



ROMAN **SUMMER**



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## PLANNING AND AFFORDABLE HOUSING STATEMENT

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LAND SOUTH OF STOCKING LANE / NORTH OF RATTLECOMBE ROAD, SHENINGTON

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FEBRUARY 2022

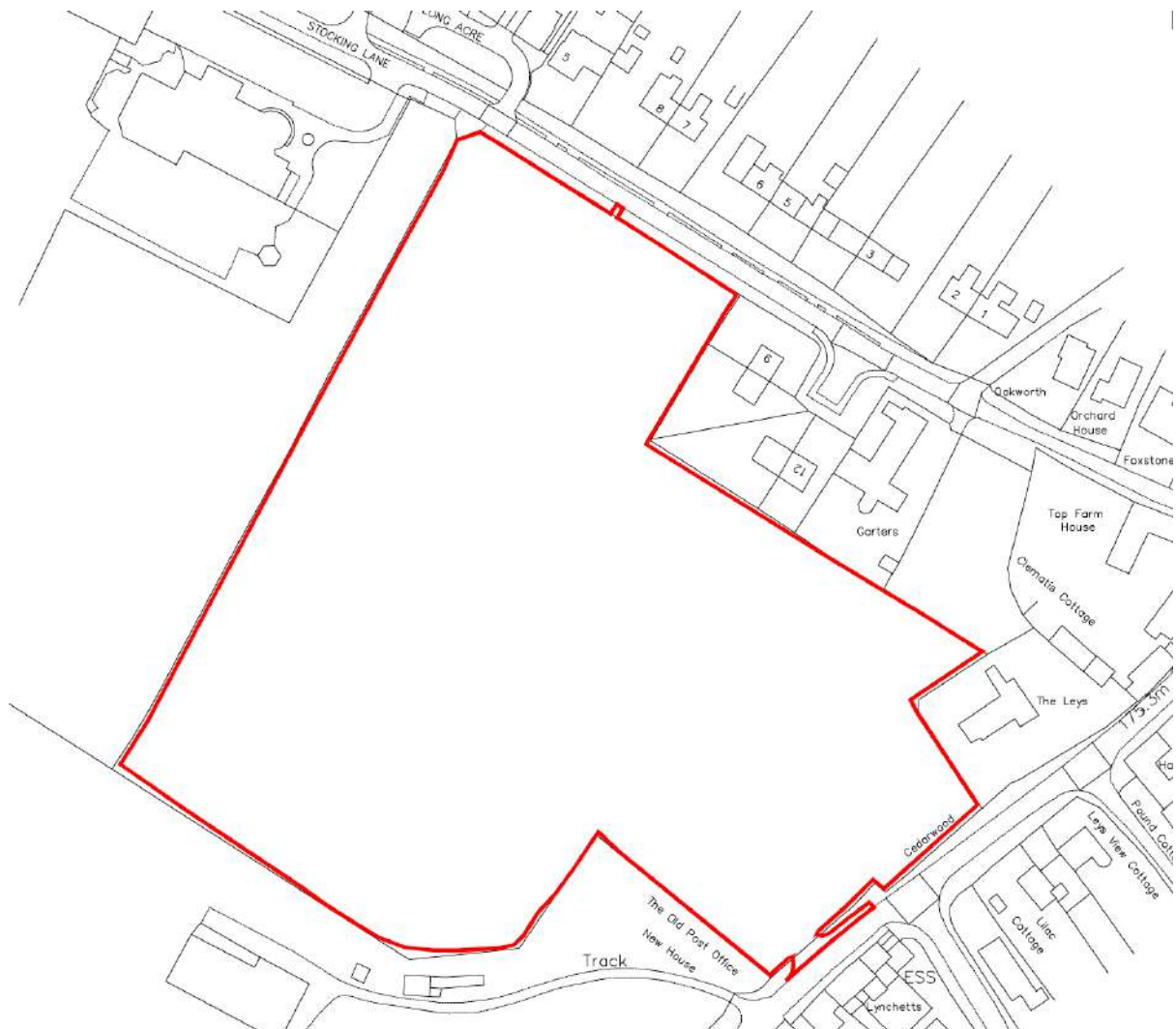
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*Appendix 1 – LPA's Pre-Application Response*

## 1.0 Introduction

- 1.1 This Planning Statement supports an application submitted by *Elan Homes, George Arthur Mcpherson Coles, Sarah Garstin and Frederick Leach* that seeks full planning permission on land to the south of Stocking Lane / north of Rattlecombe Road, Shenington for the erection of 49 dwellings (17 of which (35%) will be affordable homes) with associated garages, parking and refuse storage, private gardens and communal open space / play space, hard and soft landscaping (including SUDs feature and means of enclosure, reinstatement of hedging and ironstone walling along Rattlecombe Road), all to be accessed (by vehicles and pedestrians) via Rattlecombe Road and (pedestrians / cycles only) via Stocking Lane (application site boundary marked red below).



- I.2 While the site falls within the countryside, it is a relatively discrete and contained parcel of land that represents a logical and sustainable location to create quality new homes and open space that will ultimately form part of the settlement of Shenington.
- I.3 The Council acknowledges that it cannot currently demonstrate a sufficient supply of housing land. In this regard, we note the outcome of appeal APP/C3105/W/21/3271094 (Land at Bretch Hill, Banbury – 49 houses) on 1<sup>st</sup> June 2021, during which the LPA adjusted its stance on housing supply matters at a late stage in the process. In summarising the position, Inspector Braithwaite wrote:

4. The Council refused the application for five reasons in which they cited conflict with policies of The Cherwell Local Plan 2011-2031 (LP). The National Planning Policy Framework (NPPF) requires the Council to maintain a supply of land for housing "...sufficient to provide a minimum of five years' worth of housing against their housing requirement...". In a Statement of Common Ground (SoCG) dated 4 May 2021 it is stated that "...it is accepted that the Council cannot do so". Consequently, by virtue of paragraph 11(d) of the NPPF and Footnote 7 on page 6, and as stated in the SoCG, the aforementioned LP policies "...are 'out-of-date' and this appeal can only fail if the Council can demonstrate that any adverse effects of the proposal would significantly and demonstrably outweigh the benefits...". It is also stated that "The Council accepts that it cannot demonstrate this and that this appeal should be allowed". The Council has, in effect, withdrawn the five reasons for refusal of the application.

- I.4 On 10<sup>th</sup> January 2022, the Council adopted its latest Annual Monitoring Report, which confirmed a reduced supply of 3.8 years, which is forecast to reduce still further to 3.5 years between 2022-26.
- I.5 The housing supply is therefore considerably short of the required *minimum* of 5 years, and in that regard the 'tilted balance' applies as set out in paragraph 11 of the NPPF. That states that planning decisions should apply a presumption in favour of sustainable development when policies which are 'most important' for determining the application are out-of-date (as they are in this case given the absence of a 5 year supply of housing land), unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development, 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.



- I.6 We explain in this Planning Statement why we consider the proposal to be sustainable, delivering economic, social and environmental benefits. While we acknowledge a degree of inconsistency with the development plan (in respect of policies relating to development in the countryside and 'Category C' villages), we consider that the circumstances and benefits of the scheme outweigh that. Considering the wording of NPPF §11, we contend that the adverse impacts of approving this application will not 'significantly and demonstrably' outweigh the benefits.
- I.7 In formulating this application, regard has been given to the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004, which confirms that planning decisions should be taken on the basis of policies of the development plan, unless other material considerations dictate otherwise. In this Planning and Affordable Housing Statement we explain why we consider the application is largely consistent with the principal policies of the development plan.
- I.8 The proposal has been formulated to respect local context and the wider setting of this site, including the surrounding countryside and the adjacent Conservation Area, and to respond to the undoubted need for more market and affordable housing in Cherwell District.
- I.9 This Statement seeks to summarise the content of the planning application and the proposals in a clear and informative way. The Statement assesses the merits of the planning application against prevailing planning policies at both the national and local level, as well as considering policies and guidance emerging in relevant new policy documents, and other material considerations. It brings together the supporting information that accompanies the planning application.

### **Application Content**

- I.10 A comprehensive set of drawings and documents are submitted to support the application, reflecting the helpful pre-application advice provided by the LPA. These should be considered alongside one another to provide a rounded, informed and comprehensive assessment of the proposal. The application as a whole comprises:
- Application forms and certificates (completed by Roman Summer Associates Ltd);

- This Planning and Affordable Housing Statement (Roman Summer Associates Ltd);
- Design & Access Statement (Studio RBA);
- Statement of Community Engagement (Elan Homes);
- Landscape & Visual Impact Assessment (TEP);
- Phase I Geo-Environmental Site Assessment (Discovery CE Limited);
- Phase II Geo-Environmental Site Assessment (Discovery CE Limited);
- Arboricultural Impact Assessment and Method Statement (Tree Solutions);
- Transport Statement (including Residential Travel Plan Framework) (Highways Advice) to be read alongside the following drawings :
  - 2738-001 - Swept Path Analysis Using a Large Car
  - 2738-002 - Swept Path Analysis Using a Large Refuse Vehicle
- Preliminary Ecological Appraisal (TEP);
- Historic Environment Desk-based Assessment (TEP);
- Agricultural Land Classification and Soil Resources (Reading Agricultural Consultants);
- Noise Assessment (Enzygo Limited);
- Air Quality Screening Assessment (Enzygo Limited);
- Flood Risk Assessment and Outline Drainage Strategy (Baynham Meikle Partnership Ltd) to be read alongside the following drawings :
  - SKI03A – Proposed Levels Strategy
  - SKI04A – Proposed Drainage Strategy
- Drawings as listed in the submitted Drawing Register (Elan Homes).

1.11 The remainder of this Planning Statement is structured as below :

- Section 2.0 describes the site, surroundings, background and proposed development, and our response to the LPA's pre-application feedback letter (which is reproduced in full at Appendix 1);
- Section 3.0 summarises national and local planning policies relevant to the application;
- Section 4.0 assesses the proposed development against planning policy and addresses other material considerations and the planning balance;
- Section 5.0 sets out our conclusions.

## 2.0 Description of the Site, Proposal & Pre-Application Feedback

### The Site and Surroundings

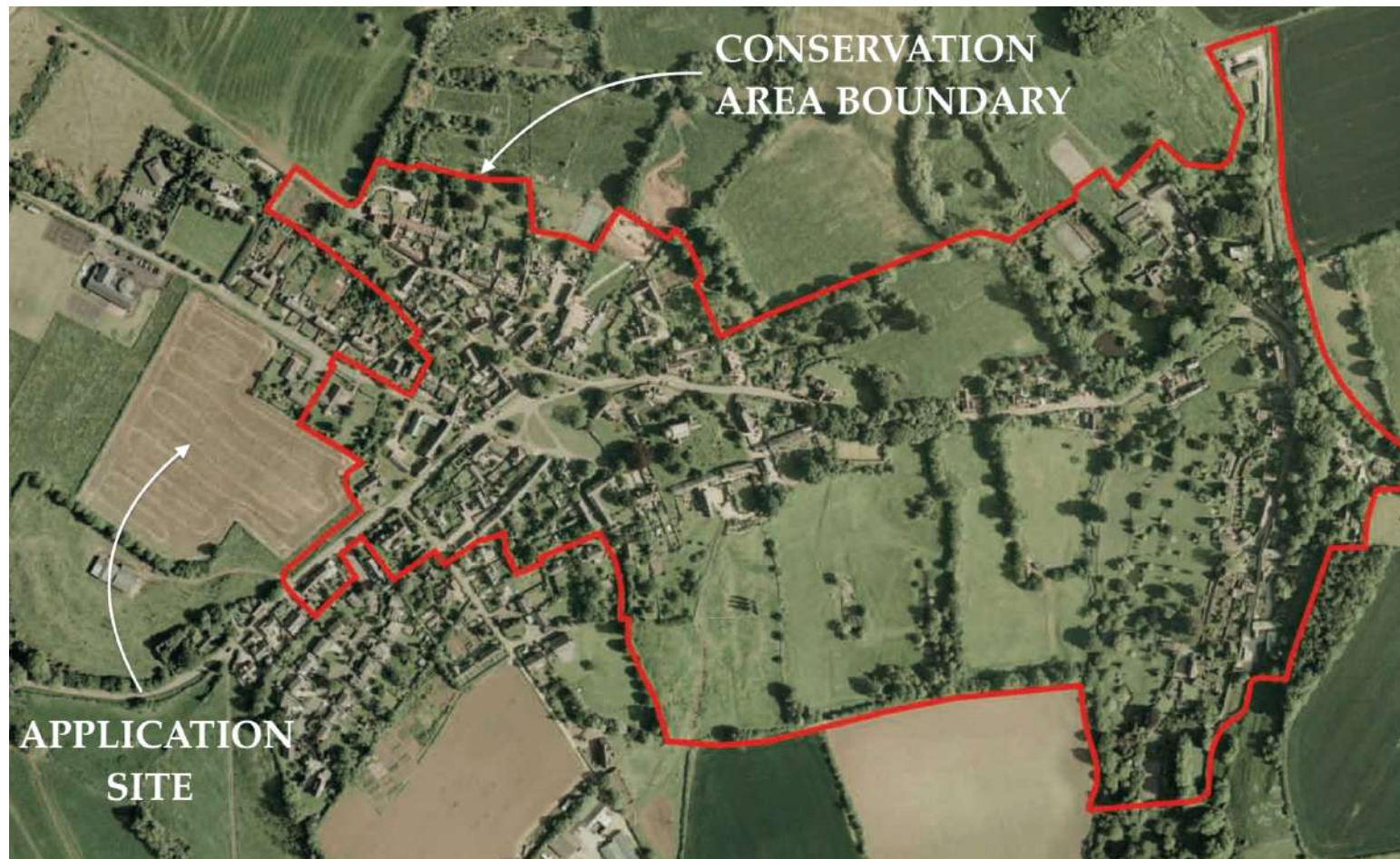
- 2.1 The application site is 2.77 hectares.



- 2.2 It is located off both Stocking Lane (on the north side) and Rattlecombe Road (on the south east side), on the western edge of the village of Shenington.
- 2.3 The topography across the application site slopes very gently, from 180m above Ordnance Datum (AOD) in the west, to 178m AOD in the east.



- 2.4 The land comprises field / paddock.
- 2.5 Views from surroundings roads and public areas into and across the site are very limited / filtered, being flanked by mature trees and hedgerow (most of which will remain and be supplemented).
- 2.6 The northern and western site boundaries are defined by mixed-species native hedges, approximately 2 metres high, including species such as hawthorn and blackthorn.
- 2.7 The northern boundary hedgerow is gappy in places, but the western hedgerow is in good condition, with a gap to provide agricultural access to the adjacent horse grazing fields.
- 2.8 The southern site boundary is bound by a line of ash trees, which create a strong sense of enclosure.
- 2.9 The eastern site boundary is defined in part by a mixed-species native hedgerow, with areas of scrub on the boundary opposite The Level and behind the ironstone wall.
- 2.10 There are no specific ecological designations that affect the site.
- 2.11 The site is not a “*valued landscape*” in NPPF terms. The submitted LVIA describes it thus :
- ‘Part of the eastern site boundary is defined by an attractive ironstone wall; apart from this the site is rather ordinary in terms of its scenic quality.’
- 2.12 The site is located outside, but immediately adjacent to the Shenington with Alkerton Conservation Area. Shenington and Alkerton are good examples of villages of the Ironstone belt that runs through north Oxfordshire into Northamptonshire. The area is particularly known for its rich coloured Ironstone Hornton Stone, which is the traditional building material in the local area.
- 2.13 The Conservation Area has a high concentration of Listed Buildings, the closest being Top Farmhouse (Grade II Listed), approximately 50m to the east of the site. There is limited intervisibility between Top Farmhouse as a result of intervening vegetation and built form.
- 2.14 The closest Scheduled Monument is the lynched ridge and furrow north of Shenington, approximately 100m to the north of the Site at its closest point.
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- 2.15 While the site itself is not subject to any specific landscape and visual designations, it is approximately 1km to the east of the Cotswolds AONB (at its closest point). The site was formerly part of an Area of High Landscape Value (AHLV) designated in the 1996 Cherwell Local Plan, but this non-statutory designation has been removed in favour of a character-led approach in accordance with the National Planning Policy Framework (NPPF).
- 2.16 The site is not subject to public access and therefore offers no recreational value. Whilst not a formal PRoW, Stocking Lane to the north provides an informal footpath route, linking to Shenington Airfield.
- 2.17 The site is located within Flood Zone 1, and as such is not at serious risk of flooding.
- 2.18 The site comprises Grade 2 'Very Good' agricultural land. It is therefore Best and Most Versatile (BMV) agricultural land.

- 2.19 The submitted Arboricultural report is based on a tree survey carried out on 31 January 2022 by Tree Solutions Ltd. Fourteen individual trees (referred to as refs T1–T14 in the report), six groups (ref G1–G6) and six hedgerows (ref H1–H6) were surveyed.
- 2.20 The report notes that that group G2 is subject to a Tree Preservation Order, and groups G3 and G4 and trees T1 & T2 are within the Conservation Area. As such, statutory planning consent is required prior to undertaking any works to these trees / groups.
- 2.21 Of the trees / groups, 5 are considered to be ‘Category A’ (best quality), 9 are ‘Category B’ (moderate quality) and 6 are ‘Category C’ (low quality / value).
- 2.22 All trees / hedgerow is to be retained / protected aside from the removal of a stretch of hawthorn hedgerow (ref H4) to accommodate the proposed access onto Rattlecombe Road.

### **The Proposal**

- 2.23 The application is submitted in full detail.
- 2.24 It promotes the erection of 49 homes of mixed type and size, as per the accommodation schedule below :
- 6 x 1 bedroom flats
  - 14 x 2 bedroom houses
  - 17 x 3 bedroom houses
  - 9 x 4 bedroom houses
  - 3 x 5 bedroom houses
- 2.25 Of those, 35% (17) of the homes will be affordable units in accordance with the Council’s policy. These units are marked on the submitted drawings (see pink and orange dots on the plan over the page), and it will be noted are ‘pepper-potted’ throughout the development and comprise:
- 4 x 1 bedroom flats
  - 7 x 2 bedroom houses
  - 6 x 3 bedroom houses





- 2.26 It is anticipated that the affordable homes will have a tenure split of 70% affordable rent and 30% social rent and shared ownership in line with the Council's policy, albeit we would welcome discussion with the LPA and its Housing Team during the course of the application to determine the most appropriate affordable mix.
- 2.27 The proposed built density is 27 dwellings per hectare (based on the net developable area of 1.82 ha).
- 2.28 All properties will meet the National Space Standards.
- 2.29 All homes will achieve the standards prescribed by Homes England and will offer high levels of energy efficiency, ensuring low running costs for future occupants.
- 2.30 As noted earlier, all trees and hedgerow will be retained / protected aside from the removal of a section of hedgerow along Rattlecombe Road to accommodate the proposed access. The submitted Landscape Masterplan and separate Planting Plan include a considerable amount of new planting, including trees, mixed native hedgerow, shrub mixes and ground cover plants. The full details of the planting are provided on the submitted Landscape Layout drawing, but can be summarised as :
- 1,792 native shrubs
  - 191 native trees
  - 620 individual native species hedges (a total planting length of 124 metres), including the reinstatement of historic hedging through the centre of the site (as marked on the submitted drawings).
- 2.31 A total area of 8,000 sqm of public open space is to be provided, which exceeds – by some margin – the policy requirement. That space includes a 500 sqm combined LAP (Local Area for Play) and NEAP (Neighbourhood Equipped Area of Play) set within a wider parcel of space of 6,000 sqm.



- 2.32 Ample car parking spaces are proposed within the curtilage of each dwelling. Certain houses will be provided with private garages. In total, 104 car parking spaces will be provided. Double garages have been counted as just 1 car space, with the remainder of that space available for cycle / general storage.
- 2.33 All homes will be provided with electric charging points for vehicles, as shown on the site layout.
- 2.34 All homes will be provided with dedicated secure cycle parking stores in their curtilages / garages as shown on the site layout. This equates to provision for the secure parking of at least 2 cycles per home (ie 98 spaces in total).
- 2.35 Bin storage zones are also proposed to serve the development (as marked on the submitted drawings).
- 2.36 The entire development will be accessed by vehicles and pedestrians via a new entrance formed onto Rattlecombe Road.
- 2.37 It is also proposed to create a pedestrian access point onto Stocking Lane to maximise pedestrian / cycle accessibility, including to and from the adjacent primary school. It is anticipated (with LPA / Highways approval) that a road crossing will be provided across Stocking Lane, such that those using that access will use the existing footpath along the northern edge of the lane.

#### **Pre-Application Feedback (and our Response)**

- 2.38 In August 2021, the Applicant sought pre-application communication with the LPA. A 'Teams' meeting was held on 31<sup>st</sup> September 2021.
- 2.39 The LPA's written response was issued on 14<sup>th</sup> October 2021 and is reproduced in full at *Appendix I*.

- 2.40 The LPA's response (and the associated Teams meeting) were helpful, albeit drew a negative conclusion.
- 2.41 It is important to highlight that the scheme presented at pre-application stage promoted 60 houses. The scheme hereby submitted proposes a reduction to 49 dwellings. While that reduction might not remove certain concerns expressed at pre-application stage, we trust that the reduction in numbers will be welcomed by the LPA.
- 2.42 The LPA's response starts by summarising the site's planning history, as per the table below.

*Site Planning History:*

**01/02422/OUT**

Erection of 29 No. dwellings including 11 affordable dwellings, site for new village hall, associated car parking and a village play area.

