degree and will depend on the particular circumstances of a case. [7.5,8.31,8.32] There is broad agreement that the central and eastern parts of the site, currently occupied by the university buildings and dwellings, are curtilage. [7.5]

13.24 The western half of the site is however appreciably more open and contentious. [7.21]. A significant portion of it along with a strip of land along the southern site

boundary comprises the **university's sport pitches**. [2.3,4.3,8.33,8.53,8.55,8.59] These pitches and the circulation areas around them clearly perform an important functional purpose related to the campus buildings. [8.34] Cognisant of the Sinclair-Lockhart judgement¹³⁴ **and the dictionary definition of a "campus", I am satisfied that these areas fall within the curtilage of the university buildings.** [8.34] Whilst the Council has drawn my attention to the brownfield register plan, there are very few details before me as to how or when this plan was drawn up. [7.4] On its face, the plan that simply reflects those parts of the site that are occupied by permanent structures. It does not purport to be a detailed examination of the site under the Framework definition of PDL.

- 13.25 There would be no development in the north-west quadrant and therefore, as clarified at the Inquiry, the **Council's Green Belt objection** principally relates only to the south-west quadrant. [4.3,7.31,8.6,8.19,8.37] This area accounts for approximately 14% of the site. [2.3] The illustrative masterplan indicates this area would be reserved for low-density housing complimented by areas of open space such that not all of the area would be developed. [4.1,4.3,8.19,8.47,8.54]
- 13.26 Whilst historical aerial photographs indicate buildings once stood on this part of the site, there is no meaningful evidence before me as to what these were or looked like. They were evidently removed at some point during the 1950s and any remains have since blended into the landscape. Much the same applies to the golf course that was said to once occupy this part of the site. Today much of the south-west quadrant is covered in a dense scrub and is largely inaccessible save for a mown path which runs parallel to the existing surfaced footpath through the site. The presence of a maintained path is suggestive of some kind of functional link and physical relationship to the wider campus, most probably as part of a circular walk. That could be considered sufficient to bring the south-west quadrant within the definition of curtilage. In my view however the link is a tenuous one. Beyond the mown path, there is little to suggest the area serves a useful purpose to the permanent structures. On balance, I consider that the south-west quadrant is not curtilage and cannot be PDL in the terms set out in the Framework.
- 13.27 Returning to the approach set out in paragraph 145g), it is common ground that the development would address an affordable housing need. [7.63,7.69,8.37,8.87,8.107,9.4,10.1] The next step for those areas that are PDL is to consider whether the development would cause substantial harm (my emphasis) to the openness of the Green Belt. [7.7,8.35-8.38]
- 13.28 To answer that question, much time was spent at the Inquiry discussing the possible implications of the appeal scheme on building volumes. Other than agreeing that the existing buildings total 125,500m³, there is little common ground on the issue. [7.16, 8.40, 8.107] What can be deduced from the competing calculations is that any approach relies on a large amount of guesswork as to what would come forward at the reserved matters stage. This was expressly **acknowledged in the Officer's committee report**. [8.41] Therefore, trying to determine the exact impact on volume now is a somewhat futile task.
- 13.29 Nonetheless, the Appellant has demonstrated that it would be possible to bring the site forward in a manner that broadly adheres to the existing amount of

¹³⁴ Sinclair- Lockhart Trustees v Central Land Board [1950] 1 P & CR 195, (CD19.4).

volume on the site. [7.18] At the other extreme, the Council argued there could be a significant increase in volume if the site were to be developed in accordance with the maximum limits shown on the parameter plans. [7.16, 7.17, 8.40-8.43]

- 13.30 Even if the maximum permissible volumes were to be pursued and one prefers the Council's **203,500m³** figure, the Appellant rightly points out that the increase in volume would be broadly consistent with the 195,995m³ contained **in the Council's SPD**. [7.20,8.48]. **The Council's 'bottom-up' calculation of 170,000m³** would result in a generous reduction of volume compared to the SPD allowance. [7.18]
- 13.31 The Appellant amended the scheme during the determination period to reduce its potential volume. That indicates to me a willingness to work with the Council on this matter. [1.7,5.2,5.3,7.18,8.4,8.16] It is of course possible that a different developer might pursue a different agenda. If that did happen, I am satisfied **that it would be within the Council's gift to control these matters at the reserved matters stage**. [8.41-8.43]
- 13.32 Of course, as the PPG acknowledges, openness is multi-faceted and there is clearly a visual aspect also. [7.13,8.38,8.39] There would undoubtedly be significant benefits associated with the removal of the existing agglomeration of large educational buildings including the tower, which is visible over a large swathe of the surrounding Green Belt. [6.3,7.14,7.26,7.35,7.69,8.1,8.40,8.46,8.57,8.69,8.71,8.107,9.13] Although some 4-storey development is proposed in the eastern/central part of the site, I am not persuaded that this would be readily visible from vantage points outside the site. [2.4,7.35] The Council point to the possibility of glimpses from the A40 at night. [7.25] However, I find that unlikely given that the existing boundary landscaping is to be retained and strengthened particularly along the A40 frontage. Even if the occasional glimpse were possible, I do not consider this can reasonably be described as harmful given the current situation where there are floodlit pitches very close to the A40 boundary.
- 13.33 Beyond the 4-storey development in the south-east quadrant, there is no suggestion from the Council that any other parts of the development would be **visible outside the site's boundaries**. **This is because the site undoubtedly has a very high level of visual containment**. [2.4,6.3,7.35,8.47] Overall, I consider the development would have a broadly neutral effect on openness as experienced from within the appeal site. However, there would be a significant net-beneficial effect on the openness of the wider Green Belt through the removal of the tower. In conclusion, save for the south-west quadrant, the development would not be inappropriate development in the Green Belt. In view of the wording in paragraph 145g) of the Framework, there is no need to undertake a separate assessment in relation to the 5 Green Belt purposes.
- 13.34 The proposed development in the south-west quadrant would be inappropriate development. The Framework states that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I will return to this matter in due course. Should the SoS take the view that the whole of the site can be considered PDL then it will not be necessary to consider whether very special circumstances exist.

Character and appearance

- 13.35 Most of the appeal site was formerly part of the historic parkland of Holton Park which survived intact until the early part of the 20th Century. The western part of the site was used as a military hospital during the Second World War and the historical maps provided show a proliferation of roads and buildings during that time. In the 1960s the A40 was constructed along the southern edge of the park. At the same time the site began to be developed for educational purposes and has grown and evolved incrementally ever since.
- 13.36 The site is considered in national, regional, county and local landscape **character assessments**. However, owing to the site's level of containment and its specific landscape characteristics, these broad-brush studies are of little assistance as the site does not readily conform strongly to any of the key characteristics of the various landscape types. [6.3,7.22,8.58,8.59]
- 13.37 The application was accompanied by a detailed Landscape and Visual Impact Assessment which assesses the likely landscape and visual effects of the development. [8.68] This was supplemented at the appeal stage by a suite of photomontages. Whilst I have had regard to these documents, my assessment is primarily informed by my observations on the numerous site visits undertaken before and during the Inquiry, the latter with the benefit of having heard the evidence of the relevant landscape witnesses.
- 13.38 The site is well contained behind modern fencing and substantial belts of landscaping such that its current visibility within the wider landscape is limited. The site is not a designated or a **'valued' landscape in the terms set out in the Framework**. It is common ground that the removal of the tower and other dilapidated structures would be beneficial in landscape terms. [6.3,7.14,7.26,7.35,7.69,8.1,8.40,8.46,8.57,8.69,8.71,8.107,9.13]
- 13.39 The appeal site, although in the countryside for planning purposes, does not possess a strong rural character. The existing buildings including parking areas, footpaths, lighting, engineered sports pitches and the A40 dual-carriageway exert an urbanising influence which extends over most of the site including those undeveloped areas. Given the extensive landscape changes that have taken place over the last 80 years, **the 'historic/relic parkland' argument has little resonance to what is seen on the ground today**. [7.21-7.23,7.35,8.57-8.58,8.63] That is supported by the John Moore report which found that the former **parkland is now "degraded and "truncated"**. Consequently, even from those open, western areas there is an ever-present feeling of being on a university **campus. I therefore consider that the Appellant's description** of the site as **"institutional" is apt**. [7.23,8.1,8.40,8.46,8.60]
- 13.40 The main parties concur that the appeal site is of medium landscape value. In addition to the evidence submitted as part of this appeal, the site has also been considered in a range of reports that form the evidence base to the eLP. The Kirkham Study found that the landscape has overall medium/low landscape sensitivity and that the site should be considered further as a Potential Strategic Allocation on landscape and visual grounds, focussing development around the previously developed area. [7.10,7.12,8.109] A number of recommendations were subsequently made:

- north-western part of potential allocation as open parkland to improve the setting of Holton Park, protect the SM and contribute to the separation of Wheatley and Holton.
- the tower block to be removed and building heights kept to a more domestic scale (2-3 storeys high).
- The developable area should include green links, open space and SUDS features.
- Heights of new buildings should be such that they are not visible above tree lines from adjacent countryside, settlement and roads.
- Create substantial new woodland planting to contain housing and create a new countryside edge, and to link existing woodland to the north-east of the potential allocation with enhanced woodland in the south-western part of the potential allocation.
- Retain and protect valuable specimen and avenue trees and native vegetation, within potential allocation and to outer boundaries.
- Protect and frame views towards the north.
- Preferred access point via existing drive off of Waterperry Road, minimising impact on the rural character of the road.

13.41 The illustrative masterplan shows the probable layout. [4.2] It indicates that the majority of the houses would be located on the currently built-up eastern and central parts of the site. Accordingly, and whilst there would be encroachment into the south-west quadrant, I do not consider that the layout necessarily **conflicts with the requirement to “focus” development on the previously developed area.** [3.19,3.23,7.1,7.24,8.18,8.5] If it was the case that no development outside built up area would be acceptable, then it is reasonable to conclude that alternative, more definitive, wording would have been used. The fact that the eLP evidence base supports the removal of the whole site from the Green Belt is **also inconsistent with the Council’s view that no development should take place outside the built-up area.** [3.19,8.18] I have noted submissions about the concept plan to Policy STRAT14 of the eLP. [8.7] However, that plan only appeared after **the Council’s decision and in any event carries no weight in view of the Holding Direction.**

13.42 The appeal scheme keeps the north-west part of the site as sports field/open parkland. [4.3,7.31,8.6,8.19,8.37] Approximately half the site would be given over to green infrastructure. [4.1,12.9] The tower block would be removed. The 4-storey development would be confined to those parts of the site that currently accommodate substantial built development and where the visual and landscape effects would be minimised. [4.3] As the photomontages demonstrate the heights of buildings would not be visible outside the boundaries of the appeal site above existing trees. New woodland and tree planting would take place, and most of the best trees would be retained. [2.4.4.2] Open green space within the north-western part of the site would retain views towards the north. Accordingly, I am satisfied that the scheme before me is in general accordance with the recommendations of the Kirkham Study.

- 13.43 The Kirkham Study was followed by the SODC-Landscape Assessment Update which reviewed the findings of the Kirkham Study. [7.23] It found that the site (with the exception of the existing tower block) is well contained and inward looking and has no discernible connection to the wider landscape. The conclusion was that the site could accommodate development in landscape terms.
- 13.44 It should be **borne in mind that the Council's landscape objections, as clarified** at the Inquiry, relate only to the south-west quadrant. I therefore turn to look **solely at this area, which the Council describes as "relict parkland containing trees and shrubs" with an** attractive wooded character. [7.21] The area accounts for approximately 14% of the appeal site and abuts the A40 to the south and the Wheatley Park school site to the west. [2.1-2.4] It appears to have little or no current use beyond an informal footpath across its northern portion. Much of the land is inaccessible and covered in a thick scrub interspersed by a range of deciduous and evergreen trees. The site is well screened from within and outside the appeal site. [2.4,7.35,8.47] Unlike other southern areas, the south-west quadrant sits at a higher level than the A40 and therefore has very little visual exposure from it.
- 13.45 The south-west quadrant has a character that is distinct from the rest of the campus. Nonetheless, I would be hard pushed to describe in quite the same **terms as the Council's landscape witness. Whilst it undoubtedly has some** landscape and visual value as a parcel of undeveloped green land, that is about as far as it goes. Traffic noise and the modern housing development on the south side of the A40 are both readily apparent. Despite it forming the highest part of the site, outward views are restricted by the mature landscaping both within and along the site boundaries. The trees, some of which might loosely **be described as "parkland trees", have some amenity value particularly the "spreading oak tree". However,** most of these specimens would be retained. The majority of the trees in this area are self-seeded and of little amenity value. There is currently no formal public access and therefore it is difficult to argue that the wider public derive any significant value from this part of the site. Overall, I do not consider the south-west quadrant is particularly sensitive in landscape or visual terms such that it should be excluded from development. **The Council's own Landscape Architect concluded that the proposed homes in** the south-west part of the site would result in a minor impact to the landscape character and visual quality of that area of the site.
- 13.46 **I have noted the Council's view that regard should be had to the "designed landscape setting"** in the John Moore report. [7.30] This encompasses a wide area that includes most of the north and south-west quadrants of the site. However, the report offers no meaningful explanation as to what the term actually means or how the authors arrived at the area drawn in Figure 4.7.4 which is both excessively large and bears no relationship to the distinct parcels of land that make up the campus. [6.3] Moreover, when assessing how much weight should be given to this and other reports forming the evidence base of the eLP, it needs to be remembered that these are high-level assessments forming the evidence base for the eLP. Their purpose is therefore to highlight heritage and landscape issues rather than to determine what response should be made to those issues. I do not believe the John Moore report was ever intended to be treated as a determining factor in development management decisions without a further, detailed landscape/heritage assessment, which the Appellant has

undertaken. For the above reasons I am giving very little weight to the “*designed landscape setting*” designation.

13.47 Overall, the proposed dwellings would be smaller in scale than the current educational buildings and would be more appropriate to a countryside edge location. Notwithstanding the increased footprint and encroachment into areas that are currently open, the Masterplan and photomontages demonstrate that the spacing and **scale of the dwellings would be appropriate to the site’s rural setting** and clearly preferably to the existing scenario. [4.2,8.117] All the housing especially that in the south-west quadrant would be visually contained with little impact on the wider landscape. [8.47] The development would read as a logical northern extension to Wheatley albeit separated from it by the A40. There would be a significant visual benefit from the removal of the existing buildings. These benefits along with on-site mitigation in the form of additional planting and landscaping and large areas of open space would be in my view be sufficient to secure an overall net-gain in landscape and visual terms over the wider area. [4.3,6.3,7.14,7.26,7.35,7.69,8.1,8.40,8.46,8.57,8.69,8.71,8.107,9.13]

13.48 Based on the above, I do not consider that the development would harm the character and appearance of the area. Accordingly, I conclude that there would be no conflict with CS Policy CSEN1 or LP Policies G2, C4 and C9 insofar as they seek to protect the **district’s countryside** and settlements from adverse development.

Heritage assets

13.49 The duty under Section 66 of the 1990 Act requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The Heritage SoCG confirms that this section is clearly engaged insofar as the Holton Park (Grade II), and St Bartholomew’s Church in Holton (Grade I) are concerned. [6.4]

The SM

13.50 The records held by HE describe the SM as the site of an early moated manor. However, **the Appellant’s own** archaeological analysis casts considerable doubt on that interpretation highlighting that its size would be insufficient to support such a building and is more likely to have been a windmill platform or parkland feature. HE themselves acknowledge the inability to be certain as to the nature **of the monument but judged that** “*in all of the possible interpretations of this feature, there is a connection with the earthwork and the relatively open and rural spaces surrounding it.*” [7.29,8.65] HE was not present at the Inquiry and therefore their evidence could not be tested. [8.70]

13.51 The only thing that is known with any degree of certainty is that the site accommodated a statue which is shown on the 1880 OS map. What is abundantly clear today is that the SM strikes a rather forlorn, neglected and uninspiring feature. [8.67] Nothing has been done in recent years to interpret, celebrate or even maintain it. It has been overrun by brambles, nettles and self-seeded trees. Given its current predicament, it is not unreasonable to suggest that the SM goes largely unnoticed and unappreciated by the public at large.

- 13.52 **The setting of a heritage asset is defined in the Framework as “the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral”.** [8.62] There is no dispute that the SM currently has a fairly open setting and as much as possible this should be retained. [7.29,8.65] The appeal scheme was amended at the application stage to provide additional breathing space for the SM with HE recognising the improvements made [5.2,8.68] The Council point out based on the illustrative masterplan, that the nearest houses would come within 50m of the SM resulting in a **high degree of “less than substantial harm of moderate extent”.** [7.31,7.34]
- 13.53 The uncertainty over exactly what the SM is or was, makes the task of assessing its setting all the more difficult. Nonetheless, it is apparent that its setting has changed dramatically over the last 80 years or so. The deer park and “open parkland setting” referred to by the Council are all but gone and all that remains are a few parkland trees dotted around the site, nearly all of which would be retained. [2.4,4.2] The immediate context of the SM are the levelled sports pitches and a bank of mature trees to the south beyond which the land falls away to the footpath and tennis courts. [8.55,8.59]
- 13.54 **Adding credence to that view is the John Moore report which states: “Much of the site has been considerably damaged as a result of modern development and the archaeological remains, if any, presumably considerably degraded. There are one or two areas where the ground surface survives in its pre-20th century level, which includes the scheduled monument and the surrounding features”.**
- 13.55 Insofar as it can be said that the SM derives any of its significance from its setting, I consider that the immediate open area to the north, west and north-west has a moderately positive contribution. This area performs the important role of maintaining indivisibility between the SM and Holton Park and also corresponds to the “SM and listed building setting implication” area shown in Figure 4.7.4 of the John Moore report. [7.29-7.30] However, no built development is proposed in this area and on the contrary, the area would be subject to a detailed landscaping scheme intended to restore the original parkland character and appearance. [4.3,7.31,8.6,8.19,8.37,8.69]
- 13.56 **I have noted the Council’s view that** regard should be had to the ‘*designed landscape setting*’ in the same report. [7.30] This encompasses a much wider area than the ‘*SM and listed building setting implication*’ that includes most of the north and south-west quadrants of the site. However, the report offers no meaningful explanation as to what the term actually means or how the authors arrived at the area drawn in Figure 4.7.4 which is both excessively large and bears no relationship to the distinct parcels of land that make up the campus. [6.3]
- 13.57 Moreover, when assessing how much weight should be given to this and other reports forming the evidence base of the eLP, it needs to be remembered that these are high-level assessments forming the evidence base for the eLP. Their purpose is therefore to highlight heritage and landscape issues rather than to determine what response should be made to those issues. I do not believe the John Moore report was ever intended to be treated as a determining factor in development management decisions without a further, detailed

landscape/heritage assessment, which the Appellant has undertaken. For the **above reasons I am giving very little weight to the “designed landscape setting”** designation

- 13.58 **Although the Council’s Heritage witness did not retreat from his view that there would be overall harm to the SM, it was accepted that a carefully designed landscaping scheme could be beneficial.** [7.35,8.55,8.65] Moreover, and perhaps more significantly, it would also be possible to secure a comprehensive improvement scheme for the SM by condition. The wording of the condition agreed by the parties would include maintenance and the provision of features such as public seating, an information board **and research into the SM’s origins.** Given the current state of the SM, I consider this to be a significant heritage benefit which would enable the general public to appreciate and understand the **asset in a way that is far removed from today’s underwhelming** experience.
- 13.59 The area to the south which includes the south-west quadrant has been remodelled over the last 80 years. Beyond the bank of trees, the land drops away to a parking area and a timber building beyond which is a lit footpath and tennis courts. Evidently the setting to the south has changed significantly over the years and now contains those urbanising influences. Although the south-west quadrant is undeveloped, views over the area from the SM are obscured by the bank of trees and the tennis courts. There is hence little visual relationship between the SM and the south-west quadrant. Whilst the houses would be visible from the SM, based on the distance of separation, the potential for additional landscaping and the careful placement of the dwellings, I do not consider they would be unduly prominent.
- 13.60 Nonetheless, there would be some limited harm arising from the encroachment **of housing and the spine road to the SM’s southern flank.** [7.32] However, for the reasons given above, this would be **towards the bottom end of the ‘less than substantial’ range and would be clearly outweighed by a combination of the** proposed landscape improvements in the north-west quadrant, the SM improvement scheme and also the removal of the existing university buildings which form a stark backdrop in eastward views of the SM. Accordingly, there would be an overall heritage benefit to the SM.

Holton Park

- 13.61 This is the **other heritage asset cited to in the Council’s RfR.** The Council’s Heritage witness alleges that there would be noticeable changes to its setting through the introduction of housing on the appeal site. The level of harm is hence **judged to be “less than substantial of minor extent”.** [7.34]
- 13.62 Holton Park is located just beyond the north-western site boundary but nonetheless visible from a variety of vantage points within the appeal site. Holton Park **also known as ‘Old House’**, was the replacement manor house for Holton Park constructed around 1815. Bearing in mind the history of the appeal site there can be little doubt that Holton Park was located for a direct visual, physical and historical connection with the surrounding deer park setting. [7.28,7.29]
- 13.63 Despite the amount of change that has occurred over the last century including its physical severance from the appeal site, a visual connection is still evident and important to understanding the history and evolution of Holton Park. Whilst

remnants of the deer park remain on the adjacent Wheatley school site, I do **not accept that Holton Park can be said to possess an 'open parkland setting'**. [7.21,8.65] Instead its setting is currently dominated by 2 large education campuses. I do however agree with the Council that the open nature of the north-western quadrant of the appeal site, albeit dominated by the engineered sports pitches, is an important component to understanding the manorial story of Holton Park and therefore makes a positive contribution to its setting. [7.32]

13.64 Whilst the appeal scheme would undoubtedly bring built development closer to Holton Park, the plan submitted at the Inquiry shows that the nearest houses would be approximately 175 metres away. [7.33] In my view that cannot reasonably be considered as close. Those dwellings in a more direct line of sight from the rear of Holton Park would be over 300m away. In both cases, the houses would not encroach into the sensitive open area between Holton Park and the SM. Instead they would be positioned on the far side of the reinstated parkland area. Once established, it is likely based on the submitted photomontages, that landscaping would provide a high degree of screening, such that the dwellings would only be visible in long distance and heavily filtered, seasonal views from a small number of viewpoints from upper floor windows in the rear elevation of Holton Park. [4.2]

13.65 As discussed above, the appeal scheme would retain and enhance the openness of the north-west quadrant through a landscaping scheme that would return this part of the site to something more akin to its original parkland setting as opposed to the heavily engineered landscape that is seen today. [8.55,8.59] AS I saw when I visited the site, the tower features prominently in the background of angled views of the façade. Its removal would also be a benefit in the context of Holton Park.

13.66 Based on the foregoing, I consider the appeal scheme would lead to an enhancement to the setting of Holton Park.

St Bartholomew's Church

13.67 **St Bartholomew's Church** in Holton is a Grade I Listed building, meaning it is of the highest significance and of exceptional interest. The existing 12 storey tower on the appeal site is seen in the distance in seasonal views through the lych-gate thus harming the church's isolated, rural setting. [7.35,8.71]

13.68 The removal of the tower would improve views southwards from the churchyard when the intervening tree cover is not in leaf. This would represent **a heritage benefit which given the building's status in the top 2.5% of all listed buildings nationally attracts weight in its own right.**

13.69 I have noted the Council's view that the removal of the tower represents a landscape rather than a heritage benefit. However, that view appears to be **underpinned by advice in HE's** Good Practice in Planning Advice Note 3. However, that document and advice therein relate to situations where new development might impinge upon designed views of a church tower or spire. The circumstances here are different.

Heritage conclusions

13.70 After carefully considering all the evidence, I have found a small degree of harm in relation to the on-site SM arising from the encroachment of

development on its southern flank. However, I consider this harm would be outweighed by the benefits arising from the proposed mitigation.

13.71 There would be ample separation between Holton Park and the proposed areas of housing such that its setting would be adequately preserved. Factoring in the mitigation specifically the on-site parkland landscaping scheme would lead to an overall enhancement to the setting of Holton Park. There would also be an **enhancement to the setting of St Bartholomew's Church through the removal of the tower**. Accordingly, I consider the development would result in overall heritage betterment. This is something that weighs in favour of the scheme in the overall planning balance.

13.72 In coming to that view, I am mindful of the comments of HE, **the Council's** Conservation Officer and heritage witness all of whom found '**less than substantial**' harm to the setting of the SM. [7.34] I do not disagree, but where I depart from those assessments is with regard to the heritage benefits, which in my view have been significantly underplayed. [8.69]

13.73 As I have found no overall heritage harm, it is not necessary to undertake the heritage balancing exercise required by paragraph 196 of the Framework. I **have considered the Council's submissions that** heritage benefits should **properly be considered as 'public benefits' and only introduced at the paragraph 196 balancing stage**. [7.36,8.71] However, I can find no explicit support for that approach in the Framework and as the Palmer Judgement makes clear¹³⁵, the decision maker may legitimately conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the listed building or its setting. In effect the exercise to be undertaken is to weigh the positive and negative aspects of the scheme and to come to an overall judgement as to whether the development would harm, preserve or enhance the asset.

13.74 **Even if I were to concur with the Council's approach, the** question of where and when the benefits are considered makes no meaningful difference to the eventual outcome of the balancing exercise to be undertaken.

Accessibility

13.75 **The Council's stance in relation to accessibility directly contradicts** the eLP evidence base which acknowledges that the site is within walking distance of Wheatley which contains a number of services and facilities further details of which are provided in the eWNP. [2.1,3.20-3.24, 8.73,8.75] Because of that, the Council confirmed at the Inquiry that its objections relate to the south-west quadrant, however as discussed below that area happens to be the best located part of the appeal site. [8.83]

13.76 The Appellant met with Highway Authority Officers on several occasions during the determination period. As a result of these discussions, a package of off-site works was agreed with the aim of improving pedestrian access to key destinations namely Wheatley Primary School, the village centre and the employment areas/supermarket on the eastern fringe of Wheatley. [8.77] In addition, a financial contribution of £720,000 has been agreed to fund an

¹³⁵ Paragraph 29 Palmer v Herefordshire [2016] EWCA Civ 1061 (ID30)

additional bus in the commercial fleet for eight years, with a frequency of 30 minutes. [12.12] Both the bus service contribution and off-site highway works would benefit existing residents of Wheatley. [8.78]

- 13.77 Based on the above measures, the Highway Authority did not object to the **planning application and the Officer's Committee Report concluded**; "*the development represents sustainable development with bus, walking and cycling routes to key services and facilities*".
- 13.78 **Para 8.24 of the LP states that** "*the District Council will seek to encourage walking as the predominant mode of transport for journeys up to one mile, and cycling for journeys up to 3 miles, as far as possible within the land use planning framework*". **This is reflected in** advice retained in Manual for Streets which states: "*walking offers the greatest potential to replace short car trips, particularly those under 2km*". [7.39,8.74] The Appellant has conducted a detailed analysis of distances to local facilities which finds that all 14 key facilities are under 2km. Save for Asda, the facilities are also within a 1600m (or 1 mile) walk distance from the centre of the site. These distances are contained in the Accessibility SoCG. [6.5]
- 13.79 Paradoxically it is the south-west quadrant that is the best located part of the appeal site and benefits from the shortest distances to most local services and facilities. It is closest to the schools and Wheatley village centre. Only those destinations at the eastern end of the village such as the Asda supermarket would be over the recommended walk distance. [7.38] However, as the Asda site is on the eastern extent of Wheatley, a large proportion of the existing village is already over the recommended walk distance. However, in most cases, the supermarket is the one destination that future and existing residents are most likely to drive to regardless of distance. Despite that, the Appellant has agreed to deliver a footway along Old London Road (none currently exists) which would provide a continuous footway between the appeal site and Asda. [8.77]
- 13.80 **The Appellant's evidence demonstrates that the appeal site has better overall** accessibility than the other preferred housing sites in the eWNP as well as other large housing sites consented by the Council in recent years. [8.76] The weight of this evidence is such that it demonstrates that the Council has not approached the issue of accessibility in a consistent way.
- 13.81 The A40 overbridge has been cited as a deterrent to walking and cycling. [7.40,7.41] However, the bridge benefits from footways and from my observations appeared to be well used by the local community particularly school children. [8.82] The Highway Authority has determined that no improvements are necessary, and I have seen no compelling information that would lead me to a different conclusion.
- 13.82 **I accept the Council's point that the distance to some destinations such as the primary school are over the 'acceptable' range specified in the IHT guidance.** [7.39] However such distances are guidelines and should not be construed as hard and fast rules. One also has to bear in mind that this is not a large town or city, Wheatley and the appeal site are located in a predominantly rural area. This is relevant because paragraph 103 of the Framework tells us: "*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*". Part of the route to the primary school passes

through the historic part of the village which is less than ideal for pedestrians. However, no history of accidents has been adduced and my observations suggest that drivers and pedestrians are aware of its limitations and take the necessary precautions.

13.83 Holton is a small rural settlement to the north of the appeal site. I walked and cycled the route from Holton to the appeal site during the Inquiry. In view of the lightly-trafficked nature of the route, I found both cycling and walking to be an enjoyable experience. To assist pedestrians the Appellant has investigated the possibility of providing a continuous footway between the site and Holton. [7.43,8.80] However with the agreement of the Highway Authority, it was concluded that one cannot be accommodated due to insufficient highway space. The Council have not pointed to any other improvements that could reasonably be undertaken by the Appellant. Even if they had, I am not persuaded that improvements in the direction of Holton would be justified. The appeal site has been identified in the eLP evidence base because of its proximity to Wheatley not Holton which beyond a village hall and church, it contains no services. [8.80,8.81] Consequently, the likelihood of significant numbers of people wanting to travel from the proposed development to Holton is remote.

13.84 As is customary for a development of this size, a Framework Travel Plan was submitted with the planning application. [8.79] This aims to encourage sustainable travel habits among future residents and includes the following measures; 1) appointment of a Travel Plan Co-ordinator 2) Travel Welcome Pack and Website, 3) Promotion of public transport journey planner information, and provision of walking and cycling information. The exact range of measures is a matter that the Council would be able to control through the discharge of the Travel Plan condition.

13.85 Overall and bearing in mind the rural nature of the area, I consider the site and particularly the south-west quadrant to be well located to services and facilities in Wheatley. Accordingly, there would be no conflict with CS Policies CS1, CSS1, CSM1 and CSM2 of the CS or Policies T1, T2 and T7 of the LP. There would also be no conflict with paragraphs 92, 102, 103, 108 and 110 of the Framework. On the contrary given the extensive nature of the off-site highway works and the bus service contribution, there would be accessibility gains to the local community. This is something that weighs in favour of the scheme in the overall planning balance.

Housing land supply – Housing need

13.86 In view of my findings on the first main issue, the question of whether the Council can demonstrate a 5YHLS becomes somewhat academic as the tilted balance in paragraph 11d) of the Framework is already engaged. Nonetheless, for completeness and given the SoS is likely to take an interest in these matters, I address the housing need issue below.

13.87 There is no dispute that the CS housing requirement is out of date, therefore the starting point in determining the housing requirement has to be the Framework. [3.14, 7.44, 8.11] Paragraph 73 advises that in circumstances where strategic policies are more than 5 years old, as is the case here, a 5-years' worth of housing should be measured against local housing need. Footnote 37 to paragraph 73, added to the February 2019 version of the Framework states:

"Where local housing need is used as the basis for assessing whether a 5-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance."

13.88 Annex 2 of the Framework provides further clarification that local housing need **is** *"The number of homes identified as being needed through the application of the standard method set out in national planning guidance"*. Beyond that for plan-making, the Framework simply does not entertain exceptional circumstances for decision-taking. The national policy context is therefore different to the Bamber Bridge appeal decision¹³⁶ which pre-dated the February 2019 changes to the Framework. [7.44,7.45,8.91]

13.89 I acknowledge that the continued use of the standard method could cause the Council to fall significantly behind the level of growth envisioned in the SHMA and OHGD. [8.89] **I also consider that the Appellant's analysis of more recent evidence strongly points to an even higher local housing need than is identified in the SHMA and eLP.** [8.104] There are clearly a number of exceptional circumstances in South Oxfordshire at the current time connected to the OHGD. [3.25-3.28, 8.14, 8.21-8.28, 8.93-8.105]. Accordingly, there is considerable merit in the **Appellant's submissions on housing need.** Nonetheless, the Framework is unequivocal that the standard method is to be used for the purposes of calculating the housing requirement. [7.44]

13.90 It is agreed, even on the **Appellant's supply figures**, that the Council is able to demonstrate a 5YHLS against the figure which arises from the standard method (see Table 2, Annex E). [6.6,7.52,8.88] That being the case and as in the Lower Shiplake decision, there is little value in conducting a thorough examination of the competing supply arguments. [7.54]

13.91 The respective positions of the parties in relation to housing land supply are set out in Appendix E to this report.

Other Considerations

13.92 In this unusual case, the majority of the appeal site is PDL and therefore benefits from the exception in paragraph 145g) of the Framework. In other words, it would not be inappropriate development.

13.93 Only a relatively small, visually contained and underutilised parcel of land in the south-west quadrant would be inappropriate development. In accordance with paragraphs 143 and 144 of the Framework, it is necessary to consider whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the appeal scheme. [7.67,8.51,8.106] I have not identified **'any other harm'** in this case.

13.94 In support of the **scheme, there are various 'other considerations'**. [8.107] I will deal with each of these in turn. Firstly, the majority of the appeal site is located on PDL specifically identified in CS Policy CSEN2. On any level, it must be preferable to develop such sites ahead of greenfield sites whether in the Green Belt or otherwise. [8.107] **The Council's** own evidence base for its eLP, having carefully considered the Green Belt purposes, has recommended that the appeal

¹³⁶ Appeal Ref: APP/F2360/W/18/3198822 (Appendix 6. PoE/NI)

site in its entirety should be removed from the Green Belt and allocated for housing. [8.109]

13.95 The most recent report to have considered the site is the 2018 LUC report which built upon the 2015 Kirkham Study. This assessed the Green Belt harm that would arise from the potential release of various sites across the district against the 5 purposes. [7.12,8.109] The LUC report concluded that the appeal site **is the only one of 5 sites that would result in "low-moderate" Green Belt harm.** The conclusion of the LUC report and others **clearly informed the Council's** decision to remove the site from the Green Belt in the eLP.

13.96 Notwithstanding the findings of the LUC report, I have found that the development would result in an overall benefit to the visual openness of the Green Belt arising principally from the removal of the 12-storey tower, the urban scale and institutional appearance of which is unlike anything else in the locality. It is seen from public viewpoints far and wide, drawing the eye in the most grievous manner. It is difficult to envisage a building that could be more insensitive and incongruous to its surroundings. Accordingly, and even though I accept there would be a **'spreading' of development** across the site, the removal of the existing buildings would have a clear and demonstrable Green Belt and landscape benefit. In my view, the openness benefits, are on their own, **sufficient to 'clearly outweigh' the 'definitional' harm** arising in the south-west quadrant.

