

Land South of Green Lane, Chesterton

Planning Statement Addendum



Boyer

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1. EXECUTIVE SUMMARY

- 1.1 This Planning Statement Addendum is provided in support of planning application ref. 23/00173/OUT. The Addendum focuses on the principle of development and several related matters, following Cherwell District Council's ('CDC') 'Review' of its adopted Local Plan policies to assess if the Plan's policies are still 'up-to-date', accounting for their consistency with the National Planning Policy Framework (NPPF) and relevant material considerations. The Review was adopted after the submission of the application.
- 1.2 The Review concluded that all policies are indeed up-to-date, baring Policy BSC1: 'District Wide Housing Distribution'. In addition, CDC published an updated 5 Year Housing Land Supply (5YHLS) statement in February 2023, which concluded CDC has a 5.4-year supply, whereas the 2021 AMR concluded CDC had a 3.5 year housing land supply, which triggered the so called 'tilted balance' under Paragraph 11(d) of National Planning Policy Framework (2021).
- 1.3 Accordingly, the document examines the planning policy context; the five-year housing land supply position; the approach to planning applications at the Policy PV2 Villages; the Emerging Local Plan; national planning policy consultations; and NPPF Paragraph 11.
- 1.4 Based on the analysis provided within this Addendum, it is apparent that CDC must continue to permit proposals for residential development at sustainable locations, including on sites that are not allocated for development. This is necessary to ensure that the adopted Local Plan housing requirement is fully met, by the end of the Plan-period in 2031. This is the position that continues to be applied by the Council, including during recent meetings of the Planning Committee, following the adoption of the Review.
- 1.5 The application site falls within a Policy PV2 Village, where development is acceptable in principle with proposals considered on their merits, against a list of criteria identified in that Policy, as well as economic, social, and environmental benefits, weighed against any harm generated.
- 1.6 In the case of Wates' proposals at Chesterton, significant public benefits will be achieved, not least through the provision of extensive sports and recreation facilities. These benefits more than outweigh the limited harms that would arise.
- 1.7 Notwithstanding the above, we consider that the provisions of NPPF paragraph 11(d) are applicable to this planning application, not least as CDC has confirmed via the Local Plan Review that key Policy BSC1: 'District Wide Housing Distribution' is out-of-date.
- 1.8 Overall, it is considered that the Local Plan Review and the updated housing land supply position, should not substantively alter the treatment of the application. The proposals represent sustainable development, and the new market and affordable homes are still required to meet identified housing needs.

2. INTRODUCTION

- 2.1 This note provides an addendum to the Planning Statement submitted in support of planning application ref. 23/00173/OUT. The document sets out a planning policy update, following CDCs Regulation 10A, of the Town and Country (Local Planning) (England) Regulations 2012 (as amended), 'Review' of its adopted Local Plan policies.
- 2.2 The Review (which was published after the submission of the application) was undertaken to assess if the Plan's policies are still 'up-to-date', accounting for their consistency with the NPPF and relevant material considerations. The Review concluded that all policies are indeed up-to-date, baring Policy BSC1: 'District Wide Housing Distribution'.
- 2.3 Consequently, this document provides a brief synopsis of the submitted planning application before considering the following substantive matters;
- Planning Policy Context;
 - Five Year Housing Land Supply;
 - Planning Applications at Policy PV2 Villages;
 - Emerging Local Plan Position;
 - National Planning Policy Consultations; and,
 - NPPF Paragraph 11 and the Tilted Balance.

Background to Planning Application Ref. 23/00173/OUT

- 2.4 An outline planning application (all matters reserved except for access) was submitted, in relation to land south of Green Lane, Chesterton, on 16 January 2023. The description of development is as follows:

"Outline planning application for up to 147 homes, public open space, flexible recreational playing field area and sports pitches with associated car parking, alongside landscaping, ecological enhancements, SuDs, green/blue and hard infrastructure, with vehicular and pedestrian/cycle accesses, and all associated works (all matters reserved except for means of access) "

- 2.5 The planning application followed significant public consultation, which included a public exhibition and five meetings with Chesterton Parish Council. The Parish Council indicated a reticence regarding the proposed new housing but recognised that new developments can provide community benefits. The applicant worked with the Parish Council to identify which new sports and leisure amenities would most appropriately meet the needs of the local community.

3. CURRENT PLANNING POLICY CONTEXT

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that regard is to be had to the Development Plan and that applications for planning permission must be determined in accordance with the Plan, unless material considerations indicate otherwise.
- 3.2 The Development Plan, for the site, comprises the adopted Cherwell Local Plan 2011-2031 (Part I) and the 'saved' policies from the Adopted Cherwell Local Plan 1996.
- 3.3 A key material consideration comprises the NPPF. This sets out the Government's planning policies for England and explains how these should be applied to both Plan-making and decision-taking.