Application Withdrawn

**02/02000/F**

Erection of 5 No. dwellings and construction of new access to highway

Application Withdrawn

**08/00119/F**

Change of use of land from Agricultural to Equestrian use

Application Withdrawn

**08/01187/F**

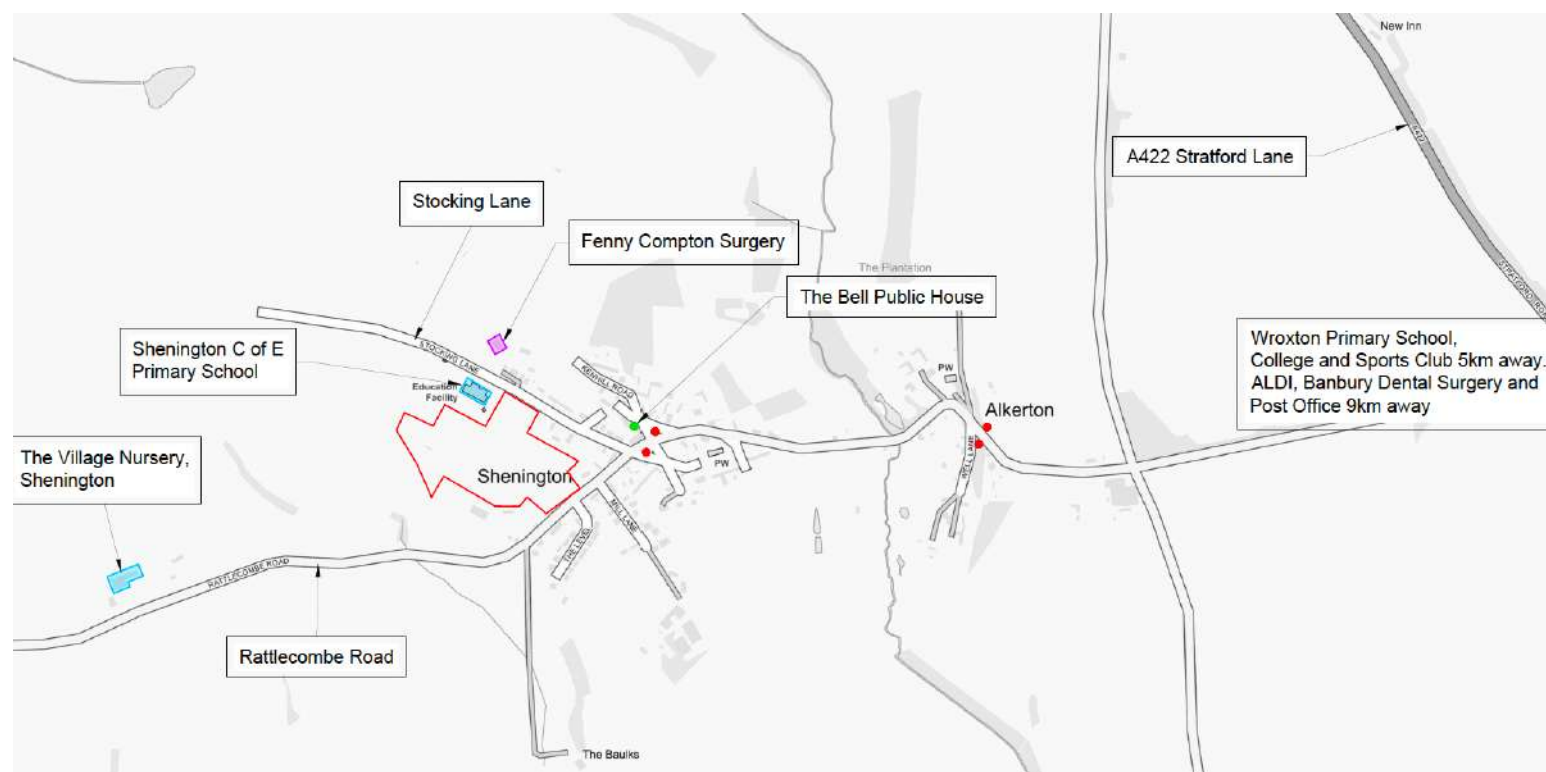
Change of use of land from Agricultural to Equestrian use to include the creation of new access onto Rattlecombe Road

Application Refused

- 2.43 The LPA's starting point is that the site is not allocated for development and that Shenington is a 'Category C' village, as set out in Policy Villages 1 of the CLP 2031. It notes that Category C settlements are considered to be suitable only for infilling and conversions, and that while Policy Villages 2 of the CLP 2031 provides for a total of 750 dwellings to be delivered at Category A villages, it envisages no provision for additional development beyond the built-up limits of Category C villages (such as Shenington).

- 2.44 The LPA's response then acknowledges that the Council could only demonstrate a 4.7 year housing land supply for the period 2021-2026, and as such the 'tilted balance' applies [nb this has subsequently reduced down to just 3.8 years].
- 2.45 However, the LPA draws attention to case law which makes clear that, even where development plan policies are rendered 'out of date' by housing land shortfalls, they remain 'potentially relevant' to the application of the tilted balance, and decisions makers are not 'legally bound to disregard them'. It further points out that case law has established that the provisions of the NPPF remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of the development plan policies.
- 2.46 On the above basis, the LPA has suggested that the proposed development would conflict with Policy Villages 1 of the CLP 2031 and would be unacceptable in principle, and as such could not be supported.
- 2.47 In response to that, we acknowledge those points, but nevertheless consider that the tilted balance leans in favour of supporting the proposal. The need to provide housing is fundamentally important, and – when the development plan was adopted – it was not prepared at a time of serious housing shortfall (or anticipating a shortfall), or in the context of an ongoing global pandemic, the uncertain economic fallout of Brexit and what is widely accepted to be a national housing crisis.
- 2.48 While Shenington is identified as Category C village in the Cherwell Local Plan 2011-2031 - Part 1, it is worth highlighting that it was formerly (until 2015) designated as a 'Category 1' Settlement. §2.65 of that former policy's supporting text explained that Category 1 settlements were so classified because 'their physical characteristics and the range of services within them enable them to accommodate some limited extra housing growth.'

- 2.49 While that former 'Category I' policy is no longer in place, we question why – in 2015 – it was downgraded from Category I to Category C. If the village was deemed to have the 'physical characteristics and the range of services ... [to] enable [it] to accommodate some limited extra housing growth' up to 2015, why did it not enjoy those same characteristics and range of services in 2015 and onwards? The graphic below confirms the local facilities in and close to the village.



- 2.50 We are also mindful that NPPF §105 highlights that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and 'this should be taken into account in decision-making.'
- 2.51 It is also worth noting, in respect of plan-making, there has been no opportunity for housing sites of this scale (i.e. schemes of less than 100 dwellings) to be allocated within any development plan for Cherwell District since the adoption of the Cherwell Local Plan 1996 (adopted in November 1996). The next scheduled development plan is the Cherwell Local Plan Review 2040, which might be adopted by the end of 2023 (subject to slippage that commonly occurs in plan preparation). That would equate to a period of at least 27 years

(assuming no slippage) with no attempt to provide for housing allocations at this small / medium scale in this part of Cherwell District.

- 2.52 The LPA's response then comments on what it describes as 'the main consideration' of how a development of this nature and scale would affect the conservation area as a result of the changes to its setting. It notes that the site contributes to the character of the conservation area and states that how the conservation area is experienced on the approach to the village and entering the conservation area from Rattlecombe Road and Stocking Lane. It suggests that it is inevitable that new development on this site would alter the setting of the conservation area on this side of the village, resulting in the loss of its rural and open character. It suggests that any new development would need to address this and demonstrate how the proposals could mitigate the harm to the character and setting of the conservation area. It states that new development would need to reflect the existing built environment taking into consideration the immediate context and the wider conservation area in terms of layout, density, scale, massing and proportions, as well as the use of materials and architectural detailing.
- 2.53 The letter highlights that there are a number of listed buildings within Shenington village, but acknowledges that these are separated from the application site and do not sit directly adjacent to the site. As such, the LPA considers that the proposed development is unlikely to harm the setting of any listed buildings.
- 2.54 In response, we consider that the proposed development will reflect and respect the existing built environment, taking into consideration the immediate context and the wider conservation area in terms of its layout, density, scale, massing and proportions as detailed in the supporting Design and Access Statement. While most of the site is not within the defined Conservation Area itself, Elan are committed to working with the LPA to ensure that development of the site, and specifically the use of appropriate materials and architectural detailing are agreed, to enable the site to make a good quality, positive and sustainable contribution to the village, which will preserve the special character and appearance of the Conservation Area.



- 2.55 We will not comment here in detail on heritage matters, but would refer the reader to the submitted Historic Environment Desk-based Assessment. That assesses the scheme against heritage policies at local and national levels, and notes that the importance of the conservation area is derived from the layout of the village and the architectural value of the buildings within it, which will not be impacted by the development.
- 2.56 It notes that there will be a small area of direct, physical impact on the conservation area, due to the eastern boundary and proposed entrance to the development site being located within the designated area. It also highlights – as a heritage benefit – that the proposal includes the restoration of the ironstone wall along Rattlecombe Road, which is currently in a state of disrepair.
- 2.57 The Assessment suggests that the new dwellings closest to Rattlecombe Road will respect the positive vista westwards and will not intrude into this view. In addition, it notes that areas of remaining hedgerow within the site (as seen on historic mapping) will be restored. This, combined with the repair of the low lying ironstone wall facing Rattlecombe Road (which contributes to the aesthetic and historical value of the conservation area) are positive design measures and therefore the magnitude of direct effect on the conservation area is considered to be low beneficial.
- 2.58 It is also recommended that the existing hedgerows which surround the site (especially on the southern and eastern boundaries) are kept intact as much as possible. This will further reduce the impact to the historical field boundaries.
- 2.59 It is also proposed to reinstate the historic hedgerow which once split the site (as seen on the Ordnance Survey maps until recently). This will provide a link with the historical development of the site.
- 2.60 The Assessment also notes that the new houses are to be set well back from Rattlecombe Road to respect the current building line and not to impose on the views into and out of the village.

- 2.61 The Assessment therefore considers that there will be no direct, physical impacts on any listed buildings due to their distance from the development site. The importance of those buildings derives from their evidential, historical and aesthetic values, and these will be unaffected by the proposed development. The magnitude of effect on the listed buildings is therefore considered to be none.
- 2.62 The assessment has concluded that the magnitude of indirect effect is low adverse to none on the built heritage, and the magnitude of direct effect is low beneficial to none. As the conservation area and listed buildings are considered to be of very high to high heritage significance, the combined significance of the effect is therefore negligible.
- 2.63 The Assessment also recommends that a programme of archaeological works be undertaken in order to further assess the potential for as yet unknown archaeological remains, and to inform the nature, character and extent of any future mitigation measures. It is suggested that a first phase of archaeological evaluation in the form of a geophysical survey is undertaken across the development site. This evaluation is recommended to better understand the archaeological potential of the site, in accordance with the NPPF 2021 paragraph 205.
- 2.64 The scope of the archaeological works would be set out in a Written Scheme of Investigation (WSI) prepared following consultation with the Oxfordshire County Council planning archaeologist. The need for, and the scope of, any mitigation would be based on the results of the evaluation works and confirmed in consultation with the Oxfordshire County Council planning archaeologist.
- 2.65 The pre-application response then discusses the extent of the proposal and its layout, referring to the sketch site layout that was submitted with the submission. The LPA pointed to some positive features of that layout - including the linear form of development to the site frontage with Rattlecombe Road, and open space to the edges of the site, with trees and hedgerows to the boundary. However, it suggested that the density of the development needs to be carefully considered, taking into account the context, suggesting that the dwellings appeared too cramped and that the relationship to Stocking Lane should be stronger, providing linear form and frontage more in keeping with the existing development.

- 2.66 In response to this, the number of houses has been reduced (from 60 to 49) and the layout has been reconfigured. For example, the pre-application proposal showed the frontage of the site abutting Rattlecombe Road filled with houses. Those homes have now been removed, leaving a sizeable zone of 'breathing space' against the road, on the approach into the village and Conservation Area. The houses onto Stocking Lane have also been adjusted in an attempt to respond to the pre-application comments.
- 2.67 In terms of density, we note the LPA's comments. The proposed density of the application scheme is 27 dwellings per hectare (based on the net developable area of 1.82 ha). While that may be moderately higher than the immediate surroundings, it is important to highlight that this proposal does not seek to mimic those. It is a contemporary stand-alone development that, in many respects, will be distinct from the main village core. We consider that a density of 27 dph provides the correct balance between a sensitive, respectful development on the edge of the village, and the very clear advice in the NPPF concerning densities (as below).
- 2.68 §119 of the Framework states that planning decisions should promote the effective use of land in meeting the need for homes and other uses. §124 states that planning decisions should support development that makes efficient use of land, while §125 states that - where there is an existing or anticipated shortage of land for meeting identified housing needs (as in this case) - it is '**especially important**' that planning policies and decisions avoid homes being built at low densities, and ensure that developments make '**optimal use of the potential**' of each site. It states that policies should optimise the use of land, and that standards should seek '**a significant uplift in the average density of residential development within these areas**', unless it can be shown that there are strong reasons why this would be inappropriate. It adds that applications should be refused if they fail to make efficient use of land.
- 2.69 In view of the above firm advice in the Framework, and whilst the LPA's comments about density are understood, we consider that the proposed density (reduced from the scheme presented at pre-application stage) strikes the appropriate balance.

- 2.70 The pre-application response notes that, whilst the site itself is not subject to any specific landscape or visual designations, it is just over 1 km from the edge of the Cotswold AONB, to the west. That said, it suggests that the relationship between the site and surrounding countryside, including potential mid to long-distance views from the Cotswolds AONB and the potential visual impact of the development needs to be addressed.
- 2.71 A Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application, which assesses all key views and concludes that the effects of the proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape character beyond the site boundary. The development will not result in the alteration or loss of any landscape features or elements important to landscape character, and will not affect any other key characteristics of the landscape to the extent that diversity or quality of landscape will be substantially diminished. The LVIA suggests that the design and layout have responded to the landscape and visual context of the site by retaining boundary vegetation where possible within a framework of new strategic planting to create a sensitive transition between the site and the wider countryside.
- 2.72 The proposed development will of course result in the loss of agricultural farmland in the local landscape and introduce features that do not currently exist, notably dwellings, internal access roads and landscaping. These features are not dissimilar to the surrounding landscape character. The development has been designed to minimise its effects and to integrate the site into the wider landscape. This will be achieved by the creation of new green spaces on the peripheries of the site. Structural planting, in conjunction with the layout of streets and buildings, will also ensure an appropriate transition and permeable boundary between Shenington and the surrounding countryside.
- 2.73 That said, there will be a permanent change in land use across the site to a high quality development including residential dwellings, open space, and strategic landscape. The design ensures the trees and hedgerows to the periphery of the site are retained wherever possible to aid screening from adjacent residential properties. The retained boundary vegetation will provide a mature landscape setting to the new development. Additionally, parts of the ironstone wall along the eastern site boundary will be restored and a historic field boundary within the site will be reinstated with new hedgerow planting. We suggest that this will contribute positively to the aspirations set out within the Shenington Conservation Area
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Appraisal.

- 2.74 The site has a settlement edge character, with existing built form and the proximity to Shenington Airfield reducing its remoteness and tranquility. Stocking Lane displays built form extending beyond the Site. Clusters of more modern buildings lie to the north and south-east of site, with dwellings along The Level extending back from the main arterial route of Rattlecombe Road.
- 2.75 The introduction of sensitively designed residential development will not therefore introduce new or alien features that do not already exist within the local context. The site is immediately adjacent to existing settlement edge and the proposals will be seen within this context. A robust landscape strategy will be implemented, ensuring that the proposed built form is successfully integrated into the receiving landscape character. Existing vegetation on the site boundaries will help to contain the development from the wider landscape, and it is our contention that the overall effect on the character of the site and its immediate surroundings will be minor adverse.
- 2.76 The pre-application response suggests that a combined LAP/LEAP play area facility would be required for this scale of development, in accordance with policy BSC11 of the CLP 2031. It states that there should be a minimum 500 sqm equipped activity zone, which ought to be set within a non-equipped landscaped area of 3,500 sqm, designed to provide a safe area for alternative play. The submitted scheme provides for all of the above, and indeed delivers circa 8,000 sqm of public open space (well in excess of policy requirements).
- 2.77 The pre-application response then considers access and the sustainability of the location, expressing the view of Oxfordshire County Council (OCC) as Local Highway Authority that it agrees with the LPA that the site is considered to be unsustainable in transport terms. It is suggested that there is a limited bus service to Shenington; there is no shop in the village such that any development would be highly car dependent, placing those without access to a car (including young and some elderly people) without safe means of travel to employment and other facilities. It notes that there is currently no footway along Rattlecombe Road leading to the centre of the village and that it would be difficult to provide one. It suggests that it is important to provide pedestrian access through the site and onto Stocking Lane, with a connecting footway to provide a safe route to the primary school to the north.
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- 2.78 In response to the above, the submitted Transport Statement notes that the site is located in an accessible location within Shenington village, a short walking distance from The Bell Public House, Holy Trinity Church, Shenington with Alkerton Village Hall, Shenington C of E Primary School, and Shenington Surgery. The site is only 170m walking distance from existing bus stop and shelter facilities at Shenington Village Green, and that the No. 7 service is reasonably regular, connecting Shenington with Banbury town centre, Stratford-upon-Avon, and villages in the local and wider area, including Ettington, Kineton, Middle Tysoe, Oxhill, Shutford and Wroxton. The Statement also notes that the site is situated approximately 6.9 miles (18 minutes drive time by car or bus) from Banbury rail station. Banbury station provides access to 8 services per hour linking to regional and national destinations including Birmingham, Bournemouth, Coventry, Didcot, Kidderminster, London, Manchester, Oxford, Reading and Stoke-on-Trent. Rail usage will therefore also be a realistic option for future residents and visitors to the proposed development, as part of a multi-modal journey.
- 2.79 With regard to traffic impact, the LPA's pre-application response suggests that it is unlikely that the proposed development would cause congestion. However, it suggests that a development of what was 60 homes would have a significant impact on traffic in the village, where roads are generally lightly trafficked. Due to the nature of the historic street network, it suggests that there is potential for traffic to be a nuisance and potentially lead to a conflict with pedestrians. It suggests that potential hazards include narrow streets with no footways, poor forward visibility and poor visibility at junctions.
- 2.80 In response, we again note the reduction in the number of homes from 60 to 49, and the submitted Transport Statement concludes that :
- The proposed new site access to be created onto Rattlecombe Road incorporates visibility splays of 2.4m x 51m, in accordance with Manual for Streets standards.
  - There has been only one 'slight' accident recorded on the local highway network 200m east of the application site during the latest 5-year accident history period.
  - The proposed dwellings would typically generate 21 vehicle trips in each peak hour period (approximately 1 vehicle trip every 2.85 minutes). This relatively low level of additional traffic can be safely accommodated on the local highway network.

- The proposed level of car parking provision accords with Oxfordshire County Council's recommended car parking standards for residential dwellings; and
- Swept path assessments demonstrate the proposed site access arrangements can safely accommodate two large cars passing and a large 11.34 m length refuse vehicle turning on site.

2.81 The pre-application letter notes that, as the site is near to the airfield and karting circuit, a noise report would be required to ensure that the noise climate is acceptable for new residents should development be permitted. A Noise Assessment has been duly submitted with the application, which concludes that it would be possible to meet the BS8233 recommended daytime internal ambient noise levels in dwellings across the proposed development site with windows open. In addition, in both private and public external amenity areas, noise from Shenington Kart Track and Edge Hill Gliding Centre would be below the desirable noise level in external amenity areas of 50dB LAeq,16hr specified in BS8233. It further notes that properties and external amenity spaces in the centre and east of the site would be screened by garden fences, walls and intervening buildings, and as such noise emanating from Shenington Kart Track would be even lower in those homes (both internally and externally).

2.82 Finally, the pre-application letter suggests that a 10% net gain in biodiversity would be sought and that any proposal would be expected to incorporate features to encourage biodiversity in accordance with policy ESD10 of the CLP 2031, including the retention and enhancement of existing features.

2.83 In response to this, we note that the above policy does not require specifically a 10% net gain. *Policy ESD 10 (Protection and Enhancement of Biodiversity and the Natural Environment Protection)* simply states that, in considering proposals for development, an unspecified net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources.

2.84 We are of course mindful of the requirement in the NPPF that planning decisions should contribute to and enhance the natural and local environment by, *inter alia*, providing net gains for biodiversity. We are also aware that it is the Government's intention to introduce secondary legislation to cover the topic, albeit - at the point of submitting this application -

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that legislation has not been published. Nevertheless, it is the Applicant's intention to interrogate biodiversity net gain that might be achieved by this proposal, and to report that to the LPA during the course of the application.

- 2.85 In overall summary, the principal concerns of the LPA appear to be about the sustainability of the location; the fact that this is a Category C village (downgraded in 2015 from a Category I village); the extent and density of the development; respect for the landscape and adjacent Conservation Area; and the impact of traffic within the village.
- 2.86 We are grateful to the LPA for providing this feedback, and we hope that the above commentary – reinforced by the various submission documents referred to – will assist the LPA in its assessment and determination of the application.

#### **Pre-Application dialogue with the Community**

- 2.87 To support the application a *Statement of Community Engagement* has been prepared by Elan Homes, recording comments received from the local community based on a scheme of 60 homes. We will not repeat the contents of that document, but would note that certain adjustments have been made to the scheme in response, and we hope that many of the concerns will be satisfied through the wider documentation that supports the application.

### 3.0 Overview of Planning Policy

- 3.1 This section summarises the planning policy context against which the application falls to be considered. These policy strands will then be considered further in Section 4.0 of this Statement. Before consideration of Development Plan policies, we first summarise the strategic policies set out at national level.
- 3.2 The NPPF was first published in 2012. It was revised in 2019, and again in July 2021.

#### ***Achieving Sustainable Development***

- 3.3 Paragraph 8 explains that achieving ‘sustainable development’ means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).
- 3.4 Paragraph 10 reinforces this by confirming that, at the heart of the Framework, is a presumption in favour of sustainable development, while paragraph 11 states that LPAs should apply this presumption. For decision-taking this means:
- approving development proposals that accord with an up-to-date development plan without delay; or
  - where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission 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 this Framework taken as a whole.

- 3.5 Footnote 8 confirms that the above 'out of date' reference includes - for applications involving the provision of housing (such as this application) - situations where the local planning authority cannot demonstrate a five year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73); or where the Housing Delivery Test indicates that the delivery of housing was substantially below (less than 75% of) the housing requirement over the previous three years.
- 3.6 Paragraph 12 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan, permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

### ***Decision Making***

- 3.7 Paragraph 38 states that local planning authorities should approach decisions on proposed development 'in a positive and creative way'.

### ***Delivering a Sufficient Supply of Homes***

- 3.8 Chapter 5 is dedicated to 'delivering a sufficient supply of homes'. Paragraph 60 echoes the former NPPF in stating that :

'To support the Government's objective of **significantly boosting** the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed ...'