13.97 Secondly, the development would make a significant contribution towards the **Council's stock of market and affordable housing.** [7.63-7.66,8.86,8.87] I heard much at the Inquiry about the eye-watering levels of affordability in South Oxfordshire. [3.24,7.63,8.101,8.104,8.107,9.4] This has put the aspiration of owning a home out of reach for many and is the very embodiment of the national housing crisis. **The Council itself accepts the need is "acute and pressing".** [8.107]

13.98 For South Oxfordshire, the SHMA identifies a need for 331 net affordable homes per annum to deal with the backlog using the Sedgefield approach for the period between 2013 and 2031. [8.87] In the 6-year period since this annual need figure was calculated in the SHMA, a shortfall of -713 affordable homes has accrued as a result of delivery falling substantially short of meeting identified needs. In order to address this backlog, the Council would need to deliver 2,370 net affordable homes over the course of the next 5 years.

13.99 Whilst I accept the Council can demonstrate a 5/3YHLS as required by the Framework and WMS, this is not a ceiling on the number of houses that can be provided. Moreover, there a number of forceful arguments as to why the use of the standard method is not appropriate in a district that has signed up to the OHGD and committed itself, with others, to the delivery of 100,000 homes across Oxfordshire by 2031. [3.24,3.27,6.7,7.48,8.93,8.94,8.102] The Council confirmed at the Inquiry that it is still committed to the eLP, by extension that must mean it accepts that the higher housing requirement therein is still appropriate for plan-making purposes. [3.17]

13.100 **Whilst I acknowledge an uplift in the Council's delivery figures** over the 2018-19 period, it is too early to say with any confidence whether this is part of a sustained upward trend. [7.65] Even if it is, there is evidently much work still to be done in view of past rates of affordable housing delivery in South Oxfordshire. It seems to me that there is little prospect of the backlog being

cleared without a substantial and sustained boost to housing delivery in the district. [7.65,8.104] In terms of Wheatley and Holton Parishes, the Appellant's figures suggest there has also been a persistent shortfall in delivery against identified needs and targets. The eWNP itself identifies that "*the main housing needs are for affordable housing, starter homes and supported housing for the elderly*". [3.21]

- 13.101 There are some 2,421 households on the Housing Register in South Oxfordshire at the present time. Of that total, 126 have an identified need for affordable housing in Wheatley Parish. It is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in urgent need who have been let down by a persistent failure to deliver enough affordable houses in South Oxfordshire. It is also evident that the seriousness of the affordable housing shortage in South Oxfordshire is having wider consequences for economic growth in the area. [3.27,8.100,8101]
- 13.102 Although affordable housing need is not unique to this district, that argument is of little comfort to those on the waiting list. The proposed development would provide 173 affordable homes. [8.87,8.107] This would contribute significantly towards the **Council's** affordable housing shortfall. Given the importance attached to housing delivery that meets the needs of groups with specific housing requirements and economic growth in paragraphs 59 and 80 of the Framework, these benefits are considerations of substantial weight.
- 13.103 Third, there would be a range of economic benefits from the purchase of materials and services in connection with the construction of the dwellings, local employment during the construction period, an increase in local household expenditure and revenues to the Council from the New Homes Bonus. [7.69]
- 13.104 Fourth, as the eLP evidence base confirms, the appeal site is located in an accessible and sustainable location on the edge of a larger village which CS Policy CSS1 states will be supported and enhanced as a local service centre. Future residents, particularly those in the south-west quadrant would have good access to local services and facilities in Wheatley, and with sustainable transport choices that would provide access to higher order services in Oxford. There would be material benefits to the local community from the off-site highway works, increased bus frequencies and new routes across the site. The eWNP acknowledges the importance of bus services to Wheatley. [3.22]
- 13.105 Fifth, there would be an overall net-benefit to biodiversity, which would be consistent with the Framework and the requirements of the Development Plan.
- 13.106 Sixth, there is currently no formal public access to the appeal site and therefore the opportunity for the local community to use and enjoy the extensive areas of open space, heritage assets and enhanced sports facilities created by the development on and off-site would be a benefit of the scheme.
- 13.107 Seventh, I have identified benefits to all 3 heritage assets on or close to the appeal site arising from on-site mitigation and the removal of the existing buildings.
- 13.108 Finally, the Appellant (OBU) is not a housebuilder but rather a charity. Accordingly, the proceeds arising from the sale of the land would be reinvested

into the education sector in the local area. The Council accepts this would be a benefit of the development. [7.69,8.107]

Planning balance

- 13.109 I have found that a small proportion of the development would be inappropriate development in the Green Belt. This is the area in the south-west quadrant which equates to approximately 14% of the site. Within this area, the illustrative masterplan indicates that there would be generous areas of open space such that not all the area would be developed. Nonetheless, the harm by way of inappropriateness must be afforded substantial weight, and planning permission should only be granted if very special circumstances have been demonstrated. Very special circumstances can only exist if the harm I have identified is clearly outweighed by other considerations. I have not identified any other matters weighing against the proposal which could not satisfactorily be addressed by conditions or at reserved matters stage.
- 13.110 In favour of the scheme, I have identified 8 '**other considerations**'. A balancing exercise therefore needs to be undertaken where these are weighed against the harm. Firstly, the release of the site from the Green Belt and its **allocation for a development of 'at least 300 dwellings' is supported by a significant amount of work which forms the evidence base for the eLP**. The redevelopment of the site is also supported by the eWNP. Although the development would have a roughly neutral effect on spatial openness within the site itself, I have found there would be a significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt resulting from the removal of the tower and other large, unsightly structures on the site. Given the importance attached to the Green Belt in the Framework I give this matter very substantial weight.
- 13.111 The Framework attaches great importance to housing delivery that meets the needs of groups with specific housing requirements. In that context and given the seriousness of the affordable housing shortage in South Oxfordshire, **described as "acute" by the Council**, the delivery of up to 500 houses, 173 of which would be affordable, has to be afforded very substantial weight irrespective of the fact that the Council can demonstrate a 3/5YHLS.
- 13.112 Given the scale of the development, the economic benefits collectively carry significant weight.
- 13.113 The heritage benefits arising from the on-site mitigation, the removal of the existing buildings and the opening up of the site and the SM to public appreciation, carries significant weight.
- 13.114 The enhanced sporting facilities, public access to the appeal site, off-site highway works, and the additional bus services are social benefits arising attracting significant weight.
- 13.115 The bio-diversity benefits attract moderate weight. Finally, the Appellant's status as a charity and major education provider in the local area is a consideration of significant weight.
- 13.116 There would be an overall benefit to the openness of the Green Belt, and this alone would, in my view, be enough to outweigh the harm by reason of inappropriateness.

- 13.117 **Even if one takes a contrary view on that matter, collectively the 'other considerations'** are of such number and force, that they clearly outweigh the **'definitional harm'** identified in this case. As such, I conclude that very special circumstances exist, which would justify development in the Green Belt. Accordingly, the proposal would not conflict with CS Policy CSEN2, LP Policy GB4 or Green Belt policy in Section 13 of the Framework.
- 13.118 As the proposed development would not conflict with the development plan it passes the section 38(6) test and should be approved without delay in accordance with paragraph 11c) of the Framework. Consequently, and **notwithstanding that I have found that the 'tilted balance' in paragraph 11d)** does apply, it is not necessary for me to consider the proposal against that lower test.
- 13.119 Should the SoS take a contrary view on the matter of very special circumstances, then the tilted balance would be disapplied by virtue of footnote 6 to paragraph 11d)i) with protective policies providing a "*clear reason for refusing the development proposed*". The consequence of that would be that the appeal should be dismissed.
14. Recommendation
- 14.1 In light of all the above points, my assessment of the planning balance leads to the overall conclusion that the proposal should be allowed, subject to the imposition of a number of conditions, set out in Annex D below.

D. M. Young

Inspector

Appendix A

APPERANCES

FOR THE APPELLANT

Christopher Young QC instructed by the Appellant

He called:

Mr Gary Holliday ^{BA (Hons) MPhil CMLI}	FPCR – Landscape
Dr Nicholas Doggett ^{FSA MCIFA IHBC}	Asset Heritage Consulting – Heritage
Mr Richard Barton ^{BSc (Hons) MATP MRTPI}	Avison Young– Housing Supply
Mr Nick Ireland ^{MRTPI}	Iceni Projects Ltd – Housing Need
Mr James Stacey ^{BA (Hons) DipTP MRTPI}	Tetlow King Planning – Affordable Housing
Mr Robert Gardner ^{BSc (Hons) DipTP MRTPI}	Avison Young – Planning
Ms Upinder Ubhi ^{Meng (Hons)}	SWECO – Accessibility

FOR THE LOCAL PLANNING AUTHORITY

Mr Hugh Flanagan Barrister Instructed by the Council

He called:

Ms Michelle Bolger ^{CMLI Dip.LA BA PGCE}	Michelle Bolger Expert Landscape Consultancy
Mr Julian Kashdan-Brown ^{MSc MA RIBA}	Kashdan Brown Architects Ltd - Heritage
Mr Ben Duffy ^{BA MA}	SODC – Housing Supply
Ms Tracy Smith ^{BA (Hons) MRTPI}	SODC Principal Appeals Officer – Housing Need
Ms Philippa Jarvis ^{BSc (Hons) DipTP MRTPI}	Principal of PJPC Ltd – Planning

INTERESTED PERSONS

Cllr Sarah Gray	Ward Councillor
Mr Kevin Heritage	Wheatley Park School
Mr John Fox	Wheatley Neighbourhood Plan Chairman
Mr Roy Gordon	Wheatley Neighbourhood Plan Vice-Chairman
Mr Smith	Resident of Holton
Mr Robert Barter	Holton Parish Council

Appendix B

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	Additional Photomontages (18 October 2019)
ID2	Visual Appraisal – Figure 11.2 – No. UK18-24423 Issue 2
ID3	Photomontage Locations – Figure 1B – 7590-L-51 – 30 September 2019
ID4	Appeal Decision APP/Q3115/W/19/3220425 dated 14 October 2019
ID5	Opening Statement on behalf of the Appellant
ID6	Opening Submissions on behalf of South Oxfordshire District Council
ID7	Statement of Councillor Sarah Gray, Ward Councillor
ID8	Kevin Heritage, Wheatley Park School
ID9	Statement of John Fox, Wheatley Neighbourhood Plan Chairman
ID10	Statement of Roy Gordon, Wheatley Neighbourhood Plan Vice-Chairman
ID11	SODC Landscape Architect’s Comments (20 February 2018)
ID12	Illustrative Masterplan showing distances from Holton Park to development
ID13	Richard Barton Errata Sheet (25 October 2019)
ID14	The Regional Strategy for the South East (Partial Revocation) Order 2013
ID15	Ben Duffy – Proof of Evidence – Appendix J
ID16	Luton Borough Council, R (on the application of) v Central Bedfordshire Council & Ors [2015] EWCA Civ 537, [2015] WLR(D) 226
ID17	APP/Q3115/W/15/3228431 - The Elms, Thame (21 October 2019)
ID18	Letter from Mark Stone Chief Executive of SODC to SSHCLG (16.10.19)
ID19	Timeline for Oxfordshire Plan 2050
ID20	Mr Robert Gardner - Addendum Sheet to Proof of Evidence
ID21	Wheatley Masterplan SPD Note on Increased Volumes
ID22	Appeal Decision APP/C2741/W/19/3227359 dated 23 October 2019
ID23	National Planning Policy Framework (2012) Chapter 9 – Green Belt
ID24	Signed Statement of Common Ground Between Oxford Brookes University and Oxfordshire County Council Re: The Western Access (28 October 2019)
ID25	List of Draft Planning Conditions (30 October 2019)
ID26	Draft Section 106 Agreement (31 October 2019) superseded by the Signed agreement dated 15 November 2019
ID27	Council’s Closing Submissions
ID28	Appellant’s Closing Submissions
ID29	Council’s CIL Compliance Statement
ID30	Correspondence relating to Condition 19

Appendix C

CORE DOCUMENTS

CD1 Application Documents and Plans

1.1	Covering letter, dated 19 January 2018 (including schedule of submission documents) (GVA)
1.2	Application forms and ownership certificates (GVA)
1.3	Planning Statement (GVA)
1.4	Design and Access Statement (FPCR)
1.5	Site Location Plan (Drawing No. 7590-L-17 Rev A) (FPCR)
1.6	Topographical Survey (Drawing No. 24183_T) (Amethyst Surveys Limited)
1.7	Illustrative Masterplan (Drawing No. 7590-L-10 Rev F) (FPCR)
1.8	Parameter Plans (Land Use; Green Infrastructure; Heights Drawing Nos. 7590-L-18 Rev C; 7590-L-19 Rev C; 7590-L-20 Rev C) (FPCR)
1.9	Arboricultural Plans (Tree Survey & Tree Retention Plans) (provided Arboricultural Assessment) (FPCR)
1.10	Phasing Plan (provided in ES Figures) (Drawing No. 7590-L-21) (FPCR)
1.11	Flood Risk Assessment & Drainage Strategy (provided in Technical Appendices in ES) (Avison Young)
1.12	Environmental Impact Assessment (Non-Technical Summary (NTS), Environmental Statement (ES) Main Report, Figures & Appendices) (Ramboll Environ)
1.13	Transport Assessment (provided in Technical Appendices) (SWECO)
1.14	Travel Plan (provided in Technical Appendices) (SWECO)
1.15	Ecological Assessment (provided in Technical Appendices) (EcoConsult)
1.16	Heritage Assessment (provided in Technical Appendices) (Asset Heritage Consulting)
1.17	Archaeological Desk Based Assessment (provided in Technical Appendices) (Icknield Archaeology)
1.18	Air Quality Assessment (provided in Technical Appendices) (Ramboll Environ)
1.19	Noise Assessment (provided in Technical Appendices) (MLM)
1.20	Arboricultural Impact Assessment (provided in Technical Appendices) (FPCR)
1.21	Construction & Demolition Environmental Management Plan (provided in ES Technical Appendices) (Ramboll Environ)
1.22	Landscape & Visual Impact Assessment (provided in ES Technical Appendices) (FPCR)
1.23	Phase 1 Ground Investigations Report (provided in ES Technical Appendices)

CD2 Additional/Amended Reports and/or Plans submitted after validation

2.1	Covering letter, dated 10 October 2018 (including schedule of submission documents) (GVA)
2.2	Design and Access Statement Addendum (FPCR)
2.3	Illustrative Layout (Drawing No. 7590-L-10 rev M) (FPCR)
2.4	Revised Parameter Plans (Land Use, Green Infrastructure, Heights – Rev F) (FPCR)
2.5	Revised Phasing Plan (Rev A) (FPCR)
2.6	Arboriculture Assessment Addendum (FPCR) (Including historical arboricultural analysis)
2.7	Biodiversity Impact Assessment Calculator and Note – October 2018 (EcoConsult)
2.8	EIA Addendum (Non-Technical Summary, Environmental Statement Main Report, Figures & Technical Appendices) (Ramboll Environ)

CD3 Appeal Documents

3.1	Revised Parameter Plan 1 – Land Use (Drawing No. 7590-L-18 Rev G)
3.2	ES Addendum Review Letter – Ramboll – June 2019
3.3	Counsel’s Advice – Inquiry Procedure – No5 Chambers – June 2019
3.4	Public Consultation Feedback Report – Avison Young – June 2019
3.5	Building Volume Plan and Spreadsheet (submitted to SODC with Local Plan Representations but not as part of planning application) – Sky Revolutions – May 2017
3.6	Covering Letter – Avison Young – 12 June 2019
3.7	Revised Illustrative Masterplan (Drawing No. 7590-L-60 Rev -)

CD4 Committee Report and Decision Notice

4.1	Officer’s Report to Committee 28 November 2018
4.2	Minutes of Committee Meeting 28 November 2018
4.3	Decision Notice – 13 December 2019

CD5 The Development Plan and Inspector’s Reports

5.1	The adopted Local Plan 2011 (2006)
5.2	The Core Strategy 2027 (2012)
5.3	The Core Strategy Inspector’s Report 2012
5.4	The Local Plan 2011 Inspector’s Report

CD6 Emerging Development Plan and Evidence Base

6.1	Final Publication Version 2ND South Oxfordshire Local Plan 2011-2034 (Jan 2019)
6.2	Draft Wheatley Neighbourhood Plan (Sept 2019)
6.3	SODC Strategic Site Selection Background Paper 2019 (Part 1 and 2)
6.4	Draft Minutes Full Council Meeting 18 July 2019 re. emerging Local Plan
6.5	Settlement Assessment Background Paper 2018

CD7 OBU Relevant Appeal Decisions

Affordable Housing

7.1	APP/A0665/W/15/3005148 - Land adjacent to 28 Church Street, Davenham (January 2016)
7.2	APP/L3815/W/16/3165228 - Land at the corner of Oving Road and A27, Chichester (August 2017)
7.3	APP/G1630/W/14/3001706 - Land adjacent to Cornerways, High Street, Twyning (July 2015)
7.4	APP/P0119/W/17/3191477 - Land east of Park Lane, Coalpit Heath (September 2018)
7.5	APP/D0840/A/13/2209757 - Land north of Upper Chapel, Launceston (April 2014)
7.6	APP/L3245/W/15/3137161 - Land at Foldgate Lane, Ludlow, Shropshire (November 2016)
7.7	APP/A0665/A/14/2226994 - Land at Fountain Lane, Davenham (September 2015)
7.8	APP/X2410/W/15/3007980 - Land rear of 62 Iveshead Road, Shepshed (February 2016)
7.9	APP/P3040/W/17/3185493 - Land north of Asher Lane, Ruddington, Nottinghamshire (May 2018)
7.10	APP/C3105/A/14/2226552 - Land at Sibford Road, Hook Norton, Banbury, Oxfordshire (December 2015)

Housing Need & Housing Land Supply

7.11	APP/W3520/W/18/3194926 - Land on East Side of Green Road, Woolpit (September 2018)
7.12	APP/Y3940/A/14/2222641 - Land North of Bath Road, Corsham (May 2015)
7.13	APP/L3245/W/15/3011886 - Longden Road, Shrewsbury (January 2016)
7.14	APP/G5180/W/18/3206569 - Former Dylon International Premises, Station Road (June 2019)
7.15	APP/U1105/A/12/2180060 Land East of Butts Road, Higher Ridgeway, Ottery St, Mary (December 2012)

7.16	APP/P0119/A/12/2186546 Land Between Iron Acton Way and North Road, Engine Common, Yate (April 2013)
7.17	APP/Z2830/W/18/3206346 - Land south of Kislingbury Road, Rothersthorpe (May 2019)
7.18	APP/U2805/W/18/3218880 - Southfield Road, Gretton (August 2019)

Heritage

7.19	APP/P1615/W/16/3152190 - Land off Chartist Way, Staunton, Gloucestershire (July 2017)
7.20	APP/G5180/W/18/3206947 - Hayes Street Farm, Hayes Lane, Bromley (June 2019)
7.21	APP/Z1585/A/11/2165340 - Greenacres', Old Packards Lane, Wormingford, Colchester, Essex (July 2012)

Accessibility

7.22	APP/Q3115/W/17/3177448 - Land east of Chalgrove, Chalgrove, Oxfordshire (October 2017)
7.23	APP/Q3115/W/14/3001839 - Land east of Crowell Road, Chinnor (October 2015)
7.24	APP/Q3115/W/15/3097666 - Land North of Lower Icknield Way, Chinnor, Oxfordshire (March 2016)
7.25	APP/Q3115/A/14/2229389 - Land adjoining Greenwood Avenue, Chinnor (October 2015)
7.26	APP/Q3115/W/17/3179191 - East End Farm, South East of Wallingford Road (March 2018)
7.27	APP/Q3115/W/15/3136390 - Land north of 12 Celsea Place, Cholsey (June 2016)
7.28	APP/Q3115/W/16/3161733 - Thames Farm, Reading Road, Shiplake, Henley-on-Thames (August 2017)
7.29	APP/Q3115/W/17/3169755 - Land off Fieldside Track, Long Wittenham (January 2018)
7.30	APP/Q3115/W/15/3035899 - Land to the east of Newington Road, Stadhampton (May 2016)
7.31	APP/Q3115/W/15/3136319 - Mount Hill Farm, High Street, Tetsworth (June 2016)
7.32	APP/Q3115/W/16/3165351 CABI International, Nosworthy Way, Mongewell, Wallingford, Oxfordshire (August 2017)
7.33	APP/Q3115/W/17/3186858 - Land to the East of Benson Lane, Crowmarsh Gifford, Wallingford (May 2018)
7.34	APP/Q3115/W/17/317766 - Newington Nurseries, Newington Road, Stadhampton, Oxfordshire (December 2017)

Planning and Green Belt

7.35	APP/H2265/W/18/3202040 - Land to the rear of 237-259 London Road, West Malling, Kent ME195AD (December 2018)
7.36	APP/P3040/W/17/3185493 - Land north of Asher Lane, Ruddington, Nottinghamshire (May 2018)

CD8 OBU Relevant Secretary of State Decisions

8.1	APP/Q3630/A/05/1198326 - Franklands Drive, Addlestone (July 2006)
8.2	APP/P3040/A/07/2050213 - Gotham Road, East Leake, Nottinghamshire (March 2008)
8.3	APP/H1840/A/13/2199426 - Pulley Lane, Droitwich Spa (July 2014)
8.4	APP/K2420/A/13/2208318 Land surrounding Sketchley House, Watling Street, Burbage (November 2014)
8.5	APP/K3415/A/14/2224354 - Land and Buildings off Watery Lane, Curborough (February 2017)
8.6	APP/Y3615/W/16/3151098 – Land at Howard of Effingham School and Lodge Farm and Brown’s Lane, Effingham (March 2018)
8.7	APP/Z1510/W/16/3162004 - Land off Stone Path Drive, Hatfield Peverel (July 2019)
8.8	APP/M3455/W/18/3204828 - Land off Meadow Lane/ Chessington Crescent, Trentham, Stoke-on-Trent (June, 2019)
8.9	APP/W0340/A/14/2226342 - Agricultural land to both the north and south of Mans Hill, Burghfield Common, Reading (March 2015)
8.10	APP/W0340/A/14/2228089 - Land at Firlands Farm, Hollybush Lane, Burghfield Common, Reading, Berkshire (July 2015)

CD9 OBU Relevant Judgements

9.1	Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]
9.2	Wessex Regional Health Authority v SSE [1984]
9.3	Wadehurst Properties v SSE & Wychavon DC [1990]
9.4	Breckland DC v SSE and T. Hill [1992]
9.5	Tesco v Dundee [2012] UKSC 13
9.6	Bloor Homes [2014] EWHC 754 (Admin)
9.7	Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466
9.8	Cheshire East [2017] UKSC 37
9.9	Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37
9.10	Catesby Estates Ltd v. Steer [2018] EWCA Civ 1697

9.11	CEG Land Promotions It Limited v SSCLG and Aylesbury Vale District Council [2018] EWHC 1799 (Admin)
9.12	Euro Garages Limited v SSCLG [2018] EWHC 1753
9.13	SMuel Smith Old Brewery (Tadcaster) Limited v North Yorkshire CC [2018] EWCA Civ 489
9.14	Peel Investments (North) Limited v SSHCLG [2019] EWHC 2143 (Admin)
9.15	Wavendon Properties v SSHCLG v MKC 2019 EWHC 1524 (Admin)
9.16	Monkhill Ltd v SSHCLG [2019] EWHC 1993 (Admin)
9.17	Paul Newman v SSHCLG [2019] EWHC 2367 (Admin)

CD10 Housing Need, Land Supply & Affordable Housing

10.1	Housing Land Supply Statement for South Oxfordshire District Council June 2019 (Revised August 2019)
10.2	Housing Land Supply Statement for South Oxfordshire District Council April 2018
10.3	Housing Land Supply in Oxfordshire: Written statement - HCWS955
10.4	Oxfordshire Housing and Growth Deal Outline Agreement
10.5	South Oxfordshire Housing and Economic Land Availability Assessment (SHELAA) (January 2019)
10.6	Oxfordshire Strategic Housing Market Assessment (2014)
10.7	Oxfordshire SHMA – Summary of Key Findings
10.8	Joint Housing Delivery Strategy (2018-2028)
10.9	Joint Homelessness Strategy (2015-2020)
10.10	Oxfordshire 2030 Partnership Plan
10.11	Oxfordshire Local Industrial Strategy
10.12	Oxfordshire LIS Baseline Economic Review
10.13	Oxford City Council SHMA Update
10.14	Cambridge, Milton Keynes, Oxford, Northampton Growth Corridor Report for NIC
10.15	Oxfordshire Economic Forecasting Final Report 2014
10.16	Economic Vision – the Oxford and Cambridge Arc
10.17	Office for Budget Responsibility Fiscal Sustainability Report 2018
10.18	SODC Housing Topic Paper January 2019
10.19	Wheatley Neighbourhood Plan Housing Needs Assessment prepared by AECOM
10.20	PPG – Housing and economic needs Assessment (Updated July 2019)
10.21	PPG - Housing Supply and Delivery (July 2019)
10.22	PPG - Housing and economic land availability Assessment (July 2019)

10.23	PPG Housing and economic land availability Assessment (March 2014)
10.24	Archived PPG Housing need Assessment (March 2015)

CD 11 Green Belt Documents

11.01	Green Belt protection and intentional unauthorised development: Written statement - HCWS423
11.02	Written Ministerial Statement by Local Government Minister Brandon Lewis 17 January 2014
11.03	PPG – Green Belt (July 2019)

CD 12 Landscape Documents

12.1	Guidelines for Landscape and Visual Impact Assessment, Third Edition 2013 (GLVIA3) Landscape Institute/Institute of Environmental Management and Assessment
12.2	PPG Landscape (July 2019)

Extracts of all the following documents are provided in the Landscape SoCG:

National Character Area 109 Midvale Ridge

National Character Area 108 Upper Thames Clay Vales

Oxfordshire Wildlife and Landscape Study

South Oxfordshire Landscape Assessment (2003)

SODC Landscape Character Assessment for the Local Plan 2033 (2017)

Landscape Sensitivity Assessment Potential Strategic allocations Jan 2018 (KLP)

South Oxfordshire District Council - Landscape Assessment Update HAD October 2018

CD 13 Heritage Documents

13.1	The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd edition) Historic England (Dec 17)
13.2	The South Oxfordshire Local Plan 2033 Heritage Impact Assessment (Oxford Archaeology, September 2017)
13.3	John Moore Heritage Services Heritage Impact Assessment for Strategic Land Allocations in Local Plan (March 2019)
13.4	Kevin Heritage, Holton Park- A Short History (2018)
13.5	Seeing the History in View: A Method for Assessing Heritage Significance Within Views, English Heritage, June 2012.
13.6	Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, ICOMOS, January 2011.
13.7	PPG – Historic Environment (July 2019)
13.8	Historic Mapping, prepared by FPCR (Drawing No. 7590-L-63)
13.9	Illustrative Cross Sections: Proposed Parkland, prepared by FPCR (Drawing No. 7590-L-61)

CD14 Accessibility

14.1	Oxfordshire Walking Design Standards (2017)
14.2	Planning Policy Guidance Note 13 (PPG13): Transport (2011)
14.3	Manual for Streets (2007)
14.4	Chartered Institute of Highways and Transportation (CIHT) Planning for Walking (2015)
14.5	Planning Permission Ref. P11/W1227
14.6	Department for Transport – Accessibility Planning Guidance Note (2007)
14.7	National Travel Survey (2017)
14.8	Connecting Oxfordshire: Local Transport Plan 4 2015-2032
14.9	'Our Place, our future' Sustainable Community Strategy for South Oxfordshire (2009-2026)
14.10	South Oxfordshire Sustainable Transport Study for New Developments, Evidence Base Report July 2017
14.11	PPG Travel Plans, Transport Assessments and Statements (March 2014)
14.12	Planning Permission P16/S1468/O - Land north of Mill Lane, CHINNOR, OX39 4RF
14.13	Planning Permission P15/S0779/FUL - Land on corner of Mill Lane & Thame Lane, Chinnor
14.14	Planning Permission P11/W2357 - Former Carmel College, Mongewell Park, Mongewell, Oxon, OX10 8BU
14.15	Planning Permission P17/S2469/O - Land Adjacent to the Village Hall, Main Road, East Hagbourne
14.16	Planning Permission P16/S0077/O - JHHNDP Site M & M1: Highlands Farm, Highlands Lane, Rotherfield Greys, RG9 4PR
14.17	IHT Guidelines for Providing for Journeys on Foot (dated 2000)

CD15 Supplementary Planning Documents and Other Documents

15.1	South Oxfordshire Design Guide 2016
15.2	Oxford Brookes University Wheatley Masterplan SPD
15.3	SODC letter to Growth Deal members and local authority partners on 24th July
15.4	Letter from former Minister of State for Housing on 22nd July 2019
15.5	Fixing our Broken Housing Market (February 2017)
15.6	Section 106 Planning Obligations Supplementary Planning Document (2016)
15.7	Oxfordshire Housing and Growth Deal – Delivery Plan (2018)
15.8	Corporate Plan 2016 – 2020 (2016)
15.9	Joint Housing Delivery Strategy 2018-2028 (January 2018)

15.10	Housing Study (May 2017)
15.11	Letter to SODC from Rt Hon Robert Jenrick MP (26 August 2019)
15.12	SODC Infrastructure Delivery Plan Update January 2019
15.13	SODC Settlement Assessment Background Paper 2018
15.14	SODC Topic Paper – Local Plan Spatial Strategy
15.15	Letter to SODC from Tom Walker, Director General, MHCLG (20 September 2019)

CD16: Statements of Common Ground

16.1	Main Statement of Common Ground (August 2019)
16.2	Landscape SoCG
16.3	Heritage SoCG
16.4	Accessibility SoCG
16.5	Affordable Housing SoCG

CD18: Case Management documents (PINS)

18.1	Case Management Conference Agenda received 8 August 2019
18.2	Case Management Conference Notes received 21 August 2019
18.3	Email Leanne Palmer at PINS dated 20 September 2019 in relation to extension to deadline for PoE

CD19: SODC Relevant Judgements

19.1	Dyer v Dorset CC (1989) 1 QB 346)
19.2	Methuen-Campbell v Walters (1979) QB 525
19.3	Skerritts of Nottingham v SSETR (2000) 2 PLR 102)
19.4	Sinclair-Lockhart Trustees v Central Land Board (1950) 1 P&CR 19

CD20: New Inquiry Documents

20.1	Historic England Letter re. P17/S4254/O - 19 March 2018
20.2	Historic England Letter re. P17/S4254/O - 31 October 2018
20.3	SODC Conservation Officer re. P17/S4254/O - 15 March 2018
20.4	SODC Conservation Officer re. P17/S4254/O - 12 November 2018
20.5	The National Infrastructure Commission Report, Partnering for Prosperity – A new deal for the Cambridge-Milton Keynes-Oxford Arc, published on 17th November 2017
20.6	The Government's response to this report, published by HM Treasury on 29th October 2018.

 Proofs of Evidence

Appellant	
PoE/GH	Gary Holliday Proof of Evidence 30 September 2019
PoE/ND	Dr Nicholas Doggett Proof of Evidence September 2019
PoE/JS	James Stacey Proof of Evidence September 2019
PoE/NI	Nick Ireland Proof of Evidence September 2019
PoE/RB	Richard Barton Proof of Evidence
PoE/UU	Upinder Ubhi Proof of Evidence October 2019
PoE/RG	Robert Gardner Proof of Evidence October 2019
Council	
PoE/MB/1	Michelle Bolger Proof of Evidence
PoE/MB/2	Michelle Bolger Rebuttal Proof of Evidence October 2019
PoE/JKD/1	Julian Kashdan-Brown Proof of Evidence
PoE/JKD/2	Julian Kashdan-Brown Rebuttal Proof of Evidence October 2019
PoE/TS/1	Tracey Smith Proof of Evidence
PoE/TS/2	Tracey Smith Rebuttal Proof of Evidence October 2019
PoE/PJ/1	Philippa Jarvis Proof of Evidence
PoE/PJ/2	Philippa Jarvis Rebuttal Proof of Evidence 15 October 2019
PoE/BD	Ben Duffy Rebuttal Proof of Evidence October 2019
PoE/KH	Katherine Hamer (Oxfordshire County Council) Proof of Evidence

Appendix D

CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED

- 1) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4) The development hereby approved shall be carried out in accordance with the following approved plans:

Site Location Plan (Drawing no: 7590-L-17RevA)

Parameters Plan 1: Land Use (Drawing no: 7590-L-18RevG)

Parameters Plan 2: Green Infrastructure (Drawing no: 7590-L19Rev F)

Parameters Plan 3: Building Heights (Drawing no: 7590-L-20RevF)

Reason: For the avoidance of doubt.

- 5) No development shall take place until a Phasing Plan has been submitted to and approved in writing by the Local Planning Authority. The plan shall provide the following information for each phase or sub phases:
 - a) The number and mix (bedroom number) of market dwellings;
 - b) The number and mix (bedroom number) and gross internal floor areas of affordable housing to meet the latest evidence of affordable housing need (the total amount of affordable housing to cumulatively be 34.57% of the total amount of housing across the site);
 - c) The tenure of each affordable unit;
 - d) The number of accessible and adaptable homes to be built to Building Regulations Part M4(2) category 2 for both market (which shall be a minimum of 10% overall) and affordable sectors;
 - e) Location and boundaries of public open space, play areas, green infrastructure, leisure and sports pitches/pavilion, associated parking areas to be provided and a scheme for their future management;
 - f) Key infrastructure including means of vehicular and pedestrian and cycle access and links to serve each phase;
 - g) Drainage and landscaping works including future management arrangements;
 - h) Existing and proposed ground and ridge levels;

An updated Phasing Plan shall be provided with each subsequent reserved matter application showing how each of these elements of the development is to be phased. The development shall be implemented in accordance with the approved Phasing Plan/s.

Reason: In order to secure the satisfactory development of the site

- 6) Prior to commencement of the development, details of the works to the site accesses onto Waterperry Road and Holton Park Drive, shall be submitted to and agreed in writing by the Local Planning Authority. The works shall be completed in accordance with the approved details and timescales.

Reason: In the interest of highway safety in accordance with Policy T1 of the Local Plan 2012.

- 7) Prior to the commencement of any development (including demolition works), a Construction Method Statement, incorporating a Construction Traffic Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Statement will have been prepared in the light of Outline Construction and Demolition Environmental Management Plan dated January 2018 and shall include details of the following:
 - a) Vehicle parking facilities for construction workers, other site operatives and visitors;
 - b) Site offices and other temporary buildings;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used during construction;
 - e) Vehicle wheel washing facilities;
 - f) Measures to control the emission of dust and dirt;
 - g) A scheme for recycling and/or disposing of waste materials arising from the demolition and construction works;
 - h) Installation and maintenance of security hoarding/fencing;
 - i) Hours of construction

The development hereby approved shall be undertaken in accordance with the details approved in accordance with this condition and complied with throughout the construction period

Reason: In the interests of visual and residential amenity and highway safety (Policies D1, and T1 of the Local Plan.

- 8) No development hereby permitted shall begin until surface and foul water drainage schemes for the site have been submitted to and agreed in writing by the Local Planning Authority. The surface water scheme shall be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development. The schemes shall subsequently be implemented in accordance with the approved details.

Reason: To ensure the effective drainage of the site and to avoid flooding (Policy DC14 of the adopted Local Plan).

- 9) Prior to the commencement of the development hereby approved an Archaeological Written Scheme of Investigation, relating to the application site area, shall be submitted to and approved in writing by the Local Planning Authority.

Following the approval of the Written Scheme of Investigation and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of

archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority.

Reason: To secure the protection of and proper provision for any archaeological remains in accordance with Policy CSEN3 of the Core Strategy and Policies CON11, CON13 and CON14 of the Local Plan.

- 10) Prior to the commencement of the development a phased risk Assessment shall be carried out by a competent person in accordance with current government and Environment Agency Guidance and Approved Codes of Practice. Each phase shall be submitted to and approved in writing by the Local Planning Authority. Phase 2 shall include a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and if significant contamination is identified to inform the remediation strategy. A remediation strategy shall be submitted to and approved by the LPA to ensure the site will be rendered suitable for its proposed use and the development shall not be occupied until the approved remediation strategy has been carried out in full and a validation report confirming completion of these works has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground, water and associated gas contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use.

- 11) Either prior to, or concurrent with the submission of each reserved matters application a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- a) Risk Assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction;
 - d) A mitigation strategy for all protected species ensuring that each species long term conservation status is protected and enhanced;
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - g) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication, and
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure the protection of habitats and species on the site, in accordance with Policy CSB1 of the Core Strategy and Policy C8 of the Local Plan.

- 12) Concurrent with the submission of the first reserved matters application, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan should demonstrate how the development can achieve a no net loss of biodiversity overall compared to the biodiversity value of the site prior to development. The plan should include both habitat and species enhancements and should use a suitable form of biodiversity accounting to prove that no net loss can be achieved. The BEP should include:
- a) Details of habitat creation or enhancements (this could cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required;
 - b) Details of species enhancements including relevant scale plans and drawings showing the location, elevation and type of features such as bat and bird boxes etc. as appropriate;
 - c) Selection of appropriate strategies for creating/restoring target habitats or introducing target species;
 - d) Selection of specific techniques and practices for establishing vegetation;
 - e) Sources of habitat materials (e.g. plant stock) or species individuals;
 - f) Method statement for site preparation and establishment of target features;
 - g) Extent and location of proposed works, and
 - h) Details of the biodiversity offsetting metric calculations that clearly demonstrate that the proposals contained in the plan avoid a net loss of biodiversity.

Thereafter, the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements should be delivered prior to final occupation.

Reason: To avoid a net loss of biodiversity in accordance with Policy CSB1 of the Core Strategy and government guidance as stated in paragraphs 170(d) and 175 of the Framework.

- 13) No development shall take place until the tree protection measures detailed in Appendix B of the Arboricultural Assessment dated January 2018 are erected around any trees affected by construction activity.

Reason: To safeguard trees which are visually important in accordance with Policies CSEN1 and CSQ3 of the Core Strategy 2027 and Policies G2, C9 and D1 of the Local Plan 2011.

- 14) Before any dwelling hereby permitted is first occupied, the proposed vehicular accesses, driveways and turning areas that serve that dwelling shall be constructed, laid out, surfaced and drained in accordance with the specification details that have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works.

Reason: To ensure a satisfactory residential environment in accordance with policy D1 and EP2 of the Local Plan.

- 15) Prior to the occupation of the first dwelling hereby permitted a Travel Plan in general accordance with the Framework Travel Plan dated 5 January 2018 shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: To promote the use of non-car modes of transport in accordance with Policy CSM2 of the Core Strategy.

- 16) Prior to first occupation of any dwelling or building to which they relate electric vehicle charging points shall be installed and be operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory standards of air quality for the residents of the development and surrounding residential properties in accordance with Policies G2 and EP1 of the Local Plan, CSQ2 of the Core Strategy and paragraphs 105 and 181 of the Framework.

- 17) Prior to the occupation of the first dwelling hereby approved details of the means by which the dwellings may be connected to the utilities to be provided on site to facilitate super-fast broadband connectivity have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate homeworking and to reduce the need to travel in accordance with Policies CSM1 and CSM2 of the Core Strategy.

- 18) Prior to first occupation of any dwelling a noise mitigation strategy including full details of the proposed noise bund to be erected along the southern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained thereafter.

Reason: To minimise the noise levels from the adjacent A40 and to ensure a satisfactory residential environment in accordance with policy D1 and EP2 of the Local Plan.

- 19) Prior to the occupation of the first dwelling, details of a scheme for the enhancement and protection of the on-site Scheduled Ancient Monument on the site shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall include details of the following;
- a) strimming / mowing and removal of scrub vegetation and self-set trees from the monument;
 - b) a management plan for the preservation / maintenance of the monument in the future, prepared with the objective of removing the need to secure scheduled monument consent to carry out future maintenance of the monument;
 - c) consultation with Historic England and the Local Planning Authority Archaeology Officer in respect of research into the history and the origins of the monument;
 - d) Design and location of an interpretation and information board in respect of the monument. The board shall include information in respect of the monument. It shall also include details of the statutory

- protection and security measures that the monument benefits from and the repercussions for any individuals who damage the monument through illegal or unauthorised activities, such as metal detecting, and
- e) Design and location of a seating area, comprising at least one bench and associated hard standing, adjacent to, but outside, the perimeter of the monument. The perimeter of the monument is defined as the extremities of ditch, plus an additional two metre buffer zone.

The interpretation board and seating area shall be installed and the SAM maintained in accordance with the details set out in the SAM enhancement scheme as approved by the Council and shall be maintained thereafter for the lifetime of the development unless otherwise agreed in writing by the LPA.

Reason: To ensure adequate mitigation of a designated heritage asset in accordance with Policy CSEN3 of the Core Strategy.

Appendix E

THE RESPECTIVE POSITIONS OF THE PARTIES ON HOUSING LAND SUPPLY

Table 1: The deliverable supply of each party

	Councils Original Position	Appellants Original Position	Councils updated position	Appellants updated position
Large Sites with planning permission	2632	2409	2632	2409
1673 Former Carmel College, Mongewell Park, Mongewell Oxon, OX10 8BU	166	100	166	100
830 Thame NDP Site 2: Land at The Elms, Upper High Street, Thame, OX9 2DX	37	0	37	0
1442 Woodcote NDP Site 16: Former Reservoir site, Greenmore	20	0	20	0
Small sites with planning permission	522	522 (not discounting from total to avoid double counting for windfall reduction)	522	522
Large sites with outline planning permission	1697	0	1697	0
1639 Land West of Marley Lane	200	0	200	0
2031 Land South of Greenwood Avenue, Chinnor	140	0	140	0
1560 Land to the East of Benson Lane, Crowmarsh Gifford	150	0	150	0
1009 Land to the north east of Didcot	838	0	838	0
1762 Land adjacent to the village hall, Main Road, East Hagbourne	74	0	74	0
1737 Thames Farm, Reading Road, Shiplake	95	0	95	0

1015 Land to the west of Wallingford (Site B), Wallingford	200	0	200	0
Small Sites with outline planning permission	61	61	61	61
Large sites without consent subject to resolution to grant	487	0	487	0
1561 Land to the south of Newnham Manor	100	0	100	0
1814 Land at Six Acres Tame Road, Warborough	29	0	29	0
1676 Wallingford Site E, Land north of A4130 Wallingford Bypass (emerging NDP site)	258	0	258	0
1930 Benson NDP: Site BEN 3 /4	100	0	100	0
Allocations	471	0	442	0
1929 Benson NDP: Site BEN 2	52	0	52	0
1937 Watlington NDP: Site A	183	0	183	0
1938 Watlington NDP: Site B	28	0	28	0
1939 Watlington NDP: Site C	28	0	28	0
1011 Ladygrove East, Land off A4130, Hadden Hill, Didcot – site has no permission- Allocated site in South Oxfordshire Core Strategy	129	0	129	0
977 Woodcote NDP Site 01: Chiltern Rise Cottage – site has no permission	22	0	22	0
Prior Approvals Large Sites	126	81	126	81
Site 1753 DAF building, Thame	45	0	45	0
Prior Approvals Small Sites	53	53	53	53
C2 Permissions	194	194	194	194
Windfall Allowance	200	105	200	105

TOTAL	6472	3583	6,443	3583
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Table 2: The five-year land supply position of each party against the standard method

	The Councils supply	The Appellant's Supply
Annual Requirement	632	632
Five-year requirement excluding buffer	3,160	3,160
Five-year requirement including 5% buffer	3,318	3,318
Deliverable Supply	6,443	3,583
Five-year land supply	9.71	5.40

Table 3: The five-year land supply position of each party against the figures identified in the Growth Deal from 2011

	The Councils supply	The Appellant's Supply
Annual Requirement	775	775
Unmet Need (495 per annum added to the 5YHLS from 2021 to assist Oxford in meeting its housing need)	1,485	1,485
Net Shortfall (2011-19)	506	506
Five-year requirement including shortfall	5,866	5,866
Five-year requirement including 5% buffer	6,159	6,159
Deliverable supply	6,443	3,583
Five-year land supply	5.23	2.91

Table 4: The five-year land supply position of each party against the 2014 Oxfordshire SHMA 1

	The Council's supply	The Appellant's supply
Annual Requirement	775	775
Shortfall 2011-2019	506	506
Five-year requirement including shortfall	4,381	4,381
Five-year requirement including 5% buffer	4,600	4,600
Deliverable supply	6,443	3,583
Five-year land supply	7.00	3.89

Table 5: The five-year land supply position of each party against the figures identified in the Appellant's OAN calculation for South Oxfordshire

	The Council's supply	The Appellant's supply
Annual Requirement	1,035	1,035
Five-year requirement excluding buffer	5,175	5,175
Five-year requirement including 5% buffer	5,434	5,434
Deliverable supply	6,443	3,583
Five-year land supply	5.93	3.30



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appendix 35

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Adderbury Parish Council

Adderbury Neighbourhood Development Plan

A report to Cherwell District Council of the Independent
Examination of the Adderbury Neighbourhood Development
Plan

Independent Examiner Christopher Edward Collison

Christopher Edward Collison

BA (Hons) MBA MRTPI MIED MCMi IHBC

Planning and Management Ltd



26 March 2018

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Overall Finding

This is the report of the Independent Examination of the Adderbury Neighbourhood Development Plan. The plan area comprises the entire civil parish of Adderbury within the Cherwell District Council area. The plan period is 2014-2031. The Neighbourhood Plan includes policies relating to the development and use of land. The Neighbourhood Plan does not allocate land for residential development.

This report finds that subject to specified modifications the Neighbourhood Plan meets the basic conditions and other requirements. It is recommended the Plan should proceed to a local referendum based on the plan area.

Neighbourhood Planning

1. The Localism Act 2011 empowers local communities to take responsibility for the preparation of elements of planning policy for their area through a neighbourhood development plan. The National Planning Policy Framework (the Framework) states that “*neighbourhood planning gives communities direct power to develop a shared vision for their neighbourhood and deliver the sustainable development they need.*”¹
2. Following satisfactory completion of the necessary preparation process neighbourhood development plans have statutory weight. Decision-makers are obliged to make decisions on planning applications for the area that are in line with the neighbourhood development plan, unless material considerations indicate otherwise.
3. The Adderbury Neighbourhood Development Plan (the Neighbourhood Plan) has been prepared by Adderbury Parish Council (the Parish Council). The draft Plan has been submitted by the Parish Council, a qualifying body able to prepare a neighbourhood plan, in respect of the Adderbury Neighbourhood Area which was formally designated by Cherwell District Council (the District Council) on 7 June 2013. Since January 2016 the Neighbourhood Plan has, building on the work of a previous group, been produced by a Neighbourhood Plan Steering Group (the Steering Group), made up of members of the Parish Council supported by neighbourhood representatives, with input from the District Council and supporting consultants.
4. The submission draft of the Neighbourhood Plan, along with the Consultation Statement and the Basic Conditions Statement, has been approved by the Parish Council for submission of the plan and accompanying documents to the District Council. The District Council arranged a period of publication between Thursday 12 October and Friday 24 November 2017. The District Council has submitted the Neighbourhood Plan to me for independent examination, which commenced on 1 March 2018.

¹ Paragraph 183 National Planning Policy Framework (2012)

Independent Examination

5. This report sets out the findings of the independent examination into the Neighbourhood Plan.² The report makes recommendations to the District Council including a recommendation as to whether or not the Neighbourhood Plan should proceed to a local referendum. The District Council will decide what action to take in response to the recommendations in this report.
6. The District Council will decide whether the Neighbourhood Plan should proceed to referendum, and if so whether the referendum area should be extended, and what modifications, if any, should be made to the submission version plan. Once a neighbourhood plan has been independently examined, and the decision taken to put the plan to a referendum, it must be taken into account when determining a planning application, in so far as the policies in the plan are material to the application.
7. Should the Neighbourhood Plan proceed to local referendum and achieve more than half of votes cast in favour, then the Neighbourhood Plan will be 'made' by the District Council. If 'made' the Neighbourhood Plan will come into force as part of the Development Plan for the neighbourhood area, and subsequently be used in the determination of planning applications and decisions on planning appeals in the plan area. The Housing and Planning Act requires any conflict with a neighbourhood plan to be set out in the committee report, that will inform any planning committee decision, where that report recommends granting planning permission for development that conflicts with a made neighbourhood plan. The Framework is very clear that where a planning application conflicts with a neighbourhood plan that has been brought into force, planning permission should not normally be granted³.
8. I have been appointed by the District Council with the consent of the Parish Council, to undertake the examination of the Neighbourhood Plan and prepare this report of the independent examination. I am independent of the Parish Council and the District Council. I do not have any interest in any land that may be affected by the Neighbourhood Plan and I hold appropriate qualifications and have appropriate experience. I am an experienced Independent Examiner of

² Paragraph 10 Schedule 4B Town and Country Planning Act 1990

³ Paragraph 198 National Planning Policy Framework 2012

Neighbourhood Plans. I am a Member of the Royal Town Planning Institute; a Member of the Institute of Economic Development; a Member of the Chartered Management Institute; and a Member of the Institute of Historic Building Conservation. I have forty years professional planning experience and have held national positions and local authority Chief Planning Officer posts.

9. As independent examiner, I am required to produce this report and must recommend either:

- that the Neighbourhood Plan is submitted to a referendum, or
- that modifications are made and that the modified Neighbourhood Plan is submitted to a referendum, or
- that the Neighbourhood Plan does not proceed to a referendum on the basis it does not meet the necessary legal requirements.

10. I make my recommendation in this respect and in respect to any extension to the referendum area,⁴ in the concluding section of this report. It is a requirement that my report must give reasons for each of its recommendations and contain a summary of its main findings.⁵

11. The general rule is that examination of the issues is undertaken by the examiner through consideration of written representations.⁶ The Planning Practice Guidance (the Guidance) states “*it is expected that the examination of a draft Neighbourhood Plan will not include a public hearing.*”

12. The examiner has the ability to call a hearing for the purposes of receiving oral representations about a particular issue in any case where the examiner considers that the consideration of oral representations is necessary to ensure adequate examination of the issue, or a person has a fair chance to put a case. All parties have had opportunity to state their case. As I did not consider a hearing necessary I proceeded on the basis of written representations.

⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

⁵ Paragraph 10(6) Schedule 4B Town and Country Planning Act 1990

⁶ Paragraph 9(1) Schedule 4B Town and Country Planning Act 1990

Basic Conditions and other statutory requirements

13. An independent examiner must consider whether a neighbourhood plan meets the “Basic Conditions”.⁷ A neighbourhood plan meets the Basic Conditions if:

- having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
- the making of the neighbourhood plan contributes to the achievement of sustainable development;
- the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
- the making of the neighbourhood plan does not breach, and is otherwise compatible with, EU obligations; and
- the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁸

14. An independent examiner must also consider whether a neighbourhood plan is compatible with the Convention rights.⁹ All of these matters are considered in the later sections of this report titled ‘The Neighbourhood Plan taken as a whole’ and ‘The Neighbourhood Plan policies’.

15. In addition to the Basic Conditions and Convention rights, I am also required to consider whether the Neighbourhood Plan complies with the provisions made by or under sections 38A and 38B of the Planning and Compulsory Purchase Act 2004.¹⁰ I am satisfied the Neighbourhood Plan has been prepared in accordance with the requirements of those sections, in particular in respect to the Neighbourhood Planning (General) Regulations 2012 (the Regulations) which are made pursuant to the powers given in those sections.

⁷ Paragraph 8(2) Schedule 4B Town and Country Planning Act 1990

⁸ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁹ The Convention rights has the same meaning as in the Human Rights Act 1998

¹⁰ In sections 38A and 38B themselves; in Schedule 4B to the 1990 Act (introduced by section 38A (3)); and in the 2012 Regulations (made under sections 38A (7) and 38B (4)).

16. The Neighbourhood Plan relates to the area that was designated by the District Council as a neighbourhood area on 7 June 2013. A map of the Neighbourhood Plan boundary is included as Plan A of the Submission Version Plan. The Neighbourhood Plan designated area is coterminous with the Adderbury parish boundary. The Neighbourhood Plan does not relate to more than one neighbourhood area,¹¹ and no other neighbourhood development plan has been made for the neighbourhood area.¹² All requirements relating to the plan area have been met.
17. I am also required to check whether the Neighbourhood Plan sets out policies for the development and use of land in the whole or part of a designated neighbourhood area;¹³ and the Neighbourhood Plan does not include provision about excluded development.¹⁴ I am able to confirm that I am satisfied that each of these requirements has been met.
18. A neighbourhood plan must also meet the requirement to specify the period to which it has effect.¹⁵ The front cover of the Submission Version Plan clearly states the plan period to be 2014-2031. I have noted supporting documents have different start dates on their front covers (the Consultation Statement 2015, the Basic Conditions Statement 2016). These should be adjusted to be in conformity with the Submission Plan.

Recommended Modification 1

The Plan period should be consistently stated as 2014-2031 in all Plan documents.

19. The role of an independent examiner of a neighbourhood plan is defined. I am not examining the test of soundness provided for in respect of examination of Local Plans.¹⁶ It is not within my role to examine or produce an alternative plan, or a potentially more sustainable plan, except where this arises as a result of my recommended modifications so that the Neighbourhood Plan meets the Basic Conditions and other requirements that I have identified. I

¹¹ Section 38B (1)(c) Planning and Compulsory Purchase Act 2004

¹² Section 38B (2) Planning and Compulsory Purchase Act 2004

¹³ Section 38A (2) Planning and Compulsory Purchase Act 2004

¹⁴ Principally minerals, waste disposal, and nationally significant infrastructure projects - Section 38B(1)(b) Planning and Compulsory Purchase Act 2004

¹⁵ Section 38B (1)(a) Planning and Compulsory Purchase Act 2004

¹⁶ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

have been appointed to examine whether the submitted Neighbourhood Plan meets the Basic Conditions and Convention rights, and the other statutory requirements.

20. A neighbourhood plan can be narrow or broad in scope. There is no requirement for a neighbourhood plan to be holistic, or to include policies dealing with particular land uses or development types, and there is no requirement for a neighbourhood plan to be formulated as, or perform the role of, a comprehensive local plan. The nature of neighbourhood plans varies according to local requirements.
21. Neighbourhood plans are developed by local people in the localities they understand and as a result each plan will have its own character. It is not within my role to re-interpret, restructure, or re-write a plan to conform to a standard approach or terminology. Indeed, it is important that neighbourhood plans are a reflection of thinking and aspiration within the local community. They should be a local product and have particular meaning and significance to people living and working in the area.
22. Apart from minor corrections and consequential adjustment of text (referred to in the Annex to this report) I have only recommended modifications to the Neighbourhood Plan (presented in bold type) where I consider they need to be made so that the plan meets the Basic Conditions and the other requirements I have identified.¹⁷

Documents

23. I have given consideration to each of the following documents in so far as they have assisted me in determining whether the Neighbourhood Plan meets the Basic Conditions and other requirements:
 - Adderbury Neighbourhood Plan 2014-2031 Submission Plan March 2017 including explanation of abbreviations, and Submission Policies Map and insets A, B, C, and D
 - Adderbury Neighbourhood Plan Basic Conditions Statement September 2017 [*In this report referred to as the Basic Conditions Statement*]

¹⁷ See 10(1) and 10(3) of Schedule 4B to the Town and Country Planning Act 1990

- Adderbury Neighbourhood Plan Consultation Statement March 2017 including Appendices A to F inclusive [*In this report referred to as the Consultation Statement*]
- Adderbury Neighbourhood Plan – Submission Plan – (updated) September 2017. Screening Statement by Cherwell District Council on the need for a Strategic Environmental Assessment (SEA) [*In this report referred to as the SEA report*]
- Adderbury Neighbourhood Plan – Pre- Submission Plan – November 2016. Screening Statement by Cherwell District Council on the need for a Strategic Environmental Assessment (SEA)
- Evidence Base documents listed in Appendix A of the Submission Neighbourhood Plan; and those available on the Neighbourhood Plan part of the Adderbury Parish Council website at www.adderburypc.co.uk/adderbury-neighbourhood-plan/ including the Green Space and Local Gaps Report, and the Local Heritage Assets Report
- Representations received during the Regulation 16 publicity period and Cherwell District Council listing and summary
- Submission of Adderbury Parish Council dated 26 January 2018 setting out a schedule of minor amendments and associated illustrative maps and numbered list of community assets and local services
- Adopted Cherwell Local Plan 2011- 2031 (Part 1)
- Cherwell Local Plan 1996 (saved policies) (Appendix 7 of the Part 1 Local Plan above includes a list of replaced and retained saved policies)
- Interactive Local Plan – policies map available at: <https://www.cherwell.gov.uk/info/83/local-plans/216/interactive-adopted-policies->
- National Planning Policy Framework (27 March 2012) [*In this report referred to as the Framework*]
- Permitted development rights for householders' technical guidance DCLG (April 2017) [*In this report referred to as the Permitted Development Guidance*]
- Planning Practice Guidance web-based resource MHCLG (first fully launched 6 March 2014) [*In this report referred to as the Guidance*]
- The Town and Country Planning (Use Classes) Order 1987 (as amended)
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2014
- The Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015
- The Town and Country Planning Act 1990 (as amended)
- The Planning and Compulsory Purchase Act 2004 (as amended)
- The Localism Act 2011
- The Housing and Planning Act 2016
- The Neighbourhood Planning Act 2017

- The Neighbourhood Planning (General) Regulations 2012 (as amended) [*In this report referred to as the Regulations*].
- The Neighbourhood Planning (General) (Amendment) Regulations 2015
- The Neighbourhood Planning (General) and Development Management Procedure (Amendment) Regulations 2016.

Consultation

24. The submitted Neighbourhood Plan is accompanied by a Consultation Statement which outlines the process undertaken in the preparation of the plan. In addition to detailing who was consulted and by what methods, it also provides a summary of comments received from local community members, and other consultees, and how these have been addressed in the Submission Plan. I highlight here a number of key stages of consultation undertaken in order to illustrate the approach adopted.
25. The plan preparation process began with public meetings held in November 2012 and February 2013 to inform villagers of the intention to prepare a neighbourhood plan and to establish a vision of what the community wanted for Adderbury over the next 20 years. During this period a steering committee was formed to manage the plan preparation process. Approximately 40 people contributed to the development of a Residents Survey which was delivered to every home in June 2013 resulting in 661 responses. Analysis of the responses are presented in appendix A of the Consultation Statement. A Business Survey in May 2013 resulted in 70 responses. The Draft Neighbourhood Plan subsequently prepared was the subject of community consultation in August and September 2013. This was followed by considerable work to produce a Pre-Submission Plan that was published for a six-week period of consultation commencing March 2015.
26. Concerns of the District Council regarding the policy content and robustness of the Plan were confirmed by an independent health check. The Steering Group was reconfigured in January 2016 which, with the support of consultants and with input from reinstated task groups, prepared revised policies in June 2016. A consultation focussed on future leisure facilities resulted in 183 responses to a

questionnaire the analysis of which is presented as Appendix C of the Consultation Statement.

27. Pre-submission consultation in accordance with Regulation 14 was undertaken in the period between 1 November 2016 and 17 December 2016, and subsequently extended to February 2017. The consultation included a four-page article as part of the Adderbury Contact magazine delivered to all households; articles in the 'Around the Villages' section of the Banbury Guardian; hard copies of the Plan deposited at Adderbury Library; and postings on the village website and on the Parish Council website. The representations arising from the consultation are comprehensively presented within the Consultation Statement where responses, and amendments to the Neighbourhood Plan, are set out. The suggestions have, where considered appropriate, been reflected in a number of changes to the Plan that was approved by the Parish Council, for submission to the District Council.
28. The Submission Version of the Neighbourhood Plan has been the subject of a Regulation 16 period of publication between 12 October and 5.00pm on 24 November 2017. Representations from 26 different parties were submitted during the period of publication. I have been provided with copies of each these representations.
29. A representation states the text of paragraph 4.7 should repeat the approach stated in paragraph 3.8. I do not consider modification is necessary in this respect as the Neighbourhood Plan should be read as a whole. Representations submitted jointly by a group of six people include comment on the text of the Neighbourhood Plan up to paragraph 5.5. This group representation, and the representations of Natural England, do not necessitate any modifications of the Neighbourhood Plan in order to meet the Basic Conditions. Where representations include comment on the policies of the Neighbourhood Plan I have taken these into consideration when considering each of the plan policies later in my report.
30. Historic England compliment many aspects of the Neighbourhood Plan and the approach adopted and state the Plan is an exemplar in the use of policies relating to character. Milton Parish Meeting acknowledge the Neighbourhood Plan is well advanced and Highways England, Scottish and Southern Electric, and National Grid confirm they have no comments on the Plan. Sport England have referred to a

number of national policies and where they can be accessed but do not make any specific recommendations in relation to the Neighbourhood Plan. The representations of Oxfordshire County Council, Network Rail, Oxfordshire Clinical Commissioning Group, and Thames Water, and a number of other representations identify matters that should be the subject of additional text or policies in the Neighbourhood Plan. There is no requirement that a neighbourhood plan should refer to particular matters or include any particular policies. My role is limited to consideration whether the Submission Plan meets the Basic Conditions and other requirements. In preparing this report I have taken into consideration all of the representations submitted during the Regulation 16 period even though they may not be referred to in whole, or in part.

31. The Regulations state that where a qualifying body submits a plan proposal to the local planning authority it must include amongst other items a consultation statement. The Regulations state a consultation statement means a document which:
- a) contains details of the persons and bodies who were consulted about the proposed neighbourhood development plan;
 - b) explains how they were consulted;
 - c) summarises the main issues and concerns raised by the persons consulted; and
 - d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed neighbourhood development plan.¹⁸
32. The Consultation Statement includes information in respect of each of the requirements set out in the Regulations. I am satisfied the requirements have been met. It is evident the Neighbourhood Plan Steering Group has taken great care to ensure stakeholders have had full opportunity to influence the general nature, and specific policies, of the Neighbourhood Plan.
33. In a letter dated 26 January 2018 Adderbury Parish Council has, following discussions with the District Council, submitted to the District Council a schedule of 'suggested Minor Amendments' in table form and supported by maps for further clarity. The Parish Council letter requests it should be passed to the Examiner. The District Council has included the letter in the bundle of documents sent to me. As the letter

¹⁸ Regulation 15 The Neighbourhood Planning (General) Regulations 2012 SI 2012 No.637

in question has been submitted after the period for representations has closed this raises a procedural matter.

34. The requirement for a local planning authority to publicise a plan proposal in Regulation 16 (a) relates to the documents referred to in Regulation 15 (1), namely the submitted Neighbourhood Plan and map or statement identifying the area to which it relates; a consultation statement; and a document commonly referred to as a basic conditions statement. Regulation 17 requires the local planning authority to send to the person appointed to carry out an examination, *“any other document submitted to the local planning authority by the qualifying body in relation to the plan proposal”*, in addition to the plan proposal; any necessary information relating to Habitats Regulations; Regulation 16 representations; and the documents referred to in Regulation 15(1). I am proceeding on the basis that *“any other document submitted to the local planning authority by the qualifying body in relation to the plan proposal”* is not limited to those submitted in respect of Regulation 15 (1).
35. In my initial letter sent to the Parish Council and the District Council on 1 March 2018 at the commencement of my examination, which I requested should be published on the Parish Council and District Council websites, I stated *“It is essential that the examination process is open and transparent to all interested parties”* and *“I request that Cherwell District Council ensure that all documents sent to me are made available on the Council’s website.”* In this Independent Examination I have taken into consideration the letter of Adderbury Parish Council dated 26 January 2018 (including the schedule of ‘suggested Minor Amendments’ in table form and supporting maps).

The Neighbourhood Plan taken as a whole

36. This section of my report considers whether the Neighbourhood Plan taken as a whole meets EU obligations, habitats and human rights requirements; has regard to national policies and advice contained in guidance issued by the Secretary of State; whether the plan contributes to the achievement of sustainable development; and whether the plan is in general conformity with the strategic policies contained in the development plan for the area. Each of the plan policies is considered in turn in the section of my report that follows

this. In considering all of these matters I have referred to the background and supporting documents and copies of the representations provided to me.

Consideration of Convention rights; and whether the making of the Neighbourhood Plan does not breach, and is otherwise compatible with, EU obligations; and the making of the Neighbourhood Plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects

37. The Basic Conditions Statement states “The Neighbourhood Plan has also had regard to the fundamental rights and freedoms guaranteed under the European Convention on Human Rights and complies with the Human Rights Act.” I have given consideration to the European Convention on Human Rights and in particular to Article 8 (privacy); Article 14 (discrimination); and Article 1 of the first Protocol (property).¹⁹ I have seen nothing in the submission version of the Neighbourhood Plan that indicates any breach of the Convention.

38. Whilst no analysis has been undertaken to establish the impact the objectives and policies of the Neighbourhood Plan will have on persons with protected characteristics (as identified in the Equality Act 2010). From my own examination, the Neighbourhood Plan would appear to have neutral or positive impacts on groups with protected characteristics.

39. The objective of EU Directive 2001/42²⁰ is “to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.” The Neighbourhood Plan falls within the definition of ‘plans and programmes’²¹ as the Local Planning Authority is obliged to ‘make’ the plan following a positive referendum result.²²

¹⁹ The Human Rights Act 1998 which came into force in the UK in 2000 had the effect of codifying the protections in the European Convention on Human Rights into UK law.

²⁰ Transposed into UK law through the Environmental Assessment of Plans and Programmes Regulations 2004

²¹ Defined in Article 2(a) of Directive 2001/42

²² Judgement of the Court of Justice of the European Union (Fourth Chamber) 22 March 2012

40. The Neighbourhood Planning (General) (Amendment) Regulations 2015 require the Parish Council, as the Qualifying Body, to submit to the District Council either an environmental report prepared in accordance with the Environmental Assessment of Plans and Programmes Regulations 2004, or a statement of reasons why an environmental report is not required.
41. The submission documents include a Screening Statement prepared by Cherwell District Council. This statement includes 'Appendix A Screening Assessment' that concludes *"As a result of the screening assessment it is considered unlikely there will be any significant environmental effects arising from Adderbury Neighbourhood Plan that were not covered/addressed in the Sustainability Appraisal of the Cherwell Local Plan. As such, it is considered that the Adderbury Neighbourhood Plan does not require a full SEA to be undertaken."* The conclusion to the Screening Statement states *"Having regard to the screening at Appendix 1, it is considered that the Pre-submission ANP is unlikely to result in any significant environmental effects. On this basis, an SEA would not be required. The draft neighbourhood plan does not allocate land for development other than proposing to allocate one site for community facilities and associated buildings. The ANP also relies upon developments with planning permission and which are under construction. Some additional development at Adderbury was provided for by adopted Cherwell Local Plan 2011-2031 Policies Villages 1 and Villages 2 which was the subject of SEA/SA"*. The District Council has confirmed the three statutory bodies: Historic England, Natural England, and the Environment Agency, were consulted on both an earlier draft and the current Screening Statement. I am satisfied that the requirements in respect of Strategic Environmental Assessment have been met.
42. The SEA Screening Statement states *"Adderbury is located more than 20 km away from European designations for the purpose of the EC Habitats Directive 1992 and the Conservation of Habitats & Species Regulations 2010. It is concluded that an HRA is not required"*. I conclude the Neighbourhood Plan meets the requirements of the EU Habitats Regulations.
43. There are a number of other EU obligations that can be relevant to land use planning including the Water Framework Directive, the Waste Framework Directive, and the Air Quality Directive but none appear to be relevant in respect of this independent examination.

44. I conclude that the Neighbourhood Plan:

- is compatible with the Convention rights
- does not breach, and is otherwise compatible with, EU obligations
- is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.

45. The Guidance states it is the responsibility of the local planning authority to ensure that all the regulations appropriate to the nature and scope of a draft neighbourhood plan submitted to it have been met in order for the draft neighbourhood plan to progress. Cherwell District Council as local planning authority must decide whether the draft neighbourhood plan is compatible with EU obligations

- when it takes the decision on whether the neighbourhood plan should proceed to referendum; and
- when it takes the decision on whether or not to make the neighbourhood plan (which brings it into legal force).²³

Consideration whether having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Neighbourhood Plan; and whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development

46. I refer initially to the basic condition “*having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan*”. The requirement to determine whether it is appropriate that the plan is made includes the words “*having regard to*”. This is not the same as compliance, nor is it the same as part of the test of soundness provided for in respect of examinations of Local Plans²⁴ which requires plans to be “*consistent with national policy*”.

47. Lord Goldsmith has provided guidance²⁵ that ‘*have regard to*’ means “*such matters should be considered.*” The Guidance assists in

²³ Planning Practice Guidance paragraph 080 Reference ID: 41-080-20150209

²⁴ Under section 20 of the Planning and Compulsory Purchase Act 2004 and in respect of which guidance is given in paragraph 182 of the Framework

²⁵ The Attorney General, (Her Majesty’s Principal Secretary of State for Justice) Lord Goldsmith, at a meeting of the Lord’s Grand Committee on 6 February 2006 to consider the Company Law Reform Bill (Column GC272 of Lords Hansard, 6 February 2006) and included in guidance in England’s Statutory Landscape Designations: a practical guide to your duty of regard, Natural England 2010 (an Agency of another Secretary of State)

understanding “*appropriate*”. In answer to the question “*What does having regard to national policy mean?*” the Guidance states a neighbourhood plan “*must not constrain the delivery of important national policy objectives.*”

48. The Basic Conditions Statement includes at Section 3 a statement that assesses how the Neighbourhood Plan has regard to Paragraphs 16, 183, 184, and 185 of the Framework, and includes a Table that sets out a commentary how each of the Neighbourhood Plan policies have regard to identified paragraphs of the Framework. I am satisfied this assessment and the Table that follows it demonstrates how the Neighbourhood Plan has regard to relevant identified components of the Framework.
49. The Neighbourhood Plan includes a positive vision for Adderbury Parish in 2031. The vision includes economic components with reference to “thriving”, “viable”, “grown” and “investment” as well as social components concerned with “community”, “meet local housing need”, and “community facilities and services”. The vision also refers to environmental matters including “well-designed”, “rural character”, “special landscape setting” and “conservation area” These statements are consistent with the underlying principles of the Framework, specifically, the need to jointly and simultaneously seek economic, social and environmental gains through the planning system.
50. The vision is supported by four objectives of the Neighbourhood Plan, which provide a link between the vision and the policies of the plan. These objectives relate to: growth of the village in its landscape setting; sense of place; the positive transformation of community facilities; conservation of heritage character and landscape setting; and protection of the ecological value and connectivity of green infrastructure. These objectives are consistent with the Framework. Four representations suggest the first objective should exclude backland and tandem development. One of these representations, and another representation, also suggests additional wording in the introductory paragraphs to the policies of the Plan. Modification in these respects is not necessary to meet the Basic Conditions.
51. The Neighbourhood Plan includes in Section 6 a list of infrastructure projects some or all of which could benefit from future community infrastructure levy funding allocated by the local planning authority to the Parish. The Neighbourhood Plan preparation process is a

convenient mechanism to surface and test local opinion on matters considered important in the local community. It is important that those non-development and land use matters, raised as important by the local community or other stakeholders, should not be lost sight of. The Guidance states, *“Neighbourhood planning can inspire local people and businesses to consider other ways to improve their neighbourhood than through the development and use of land. They may identify specific action or policies to deliver these improvements.”* The acknowledgement in the Neighbourhood Plan of issues raised in consultation processes that do not have a direct relevance to land use planning is consistent with this guidance and represents good practice. The Guidance states, *“Wider community aspirations than those relating to development and use of land can be included in a neighbourhood plan, but actions dealing with non-land use matters should be clearly identifiable. For example, set out in a companion document or annex.”* I am satisfied that the presentation of the community actions in a separate section of the Neighbourhood Plan adequately differentiates the infrastructure projects from the policies of the Plan and has sufficient regard for national policy.