- 3.9 §73 states 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 (including a genuine choice of transport modes).



- 3.10 §74 states that local planning authorities should 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.
- 3.11 §79 states that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. Planning policies should identify opportunities for villages to grow and thrive, especially where this will support local services.
- 3.12 §69 states that small and medium sized sites (such as the one subject of this application) can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites local planning authorities should, *inter alia* support the development of windfall sites through their policies and decisions – giving 'great weight' to the benefits of using suitable sites within existing settlements for homes.

***Promoting Healthy and Safe Communities***

- 3.13 §92 states that planning decisions should aim to achieve healthy, inclusive and safe places which:
- a) promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other – for example through street layouts that allow for easy pedestrian and cycle connections within and between neighbourhoods, and active street frontages;
  - b) are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion – for example through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space, which encourage the active and continual use of public areas; and

- c) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.
- 3.14 §93 states that, to provide the social, recreational and cultural facilities and services the community needs, planning decisions should, *inter alia* :
- a) plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
  - b) take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 3.15 §98 states that access to a network of high quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities, and can deliver wider benefits for nature and support efforts to address climate change.
- 3.16 §100 states that planning decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way network.

#### ***Promoting Sustainable Transport***

- 3.17 §104 states that transport issues should be considered from the earliest stages of plan-making and development proposals, so that:
- a) the potential impacts of development on transport networks can be addressed;
  - b) opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated;
  - c) opportunities to promote walking, cycling and public transport use are identified and pursued;

- d) the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and
- e) patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

3.18 §105 states that the planning system should actively manage patterns of growth in support of these objectives. Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes. This can help to reduce congestion and emissions, and improve air quality and public health. However, 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.

3.19 §110 states that, in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:

- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;
- b) safe and suitable access to the site can be achieved for all users;
- c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and
- d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

3.20 §111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be “severe”.

3.21 §112 states that applications for development should:

- a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use;
- b) address the needs of people with disabilities and reduced mobility in relation to all modes of transport;
- c) create places that are safe, secure and attractive – which minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character and design standards;
- d) allow for the efficient delivery of goods, and access by service and emergency vehicles; and
- e) be designed to enable charging of plug-in and other ultra-low emission vehicles in safe, accessible and convenient locations.

3.22 §113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed.

***Making Efficient Use of Land and Achieving Appropriate Densities***

3.23 §119 states that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

3.24 §120 states that planning decisions should, *inter alia*, encourage multiple benefits from both urban and rural land, including through taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside.

- 3.25 §124 states that planning decisions should support development that makes efficient use of land, taking into account:
- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;
  - b) local market conditions and viability;
  - c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;
  - d) the desirability of maintaining an area’s prevailing character and setting (including residential gardens), or of promoting regeneration and change; and
  - e) the importance of securing well-designed, attractive and healthy places.
- 3.26 §125 states that area-based character assessments, design guides and codes and masterplans can be used to help ensure that land is used efficiently while also creating beautiful and sustainable places. Where there is an existing or anticipated shortage of land for meeting identified housing needs, it is especially important that planning policies and decisions avoid homes being built at low densities, and ensure that developments make optimal use of the potential of each site. It states that policies should optimise the use of land, and should include the use of minimum density standards for locations that are well served by public transport. These standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate. It adds that applications should be refused if they fail to make efficient use of land.

### ***Achieving Well Designed Places***

- 3.27 §126 states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.



- 3.28 §129 states that landowners and developers may choose to prepare design codes in support of a planning application for sites they wish to develop, and that all guides and codes should be based on effective community engagement and reflect local aspirations for the development of their area, taking into account the guidance contained in the National Design Guide and the National Model Design Code. These national documents should be used to guide decisions on applications in the absence of locally produced design guides or design codes.
- 3.29 §130 states that planning decisions should ensure that developments:
- a) 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;
  - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
  - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
  - d) 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;
  - e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
  - f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.
- 3.30 §131 states that trees make an important contribution to the character and quality of urban environments, and can also help mitigate and adapt to climate change. Planning decisions should ensure that new streets are tree-lined, that opportunities are taken to incorporate trees elsewhere in developments (such as parks and community orchards).

- 3.31 §132 states that design quality should be considered throughout the evolution and assessment of individual proposals. Early discussion between applicants, the local planning authority and local community about the design and style of emerging schemes is important for clarifying expectations and reconciling local and commercial interests. Applicants should work closely with those affected by their proposals to evolve designs that take account of the views of the community. Applications that can demonstrate early, proactive and effective engagement with the community should be looked on more favourably than those that cannot.
- 3.32 §134 states that development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:
- a) development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or
  - b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

***Meeting the Challenge of Climate Change, Flooding and Coastal Change***

- 3.33 §152 states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 3.34 §159 states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future).

3.35 §169 states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The systems used should:

- a) take account of advice from the lead local flood authority;
- b) have appropriate proposed minimum operational standards;
- c) have maintenance arrangements in place to ensure an acceptable standard of operation for the lifetime of the development; and
- d) where possible, provide multifunctional benefits.

### ***Conserving and Enhancing the Natural Environment***

3.36 §174 states that planning decisions should contribute to and enhance the natural and local environment by, *inter alia* :

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); and
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land.
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

3.37 The July 2021 version of the Framework introduced changes to the former §175, which is now §180. This states that, when determining planning applications, local planning authorities should apply, *inter alia*, the following principles:

- if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

- 3.38 The amendment to former para 175(d) (now para 180(d) of the NPPF 2021) now requires opportunities to incorporate biodiversity improvements in and around development, rather than simply making it optional.

#### ***Ground Conditions and Pollution***

- 3.39 §183 states that planning decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination.
- 3.40 §185 states that 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.

#### ***Conserving and Enhancing the Historic Environment***

- 3.41 Part 16 of the NPPF seeks to conserve and enhance the historic environment. Paragraph 194 requires :

“an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting”.

- 3.42 §201 states that, where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss.
- 3.43 §202 states that, where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

### **Planning Practice Guidance (PPG)**

- 3.44 PPG provides a web-based resource, to support the policies of the NPPF. The section ‘Rural Housing - How should local authorities support sustainable rural communities?’ (Paragraph: 001 Reference ID: 50-001-20160519) states that :

It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. Rural housing is essential to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided unless their use can be supported by robust evidence.

The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.

- 3.45 In relation to design, paragraphs 001 Reference ID: 26-002-20191001 provides further clarification on Section 12 of the NPPF with the introduction of the National Design Code and expectations for good design to have regard to 10 characteristics.



## National Design Guide

- 3.46 The National Design Guide was published in October 2019, and revised in January 2021.
- 3.47 It explains (at §8) that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities.
- 3.48 §21 suggests that a well-designed place is unlikely to be achieved by focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:
- the layout;
  - the form and scale of buildings;
  - their appearance;
  - landscape;
  - materials; and
  - their detailing.
- 3.49 §39 states that well-designed places are based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design; integrated into their surroundings so they relate well to them; influenced by and influence their context positively; and responsive to local history, culture and heritage.
- 3.50 §42 reiterates that well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design, as well as constraints upon it. It suggests that this should be proportionate to the nature, size and sensitivity of the site and proposal.
- 3.51 §44 states that :
- ‘... well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.’

### **The Development Plan**

- 3.52 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications be determined in accordance with the statutory development plan, unless material considerations indicate otherwise.
- 3.53 For the purposes of this planning application, the adopted development plan comprises the following three strands :
- The Cherwell Local Plan 2011-2031 Part I Adopted 15 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016); and
  - The Cherwell Local Plan 2011 - 2031 (Part I) Partial Review - Oxford's Unmet Housing Need (adopted on 7<sup>th</sup> September 2020); and
  - Saved Policies from the Cherwell Local Plan 1996 (Saved on 27 September 2007).

### **The Cherwell Local Plan 2011-2031 - Part I ('CLP 2015')**

- 3.54 The CLP 2015 was adopted in July 2015 and provides the strategic planning policy framework for the District to 2031.
- 3.55 The addition of Policy Bicester 13 resulted in the Plan being re-adopted on 19 December 2016.
- 3.56 The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996, although many of its policies are retained and remain part of the Development Plan (see summary later).
- 3.57 The following adopted CLP 2015 policies are relevant to the determination of this planning application.
- 3.58 *Policy PSD1: Presumption in Favour of Sustainable Development* mirrors paragraph 11 of the NPPF in that it requires that Council's apply the presumption in favour of sustainable development when considering planning applications.

- 3.59 *Policy BSC1: District Wide Housing Distribution* details a requirement for 22,840 homes to be delivered between 1 April 2011 and 31 March 2031. The table within the policy (reproduced below) makes clear the anticipated distribution of housing.

	Bicester	Banbury	Rest of District	Totals
<b>Completions</b>	<b>365</b>	<b>213</b>	<b>528</b>	<b>1,106</b>
<b>Permissions (10+)</b>	<b>1,934</b>	<b>2,346</b>	<b>1,760</b>	<b>6,040</b>
<b>Allocations</b>	<b>7,726</b>	<b>4,344</b>	<b>2,350</b>	<b>14,420</b>
<b>Windfalls (&lt;10)</b>	<b>104</b>	<b>416</b>	<b>754</b>	<b>1,274</b>
<b>Totals</b>	<b>10,129</b>	<b>7,319</b>	<b>5,392</b>	<b>22,840</b>

- 3.60 It is of note that this Plan does not allocate any sites under the threshold of 100 dwellings, and as such this application site (being below 100 dwellings) was not considered for development under the Plan. In this regard, the *Cherwell Local Plan 2011 – 2031 (Part 2): Development Management Policies and Sites* was identified as a commitment in the Local Development Scheme by the Council. A preliminary scoping consultation was undertaken in May 2015. Consultation took place on an Issues Paper from 29 January 2016 – 11 March 2016. The Local Plan Part 2 was intended to contain detailed planning policies for considering planning applications and non-strategic site allocations (such as that subject to this application). Upon adoption, it was intended to become part of the statutory Development Plan.
- 3.61 However, the Council took the decision in December 2018 not to progress the Part 2 Local Plan, and it no longer features in the Council's Local Development Scheme. The Council has instead prepared a timetable for an emerging Cherwell Local Plan Review 2040, which is anticipated to be adopted by the end of 2023 (assuming no delays).
- 3.62 At county level, the Oxfordshire 2050 Plan is being prepared, but this is intended to be a high level strategic planning document, with policies including for housing, employment, transport & infrastructure, biodiversity and responding to climate change. It is not intended to allocate land for non-strategic development and might not identify specific sites for strategic-scale development.

- 3.63 The Council adopted the Partial Review of Cherwell Local Plan 2011-2031 (Part 1) in September 2020 (see later for more details). This Plan focuses development on a geographic area extending north from Oxford to south Kidlington, and along the A44 corridor to Yarnton and Begbroke. It does not cover the north of Cherwell District where this site is located.
- 3.64 In respect of plan-making, therefore, there has been no opportunity for housing sites of this scale (i.e. less than 100 dwellings) to be allocated within any development plan for Cherwell District since the adoption of the Cherwell Local Plan 1996 (in November 1996).
- 3.65 The next scheduled development plan is the Cherwell Local Plan Review 2040, which might be adopted by the end of 2023 (assuming no slippage). That would be a total period of at least 27 years with no attempt to provide for housing allocations at this small / medium scale in this part of Cherwell District.
- 3.66 Turning back to specific policies of CLP 2015, *Policy Villages 1: Village Categorisation* states that only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions. Shenington is not identified as either a Category A or B village, and as such falls to be classed as Category C. The policy suggests that only infilling and conversions are appropriate in such villages.
- 3.67 *Policy Villages 2: Distributing Growth across the Rural Areas* 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. It suggests that sites would be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans, and through the determination of applications for planning permission. As noted below, Part 2 Local Plan is no longer being pursued.
- 3.68 *Policy BSC2: The Effective Use of Land – Brownfield Land and Housing Density* encourages the effective and efficient use of land. The policy specifies that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development.

- 3.69 *Policy BSC3: Affordable Housing* is clear that residential development in Kidlington ‘and elsewhere’ that includes 11 or more dwellings will be expected to provide at least 35% of new housing as affordable homes on site. Of this, 70% will be expected to be affordable/social rented and 30% intermediate affordable homes. Should a requirement arise for part of an affordable home, a financial contribution to cover that element will be expected.
- 3.70 *Policy BSC4: Housing Mix* seeks to ensure that residential development comprises a mix of sizes that meet the requirements of the community. It notes that Table 67 of the Oxfordshire SHMA 2014 stated that the mix below would be appropriate to meet needs. At the time that the Local Plan Part I was adopted, the SHMA 2014 was seen as the most up to date evidence base upon which to base the affordable mix.

*Table 6: Oxfordshire SHMA 2014 Cherwell Housing Mix Requirements*

	1 Bed	2 Bed	3 Bed	4 Bed
Market	5%	25%	45%	25%
Affordable	25-30%	30-35%	30-35%	5-10%
All Dwellings	15%	30%	40%	15%

- 3.71 Despite the SHMA 2014 being referenced in the explanatory text to the policy, the policy itself does not specify a specific source that must be used to inform the mix. Rather it states:
- “The mix of housing will be negotiated having regard to the Council’s most up-to-date evidence on housing need and available evidence from developers on local market conditions.”
- 3.72 As such, proposals that do not accord with the mix within the SHMA 2014, but can be justified on the basis that it represents a sensible response to the market and affordable housing demand in that locality, should be acceptable.
- 3.73 The assessment of the proposals against these requirements is at Section 5.0 of this Planning and Affordable Housing Statement.
- 3.74 *Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision* states that the Council will encourage partnership working to ensure that sufficient quantity and quality of, and convenient



access to open space, sport and recreation provision is secured through the following measures:

- Protecting existing sites
- Addressing existing deficiencies in provision through qualitative enhancement of existing provision, improving access to existing facilities or securing new provision
- Ensuring that proposals for new development contribute to open space, sport and recreation provision commensurate to the need generated by the proposals.

3.75 *Policy BSCI 1: Local Standards of Provision – Outdoor Recreation* requires development proposals to accommodate a level of outdoor open space commensurate with the quantum of housing proposed. The Local Standards of Provision – Outdoor Recreation requirements (Table 7 of the Local Plan Part 1) is stated to be the generally accepted standard on the majority of sites.

3.76 *Policy ESD 2: Energy Hierarchy and Allowable Solutions* states that, in seeking to achieve carbon emissions reductions, the Council will promote an 'energy hierarchy' as follows:

- Reducing energy use, in particular by the use of sustainable design and construction measures
- Supplying energy efficiently and giving priority to decentralised energy supply
- Making use of renewable energy
- Making use of allowable solutions.

3.77 *Policy ESD 3: Sustainable Construction* states that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy.

3.78 *Policy ESD 6: Sustainable Flood Risk Management* states that the Council will manage and reduce flood risk in the District through using a sequential approach to development; locating vulnerable developments in areas at lower risk of flooding. Development proposals will be assessed according to the sequential approach and where necessary the exceptions test as set out in the NPPF and NPPG. Development will only be permitted in areas of flood risk when

there are no reasonably available sites in areas of lower flood risk and the benefits of the development outweigh the risks from flooding.

3.79 *Policy ESD 7: Sustainable Drainage Systems (SuDS)* states that all development will be required to use sustainable drainage systems (SuDS) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with development proposals, they should be used to determine how SUDS can be used on particular sites and to design appropriate systems.

3.80 *Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment* states that protection and enhancement of biodiversity and the natural environment will be achieved by the following:

- In considering proposals for development, a net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources
- The protection of trees will be encouraged, with an aim to increase the number of trees in the District
- The reuse of soils will be sought
- If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or as a last resort, compensated for, then development will not be permitted.
- Development which would result in damage to or loss of a site of international value will be subject to the Habitats Regulations Assessment process and will not be permitted unless it can be demonstrated that there will be no likely significant effects on the international site or that effects can be mitigated
- Development which would result in damage to or loss of a site of biodiversity or geological value of national importance will not be permitted unless the benefits of the development clearly outweigh the harm it would cause to the site and the wider national network of SSSIs, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity
- Development which would result in damage to or loss of a site of biodiversity or geological value of regional or local importance including habitats of species of principal importance for biodiversity will not be permitted unless the benefits of the development clearly

outweigh the harm it would cause to the site, and the loss can be mitigated to achieve a net gain in biodiversity/geodiversity

- Development proposals will be expected to incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site.
- Existing ecological networks should be identified and maintained to avoid habitat fragmentation, and ecological corridors should form an essential component of green infrastructure provision in association with new development to ensure habitat connectivity
- Relevant habitat and species surveys and associated reports will be required to accompany planning applications which may affect a site, habitat or species of known or potential ecological value

3.81 *Policy ESD 13: Local Landscape Protection and Enhancement* states that opportunities will be sought to secure the enhancement of the character and appearance of the landscape, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. 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, impact on areas judged to have a high level of tranquillity, or harm the setting of settlements, buildings, structures or other landmark features, or Harm the historic value of the landscape.

3.82 *Policy ESD 15: The Character of the Built and Historic Environment* states that successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design. All new development will be required to meet high design standards. Where development is in the vicinity of any of the District's distinctive natural or historic assets, delivering high quality design that complements the asset will be essential. New development proposals should:

- Be designed to deliver high quality safe, attractive, durable and healthy places to live and work in.
- Development of all scales should be designed to improve the quality and appearance of an area and the way it functions
- Deliver buildings, places and spaces that can adapt to changing social, technological, economic and environmental conditions
- Support the efficient use of land and infrastructure, through appropriate land uses, mix and density/development intensity
- Contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views, in particular within designated landscapes, within the Cherwell Valley and within conservation areas and their setting
- Conserve, sustain and enhance designated and non designated 'heritage assets' (as defined in the NPPF) including buildings, features, archaeology, conservation areas and their settings, and ensure new development is sensitively sited and integrated in accordance with advice in the NPPF and NPPG.
- Proposals for development that affect non-designated heritage assets will be considered taking account of the scale of any harm or loss and the significance of the heritage asset as set out in the NPPF and NPPG.
- Where archaeological potential is identified this should include an appropriate desk based assessment and, where necessary, a field evaluation.
- Respect the traditional pattern of 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
- Reflect or, in a contemporary design response, re-interpret local distinctiveness, including elements of construction, elevational detailing, windows and doors, building and surfacing materials, mass, scale and colour palette
- Promote permeable, accessible and easily understandable places by creating spaces that connect with each other, are easy to move through and have recognisable landmark features

- Demonstrate a holistic approach to the design of the public realm to create high quality and multi-functional streets and places that promotes pedestrian movement and integrates different modes of transport, parking and servicing.
- The principles set out in The Manual for Streets should be followed
- Consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space
- Limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation
- Be compatible with up to date urban design principles, including Building for Life, and achieve Secured by Design accreditation
- Consider sustainable design and layout at the masterplanning stage of design, where building orientation and the impact of microclimate can be considered within the layout. Incorporate energy efficient design and sustainable construction techniques, whilst ensuring that the aesthetic implications of green technology are appropriate to the context
- Integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible
- Well designed landscape schemes should be an integral part of development proposals to support improvements to biodiversity, the micro climate, and air pollution and provide attractive places that improve people's health and sense of vitality
- Use locally sourced sustainable materials where possible.

3.83 *INFI: Infrastructure* states that developments will be required to demonstrate that their infrastructure requirements can be met. This may be within existing capacity, through a financial contribution to increased capacity, or providing that increased capacity directly.



**The Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review - Oxford's Unmet Housing Need (adopted on 7<sup>th</sup> September 2020)**

- 3.84 This Plan is intended to supplement the adopted Cherwell Local Plan (2015). It seeks to deliver growth for Oxford so that it fits with and helps deliver the city's sustainable transport strategy, builds communities related to Oxford and so that its relates to key assets important to both Oxford and Cherwell.
- 3.85 It is noted that the Council committed to working on an on-going basis under a legal Duty to Cooperate with all other Oxfordshire local authorities to address the need for housing across the Oxfordshire housing market area. The Oxfordshire councils had all recognised that Oxford may not be able to accommodate the whole of its new housing requirement for the 2011-2031 period within its administrative boundary.
- 3.86 The 2015 Plan made clear that, if joint work between the authorities revealed that Cherwell and other districts needed to meet additional need for Oxford, this would trigger a 'Partial Review' of the Local Plan. This is why the Partial Review was undertake – essentially to provide Cherwell's share of the unmet housing needs of Oxford up to 2031.
- 3.87 The Partial Review therefore allocates 7 strategic sites capable of providing 4,400 homes that were considered to best achieve the vision and objectives, and deliver sustainable development in the Oxfordshire, Cherwell, Oxford and wider context. Of those allocations, the smallest by far was allocated for 120 homes. All other sites are considerably larger. This Plan did not therefore consider non-strategic opportunities such as the application site.
- 3.88 Because of the strategic nature of the Plan, and given that its policies relate solely to its strategic allocations, we will say no more about its policies, as those are not relevant to this planning application.

### **Saved Policies from the Cherwell Local Plan 1996**

- 3.89 This Plan was intended as the policy framework for Cherwell up to 2001. The saved policies are those that were originally saved on 27 September 2007 and which have not been replaced by policies within the Adopted Cherwell Local Plan 2011-2031 (Part I). Appendix 7 of the Part I Plan lists those policies that have been replaced.
- 3.90 As a starting point it is important to highlight that, while Policy H1 of the Plan has been superseded by policies in the Cherwell Local Plan 2011-2031 Part I, it allocated certain non-strategic sites (ie those that could accommodate up to around 100 houses) for residential development. That former policy (H1) – adopted 26 years ago - was therefore the last development plan policy to have considered the suitability of non-strategic residential development sites in this part of the District.
- 3.91 *Policy C28 Layout, Design and External Appearance of New Development* states that control will be exercised over all new development to ensure that the standards of layout, design and external appearance, including the choice of external-finish materials, are sympathetic to the character of the urban or rural context of that development. In sensitive areas, such as conservation areas, the area of outstanding natural beauty and areas of high landscape value, development will be required to be of a high standard and the use of traditional local building materials will normally be required.
- 3.92 *Policy C30 Design of New Residential Development* states that design control will be exercised to ensure:
- (i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity;
  - (ii) that any proposal to extend an existing dwelling (in cases where planning permission is required) is compatible with the scale of the existing dwelling, its curtilage and the character of the street scene;
  - (iii) that new housing development provides standards of amenity and privacy acceptable to the local planning authority.