52. Apart from those elements of policy of the Neighbourhood Plan in respect of which I have recommended a modification to the plan I am satisfied that the need to *‘have regard to’* national policies and advice contained in guidance issued by the Secretary of State has, in plan preparation, been exercised in substance in such a way that it has influenced the final decision on the form and nature of the plan. This consideration supports the conclusion that with the exception of those matters in respect of which I have recommended a modification of the plan, the Neighbourhood Plan meets the basic condition *“having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan.”*

53. At the heart of the Framework is a presumption in favour of sustainable development which should be seen as a golden thread running through both plan making and decision-taking.²⁶ The Guidance states, *“This basic condition is consistent with the planning principle that all plan-making and decision-taking should help to achieve sustainable development. A qualifying body must demonstrate how its plan or order will contribute to improvements in environmental, economic and social conditions or that consideration has been given to*

²⁶ Paragraph 14 National Planning Policy Framework 2012

how any potential adverse effects arising from the proposals may be prevented, reduced or offset (referred to as mitigation measures). In order to demonstrate that a draft neighbourhood plan or order contributes to sustainable development, sufficient and proportionate evidence should be presented on how the draft neighbourhood plan or order guides development to sustainable solutions”²⁷.

54. The Basic Conditions require my consideration whether the making of the Neighbourhood Plan contributes to the achievement of sustainable development. There is no requirement as to the nature or extent of that contribution, nor a need to assess whether or not the plan makes a particular contribution. The requirement is that there should be a contribution. There is also no requirement to consider whether some alternative plan would make a greater contribution to sustainable development.

55. The Framework states there are three dimensions to sustainable development: economic, social and environmental. The Table presented in section 4 of the Basic Conditions Statement confirms the approach adopted in plan preparation to align the Neighbourhood Plan policies with the aims of the Framework for each dimension of sustainability not least through the presentation of scoring of plan policies. Every Policy is found to have a positive effect in at least one of the environmental, social and economic dimensions and none of the policies is found to have a negative impact.

56. I conclude that the Neighbourhood Plan, by guiding development to sustainable solutions, contributes to the achievement of sustainable development. Broadly, the Neighbourhood Plan seeks to contribute to sustainable development by ensuring schemes are of an appropriate quality; will enhance social and economic facilities; and will protect important environmental features. In particular, I consider the Neighbourhood Plan seeks to:

- Support infill development within a defined settlement boundary;
- Protect and enhance the landscape in open countryside;
- Maintain or enhance value of defined green infrastructure;
- Designate seven Local Green Spaces;

²⁷ Planning Practice Guidance (Ref ID:41-072-20140306)

- Conditionally resist development of eighteen identified areas to be designated as Local Open Spaces;
- Define two Local Gaps where development will only be supported if it does not harm open character;
- Establish design principles for development in defined areas of the Parish;
- Resist loss or harm to the significance of ten buildings and structures identified as Locally Listed Buildings;
- Allocate identified land off Milton Road for sports and community uses;
- Conditionally support proposals to improve or extend community facilities at Lucy Plackett Fields;
- Conditionally support proposals to improve the viability of identified community assets and local services and guard against their unnecessary loss;
- Support proposals for new or expanded shops or commercial units and guard against their unnecessary loss;
- Conditionally support proposals for new employment and tourism uses, including tourism and leisure uses along the Oxford Canal, and proposals for intensification of uses on defined established business parks; and
- Resist unnecessary loss of land or buildings from business use.

57. Subject to my recommended modifications of the Submission Plan including those relating to specific policies, as set out later in this report, I find it is appropriate that the Neighbourhood Plan should be made having regard to national policies and advice contained in guidance issued by the Secretary of State. I have also found the Neighbourhood Plan contributes to the achievement of sustainable development.

Consideration whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

58. The Framework states that the ambition of a neighbourhood plan should “support the strategic development needs set out in Local Plans”.²⁸ “Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan. To facilitate this, local planning authorities should set out clearly their strategic policies for the area and ensure that an up-to-date Local Plan is in place as quickly as possible. Neighbourhood plans should reflect these policies and neighbourhoods should plan positively to support them. Neighbourhood plans should not promote less development than set out in the Local Plan or undermine its strategic policies”.²⁹

59. The Guidance states, “A local planning authority should set out clearly its strategic policies in accordance with paragraph 184 of the National Planning Policy Framework and provide details of these to a qualifying body and to the independent examiner.”³⁰

60. In this independent examination, I am required to consider whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area). The District Council has informed me that the Development Plan applying in the Adderbury neighbourhood area and relevant to the Neighbourhood Plan comprises:

- a) the Adopted Cherwell Local Plan 2011-2031 Part 1 Adopted July 2015 (and incorporating Policy Bicester 13 re-adopted December 2016)
- b) Cherwell Local Plan 1996 (saved policies) (Appendix 7 of (a) above includes a list of replaced and retained saved policies)

61. The allocations from the above plans (a and b) are shown on the Interactive Local Plan – policies map available at: <https://www.cherwell.gov.uk/info/83/local-plans/216/interactive-adopted-policies-> . The District Council has confirmed to me that all the policies of the Adopted Cherwell Local Plan 2011-2031 Part 1 are considered to be strategic policies of the Development Plan, and that the Cherwell Local Plan 1996 (saved policies) are not strategic. As the Local Plan Saved Policies predate the Framework, the Framework takes precedence where there is a conflict. Cherwell District Council

²⁸ Paragraph 16 National Planning Policy Framework 2012

²⁹ Paragraph 184 National Planning Policy Framework 2012

³⁰ Planning Practice Guidance Paragraph 077 Reference ID: 41-077-20140306

submitted the Local Plan Partial Review (Oxford's Unmet Housing Need) to the Secretary of State for Housing, Communities and Local Government for formal examination on 5 March 2018, and is also currently preparing the Cherwell Local Plan 2011-2031 Part 2 which will contain non-strategic site allocations and development management policies, but neither of these Plans is not yet part of the Development Plan.

62. The Neighbourhood Plan can proceed ahead of preparation of the new Local Plan Part 2. The Guidance states: *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood area. They can be developed before or at the same time as the local planning authority is producing its Local Plan. A draft neighbourhood plan or Order must be in general conformity with the strategic policies of the development plan in force if it is to meet the basic condition. Although a draft Neighbourhood Plan or Order is not tested against the policies in an emerging Local Plan the reasoning and evidence informing the Local Plan process is likely to be relevant to the consideration of the basic conditions against which a neighbourhood plan is tested. For example, up-to-date housing needs evidence is relevant to the question of whether a housing supply policy in a neighbourhood plan or Order contributes to the achievement of sustainable development. Where a neighbourhood plan is brought forward before an up-to-date Local Plan is in place the qualifying body and the local planning authority should discuss and aim to agree the relationship between policies in:*

- *the emerging neighbourhood plan*
- *the emerging Local Plan*
- *the adopted development plan*

with appropriate regard to national policy and guidance. The local planning authority should take a proactive and positive approach, working collaboratively with a qualifying body particularly sharing evidence and seeking to resolve any issues to ensure the draft neighbourhood plan has the greatest chance of success at independent examination. The local planning authority should work with the qualifying body to produce complementary neighbourhood and Local Plans. It is important to minimise any conflicts between policies in the neighbourhood plan and those in the emerging Local Plan, including housing supply policies. This is because section 38(5) of the Planning and Compulsory Purchase Act 2004 requires that the conflict must be resolved by the decision maker favouring the policy which is contained in the last document to become part of the

development plan. Neighbourhood plans should consider providing indicative delivery timetables and allocating reserve sites to ensure that emerging evidence of housing need is addressed. This can help minimise potential conflicts and ensure that policies in the neighbourhood plan are not overridden by a new Local Plan.”³¹

63. I am mindful of the fact that should there ultimately be a conflict between the Neighbourhood Plan, and the new Local Plan Part 2 when adopted; the matter will be resolved in favour of the plan most recently becoming part of the Development Plan, however the Guidance is clear in that potential conflicts should be minimised.

64. In order to satisfy the basic conditions, the Neighbourhood Plan must be in general conformity with the strategic policies of the Development Plan. The emerging Local Plan Part 2 is not part of the Development Plan and this requirement does not apply in respect of that. Emerging planning policy is subject to change as plan preparation work proceeds.³² The Guidance states *“Neighbourhood plans, when brought into force, become part of the development plan for the neighbourhood areas. They can be developed before or at the same time as the local planning authority is producing its Local Plan”*. In *BDW Trading Limited, Wainholmes Developments Ltd v Cheshire West & Chester BC* [2014] EWHC1470 (Admin) it was held that the only statutory requirement imposed by basic condition (e) is that the Neighbourhood Plan as a whole should be in general conformity with the adopted development plan as a whole.

65. In considering a now repealed provision that *“a local plan shall be in general conformity with the structure plan”* the Court of Appeal stated *“the adjective ‘general’ is there to introduce a degree of flexibility.”³³* The use of ‘general’ allows for the possibility of conflict. Obviously, there must at least be broad consistency, but this gives considerable room for manoeuvre. Flexibility is however not unlimited. The test for neighbourhood plans refers to the strategic policies of the development plan rather than the development plan as a whole.

³¹ Paragraph: 009 Reference ID: 41-009-20160211 Planning Practice Guidance

³² The District Council has work underway to prepare The Vale of Aylesbury Local Plan. The Local Development Scheme dated December 2014 indicates adoption is intended in July/August 2017

³³ *Persimmon Homes v. Stevenage BC* the Court of Appeal [2006] 1 P & CR 31

66. The Guidance states, “When considering whether a policy is in general conformity a qualifying body, independent examiner, or local planning authority, should consider the following:

- *whether the neighbourhood plan policy or development proposal supports and upholds the general principle that the strategic policy is concerned with;*
- *the degree, if any, of conflict between the draft neighbourhood plan policy or development proposal and the strategic policy;*
- *whether the draft neighbourhood plan policy or development proposal provides an additional level of detail and/or a distinct local approach to that set out in the strategic policy without undermining that policy;*
- *the rationale for the approach taken in the draft neighbourhood plan or Order and the evidence to justify that approach.”³⁴*

My approach to the examination of the Neighbourhood Plan policies has been in accordance with this guidance.

67. Consideration as to whether the making of the Neighbourhood Plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area) has been addressed through examination of the plan as a whole and each of the plan policies below. Subject to the modifications I have recommended I have concluded the Neighbourhood Plan is in general conformity with the strategic policies contained in the Development Plan.

The Neighbourhood Plan policies

68. The Neighbourhood Plan includes 21 policies as follows:

Policy AD1 Adderbury Settlement Boundary

Policy AD2 Green Infrastructure

Policy AD3 Local Green Spaces

Policy AD4 Local Open Spaces

Policy AD5 Local Gaps

³⁴ Planning Practice Guidance (ID ref: 41-074 201 40306)

- Twyford and Bodicote/Banbury
- West Adderbury and Milton

Policy AD6 Managing Design in the Conservation Area and its Setting: Church Quarter

Policy AD7 Managing Design in the Conservation Area: The Green

Policy AD8 Managing Design in the Conservation Area: The Manors

Policy AD9 Managing Design in the Conservation Area: The Streets

Policy AD10 Managing Design in the Conservation Area: The Lanes

Policy AD11 Managing Design in the Conservation Area: The Valley

Policy AD12 Managing Design in the Conservation Area and its Setting: Former Farm Groups

Policy AD13 Managing Design in the Crescent

Policy AD14 Managing Design in Banbury Road

Policy AD15 Managing Design in the Twyford Estate

Policy AD16 Managing Design in Berry Hill Road and St. Mary's Road

Policy AD17 Locally Listed Buildings

Policy AD18 New Community Facilities

Policy AD19 Community Assets & Local Services

Policy AD20 Promoting New Employment

Policy AD21 Community Infrastructure Levy

69. The Framework states *“Neighbourhood planning provides a powerful set of tools for local people to ensure that they get the right types of development for their community. The ambition of the neighbourhood should be aligned with the strategic needs and priorities of the wider local area. Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan.”* *“Outside these strategic elements, neighbourhood plans will be able to shape and direct sustainable development in their area.”*³⁵

³⁵ Paragraphs 184 and 185 National Planning Policy Framework 2012

70. The Guidance states “A policy in a neighbourhood plan should be clear and unambiguous. It should be drafted with sufficient clarity that a decision maker can apply it consistently and with confidence when determining planning applications. It should be concise, precise and supported by appropriate evidence. It should be distinct to reflect and respond to the unique characteristics and planning context of the specific neighbourhood area for which it has been prepared.”³⁶

71. “While there are prescribed documents that must be submitted with a neighbourhood plan ... there is no ‘tick box’ list of evidence required for neighbourhood planning. Proportionate, robust evidence should support the choices made and the approach taken. The evidence should be drawn upon to explain succinctly the intention and rationale of the policies in the draft neighbourhood plan”.³⁷

72. “A neighbourhood plan must address the development and use of land. This is because if successful at examination and referendum the neighbourhood plan will become part of the statutory development plan once it has been made (brought into legal force) by the planning authority. Applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise (See section 38(6) of the Planning and Compulsory Purchase Act 2004).”³⁸

73. Several policies refer to other policies of the Neighbourhood Plan. This is generally unnecessary and to a degree confusing as all of the policies of the Neighbourhood Plan apply throughout the entire plan area unless a specific area of application of a particular policy is identified. The identification of a particular policy or policies could mislead a reader to think other policies do not apply. The Neighbourhood Plan should in any case be read as a whole. I have, however, not recommended modification of policies in respect of these cross-references where there is advantage in avoiding repetition of criteria.

74. If to any extent, a policy set out in the Neighbourhood Plan conflicts with any other statement or information in the plan, the conflict must be resolved in favour of the policy. Given that policies have this status,

³⁶ Planning Practice Guidance Paragraph 041 Reference ID: 41-041-20140306

³⁷ Planning Practice Guidance Paragraph 040 Reference ID: 41-040-20160211

³⁸ Planning Practice Guidance Paragraph 004 Reference ID: 41-004-20140306

and if the Neighbourhood Plan is made they will be utilised in the determination of planning applications and appeals, I have examined each policy individually in turn. I have considered any inter-relationships between policies where these are relevant to my remit.

Policy AD1 Adderbury Settlement Boundary

75. This policy seeks to define an Adderbury settlement boundary as shown on the Policies Map and establish conditional support for infill development within it, and a presumption in favour of local landscape protection and enhancement in open countryside outside it. The policy states proposals for changes of use and development outside the settlement boundary will only be supported if it can be demonstrated they are consistent with that presumption.
76. In a representation the District Council states *“There is no objection to the principle of a settlement boundary being included in the ANP. Although there is no specific requirement for such boundaries in the adopted Development Plan, the inclusion of a boundary in itself does not conflict with Local Plan policy. However, it is considered that some further justification for the proposed boundary and explanation of how it was identified is required as set out in government guidance on defining settlement boundaries.”* I have considered Policy AD1 in these two respects, firstly the approach to identify a settlement boundary, and secondly the settlement boundary alignment.
77. A representation considers the settlement boundary should include provision for a new primary school. There is no requirement for the Neighbourhood Plan to make provision for a new primary school. Another representation includes comment on a planning appeal relating to land west of Horn Hill Road and comment on a planning appeal at Hook Norton. I do not consider these comments necessitate modification of the policy to meet the Basic Conditions.
78. A further representation states *“This policy seeks to introduce a settlement boundary for Adderbury, undermining the current approach taken by the Council in the Local Plan Part 1. Cherwell District Council have not designated settlement boundaries preferring a criterion-based approach to allow the flexibility for demonstrably sustainable development to come forward without delay. The approach taken in the ANP policy is therefore more restrictive than the adopted Local*

Plan policy and could be seen to undermine the strategic objectives of the adopted Local Plan conflicting with basic condition (e). This is because the policy seeks to introduce a presumption in favour of local landscape protection and enhancement. There is no such presumption in the Framework, the only presumption is in favour of sustainable development as set out in paragraph 14 unless specific policies in the Framework indicate development should be restricted. One of the core planning principles seeks for the intrinsic character and beauty of the countryside to be recognised but there is not a presumption in favour of its protection and enhancement. Paragraph 113 of the Framework deals with landscape protection which sets out protection should be commensurate to its status with distinctions made between international, national and local designations. For these reasons Gladman suggest this approach is deleted in favour of the District Councils approach in the Local Plan Part 1.” Another representation considers the settlement boundary will not facilitate flexibility to accommodate changing circumstances in the plan period.

79. A further representation objects to the policy requesting modification to include RSL’s land south of Milton Road as a reserve housing site. A representation submitted by the same company at the Regulation 14 consultation stage of plan preparation, and included with the current representation, had proposed further housing allocations adjacent to the existing built up area, such as RSL’s land south of Milton Road. That earlier representation had stated alternatively land could be identified as a reserve site with a view to releasing it should a need arise as a result of changes in circumstances or otherwise to meet need from outside the District.
80. A settlement boundary is used in the Neighbourhood Plan as a policy tool to define where plan policies are to apply, and in particular where development proposals will normally be supported and where proposals must meet a landscape criterion. Proposals are subject to other policies of the Neighbourhood Plan including those which establish design principles. Whilst it is not within my role to test the soundness of the Neighbourhood Plan it is necessary to consider whether the Plan meets the Basic Conditions in so far as it will not promote less development than set out in the Local Plan, as required by paragraph 184 of the Framework.
81. The District Council states *“The Council recognises the figures and assumptions provided in the Neighbourhood Plan provided in the Foreword and at paragraph 4.6 which were available when the*

Submission Plan was being finalised. The latest housing figures are available on the Council's website at <https://www.cherwell.gov.uk/monitoring>. The Council will be exploring how it can deliver the housing requirement for the rural area in Local Plan Part 1 – (Policy Villages 2) in Local Plan Part 2.” Clearly if there is a future conflict between a policy of the Local Plan Part 2 and the Neighbourhood Plan then the conflict is resolved in favour of the Plan that last became part of the Development Plan.

82. Strategic Policy Villages 1 of the Local Plan Part 1 categorises Adderbury as one of more than 20 Category A villages that are identified as the more sustainable villages in Cherwell District. Policy Villages 2 of the Local Plan provides for an additional 750 dwellings at Category A villages (2014-2031) in addition to the rural allowance for small site 'windfalls' and planning permissions as at 31 March 2014. Since 1 April 2014 a total of 664 dwellings have been identified as contributing to meeting the Policy Villages 2 requirement of 750 dwellings. These are sites with either planning permission or a resolution to approve and identified developable sites. At 31 March 2017 there are 86 dwellings remaining from the Policy Villages 2 requirement in the period to 2031.

83. *The Neighbourhood Plan states “The policy is consistent with LP1 Policies Villages 1 and Villages 2, although it makes no provision for housing site allocations over and above the current committed housing schemes on the edge of the village. Nor was there suitable land on the present edge of the village with potential for retail or employment development” and “The District benefits from having an up-to-date strategic planning policy framework and a five-year supply of housing land”.* The Neighbourhood Plan states over 180 new homes have been approved since 2013 and that it will take a number of years for the effects on character and capacity to be absorbed. *“The scale of those recently completed housing schemes, and of the schemes that will be built out in the next couple of years or so, is such that the District Council does not consider it desirable or necessary for any additional major contribution from Adderbury to meeting the needs of LP1 Policy Villages 2 in the plan period by way of new greenfield development on the edge of the village”.*

84. The Local Plan Part 1 does not allocate sites in the rural areas as only strategic sites were allocated in the Plan. The Local Plan Part 1 does not identify a need for a specific amount of development in the Neighbourhood Plan area. The Cherwell Annual Monitoring Report

2017 at Table 40 (which captures data relating to sites of 10 or dwellings in Category A villages) shows that together sites East of Deene Close, north of Milton Road, and off Banbury Road will accommodate, within the Neighbourhood Plan area, a total of 122 dwellings of which 61 were completed by 2017. The contribution arising from these sites amounts to a significant boost to the supply of housing. Whilst no total figure can be assumed there is undoubtedly potential for a significant number of additional dwellings to be provided on infill plots or through the redevelopment of sites within the proposed settlement boundary. The Neighbourhood Plan places no cap or limit on the number of homes that can be provided within the settlement boundary. I conclude Policy AD1 will not lead to the Neighbourhood Plan promoting less development than set out in the Local Plan, as required by paragraph 184 of the Framework.

85. Paragraph 55 of the Framework states *“Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as: • the essential need for a rural worker to live permanently at or near their place of work in the countryside; or • where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or • where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or • the exceptional quality or innovative nature of the design of the dwelling. Such a design should: – be truly outstanding or innovative, helping to raise standards of design more generally in rural areas; – reflect the highest standards in architecture; – significantly enhance its immediate setting; and – be sensitive to the defining characteristics of the local area.”* Policy AD1 is silent with respect to the possibility of special circumstances that would justify support of a proposal for an isolated home outside the settlement boundary. These special circumstances would have to be balanced with landscape considerations. I have recommended a modification so that the policy has sufficient regard for national policy in this respect.
86. Paragraph 54 of the Framework states *“In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.”* Strategic Policy Villages 3: Rural Exception Sites states *“The Council*

will support the identification of suitable opportunities for small scale affordable housing schemes within or immediately adjacent to villages to meet specific, identified local housing needs that cannot be met through the development of sites allocated for housing development.” Policy AD1 is silent with respect to the possibility of local housing need circumstances that would justify support for an exception site proposal outside the settlement boundary. These local circumstances would have to be balanced with landscape considerations. Policy AD1 does not have sufficient regard for national policy and is not in general conformity with strategic policy relating to exception sites. I have recommended a modification so that the policy has sufficient regard for national policy in this respect.

87. I have recommended the imprecise references in the policy to “*development management policies of the development plan*” and “*relevant policies of the Neighbourhood Plan*” are deleted so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. The Development Plan should in any case be read as a whole, and similarly the Neighbourhood Plan within it should also be read as a whole.
88. I now consider issues relating to the precise alignment of the settlement boundary. A representation in two parts on behalf of two separate clients states “*It is submitted that the settlement boundary as presently defined is inappropriate in drawing a distinction between the confines of the settlement and the open countryside which have distinct land use and landscape characteristics*”. The representation proposes the settlement boundary should include identified domestic gardens in two locations on the basis they relate to domestic properties; are not open countryside; and do not justify the purpose of the policy in favour of landscape protection.
89. In the schedule of changes accompanying the letter of the Parish Council dated 26 January 2018 that I have referred to earlier in my report it is proposed “*On Policies Inset Maps A, B, C the boundary should be amended as follows: 1. To include the properties at the end of Mill Lane. 2. To exclude gardens at the end of Lambourne Way. 3. To exclude gardens behind properties on the south side of The Green*”. It is stated this proposal is “*In response to the comments of residents with regard to possible 'backland and tandem' development*”

and developers /landowners with regard to consistency, and to provide further clarity and consistency. In response to CDC's comments."

90. A settlement boundary can represent the dividing line between built areas and open countryside, and can follow clearly defined features such as walls, hedgerows or water courses. Extant planning permissions and allocations can be included within the settlement boundary. The definition of the boundary however does not have to relate to some observable land use difference or dividing feature. A settlement boundary does not have to include the full extent of a settlement, and settlement boundaries do not have to reflect land ownership boundaries or the precise curtilages of properties. Settlement boundaries can be used to identify the limits to future development of a settlement. One approach is to exclude curtilages of properties which have the capacity to extend the built form of a settlement in areas where this is not considered desirable. Such areas could include parts of large residential gardens.
91. The Neighbourhood Plan states *"The Parish Council has followed the standard conventions adopted by local planning authorities for drawing boundaries of this type. The boundary therefore reflects the present observable, developed edge of the village and makes provision for the committed housing schemes approved in recent years"* and *"In some places, there are dwellings on the edge of village with long gardens extending into the countryside beyond. As the sub-division and development of such rear garden land is not considered an acceptable form of infill development in principle, they have been excluded from the Boundary"*. Representations have highlighted inconsistency in this respect and the Parish Council has proposed this error is corrected with respect to the alignment of the settlement boundary in the vicinity of Lambourne Way and south of Sir George's Lane/Lake Walk. The Parish Council has also proposed the error that excluded property in the vicinity of Mill Lane that should have been included in the settlement boundary is also corrected. I am able to recommend modification of the Neighbourhood Plan in order to correct errors. I have recommended a modification in these respects.
92. The settlement boundary proposed has been subject to community engagement and consultation during the plan preparation process. Consideration has been given to the character of the settlement and its development form. I am satisfied the settlement boundary indicates a physical limit to development over the plan period and will guide development to sustainable solutions. It is beyond my role to consider

whether any alternative alignment of the settlement boundary would offer a more sustainable solution (including those proposed in representations relating to land west of property fronting Horn Hill Road and north of the new development off Milton Road; and land east of a property fronting The Leys and south of the former railway line in the vicinity of Lucy Plackett playing fields).

93. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies. I have noted the Neighbourhood Plan states *“In the event of the District’s housing supply strategy having to change before the end of the plan period, then its implications will be considered by the Parish and District Councils and the Neighbourhood Plan may be reviewed to plan for that eventuality”*. This commitment to monitoring represents good practice.
94. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with supporting a prosperous rural economy; delivering a wide choice of high quality homes; conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 2:
In Policy AD1**

- **delete “provided they accord with the development management policies of the development plan and the relevant policies of the Neighbourhood Plan”**
- **replace the third paragraph with “Development proposals will not be supported outside the Adderbury Settlement Boundary unless it is demonstrated they will enhance, or at least not harm, local landscape character. New isolated homes in the countryside will not be supported except in the special circumstances described in paragraph 55 of the Framework. Proposals for the provision of affordable housing on rural exception sites immediately adjacent to the Adderbury Settlement Boundary will be supported**

where they meet an identified local need and relate well to the built form of the existing settlement.”

The Adderbury Settlement Boundary shown on the Policies Map and insets should be adjusted 1. To include the properties at the end of Mill Lane. 2. To exclude gardens at the end of Lambourne Way. 3. To exclude gardens behind properties on the south side of The Green” as illustrated on revised Policies Map Insets A, B, and C attached to the schedule of changes accompanying the letter of the Parish Council dated 26 January 2018.

Policy AD2 Green Infrastructure

95. This policy seeks to define the Adderbury Green Infrastructure Network which is shown on the Policies Map. Development schemes within or immediately adjoining the network must demonstrate how they maintain or enhance green infrastructure value in that location.
96. In the mid-west part of the Plan area shown on Inset A green infrastructure is indicated outside the plan area. The Neighbourhood Plan cannot relate to land outside the Plan area. I have recommended a modification in this respect.
97. A representation by Oxfordshire County Council supports this policy and states *“It would be very helpful for the Neighbourhood Plan to include a list of suggested schemes that address specific issues and could potentially be delivered by developers or for which developer contributions could be sought.”* This is not necessary to meet the Basic Conditions.
98. A representation on behalf of the Church Commissioners for England states with respect to the remaining employment development for Banbury Business Park *“The designation of the site for Green Network is at odds with the employment allocation and the previous planning permission for B1/B2, which demonstrates that employment uses are acceptable at the site”*. I agree that land with consent for business use cannot be identified as Green Infrastructure. This would not have regard for the component of the Framework concerned with building a strong, competitive economy. The policy would also undermine strategic policy that has allocated the land for employment use. I have recommended a modification in this respect

99. A representation states “*We note that upon our client's and adjacent to the public footpath running in a northerly direction from Chapel Lane a corridor has been indicated and a fairly large part of NG parcel number 0486 has also been included. Whilst this land and all land immediately adjoining it is highly unlikely to ever be developed we wish to make it clear that this land is private land with no access rights other than the footpath and the owner is not constrained with respect to his use of the land for its current agricultural use purposes.* Whilst the Guidance refers to “*safe and accessible environments*” and “*providing opportunities for recreation and exercise*” the Glossary to the Framework defines Green Infrastructure as a network of multi-functional green space, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities. I am satisfied environmental and quality of life benefits of parts of a green infrastructure network can arise without access. In accordance with paragraph 173 of the Framework I have recommended the deletion of the requirement for public open space provision as this policy obligation may threaten the ability of certain schemes to be delivered viably.

100. Two representations suggest deletion of references to footpaths, bridleways and cycleways on the basis they do not fall within the definition of green infrastructure in the Guidance and are in any case protected under other legislation. The Framework states “*to minimise impacts on biodiversity*” planning policies should identify and map components of the local ecological network including wildlife corridors. The Green Infrastructure Network identifies linear features including the Oxford Canal and towpath, and rivers and watercourses including banks, that can perform the role of wildlife corridors. I am satisfied footpaths and other rights of way can also perform the role of wildlife corridors.

101. One representation states, with respect to Policies Map Inset A, Green Infrastructure has been incorrectly included south of Adderbury Fields and a footpath is shown in the wrong position. The Parish Council and the District Council agree these are incorrectly shown. I am not satisfied representation of green areas within new developments north of Aynho Road and south of Milton Road reflect the layouts as developed. In at least one case the mapping has been overtaken by events with the development of the Gracewell care home facility. I have recommended a modification to correct these errors.

102. In a representation the District Council states the policy “*could benefit from some flexibility to allow for the re-provision of green infrastructure if this is proposed to be lost through development proposals.*” The Framework states plans should “*be a creative exercise in finding ways to enhance and improve the places in which people live*”. The Framework also recognises that if significant harm to biodiversity arising from a development cannot be avoided or mitigated, then as a last resort compensation should be considered. I am satisfied the network shown on Policies Map Inset A serves a purpose of identifying areas of alert, in and adjacent to which, development proposals should, through evidence of investigation of green infrastructure, demonstrate that the integrity and green infrastructure value of the network is not diminished. I have recommended a modification that introduces flexibility into the policy so that maintenance or enhancement of green infrastructure does not have to occur “*in that location*”.

103. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

104. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 3:

In Policy AD2

- **after “enhance its” insert “integrity and”**
- **delete “in that location”**
- **delete “and public open space provision” and insert “,or through equivalent alternative provision nearby”**
- **on Policies Map Inset A delete the Green Infrastructure indication on land south of Adderbury Fields**
- **on the Policies Map amend the footpath locations in the area indicated on the Policies Map included with the letter of the Parish Council dated 26 January 2018**

- on the Policies Map delete the Green Infrastructure designation on Banbury Business Park
- on Policies Map Inset A correct the location of Green Infrastructure in newly completed developments south of Milton Road and north of Aynho Road and update loss of Green Infrastructure at the Gracewell site
- Green infrastructure indicated on Policies Map Inset A that is outside the Neighbourhood Plan area must be deleted

Policy AD3 Local Green Spaces

105. This policy seeks to designate seven Local Green Spaces. The wording of the policy reflects the terms of the designation of Local Green Spaces set out in paragraph 76 of the Framework where it is stated communities will be able to rule out development other than in very special circumstances.
106. The Policy makes specific reference to the Society of Friends Meeting House. A building cannot be designated as Local Green Space. I have recommended a modification in this respect. I have noted Policy AD18 seeks to establish support for the improvement and extension of the community facilities at Lucy Plackett Fields provided they do not undermine the integrity of the Local Green Space. Any proposals would have to be assessed in terms in the context of “very special circumstances”.
107. In a representation the District Council states *some of these sites in Policy AD3 are in public and private ownership. Planning Policy Guidance requires that the qualifying body should contact landowners at an early stage about proposals to designate any part of their land as Local Green Space and states landowners will have opportunities to make representations in respect of proposals in a draft plan. Paragraph: 019 Reference ID: 37-019-20140306 Revision date: 06n 03 2014.* I am satisfied the extensive community consultation undertaken in Plan preparation is sufficient to demonstrate regard for the Guidance and that landowners have had opportunity to make representations. The Guidance states “Some areas that may be considered for designation as Local Green Space may already have largely unrestricted public access, though even in places like parks there may be some restrictions. However, other land could be considered for designation even if there is no public access (e.g. green areas which are valued because of their wildlife, historic significance

and/or beauty). Designation does not in itself confer any rights of public access over what exists at present. Any additional access would be a matter for separate negotiation with land owners, whose legal rights must be respected.”³⁹

108. The Framework states *“Local communities through local and neighbourhood plans should be able to identify for special protection green areas of particular importance to them. By designating land as Local Green Space local communities will be able to rule out new development other than in very special circumstances. Identifying land as Local Green Space should therefore be consistent with the local planning of sustainable development and complement investment in sufficient homes, jobs and other essential services. Local Green Spaces should only be designated when a plan is prepared or reviewed and be capable of enduring beyond the end of the plan period.”*

109. In a representation the District Council supports this policy and states *“in order to understand the location of the sites referred to in these policies, it is suggested that these are either numbered or labelled on the policies map.* Designation of Local Green Space can only follow identification of the land concerned. For a designation with important implications relating to development potential it is essential that precise definition is achieved. The proposed Local Green Spaces are presented on the Policy Map insets at a scale that is insufficient to identify the precise boundaries of each Local Green Space proposed for designation. When viewed digitally the scale of the map can be adjusted so that boundaries can be precisely identified. I recommend a modification such that the Plan document when printed as hard copy includes maps of each Local Green Space at a larger scale so that the boundaries of each Local Green Space can be precisely identified.

110. In respect of the areas intended for designation as Local Green Space I find the Local Green Space designations are being made when a neighbourhood plan is being prepared, and I have seen nothing to suggest the designations are not capable of enduring beyond the end of the plan period. The intended designations have regard to the local planning of sustainable development contributing to

³⁹ Planning Practice Guidance Paragraph: 017 Reference ID: 37-017-20140306

the promotion of healthy communities, and conserving and enhancing the natural environment, as set out in the Framework.