- 3.93 The extent of compliance of the proposed development in terms of the above policies is discussed within section 5.0 of this Planning and Affordable Housing Statement.

#### **Non-Statutory Cherwell Local Plan 2011**

- 3.94 The Non-Statutory Cherwell Local Plan 2011 was intended to review and update the Local Plan adopted in 1996. Due to changes to the planning system introduced by the Government, work on this plan was discontinued prior to adoption.
- 3.95 The Non-Statutory Cherwell Local Plan 2011 is not part of the statutory development plan but was approved as interim planning policy for development control purposes in December 2004.
- 3.96 The Non-Statutory Plan was based on a Structure Plan at the time (since superseded) that covered the period from the 1st April 1996 to the 31st March 2011
- 3.97 The weight to be afforded to such an outdated, non-statutory Plan such is, at best, limited, and as such we do not consider its policies any further.

#### **Emerging Cherwell Local Plan**

- 3.98 Only very limited progress has been made on what will ultimately be the new Local Plan.
- 3.99 The Council issued its 'Community Involvement Paper' Consultation in July 2020.
- 3.100 That was followed by its 'Community Involvement Paper 2: Developing our Options', the consultation period for which was between 29th September 2021 to 10th November 2021. This is not yet a 'Plan' per se and contains no fixed draft policies. It cannot therefore be afforded any weight, although it is worth highlighting certain issues it raises.
- 3.101 First, it draws attention to the Oxford-Cambridge Arc (the OxCam Arc) as a globally significant area between Oxford, Milton Keynes and Cambridge. It comprises the five counties

of Oxfordshire, Bedfordshire, Buckinghamshire, Northamptonshire and Cambridgeshire. It supports over two million jobs, adds over £110 billion to the national economy every year, and houses one of the fastest growing economies in England.

- 3.102 The Community Involvement Paper 2 notes that, in July 2021 the Government produced a policy paper setting out its planned approach to developing the vision for the Oxford-Cambridge Arc Spatial Framework. The timeline suggests the framework will be completed in early 2023. This is the broadly same timeframe in which the Council anticipates its completion of its Local Plan Review.

#### **Oxfordshire Growth Deal**

- 3.103 The Oxfordshire Growth Deal was agreed by Cherwell District Council, Oxford City Council, Oxfordshire County Council, South Oxfordshire District Council, Vale of White Horse District Council and West Oxfordshire District Council, and Oxfordshire Local Enterprise Partnership in November 2017.
- 3.104 To summarise, this deal involves Government money to invest in infrastructure, affordable housing and facilitation of plan making in exchange for the delivery of 100,000 homes within Oxfordshire between 2011 and 2031. The figure of 100,000 homes across the county is broadly reflective of the need for homes identified within the 2014 Oxfordshire SHMA.

#### **Neighbourhood Plan**

- 3.105 There is no neighbourhood plan area designation that covers Shenington.

### **Other Contextual / Supplementary Documents**

- 3.106 The following topics are covered by the Council's SPDs and have been given due regard in the formulation of this application.

### **Cherwell Residential Design Guide SPD**

- 3.107 The Cherwell Residential Design Guide SPD was adopted by the Council in July 2018 and seeks to inform the design of residential development proposals to ensure high quality design that protect the amenity of existing and new residents.
- 3.108 While the Design Guide does not form part of the development plan, it is a significant material consideration in terms of the determination of planning applications for residential sites.

### **Cherwell Developer Contributions SPD**

- 3.109 The Cherwell Developer Contributions SPD was adopted in February 2018 and sets out the Council's approach to ensuring that S106 agreements can be used to address the impacts of developments sufficiently in the context of there being no CIL Charging Schedule in place.

### **Cherwell Housing Strategy 2019-2024**

- 3.110 The Housing Strategy 2019-2024 outlines the Council's aspirations in terms of the delivery of housing, particularly affordable housing, in this period. Key relevant priorities in terms of the application are as to increase the supply and diversity of affordable housing to ensure the right types of housing are available in the right places; and enhance opportunities for residents to access suitable homes and have housing choices.

## 4.0 Planning Assessment

4.1 The key planning policy issues arising in this case are summarised in Section 3.0. The purpose of this section is to consider these further and to present the level of compliance with those policies and the benefits likely to accrue from the development. Each of the key issues will be addressed in turn, namely:

- Housing Land Supply / Need;
- Affordable Housing Statement;
- Compliance with the Development Plan (and the weight to be attached to policies);
- Sustainable Development & Public Benefits;
- Compliance with the NPPF;
- Built Heritage;
- Design Quality;
- Access and Transport;
- Flood Risk and Drainage;
- Noise.

### HOUSING LAND SUPPLY / NEED

4.2 In February 2017, the Government published its Housing White Paper titled ‘Fixing Our Broken Housing Market’. This made it clear that more houses need to be built to help drive towards a more affordable housing market. The Paper emphasised that the current pace of development is too slow, and there is a need “to build homes faster” and to “help people now”. The White Paper also put important emphasis on housebuilding as a mechanism to achieve wider economic growth.

‘Britain’s broken housing market hurts all of us. Sky high property prices stop people moving to where the jobs are. That’s bad news for people who can’t find work, and bad news for successful companies that can’t attract the skilled workforce they need to grow, which is bad news for the whole economy.



Low levels of house building means less work for everyone involved in the construction industry – architects, builders, decorators and manufacturers of everything from bricks to kitchen sinks. If people must spend more and more to keep a roof over their head they'll inevitably cut back elsewhere – meaning less money gets spent in the wider economy. High rents are bad news for all taxpayers including those who own their own home. If rents are too high, then private renters struggle to pay - and the taxpayer has to foot the bill with more Housing Benefit. That's money that could be spent on schools, hospitals and other frontline services.

If we fail to build more homes, it will get harder for ordinary working people to afford a roof over their head, and the damage to the wider economy will get worse.'

- 4.3 On 6th August 2020, the Government published its Planning White Paper, which set out radical reforms to the planning system, with the aim of creating a 'significantly simpler, faster and more predictable system.'

- 4.4 The reforms are being brought forward in the context of the Government's aspiration to build 300,000 homes per year - a target which has yet to be delivered. Just 241,000 new homes were built in 2019, and in its *'Housing supply: Indicators of new supply, England Statistical Release'* (published 30 September 2020), the MHCLG unsurprisingly (due to Covid) predicted a downturn in the rate of delivery in 2020 (as below).

'The number of dwellings where - according to building control figures - building work has started on site was 15,930 in April to June 2020. This is a 52 per cent decrease when compared to last quarter and this steep fall in activity reflects UK government COVID-19 lockdown measures. It follows a recent trend of a slowdown in growth with six of the last six quarters showing a decrease.

There has been a sustained decrease in starts and more recently a steep fall in starts and completions reflecting UK government COVID-19 lockdown measures.'

- 4.5 The White Paper acknowledges that the result of long-term and persisting undersupply is that housing is becoming increasingly expensive, and that through overhauling the planning system

there is an opportunity to better streamline the planning process, accelerate the delivery of new homes, and address the issue of affordability.

- 4.6 The White Paper makes clear however that ‘we are cutting red tape, but not standards’, highlighting that as important as it is to boost housing, it is equally vital that good design and high quality of development in the right place is secured.
- 4.7 This premise reflects the interim report prepared by the *Building Better, Building Beautiful Commission*, which strongly advocates that the housing industry achieves beautiful design and good place-making.
- 4.8 We have noted the outcome of appeal APP/C3105/W/21/3271094 (Land at Bretch Hill, Banbury – 49 houses) on 1<sup>st</sup> June 2021, during which the LPA adjusted its stance on housing supply matters at a late stage in the process. In summarising the position, Inspector Braithwaite wrote:

4. The Council refused the application for five reasons in which they cited conflict with policies of The Cherwell Local Plan 2011-2031 (LP). The National Planning Policy Framework (NPPF) requires the Council to maintain a supply of land for housing “...sufficient to provide a minimum of five years’ worth of housing against their housing requirement...”. In a Statement of Common Ground (SoCG) dated 4 May 2021 it is stated that “...it is accepted that the Council cannot do so”. Consequently, by virtue of paragraph 11(d) of the NPPF and Footnote 7 on page 6, and as stated in the SoCG, the aforementioned LP policies “...are ‘out-of-date’ and this appeal can only fail if the Council can demonstrate that any adverse effects of the proposal would significantly and demonstrably outweigh the benefits...”. It is also stated that “The Council accepts that it cannot demonstrate this and that this appeal should be allowed”. The Council has, in effect, withdrawn the five reasons for refusal of the application.

- 4.9 Until very recently the LPA was suggesting that its housing land supply was 4.7 years, but on 10<sup>th</sup> January 2022 the Council adopted its latest Annual Monitoring Report, which confirmed a reduced supply of 3.8 years, which is forecast to reduce still further to 3.5 years between 2022-26.

- 4.11 This application is presented on the basis of that lack of supply and the associated engagement of the 'tilted balance', having regard to the requirement for Cherwell to 'boost significantly' its housing supply, and at a time of particular economic uncertainty arising from Covid and Brexit.

#### **Affordable Housing Statement**

- 4.12 According to the DCLG's Housing Statistical Release Paper (DCLG Housing Statistical Release 24th January 2019), there were 1.11 million households on local authority social housing waiting lists in April 2018. The publication stated that "people occupying insanitary or overcrowded housing or otherwise living in unsatisfactory housing conditions" covered 233,600 households. The second largest group was "people who need to move on medical or welfare grounds, including grounds relating to a disability", which covered 114,900 households.
- 4.13 In the same year (2017-2018), only 47,355 gross affordable homes were built (DCLG Affordable Housing Supply 22nd November 2018). At that level of delivery, it will take over 23 years to address the current waiting list, and that is before factoring in future housing need.
- 4.14 On 14th January 2019, Shelter published "*Building for our future: A vision for social housing*". The report identified that over 25% of households that had been allocated a social home had to wait more than a year and 7% had to wait more than 5 years. Shelter identify that there is simply not a sufficient amount of social housing being delivered to meet the demand.
- 4.15 *Cherwell's Housing Strategy 2019-2024* outlines the Council's aspirations in terms of the delivery of housing, particularly affordable housing, in this period. It confirms that key relevant priorities are to increase the supply and diversity of affordable housing to ensure the right types of housing are available in the right places; and enhance opportunities for residents to access suitable homes and have housing choices.

- 4.16 The Council's most recent *Annual Monitoring Report (AMR)* (published in December 2021) confirms that there were 295 net affordable housing completions during 2020/21 which is lower than the previous year (400). The table below (extracted from the AMR) confirms the extent of affordable housing delivery over the past 10 monitoring years.

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	510
2019/20	400*
2020/21	295
Totals	2879

- 4.17 The above figures appear relatively healthy, as the level of affordable housing completions have generally (albeit not always) exceeded the Council's affordable housing target of 190 dwellings per year.
- 4.18 While the above is encouraging, the previous AMR (December 2020) noted the uncertainty about the likely impact of Covid, and drew comparison with the economic recession in 2007/2008. At §5.66 it commented that :

'It is too early to fully understand the extent and the duration of the pandemic, but the 2007/08 economic crisis provides best available comparable local data to predict potential impacts on the housing market.'

- 4.19 In drawing that comparison, the AMR 2020 noted that the monitoring reports for the following five years (after that recession) had reported a reduction of 50%, 49%, 57%, 58% and 60% in housing delivery when compared to pre-economic crunch completions in 2006/07, and 32%, 31%, 42%, 44% and 46% when compared to 633 average net completions since adoption of the Structure Plan in 2001.

- 4.20 The AMR 2020 also drew attention to various bodies of work (at the time of its publication) that highlighted the uncertainty surrounding Covid, including the *English Housing Supply Update* (Q2 2020) (Savills) published in August 2020. That reported that new home completions in England during Quarter 2 of 2020 had fallen by 56%. A separate research article published by Savills in October 2020 (*The Need for Resilience*) suggested that housing supply had (has) been significantly disrupted by COVID-19, and estimated that 17% fewer homes would be built in the 12 months to March 2021 than 2020. It noted that the start of new sites was running at around 47% of pre-Covid levels, and that there was a significant risk to delivery in 2021/22.
- 4.21 MHCLG housing supply indicators data for England (30 September 2020) reported a fall on housing starts and completions, reflecting the coronavirus lockdown. It shows a 52% decrease on house building starts (April to June 2020) when compared to previous quarter, and a 59% decrease when compared to the same quarter in 2019. MHCLG also reported a 62% decrease on house building completions (April to June 2020) compared with previous quarter and a 64% decrease when compared with same quarter of 2019. The same report analyses completions and starts in relation to the 2007/08 economic downturn noting ‘a similar pattern to quarterly estimates with recent downturn in starts and completions clearly evident’. MHCLG reported a 26% decrease in starts and a 15% decrease in completions when compared to the year to June 2019.
- 4.22 More recently, the *Oxfordshire Councils Growth Needs Assessment: Executive Summary Phase 1 Report Phase 2 Report - Covid Addendum July 2021* points out that, across the county:

‘It is clear that affordability issues are having a real impact not just on young people in Oxfordshire, but also its business community. If left unaddressed this could hold back future economic growth potential. Poor housing affordability can provide a deterrent to young professionals hoping to live and work in Oxfordshire, which affects the ability of businesses to recruit staff to fill positions, including in high-tech and innovative business sectors.’

The evidence suggests that whilst rates of housing delivery have been rising, jobs growth over the 2010-18 period outpaced growth in housing and labour supply in Oxfordshire. Between 2011-18 the working-age population age 16- 64 increased by just 1% (7,800 persons). A supply-

demand imbalance for housing has resulted, contributing to both house price growth and growth in net in-commuting into Oxfordshire.

The Covid-19 pandemic is likely to impact further on market housing demand in the short-medium term, particularly with the emergence of increasing unemployment, some reduction in the range and choice of mortgage deals and weakening market sentiment.'

- 4.23 The Needs Assessment notes that median affordability ratios stood at 10.42 times workplace-based earnings in Oxfordshire in 2019, compared with 10.12 in South East England and 7.83 in England. It notes that Oxfordshire has both above average prices and above average earnings, and that :

'this points to significant affordability pressures across the county ... It is clear that affordability issues are having a real impact not just on young people in Oxfordshire, but also its business community; and unaddressed this could hold back future economic growth potential.'

- 4.24 So, in spite of figures in the Council's AMR 2021 suggesting a generally good rate of delivery of affordable homes over recent years, there are very clear warnings and concerns about a slow down in delivery and affordability issues in Cherwell and wider Oxfordshire (indeed nationally).

- 4.25 The realities of increasing unaffordability are very pressing. This was highlighted in the March 2020 study undertaken by the Affordable Housing Commission '*Making Housing Affordable Again: Rebalancing the Nation's Housing System*'. The report poses the question '*Why is housing affordability so important?*' It explains that housing unaffordability is a significant cause of many of the nation's social and economic ills. It is the lack of affordable housing that so often lies behind the problems of poverty, homelessness, debt, family breakdown, mental and physical poor health. Housing stress also has negative effects on people's life chances – as well as on local communities, the business and voluntary sector, the wider economy, and public spending. The Commission's findings show:

- Rent arrears, debt and financial exclusion are major issues for many – because struggling renters are trying unsuccessfully to pay their rents.

- Improvements in standards of living are being held back – because housing costs for increasing numbers absorb such a large amount of their income.
- Many working people are frustrated that they cannot achieve home ownership – because it is impossible for most tenants to save a deposit when rents consume so much of their income.
- There has been an increase in the number of young adults reluctantly staying with their parents – because the only housing available is in the PRS at rents they cannot afford.
- Housing Benefit costs have risen by 40% since 2001 – because rents and Housing Benefit costs per claim are higher.
- Councils in England are faced with households made homeless when their (shorthold) tenancy has been ended – because benefit reductions have meant tenants cannot afford to stay in their private rented accommodation.
- Numbers of families in highly unsatisfactory Temporary Accommodation have risen, at a cost of over £1bn per year – because those families (in work as well as with no earnings) cannot afford anywhere to live.
- Employers cannot recruit and retain the people they need, and productivity is affected – because high housing costs prevent would-be employees from moving to take up job and the workforce is displaced to a greater distance from the workplace.
- Over half of benefit claimants renting privately are in poverty – because the risk of poverty after housing costs increases substantially for those in the PRS compared with those in social housing.
- Housing inequality is a cause of inter-generational friction – because of the divide between older owners with appreciating property assets, and a younger generation of renters who must devote such a high proportion of their earnings to unaffordable rents.

4.26 The need for the extent and type of affordable housing proposed by this application is therefore compelling. While the council's recent delivery figures appear healthy, there are undoubted affordability issues across Oxfordshire, which need to be considered in the context that delivery of housing is now even more important in the uncertain economic climate arising from the combination of Brexit and Covid.



4.27 This proposal is proportionate to the need to secure ongoing growth and meet local need for housing, and should be acknowledged as being in ‘the right place’ - ie it will form part of an established and sustainable residential community as a logical extension to a sustainable settlement, in a place where people clearly wish to live.

4.28 As highlighted earlier, there is an unquestionable need to continue to bring forward affordable housing in the country. In its March 2020 study (referred to above), the Affordable Housing Commission states that :

‘Making housing affordable again must be a national priority. The Commission concludes that a rebalancing of the nation’s housing system is desperately needed: to create substantially more affordable homes for those on below average incomes; to help those who are “priced out” of homeownership; and to provide safe and decent homes for all age groups.’

4.29 The Government’s guidance on “*Improving Health through the Home*” (August 2017) states that:

“The right home environment is essential to health and wellbeing, throughout life. It is a wider determinant of health... The right home environment protects and improves health and wellbeing and prevents physical and mental ill health.”

4.30 This application commits to deliver the full policy-compliant level of affordable housing (35% provision) of the correct type and mix (to be enshrined in a S106 obligation). Those 17 units will provide a meaningful contribution towards such housing, and we invite the LPA to attach considerable weight to this matter.

## COMPLIANCE WITH THE DEVELOPMENT PLAN

- 4.31 In determining this application, regard must be had to section 38(6) of the Planning and Compulsory Purchase Act 2004, which requires that proposals be determined in accordance with the development plan.
- 4.30 As explained in Section 3.0, for the purposes of this planning application, the adopted development plan comprises the following three strands :
- The Cherwell Local Plan 2011-2031 Part 1 Adopted 15 July 2015 (incorporating Policy Bicester 13 re-adopted on 19 December 2016); and
  - The Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review - Oxford's Unmet Housing Need (adopted on 7<sup>th</sup> September 2020); and
  - Saved Policies from the Cherwell Local Plan 1996 (Saved on 27 September 2007).
- 4.31 Before turning to assess the scheme against specific / relevant policies, we acknowledge as a starting point that the site is not allocated for housing or for any use / development. It sits just outside the defined settlement boundary, and as such is located in the countryside. In turn, the proposal conflicts with policies that seek to protect the countryside (we comment further on this below).
- 4.32 We also acknowledge that the site is on the edge of a 'Category C' village, and the LPA (in its pre-application response – see *Appendix 1*) has suggested it is not a sustainable location and that its policy (considered below) is to resist most forms of housing in such settlements.
- 4.33 Set against that, it is evident that the Council is unable to demonstrate a five-year supply of land for housing. The 'tilted balance' (paragraph 11d of the NPPF) is therefore engaged, meaning that sustainable development should be approved unless it would result in harm that would '**significantly and demonstrably**' outweigh the benefits of the proposed development. In short, this application is required to be approved unless there it would demonstrably result in harm which would **significantly** outweigh the benefits of housing provision, including affordable housing provision.

- 4.34 However, we acknowledge the comments of the LPA in its pre-application response that the primacy of the Local Plan is not removed through the presumption in favour of sustainable development and application of the ‘tilted balance’. The planning balance requires the decision maker to weigh any conflict with the relevant policies of the Local Plan against the objectives and policies of national planning policy. We therefore consider the extent of compliance with the relevant policies below.
- 4.35 Considering first the most recently adopted part of the development plan, the *Cherwell Local Plan 2011 - 2031 (Part 1) Partial Review - Oxford’s Unmet Housing Need* was adopted on 7<sup>th</sup> September 2020. However, because of the strategic nature of the Plan, and given that its policies relate solely to its strategic allocations, we will say more about its policies, as those are not directly relevant to this planning application.
- 4.32 The next most recent part of the development plan - the *Cherwell Local Plan 2011-2031 - Part 1* - was adopted approaching 7 years ago (in July 2015) and provides the strategic planning policy framework for the District up to 2031. The CLP 2015 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996, although some of its policies are retained and remain part of the Development Plan (see summary later).
- 4.33 CLP 2015 *Policy PSD1: Presumption in Favour of Sustainable Development* mirrors paragraph 11 of the NPPF in that it requires that Council’s apply the presumption in favour of sustainable development when considering planning applications. We explain later in this Statement why we consider the proposal to constitute sustainable development, and at this point contend that there is no conflict with PSD1.
- 4.34 *Policy BSC1: District Wide Housing Distribution* details a requirement for 22,840 homes to be delivered between 1 April 2011 and 31 March 2031. It is of note that CLP 2015 did not allocate any sites under the threshold of 100 dwellings, and hence this application site (being below 100 dwellings) was not considered for development under the Plan. In this regard, the *Cherwell Local Plan 2011 – 2031 (Part 2): Development Management Policies and Sites* was identified at the time in the Local Development Scheme by the Council. A preliminary scoping consultation was undertaken in May 2015. Consultation took place on an Issues Paper from 29 January 2016 – 11 March 2016. The ‘Local Plan Part 2’ was intended to contain detailed

planning policies for considering planning applications and non-strategic site allocations. Upon adoption, it was intended to become part of the statutory Development Plan.

- 4.35 However, the Council took the decision in December 2018 not to progress the Part 2 Local Plan, and it no longer features in the Council's Local Development Scheme. The Council has instead prepared a timetable for an emerging Cherwell Local Plan Review 2040, which is anticipated to be adopted by the end of 2023 (assuming no delays).
- 4.36 At a county level, the Oxfordshire 2050 Plan is being prepared, but this is intended to be a high level strategic planning document, with policies covering housing, employment, transport and infrastructure, biodiversity and responding to climate change. It is not intended to allocate land for non-strategic development and might not identify specific sites for strategic-scale development.
- 4.37 The Council adopted the Partial Review of Cherwell Local Plan 2011-2031 (Part 1) in September 2020 (see later for more details). That Plan focuses development on a geographic area extending north from Oxford to south Kidlington, and along the A44 corridor to Yarnton and Begbroke. It does not cover the north of Cherwell District.
- 4.38 Our point here – in respect of policy BSC1 and other policies set out below – is that, in respect of plan-making, there has been no opportunity for housing sites of this scale (i.e. less than 100 dwellings) to be allocated within any development plan for Cherwell District since the adoption of the Cherwell Local Plan 1996 (in November 1996).
- 4.39 The next scheduled development plan is the Cherwell Local Plan Review 2040, which might be adopted by 2023 (assuming no slippage). That would be a total period of at least 27 years with no attempt to provide for housing allocations at this small / medium scale in this part of Cherwell District. We suggest that this site and this proposal calls to be considered against that context.
- 4.40 Turning back to specific policies of CLP 2015, *Policy Villages 1: Village Categorisation* states that only Category A (Service Centres) and Category B (Satellite Villages) will be considered to be suitable for minor development in addition to infilling and conversions. Shenington is not

identified as either a Category A or B village, and as such falls to be classed as Category C. The policy suggests that only infilling and conversions are appropriate in such villages.

4.41 We have already acknowledged inconsistency with the above policies, but balanced against that is the lack of housing supply and the engagement of the tilted balance, which we consider leans in favour of supporting the proposal. The need to provide housing (both market and affordable) is fundamentally important, and – when the development plan was adopted – it was not prepared at a time of housing shortfall or anticipating a shortfall, or in the context of what is accepted to be a national housing crisis at the height of an unprecedented / ongoing global pandemic and the economic uncertainty that remains in respect of Brexit.

4.42 While Shenington is identified as Category C village in the Cherwell Local Plan 2011-2031 - Part I, it is worth noting that, before it was replaced, it fell under Policy 'Villages I' H13 of the Cherwell Local Plan 1996. §2.65 of that policy's supporting text explained that Category I settlements were so classified because :

'their physical characteristics and the range of services within them enable them to accommodate 'some limited extra housing growth.'

4.43 The point we seek to make is that, while – in 2015 – Shenington reverted from a 'Category I' settlement to a 'Category C' settlement, the reality is that it had not (as a settlement) shrunk in size or become any less sustainable than it was when it was identified as a Category I settlement on the basis of its 'physical characteristics and the range of services within [it] to enable [it] to accommodate some limited extra housing growth.' The extent of local amenities remain the same today as those in 2015 when it was identified as Category I (see table on following page).

4.44 We contend that the provision of 49 homes (of which 17 are to be affordable) represents 'limited extra housing growth' in the context of a very poor supply of housing land across the District.

- 4.45 We would also repeat that, by the time the next scheduled development plan is adopted (possibly by the end of 2023), there will have been a period of at least 27 years with no attempt by the LPA to provide for any development plan housing allocations at small / medium scale in this part of Cherwell District.

*Shenington Amenities :*

Amenity	Location	Walking Distance (km)	Journey Time (Mins)	
			Walk (80m/minute)	Cycle (320/minute)
Shenington Church of England Primary School	Stocking Lane	0.2	3	1
The Village Nursery Shenington	Rattlecombe Road	1.1	14	3
The Village Nursery Shenington	Church Street	5.2	-	16
Wroxton Primary School	Lampitts Green	4.8	-	15
Fenny Compton Surgery	Stocking Lane	0.2	3	1
The Bell Public House	Kenhill Road	0.18	2	1
Holy Trinity Church	The Green	0.28	4	1
Wroxton Sports Club	Stratford Road	5.4	-	17
Ruscote Arcade Post Office	Longelandes Way	9.3	-	29
Banbury Dental Surgery	Rotary Way	10.6	-	33
ALDI	Ruscote Avenue	9.6	-	24
Broughton and North Newington Cricket Club	B4035	7.8	-	24
Sugarswell Business Park	Sugarswell Lane	3.9	49	12

- 4.46 It is also important to highlight the comments in the NPPF concerning rural housing. §79 states that, to promote sustainable development in rural areas, ‘housing should be located where it will enhance or maintain the vitality of rural communities.’ It states that planning policies should ‘identify opportunities for villages to grow and thrive’, especially where this will support local services.

- 4.47 The above is reinforced in the National Planning Policy Guidance. The section 'Rural Housing - How should local authorities support sustainable rural communities?' (Paragraph: 001 Reference ID: 50-001-20160519) states that :

'It is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and **the role of housing in supporting the broader sustainability of villages** and smaller settlements. This is clearly set out in the National Planning Policy Framework, in the core planning principles, the section on supporting a prosperous rural economy and the section on housing.

A thriving rural community in a living, working countryside depends, in part, on retaining local services and community facilities such as schools, local shops, cultural venues, public houses and places of worship. **Rural housing is essential** to ensure viable use of these local facilities.

Assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, **all settlements can play a role in delivering sustainable development in rural areas – and so blanket policies restricting housing development in some settlements and preventing other settlements from expanding should be avoided** unless their use can be supported by robust evidence.

The National Planning Policy Framework also recognises that different sustainable transport policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'

- 4.48 As such, while we acknowledge the inconsistency with CLP 2015 *Policy Villages 1 and 2*, we contend that the tilted balance applies and this proposal calls to be considered against the above context, which in turn influences the weight to be attached to policies (such as *Policies Villages 1 and 2*) that seek to restrict the delivery of housing at a time of undersupply.
- 4.49 CLP 2015 *Policy BSC2: The Effective Use of Land – Brownfield Land and Housing Density*. This encourages the effective and efficient use of land and states that new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare '**unless there are justifiable planning reasons for lower density development.**'
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- 4.50 This application is promoting density of 27 dwellings per hectare, slightly below the suggested 30 dph. In considering density – and ‘justifiable planning reasons for lower density development’ – we are mindful of the LPA’s pre-application response (*Appendix 1*) that suggested that ‘the density of the development needs to be carefully considered taking into account the context’, suggesting that the 60 dwellings promoted at pre-application stage appeared ‘too cramped’. We understand that those comments related in large part to the context of the site, forming part of the countryside and set against a village Conservation Area built at quite a low density. It is perhaps understandable that, in spite of the general provisions of BSC2, the LPA would prefer a development that is closer to the prevailing density of the main village.
- 4.51 In response to those pre-application comments, the number of houses has been reduced (from 60 to 49) and the layout has been reconfigured. For example, the pre-application proposal showed the frontage of the site abutting Rattlecombe Road filled with houses. Those homes have now been removed, leaving a sizeable zone of ‘breathing space’ against the road, on the approach into the village and Conservation Area. The houses onto Stocking Lane have also been adjusted in an attempt to respond to the pre-application comments.
- 4.52 While the proposed density is moderately higher than the immediate surroundings, it is also important to highlight that, while this proposal has been designed to respect its surroundings, it does not seek to slavishly mimic those. It is a contemporary stand-alone development that, in many respects, will be distinct from the main village core. We consider that a density of 27 dph provides the correct balance between a sensitive, respectful development on the edge of the village, and the very clear advice in the NPPF concerning densities.
- 4.53 We would add that §119 of the Framework states that planning decisions should promote the effective use of land in meeting the need for homes and other uses. §124 states that planning decisions should support development that makes efficient use of land, while §125 states that - where there is an existing or anticipated shortage of land for meeting identified housing needs (as in this case) - it is ‘especially important’ that planning policies and decisions avoid homes being built at low densities, and ensure that developments make ‘optimal use of the potential’ of each site. It states that policies should optimise the use of land, and that standards should seek ‘a significant uplift in the average density of residential development within these

areas', unless it can be shown that there are strong reasons why this would be inappropriate. It adds that applications should be refused if they fail to make efficient use of land.

- 4.54 In view of the above firm advice in the Framework, and whilst the LPA's comments about density and the provisions of Policy BSC2 are understood, we consider that the proposed density (reduced from the scheme presented at pre-application stage in direct response to the LPA's comments) strikes the appropriate balance, and in turn that 'there are justifiable planning reasons for lower density development' below 30 dph. We therefore contend that there is no conflict with Policy BSC2.
- 4.55 Policy BSC3: Affordable Housing is clear that residential development in Kidlington 'and elsewhere' that includes 11 or more dwellings will be expected to provide at least 35% of new housing as affordable homes on site. Of this, 70% will be expected to be affordable/social rented and 30% intermediate affordable homes. In this case, 17 out of 49 homes are proposed to be affordable, in the mix set out in the policy. That equates to 34.7%, which we suggest is policy-compliant. In the event that the LPA requires a financial payment in lieu of the 0.3% deficiency (as the policy suggests), that can be dealt with as part of the S106 obligation that we anticipate will be subject to any planning permission.
- 4.56 Policy BSC4: Housing Mix seeks to ensure that residential development comprises a mix of sizes that meet the requirements of the community. It notes that Table 67 of the Oxfordshire SHMA 2014 states that the mix below would be appropriate to meet needs. At the time that the Local Plan Part I was adopted, the SHMA 2014 was seen as the most up to date evidence base upon which to base the affordable mix.

Table 6: Oxfordshire SHMA 2014 Cherwell Housing Mix Requirements

	1 Bed	2 Bed	3 Bed	4 Bed
Market	5%	25%	45%	25%
Affordable	25-30%	30-35%	30-35%	5-10%
All Dwellings	15%	30%	40%	15%

4.57 Despite the SHMA 2014 being referenced in the explanatory text to the policy, the policy itself does not specify a specific source that must be used to inform the mix. Rather it states:

*‘The mix of housing will be negotiated having regard to the Council’s most up-to-date evidence on housing need and available evidence from developers on local market conditions.’*

4.58 The mix of accommodation promoted by this application is as below :

- 6 x 1 bedroom flats = 12.2%
- 14 x 2 bedroom houses = 28.6%
- 17 x 3 bedroom houses = 34.7%
- 9 x 4 bedroom houses = 18.4%
- 3 x 5 bedroom houses = 6.1%

4.59 While the proposed mix is not identical to the suggested SHMA 2014 mix above, it is commensurate, and we suggest represents a sensible and sustainable response to the market and affordable housing demand in the locality. We therefore see no conflict with Policy BSC4.

4.60 Nor is there conflict with *Policy BSC 10: Open Space, Outdoor Sport and Recreation Provision* or *Policy BSC 11: Local Standards of Provision – Outdoor Recreation*, which seek to ensure that a sufficient quantity and quality of, and convenient access to open space, sport and recreation provision. A total area of 8,000 sqm of public open space is to be provided, which exceeds – by some margin – the policy requirement. That space includes a 500 sqm combined LAP (Local Area for Play) and NEAP (Neighbourhood Equipped Area of Play) set within a wider parcel of space of 6,000 sqm.

4.61 *Policy ESD 3: Sustainable Construction* states that all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with Government policy. In response to this policy, all homes will be built to the highest standard of construction using sustainable construction techniques and materials and energy efficient systems where possible. All homes will be provided with electric charging points.

- 4.62 There is no conflict with *Policy ESD 6: Sustainable Flood Risk Management* and *Policy ESD 7: Sustainable Drainage Systems (SuDS)*, which (when combined) require all development to use sustainable drainage systems (SuDS) for the management of surface water run-off, and seek to manage and reduce flood risk through using a sequential approach to development and locating vulnerable developments in areas at lower risk of flooding. In this regard we point to the Flood Risk Assessment and Outline Drainage Strategy submitted in support of the application, which sets out why the proposal is compliant with Policies ESD 6 and ESD 7.
- 4.63 The application is also consistent with *Policy ESD 10: Protection and Enhancement of Biodiversity and the Natural Environment*. This policy requires the protection and enhancement of biodiversity and the natural environment, and sets out a series of requirements, including relating to an unspecified net gain in biodiversity; protection of trees; the aim to increase the number of trees in the District; an expectation that developments will incorporate features to encourage biodiversity, and retain and where possible enhance existing features of nature conservation value within the site.
- 4.64 In considering this policy, we would highlight that no trees will be removed as part of the development, and only one limited section of hedgerow alongside Rattlecombe Lane will be removed (to create the main access point). In mitigation for that very limited loss, the submitted Landscape Masterplan and separate Planting Plan include a considerable amount of new planting, including trees, new mixed native hedgerow and shrub mixes and ground cover plants. The full details of the planting are provided on the submitted Landscape Layout drawing, but can be summarised as:
- 1,792 native shrubs
  - 191 native trees
  - 620 individual native species hedges (a total planting length of 124 metres), including the reinstatement of historic hedging through the centre of the site (as marked on the submitted drawings).
- 4.65 The submitted Ecological Assessment explains that the site is dominated by species poor semi-improved grassland, bordered by a number of species-poor hedgerows, one of which contains a number of mature trees. There are also two small patches of dense scrub within the site.

- 4.66 There are no statutory or non-statutory designated sites within or adjacent the site, nor are any adverse effects predicted on off-site designated sites.
- 4.67 Retained trees and hedgerows around the site boundaries will be protected from accidental damage during site clearance and construction.
- 4.68 The Ecological Assessment records that there are no features suitable for roosting bats present on site, and the trees have been assessed as having negligible suitability for roosting bats. It suggests that loss of the grassland will represent a minor reduction in foraging habitat for bats, but the overwhelming majority of trees and hedgerows will be retained, with additional tree and hedgerow planting proposed. As such, there will be no significant impacts to roosting bats, nor foraging and commuting bats so long as a sensitive lighting design is implemented (which we anticipate will be governed by a condition in the event of approval).
- 4.69 The Ecological Assessment recommends that a pre-construction check (in relation to badgers) be undertaken prior to site clearance and development works, and that precautionary working measures should be implemented to ensure no harm or injury to badgers during site clearance and construction works.
- 4.70 The Assessment recommends that vegetation clearance should be undertaken outside the nesting bird season, and confirms that no invasive plant species were noted during the survey. Precautionary working measures should be implemented to ensure no harm or injury to hedgehogs, common toad or slow worm, which may be present on site, during site clearance and construction works.
- 4.71 The Assessment concludes that no impacts on other protected or notable species are anticipated from the proposed development, and makes recommendations for biodiversity enhancements that could be provided within the site.
- 4.72 We have noted that the LPA's pre-application letter suggests that a 10% net gain in biodiversity will be sought and that any proposal would be expected to incorporate features to encourage biodiversity in accordance with policy ESD10 of the CLP 2031, including the retention and enhancement of existing features.

- 4.73 In response to this, we note that the above policy does not require specifically a 10% net gain. Policy ESD 10 simply states that, in considering proposals for development, an unspecified net gain in biodiversity will be sought by protecting, managing, enhancing and extending existing resources, and by creating new resources.
- 4.74 We are mindful of the requirement in the NPPF that planning decisions should contribute to and enhance the natural and local environment by, *inter alia*, providing net gains for biodiversity. We are also aware that it is the Government's intention to introduce secondary legislation to cover the topic, albeit at the point of submitting this application that legislation has not been published. Nevertheless, it is the Applicant's intention to interrogate biodiversity net gain that might be achieved by this proposal, and to report that to the LPA during the course of the application.
- 4.75 We therefore contend that there is no conflict with Policy ESD 10.
- 4.76 We also suggest that the proposal is consistent with *Policy ESD 13: Local Landscape Protection and Enhancement*, which seeks opportunities to secure the protection and enhancement of the character and appearance of the landscape, and expects development to respect local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. It states that 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, impact on areas judged to have a high level of tranquillity, or harm the setting of settlements, buildings, structures or other landmark features, or harm the historic value of the landscape.
- 4.77 In response to this policy, we draw attention to the submitted *Landscape and Visual Impact Assessment (LVIA)*, which assesses key views and concludes that the effects of the proposed development will be restricted to a localised geographical area and would not result in substantial harm to landscape character beyond the site boundary. The development will not result in the alteration or loss of any landscape features or elements important to landscape character, and will not affect any other key characteristics of the landscape to the extent that diversity or quality of landscape will be substantially diminished. The LVIA suggests that the design and layout have responded to the landscape and visual context of the site by retaining

boundary vegetation where possible within a framework of new strategic planting to create a sensitive transition between the site and the wider countryside.

- 4.78 The introduction of sensitively designed residential development will not therefore introduce new or alien features that do not already exist within the local context. The site is immediately adjacent to existing settlement edge and the proposals will be seen within this context. A robust landscape strategy will be implemented, ensuring that the proposed built form is successfully integrated into the receiving landscape character. Existing vegetation on the site boundaries will help to contain the development from the wider landscape, and it is our contention that the overall effect on the character of the site and its immediate surroundings will be minor adverse.
- 4.79 In view of the above, we suggest that there is no conflict with Policy ESD13.
- 4.80 The application is also consistent with *Policy ESD 15: The Character of the Built and Historic Environment*, which explains that successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. It states that new development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design, and that all new development will be required to meet high design standards.
- 4.81 In response to this policy, we draw attention to the submitted Heritage Report, to be read alongside the drawings, LVIA and Design and Access Statement. These documents combined demonstrate that a high quality, safe, attractive, durable and healthy place will be created, respectful of the site and context. The development does not seek to mimic the adjacent Conservation Area, but responds to it sympathetically, using good quality design, materials and landscaping elements (hard and soft).
- 4.82 Careful consideration has been paid to views and how the scheme will dovetail with the existing village, incorporating green infrastructure and biodiversity enhancement features. In heritage terms, the submitted Historic Environment Desk-based Assessment assesses the scheme against heritage policies at local and national levels, and notes that the importance of the conservation area is derived from the layout of the village and the architectural value of the buildings within it, which will not be impacted by the development.
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- 4.83 It notes that there will be a small area of direct, physical impact on the conservation area, due to the eastern boundary and proposed entrance to the development site being located within the designated area. It also highlights – as a heritage benefit – that the proposal includes the restoration of the ironstone wall along Rattlecombe Road, which is currently in a state of disrepair.
- 4.84 The Assessment suggests that the new dwellings closest to Rattlecombe Road will respect the positive vista westwards and will not intrude into this view. In addition, it notes that areas of remaining hedgerow within the site (as seen on historic mapping) will be restored. This, combined with the repair of the low lying ironstone wall facing Rattlecombe Road (which contributes to the aesthetic and historical value of the conservation area) are positive design measures and therefore the magnitude of direct effect on the conservation area is considered to be low beneficial.
- 4.85 It is also recommended that the existing hedgerows which surround the site (especially on the southern and eastern boundaries) are kept intact as much as possible. This will further reduce the impact to the historical field boundaries.
- 4.86 It is also proposed to reinstate the historic hedgerow which once split the site (as seen on the Ordnance Survey maps until recently). This will provide a link with the historical development of the site.
- 4.87 The Assessment also notes that the new houses are to be set well back from Rattlecombe Road to respect the current building line and not to impose on the views into and out of the village.
- 4.88 The Assessment therefore considers that there will be no direct, physical impacts on any listed buildings due to their distance from the development site. The importance of those buildings derives from their evidential, historical and aesthetic values, and these will be unaffected by the proposed development. The magnitude of effect on the listed buildings is therefore considered to be none.

- 4.89 The Assessment has concluded that the magnitude of indirect effect is low adverse to none on the built heritage, and the magnitude of direct effect is low beneficial to none. As the conservation area and listed buildings are considered to be of very high to high heritage significance, the combined significance of the effect is therefore negligible.
- 4.90 The Assessment also recommends that a programme of archaeological works be undertaken in order to further assess the potential for as yet unknown archaeological remains, and to inform the nature, character and extent of any future mitigation measures. It is suggested that a first phase of archaeological evaluation in the form of a geophysical survey is undertaken across the development site. This evaluation is recommended to better understand the archaeological potential of the site, in accordance with the NPPF 2021 paragraph 205.
- 4.91 The scope of the archaeological works would be set out in a Written Scheme of Investigation (WSI) prepared following consultation with the Oxfordshire County Council planning archaeologist. The need for, and the scope of, any mitigation would be based on the results of the evaluation works and confirmed in consultation with the Oxfordshire County Council planning archaeologist.
- 4.92 We therefore see no conflict with Policy ESD 15.
- 4.93 Having regard to the above assessment, we contend that, in overall terms, the application is consistent with all relevant policies of the first part of the adopted Development Plan – namely CLP 2015 - aside from non-compliance with *Policies Villages 1 and 2*. However, we have explained why the weight to be attached to those policies is questionable in view of the very poor housing land supply and other considerations, and – throughout this section of this Statement – why the tilted balance lends weight to approval of this application.
- 4.94 We now turn to consider the third part of the development plan insofar as it relates to this proposal – ie the *Saved Policies of the Cherwell Local Plan 1996*. Those policies were originally saved on 27 September 2007.
- 4.95 This Local Plan was intended as the policy framework for Cherwell up to 2001. It is clearly now very dated.

- 4.96 As a starting point, it is worth highlighting that, while Policy H1 of the 1996 Plan has been superseded by policies in the Cherwell Local Plan 2011-2031 Part 1, it allocated certain non-strategic sites (ie those that could accommodate up to around 100 houses) for residential development. That former policy (H1) – adopted 26 years ago and conceived as far back as 1976 - was the last development plan policy to have considered the suitability of non-strategic residential development sites in this part of Cherwell. We suggest that this is an important contextual point when considering this proposal.
- 4.97 The application is consistent with saved *Policy C28 Layout, Design and External Appearance of New Development*, which seeks good standards of layout, design and external appearance, including the choice of external-finish materials sympathetic to the character of the context. The proposal is of appropriate scale and designed sympathetically to respect and respond to the wider village, albeit not pretending to mimic it. Ultimately this will read as contemporary development of good quality homes on the edge of a village, designed in traditional style, respectful to local context and distinctiveness, with plentiful open space and retained / new planting to assist in assimilating the development into the landscape and townscape.
- 4.98 For the same reasons, we suggest there is no conflict with saved *Policy C30 Design of New Residential Development*. The proposal is of appropriate appearance, character, layout, scale and density, and provides good standards of amenity, privacy and landscaping.

### **Overall Compliance with Development Plan**

- 4.99 We have assessed above what we consider to be the extent of compliance with relevant policies of all three strands of the adopted development plan insofar as those relate to the proposal. One of those parts is of little relevance to this proposal because it focuses on large strategic sites. Of the other two parts, we have noted overall compliance with policies, albeit we have also acknowledged a degree of inconsistency with those policies that seek to restrict housing development in the countryside and in 'Category C' villages such as Shenington.
- 4.100 Set against that, it is evident that the Council is unable to demonstrate a five-year supply of land for housing. It is currently declaring a very supply of just 3.8 years (predicted to reduce still further to 3.5 years in due course).