111. The Framework states that: *“Local Green Space designation will not be appropriate for most green areas or open space. The designation should only be used:*
- *where the green space is in reasonably close proximity to the community it serves;*
 - *where the green area is demonstrably special to a local community and holds a particular local significance, for example because of its beauty, historic significance, recreational value (including as a playing field), tranquillity or richness of its wildlife; and*
 - *where the green area concerned is local in character and is not an extensive tract of land.”⁴⁰*

I find that in respect of each of the intended Local Green Spaces the designation relates to green space that is in reasonably close proximity to the community it serves, is local in character, and is not an extensive tract of land.

112. I now consider whether there is sufficient evidence for me to conclude that the areas proposed for designation as Local Green Space are demonstrably special to a local community and hold a particular local significance. The Green Spaces and Local Gaps report provides sufficient evidence for me to conclude that each of the areas proposed for designation as Local Green Space is demonstrably special to a local community and holds a particular local significance. I find that the areas proposed as Local Green Space are suitable for designation and have regard for paragraphs 76 and 77 of the Framework concerned with the identification and designation of Local Green Space.

113. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the

⁴⁰ Paragraph 77 National Planning Policy Framework 2012

Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 4:

In Policy AD3

- **delete reference to the Society of Friends Meeting House**
- **identify each Local Green Space on the Policies Map with a reference number and include within the Plan document a map of each Local Green Space at a sufficient scale to identify the boundaries precisely**

Policy AD4 Local Open Spaces

114. This policy seeks to designate 18 Local Open Spaces, identified on the Policies Map where development will not be permitted unless three stated criteria are met.
115. In a representation the District Council supports this policy and states *“in order to understand the location of the sites referred to in these policies, it is suggested that these are either numbered or labelled on the policies map.”* I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.
116. A representation by Oxfordshire County Council states *“It would be very helpful for the Neighbourhood Plan to include a list of suggested schemes that address specific issues and could potentially be delivered by developers or for which developer contributions could be sought.”* This is not necessary to meet the Basic Conditions.
117. A representation opposes inclusion of the *“Adderbury Fields Estate Open Space on the southern side”* as it is in long term arable use. The Parish Council has acknowledged this is an error. I am able to recommend modifications to correct errors. I have recommended a modification in this respect.
118. The policy includes the term *“permitted”*. The policy uses the term *“will be permitted”*. With regard to the issue of decision making the Framework states *“the planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material*

considerations indicate otherwise". This basis for decision making should be made clear. Policies should use the term "will be supported" in recognition that the basis of decision making is the development plan unless material considerations indicate otherwise. The material considerations at the time of determination of a future planning application are unknown and therefore cannot be dismissed through a policy that states development will be permitted or not permitted. I have recommended a modification so that the basis of decision making on planning applications should be clarified.

119. The Framework states it is "*proper to seek to promote or reinforce local distinctiveness*". The Framework also states "*Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and wellbeing of communities*". Paragraph 74 of the Framework states "*Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:* • *an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or* • *the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or* • *the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.*" I have recommended a modification so that the policy has sufficient regard for national policy.

120. It is unnecessary and confusing for the policy to refer to other policies of the Neighbourhood Plan, as the Neighbourhood Plan should be read as a whole. The terms "*an essential justification*" and "*a financial contribution*" are imprecise. I have recommended a modification in these respects so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

121. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

122. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has

regard to the components of the Framework concerned with promoting healthy communities; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 5:

In Policy AD4

- **Replace the text after the list of locations with “To be supported development proposals on land within any of the Local Open Spaces must demonstrate that, unless it can be clearly shown that the land is surplus to requirements as Local Open Space, that any loss of active or passive recreational amenity will be compensated by equivalent alternative provision in a no less convenient location for users.”**
- **identify each Local Open Space on the Policies Map with a reference number**
- **on Policies Map Inset B correct the location of Green Infrastructure in newly completed developments south Milton Road and north of Aynho Road. The Local Open Space shown extending south of the most extreme south-westerly extent of the settlement boundary should be deleted.**

Policy AD5 Local Gaps

- **Twyford and Bodicote/Banbury**
- **West Adderbury and Milton**

123. This policy seeks to prevent the coalescence of Adderbury with settlements to the north and west by defining two Local Gaps, identified on the Policies Map, within which development proposals will only be supported if they do not harm, individually or cumulatively the function and open character of the defined gap.

124. In the schedule of changes accompanying the letter of the Parish Council dated 26 January 2018 that I have referred to earlier in my report it is proposed paragraph 5.22 of the Neighbourhood Plan should make reference to the Local Gaps following historic field boundaries, and paragraph 5.24 should make reference to the Local Gaps reflecting the Parish boundary. It is beyond my role to

recommend modification of the Neighbourhood Plan on this basis as the changes proposed are not necessary to meet the Basic Conditions.

125. A representation by Oxfordshire County Council states *“Highway improvements and alterations should be specifically excluded from this policy.”* In a representation the District Council states *“Saved Policy C15 of the 1996 Cherwell Plan provides protection for settlements from coalescence but does not define areas. However, the local gaps identified by Policy AD5 have to be fully justified. For Local Plan Part 2 the Council will be exploring the potential allocation of non-strategic sites in the rural areas. It is noted that Policy AD1 provides for protection of the landscape and countryside on the edge of Adderbury”*.
126. A representation by Bodicote Parish Council supports the policy with several comments including *“We do not believe that any development would be appropriate in the Twyford Gap. This gap is increasingly diminishing and the coalescence of Bodicote with Twyford is ever closer. This policy talks about ‘visual’ coalescence, but we are also concerned about actual physical coalescence”*.
127. A representation states *“This policy seeks to introduce local gaps to prevent the coalescence of Adderbury and nearby settlements. Gladman consider the introduction of a gap policy, even if labelled as a local gap, to be a strategic policy beyond the remit of neighbourhood plans. The Local Plan does not deem it necessary to introduce strategic gaps between settlements with the preferred criterion-based approach more than capable of dealing with any potential coalescence issues that may arise through a development proposal. Gladman therefore suggest this policy is deleted to ensure that the plan meets the basic conditions”*.
128. Another representation that objects to this policy and suggests it should be deleted states *“At paragraph 3.6 of the Basic Conditions Statement, it is claimed in the context of paragraph 185 of the NPPF that the Plan avoids duplicating development plan policies by focussing on policies that translate the general requirements of the development plan into an Adderbury context. With regard to Policy AD5, there appears to be some confusion between duplication and translation. Policy ESD13 of the Local Plan is suitable and sufficient, as confirmed by the Local Plan Inspector, to protect vulnerable gaps between settlements from inappropriate development and avoid*

coalescence. Policy AD5 clearly duplicates Local Plan Policy ESD13 and to introduce such a further layer of restriction would be unsound for the same reasons the Local Plan Inspector identified in respect of Draft Local Plan Policy ESD15, which was duly deleted.” The representation includes a submission made at the Regulation 14 stage of Plan preparation. This earlier submission includes references to Local Plan preparation processes where soundness is tested.

129. The representation of the District Council, and the Neighbourhood Plan itself, refer to saved CLP Policy C15 which states *“the Council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them”*. The text supporting Policy C15 includes *“Each town or village has its own separate identity, and it is important that development on areas of open land between them is restricted to prevent their coalescence”*. The Local Gaps to which Policy AD5 relates are not specifically identified by Policy C15 but that does not prevent a policy relating to them being included in the Neighbourhood Plan. I have noted the relevance of CLP Policy C15 but also note the District Council has stated this is not a strategic policy for the purposes of neighbourhood planning. General conformity with Policy C15 is therefore not a requirement to meet the Basic Conditions. Policy AD5 is however fulfilling a role of providing an additional level of detail to Policy C15.
130. Strategic Policy ESD15 refers to the need for new development proposals to respect local topography and landscape features and Strategic Policy ESD13 provides a policy that establishes an approach to landscape protection and enhancement. Neither of these policies specifically refer to coalescence of settlements nor do they identify specific areas where those policies will be of particular relevance.
131. Paragraph 109 of the Framework states the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The Adderbury Neighbourhood Plan Green Space and Local Gaps Report states *“The agricultural landscape around Adderbury is recognised as contributing to the character of this very special ironstone village. At present there are two weak areas in this surrounding belt, the diminishing gaps between Adderbury and the urban sprawl of Banbury and Bodicote in the north, and Milton to the south west. It is essential that the retention and protection of this open agricultural landscape between the settlements be achieved to prevent coalescence”*. Whilst the value of

the landscape is a factor in the explanation of Policy AD5 the primary motivation for the policy is the prevention of coalescence. Local Gaps as identified in Policy AD5 are a mechanism to direct the location of new development.

132. The absence of any specific reference to Local Gaps in the Framework does not invalidate their legitimacy as a planning policy mechanism in the Neighbourhood Plan to direct development so as “to ensure local people get the right types of development for their community” in accordance with paragraph 184 of the Framework. The term “harm, individually or cumulatively, its function” would prevent any change of use regardless of whether or not the proposal represented sustainable development. I have recommended a modification in this respect as this restriction does not have sufficient regard for national policy that establishes a presumption in favour of sustainable development. Subject to this modification the policy does not prevent all development in the Local Gaps, but adds a further consideration relating to open character, to be taken into account in any development proposals, which may, in some cases, be satisfied by appropriate siting, design or landscaping rather than the refusal of planning permission.

133. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies, in particular Policies ESD13 and ESD15.

134. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 6:
In Policy AD5 delete “function and”**

Policies AD6 to AD13: Heritage and Conservation

135. In a representation the District Council states “*Cherwell Local Plan Policy ESD15 protects the character of built and historic*

environment and the Adderbury Conservation Area Appraisal (CAA) provides an assessment of the character of the area. The assessments in the CAA for the character areas defined in it have formed the basis for the character areas in the ANP. As the ANP character areas are based on the CAA character areas it is suggested that all the areas from the CAA are included in the ANP character areas and illustrated accordingly on Submission Policies Map C. The ANP has included some of the assessment from the CAA in its policies AD6, AD7, AD8, AD9, AD10, AD11, AD12, and AD13 as policy. As there are no general policies that provide a baseline for development, it is suggested that a general baseline policy which covers these character areas may be useful to the Plan to guide development. Some of the information contained within the design policies is based on the existing character and in some cases the policies may be overly protective and not allow for change, positive improvements and investment.

Suggestions include:

- Materials - square and ashlar stone are formal, it might be appropriate to use coursed (rubble) ironstone.*
- Details on windows/doors could be provided if required*
- It may be helpful to define modest cottage in Policy AD10*
- It may be helpful if the buildings in Policy AD17 are defined and assessed against the Local Heritage Assets assessment process.*
- It might be problematic managing trees/planting in Policy AD6”*

Inclusion of additional character areas or changes to character areas, or inclusion of a baseline policy, are not necessary to meet the Basic Conditions. I am satisfied Policies AD6 to AD13 provide an additional level of detail or distinct local approach to that set out in strategic policy ESD15 without undermining that policy.

136. Policies AD7, AD8, AD9, AD14, AD15, and AD16 include reference to the retention or re-provision of hedges. The Hedgerow Regulations 1997 which set out requirements associated with the removal of hedgerows in the countryside do not apply to hedgerows in or marking the boundary of private gardens. Protection of garden hedges is limited to cases where there is a planning condition attached to any planning permission for the land that would prevent the hedge from being removed. This protection can be limited, for example up to 5 years after the implementation of an approved planning permission. It is only where a hedge is in place at the time of determination of a

planning proposal that retention can be required. In cases where no hedge exists new provision could be the subject of a planning condition. I have not recommended a modification in respect of references to hedges in the policies concerned.

137. In a representation Oxfordshire County Council states "*Policies AD 6, 7, 8, 9, 12, 14, 15, 16. These Managing Design policies make provision for proposals having to retain or re-provide natural verges to the highway or roadside verges. The Highway Authority has rights over verges through the Highway's Act and these policies may conflict with this. Indeed section 96(6) states: "No tree, shrub, grass verge, guard or fence shall be planted, laid out or erected under this section, or, if planted, laid out or erected under this section, allowed to remain, in such a situation as to hinder the reasonable use of the highway by any person entitled to use it, or so as to be a nuisance or injurious to the owner or occupier of premises adjacent to the highway."* The policies would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to highway land. Verges are often highway land. The carrying out of works by a local authority within the boundaries of a road is not itself development. The policies concerned are seeking to achieve specified treatment of highway frontages as part of development proposals. The policies only apply to land included within a development site. In recognition of the complexities of the interaction of different statutory provisions and the difference in circumstances that can apply from one location to another I have recommended a modification of the relevant policies so that the retention or re-provision of natural verges shall be a design principle "where possible."

138. In the schedule of changes accompanying the letter of the Parish Council dated 26 January 2018 that I have referred to earlier in my report it is proposed the key to Policies Map Inset C should explain that the non-coloured areas are 20th century infill where no vernacular design exists. The Parish Council letter also proposes insertion of text prior to Policies AD6 to AD12 making reference to the Adderbury Conservation Area Appraisal (2012), strategic policy ESD15, and the emerging District Council Design Guide. I consider the addition to the key and to supporting text will be helpful, to parties preparing development proposals and to decision makers, in interpreting the policies. I have recommended a modification in these respects so that the policies provide a practical framework within which decisions on planning applications can be made with a high degree of predictability

and efficiency as required by paragraph 17 of the Framework. The Parish Council suggest similar text should also be inserted earlier in the Plan document. Whilst I would have no objection to this I have not recommended a modification in this respect as I do not consider this to be necessary to meet the Basic Conditions.

139. Paragraph 58 of the Framework in stating planning policies should aim to ensure that developments establish a strong sense of place makes specific reference to *“streetscapes and buildings to create attractive and comfortable places to live, work and visit.”* Paragraphs 59 and 60 of the Framework state *“local planning authorities should consider using design codes where they could help deliver high quality outcomes. However, design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally”* and *“Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness”*. With the exception of those design principles where I have recommended a modification I am satisfied Policies AD6 to AD 13 inclusive seek to reinforce local distinctiveness whilst avoiding unnecessary prescription.

Recommended modification 7:

In the Key to Policies Map Inset C insert an explanation of non-coloured areas within the settlement boundary
Immediately before Policy AD6 insert “Managing Design Policies. The following policies AD6 to AD12 have been based on the descriptions of the characteristics provided in the Adderbury Conservation Area Appraisal (2012) and also cross reference strategic policy ESD15, and the emerging CDC Design Guide in order to reinforce the characteristics of each area”

Policy AD6 Managing Design in the Conservation Area and its Setting: Church Quarter

140. This policy seeks to establish design principles which development proposals in the Church Quarter must have full regard for

if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

141. The District Council states *“It might be problematic managing trees/planting”*. The Framework states *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”* The approach of Policy AD6 does not adequately have regard for the balanced approach of national policy. Designation as a Conservation Area introduces a clear statutory framework for the control of loss or works to trees of a specific trunk dimension. The introduction of an alternative policy regime is not adequately explained. I have recommended a modification in this respect.
142. The District Council also state *“it might be appropriate to use coursed (rubble) ironstone”*. I agree alternative dressing of stonework would be appropriate and a less prescriptive approach would have greater regard for national policy. I have recommended a modification in this respect. I note the policy requirement is to *“include”* rather than require exclusive use of the specified materials. In this respect an appropriate design solution could demonstrate regard for local distinctiveness whilst also including innovative use of appropriate alternative materials.
143. In a representation Oxfordshire County Council states the policy would *“prevent provision of footways, which is not conducive to improving provision for pedestrians and may lead to a potential development being unable to provide appropriate pedestrian access to their site, a requirement all developments need to meet”*. The policy is seeking to achieve a particular design solution. The policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to land included within the site of a development proposal nor on any other land not included within the site of the development proposal.
144. The County Council has also stated *“To be sustainable, we suggest that any new development must be able to support the health, wellbeing and independence of all residents including those without access or unable to use motor vehicles. Where policies state or imply no pavements should be provided (AD6, 7 and 8), we strongly recommended that this is accompanied with appropriate policies to*

limit the volume and speed of traffic so that the mobility of more vulnerable road users such as children, parents with push chairs, disabled people and older people is not impaired.” It is appropriate for a Neighbourhood Plan to state design principles. The introduction of measures to limit volume and speed of traffic is not a matter that can be dealt with in a land use policy but is a matter for consideration by the Highway Authority.

145. Another representation states *“This policy will only support development if it avoids any obstruction of views from Banbury Road to the Church Quarter Character Area. This is considered to be overly restrictive and Gladman suggest a more flexible approach should be taken to accord with the Framework, where the impacts of any development in this area should be measured in the planning balance. Only where development in this area would have a significant adverse impact on the views to the Church Quarter Character Area should otherwise sustainable development be sought to be restricted. This policy also makes reference to obstructing views into the open countryside from the western end of Mill Lane. This should again be considered in the planning balance and not as restrictive as this policy is worded. It is not sufficient to seek to protect views simply for providing a nice view of the countryside and evidence is required to demonstrate how the view identified has demonstrable attributes that elevates the sites importance above the norm.”* It is appropriate for a community to identify views that are cherished locally. However, I agree that the requirement to avoid *“any obstruction”* of the defined views from the western end of Mill Lane and from Banbury Road does not have sufficient regard for national policy in favour of sustainable development and has not been sufficiently explained. I have recommended a modification in these respects.

146. Representations submitted by a group of six people includes comment on a planning appeal relating to land west of Horn Hill Road and comment on a planning appeal at Hook Norton. I do not consider the comments necessitate modification of the policy to meet the Basic Conditions.

147. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

148. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 8:

In Policy AD6

- **after “ironstone” continue “or coursed (rubble) ironstone”**
- **delete principle v**
- **delete “do not obstruct” and insert “do not significantly harm”**
- **after “highway” insert “where possible”**
- **delete “avoid any obstruction of” and insert “do not significantly harm”**

Policy AD7 Managing Design in the Conservation Area: The Green

149. This policy seeks to establish design principles which development proposals in The Green must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

150. The District Council also state *“it might be appropriate to use coursed (rubble) ironstone”*. I agree alternative dressing of stonework would be appropriate and a less prescriptive approach would have greater regard for national policy. I have recommended a modification in this respect. I note the policy requirement is to *“include”* rather than require exclusive use of the specified materials. In this respect an appropriate design solution could demonstrate regard for local distinctiveness whilst also including innovative use of appropriate alternative materials.

151. In a representation the County Council states *“To be sustainable, we suggest that any new development must be able to support the health, wellbeing and independence of all residents including those without access or unable to use motor vehicles. Where policies state or imply no pavements should be provided (AD6, 7 and 8), we strongly recommended that this is accompanied with appropriate policies to limit the volume and speed of traffic so that the*

mobility of more vulnerable road users such as children, parents with push chairs, disabled people and older people is not impaired.” It is appropriate for a Neighbourhood Plan to state design principles. The introduction of measures to limit volume and speed of traffic is not a matter that can be dealt with in a land use policy but is a matter for consideration by the Highway Authority.

152. The term “*spacious nature*” is imprecise. I have recommended a modification in this respect so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

153. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

154. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 9:

In Policy AD7

- **delete “spacious nature of the area and” and insert “the distinctive density and layout of the area including”**
- **after “ironstone” continue “or coursed (rubble) ironstone”**
- **after “highway” continue “where possible”**

Policy AD8 Managing Design in the Conservation Area: The Manors

155. This policy seeks to establish design principles which development proposals in The Manors must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

156. The District Council also state *“it might be appropriate to use coursed (rubble) ironstone”*. I agree alternative dressing of stonework would be appropriate and a less prescriptive approach would have greater regard for national policy. I have recommended a modification in this respect. I note the policy requirement is to *“include”* rather than require exclusive use of the specified materials. In this respect an appropriate design solution could demonstrate regard for local distinctiveness whilst also including innovative use of appropriate alternative materials.
157. In a representation the County Council states *“To be sustainable, we suggest that any new development must be able to support the health, wellbeing and independence of all residents including those without access or unable to use motor vehicles. Where policies state or imply no pavements should be provided (AD6, 7 and 8), we strongly recommended that this is accompanied with appropriate policies to limit the volume and speed of traffic so that the mobility of more vulnerable road users such as children, parents with push chairs, disabled people and older people is not impaired.”* It is appropriate for a Neighbourhood Plan to state design principles. The introduction of measures to limit volume and speed of traffic is not a matter that can be dealt with in a land use policy but is a matter for consideration by the Highway Authority.
158. Three representations propose the policy should include *“proposals promoting back land and tandem development will not be permitted as this will have a detrimental effect on the pastoral landscape of the Manors character area.”* A modification of this nature is not necessary to meet the Basic Conditions.
159. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.
160. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 10:

In Policy AD8

- after “ironstone” continue “or coursed (rubble) ironstone”
- after “highway” continue “where possible”

Policy AD9 Managing Design in the Conservation Area: The Streets

161. This policy seeks to establish design principles which development proposals in The Streets must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

162. The District Council also state “*it might be appropriate to use coursed (rubble) ironstone*”. I agree alternative dressing of stonework would be appropriate and a less prescriptive approach would have greater regard for national policy. I have recommended a modification in this respect. I note the policy requirement is to “*include*” rather than require exclusive use of the specified materials. In this respect an appropriate design solution could demonstrate regard for local distinctiveness whilst also including innovative use of appropriate alternative materials.

163. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

164. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 11:

In Policy AD9

- after “ironstone” continue “or coursed (rubble) ironstone”
- after “walls or” insert “, where possible,”

Policy AD10 Managing Design in the Conservation Area: The Lanes

165. This policy seeks to establish design principles which development proposals in The Lanes must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.
166. In a representation Oxfordshire County Council states the policy would “*prevent provision of footways, which is not conducive to improving provision for pedestrians and may lead to a potential development being unable to provide appropriate pedestrian access to their site, a requirement all developments need to meet. Policy AD10 may also prevent bringing routes up to standard, as it requires maintaining the existing informal pattern of narrow routes with no footway*”. The policy is seeking to achieve a particular design solution. The policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to land included within the site of a development proposal nor on any other land not included within the site of the development proposal.
167. A representation states the policy identifies areas for views not to be obstructed. The representation raises the same points as identified in respect of Policy AD6 and suggest the same modifications are made. I agree the requirement to avoid “*any obstruction*” of the defined views from both ends of Chapel Lane does not have sufficient regard for national policy in favour of sustainable development and has not been sufficiently explained. I have recommended a modification in these respects.
168. Two other representations suggest the policy should oppose backland and tandem development as this will have a detrimental effect on the pastoral landscape of The Lanes character area. A modification of this nature is not necessary to meet the Basic Conditions. The term “*modest*” as used in paragraph 5.37 is imprecise. I have recommended a modification to make it clear the cottages in Church Lane are small and modest.
169. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

170. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 12:

In Policy AD 10

- In principles vii and viii delete “do not obstruct” and insert “do not significantly harm”
- In supporting text paragraph 5.37 before “modest” insert “small and”

Policy AD11 Managing Design in the Conservation Area: The Valley

171. This policy seeks to establish design principles which development proposals in The Valley must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

172. A representation states the policy identifies areas for views not to be obstructed. The representation raises the same points as identified in respect of Policy AD6 and suggest the same modifications are made. I agree the requirement to avoid “*any obstruction*” of the defined views from both ends of Chapel Lane does not have sufficient regard for national policy in favour of sustainable development and has not been sufficiently explained. I have recommended a modification in these respects.

173. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

174. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring

good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 13:

In Policy AD11 delete “do not obstruct” and insert “do not significantly harm”

Policy AD12 Managing Design in the Conservation Area and its Setting: Former Farm Groups

175. This policy seeks to establish design principles which development proposals in the Former Farm Groups area must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.
176. In a representation Oxfordshire County Council states *“this Policy may prevent developers from being able to provide appropriate access to their site, through boundary wall requirements restricting access visibility, for example.”* The policy is seeking to achieve a particular design solution. The policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to land included within the site of a development proposal nor on any other land not included within the site of the development proposal.
177. The Framework states *“planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.”* The approach of Policy AD12 does not adequately have regard for the balanced approach of national policy. Designation as a Conservation Area introduces a clear statutory framework for the control of loss or works to trees. The introduction of an alternative policy regime is not adequately explained. I have recommended a modification in this respect.
178. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

179. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; conserving and enhancing the natural environment; and conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

**Recommended modification 14:
In Policy AD12**

- **after “spaces and” insert “where possible”**
- **delete “as well as mature deciduous and coniferous trees within the gardens and along the roadsides, of a growth height and planting density”**

Policy AD13 Managing Design in the Crescent

180. This policy seeks to establish design principles which development proposals in the Crescent area must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

181. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

182. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. This policy meets the Basic Conditions.

Policy AD14 Managing Design in Banbury Road

183. This policy seeks to establish design principles which development proposals in the Banbury Road area must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

184. In a representation Oxfordshire County Council states *“In terms of the retention of verges along Banbury Road, in addition to previous comments regarding verges, the A4260 is a strategic corridor and bus route and suffers severe congestion through Adderbury, which affects the reliability of bus services. This policy may affect the possibility of widening the road to increase capacity, particularly around the junction with Aynho Road. There may be other character area land use policies which affect highway verges along the A4260 and the B4100 – these should be amended to remove the requirement to retain or reinstate highway verges”*. As stated earlier in my report the policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to highway land. Verges are often highway land. The carrying out of works by a local authority within the boundaries of a road is not itself development. The policy is seeking to achieve specified treatment of highway frontages as part of development proposals. The policies only apply to land included within a development site. In recognition of the complexities of the interaction of different statutory provisions and the difference in circumstances that can apply from one location to another I have recommended a modification so that the retention or re-provision of natural verges shall be a design principle “where possible.”

185. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

186. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 15:

In Policy AD14 after “gardens and” insert “where possible”

Policy AD15 Managing Design in the Twyford Estate

187. This policy seeks to establish design principles which development proposals in the Twyford Estate must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

188. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

189. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 16:

In Policy AD15 after “gardens and” insert “where possible”

Policy AD16 Managing Design in Berry Hill Road and St. Mary’s Road

190. This policy seeks to establish design principles which development proposals in Berry Hill road and St. Mary’s Road must have full regard for if they are to be supported. The area of application of the policy is defined on Policies Map Inset C.

191. In a representation Oxfordshire County Council states *“Regarding the retention of verges along Berry Hill Road, in addition to previous comments regarding verges, there is currently no footway, which forces pedestrians into the carriageway on what is a busy through route to Bloxham. This policy may affect the possibility of constructing a footway along Berry Hill Road in future. The requirement to retain or re-provide highway verges should be removed.”* As stated earlier in my report the policy would not prevent the Highway Authority fulfilling its statutory functions and obligations with respect to highway land

192. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted

Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

193. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with requiring good design; and conserving and enhancing the natural environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 17:

In Policy AD16 after “gardens and” insert “where possible”

Policy AD17 Locally Listed Buildings

194. This policy seeks to identify ten named buildings and structures as Locally Listed Buildings on the basis that they have local architectural or historic interest.
195. In a representation Historic England suggest that the policy should include local heritage assets that have not yet been identified but may be so during the life of the Neighbourhood Plan, rather than limiting itself to those that have already been identified e.g. include the wording *“Other Local Heritage Assets may be identified during the Plan period using the criteria...”*. “In a representation Oxfordshire County Council states *“Disappointingly there is still no mention of heritage assets of archaeological interest. The historic environment, as defined by the NPPF, does not consist of built heritage only and does include archaeological sites and features as historic assets. There is therefore no proposed protection or identification of these important assets within the plan and our original advice therefore remains unchanged. This is particularly surprising as the Archaeology team have had numerous emails and phone calls from the residents of Adderbury, including the parish council, about their archaeology; it is clearly something that they consider important”*. Representations submitted by a group of six people state archaeological findings north of Milton Road should be preserved. It is not within my role to add additional assets to which the policy should apply. There is no requirement for the Neighbourhood Plan to include reference to

archaeology, or to heritage assets that may in the future be identified, in order to meet the Basic Conditions.

196. The District Council states *“It may be helpful if the buildings in Policy AD17 are defined and assessed against the Local Heritage Assets assessment process”*. The Guidance states it is the role of the local planning authority to recognise non-designated heritage assets.⁴¹ The District Council website states *“In addition to Listed Buildings, Government policy advises us to have regard to non-designated heritage assets through the planning process. In 2013 Cherwell established a programme of Local Heritage Assets, working with local communities to nominate structures which have a specific local heritage value. This register will replace the former local list. The intention of the register is to identify buildings and structures of heritage value, which while not worthy of formal listing by Historic England, still play an important role in the history and architectural heritage of a community. We have run workshops with parish councils and local amenity groups and over 40 new assets have been added to the list by the community. Structures and buildings identified on the register do not have the same statutory protection as listed buildings.”* It is appropriate for a community to use the neighbourhood plan preparation process to identify buildings and structures of local interest and to include policies to require particular consideration of those assets in the determination of planning applications. It is not appropriate to imply those assets identified will be recognised by the District Council as heritage assets. I have recommended a modification in this respect.

197. Another representation states *“This policy seeks to resist any proposal that would result in harm to the significance of a Local Heritage Asset. This does not accord with the Framework, especially paragraph 135 which seeks for any harm or loss to the significance of a heritage asset to be considered in a balanced judgement, not simply to restrict development. Gladman suggest that this policy is modified to accord with national policy regarding non-designated heritage assets.”* Paragraph 135 of the Framework states *“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgement will be required having regard to the scale of any*

⁴¹ Planning Practice Guidance Reference ID 18a-041-20140306

harm or loss and the significance of the heritage asset.” I have recommended a modification in this respect so that the policy has regard for national policy and provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

198. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with conserving and enhancing the historic environment. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 18:

Replace Policy AD17 with “Proposals affecting the significance of the following locally important buildings and structures will be assessed having regard to the scale of any harm or loss and the significance of the locally important building or structure: (include list of properties)” and change the policy title to “Buildings and structures of local importance”

Include in ‘Chapter 6 Implementation’ of the Neighbourhood Plan a proposal that “The following buildings and structures are nominated for assessment as Local Heritage Assets: (include the list of heritage assets)”

Policy AD18 New Community Facilities

199. This policy seeks to allocate land off Milton Road, West Adderbury, as identified on the Policies Map, for sport and community uses subject to six conditions. The policy also seeks to establish support for the extension of the community facilities at the Lucy Plackett Fields provided they do not undermine the integrity of the Local Green Space.

200. In a representation the District Council states *“This policy guides the development of the new community facility which will include the provision of access, community building and sports pitches. This would form part of the planned development for the community on public owned land. The need for the leisure facility has been identified in the leisure survey, which forms part of the evidence base”*. Representations submitted by a group of six people comment on floodlighting issues. I am satisfied part vi of the policy satisfies the Basic Conditions. In a representation Oxfordshire County Council states points ii and iii *“are considered superfluous as they are as they will be assessed by the Highway Authority”*. I am satisfied points ii and iii seek to shape and guide development as envisaged in the Framework

201. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

202. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting healthy communities. This policy meets the Basic Conditions.

Policy AD19 Community Assets & Local Services

203. This policy seeks to establish:

- conditional support for proposals to improve the viability of community use of named buildings and facilities through extension or partial redevelopment;
- that proposals that will result in loss or significant harm to any named facility will be resisted unless not financially viable or will be replaced;
- support for new or expanded shops or commercial uses;
- that proposals for loss of shops or commercial uses will be resisted unless commercially no longer viable.

204. In a representation the District Council states *“It would worth considering clarifying in the Policy or supporting text that new local*

shops or commercial properties should be small scale. It would be beneficial to identify the assets and local services on the policies map". The Framework sets out national policy relating to the location of new retail development. The reference to promotion of healthy communities includes the term "*local shops*". I have recommended a modification in this respect. I have recommended a modification so that the community assets and local services listed in the policy are identified on the Policies Map so that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework.

205. Oxfordshire Clinical Commissioning Group state "*it may relevant to also list Gracewell Nursing Home*". It is not within my role to recommend additions to the list of community assets and services that are the subject of the policy. Any addition would not have been subject to consultation. I have however referred to the desirability to update the list with respect to any assets or facilities that no longer exist. Representations submitted by a group of six people state the policy does not adequately address issues relating to the general food store. There is no requirement that the policy should address the matters raised.

206. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

207. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with promoting healthy communities. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 19:

In Policy AD19

- **after "new" insert "local"**
- **identify each community asset and local facility on the Policies Map**

Policy AD20 Promoting New Employment

208. This policy seeks to establish that proposals for new employment and tourism uses and proposals to intensify employment uses within an established business park will be conditionally supported within the settlement boundary. The policy also seeks to conditionally support proposals for tourism and leisure development along the Oxford Canal. Proposals that will result in loss of employment land or buildings will only be supported if it is clearly demonstrated the land is no longer viable for a business use.
209. In a representation the District Council states *“It is suggested, to follow the approach in Policy SLE1 of the Local Plan, that ‘business park’ is replaced by ‘employment sites’ in the policy which provides a wider definition and more flexibility”* and *“The Council supports the recognition of the Oxford Canal in the Neighbourhood Plan and in this policy. It may be of benefit for the Plan to contain a standalone policy for the part of Policy A20 that relates to leisure, tourism and the Oxford Canal. If not, the title of the policy should be amended.”* Adjustment of the policy title to reflect the policy content assists clarity as required by the Framework. Use of the term ‘employment site’ provides greater clarity, and flexibility in building a strong competitive economy as required in the Framework. I have recommended a modification in these respects.
210. Strategic Policy SLE1 includes *“In cases where planning permission is required existing employment sites should be retained for employment use unless the following criteria are met: - the applicant can demonstrate that an employment use should not be retained, including showing the site has been marketed and has been vacant in the long term. - the applicant can demonstrate that there are valid reasons why the use of the site for the existing or another employment use is not economically viable. -the applicant can demonstrate that the proposal would not have the effect of limiting the amount of land available for employment”*.
211. In order to provide a practical framework for decision-making on development proposals, as required by paragraph 17 of the Framework, it is preferable that policies should be self-contained and not include references to policies or content in other parts of the Development Plan as the Development Plan, including the Neighbourhood Plan, should be read as a whole. Self-contained neighbourhood plan policies may also avoid obsolescence resulting

from changes to, or replacement of those other documents. In this instance in order to demonstrate general conformity with strategic policy I have recommended a modification to include reference to strategic Policy SLE1 as a shorthand method of capturing content without lengthy repetition in the Neighbourhood Plan policy. This will ensure that the policy provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework. I have referred to necessary consequential adjustments to supporting text in the Annex to my report.

212. Strategic Policy ESD 16 states *“The Oxford Canal - We will protect and enhance the Oxford Canal corridor which passes south to north through the District as a green transport route, significant industrial heritage, tourism attraction and major leisure facility through the control of development. The length of the Oxford Canal through Cherwell District is a designated Conservation Area and proposals which would be detrimental to its character or appearance will not be permitted. The biodiversity value of the canal corridor will be protected. We will support proposals to promote transport, recreation, leisure and tourism related uses of the Canal where appropriate, as well as supporting enhancement of the canal’s active role in mixed used development in urban settings. We will ensure that the towpath alongside the canal becomes an accessible long-distance trail for all users, particularly for walkers, cyclists and horse riders where appropriate. Other than appropriately located small scale car parks and picnic facilities, new facilities for canal users should be located within or immediately adjacent to settlements. The Council encourages pre-application discussions to help identify significant issues associated with a site and to consider appropriate design solutions to these and we will seek to ensure that all new development meets the highest design standards”*. In the case of Strategic Policy ESD16 it is only necessary to capture the specific point regarding location of new facilities in order to ensure general conformity. In this case I have recommended the policy is modified to include an additional criterion in order to demonstrate conformity with strategic policy relating to development along the Oxford Canal.