- 4.101 The ‘tilted balance’ (paragraph 11d of the NPPF) is therefore engaged, meaning that sustainable development should be approved unless it would result in harm that would ‘**significantly and demonstrably**’ outweigh the benefits of the proposed development. We consider – bearing in mind the assessment above and elsewhere in this Statement and in the remainder of the application documentation – that this scheme represents sustainable development and that any ‘harm’ that might arise will not demonstrably result in ‘harm’ which would ‘**significantly**’ outweigh the benefits of housing provision, including affordable housing provision.
- 4.102 However, we acknowledge that the primacy of the Local Plan is not removed through the presumption in favour of sustainable development and application of the ‘tilted balance’. The planning balance requires the decision maker to weigh any conflict with the relevant policies of the Local Plan against the objectives and policies of national planning policy. We have considered those policies above, and – aside from an extent of non-compliance with certain limited policies – we maintain that there is overall compliance with the provisions of the development plan insofar as its policies can be relied upon in the context of an insufficient supply of housing land.

## **SUSTAINABLE DEVELOPMENT AND PUBLIC BENEFITS**

- 4.103 The promotion and encouragement of sustainable development goes to the heart of the NPPF.
- 4.104 In this case, a viable, bespoke, high quality development scheme is being promoted on a windfall site, at time of ongoing economic uncertainties arising from Covid and Brexit, when the Council cannot demonstrate an adequate supply of housing, and is in turn failing to ‘**boost significantly**’ its supply. It will make effective and efficient use of an accessible site on the edge of Shenington as a sustainable village, creating a vibrant residential environment as an adjunct to the village, with noteworthy public open space provision that will help to build the community in a balanced and sustainable fashion.
- 4.105 The NPPF explains that achieving ‘sustainable development’ means that the planning system has three overarching objectives (economic, social and environmental), which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).

4.106 Paragraph 10 states that, at the heart of the Framework, is a presumption in favour of sustainable development, while (as noted earlier) paragraph 11 states that LPAs should apply this presumption. For decision-taking this means:

- approving development proposals that accord with an up-to-date development plan without delay; or (as in this case)
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
  - the application of policies in this 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 this Framework taken as a whole.

4.107 NPPF advises that, where there is not a robust 5 year supply of housing, then the development plan must be considered out of date, in which case the §11 presumption / tilted balance applies.

4.108 We explained above the extent to which we consider the proposal complies – in overall terms, albeit with a degree of inconsistency - with the adopted development plan, but it is also important to demonstrate that the proposal is sustainable.

4.109 As noted above, the NPPF confirms that there are three core strands / roles relating to sustainable development : **economic, social and environmental**. We consider each in turn below.

#### **Economic Benefits**

4.110 In terms of its **economic** role, the proposal will assist in supporting sustainable economic growth, through the provision of quality homes and contributing to the growth and evolution of this part of Cherwell, and will assist in sustaining the rural economy.

- 4.111 Whilst the LPA has indicated that it does not consider Shenington to be the most sustainable of locations, we have explained why we consider it to be sustainable and accessible, and - while it is no longer a live policy - the village was recognised up to 2015 (under policy H13 of the former development plan) as a 'Category 1' village, and described (at the time) as having the 'physical characteristics and the range of services within them enable them to accommodate some limited extra housing growth.' While that policy has since fallen away, we suggest that those same physical characteristics and range of services are essentially the same today, and so too are the village's capabilities of accommodating 'some limited extra housing growth.'
- 4.112 The proposed development – set in the context of a poor supply of housing - presents an opportunity to provide modest scale growth in an appropriate location, and address the balance in how this is directed across the district. The scheme will also bring various economic benefits, including a boost to the local economy, and new / sustained local jobs through the construction phase.
- 4.113 The proposal will therefore contribute to the growth objectives for Cherwell and its overall vitality and viability. This will in turn increase spending power within the District and surrounding areas, and will contribute to the long-term maintenance of shops, services and other facilities on offer, and assist the rural economy.
- 4.114 The economic context is set out (in part) in the Government's '*Housing supply: Indicators of new supply, England Statistical Release*' (published 30 September 2020), in which the MHCLG unsurprisingly (due to Covid) predicted a downturn in the rate of delivery in 2020 (as below).

'The number of dwellings where - according to building control figures - building work has started on site was 15,930 in April to June 2020. This is a 52 per cent decrease when compared to last quarter and this steep fall in activity reflects UK government COVID-19 lockdown measures. It follows a recent trend of a slowdown in growth with six of the last six quarters showing a decrease.

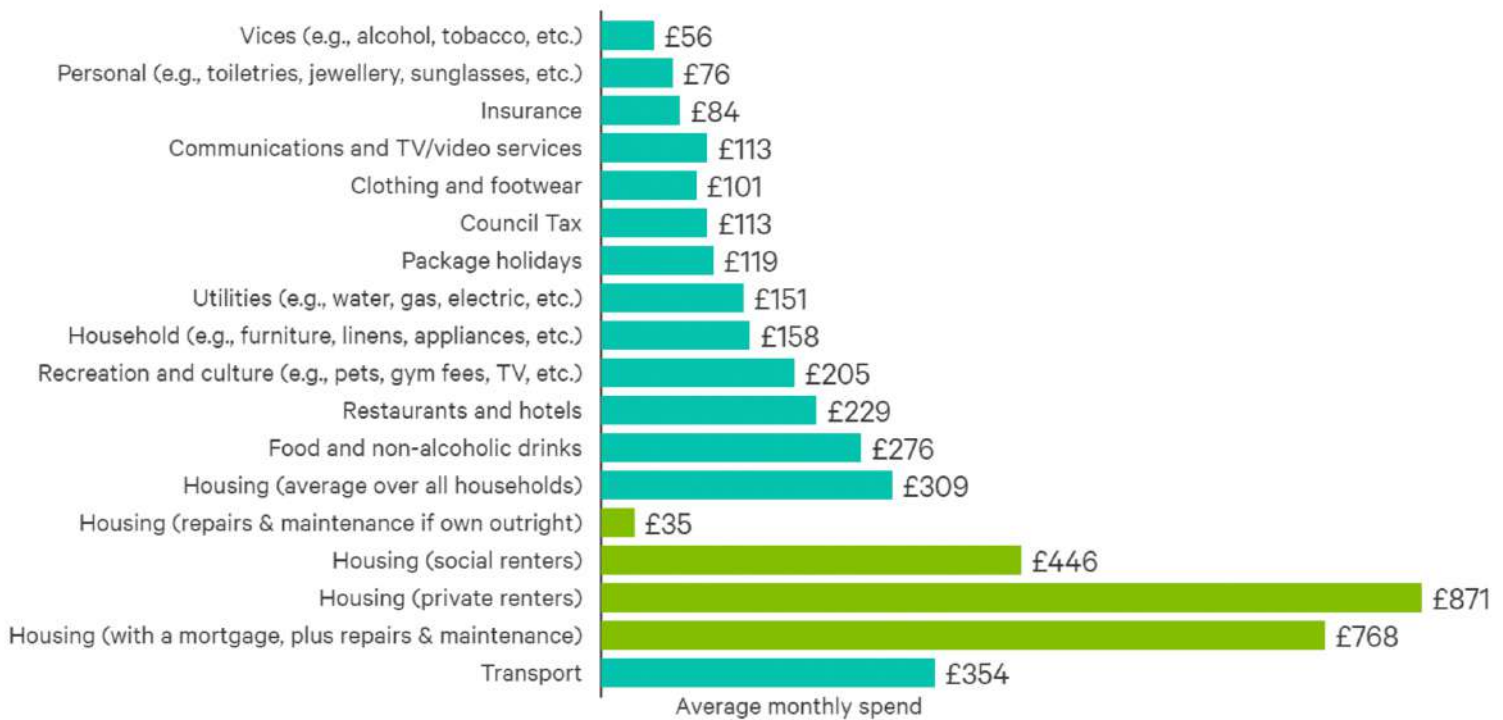
There has been a sustained decrease in starts and more recently a steep fall in starts and completions reflecting UK government COVID-19 lockdown measures.'

- 4.115 It is against that economic context that this planning application calls to be considered. It is a given that, to match and accommodate Cherwell's ambitious growth aspirations and unlock the economic potential of the borough, workers, business leaders, entrepreneurs and employees generally need homes to live in. We have already pointed to the inadequate housing land supply in the district, and the limited affordability to many who wish to live there.
- 4.116 The application scheme will draw upon local labour for the construction of the new homes. Some of those jobs will be located on the site itself, whilst others will be based in the wider borough area, with some further afield within the construction supply chain. The jobs will vary in type, from elementary occupations (e.g. site labourers) to professional and higher skilled technical occupations (e.g. project managers and site surveyors).
- 4.117 We anticipate that the proposal is likely to accommodate an average of 2.5 people per dwelling. For 49 dwellings, that would equate to a population of around 123.
- 4.118 According to the 2019/20 Living Costs and Food Survey from the Office of National Statistics (ONS), on average, UK households spend £588 per week (£2,548 a month) to cover living expenses including housing, food, clothes and transport. The average UK household spends £3,312 a year on groceries and non-alcoholic drinks at home. Another £484 is spent on alcohol (mostly wine) for consumption at home. Eating and drinking out consumes a further £2,132 from our household budgets.
- 4.119 The table on the following page breaks down those costs, and includes additional items such as 'vices', holidays, leisure and recreation (such as gym memberships) and more besides.



## Average Monthly Household Spending UK

for the largest 14 budget categories



Source: ONS Family Spending in the UK April 2019 to March 2020

4.120 Each household created on the application site would be expected to spend a significant proportion of their household income in Cherwell District. Taking the above £588 per week (£2,548 a month) as a proxy (to cover living expenses including housing, food, clothes and transport), that suggests an annual injection of around £1.5 million arising from the proposal. That figure excludes items such as dining out and spending on leisure activities, which will inject further cash into the local economy.

4.121 We accept that the average spending of those residing in affordable homes is likely to be moderately lower (albeit other residents will probably spend more than average), and that not all residents will be new to the District, but regardless of the precise spending figure, it is self evident that it will be very substantial when considered on a year by year basis.

- 4.122 Much of that will inevitably be spent in local shops and on local services. This in turn will have positive knock on effects for employment in the local area, helping to sustain local shops and the rural economy, supporting the supply chain of firms benefiting from household expenditure, and consequently the spending of salaries of those employed as a result of spending by new residents. All of this will serve to improve the vitality and viability of the District's town and village centres.
- 4.123 Furthermore, it is reasonable to assume that there would be benefits to the suppliers and fitters of fixtures and fittings for new homes.
- 4.124 On the above basis, there can be no question that this scheme will deliver positive economic benefits to the borough. Those are real and positive economic benefits.

#### **Social Benefits**

- 4.125 **Socially**, the proposal will address the need for more housing in the district and assisting 'boosting significantly' its currently poor supply.
- 4.126 The development will make a significant contribution towards the social objectives of sustainable development. Primarily, the proposal will deliver housing to contribute towards the district's housing land supply. Just as importantly, by bringing forward affordable housing, the development will ensure that the needs of more vulnerable residents can be met.
- 4.127 The provision of sufficient good quality housing goes to the heart of a good and strong society, and is undoubtedly an important social benefit.
- 4.128 The NPPF makes it clear that planning should be a proactive process to deliver the homes the country needs. Paragraph 38 states that local planning authorities should approach decisions on proposed development 'in a positive and creative way', while paragraph 60 states that :

'To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed ...'

4.129 Of relevance to this application, paragraph 69 highlights that small and medium sized sites (such as this) can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly.

4.130 To promote the development of a good mix of sites local planning authorities, §69 advises that LPAs should, *inter alia* :

‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.’

4.131 The social dimension (and associated benefits) of striving to deliver the right type and mix of homes, in the right locations where people wish to live, is self evident. We highlighted this at the outset of this section of our Statement. We drew attention to the recent (March 2020) study undertaken by the Affordable Housing Commission ‘*Making Housing Affordable Again: Rebalancing the Nation’s Housing System*’, which explains that housing unaffordability is a significant cause of many of the nation’s social and economic ills. It suggests that the lack of affordable housing lies behind the problems of poverty, homelessness, debt, family breakdown, mental and physical poor health. It highlights that housing stress has negative effects on people’s life chances – as well as on local communities, the business and voluntary sector, the wider economy, and public spending.

4.132 We have also drawn attention to *Oxfordshire Councils Growth Needs Assessment: Executive Summary Phase 1 Report Phase 2 Report - Covid Addendum July 2021*, which points out that, across the county:

‘It is clear that affordability issues are having a real impact not just on young people in Oxfordshire, but also its business community. If left unaddressed this could hold back future economic growth potential. Poor housing affordability can provide a deterrent to young professionals hoping to live and work in Oxfordshire, which affects the ability of businesses to recruit staff to fill positions, including in high-tech and innovative business sectors.

The evidence suggests that whilst rates of housing delivery have been rising, jobs growth over the 2010-18 period outpaced growth in housing and labour supply in Oxfordshire. Between 2011-18 the working-age population age 16- 64 increased by just 1%

(7,800 persons). **A supply-demand imbalance for housing has resulted, contributing to both house price growth** and growth in net in-commuting into Oxfordshire.

**The Covid-19 pandemic is likely to impact further on market housing demand** in the short-medium term, particularly with the emergence of increasing unemployment, some reduction in the range and choice of mortgage deals and weakening market sentiment.'

- 4.133 The Needs Assessment notes that median affordability ratios stood at 10.42 times workplace-based earnings in Oxfordshire in 2019, compared with 10.12 in South East England and 7.83 times in England. It notes that Oxfordshire has both above average prices and above average earnings, and that :

'this points to **significant affordability pressures across the county** ... It is clear that **affordability issues are having a real impact** not just on young people in Oxfordshire, but also its business community; and unaddressed this could hold back future economic growth potential.'

- 4.134 So, in spite of figures in the Council's AMR 2021 that suggest a generally good rate of delivery of affordable homes over recent years, there are very clear warnings and concerns about slow down in delivery and affordability issues in Cherwell and wider Oxfordshire (indeed nationally).

- 4.135 That said, there is a need to continue to bring forward affordable housing in the district. This scheme will provide a modest, but meaningful contribution towards that need, and we anticipate that the LPA will attach considerable weight to this matter.

- 4.136 It is therefore evident that, not only does the district need to build more houses generally and **'boost significantly'** its housing supply at a time of economic uncertainty, but there is an imperative to provide more affordable homes in the right places, where people wish to live. The application site is accessible land on the edge of a sustainable settlement, and one that the former Local Plan (replaced in 2015) designated as a Category I settlement with :

**'physical characteristics and the range of services within [it] to enable [it] to accommodate some limited extra housing growth.'**

- 4.137 While the application site falls in the countryside, it represents a clear, obvious and sustainable opportunity to accommodate an element of the district's market and affordable housing needs.
- 4.138 There are further social benefits that link with our commentary on environmental benefits below. There is an obvious social dimension in delivering well designed buildings and quality open space / play space for the benefit of all users (not just residents of the scheme).

### **Environmental Benefits**

- 4.139 In considering **environmental** benefits, the NPPF confirms that, to achieve sustainable development, economic, social and environmental “objectives” should be sought :

‘Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives).’

- 4.140 This requires ‘net gains’ across each objective, and as such it is important to explain the ‘net gain’ in environmental terms.
- 4.141 During the formulation of the scheme design and layout, due regard has been paid to the site's context and appearance, and the policies in place that emphasise the need to deliver good quality urban design and architecture.
- 4.142 Such issues, together with an explanation of the rationale behind the layout is contained in the Design and Access Statement.
- 4.143 In visual terms, in spite of its countryside location, the site calls to be sustainably and efficiently used, given its edge of settlement location and the need to provide more homes in the District.
- 4.144 There will be environmental benefits delivered by this proposal. 49 well designed homes will be created, adding to the mix of architectural styles and house types in the locality. New trees and other planting will be selected not only for its visual ‘softening’ appearance, but also to enhance its contribution to biodiversity (based on ecological advice).

- 4.145 The intention is that the new homes will contribute to local character, adding visual interest and reflecting local distinctiveness (albeit not intending to slavishly mimic). In these regards, the proposal will be designed to reflect and respond to well to the townscape / streetscape, and will present an appropriate, thoughtful and respectful design solution in terms of its composition, height, scale, siting, massing, and its relationship with the existing settlement and spaces.
- 4.146 The ‘hard’ elements of the scheme (houses and garages) will also reflect ecological advice (see separate report), including provision for bat and bird boxes, while trees and other species will be selected to maximise their contribution towards biodiversity and greening the environment.
- 4.147 In terms of open space elements, the submitted Landscape Masterplan and separate Planting Plan include a considerable amount of new planting, including trees, new mixed native hedgerow and shrub mixes and ground cover plants. The full details of the planting are provided on the submitted Landscape Layout drawing, but can be summarised as :
- 1,792 native shrubs
  - 191 native trees
  - 620 individual native species hedges (a total planting length of 124 metres), including the reinstatement of historic hedging through the centre of the site (as marked on the submitted drawings).
- 4.148 A total area of 8,000 sqm of public open space is to be provided, which exceeds – by some margin – the policy requirement. That space includes a 500 sqm combined LAP (Local Area for Play) and NEAP (Neighbourhood Equipped Area of Play) set within a wider parcel of space of 6,000 sqm.
- 4.149 In biodiversity terms, the July 2021 NPPF revision introduces the requirement to demonstrate net gains. The LPA suggested a target of 10% in its pre-application letter. Whilst the Government’s secondary legislation on the topic of biodiversity net gain is awaited, the matter is being investigated by the applicant’s ecological team, and we anticipate reporting further on this during the course of the application.

- 4.150 Overall, therefore, we contend that the proposal represents sustainable development, which will contribute **economically, socially and environmentally**.
- 4.151 We therefore anticipate that this application will be welcomed by the Council in respect of its deliverance of sustainable development and much needed, quality market and affordable homes, landscaping and public open space provision. It is accessible, edge of settlement sites such as this, capable of building the community in a balanced, cohesive and sustainable manner, that the Council should be embracing at a time that it urgently needs new housing to keep pace with demand.

#### **COMPLIANCE WITH NPPF**

- 4.152 The NPPF is an important material consideration, and particularly at a time when parts of the development plan are out of date (in this case arising from lack of housing land supply).
- 4.153 Fundamentally, the NPPF promotes sustainable development. As previously noted, it seeks to '**significantly boost**' housing supply, and recognises how important small and medium sized windfall sites (such as this) are in delivering this.
- 4.154 We addressed the sustainability credentials of the scheme earlier, and concluded that the proposal represents sustainable development in economic, social and environmental terms. We will therefore say nothing further in respect of the sustainability support provided for this application by the NPPF.
- 4.155 The application is also consistent with the remainder of the NPPF. It will create good quality housing on an accessible, sustainably located site. The proposal reflects policies designed to build communities, delivering a complementary mix of new market and affordable homes, and high quality, landscaped open space and play facilities designed to be used by the whole community. This will have positive implications for the social, cultural and economic well-being of the area.
- 4.156 The proposed development will help to deliver the housing objectives set out in the NPPF, which confirms that a key aim of the Government is to ensure that everybody has the



opportunity of living in a decent home, which they can afford, in a community where they want to live.

4.157 The NPPF also promotes good design and beautiful environments, and suggests this is fundamental to the creation of sustainable, mixed communities. It encourages developers to make effective and efficient use of land and existing infrastructure.

4.158 As noted earlier, Paragraph 69 notes that small and medium sized sites – such as this - can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly. To promote the development of a good mix of sites, NPPF encourages local planning authorities to :

**‘support the development of windfall sites through their policies and decisions – giving great weight to the benefits of using suitable sites within existing settlements for homes.’**

4.159 The application site is of course a windfall site, and such sites are an important contributor to the district’s housing supply. While it is not ‘within’ an existing settlement, it is on the edge and will represent a discrete, well planned extension.

4.160 §174 of the Framework states that planning decisions should contribute to and enhance the natural and local environment by, *inter alia* :

- protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan);
- recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services - including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland; and
- minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

4.161 The application site does not form part of a ‘valued landscape’ in NPPF terms.

- 4.162 The proposal is consistent with §79 of the Framework, which promotes sustainable development in rural areas, and states that housing should be located where it will enhance or maintain the vitality of rural communities.
- 4.163 The proposal is also consistent with §92. It promotes a healthy, inclusive and safe place which – through well designed and laid out housing and quality open space provision – will encourage social interaction and provide opportunities for meetings between people who might not otherwise come into contact with each other. It will be safe and accessible, and will facilitate community cohesion through the use of attractive, well-designed, clear and legible pedestrian and cycle routes, and high quality public space. It will enable and support healthy lifestyles through the provision of safe and accessible green infrastructure, play facilities, and a layout that encourages walking and cycling.
- 4.164 The application is also consistent with §93 in that it plans positively for the provision and use of quality shared open community space. By the same token, it accords with §98 and its encouragement of a network of high quality open spaces and opportunities for physical activity, which are important for the health, well-being and nature.
- 4.165 There conflict with §100, in that no public rights of way will be harmed.
- 4.166 As reported in the Transport Statement, there is no conflict with §104. Transport issues have been carefully considered, including opportunities to in an accessible, sustainable location which offers a genuine choice of transport modes. The site access points (for vehicles and pedestrians / cyclists (including those reliant on wheelchairs and pushing prams) will provide safe and convenient access to all users, reflecting §110.
- 4.167 §111 states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be ‘severe’. The Transport Statement demonstrates that the impacts will not be severe.
- 4.168 For the reasons stated above, there is no conflict with §112. The scheme has been designed insofar as possible to give priority first to pedestrian and cycle movements, and the open space provision has been formulated to address the needs of people with disabilities and reduced
-

mobility. The scheme will create a safe, secure and attractive environment, which looks to minimise the scope for conflicts between pedestrians, cyclists and vehicles, avoid unnecessary street clutter, and respond to local character. It will allow for the efficient delivery of goods, and access by service and emergency vehicles, and will enable charging of plug-in and other ultra-low emission vehicles (with associated infrastructure provided to all of the proposed homes).