213. The policy has regard for those parts of the Framework which state planning policies should *“support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development”* and *“support sustainable rural tourism*

and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres”.

214. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

215. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. Subject to the recommended modification the policy has regard to the components of the Framework concerned with building a strong, competitive economy; ensuring the vitality of town centres; and supporting a prosperous rural economy. Subject to the recommended modification this policy meets the Basic Conditions.

Recommended modification 20:

In Policy AD 20

- **delete “business park” and insert “employment site”**
- **add criteria vi “new facilities for canal users, other than appropriately located small scale car parks and picnic facilities, should be located within or immediately adjacent to settlements.”**
- **continue the policy after “business use” with “and subject to general conformity with the criteria set out in Strategic Policy SLE1”**

Continue the policy title with “and Tourism”

Policy AD21 Community Infrastructure Levy

216. This policy seeks to establish that five named projects are identified as priorities for investing in local infrastructure.

217. Historic England supports the use of Community Infrastructure Levy monies to fund maintenance of heritage assets as set out in Policy AD21, particularly where this includes measures that increase their use or appreciation by the public.

218. In a representation the District Council states *“The Neighbourhood Plan may need to consider other infrastructure projects to include in the list, such as public transport, highway improvements such as planting footpaths, bridleways, health, communications, etc”*.

219. The County Council considers more detail should be provided regarding the projects and how they will be implemented and in particular *“The Neighbourhood Plan identifies “improving cycle safety and connectivity of off-road cycleways” as a priority for investing future community infrastructure levy funding allocated by the local planning authority to the Parish into local infrastructure, but nothing else in transport terms. This is also not precise in terms of scheme identification. The most significant transport issue in the village is the severe congestion at the junction of the A4260 and B4100. This has a direct adverse effect on local residents in terms of journey time reliability and pollution. Previous comments from Oxfordshire County Council mentioned that ‘The NP could provide a greater emphasis on the importance of public transport and the planned improvements to local bus services ... The Plan should support the County Council’s strategy to develop these bus services, which will be of great benefit to Adderbury’s present and future residents.’ This has not been addressed within the latest version of the Plan. The importance of bus connections into Oxford and Banbury should be recognised. Enhancing the bus service between Banbury and Oxford should be mentioned within the NP, not only because this will be of immense benefit to the people of Adderbury, but also because S106 contributions towards the cost will be expected from new residential developments, on a pro rata basis. Bus stops that are required as a consequence of new developments can be requested as S106/S278 as a mitigating measure”* and *“We also recommend that pedestrian safety and the improvement of connectivity (e.g. the provision of pavements and controlled crossings) and accessibility of public footpaths (e.g. the replacement of stiles with accessible gates) are also included within Policy AD21 and section 6.5 ‘Infrastructure Projects’.*” Additions to the list of projects or more details of projects are not necessary to meet the Basic Conditions.

220. Network Rail state consideration should be given to developer contributions to fund enhancements such as car parking facilities at Kings Sutton railway station. Oxfordshire Clinical Commissioning Group suggest an addition to the list of projects named in the policy. It

is not within my role to recommend additions to the list of projects that are the subject of the policy.

221. Representations submitted by a group of six people includes comment in relation to the provision of land for use as a cemetery however this does not require any modification of the policy to meet the Basic Conditions.

222. It is appropriate to use the Neighbourhood Plan preparation process to determine community support for projects to be treated as priorities for investment in local infrastructure. Whilst parties have stated additional projects and details should be included in the policy these are not necessary to meet the Basic Conditions.

223. The policy is in general conformity with the strategic policies of the Development Plan, namely the policies included in the Adopted Cherwell Local Plan 2011-2031 Part 1 and provides an additional level of detail or distinct local approach to that set out in the strategic policies.

224. The policy seeks to shape and direct sustainable development to ensure that local people get the right type of development for their community. The policy has regard to the components of the Framework concerned with promoting sustainable transport; and promoting healthy communities. This policy meets the Basic Conditions.

Summary and Referendum

225. I have recommended 20 modifications to the Submission Version Plan. I have also made a recommendation of modification in the Annex below.

226. I am satisfied that the Neighbourhood Plan⁴²:

- is compatible with the Convention rights, and would remain compatible if modified in accordance with my recommendations; and

⁴² The definition of plans and programmes in Article 2(a) of EU Directive 2001/42 includes any modifications to them

- subject to the modifications I have recommended, meets all the statutory requirements set out in paragraph 8(1) of schedule 4B of the Parish and Country Planning Act 1990 and meets the Basic Conditions:
 - having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the plan;
 - the making of the neighbourhood plan contributes to the achievement of sustainable development;
 - the making of the neighbourhood plan is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area);
 - does not breach, and is otherwise compatible with, EU obligations; and would continue to not breach and be otherwise compatible with EU obligations if modified in accordance with my recommendations; and
 - the making of the neighbourhood plan is not likely to have a significant effect on a European site or a European offshore marine site, either alone or in combination with other plans or projects.⁴³

I recommend to Cherwell District Council that the Adderbury Neighbourhood Development Plan for the plan period up to 2031 should, subject to the modifications I have put forward, be submitted to referendum.

227. I am required to consider whether the referendum area should extend beyond the Neighbourhood Plan area and if to be extended, the nature of that extension.⁴⁴ I have seen nothing to suggest the referendum area should be extended beyond the designated Neighbourhood Area.

I recommend that the Neighbourhood Plan should proceed to a referendum based on the area that was designated by Cherwell District Council as a Neighbourhood Area on 7 June 2013.

⁴³ Prescribed for the purposes of paragraph 8(2) (g) of Schedule 4B to the 1990 Act by Regulation 32 The Neighbourhood Planning (General) Regulations 2012 and defined in the Conservation of Habitats and Species Regulations 2010 and the Offshore Marine Conservation (Natural Habitats, &c.) Regulations 2007

⁴⁴ Paragraph 8(1)(d) Schedule 4B Town and Country Planning Act 1990

Annex: Minor Corrections to the Neighbourhood Plan

228. A number of consequential modifications to the general text, and in particular the justification of policies sections, of the Neighbourhood Plan will be necessary as a result of recommended modifications relating to policies, for example, adjustment of paragraph 5.65 to refer to Strategic Policy SLE1 in order to correspond with modification of the text of Policy AD20.

229. I am able to recommend modification of the Neighbourhood Plan in order to correct errors.⁴⁵ I recommend the following minor changes only in so far as it is to correct an error or where it is necessary so that the Neighbourhood Plan provides a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency as required by paragraph 17 of the Framework:

- The Note on the front cover of the Submission Plan relating to Pre-Submission Consultation should be updated.
- The list of land use policies presented at page 5 of the Neighbourhood Plan shows different policy titles to those in the main body of the Plan in respect of Policies AD6 and AD12. The list of land use policies should be amended.
- Representation 2 in the Schedule of Regulation 16 representations refers to archaeological remains recently found. Paragraph 2.4 should be updated to refer to *“archaeological evidence of Neolithic remains”*
- Representation 3 in the Schedule of Regulation 16 representations states the alignment of identified footpaths are incorrectly shown on the Policies Map. These should be checked and corrected as necessary.
- The list of community assets and local services in Policy AD19 should be updated to delete any facilities that now no longer exist.
- In the Glossary replace Oxford with Oxfordshire.
- Delete “Management” and insert “Managing” in the title to Policy AD9.

⁴⁵ Paragraph 10 (3)(e) of Schedule 4B to the Town and Country Planning Act 1990

**Recommended modification 21:
Modification of general text will be necessary to achieve consistency with the modified policies, and to correct identified errors including those arising from updates.**

Chris Collison
Planning and Management Ltd
collisonchris@aol.com
26 March 2018
REPORT ENDS

Appendix 36

Cherwell Brownfield Register

Organisation URI	Organisation Label	Site Reference	Previously Part Of	Site Name Address	Site plan URL	Coordinate Reference System	GeoX	GeoY	Hectares	Ownership Status	Deliverable	Planning Status	Permission Type	Permission Date	Planning History	Proposed For PIP	Min Net Dwellings	Development Description	Non Housing Development	Part2	Net Dwellings Range From	Net Dwellings Range To	Hazardous Substances	Site Information	Notes	First Added Date	Last Updated Date	Location	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR2	-	1 To 4A Church Lane And 12 To 14 Parsons Street Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445507	240613	0.12	Not owned by a public authority	yes	Not permitted	-	-	-	-	8	16/01932/F - Retention of ground floor retail units and conversion of first floor over shops to form eight flats.	-	-	-	-	-	-	Planning permission expired in November 2019.	2017-12-04	2020-10-31	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR4	-	27 Park Road, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	444776	240472	0.07	Not owned by a public authority	yes	Not permitted	-	-	-	-	6	15/01555/F - Conversion of the existing building to form 6 no. self contained flats with associated car parking.	-	-	-	-	-	-	Planning permission expired in December 2018.	2017-12-04	2019-10-30	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR5	-	3 West Bar Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445179	240322	0.14	Not owned by a public authority	yes	Permitted	full planning permission	2019-08-02	https://planningregister.cherwell.gov.uk/Search	-	8	19/00958/F - Change of Use of existing building together with a 2.5 storey high extension to the eastern elevation to facilitate the conversion of the building to 8 No residential units.	-	-	-	-	-	-	-	-	2017-12-04	2020-10-31	Banbury
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR9	-	Canalside, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	446105	240254	24.62	Mixed ownership	-	Not permitted	-	-	-	-	654	Local Plan strategic allocation - Banbury 1. Proposes 700 dwellings and 15,000 sqm of commercial uses (only limited new B1a office use classes)	Commercial uses - only limited new B1a office use (15000 sqm)	-	-	-	-	-	2018 HELAA site - HELAA258. A Canalside Supplementary Planning Documents is being prepared. Planning permission for 46 homes at Crown House has already been given and is now complete. The 46 homes have been deducted from the total of 700 homes. Further planning permissions for 86 homes which have not been started.	2017-12-04	2020-10-31	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR10	-	Car Park Edmunds House, 40 South Bar Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445258	240190	0.08	Not owned by a public authority	yes	Permitted	full planning permission	2017-07-31	https://planningregister.cherwell.gov.uk/Search	-	6	16/02154/F - 6 dwellings	-	-	-	-	-	-	-	-	2017-12-04	2018-12-03	Banbury
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR11	-	Land at Bolton Road, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445482	240714	2	Unknown ownership	-	Not permitted	-	-	-	-	200	Local Plan strategic allocation - Banbury 8. Proposes 200 dwellings and retail, hotel, leisure and car parking.	Retail, hotel, leisure and car parking (commensurate scale)	-	-	-	-	-	2018 HELAA site - HELAA257.	2017-12-04	2018-12-03	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR12	-	Land at Higham Way, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	446500	240186	3	Not owned by a public authority	yes	Not permitted	-	-	-	-	150	Local Plan strategic allocation - Banbury 19. Proposes 150 dwellings.	-	-	-	-	-	-	2018 HELAA site - HELAA254.	2017-12-04	2017-12-04	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR15	-	P R Alcock And Sons Ltd, Castle Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445571	240807	0.16	Not owned by a public authority	yes	Not permitted	-	-	-	-	5	15/01788/F - Redevelopment of the existing builders yard buildings to create 4 No dwellings and the extension of the existing terrace of dwellings to create 1 No further dwelling.	-	-	-	-	-	-	Planning permission expired in November 2018.	2017-12-04	2017-12-04	Banbury	

Organisation URI	Organisation Label	Site Reference	Previously Part Of	Site Name Address	Site plan URL	Coordinate Reference System	GeoX	GeoY	Hectares	Ownership Status	Deliverable	Planning Status	Permission Type	Permission Date	Planning History	Proposed For PIP	Min Net Dwellings	Development Description	Non Housing Development	Part2	Net Dwellings Range From	Net Dwellings Range To	Hazardous Substances	Site Information	Notes	First Added Date	Last Updated Date	Location	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR16	-	1 to 6 Malthouse Walk, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445797	240546	0.07	Not owned by a public authority	yes	Permissioned	full planning permission	2019-10-18	https://planningregister.cherwell.gov.uk/Search	-	20	19/01734/O56 - Prior approval for the change of use of the first and second floors from office (use class B1a) to residential (use class C3) to create 20 self-contained flats.	-	-	-	-	-	-	-	-	2017-12-04	2020-10-31	Banbury
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR17	-	The Imperial Oriental, 13 - 14 South Bar Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445346	240268	0.03	Not owned by a public authority	yes	Not permissioned	-	-	-	-	7	Planning permission for partial demolition of ground floor rear extension, conversion and alterations to property to provide 7 No. self contained residential units with class A1 retail unit to ground floor frontage expired in March 2018.	-	-	-	-	-	-	Planning permission expired in March 2018	2017-12-04	2018-12-03	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR20	-	Former Bicester Library, Old Place Yard, Bicester	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	458354	222208	0.04	Owned by a public authority	yes	Not permissioned	-	-	-	-	3	2018 HELAA site - HELAA080. The site could accommodate 3 dwellings.	-	-	-	-	-	-	The site was previously used as a library however is now vacant. Part of land identified for residential development in the Non-Statutory Cherwell Local Plan 2011. A full planning application (20/02405/F) for erection of terrace of 3no affordable housing units on site of dis-used library is pending.	2017-12-04	2020-10-31	Bicester	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR22	-	McKay Trading Estate, Station Approach, Bicester	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	458622	222054	1.2	Not owned by a public authority	yes	Not permissioned	-	-	-	-	60	2018 HELAA site - HELAA070. The site could accommodate 60 dwellings as part of a mixed-use scheme.	Employment - B use class (commensurate scale)	-	-	-	-	-	The site is currently being used for employment purposes and is located at an industrial estate. Planning permission given for redevelopment to include new offices.	2017-12-04	2017-12-04	Bicester	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR23	-	St Edburg's School, Cemetery Road, Bicester	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	458143	222246	0.37	Not owned by a public authority	yes	Not permissioned	-	-	-	-	10	2018 HELAA site - HELAA262. The site could accommodate 14 dwellings.	-	-	-	-	-	-	Development principles approved in October 2008 for re-use of school buildings.	2017-12-04	2017-12-04	Bicester	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR26	-	Varneys Garage, Quarry Road, Hornton	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	437897	245768	0.35	Not owned by a public authority	yes	Permissioned	outline planning permission	2018-05-30	https://planningregister.cherwell.gov.uk/Search	-	3	18/00568/OUT - Application for redevelopment of existing car repair/sales, scrap yard/waste handling depot to residential development for three dwellings.	-	-	-	-	-	-	-	2017-12-04	2019-10-30	Hornton	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR28	-	Builder's Yard, The Moors, Kidlington	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	449362	214579	0.3	Owned by a public authority	-	Permissioned	full planning permission	2018-05-25	https://planningregister.cherwell.gov.uk/Search	-	6	18/00384/OUT - Outline development of up to 6 no dwellings and the demolition of the former Smithy building and garages. All matters reserved other than means of access.	-	-	-	-	-	-	2017 HELAA Site - HELAA149	2017-12-04	2019-10-30	Kidlington	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR31	-	The Plough Inn, Merton	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	457575	217639	0.38	Not owned by a public authority	yes	Not permissioned	-	-	-	-	1	15/00429/OUT - Development of 1No dwelling house - all matters reserved	-	-	-	-	-	-	Planning permission expired in May 2018.	2017-12-04	2019-10-30	Merton	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR35	-	153 And 155 Middleton Road, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	446491	241052	0.051	Not owned by a public authority	yes	Permissioned	full planning permission	2017-04-21	https://planningregister.cherwell.gov.uk/Search	-	8	17/00378/F - Alteration, conversion and rear extension to form 8 flats.	-	-	-	-	-	-	-	2018-12-03	2018-12-03	Banbury	

Organisation URI	Organisation Label	Site Reference	Previously Part Of	Site Name Address	Site plan URL	Coordinate Reference System	GeoX	GeoY	Hectares	Ownership Status	Deliverable	Planning Status	Permission Type	Permission Date	Planning History	Proposed For PIP	Min Net Dwellings	Development Description	Non Housing Development	Part2	Net Dwellings Range From	Net Dwellings Range To	Hazardous Substances	Site Information	Notes	First Added Date	Last Updated Date	Location	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR39	-	85-87 Churchill Road Bicester	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	459330	223175	0.19	Not owned by a public authority	yes	Permissioned	reserved matters approval	2020-02-28	https://planningregister.cherwell.gov.uk/Search	-	10	19/01276/REM - Reserved Matters application to 16/02461/OUT - Access, appearance, landscaping, layout, scale.	1 commercial unit	-	-	-	-	-	-	-	2018-12-03	2020-10-31	Bicester
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR40	-	Land Adjacent 83 And 85 Part Of Car Park Sheep Street, Bicester	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	458352	222705	0.1	Not owned by a public authority	yes	Permissioned	full planning permission	2018-02-19	https://planningregister.cherwell.gov.uk/Search	-	9	17/02585/F - Retail units and 9 residential apartments.	Retail units	-	-	-	-	-	-	-	2018-12-03	2018-12-03	Bicester
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR42	-	Gurkha Village, 174 Oxford Road, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	449587	213246	0.23	Not owned by a public authority	yes	Not permissioned	-	-	-	-	5	17/00419/F - Erection of 2 storey building to provide 5 No flats.	-	-	-	-	-	-	Planning permission expired in April 2020.	2018-12-03	2020-10-31	Kidlington	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR44	-	2A - 4 Broad Street, Banbury	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	445720	240553	0.02	Not owned by a public authority	yes	Permissioned	full planning permission	2018-08-16	https://planningregister.cherwell.gov.uk/Search	-	6	18/00799/F - Division of ground floor into two retail units. Conversion of first and second floor from retail to domestic (change of use). Additional floor at rear for domestic accomodation.	Retail units	-	-	-	-	-	-	-	2019-10-30	2019-10-30	Banbury
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR45	-	Land to the rear of 45 to 53 Hightown Road, Banbury	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	445913	230533	1.5	Not owned by a public authority	yes	Permissioned	full planning permission	2018-11-01	https://planningregister.cherwell.gov.uk/Search	-	8	18/01441/F - Demolition of 47 High Town Road, Banbury and the erection of 9 dwellings, new access and ancillary works.	-	-	-	-	-	-	-	2019-10-30	2019-10-30	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR46	-	Banbury Cycles, 56 - 58 Broad Street, Banbury	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	445688	240494	0.04	Not owned by a public authority	yes	Permissioned	full planning permission	2019-01-08	https://planningregister.cherwell.gov.uk/Search	-	7	18/01971/F - Conversion of first floor and construction of a new second floor over to form 6 self contained flats. Conversion of rear cottage to form a ground floor office and a maisonette on the first and second floors.	Ground floor office	-	-	-	-	-	-	-	2019-10-30	2019-10-30	Banbury
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR48	-	76 Bicester Road, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	450045	213423	0.09	Not owned by a public authority	yes	Permissioned	full planning permission	2020-03-27	https://planningregister.cherwell.gov.uk/Search	-	6	20/00270/F - Alteration and extension of 76 Bicester Road to form 8no one and two bedroom flats with parking and ancillary space.	-	-	-	-	-	-	-	2019-10-30	2020-10-31	Gosford and Water Eaton	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR51	-	British Waterways Site, Langford Lane, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	448183	214939	0.4	Not owned by a public authority	yes	Permissioned	full planning permission	2018-11-23	https://planningregister.cherwell.gov.uk/Search	-	10	17/01556/F - Redevelopment of site comprising the erection of 10 dwellings, formation of new boaters car park and conversion of existing outbuildings to form ancillary accommodation to residential properties.	-	-	-	-	-	-	-	2019-10-30	2019-10-30	Kidlington	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR54	-	162 The Moors, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	448718	214832	0.07	Not owned by a public authority	yes	Permissioned	full planning permission	2018-05-25	https://planningregister.cherwell.gov.uk/Search	-	5	18/00259/F - Demolition of existing two storey house and erection of building to form 6 flats.	-	-	-	-	-	-	-	2019-10-30	2019-10-30	Kidlington	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR55	-	Winterlake Springwell Hill, Bletchington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	450130	218782	0.58	Not owned by a public authority	yes	Permissioned	full planning permission	2018-12-03	https://planningregister.cherwell.gov.uk/Search	-	0	18/01750/F - Demolition of existing dwellings and erection of a replacement dwelling.	-	-	-	-	-	-	-	2019-10-30	2019-10-30	Kirtlington	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR59	-	16 Market Place, Banbury	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	445620	240606	0.036	Not owned by a public authority	yes	Permissioned	full planning permission	2019-08-12	https://planningregister.cherwell.gov.uk/Search	-	7	19/01111/F - Conversion of building to 7no self contained flats, retaining retail/office space on the ground floor.	Commercial use on ground floor	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Banbury

Organisation URI	Organisation Label	Site Reference	Previously Part Of	Site Name Address	Site plan URL	Coordinate Reference System	GeoX	GeoY	Hectares	Ownership Status	Deliverable	Planning Status	Permission Type	Permission Date	Planning History	Proposed For PIP	Min Net Dwellings	Development Description	Non Housing Development	Part2	Net Dwellings Range From	Net Dwellings Range To	Hazardous Substances	Site Information	Notes	First Added Date	Last Updated Date	Location		
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR60	-	30 Crouch Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445260	240236	0.062	Not owned by a public authority	yes	Permissioned	full planning permission	2019-07-15	https://planningregister.cherwell.gov.uk/Search		13	19/00746/O56 - Change of use from B1 (office) to C3 (dwelling) to provide 13 residential units.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR61	-	57 - 58 High Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445484	240475	0.052	Not owned by a public authority	yes	Permissioned	full planning permission	2019-08-31	https://planningregister.cherwell.gov.uk/Search		5	19/00995/F - Demolition of 1980's single/two storey extension to the rear of the site former Post Office facility; erection of new single storey extension to rear of the building; alter ground floor retail unit and convert first and second floors to form 5 No one bedroom flats in total.	Commercial use on ground floor	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR62	-	66 High Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445527	240538	0.052	Not owned by a public authority	yes	Permissioned	full planning permission	2019-12-20	https://planningregister.cherwell.gov.uk/Search		7	19/01752/F - Alterations and change of use to form 2no commercial units (A1/A2/A3 use) and 6no residential units within existing building. Erection of dwelling to the rear of the courtyard and ancillary development.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR63	-	7 South Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	446430	241111	0.058	Not owned by a public authority	yes	Permissioned	full planning permission	2020-01-14	https://planningregister.cherwell.gov.uk/Search		5	19/02598/F - Removal of the existing single storey element to the main house and replace with new. Convert the existing building to create 2no flats. Develop the site with a new building to create 4no additional flats. Provide access, parking, bin storage, cycle storage and ancillary external works.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR64	-	82 High Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445624	240588	0.014	Not owned by a public authority	yes	Permissioned	full planning permission	2020-03-10	https://planningregister.cherwell.gov.uk/Search		5	19/02440/F - Conversion of first, second and third floors to 5no residential flats. New Entrance door and bin store/cycle store to ground floor.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR65	-	Cricketers Field, Middleton Road, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	446225	240764	0.062	Not owned by a public authority	yes	Permissioned	full planning permission	2019-04-10	https://planningregister.cherwell.gov.uk/Search		6	19/00230/F - Erection of two and a half storey apartment block providing 6 no. two bedroom apartments.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Banbury	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR66	-	Land To The Rear Of 7 And 7A High Street, Banbury	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	445650	240515	0.122	Not owned by a public authority	yes	Permissioned	full planning permission	2020-03-20	https://planningregister.cherwell.gov.uk/Search		14	18/00487/F - Part three storey, part two storey development of 14 flats with ground floor commercial units, on land to rear on 7 High Street; car parking area to rear accessed from George Street.	Commercial use on ground floor	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Banbury
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR67	-	Cowpasture Farm, Traitors Ford Lane, Hook Norton	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	433506	235267	2.9	Not owned by a public authority	yes	Permissioned	full planning permission	2020-02-28	https://planningregister.cherwell.gov.uk/Search		0	19/02848/F - Demolition of existing dwelling and garage outbuilding; provision of a replacement dwelling and detached garage.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Hook Norton	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR68	-	Manor Farm Bungalow, Hornton	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	439594	244290	0.57	Not owned by a public authority	yes	Permissioned	full planning permission	2019-05-03	https://planningregister.cherwell.gov.uk/Search		0	19/00157/F - Demolition of existing buildings and erection of replacement dwelling and ancillary open store/byre and stables with associated hardstanding.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Hornton	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR69	-	175 The Moors, Kidlington	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	448704	214757	0.127	Not owned by a public authority	yes	Permissioned	full planning permission	2020-03-13	https://planningregister.cherwell.gov.uk/Search		5	19/02143/F - Demolition of existing dwelling and erection of 6 apartments in single building.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Kidlington	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR70	-	27 - 31 High Street, Kidlington	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	449106	214124	0.017	Not owned by a public authority	yes	Permissioned	full planning permission	2019-05-31	https://planningregister.cherwell.gov.uk/Search		6	19/00521/O56 - Change of Use from offices (Use Class B1) to Dwellinghouses (Use Class C3).	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Kidlington	

Organisation URI	Organisation Label	Site Reference	Previously Part Of	Site Name Address	Site plan URL	Coordinate Reference System	GeoX	GeoY	Hectares	Ownership Status	Deliverable	Planning Status	Permission Type	Permission Date	Planning History	Proposed For PIP	Min Net Dwellings	Development Description	Non Housing Development	Part2	Net Dwellings Range From	Net Dwellings Range To	Hazardous Substances	Site Information	Notes	First Added Date	Last Updated Date	Location	
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR71	-	63 Bicester Road, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	449935	213496	0.096	Not owned by a public authority	yes	Permissioned	full planning permission	2019-05-01	https://planningregister.cherwell.gov.uk/Search	-	5	19/00018/F - Demolition of an existing dwelling and the erection of 6no new build flats with commensurate ancillary facilities.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Kidlington
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR72	-	Costa Coffee, 9 High Street, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	449039	214103	0.131	Not owned by a public authority	yes	Permissioned	full planning permission	2019-05-31	https://planningregister.cherwell.gov.uk/Search	-	5	19/00368/F - Development of a replacement shop and 5 apartments.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Kidlington
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR73	-	Taylor Livock Cowan, Suite F Kidlington Centre, High Street, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	449111	214172	0.058	Not owned by a public authority	yes	Permissioned	full planning permission	2019-11-06	https://planningregister.cherwell.gov.uk/Search	-	10	18/00587/F - The erection of ten residential flats with associated undercroft car parking, cycle storage and bin storage.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Kidlington
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR74	-	Portway Cottage, Ardley Road, Somerton	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	451008	228256	0.54	Not owned by a public authority	yes	Permissioned	full planning permission	2020-03-04	https://planningregister.cherwell.gov.uk/Search	-	1	19/02279/F - Change of Use from garage/workshop to two bedroom cottage.	-	-	-	-	-	-	-	-	2020-10-31	2020-10-31	Somerton

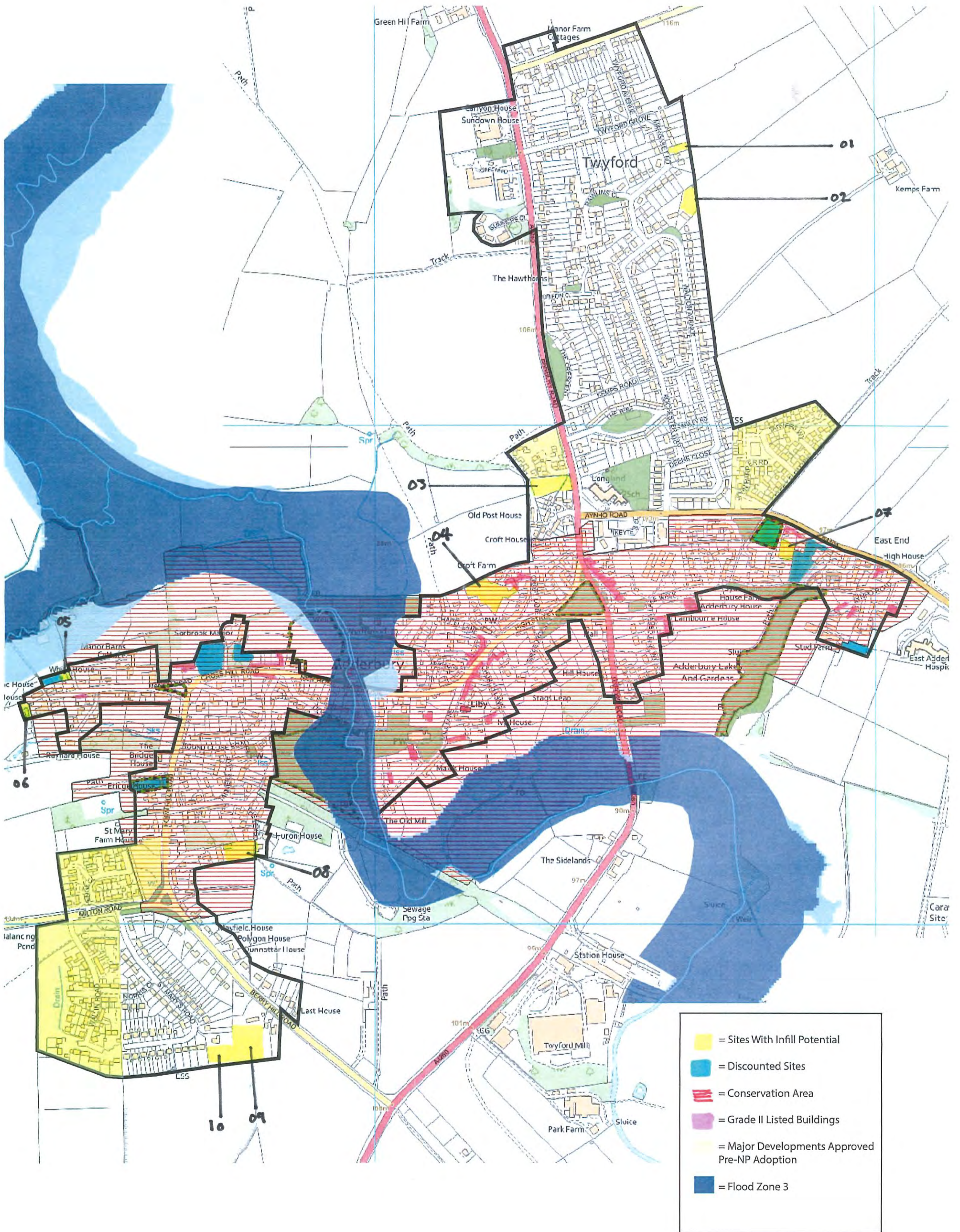
Sites removed from the register - 31-10-2020

http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR7	-	Admiral Holland, Woodgreen Avenue, Banbury	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	444442	240624	0	Owned by a public authority	yes	Permissioned	full planning permission	2019-03-28	https://planningregister.cherwell.gov.uk/Search	-	0	18/01591/CDC - proposed development of 8 no houses and 6 no flats	-	-	-	-	-	-	-	The site was completed in June 2020 (2020/21).	2017-12-04	2020-10-31	Banbury
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR43	-	44 Banbury Road, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	448834	214291	0	Not owned by a public authority	yes	Permissioned	full planning permission	2017-08-29	https://planningregister.cherwell.gov.uk/Search	-	0	17/01430/F - Demolition of existing bungalow and erection of a 3 storey building with the upper storey in the roofspace to provide 4 x 2 bedroom flats and 2 x 1 bedroom flats.	-	-	-	-	-	-	-	The site was completed in March 2020 (2019/20).	2018-12-03	2020-10-31	Kidlington
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR47	-	Ilbury Farm, Nether Worton Road, Hempton, Deddington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	443429	231034	0	Not owned by a public authority	yes	Permissioned	full planning permission	2019-02-28	https://planningregister.cherwell.gov.uk/Search	-	0	18/02208/F - Demolition of existing dwelling, erection of replacement dwelling and garage with associated access and landscaping and associated change of use of land.	-	-	-	-	-	-	-	Development has commenced on site.	2019-10-30	2020-10-31	Deddington
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR49	-	Land adjacent Braeside Rope Way, Hook Norton	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	435786	232928	0	Not owned by a public authority	yes	Permissioned	full planning permission	2018-09-28	https://planningregister.cherwell.gov.uk/Search	-	0	18/01061/F - Demolition of existing garage and alteration of existing access. Erection of four dwellings with associated garages and parking spaces.	-	-	-	-	-	-	-	The site was completed in September 2020 (2020/21).	2019-10-30	2020-10-31	Hook Norton
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR50	-	Brymbo Bungalows, Station Road, Hook Norton	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	436846	233910	0	Not owned by a public authority	yes	Permissioned	full planning permission	2018-10-26	https://planningregister.cherwell.gov.uk/Search	-	0	18/01507/F - Demolition of 2 no existing bungalows and erection of 1 no replacement dwellings; conversion of existing engine shed to ancillary accommodation.	-	-	-	-	-	-	-	The site was completed in March 2020 (2019/20).	2019-10-30	2020-10-31	Hook Norton
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR52	-	2 - 4 High Street, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	449034	214064	0	Not owned by a public authority	yes	Permissioned	full planning permission	2018-07-12	https://planningregister.cherwell.gov.uk/Search	-	0	18/00809/O56 - Change of use from offices to residential comprising of 16 no flats.	-	-	-	-	-	-	-	Development has commenced on site.	2019-10-30	2020-10-31	Kidlington
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR53	-	Kings Two Wheel Centre 139 Oxford Road, Kidlington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	449569	213494	0	Not owned by a public authority	yes	Permissioned	full planning permission	2019-03-28	https://planningregister.cherwell.gov.uk/Search	-	0	18/01388/F - Demolition of existing vacant workshop and show room buildings. Erection of two and three storey building to provide 10 no dwellings and provision of off-street car parking.	-	-	-	-	-	-	-	Development has commenced on site.	2019-10-30	2020-10-31	Kidlington
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR56	-	High Haven Farm, Hawthorn Hill, South Newington	https://www.cherwell.gov.uk/info/3/3/planning-policy/384/brownfield-land-register	OSGB36	439888	232027	0	Not owned by a public authority	yes	Permissioned	full planning permission	2019-02-28	https://planningregister.cherwell.gov.uk/Search	-	0	19/02623/F - Demolition of existing buildings, erection of a replacement dwelling and associated outbuilding and landscaping of associated holding.	-	-	-	-	-	-	-	The site was completed in March 2020 (2019/20).	2019-10-30	2020-10-31	South Newington

Organisation URI	Organisation Label	Site Reference	Previously Part Of	Site Name Address	Site plan URL	Coordinate Reference System	GeoX	GeoY	Hectares	Ownership Status	Deliverable	Planning Status	Permission Type	Permission Date	Planning History	Proposed For PIP	Min Net Dwellings	Development Description	Non Housing Development	Part2	Net Dwellings Range From	Net Dwellings Range To	Hazardous Substances	Site Information	Notes	First Added Date	Last Updated Date	Location
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR57	-	Former Garage Block to the rear of 63 To 65 Spencer Avenue, Yarnton	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	447589	212434	0	Not owned by a public authority	yes	Permissioned	full planning permission	2018-12-20	https://planningregister.cherwell.gov.uk/Search	-	0	18/01860/F - Erection of building comprising of 5 x flats.	-	-	-	-	-	-	Development has commenced on site.	2019-10-30	2020-10-31	Yarnton
http://opendatacommunities.org/id/district-council/cherwell	Cherwell District Council	BLR58		198 & 200 Woodstock Road, Yarnton	https://www.cherwell.gov.uk/info/33/planning-policy/384/brownfield-land-register	OSGB36	447442	213121	0	Not owned by a public authority	yes	Permissioned	full planning permission	2019-01-17	https://planningregister.cherwell.gov.uk/Search	-	0	18/02034/F - Demolition of existing pair of semi-detached dwellings and erection of 2 replacement dwellings with garaging and associated landscaping.	-	-	-	-	-	-	The site was completed in December 2019 (2019/20).	2019-10-30	2020-10-31	Yarnton

Appendix 37a

Adderbury settlement boundary sites Map



Appendix 37b

Adderbury settlement boundary sites Table

Site Map Ref No.	Site Area (Acres)	Within Curtilage of Existing dwelling?	Constraints	Policy Designations	Approx Potential Capacity (10dpa)	Planning Applications
1	0.16	N			1	N
2	0.33	Y			2	Yes 12/00231/F: Erection of Detached Dwelling (Approved)
3	0.64	N	Local Open Space, owned by Parish Council, PROW through site, TPO'd Tree	Local Open Space (AD4)	6	N
4	0.95	N	Adjacent to Grade II Listed building	Conservation Area	9	N
5	0.1	N		Conservation Area	1	N
6	0.13	Y			1	Yes 11/01537/F: One single storey dwelling (Refused)
7	0.25	Y		Conservation Area, Local Open Space (AD3)	3	N
8	0.5	Y	Constrained access, and demolition of garage required	Conservation Area	5	N
9	1	Y			10	N
10	0.4	Y			5	N
				Total Capacity Outside Existing Dwelling Curtilages	17	
				Total Capacity within Existing Dwelling Curtilages	26	
				Total Potential Capacity	43	

Appendix 38
Accessibility Statement

Proposed Residential Development
Berry Hill Road, Adderbury

HOLLINS STRATEGIC LAND

Appeal Accessibility Statement

June 2020



Eddisons

TRANSPORT PLANNING & DESIGN

Incorporating **Croft Transport Planning & Design**



REPORT

Document: Accessibility Statement

Project:	Proposed Residential Development, Berry Hill Road, Adderbury		
Client:	Hollins Strategic Land		
Job Number:	1899		
File Origin:	Z:\projects\1899	Berry	Hill Road, Adderbury\Docs\Reports\1899accstatement.ff.docx

Document Checking:

Primary Author	PJW	Initialled:
Contributor	SM/GM	Initialled:
Review By	PJW	Initialled:

Issue	Date	Status	Checked for Issue
1	08-06-20	Draft	
2			
3			
4			



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1 BACKGROUND AND SCOPE OF REPORT

1.1 Background

- 1.1.1 Croft were commissioned during 2017 by Hollins Strategic Land to produce a Transport Statement to support a planning application relating to proposals to develop a site for residential use off Berry Hill Road in the village of Adderbury in the district of Cherwell in Oxfordshire.
- 1.1.2 Outline planning permission was originally sought in October 2017 for the construction of up to 60 residential dwellings (Use Class C3) with associated open space, landscaping, and vehicular access taken from Berry Hill Road (ref: 17/02394/OUT).
- 1.1.3 The location of the site is shown on **Plan 1**.
- 1.1.4 All highways issues relating to the original planning application were resolved to the satisfaction of the local highway authority, Oxfordshire County Council (OCC).
- 1.1.5 The proposals were then reduced in size and consisted of 40 residential dwellings. The vehicular access to the site will remain as previously proposed, and is shown on Plan 2 (**Drawing Number 1899-Fo1 Revision H**), enclosed with this Statement, which shows the same vehicular access as Drawing Number 1899-Fo1 Revision D, which was the last version that Oxfordshire County Council (OCC) have commented on and is referred to in the Committee Report.

- 1.1.6 The amended planning application (same reference as the original) was then refused for three reasons in January 2020. The first of these was as follows:

'The development proposed, by reason of its scale and siting beyond the built up limits of the village, in open countryside and taking into account the number of dwellings already permitted in Adderbury, with no further development identified through the Adderbury Neighbourhood Plan 2014-2031, is considered to be unnecessary, undesirable and unsustainable development. The site itself is in an unsustainable location on the edge of the village, distant from local services and facilities and would result in a development where future occupiers would be highly reliant on the private car for day to day needs. The proposal is therefore unacceptable in principle and contrary to Policies ESD1, BSC1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework'.

- 1.1.7 Part of this reason for refusal refers to the sustainability of the site and concludes that *'The site itself is in an unsustainable location on the edge of the village, distant from local services and facilities and would result in a development where future occupiers would be highly reliant on the private car for day to day needs'.*

- 1.1.8 Again, all highways issues were resolved to the satisfaction of OCC, subject to conditions and a range of improvements and off site contributions, which are listed later in this Section.

- 1.1.9 OCC made a number of conclusions within the Committee Report and Updated Committee Report, namely:

- Para 9.76 of the Committee Report - 'The Highway Authority have raised no objections to the proposed development on key matters such as the main access arrangements (vehicular and pedestrian/ cycle) and the proposal to include new bus stops on the A4260. No concerns are raised with regard to transport movements and their impact upon the local highway network'.
- Para 9.78 of the Committee Report – 'The LHA has sought contributions towards transport improvements and these would have been pursued should this site have been recommended for approval'.

1.1.10 It is also worth noting that OCC did not object to the site on the basis of its locational sustainability.

1.1.11 As part of the appeal process this Statement will provide a more detailed consideration of the sustainable credentials of the Appeal site to provide the Inspector with more comprehensive information to demonstrate that the site is indeed appropriately sustainable and will not be contrary to Policies ESD1, BSC1, SLE4 and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1, Saved Policy H18 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

1.2 Site Location

1.2.1 The Appeal site is located to the south of the centre of the village of Adderbury.

1.2.2 The site is bordered to the west by existing properties off Berry Hill Road, to the north and east by various public rights of way and undeveloped land and to the south by Berry Hill Road.

1.2.3 Berry Hill Road runs along the southern boundary of the site and runs between the village centre to the north and its junction with the A4260 Oxford Road to the south-east of the site.

1.2.4 The road is around 6 to 7 metres wide with wide verges on both sides of the road. Part way along the site frontage the speed limit of the road changes from 30mph, in the northern section, to national speed limit, to the south. The road also has street lighting.

1.3 Summary of Proposals

1.3.1 It is proposed to develop the site to provide up to 40 residential dwellings, with associated car parking and landscaping.

1.3.2 Car parking across the site will comply with Oxfordshire County Council's current residential car parking standards.

1.3.3 Vehicular access is proposed directly off Berry Hill Road, as shown in **Plan 2 (Drawing Number 1899-Fo1 Revision H)**.

1.3.4 Although the vehicular access has stayed the same as Revision D, there have been some other minor changes have been made which are listed as follows:

- Revision E – based on OS background.
- Revision F – same plan but additional OS background added.
- Revision G – amended proposed footway on Berry Hill Road.
- Revision H – proposed bus stops moved to the western side of the junction of Oxford Road/Berry Hill Road due to recent bus route changes.

- 1.3.5 As already stated, the current speed limit adjacent along Berry Hill Road is split between a 30mph and national speed limit. It is part of these proposals that the speed limit will be extended to beyond the Site Access.
- 1.3.6 The plan shows that visibility splays of 2.4 metres by 43 metres can be achieved in both directions which are commensurate with traffic speeds of 30mph, as set out in Manual for Streets. The internal layout of the site will be designed to provide a safe environment for pedestrians and cyclists with clearly defined walkways, crossing points and speed reducing features where appropriate.
- 1.3.7 The proposals will provide a new footway on the northern side of Berry Hill Road from the site access up to the junction of Berry Hill Road and Horn Hill Road. This will provide the local highway network with around 400 metres of additional footway to assist not only pedestrians travelling to and from the Appeal Site but also the existing residential properties along the northern and eastern side of Berry Hill Road. This will substantially assist in the general accessibility of this part of the village.
- 1.3.8 In addition to the above, it is worth noting that the proposed new footway along Berry Hill Road will also extend to the south-east of the site access and around the corner onto the A4260 Oxford Road, where a new crossing point with a pedestrian refuge, dropped kerbs and tactile paving will be provided. This will enhance existing pedestrian infrastructure in the area and connect the site to the existing footway provision along the southern side of the A4260 Oxford Road, thus providing a safe continuous walking route to local employment opportunities, such as Twyford Mill and Station Yard Industrial Estate, located approximately 400 metres to the north of the Berry Hill Road junction.

1.3.9 The proposals will also provide the following contributions to improve the sustainability of the site:

- Section 106 contribution of £60,000 for improvements to local bus services, which will benefit local residents.
- Section 106 contribution of £20,000 for improvements to local public rights of way and bridleways, which will benefit existing residents.
- Section 106 of £10,000 for the provision of two new bus stops, with shelters, on Berry Hill Road to serve the proposed development, which will benefit existing residents.

1.4 Scope of Report

1.4.1 This Statement will deal specifically with the issues of transport sustainability relating to the appeal proposals.

1.4.2 Section 2 considers in detail the accessibility of the Appeal Site by non-car modes, including walking, cycling and public transport. Section 3 of the Transport Statement that accompanied both planning applications also considered this issue but this Statement will provide more detail and information to assist the Inspector at the forthcoming Hearing.

1.4.3 Section 3 draws together the findings and conclusions of this Statement.

2 ACCESSIBILITY BY NON CAR MODES

2.1 Introduction

2.1.1 In order to accord with the aspirations of the National Planning Policy Framework (NPPF), any new proposals should extend the choice in transport and secure mobility in a way that supports sustainable development.

2.1.2 The presumption in favour of sustainable development is a central theme running through the framework and transport planning policies are seen as a key element of delivering sustainable development as well as contributing to wider sustainability and health objectives. One of the core principles of the NPPF is to *'ensure opportunities to promote walking, cycling and public transport use are identified and pursued.'*

2.1.3 To achieve this objective, paragraph 108 of the NPPF states when making decisions it should be ensured that:

"Appropriate opportunities to promote sustainable transport modes can be - or have been - taken up given the type of development and its location."

2.1.4 New proposals should therefore attempt to influence the mode of travel to the development in terms of gaining a shift in modal split towards non-car modes, thus assisting in meeting the aspirations of current national and local planning policy.

2.1.5 As detailed above, the amended planning application (same reference as the original) was then refused for three reasons in January 2020. The first of these, listed in the previous section of this Statement, included the following:

2.1.6 To confirm that the Appeal Site is sustainable in transport terms this section will consider its accessibility by the following modes of transport:

- Accessibility on foot.
- Accessibility by cycle.
- Accessibility by bus.
- Accessibility by rail.

2.2 Pedestrian Routes

2.2.1 As shown on **Plan 4**, there are existing public right of way (PRoW) routes for pedestrians to travel to and from the Appeal Site. These are also being supplemented by improvements to existing infrastructure to ensure residents and visitors can travel between the site and the surrounding area both safely and directly.

2.2.2 These proposed improvements to pedestrian infrastructure improvements included in Section 1.3 of this Statement.

2.3 Accessibility on Foot

2.3.1 It is important to create a choice of direct, safe and attractive routes between where people live and where they need to travel in their day-to-day life. This philosophy clearly encourages the opportunity to walk whatever the journey purpose and also helps to create more active streets and a more vibrant neighbourhood.

2.3.2 The Chartered Institute of Highways and Transportation (CIHT) published in 2015 a document entitled 'Planning for Walking' (CD6.2). In paragraph 2.1, it states that in 2012 that 79% of all journeys made in the UK of less than a mile (1.6 kilometres) are carried out on foot.



2.3.3 The Institute of Highways and Transportation (IHT) document 'Guidelines for Providing for Journeys on Foot', provides information on acceptable walking distances. Table 3.2 suggests distances for desirable, acceptable and preferred maximum walks to 'town centres', 'commuting/schools' and 'elsewhere'. The 'preferred maximum' distances are shown below in Table 3.1.

Suggested Preferred Maximum Walk		
Town Centre	Commuting/School	Elsewhere
800m	2,000m	1,200m

Table 2.1 - IHT 'Providing for Journeys on Foot' Walk Distances

2.3.4 The Government introduced advice on walking distances in the 2001 revision to Planning Policy Guidance (PPG) 13 Transport, now withdrawn, which advised that *'Walking is the most important mode of travel at the local level and offers the greatest potential to replace short car trips, particularly those under two kilometres.'*

2.3.5 Manual for Streets (MfS) continues the theme of the acceptability of the 2,000 metre distance in paragraph 4.4.1. This states that *'walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2 km'.*

2.3.6 Table 2.2 below summarises this guidance in tabular form.



'Comfortable' Walk	'Preferred Maximum' Walk
800m	2,000m

Table 2.2 Manual for Streets Walk Distances

2.3.7 More specific guidance on the distances that children will walk to school is found in the July 2014 document published by the Department for Education (DfE) entitled 'Home to School Travel and Transport' statutory guidance document. This suggests that the maximum walking distance to schools is 2 miles (3.2 kilometres) for children under 8 and 3 miles (4.8 kilometres) for children over the age of 8. This is summarised below in Table 2.3.

Children under 8 Walk Distances	Children over 8 Walk Distances
3,200m	4,800m

Table 2.3 DfE Walk Distances to Schools

2.3.8 Further evidence that people will walk further than the suggested 'preferred maximum' distances in the IHT 'Providing for Journeys on Foot' is contained in a WYG Report entitled 'Accessibility – How Far Do People Walk and Cycle'. This report refers to National Travel Survey (NTS) data for the UK as a whole, excluding London, and confirms the following 85th percentile walk distances:

- All journey purposes – 1,930 metres;
- Commuting – 2,400 metres;
- Shopping – 1,600 metres;



- Education – 3,200 or 4,800 metres;
- Personal business – 1,600 metres.

2.3.9 Overall, in Table 5.1, the document states that 1,950 square metres is the 85th percentile distance for walking as the main mode of travel. Table 2.4 below summarises the various 85th percentile walk distances suggested as guidelines in the WYG Study.

85 th Percentile Walk Distances					Overall Recommended Preferred Max
All Journeys	Commuting	Shopping	Education	Personal	
1,950m	2,100m	1,600m	3,200m/4,800m	1,600m	1,950m

Table 2.4 WYG Report/NTS Data Walk Distances

2.3.10 In summary, the distance of 1,950 metres, or around 2 kilometres, represents an acceptable maximum walking distance for the majority of land uses although clearly the DfE guidance for walking to school is up to 3.2 kilometres.

2.3.11 Section 3.1 of the CIHT guidance 'Planning for Walking' mentioned earlier in this report provides a useful reminder of the health benefits of walking. This states that:

'A brisk 20 minute walk each day could be enough to reduce an individual's risk of an early death.'

2.3.12 A 20-minute walk equates to a walking distance of around 1,600 metres.

- 2.3.13 In light of the above review, a pedestrian catchment of 2 kilometres from the centre of the developable site, using all usable pedestrian routes, has been provided in **Plan 3** and provides an illustrative indication of the areas that can be reached based on a leisurely walk from the site.
- 2.3.14 In addition to the pedestrian catchment plan, a review of the proximity of local facilities has been undertaken. The locations of such facilities in relation to the site are also shown in **Plan 3**.
- 2.3.15 The 2,000 metre pedestrian catchment includes numerous local amenities such as a local recreational park/play area, Lucy Plackett Playing Fields, Adderbury Stores, The Coach and Horses public house, The Bell Inn public house, Adderbury Library, Adderbury Post Office, The Church of St Mary, Christopher Rawlins Church of England Primary School, Adderbury Parish Institute, Adderbury Day Nursery and local employment areas such as the Twyford Mill Estate.
- 2.3.16 Table 2.5 below, shows the walking distance from the centre of the developable site to several of the local key amenities in the vicinity of the site.

Amenities within 2,000m using Footways					
Shops & Day to day facilities	(m)	Education/Community	(m)	Health/Leisure/ Employment	(m)
New Bus Stops	350	Adderbury Day Nursery	710	Antycip Simulation	740
Existing Bus Stop	480	Recreational Park/Play Area	630	Fired Earth	780
Post Box	510	Lucy Plackett Playing Fields	990	Trade Secret	780
Adderbury Stores	1,520	The Church of St Mary	1,300	Motec Europe	800
Adderbury Post Office	1,530	Adderbury Library	1,410	The Bell Inn	1,510
		Adderbury Parish Institute	1,470	The Coach and Horses	1,600
		Christopher Rawlins Church of England Primary School	2,000 1,680 (Oxford Road)	Squires Hairdressers	1,650
				Banbury Westend Tennis & Squash Club	1,740

Table 2.5 Distance from Centre of the developable Site to Local Facilities

2.3.17 As can be seen, there are a number of 'local facilities' within 2 kilometres of the site, these include Adderbury Post Office, Adderbury Stores, Adderbury Library, The Church of St Mary and Adderbury Parish Institute. Various distances above have been measured using the footways along Berry Hill Road, Horn Hill Road, Cross Hill Road, New Road and Water Lane.

- 2.3.18 Included within the 2,000 metre catchments are education facilities, such as Adderbury Day Nursery and Christopher Rawlins Church of England Primary School. It is also worth noting that despite Blessed George Napier Roman Catholic School (Secondary School & Sixth Form) being located outside of the 2km pedestrian catchment, it is accessible via an 11 minute journey on bus service S4 and a short walk, equating to a total time of approximately 17 minutes.
- 2.3.19 As mentioned above, various distances have been measured by using the footways along Berry Hill Road, Horn Hill Road, Cross Hill Road, New Road and Water Lane. As shown on **Plan 4**, existing Public Right of Way routes surround the site and the likelihood is residents would use these routes to get to their 'day to day' amenities.
- 2.3.20 However, there are a number of existing PRowS in the area that provide a more direct and shorter route to some of the amenities in daylight and dry weather and these are shown in Table 2.6 below, using a combination of footways and existing and improved PRowS.

Amenities within 2,000m using Footway and PRoWs					
Shops & Day to day facilities	(m)	Education/Community	(m)	Health/Leisure/ Employment	(m)
New Bus Stops	350	Adderbury Day Nursery	710	Antycip Simulation	740
Existing Bus Stop	480	Recreational Park/Play Area	630	Fired Earth	780
Post Box	510	Lucy Plackett Playing Fields	700	Trade Secret	780
Adderbury Stores	920	The Church of St Mary	730	Motec Europe	800
Adderbury Post Office	930	Adderbury Library	810	The Bell Inn	900
		Adderbury Parish Institute	1,200	The Coach and Horses	1,130
		Christopher Rawlins Church of England Primary School	1,390	Squires Hairdressers	1,050
				Banbury Westend Tennis & Squash Club	1,130

Table 2.6 Distance from Site to Local Facilities using Footway and PRoW Routes.

2.3.21 As can be seen, the distances are much shorter when using the existing Public Right of Way routes for the majority of the amenities, namely Adderbury Post Office, Adderbury Stores, Adderbury Library, The Church of St Mary, The Bell Inn, Christopher Rawlins Church of England Primary School and Lucy Plackett Playing Fields.

2.3.22 To further consider the accessibility of the site for pedestrians, the walking routes to a selection of destinations has also been provided, as follows;

- Schools (primary);
- Local retail facilities;

- Healthcare and Leisure;
- Employment opportunities; and
- Transport Nodes.

2.3.23 The walking route for each of the above routes are provided in the following plans;

- Schools (primary and secondary) - **Plan 5**;
- Local retail facilities - **Plan 6**;
- Healthcare and Leisure Facilities - **Plan 7**;
- Employment opportunities - **Plan 8**; and
- Transport Nodes - **Plan 9**.

2.3.24 These are also described in more detail, based on footway routes, rather than using the PRowS in **Appendix 1**.

2.4 Assessment of Distances to Amenities Against Guidance

2.4.1 To provide some qualitative analysis to the exercise set out in the previous section and to consider the Appeal Site when judged against the guidance contained in the various reference documents, **Table 2.7** sets out a number of local facilities and assesses against the walking distance criteria detailed in the previous paragraphs.

2.4.2 For ease of reference the compliance with the various guidance documents is shown in green for 'complies with', orange for 'just outside' and red for 'outside guidance distance'.

Facility	Name	Walk Distance	Walk Time	Compliance with...
Nursery	Adderbury Day Nursery	710m	8.5 mins	IHT – complies with 2km distance MfS - complies with 2km distance DfE - complies with 3.2km distance WYG – complies with 3.2km distance
		2,000m	24.2 mins	IHT – complies with 2km distance MfS - complies with 2km distance DfE - complies with 3.2km distance WYG – complies with 3.2km distance
Primary School	Christopher Rawlins Church of England Primary School	1,680m (Oxford Road)	20 mins	IHT – complies with 2km distance MfS - complies with 2km distance DfE - complies with 3.2km distance WYG – complies with 3.2km distance
		1,390m (PRoW)	16.5 mins	IHT – complies with 2km distance MfS - complies with 2km distance DfE - complies with 3.2km distance WYG – complies with 3.2km distance
Local Services	Adderbury Library	1,410m	17.2 mins	IHT – outside 1.2km distance MfS - complies with 2km distance WYG - complies with 1.6km distance
		810m (PRoW)	10 mins	IHT – complies with 1.2km distance MfS - complies with 2km distance WYG - complies with 1.6km distance
Local Services	Adderbury Stores	1,520m	18.1 mins	IHT – outside 1.2km distance MfS - complies with 2km distance WYG – complies with 1.6km distance
		920m (PRoW)	11.1 mins	IHT – complies with 1.2km distance MfS - complies with 2km distance WYG – complies with 1.6km distance
Post Office	Adderbury Post Office	1,530m	18.2 mins	IHT – outside 1.2km distance MfS - complies with 2km distance WYG – complies with 1.6km distance
		930m (PRoW)	11.2 mins	IHT – complies with 1.2km distance MfS - complies with 2km distance WYG – complies with 1.6km distance
Amenity/Open Space	Recreational Play Area	630m	7.5 mins	IHT – complies with 1.2km distance MfS - complies with 2km distance WYG - complies with 1.6km distance
Key Employment Area	Twyford Mill Estate	680m	8.1 mins	IHT – complies with 1.2km distance MfS - complies with 2km distance WYG - complies with 2.1km distance

Table 2.7– Distance/Journey from Centre of Site and Comparison to Guidance

- 2.4.3 As can be seen from the above table, the Appeal Site complies with the distances to each of the key amenities 'areas' contained within the various guidance documents.
- 2.4.4 The table also confirms that there are numerous local facilities within a 15 minute walk of the centre of the Appeal Site, including Twyford Mill Estate (8 minutes), Adderbury Day Nursery (8 minutes), a Local Recreational Park/Play Area (8 minutes), Adderbury Stores (11 minutes using PRoW), Adderbury Library (10 minutes using PRoW) and Adderbury Post Office (11 minutes using PRoW). As such, there are a number of local services around a 15 minute walk which meets with the 'broad accessibility target' of the various guidance reference documents.
- 2.4.5 The above table demonstrates that the Appeal Site complies with the various distances contained within IHT, MfS, DfE and WYG.
- 2.4.6 Those amenities that fall outside these guidance distances are out of the village of Adderbury and are all located within either Banbury or Deddington, such as the nearest Secondary Schools, doctor's surgeries and dental practices, for example.
- 2.4.7 Clearly, pedestrians will travel further to get to a specific destination but generally, it could be considered that Deddington would be accessible by cycle and certainly by bus, thus enabling the level of vehicular travel to be minimised.
- 2.4.8 Banbury and Deddington can be accessed via a short bus journey from the site, as detailed below. The S4 service stops, for example, in the centre of Deddington, across the road from the Co-operative food store and a short walk to other day to day amenities and is around a 6 minute bus journey from the Appeal site.

- 2.4.9 Both Banbury and Deddington are also a short drive from the Appeal Site and as all of the other key amenities listed in the above table are within Banbury or Deddington these can all be visited as part of the same trip, even if it is by car, which is sustainable in itself.
- 2.4.10 Additionally, the main 'day to day' amenities such as schools, shops, bus stops, post boxes and employment opportunities are all within the 'preferred maximum' distances (2 kilometres) from the centre of the Appeal Site.
- 2.4.11 The above confirms that the site benefits from good accessibility when judged against these widely accepted walking distances criteria. Walking and cycling will be promoted and encouraged through the Travel Plan which will assist in delivering a sustainable development. Furthermore, as already stated, additional pedestrian links and off site works and contributions will be implemented as part of the Appeal proposals.

2.5 Suitability of Walking Routes

- 2.5.1 Within the CIHT document entitled 'Planning for Walking', there is reference within this document to the '5Cs of Good Walking Networks' that were defined by Transport for London (TfL) in their document entitled 'Improving Walkability' from 2005. These are as follows:
- 1. *Connected: Walking routes should connect all areas with key "attractors" such as public transport stops, schools, work and leisure destinations. Routes should connect locally and at district level, forming a comprehensive network.* The location of the existing and proposed pedestrian routes to and from the Appeal Site are 'connected' as they ensure that pedestrians can walk reasonably directly from the site to the nearby bus stops, schools and shops, for example.

- 2. *Convivial: Walking routes and public spaces should be pleasant to use and allow walkers and other road users to interact. They should be safe, inviting and enlivened by diverse activities. Ground floors of buildings should be continuously interesting. In terms of 'conviviality', the existing and proposed routes will be pleasant to use and will be, generally, lit to ensure a safe passage for all pedestrians.*
- 3. *Conspicuous: Routes should be clear and legible, if necessary, with the help of signposting and waymarking. Street names and property numbers should be comprehensively provided. The routes proposed are clear and legible to allow easy choices to be made at key junction points.*
- 4. *Comfortable: Comfortable walking requires high-quality pavements, attractive landscapes and buildings and as much freedom as possible from the noise, fumes and harassment of vehicles. Opportunities for rest and shelter should be provided. Each of the walking routes to and from the site will offer 'comfortable' routes. The surfacing of the existing routes is of a good standard and the new routes will be surfaced with high quality materials. Some of the pedestrian routes to and from the site are also free from 'noise, fumes and harassment of vehicles' as they are lightly trafficked.*
- 5. *Convenient: Routes should be direct and designed for the convenience of those on foot, not those in vehicles. This should apply to all users, including those whose mobility is impaired. Road crossings should be provided as of right and on desire lines. Each of the routes are reasonably direct and follow mostly existing roads within the village. The improvements proposed will ensure that the routes are designed as safe routes for all users.*

2.5.2 As such, the existing and proposed pedestrian routes meet the aspirations of each of these criteria and ensuring that the pedestrian routes to and from the Appeal Site are connected, convivial, conspicuous, comfortable and convenient.

- 2.5.3 In light of the above, it has been demonstrated that the Appeal proposals and associated footpath linkages will be in line with the guidance contained within local and national guidance and allow pedestrian travel to and from the site to be maximised.

2.6 Accessibility by Cycle

- 2.6.1 An alternative mode of travel to the site could be achieved by bicycle.
- 2.6.2 An acceptable and comfortable walk distance for general cycling is referenced as being up to 5 kilometres in the DfT Local Transport Note 2/08. The same guidance also includes a reference to commuting cycling with distances of up to 8 kilometres. A cycle route plan is enclosed as **Plan 10**.
- 2.6.3 A distance of 5 kilometres is generally accepted as a distance where cycling has the potential to replace short car journeys. This distance equates to a journey of around 25 minutes based on a leisurely cycle speed of 12 kilometres per hour and would encompass the whole of Adderbury, Banbury, Bloxham, Bodicote, Kings Sutton and Deddington.
- 2.6.4 National cycle route 5 is located approximately 4 kilometres west from the centre of the site, this cycle route runs through local surrounding areas such as Bloxham, Bodicote, Barford St Michael and Banbury. This cycle route also runs further south and into Oxford City Centre. The route to the NCR5 from the site travels along Berry Hill Road and Milton Road.
- 2.6.5 The Appeal site can, therefore, be considered as being accessible by cycle.
- 2.6.6 To consider the Appeal Site's accessibility by cycle, **Table 2.8** sets out a number of local facilities and assesses against the cycling distance criteria detailed in paragraph 2.6.2 above.

Facility	Name	Cycle Distance	Journey Time	Compliance with...
Nursery	Adderbury Day Nursery	710m	4 mins	Complies with 5km LTN and 8km NTS distances
Primary School	Christopher Rawlins Church of England Primary School	2,000m	10.1 mins	Complies with 5km LTN and 8km NTS distances
		1,680m (Oxford Road)	8.5 mins	Complies with 5km LTN and 8km NTS distances
Secondary School	Blessed George Napier Catholic School	5,750m	29 mins	Outside the 5km LTN Complies with 8km NTS distance
Local Services	Adderbury Stores	1,520m	8.1 mins	Complies with 5km LTN and 8km NTS distances
Local Services	Adderbury Library	1,410m	7.1 mins	Complies with 5km LTN and 8km NTS distances
Post Office	Adderbury Post Office	1,530m	8.1 mins	Complies with 5km LTN and 8km NTS distances
Supermarket	Co-operative	3,450m	17.4 mins	Complies with 5km LTN and 8km NTS distances
Doctor's Surgery	Deddington Health Centre	3,330m	17.1 mins	Complies with 5km LTN and 8km NTS distances
Pharmacy	Delmergate Pharmacy	3,450m	17.4 mins	Complies with 5km LTN and 8km NTS distances
Dentist	Deddington Dental	3,520m	18.2 mins	Complies with 5km LTN and 8km NTS distances
Amenity/Open Space	Recreational Play Area	630m	3.2 mins	Complies with 5km LTN and 8km NTS distances
Key Empl Area	Twyford Mill Estate	720m	4 mins	Complies with 5km LTN and 8km NTS distances
Key Empl Area	Deddington Fire Station	3,040m	15.4 mins	Complies with 5km LTN and 8km NTS distances
Key Empl Area	Banbury Business Park	3,100m	16 mins	Complies with 5km LTN and 8km NTS distances

Key Empl Area	Johnsons & Co (Deddington)	3,700m	19.1 mins	Complies with 5km LTN and 8km NTS distances
Key Empl Area	Bloxham Mill Business Centre	5,000m	25.3 mins	Complies with 5km LTN and 8km NTS distances
Key Empl Area	RAF Barford St John	5,550m	28.2 mins	Outside the 5km LTN Complies with 8km NTS distance

Table 2.8 -Distance from Site and Cycle Times to Local Facilities

2.6.7 As can be seen above, the Appeal Site has been demonstrated to be accessible by cycle. The above table shows that the site lies well within accepted cycle distance criteria to all nearby 'day to day' amenities and employment areas.

2.7 Accessibility by Bus

2.7.1 An effective public transport system is essential in providing good accessibility for large parts of the population to opportunities for work, education, shopping, leisure and healthcare in the town and beyond.

2.7.2 As part of the development, two new bus stops are proposed as an improvement along the A4260 Oxford Road, approximately 350 metres south from the centre of the developable site, and therefore within a 5 minute walk.

2.7.3 The nearest existing bus stops are located to the west of the site on Horn Hill Road, with an approximate walking distance of 480 metres from the centre of the developable site, around a 6 minute walk.

2.7.4 The nearest bus stops to the Appeal site and their associated walking distances and times are summarised in **Table 2.9** below;

Bus Service	Location	Distance	Walk Time
S4	Hill Horn Road	480m	6.1 mins
S4	A4260 Oxford Road (Proposed)	350m	4.1 mins

Table 2.9 –Bus Stop Distances and Walking Times from Centre of Appeal Site

- 2.7.5 The above bus stops and walking routes are also identified in **Plan 9**, which show the walking routes to all local transport nodes.
- 2.7.6 The existing bus stops are accessed via Berry Hill Road and Hill Horn Lane, to the north west of the Appeal site whilst the proposed bus stops will be accessed via the proposed footway on Berry Hill Road and Oxford Road, using the proposed pedestrian crossing points, including a formal one across Oxford Road with a pedestrian refuge island to provide a safer crossing of the carriageway.
- 2.7.7 A summary of the services available from the nearest bus stops from the development site is provided in **Table 2.10** below.

Service No	Route	Monday – Friday Frequency per hour				Sat	Sun
		AM Peak	Midday	PM Peak	Eve		
S4	Oxford City Centre – Banbury Town Centre	1	1	1	1	1 every 1 hour 30 mins	1 every 1 hour 30 mins

Table 2.10 Existing Bus Provision in the Vicinity of the Appeal Site

- 2.7.8 As can be seen from Table 2.9, the nearest bus stops to the site provide services to and from Banbury and Oxford City Centre which are likely to be the main area of employment for potential residents of the development
- 2.7.9 The first northbound bus service from the bus stops on Horn Hill Road between Monday to Saturday departs at 08:07 and arrives in Banbury Town Centre at 08:28, whilst the first bus services travelling southbound depart at 06:11 and 07:24 and arrive in Oxford City Centre at 07:05 and 08:24 hours respectively. The last bus to depart Banbury Town Centre Monday to Saturday is at 18:50 whilst the last bus to depart Oxford City Centre is at 20:20.
- 2.7.10 Based on this, it can be concluded that the local bus service provides an appropriate option for commute trips to and from Banbury and Oxford, which are the main areas of employment for potential residents of the development.
- 2.7.11 This provides a good level of bus provision to allow all residents at the Appeal Site to travel to and from the area by bus, and in particular those visiting the town centre and city centre which could include all types of journey purpose but in particular commuting.

- 2.7.12 The Appeal Site is just a 20 minute bus journey from Banbury Town Centre and a 55 minute bus journey from Oxford City Centre.
- 2.7.13 It is important to note that as part of the appeal proposals the Appellant is proposing to provide two new bus stops with road markings and bus shelter provided along Oxford Road, shown on **Plan 2**. It is also worth noting that these bus stops could also include some cycle parking to encourage the potential for linked sustainable trips using both cycle and bus travel.
- 2.7.14 With the provision of these improvements, this will further improve the existing bus service provision in the vicinity of the site and it can be concluded that the site is highly accessible by bus.

2.8 Access by Rail

- 2.8.1 The nearest train station to the Appeal Site is Banbury train station, although this is located outside of the recommended 2 kilometre walking distance, it is accessible via a 4 minute walk to the nearest bus stops, a 20 minute bus journey from the site to Banbury bus station and a 4 minute walk, equating to a combined journey time from the site of around 28 minutes.
- 2.8.2 Banbury rail provides frequent, regular and direct services to destinations such as Oxford, Birmingham New Street, London Marylebone and Manchester Piccadilly (Via Coventry and Stoke-on-Trent) throughout the week.
- 2.8.3 The station provides 6 services per hour to Oxford (approx. 29 minute journey), Coventry (approx. 29 minute journey), Birmingham New Street (approx. 51 minute journey) and London Marylebone (approx. 59 minute journey).

2.8.4 It is also worth noting that the station provides a car park with 978 spaces and 14 accessible spaces, this provides opportunities to park and ride from the station. Additionally, Banbury train station also offers 63 cycle storage spaces.