- 4.169 In respect of 'Making Efficient Use of Land and Achieving Appropriate Densities', the outline scheme has been formulated having regard to the requirement of §119, which states that promotes the effective use of land in meeting the need for homes, while balanced against the safeguarding of the environment (see our comments on density elsewhere).
- 4.170 The application is consistent with §120 in that it responds to the opportunity to achieve net environmental gains, including new habitat creation and providing ongoing public access to the countryside beyond.
- 4.171 The application responds to §124 by taking into account the need for different types of housing, the desirability of maintaining an area's prevailing character and setting, and the importance of securing a well-designed, attractive and healthy place.
- 4.172 Likewise, it has been designed to reflect §125 by creating a beautiful and sustainable place. This paragraph indicates that it is especially important to avoid homes being built at low densities, and to ensure that developments make optimal use of the potential of each site. It states that policies should optimise the use of land, and should include the use of minimum density standards for locations that are well served by public transport, and that such standards should seek a significant uplift in the average density of residential development within these areas, unless it can be shown that there are strong reasons why this would be inappropriate. It adds that applications should be refused if they fail to make efficient use of land.
- 4.173 In respect of density, the LPA suggested (in its pre-application feedback) that the density of the development needs to be carefully considered taking into account the context, suggesting that the dwellings presented at pre-application stage appeared too cramped. In response to this, the number of houses has been reduced (from 60 to 49) and the layout has been

reconfigured. The proposed density is now 27 dwellings per hectare (based on the net developable area of 1.82 ha). While that may be moderately higher than the immediate surroundings, it is important to highlight that this proposal does not seek to mimic those. Whilst designed to respect and respond positively to the existing village and ultimately become part of it, it is a contemporary development that, in many respects, will be distinct from the main village core. We consider that a density of 27 dph provides the correct balance between a sensitive, respectful development on the edge of the village, and the very clear advice in the NPPF concerning increased densities.

4.174 Under the heading ‘Achieving Well Designed Places’, §126 seeks the creation of high quality, beautiful and sustainable buildings and places, and suggests that this is fundamental to what the planning and development process should achieve. It states 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.

4.175 The application seeks to respond to this. The Design and Access Statement explains the design philosophy and rationale, and we have been mindful of Framework §132, which states that design quality should be considered throughout the evolution and assessment of individual proposals. It responds positively to §130, which looks to ensure that developments will function well and add to the overall quality of the area; are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; and are sympathetic to local character and history, including the surrounding built environment and landscape setting. In this regard, we note that the NPPF does not seek to prevent or discourage ‘appropriate innovation or change (such as increased densities)’ and that the National Design Guide states:

‘... well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.’

4.176 The scheme is also consistent with §131. The Appellant recognises the landscape sensitivity. Most of the trees and hedgerow will be retained, and a considerable extent of trees and other native planting will be introduced.

- 4.177 Furthermore, we are mindful that §134 states that development that is not well designed should be refused, and that significant weight should be given to development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. These considerations have been taken on board in formulating the scheme details.
- 4.178 There is consistency with §159, which states that development in areas at risk of flooding should be avoided by directing development away from areas at highest risk (whether existing or future). The application is supported by a Flood Risk Assessment that confirms that the site falls within Flood Zone 1 and is not susceptible to flooding.
- 4.179 The Flood Risk Assessment and Drainage Strategy reflects Framework §169, which states that major developments should incorporate sustainable drainage systems unless there is clear evidence that this would be inappropriate. The proposed drainage strategy confirms that the site is located within Flood Zone 1, with very low risk of flooding from tidal & fluvial, surface water and extremely low risk of flooding from artificial sources. The proposed development is classed as less vulnerable usage and it is located in Flood Zone 1 which therefore meets the sequential test. An exception test is not required.
- 4.180 The Assessment explains that the use of SuDS features has been considered and can be incorporated within the design. Pervious pavements have been incorporated into the private drives, to ensure water quality and filtration of hydrocarbons from the run off prior to entering the adoptable system.
- 4.181 The surface water scheme will be designed to cater for storm events up to 1 in 100 years plus 40% climate change. Surface water flows will be discharged to ground via an infiltration basin with a rate of  $1.01 \times 10^{-3}$  m/s. The site does not pose any increased flood risk to the site itself or adjacent developments, and is not susceptible to flooding by other means.
- 4.182 In respect of 'Conserving and Enhancing the Natural Environment', the application is consistent with §174, which requires proposals to contribute to and enhance the natural and local environment. As noted previously, the site is not a 'valued landscape' in NPPF terms. Nor is it a site of particular biodiversity or geological value.

- 4.183 In terms of the requirement to ‘recognise’ the intrinsic character and beauty of the countryside, this is recognised, and we consider that the correct balance has been struck between preserving parts of the land as open public space, and providing much-needed market and affordable homes for those who need them.
- 4.184 While there will be loss of BMV agricultural land, the balance must be struck between preserving such land and providing much needed homes on the edge of settlements, at a time that the Council cannot demonstrate the correct housing land supply, and when there are very limited opportunities within settlement boundaries to accommodate housing of the quantum required.
- 4.185 The revised July 2021 version of the Framework introduced changes to what is now §180. This states that, if significant harm to biodiversity cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused. It also states that opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.
- 4.186 The application promotes a considerable amount of new planting, including trees, new mixed native hedgerow and shrub mixes and ground cover plants. This includes 1,792 native shrubs, 191 native trees and 620 individual native species hedges (a total planting length of 124 metres), including the reinstatement of historic hedging through the centre of the site.
- 4.187 There is therefore no inconsistency with §180 of the Framework.
- 4.188 In considering ‘Ground Conditions and Pollution’, there is no conflict with §183 or §185 of the Framework. The submitted ground reports suggest that the land is not contaminated and there are no risks arising from land instability.
- 4.189 Having regard to the above assessment, this application is consistent with all of the Framework’s key policy aims and objectives. In the absence of an up to date, reliable development plan, that level of compliance should carry considerable weight, and lends further support to approval of the application.

## **BUILT HERITAGE**

- 4.190 The application is supported by a Historic Environment Desk-based Assessment (produced by TEP). This assesses the scheme against heritage policies at local and national levels, and notes that the importance of the conservation area is derived from the layout of the village and the architectural value of the buildings within it, which will not be impacted by the development.
- 4.191 It notes that there will be a small area of direct, physical impact on the conservation area, due to the eastern boundary and proposed entrance to the development site being located within the designated area. It also highlights – as a heritage benefit – that the proposal includes the restoration of the ironstone wall along Rattlecombe Road, which is currently in a state of disrepair.
- 4.192 The Assessment suggests that the new dwellings closest to Rattlecombe Road will respect the positive vista westwards and will not intrude into this view. In addition, it notes that areas of remaining hedgerow within the site (as seen on historic mapping) will be restored. This, combined with the repair of the low lying ironstone wall facing Rattlecombe Road (which contributes to the aesthetic and historical value of the conservation area) are positive design measures and therefore the magnitude of direct effect on the conservation area is considered to be low beneficial.
- 4.193 It is also recommended that the existing hedgerows which surround the site (especially on the southern and eastern boundaries) are kept intact as much as possible. This will further reduce the impact to the historical field boundaries.
- 4.194 It is also proposed to reinstate the historic hedgerow which once split the site (as seen on the Ordnance Survey maps until recently). This will provide a link with the historical development of the site.
- 4.195 The Assessment also notes that the new houses are to be set well back from Rattlecombe Road to respect the current building line and not to impose on the views into and out of the village.



- 4.196 The Assessment therefore considers that there will be no direct, physical impacts on any listed buildings due to their distance from the development site. The importance of those buildings derives from their evidential, historical and aesthetic values, and these will be unaffected by the proposed development. The magnitude of effect on the listed buildings is therefore considered to be none.
- 4.197 The Assessment has concluded that the magnitude of indirect effect is low adverse to none on the built heritage, and the magnitude of direct effect is low beneficial to none. As the conservation area and listed buildings are considered to be of very high to high heritage significance, the combined significance of the effect is therefore negligible.
- 4.198 The Assessment also recommends that a programme of archaeological works be undertaken in order to further assess the potential for as yet unknown archaeological remains, and to inform the nature, character and extent of any future mitigation measures. It is suggested that a first phase of archaeological evaluation in the form of a geophysical survey is undertaken across the development site. This evaluation is recommended to better understand the archaeological potential of the site, in accordance with the NPPF 2021 paragraph 205.
- 4.199 The scope of the archaeological works would be set out in a Written Scheme of Investigation (WSI) prepared following consultation with the Oxfordshire County Council planning archaeologist. The need for, and the scope of, any mitigation would be based on the results of the evaluation works and confirmed in consultation with the Oxfordshire County Council planning archaeologist.

## DESIGN QUALITY

- 4.200 The Design & Access Statement (produced by Studio RBA Architects) reinforces the extent of attention that has been paid to design and layout.
- 4.201 The scheme details have been formulated to reflect local character and distinctiveness, but at the same time introduce new layering and add to diversity and overall quality. The **National Design Guide**. This explains that the underlying purpose for design quality and the quality of new development at all scales is to create well-designed and well-built places that benefit people and communities. It suggests that a well-designed place is unlikely to be achieved by

focusing only on the appearance, materials and detailing of buildings. It comes about through making the right choices at all levels, including:

- the layout;
- the form and scale of buildings;
- their appearance;
- landscape;
- materials; and
- their detailing.

4.202 It states that well-designed places are:

- based on a sound understanding of the features of the site and the surrounding context, using baseline studies as a starting point for design;
- integrated into their surroundings so they relate well to them;
- influenced by and influence their context positively; and
- responsive to local history, culture and heritage.

4.203 It reiterates that well-designed development proposals are shaped by an understanding of the context that identifies opportunities for design, as well as constraints upon it, and states that:

‘... well-designed places do not need to copy their surroundings in every way. It is appropriate to introduce elements that reflect how we live today, to include innovation or change such as increased densities, and to incorporate new sustainable features or systems.’

4.204 We see no conflict with any of the above policy objectives of the design guide. The local area contains a variety of house types, sizes, styles, ages, heights and materials, and an array of boundary treatments. The design details have been influenced by that mixed context and design-related guidance at both national and local levels. As evidenced by this Planning Statement, the DAS and application drawings, the scheme is based on a sound understanding of the features of the site and the surrounding context, including a proportionate baseline assessment that formed the design starting point and has helped to influence the indicative design and layout.

4.205 However, the National Design Guide also makes it clear that applicants and their architects do not need to copy their surroundings in every way, and that it is perfectly appropriate to introduce elements that reflect how we live today, innovation and change.

4.206 We suggest that weight ought to be attached to the scheme's good design quality in the assessment and determination of this application.

### **ACCESS AND TRANSPORT**

4.207 The submitted Transport Statement (by Highways Advice) confirms that the site occupies an accessible and sustainable location, noting that :

- The application site is located in an accessible location within Shenington village, a short walking distance from The Bell Public House, Holy Trinity Church, Shenington with Alkerton Village Hall, Shenington C of E Primary School, and Shenington Surgery.
- The site has existing sustainable transport links, being situated within 170m of bus stops by Shenington Village Green which provide daily bus services to Banbury and Stratford-upon-Avon.
- The proposed new site access to be created onto Rattlecombe Road incorporates visibility splays of 2.4m x 51m, in accordance with Manual for Streets standards.
- There has been only one 'slight' accident recorded on the local highway network 200m east of the application site, during the latest 5-year accident history period.
- The proposed 49 residential dwellings would typically generate relatively low numbers of vehicle trips, which can be safely accommodated on the local highway network.
- The proposed level of car parking provision accords with Oxfordshire County Council's recommended car parking standards for residential dwellings; and

- Swept path assessments demonstrate the proposed site access arrangements can safely accommodate two large cars passing and a large 11.34m length refuse vehicle turning on site.
- 4.208 The Transport Statement confirms that the proposal aims to create a sustainable residential development that from the outset, by encouraging / maximising the use of sustainable modes of transport by residents and visitors.
- 4.209 A Residential Travel Plan Framework has also been submitted (contained in the Transport Statement), designed to encourage residents of the proposal to utilise sustainable modes of travel where possible.
- 4.210 It is therefore considered that there are no reasons why the scheme should not be approved from a transportation point of view.

#### **FLOOD RISK AND DRAINAGE**

- 4.211 The application site falls within Zone 1 – ie not an area identified as being at risk of flooding. That said, and bearing in mind that the site is well below the 1.0 hectare threshold, there is no requirement to submit a Flood Risk Assessment.
- 4.212 The *Flood Risk Assessment and Outline Drainage Strategy* considers possible surface water options and demonstrates that there are therefore no grounds to resist the application for reasons of flood risk or drainage.

#### **NOISE CONSIDERATIONS**

- 4.213 The application is supported by a Noise Assessment prepared by Enzygo. This concludes that it would be possible to meet the BS8233 recommended daytime internal ambient noise levels in dwellings across the proposed development site with windows open. In addition, in both private and public external amenity areas, noise from Shenington Kart Track and Edge Hill Gliding Centre would be below the desirable noise level in external amenity areas of 50dB LAeq,16hr specified in BS8233. It further notes that properties and external amenity spaces

in the centre and east of the site would be screened by garden fences, walls and intervening buildings, and as such noise emanating from Shenington Kart Track would be even lower in those homes (both internally and externally).

## 5.0 Overall Planning Balance and Conclusions

- 5.1 In this Planning Statement, we have explained how and why we consider that the proposal complies with the most important policies of the development plan and the NPPF.
- 5.2 Section 38(6) of the Planning and Compensation Act requires planning decisions to be in accordance with the development plan, unless material considerations indicate otherwise. The effect of the NPPF is that, in making such decisions, where the development plan is out of date, a 'tilted balance' is undertaken whereby the other material considerations (including the presumption in favour of sustainable development and the core planning policies of the NPPF) will be determinative.
- 5.3 Where the development plan is up to date, then the presumption in favour of sustainable development requires planning permission to be granted for developments where they accord with the development plan. Applications that conflict with an up to date development plan should be refused unless other material considerations indicate otherwise.
- 5.4 Where the development plan is, absent, silent or out of date, the effect of the NPPF presumption in favour of sustainable development however is that permission should also be granted unless:
- “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in this Framework when taken as a whole” [Exception 1]; and/or
- “specific policies in this Framework indicate that development should be restricted” [Exception 2].
- 5.5 In respect of Exception 1, the NPPF places an onus on the decision maker to determine that adverse impacts should “significantly and demonstrably outweigh” the benefits of a proposal.

- 5.6 It is consistent with the expectation in the NPPF that Local Planning Authorities should take a positive approach in fostering the delivery of sustainable development (para 10) and “**should seek to approve applications for sustainable development where possible**” (para 38).
- 5.7 In relation to Exception 2, Footnote 7 of the NPPF sets out the specific policies that might serve to restrict development. They are sites protected under the Birds and Habitats Directive requiring appropriate assessment, Sites of Special Scientific Interest (SSSIs), land designated as Green Belt, Local Green Space or an Area of Outstanding Natural Beauty, designated heritage assets and areas at risk of flooding.
- 5.8 The proposed development is not subject to any of those specific NPPF policies that might serve to restrict development. The site is not designated or protected (aside from its countryside location). It is not Green Belt, Local Green Space, Green Wedge or AONB, or at risk of flooding.
- 5.9 The effect of the NPPF presumption in favour of sustainable development therefore is that planning permission should be granted for the application proposals unless there are reasons which not only outweigh the benefits of the development, but which outweigh those benefits **‘significantly’**.
- 5.10 The NPPF is clear that Plans should not be considered to be up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The adopted development plan is therefore – at least in part - out of date in respect of the very poor housing land supply. The Council is currently declaring this to be 3.8 years. This is very low, and nowhere near the minimum 5 years required. The council is therefore failing in its duty to **‘boost significantly’** its housing supply.
- 5.11 This needs to be considered against the current economic context. In the Government’s *‘Housing supply: Indicators of new supply, England Statistical Release’* (published 30 September 2020), the MHCLG predicted a downturn in the rate of delivery in 2020 (as below).

**‘The number of dwellings where - according to building control figures - building work has started on site was 15,930 in April to June 2020. This is a 52 per cent decrease when compared to last quarter and this steep fall in activity reflects UK government COVID-19 lockdown**

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measures. It follows a recent trend of a slowdown in growth with six of the last six quarters showing a decrease.

There has been a sustained decrease in starts and more recently a steep fall in starts and completions reflecting UK government COVID-19 lockdown measures.'

- 5.12 The application site falls within the countryside. The adopted Development Plan sets out that houses should not normally be built in the countryside, and while the NPPF does not rule out housing in the countryside, it makes it clear that applicants and the LPA must 'recognise' its intrinsic character and beauty.
- 5.13 Cherwell does not have significant resources of brownfield land within its settlement limits (or elsewhere), and there is no reasonable prospect that the district's housing need can be met without the use of greenfield / countryside development.
- 5.14 This planning application demonstrates that the application site is capable of providing 49 homes in a sensitive manner, having careful regard to both landscape and heritage impacts, which will help to meet the shortage in housing land supply in the district, including much needed affordable housing.
- 5.15 We contend that the 'tilted balance' described at Paragraph 11(d) of the Framework is engaged and - as demonstrated in the application documents – the conflict with policies in place that seek to prevent development outside the settlement boundaries is demonstrably outweighed by the sustainability and public benefits of the development, summarised below :
- It will deliver much needed new, good quality, family and other market housing in a community where people wish to live, in a suitable and sustainable village that the former Local Plan (replaced in 2015) designated as a Category 1 settlement with :  
  

'physical characteristics and the range of services within [it] to enable [it] to accommodate some limited extra housing growth.'
  - While we acknowledge that Shenington's status was downgraded in 2015 from a Category 1 village to a Category C village, it is evident that it is no more or less sustainable today



than it was in 2015 when it was deemed capable of accommodating 'some limited extra housing growth'. In the context of housing need and poor supply, we suggest that this proposal is promoting 'some limited extra housing growth'.

- It will deliver the policy-compliant 35% affordable housing.
- The above must be considered against the context that the Council cannot demonstrate the minimum housing land supply. The Council is failing to 'boost significantly' its supply, as it is required to do. This is particularly worrying at this uncertain time associated with the ongoing Covid situation and the economic implications of Brexit.
- Biodiversity of the site will be diversified and improved through new tree planting and other measures. The scheme will deliver excellent public open space, including :
  - 1,792 native shrubs
  - 191 native trees
  - 620 individual native species hedges (a total planting length of 124 metres), including the reinstatement of historic hedging through the centre of the site (as marked on the submitted drawings).
- A total area of 8,000 sqm of public open space is to be provided, which exceeds – by some margin – the policy requirement. That space includes a 500 sqm combined LAP (Local Area for Play) and NEAP (Neighbourhood Equipped Area of Play) set within a wider parcel of space of 6,000 sqm.
- The above open space / facilities will be available and accessible to the full community of Shenington, not just residents of the proposal.
- The project will help to sustain and create local construction jobs.
- The household expenditure arising from the residents of the new houses will be substantial. It will be spent in local shops and on local services, assisting in sustaining the vitality and viability of local shopping centres.

- The scheme will generate a New Homes Bonus and Council Tax payments (both of which are noteworthy economic benefits).
- We contend that no heritage harm will arise, but – in the event that the LPA considers there to be ‘less than significant harm’ – we suggest that that is outweighed by the range of public benefits set out above.

5.27 The need to deliver affordable housing is worth special mention. We have drawn attention to the March 2020 study undertaken by the Affordable Housing Commission ‘*Making Housing Affordable Again: Rebalancing the Nation’s Housing System*’, which explains that housing unaffordability is a significant cause of many of the nation’s social and economic ills. It suggests that the lack of affordable housing lies behind the problems of poverty, homelessness, debt, family breakdown, mental and physical poor health. It highlights that housing stress has negative effects on people’s life chances – as well as on local communities, the business and voluntary sector, the wider economy, and public spending.

5.28 *Oxfordshire Councils Growth Needs Assessment: Executive Summary Phase 1 Report Phase 2 Report - Covid Addendum July 2021* points out that, across the county:

‘It is clear that **affordability issues are having a real impact** not just on young people in Oxfordshire, but also its business community. If left unaddressed this could hold back future economic growth potential. Poor housing affordability can provide a deterrent to young professionals hoping to live and work in Oxfordshire, which affects the ability of businesses to recruit staff to fill positions, including in high-tech and innovative business sectors.

The evidence suggests that **whilst rates of housing delivery have been rising, jobs growth over the 2010-18 period outpaced growth in housing and labour supply in Oxfordshire**. Between 2011-18 the working-age population age 16- 64 increased by just 1% (7,800 persons). **A supply-demand imbalance for housing has resulted, contributing to both house price growth** and growth in net in-commuting into Oxfordshire.

**The Covid-19 pandemic is likely to impact further on market housing demand** in the short-medium term, particularly with the emergence of increasing unemployment, some reduction in the range and choice of mortgage deals and weakening market sentiment.’

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- 5.29 The Needs Assessment notes that median affordability ratios stood at 10.42 times workplace-based earnings in Oxfordshire in 2019, compared with 10.12 in South East England and 7.83 times in England. It notes that Oxfordshire has both above average prices and above average earnings, and that :

‘this points to significant affordability pressures across the county ... It is clear that affordability issues are having a real impact not just on young people in Oxfordshire, but also its business community; and unaddressed this could hold back future economic growth potential.’

- 5.30 In view of that, and in spite of figures in the Council’s AMR 2021 suggesting a generally good rate of delivery of affordable homes over recent years, there are very clear warnings and concerns about slow down in delivery and affordability issues in Cherwell and wider Oxfordshire (indeed nationally).
- 5.31 That said, there is a need to bring forward affordable housing in the district. This scheme will provide a meaningful contribution towards that need, and we anticipate that the LPA will attach considerable weight to this matter.
- 5.32 It is therefore evident that, not only does the district need to build more houses generally and ‘boost significantly’ its housing supply at a time of ongoing economic uncertainty, but there is an imperative to provide more affordable homes in the right places, where people wish to live. While the application site falls to be classed of countryside, it represents a clear, obvious and sustainable opportunity to accommodate an element of the district’s market and affordable housing needs.
- 5.33 We therefore suggest that the planning ‘tilted’ balance points clearly in favour of granting permission.
- 5.34 The application addresses all of the Framework’s key policy aims and objectives: good quality and sensitive / respectful design; making efficient use of accessible site adjacent to a sustainable settlement; respect for context, local distinctiveness and heritage; provision of good quality public open space; respect for biodiversity and trees; and building the community in a sustainable, balanced fashion, the ambition being to create a well-designed place, with

accessible open spaces that reflect current and future needs and support community's health, social and cultural well-being.

- 5.35 We have argued in this Planning Statement that – with justifiable exceptions relating to the poor supply of housing - the proposal complies with those policies of the adopted development plan that can be relied upon; that there are no technical or environmental impacts that would significantly or demonstrably outweigh the substantial benefits of the proposal; and that specific policies of the Framework and Development Plan do not indicate that development should be restricted.
- 5.36 We have also argued that, in accordance with the Framework, the development proposal represents 'sustainable development'. Accordingly, we anticipate that the Council will determine the application - in accordance with NPPF paragraph 38 - 'in a positive and creative way'.
- 5.37 That said, in accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 and §11 of the NPPF, this planning application should be approved 'without delay'.

## Appendix I

### Pre-Application Feedback from Cherwell Council

#### CHERWELL DISTRICT COUNCIL

##### Pre-Application Report

<b>Pre-application Reference No:</b>	21/02693/PREAPP
<b>Proposal:</b>	Erection of 60 new dwellings, plus open space
<b>Site Address:</b>	OS Parcels 9078 & 9975 Adjoining Stocking Lane & North of Rattlecombe Road Stocking Lane Shenington

#### TECHNICAL ASSESSMENT

##### Internal Consultations Required:

Building Control  
Conservation  
Ecology  
Environmental Health  
Landscape Services  
Planning Policy  
Recreation and Leisure  
Public Art  
Strategic Housing  
Waste and Recycling

##### External Consultations Required:

Oxfordshire County Council  
Oxfordshire Clinical Commissioning Group  
Thames Valley Police  
Thames Water  
Natural England  
Campaign for the Protection of Rural England  
Parish Council – Shenington with Alkerton

**Flood Risk:** The site is within Flood Zone 1, which is the zone of lowest flood risk. The Environment Agency has produced advice for applicants and agents about assessing flood risk in the planning process, and this can be viewed online at: <https://www.gov.uk/flood-risk-assessment-for-planning-applications>. You should have regard to this advice when preparing your application.

The Environment Agency also offers a pre-application service, details about which are available online at: <https://www.gov.uk/government/publications/planning-advice-environment-agency-standard-terms-and-conditions>



**Drainage:** You need to consider foul and surface water drainage when designing your proposals. In respect of foul drainage, you should first seek to connect to the public sewer network. You can contact Thames Water for further advice about this; information about their pre-application service is available online at: <https://developers.thameswater.co.uk/commercial-building-works/water-supply/disconnections/pre-application-help-and-advice>.

Only if a connection to the public sewer network is not feasible should you then consider other foul drainage options. The Environment Agency would be consulted on any planning application that proposes non-mains foul drainage. If you are proposing non-mains foul drainage, you should submit a completed Foul Drainage Assessment Form with your planning application. This form can be viewed online at: <https://www.gov.uk/government/publications/foul-drainage-assessment-form-fda1>

In respect of surface water drainage, wherever possible surface water should be drained within the site using Sustainable Drainage Systems (SuDS). Technical Standards for the design, maintenance and operation of SuDS can be viewed online at: <https://www.gov.uk/government/publications/sustainable-drainage-systems-non-statutory-technical-standards> Where SuDS have not been utilised, valid justification must be provided.

Runoff must be managed at source (i.e. close to where it falls) with residual flows then conveyed downstream to further storage or treatment components, where required. The proposed drainage should mimic the existing drainage regime of the site as much as possible.

In some cases, the Water Authority may adopt SuDS which meet the legal definition of a sewer. Water UK has published [Design and Construction Guidance](#) which contains details of the water sector's approach to the adoption of SuDS. If you wish to explore the option of the Water Authority adopting SuDS, you will need to ensure the SuDS are designed in accordance with the Guidance.

In addition, you should refer to the guidance published on [Oxfordshire County Council's Flood Toolkit](#) concerning surface water drainage, and in particular the detailed guidance provided in the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire". A detailed surface water management strategy will need to be submitted.

This site lies within drinking water safeguard zones and within high-risk area of groundwater vulnerability. A water quality assessment will be required in accordance with Section 4 and Section 26 of SuDS Manual. Any proposed development must meet local standards, L19, "At least one surface feature should be deployed within the drainage system for water quality purposes, or more features for runoff which may contain higher levels of pollutants in accordance with the CIRIA SuDS Manual C753. Only if surface features are demonstrated as not viable, then approved proprietary engineered pollution control features such as vortex separators, serviceable/ replaceable filter screens, or pollution interceptors may be used"

**Transport and Highways:** The following links provide basic information to assist in the highway and transport consideration of any proposal.

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/DesignGuidePublication.pdf>

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/cyclingstandards.pdf>

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/walkingstandards.pdf>

<https://www.oxfordshire.gov.uk/sites/default/files/file/roads-and-transport-policies-and-plans/PARKINGS.PDF>

<p><a href="https://www.oxfordshirefloodtoolkit.com/wp-content/uploads/2018/12/LOCAL-STANDARDS-AND-GUIDANCE-FOR-SURFACE-WATER-DRAINAGE-ON-MAJOR-DEVELOPMENT-IN-OXFORDSHIRE.pdf">https://www.oxfordshirefloodtoolkit.com/wp-content/uploads/2018/12/LOCAL-STANDARDS-AND-GUIDANCE-FOR-SURFACE-WATER-DRAINAGE-ON-MAJOR-DEVELOPMENT-IN-OXFORDSHIRE.pdf</a></p> <p><a href="https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TravelAssessmentsandTravelPlans.pdf">https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TravelAssessmentsandTravelPlans.pdf</a></p> <p><a href="https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120">https://www.gov.uk/government/publications/cycle-infrastructure-design-ltn-120</a></p> <p>If further advice is required, either in the form of meeting, site visit and or further written advice, this can be provided by Oxfordshire County Council in accordance with their charging regime - <a href="https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments/pre-application-highway-advice">https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments/pre-application-highway-advice</a></p>
<b>EIA Screening Opinion Required? YES</b>
<b>Committee or Delegated Matter? Committee</b>
<p><b>Site Planning History:</b></p> <p>01/02422/OUT Erection of 29 No. dwellings including 11 No. affordable dwellings, site for new village hall, associated car parking and a village play area. Application Withdrawn</p> <p>02/02000/F Erection of 5 No. dwellings and construction of new access to highway Application Withdrawn</p> <p>08/00119/F Change of use of land from Agricultural to Equestrian use Application Withdrawn</p> <p>08/01187/F Change of use of land from Agricultural to Equestrian use to include the creation of new access onto Rattlecombe Road Application Refused</p>
<p><b>Policy:</b> Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan in Cherwell comprises the Cherwell Local Plan 2011-2031 Part 1, and the saved policies of the Cherwell Local Plan 1996. The policies considered most relevant to your proposal are:</p> <p>CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2031) Policy PSD 1 – Presumption in favour of Sustainable Development Policy SLE 4 – Transport Connections Policy BSC 1 – District Wide Housing Distribution Policy BSC 2 – The Effective and Efficient use of land Policy BSC 3 – Affordable Housing Policy BSC 4 – Housing Mix Policy BSC 10 – Open Space, Outdoor Sport and Recreation provision Policy BSC 11 – Local standards of provision – Outdoor Recreation Policy BSC 12 – Indoor Sport, Outdoor Sport and Recreation provision Policy ESD 1 – Mitigating and Adapting to Climate Change</p>



Policy ESD 2 – Energy Hierarchy and Allowable Solutions  
Policy ESD 3 – Sustainable Construction  
Policy ESD 4 – Decentralised Energy Systems  
Policy ESD 5 – Renewable Energy  
Policy ESD 6 – Sustainable Flood Risk Management  
Policy ESD 7 – Sustainable Drainage Systems  
Policy ESD 8 – Water Resources  
Policy ESD 10 – Protection and Enhancement of Biodiversity and the Natural Environment  
Policy ESD 12 – Cotswold Area of Outstanding Natural Beauty  
Policy ESD 13 – Local Landscape Protection and Enhancement  
Policy ESD 15 – The Character of the Built and Historic Environment  
Policy ESD 17 – Green Infrastructure  
Policy Villages 1 – Village Categorisation  
Policy INF 1 – Infrastructure

**CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)**

Policy C28 – Layout, design and external appearance of new development  
Policy C30 – Design control

**OTHER MATERIAL CONSIDERATIONS**

The National Planning Policy Framework (NPPF) is a material consideration which should be afforded significant weight.

Other material considerations include:

Planning Practice Guidance (PPG)

Shenington and Alkerton Conservation Area Appraisal (February 2009)

Cherwell Residential Design Guide SPD (July 2018)

Developer Contributions SPD (February 2018)

**You should be aware of the following matters/issues/designations:**

- The site lies adjacent to the Shenington and Alkerton Conservation Area, where several listed buildings are located.
- The site is within the 50-metre buffer zone of potentially contaminated land and the site itself is also known to contain naturally occurring elevated levels of Arsenic and Radon.
- The site is close to the historic core of Shenington, which is an area of Archaeological interest.
- This locality is also noted as an area which supports Swifts, which are protected. You may also need to consider the effect on other protected species when developing your proposals. Further information may need to accompany your application including a phase 1 survey to identify habitats present and features likely to be used by protected species and any further detailed survey reports for any individual protected species should these be necessary. In order to assist you in this you should refer to the Standing Advice prepared by Natural England (link below). This 'standing advice' will help in assessing if there is a reasonable likelihood of protected species being present and if so the relevant survey and mitigation requirements. This advice will be a material consideration in the determination of your application.  
<http://www.naturalengland.org.uk/ourwork/planningdevelopment/spatialplanning/standingadvice/advice.aspx>



#### PROFESSIONAL ASSESSMENT BY CASE OFFICER

The proposed development site is a 2.8ha greenfield site located to the northwest of the village of Shenington, with frontages to Rattlecombe Road and Stocking Lane.

The site is bound to the north by Shenington Primary School and by residential properties to the south and east. To the west is open countryside.

##### Principle of Development

The proposed development comprises residential development (up to 60 dwellings) including access from Rattlecombe Road.

The site is not allocated for development and Shenington is a 'Category C' village, as set out in Policy Villages 1 of the CLP 2031. Category C settlements are considered to be suitable only for infilling and conversions. Policy Villages 2 of the CLP 2031 provides for a total of 750 dwellings to be delivered at Category A villages but envisages no provision for additional development beyond the built-up limits of Category C villages, such as Shenington.

Notwithstanding this, it is accepted by the Council that the 2020 Annual Monitoring Report has demonstrated that the District presently has a 4.7-year housing land supply for the period 2021-2026. As the Council cannot demonstrate a 5-year housing land supply, in accordance with the NPPF any assessment of residential proposals will need to apply the 'tilted balance'.

The 'tilted balance' states that planning permission should normally be granted for residential proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the NPPF as a whole.

However, recent case law has made clear that even where development plan policies are rendered 'out of date' by housing land shortfalls, they remain 'potentially relevant' to the application of the tilted balance and decisions makers are not 'legally bound to disregard them'. Moreover, case law has established that the provisions of the NPPF remain subordinate to the overriding principle established by section 38(6) of the Planning and Compulsory Purchase Act 2004 that decision-makers must have first regard to the terms of the development plan policies.

On this basis, the development would conflict with Policy Villages 1 of the CLP 2031 and would be unacceptable in principle and as such could not be supported.

The District Council is currently working on the review of the adopted Cherwell Local Plan 2011-2031 (Part 1) which will cover the period to 2040. This plan is the more appropriate context for the detailed consideration of this large site for potential residential development.

##### Impact on the character and appearance of the area

The proposed development would constitute a large extension to the existing village immediately adjacent to the Shenington with Alkerton Conservation Area.

Although the site is outside of the conservation area, it is located directly adjacent to it. Specifically, the Village Fringe Character Area. The main consideration will be how a development of this nature and scale would affect the conservation area as a result of the changes to its setting.

The site contributes to the character of the conservation area and how the conservation area is experienced as you approach the village and enter the conservation area from Rattlecombe Road and Stocking Lane. It is inevitable that new development on this site would alter the setting of the conservation area on this side of the village, resulting in the loss of its rural and open character.



Any new development would need to address this and demonstrate how the proposals could mitigate the harm to the character and setting of the conservation area. New development would need to reflect the existing built environment taking into consideration the immediate context and the wider conservation area in terms of layout, density, scale, massing and proportions as well as the use of materials and architectural detailing. The rural character is an important feature and should be preserved wherever possible.

More specifically, in terms of the visual impact on the conservation area, a visual appraisal will be required to assess the effect of notable changes at the entrances to the conservation area and how those in turn affect the overall character

There are a number of Listed Buildings within Shenington village but these are separated from the application site and do not sit directly adjacent to it. As such it is considered that the proposed development is unlikely to harm the setting of Listed Buildings within the village.

A heritage assessment should be submitted to consider the significance and potential impacts of development on heritage assets and their setting.

It is noted that a sketch site layout has been submitted with the proposals. This demonstrates some positive features including a linear form of development to the site frontage with Rattlecombe Road and open space to the edges of the site, with trees and hedgerows to the boundary. The density of the development needs to be carefully considered taking into account the context, as set out above. At present, the dwellings themselves appear too cramped. The relationship to Stocking Lane should also be stronger, providing linear form and frontage more in keeping with the existing development.

Whilst the site itself is not subject to any specific landscape or visual designations, it is just over 1km from the edge of the Cotswold AONB, to the west. The relationship between the site and surrounding countryside, including potential mid to long-distance views from the Cotswolds AONB and the potential visual impact of the development would need to be addressed. A landscape and visual impact assessment will be required. Viewpoints for visual receptors should be agreed with the Council before submission of any LVIA.

#### Open space and play areas

A combined LAP/LEAP play area facility would be required for this scale of development, in accordance with policy BSC11 of the CLP 2031.

There should be a minimum 500sqm equipped activity zone, which ought to be set within a non-equipped landscaped area of 3,500sqm, designed to provide a safe area for alternative play. The age range for a combined LAP/LEAP is 2 – 8 years. A centralised area within the facility would enable parents and child carers to keep an eye on children of different ages.

Any equipped activity zone should be located a minimum of 10m from the nearest dwelling boundary and 20m from the nearest habitable room to minimise associated noise for residents. The landscaped area around the equipped activity zone could be used to incorporate this buffer.

General green open space must also be provided in accordance with the requirements of policy BSC 11 and should be calculated in addition to the area required to accommodate a combined LAP/LEAP.

It will be important to retain existing trees and hedgerows as integral to the design of the open space. A tree survey will be required.

#### Highway Impact

The view of Oxfordshire County Council (OCC) as Local Highway Authority reflects the position of the District Council in terms of the suitability of Shenington (as a Category C village) to support development. As such, the site is considered to be unsustainable in transport terms.



There is a very limited bus service to Shenington (Johnson's service 6 between Banbury and Stratford on Avon – it is understood that Warwickshire County Council subsidise this service). There is also no shop in the village so that any development would be highly car dependent, placing those without access to a car (including young and some elderly people) without safe means of travel to employment and other facilities.

Vehicular access to the site is proposed off Rattlecombe Road, this is well within the 30mph speed limit and built extent of the village in terms of traffic routing. Any application would need to demonstrate that suitable visibility could be provided in accordance with Manual for Streets, and that vehicles could turn in and out of the development without overrunning the white line opposite, which demarcates the parking/pedestrian area in front of the properties opposite. Swept path analysis must be provided for large refuse vehicles used by the District Council.

There is currently no footway along Rattlecombe Road leading to the centre of the village and it would be difficult to provide one. It would be important to provide pedestrian access through the site and onto Stocking Lane with a connecting footway to provide a safe route to the primary school to the north.

The submitted layout has not been reviewed by OCC. A detailed review of the proposals would need to be sought directly with OCC through their own pre-application advise service for which there is a fee.

With regard to traffic impact, whilst it is unlikely that the proposed development would cause congestion, a development of this size would have a significant impact on traffic in the village, where roads are generally lightly trafficked. Due to the nature of the historic street network, there is potential for traffic to be a nuisance and potentially lead to a conflict with pedestrians. Potential hazards include narrow streets with no footways, poor forward visibility and poor visibility at junctions.

A transport statement would need to be provided with any application demonstrating that traffic from the development could be accommodated safely on the network. A travel plan would also be required.

Parking provision must be in accordance with OCC's Residential Parking Standards and would need to include a level of visitor parking. Any layout should be designed so that adequate off-street car parking could be provided including driveways (and garages) of dimensions suitable to accommodate modern vehicles. Frontage parking would be discouraged. Secure, covered cycle parking would need to be provided.

Measures should also be put in place to encourage uptake of low emission transport including the provision of Electric Vehicle charging infrastructure to maximise opportunities for sustainable transport, in accordance with Government guidance contained in the NPPF. It is recommended that EV charge points are installed for each residential unit.

#### Noise and Air Quality

As the proposed site is near to the airfield and karting circuit, a noise report would be required to ensure that the noise climate is acceptable for new residents should development be permitted. The report would need to take into account the relevant standards and guidance.

In addition, an air quality assessment should be submitted which demonstrates that the development would not be impacted by poor air quality and to understand the impact of the development on local air quality and where mitigation may be required. Please also refer to Cherwell District Council's Air Quality Action Plan.

#### Ecology

In considering proposals for development, a 10% net gain in biodiversity would be sought and development proposals would be expected to incorporate features to encourage biodiversity in accordance with policy ESD10 of the CLP 2031, including the retention and enhancement of existing features.

At this edge of village location, the site offers opportunities to provide positive enhancements to the natural environment including the incorporation of ecological corridors and green infrastructure to ensure habitat connectivity, including tree lined streets.

Relevant habitat and species surveys and reports would be required to accompany a planning application.

#### Energy and Sustainability

Any application would need to address policies ESD1 – 5 of the CLP 2031. An Energy Statement would be required to be submitted for major development (over 10 dwellings) and a feasibility assessment would also be required to consider the use of decentralised energy systems and on-site renewable energy provision.

#### Conclusion

Any proposed development would be within an unsustainable location within a Category C village where residential development of this scale is not supported. Despite the current position in respect of housing land supply, the Council is unlikely to be able to support an application of this scale at this location and it is therefore likely that any application would be recommended for refusal.

Notwithstanding this, officers have provided a detailed response in respect of all matters to be considered should the applicant wish to pursue the proposals.

#### Planning Obligations

Notwithstanding the officer comments above, a Section 106 Legal Agreement is likely to be required for this type of proposal in the event that permission was ultimately granted.

Contributions towards the following items are likely to be required (figures to be index linked):

- Payment of a financial contribution towards off site sports and recreation provision in the locality – assessed as **£121,021.80** (£2,017.03 per dwelling) towards outdoor sport provision and **£50,096.81** (£335.32 per dwelling) towards indoor sport provision;
- Payment of a financial contribution towards the provision of refuse/recycling bins for the development – assessed as **£6,360** (£106 per dwelling);
- Payment of a financial contribution towards improvements at Shenington Village Hall and/or other community facilities in the locality – assessed as **£68,602.48**;
- A Payment of **£13,440** towards Public Art;
- The provision on site of 35% affordable housing;
- The provision on site of play areas (a combined LEAP/LAP);
- Payment of a commuted sum for maintenance of play areas; and
- Payment of the Council's Monitoring Costs.

You are advised to read the Council's Supplementary Planning Document for further advice.

This is available on the Council's website:  
<http://www.cherwell.gov.uk/index.cfm?articleid=3390>



Developer contributions may also be required by external agencies such as OCC for:

- Education, Museums, Libraries, Fire & Rescue, Archaeology (OCC)
- Social Care (OCC)
- Highways, public transport (OCC)
- S106 Monitoring (OCC)
- Health (Primary Care Trust)

You may wish to consult with these agencies prior to submitting any planning application.

OCC have set out an indicative scale of s106 contribution that may be required towards expanding education capacity as a result of such a proposed development.

The costs are based on the estimated costs of school expansions for Oxfordshire. If, at the time of any application, the identified school capacity solutions are through new schools, higher rates would apply.

Rate Per Dwelling\*

	1 bed	2 bed	3 bed	4+ bed
Primary and nursery	£0	£6,607	£8,495	£8,873
Secondary (incl 6 <sup>th</sup> form)	£0	£5,459	£7,538	£8,318
Special schools	£0	£606	£818	£891

\* Financial contributions must be indexed-linked to maintain the real values of the contributions (so they can in future years deliver the same level of infrastructure provision currently envisaged). Amounts shown are to be index linked from BCIS All-in Tender Price Index Value 327.

Please note that a Solicitor's undertaking would be required to pay the District Council and County Council's reasonable legal fees based on the time taken to prepare and negotiate the S106 agreement and to investigate land title/s. It would assist the efficient processing of any application if you provided such an undertaking with any formal application for planning permission.

Submission Requirements

You should also include in your submission the following additional plans/information:

- Site Layout
- Elevations and Floorplans including proposed materials
- Access, road layout, vehicle tracking, parking and turning areas including proposed material finishes
- Hard and soft landscaping proposals to include hedge and shrub planting, sizes, species, positions, area of grass seeded/turfed, details of trees/hedges to be retained
- Proposed boundary treatments
- Proposed bin storage areas and bin collection points
- Details of external lighting including street lighting
- Heritage Assessment
- Landscape and Visual Impact Assessment
- Transport Statement
- Travel Plan
- Surface Water Management Strategy
- Water Quality Assessment
- Ground contamination/investigation report
- Noise report
- Air Quality Assessment
- Tree Survey and Arboricultural Method Statement

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|---|
| <ul style="list-style-type: none"><li>▪ Habitat and species surveys</li><li>▪ Sustainability and Energy Statement</li><li>▪ Feasibility Assessment (policies ESD4 and ESD5)</li></ul> |
| <b>Date of Report: 14<sup>th</sup> October 2021</b>   |
| <b>Case Officer: Bernadette Owens</b><br><b>Agreed By: Andy Bateson, Team Leader – Major Development</b>  |

<b>DISCLAIMER</b>
The above advice represents the professional views of Council Officers and although given in good faith, it cannot prejudice any decision with the Council, as Local Planning Authority, may make at either Planning Committee or delegated officer level.