2.8.5 It is therefore concluded that the proposed development site is accessible by rail.

2.9 Compliance with Policies included Within Reason for Refusal

2.9.1 The proposals are consistent with NPPF as follows:

- Paragraph 34 states that 'developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised'. The Appeal proposals include a substantial level of sustainable transport improvements to ensure that the use of sustainable transport modes are maximised and the need to travel by car minimised.
- Paragraph 38 states that within large scale developments 'Where practical...key facilities such as primary schools and local shops should be located within walking distance of most properties'. The improvements proposed for the Appeal Site will ensure that the 'key facilities' detailed in Paragraph 38 of the NPPF will be located 'within walking distance of most properties'.

- Paragraph 70 states that planning policies and decisions should, amongst other things, 'ensure an integrated approach to considering the location of housing, economic uses and community facilities and services'. This Statement has demonstrated that this will be the case.
- Paragraph 72 states that '*The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education*'. This Statement has demonstrated that the Appeal Site has been demonstrated to be within the various national guideline walking distances and well within the DfE maximum walking distances for primary schools.

2.9.2 In terms of the local policy referred to in the first reason for refusal this relates to Policies ESD₁, BSC₁, SLE₄ and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Saved Policy H18 of the Cherwell Local Plan 1996.

2.9.3 In relation to new development, the pertinent section of Policy ESD₁ is enclosed below:

'Policy ESD₁: Mitigating and Adapting to Climate Change

Measures will be taken to mitigate the impact of development within the District on climate change. At a strategic level, this will include:

- *Distributing growth to the most sustainable locations as defined in this Local Plan.*
- *Delivering development that seeks to reduce the need to travel and which encourages sustainable travel options including walking, cycling and public transport to reduce dependence on private cars.*

- *Designing developments to reduce carbon emissions and use resources more efficiently, including water (see Policy ESD 3 Sustainable Construction).*
- *Promoting the use of decentralised and renewable or low carbon energy where appropriate (see Policies ESD 4 Decentralised Energy Systems and ESD 5 Renewable Energy).*

2.9.4 The Appeal proposals have been demonstrated within this Statement as being development that reduces the need to travel and which encourages sustainable travel options and they therefore accord with Policy ESD1 in terms of transport and accessibility.

2.9.5 Policy BSC1 refers to the 'District Wide Housing Distribution' and contains no pertinent transport policies therein.

2.9.6 Policy SLE4 is as follows:

'Policy SLE4: Providing Travel Choice

The Council will support the implementation of the proposals in the Movement Strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth.

We will support key transport proposals including:

- *Transport Improvements at Banbury, Bicester and at the Former RAF Upper Heyford in accordance with the County Council's Local Transport Plan and Movement Strategies.*
- *Projects associated with East-West rail including new stations at Bicester Town and Water Eaton.*
- *Rail freight associated development at Graven Hill, Bicester.*
- *Improvements to M40 junctions.*

Consultation on options for new link and relief roads at Bicester and Banbury will be undertaken through the Local Transport Plan (LTP) review process. Routes identified following strategic options appraisal work for LTP4 will be confirmed by the County Council and will be incorporated in Local Plan Part 2.

New development in the District will be required to provide financial and/or in-kind contributions to mitigate the transport impacts of development.

All development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. Encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.

- 2.9.7 The last paragraph of this Policy is the only pertinent part of this particular policy with regards to this Appeal Site. As has been demonstrated earlier in this Statement, the Appellant will provide off site improvements and contributions to additional off site works to mitigate transport impacts of the development.
- 2.9.8 Furthermore, this Statement has demonstrated that the proposals facilitate the use of public transport, walking and cycling which support reductions in greenhouse gas emissions and reduce congestion.
- 2.9.9 Policy Villages 2 of the Cherwell Local Plan is as follows:

Policy Villages 2:

Distributing Growth across the Rural Areas A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014.

Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

In identifying and considering sites, particular regard will be given to the following criteria:

- *Whether the land has been previously developed land or is of lesser environmental value.*
- *Whether significant adverse impact on heritage or wildlife assets could be avoided.*
- *Whether development would contribute in enhancing the built environment.*
- *Whether best and most versatile agricultural land could be avoided.*
- *Whether significant adverse landscape and impacts could be avoided.*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided*
- *Whether the site is well located to services and facilities.*
- *Whether necessary infrastructure could be provided.*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period.*
- *Whether land the subject of an application for planning permission could be delivered within the next five years.*
- *Whether the development would have an adverse impact on flood risk.*

- 2.9.10 As has been demonstrated with this Statement, the Appeal Site 'is well located to services and facilities' and will provide the 'necessary infrastructure' can be provided through a range of off site highways works and contributions, as agreed with OCC.
- 2.9.11 Saved Policy H18 of the Cherwell Local Plan 1996 is as follows:
- 'Planning permission will only be granted for the construction of new dwellings beyond the built-up limits of settlements other than those identified under policy h1 when (i) it is essential for agriculture or other existing undertakings, or (ii) the proposal meets the criteria set out in policy h6; and (iii) the proposal would not conflict with other policies in this plan.'*
- 2.9.12 Policy H6 does not consist of any transport based elements and as such this policy is irrelevant to the transport and sustainability issues relating to the Appeal proposals.
- 2.9.13 In light of the above, it is clear that the Appeal Site is appropriately accessible and will cater for needs of the development's residents and visitors and assist in promoting a choice of travel modes other than the private car. The proposals, therefore, accord with the relevant parts of Policies ESD₁, BSC₁, SLE₄ and Villages 2 of the Cherwell Local Plan (2011-2031) Part 1 and Saved Policy H18 of the Cherwell Local Plan 1996 and the National Planning Policy Framework.

3 CONCLUSIONS

3.1.1 This Statement has considered the sustainable credentials of the Appeal Site. The following lists the conclusions of this Statement:

- The Appeal Site has good accessibility on foot and by cycle and the proposals will provide a substantial level of additional links and contributions to improve the accessibility of the proposals on foot and by cycle.
- The Appeal Site is within a short walk of a number of local services and day to day amenities such as shops, schools and other 'day to day' facilities.
- The Appeal Site meets with the walking distance criteria set out in the various guidance documents.
- The Appeal Site will also be accessible by public transport and the provision of two new bus stops on Oxford Road will enable residents to access the bus services which operate in the vicinity of the site and serve areas including Banbury Town Centre and Oxford City Centre.
- The Appeal Site provides potential for travel by rail, with the nearest bus services traveling into Banbury Town Centre, just a short walk from Banbury train station.
- The Appeal Site accords with the general principles of the pertinent local and national planning policies specifically referred to in the first reason for refusal.
- The Appeal proposals will also improve the general accessibility of Adderbury as a village with the improvements proposed which can be enjoyed by all residents, current and future.

3.1.2 This Statement has confirmed that the site is in a sustainable location, is reasonably close to local services and facilities and would result in a development where future occupiers would have access to a range of sustainable alternatives to the private car for day to day needs.

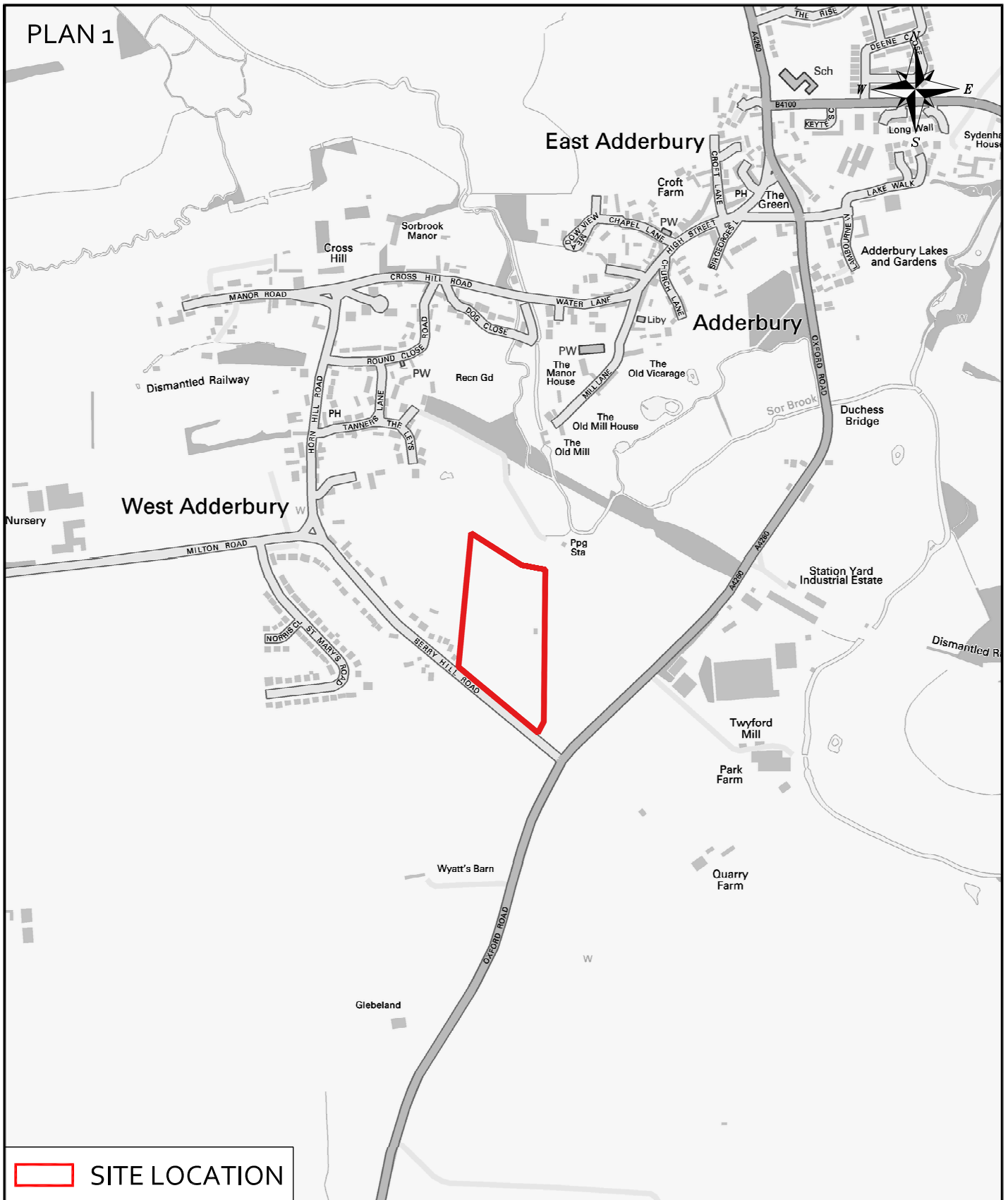
3.1.3 Furthermore, there are two sites located in western Adderbury, north and south of Milton Road. The centre of the site to the south of Milton Road was allowed at appeal. The Inspector addressed locational sustainability briefly in their paragraph 14:

'It is said that it is about 1km from the centre of the village by existing footpaths. The village of Adderbury contains a number of facilities including a shop, a post office, churches, a public house, recreation and sports grounds and primary and secondary schools are in nearby settlements. In this sense it was generally agreed that the village is a sustainable one where new development could be accommodated.'

3.1.4 The centre of the site to the south of Milton Road is around 370 metres from the junction between Milton Road/Horn Hill Road/Berry Hill Road; the centre of the developable area of the Appeal Site is around 460 metres from the junction. From the junction, journeys to services/facilities in the centre of the village would be the same distance. The difference in getting to the junction is only around 90 metres, around a minute's walk, which is not significant, particularly as the Appeal proposals incorporate a new footway along Berry Hill Road. If the sites north and south of Milton Road were deemed locationally sustainable, so too should the appeal site. It is also relevant that the appeal site would be closer to some services/facilities than the Milton Road sites. For example, it would be a shorter walk to the Adderbury Day Nursery and employment at Twyford Mill Estate, east of Oxford Road.

PLANS

PLAN 1



 SITE LOCATION

HOLLINS STRATEGIC LAND

**PROPOSED RESIDENTIAL DEVELOPMENT
BERRY HILL ROAD, ADDERBURY
SITE LOCATION PLAN**

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CROFT

1818

DRAWN: GM

DATE: 02.06.20

CHECKED: SM

DATE: 02.06.20

SCALE: NTS @ A4

DRAWING NUMBER: 1899-01

REVISION: -

NOTES

THIS IS NOT A CONSTRUCTION DRAWING AND IS FOR INDICATIVE PURPOSES ONLY. IT IS SUBJECT TO FURTHER DESIGN ANALYSIS, TOPOGRAPHICAL MAPPING & HIGHWAY/THIRD PARTY LAND BOUNDARIES.

- INDICATIVE SITE BOUNDARY
- DENOTES NEW KERBS
- EXISTING ADOPTED HIGHWAY (BASED ON OS)
- DENOTES NEW 0.5M VERGE
- EXISTING DRIVEWAY

H	BUS STOPS MOVED SOUTH	LB	SM	JUN 20
F	1.5M FOOTWAY 0.5 VERGE ADDED	LB	JC	NOV 19
E	EXTRA OS ADDED	LB	MC	OCT 19
D	BASED ON OS PLAN	LB	JC	AUG 19
C	BUS STOPS ADDED	LB	MC	JUL 19
A	DESIGN BASED ON FULL TOPO SURVEY	JC	PJW	APR 18
	ACCESS LOCATION MOVED NORTH	JC	PJW	SEP 17
REV.	DETAILS	DRAWN	CHECKED	DATE

CLIENT: **HOLLINS STRATEGIC LAND**

PROJECT: **BERRY HILL ROAD, ADDERBURY**

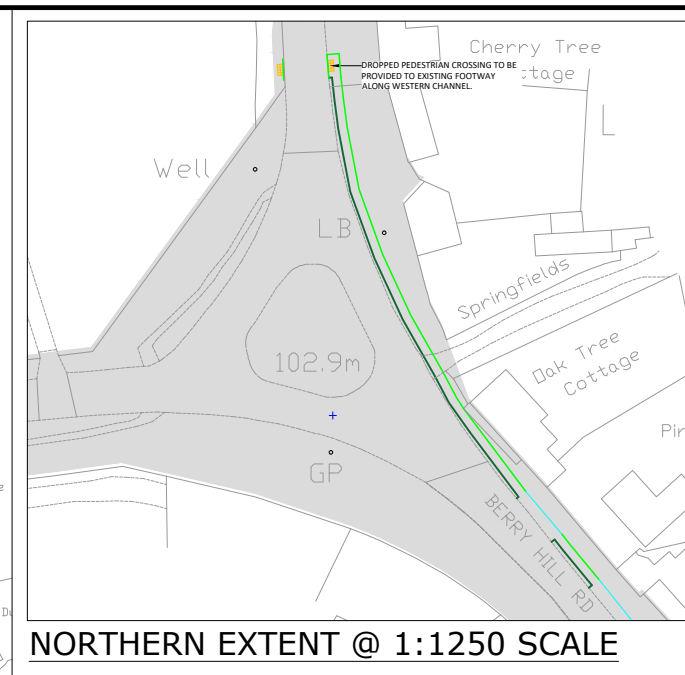
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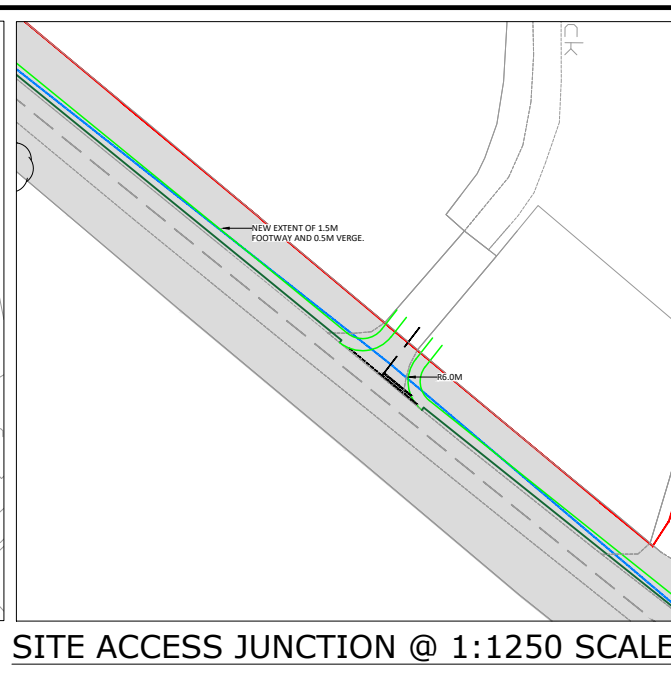
DRAWN: **JC** CHECKED: **PJW** DATE: **SEP 17**

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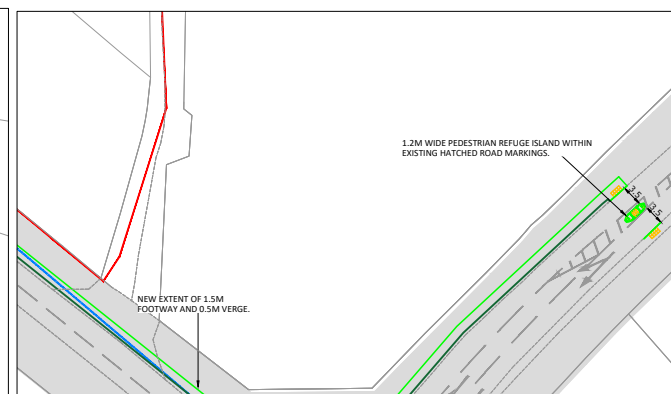
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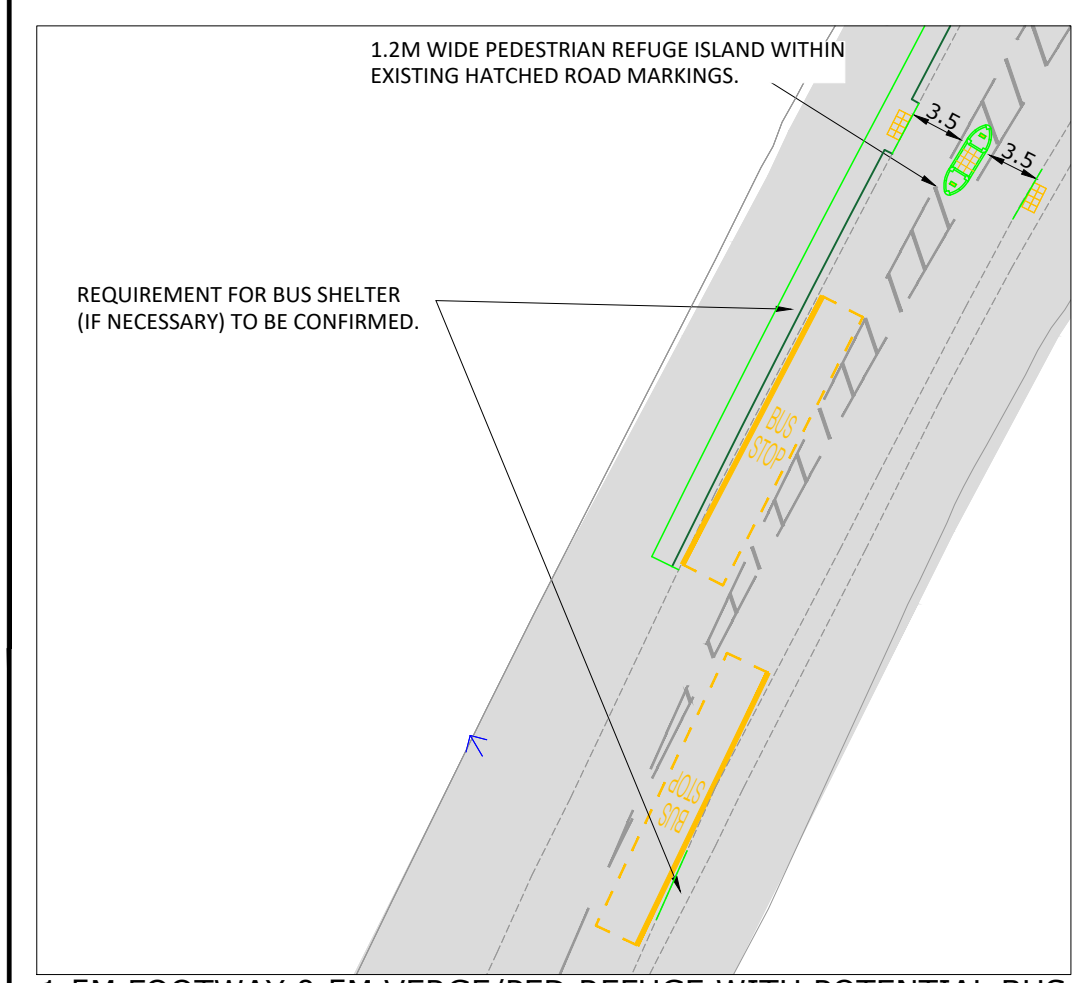
NORTHERN EXTENT @ 1:1250 SCALE



SITE ACCESS JUNCTION @ 1:1250 SCALE

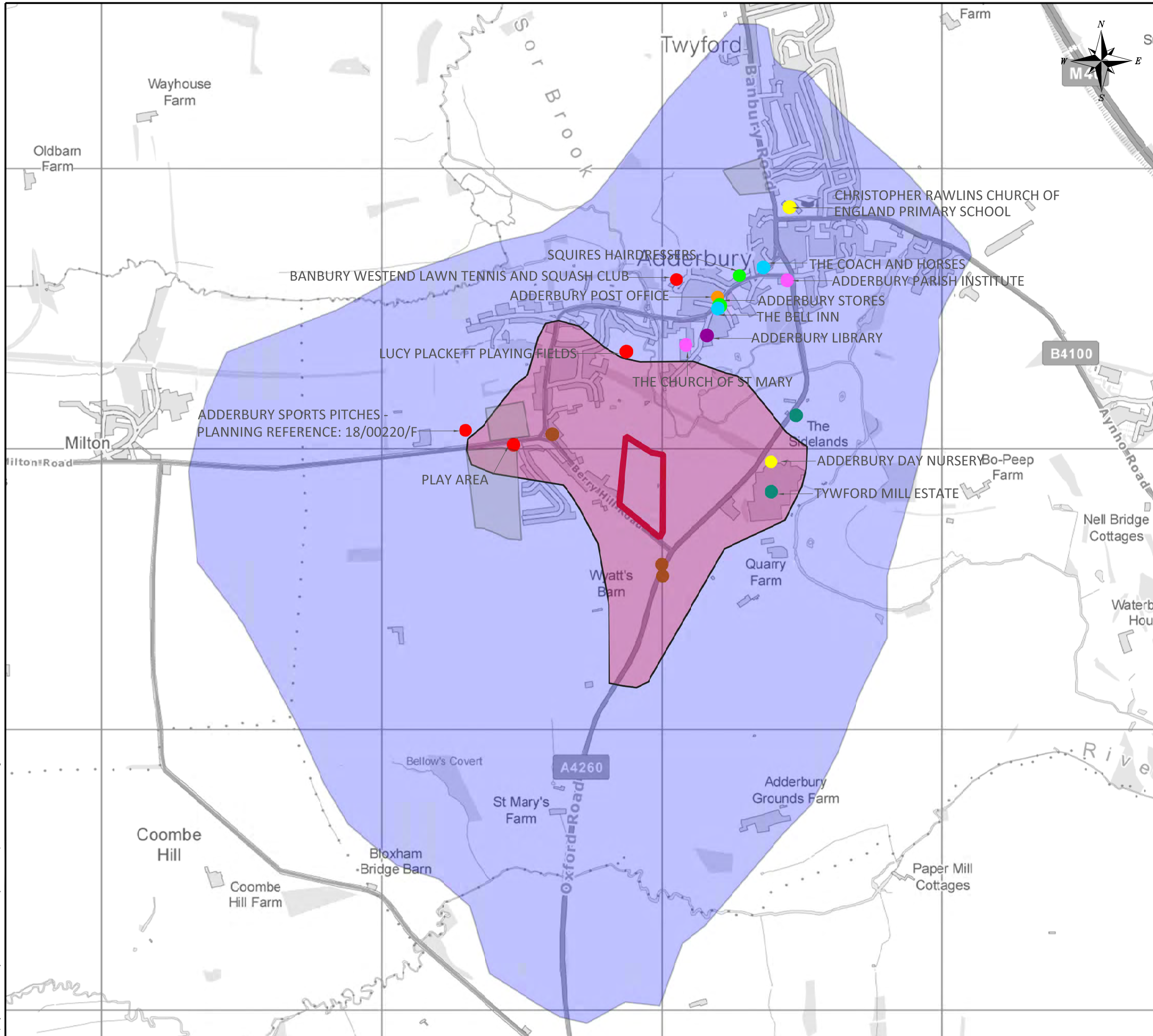


PEDESTRIAN CROSSING POINTS @ 1:1250 SCALE



1.5M FOOTWAY 0.5M VERGE/PED REFUGE WITH POTENTIAL BUS STOP LOCATIONS @ 1:500 SCALE

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- Site Location
- Future Committed Development
- 800m Pedestrian Catchment
- 2km Pedestrian Catchment
- Nearest Bus Stops
- Education
- Community Facilities
- Cafe/Takeaway/Public House
- Retail
- Business/Employment/Industrial
- Library
- Leisure/Sport
- Post Office

REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT:
HOLLINS STRATEGIC LAND

PROJECT:
BERRY HILL ROAD, ADDERBURY

DRAWING TITLE:
800M & 2KM PEDESTRIAN CATCHMENTS WITH AMENITIES

SCALES:
NTS @ A3

DRAWN: GM	CHECKED: SM	DATE: MAY 20
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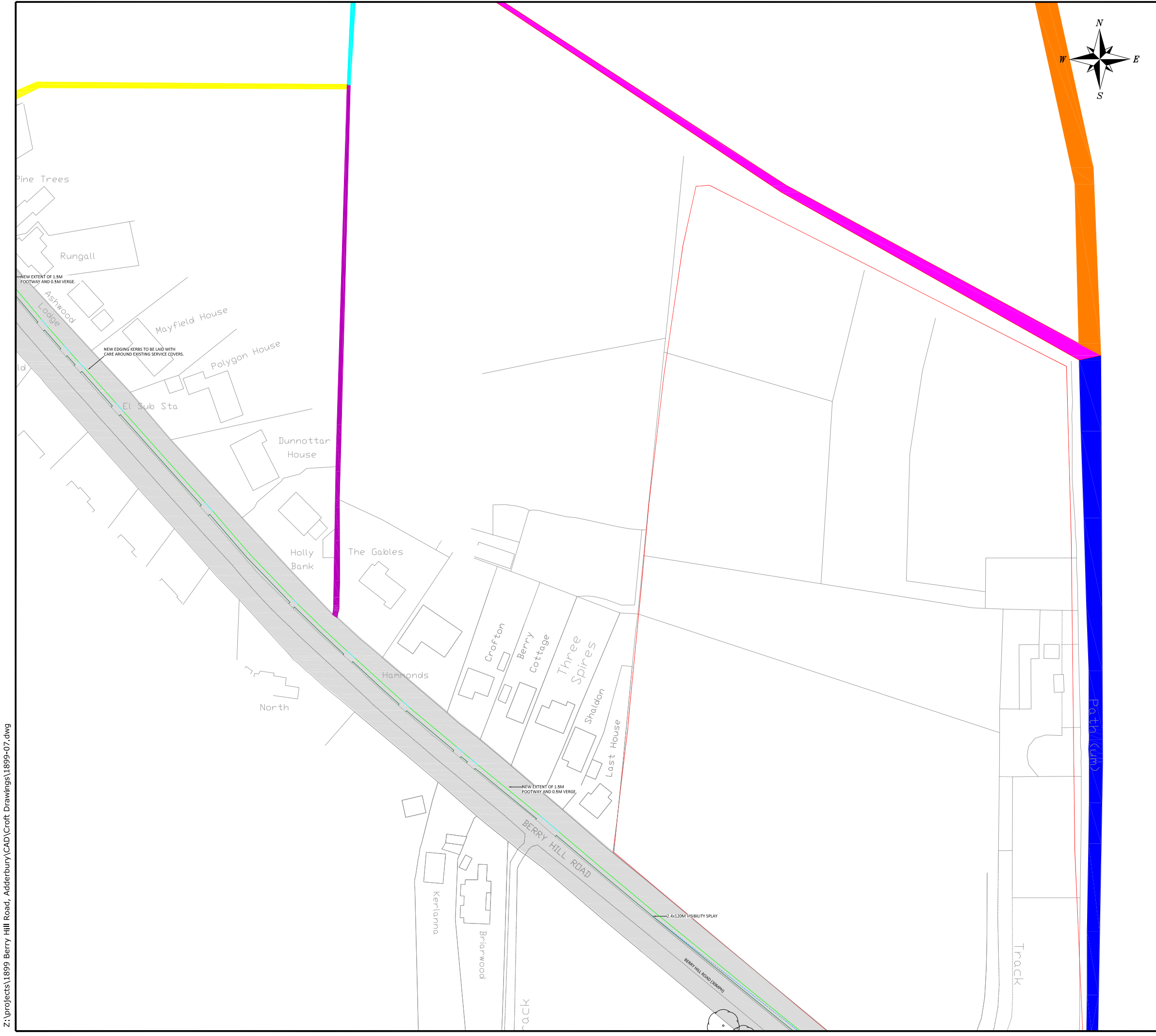
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NOTES **PLAN 4**

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- INDICATIVE SITE BOUNDARY
- DENOTES NEW KERBS
- EXISTING ADOPTED HIGHWAY (BASED ON OS)
- DENOTES NEW 0.5M VERGE
- EXISTING DRIVEWAY
- INDICATIVE PUBLIC RIGHT OF WAY (101/13/30)
- INDICATIVE PUBLIC RIGHT OF WAY (101/13/20)
- INDICATIVE PUBLIC RIGHT OF WAY (101/6/10)
- INDICATIVE PUBLIC RIGHT OF WAY (101/24/20)
- INDICATIVE PUBLIC RIGHT OF WAY (101/24/30)
- INDICATIVE PUBLIC RIGHT OF WAY (101/7/10)

REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT:
HOLLINS STRATEGIC LAND

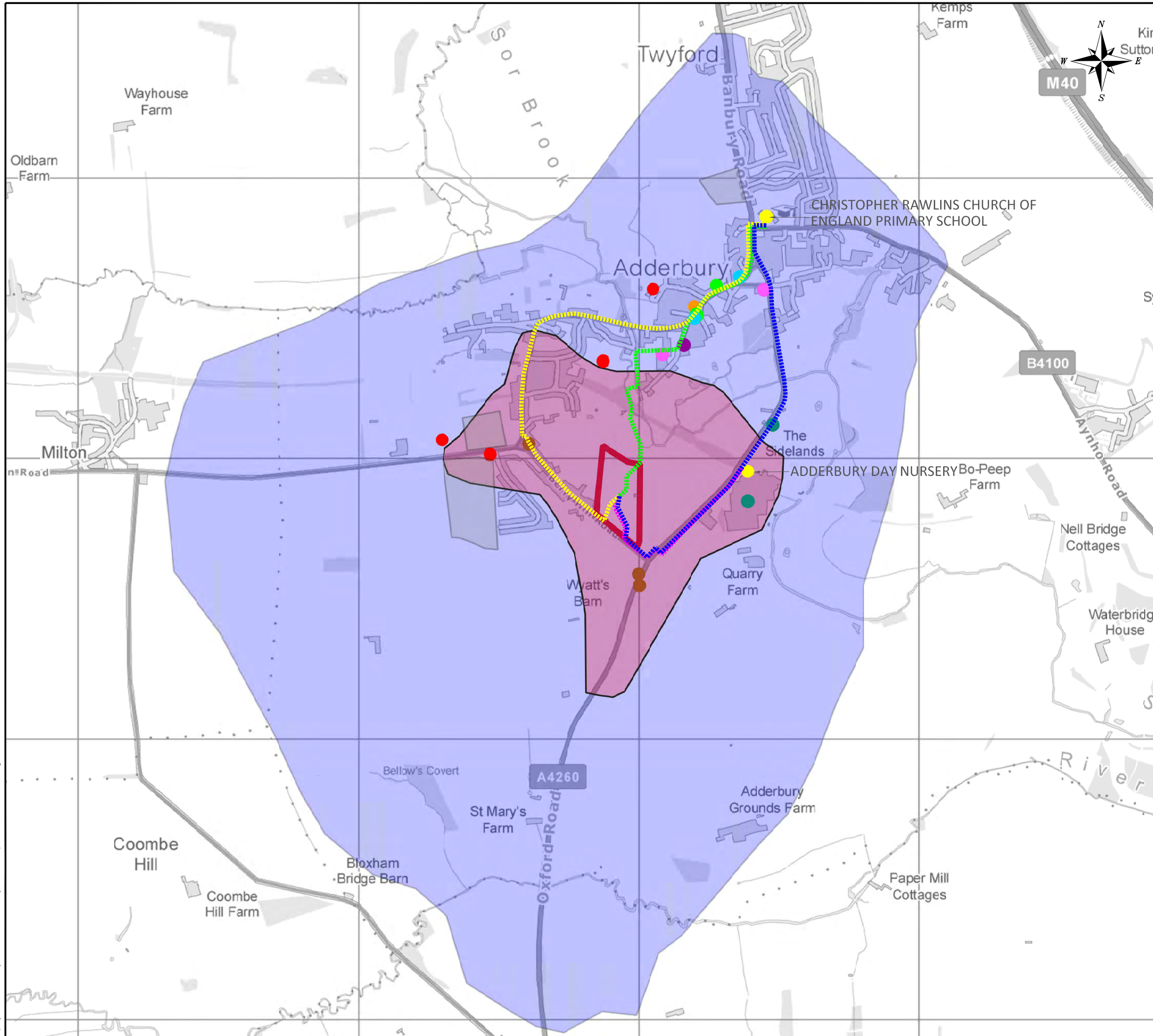
PROJECT:
BERRY HILL ROAD, ADDERBURY

DRAWING TITLE:
PUBLIC RIGHT OF WAY PLAN

SCALES:
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DRAWN: GM	CHECKED: SM	DATE: JUN 20
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DRAWING NUMBER: 1899-07	REVISION: -



PLAN 5

NOTES

- ▭ Site Location
- ADDERBURY DAY NURSERY WALKING ROUTE (710 METRES)
- CHRISTOPHER RAWLINGS CHURCH OF ENGLAND PRIMARY SCHOOL WALKING ROUTE (2,000 METRES)
- CHRISTOPHER RAWLINGS CHURCH OF ENGLAND PRIMARY SCHOOL WALKING ROUTE USING PROW'S (1,390 METRES)
- CHRISTOPHER RAWLINGS CHURCH OF ENGLAND PRIMARY SCHOOL WALKING ROUTE USING OXFORD ROAD (1,680 METRES)

REV	DETAILS	DRAWN	CHECKED	DATE

CLIENT:

HOLLINS STRATEGIC LAND

PROJECT:

BERRY HILL ROAD, ADDERBURY

DRAWING TITLE:

WALKING ROUTE TO SCHOOLS AND NURSERIES

SCALES:

NTS @ A3

DRAWN: GM	CHECKED: SM	DATE: MAY 20
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