Local Plan 'Review' and Policy BSC1

- 3.4 As noted, Cherwell District Council has undertaken a 'Review' of its adopted Local Plan policies to assess if they are still up-to-date. The Review was published in February 2023 and was included within the papers for the Executive (meeting on 06 February 2023), with the Committee (and subsequently Full Council) approving the Review. This means that the Local Plan Review now represents a formal update of the adopted Development Plan.
- 3.5 The Review took the form of a tabular assessment of all adopted policies within Cherwell Local Plan 2011 to 2031 Part 1, which identifies their respective compliance and/or degree of compliance, with the NPPF. This follows a previous Review of the Plan which concluded in January 2021. The Committee Papers indicate that two material changes in circumstance (occurring since 2021) prompted the 2023 Local Plan Review. These were the termination of the Oxfordshire joint Local Plan work programme, and new evidence in the form of the Housing and Employment Needs Assessment (HENA) 2022.
- 3.6 As indicated, the Review concluded that all policies are up-to-date, baring Policy BSC1. This policy, which is of fundamental importance to the Plan, was judged to require updating. This was because the new HENA 2022 provides an assessment of housing need which is materially different to that presented in the 2014 Strategic Housing Market Assessment (SHMA)¹. This older document formed the basis for the original housing figures and distribution strategy identified in the adopted Local Plan, and Policy BSC1 in particular. This is relevant in the context of the NPPF Paragraph 11. This indicates that, where the most important policies, to the determination of a planning application, are out-of-date, the so-called 'tilted balance' may be triggered.
- 3.7 Even if the 'tilted balance' is not judged to apply, the weight to be afforded to out-of-date Policy BSC1 is necessarily lessened. Noting that this policy expressly concerns the distribution of housing, it (by extension) also impacts other related policies, such as those concerning development within the Countryside (for example, Policy ESD13). This may reflect on the degree of conflict with the Development Plan, and/or harm, arising from

¹ As we detail in subsequent sections of this report, the HENA scenarios (including the scenario preferred by Oxford City Council) identify a level of housing need that is significantly above the Standard Method figure.

proposals for residential development within the Countryside, on unallocated land.

- 3.8 Furthermore, it is also acknowledged (in reports presented to Planning Committees in February and March 2023), that CDC does need to continue to grant planning permissions, for sites over and above the current allocations, to meet the overall District housing requirements set out in the adopted Local Plan by 2031. This was also noted at paragraph 3.26 of the Local Plan Review paper.
- 3.9 Consequently, planning applications for residential development on unallocated, greenfield sites have continued to be recommended for approval, in both the February and March 2023 Planning Committees. These Committees met after the adoption of the Local Plan Review. Planning applications notably included a 75-dwelling scheme at Ambrosden (ref. 22/01976/OUT), which the Committee resolved to approve (in February 2023). Likewise, in March 2023, a proposed development of 230 homes on land adjoining Heyford Park (ref. 21/04289/OUT) was recommended by Officers for approval but refused by Members.
- 3.10 At paragraphs 10.2 and 10.3 of the Officer Report it was stated that;

“The NPPF is a material consideration. This confirms that there is a presumption in favour of sustainable development and that economic, social, and environmental objectives should be sought mutually. The presumption in favour of sustainable development is set out at paragraph 11, which confirms that for decision taking, development proposals that accord with an up-to-date development plan should be approved without delay.

Whilst the application site is not allocated for development, Heyford Park is deemed a sustainable settlement location at which to accommodate development and development of the land would relate well to surrounding development and represent a natural rounding off. Some detriment would be caused to nearby heritage assets, but the extent of harm would be less than substantial and could be mitigated. Similarly, other impacts could all be mitigated and controlled by condition.”

4. FIVE YEAR HOUSING LAND SUPPLY

- 4.1 CDC's previous five-year housing land supply (5YHLS) position, as reported in the 2021 Annual Monitoring Report (AMR) (published December 2021) concluded that the District had a 3.5 year supply. This was for the five-year period 2022 to 2027, commencing on 01 April 2022. Applications have therefore recently been determined by CDC under NPPF Paragraph 11(d), the so called 'tilted balance'. However, the papers for the Executive (meeting on 06 February 2023) included a new 5-year housing land supply position statement, where the figure calculated as 5.4-years for the period 2022 to 2027.
- 4.2 This change was triggered by CDC's conclusion (as part of the Local Plan Review) that the new HENA (2022) assessment of housing need was materially different to that in the 2014 SHMA. CDC then concluded that the housing requirement (for the purposes of ongoing 5YHLS calculations) should now be based on the Government's 'default' Standard Method approach as set out in the NPPF, which (when re-calculated) reduced the requirement to 742 dwellings per annum (dpa), rather than the adopted Local Plan figure of 1,142 dpa. Notwithstanding this change, we note that CDC acknowledge that the total housing requirement as set out in the adopted Local Plan, will still need to be met by the end of the Plan period.
- 4.3 The new Standard Method figure is also significantly lower than the level of housing need identified in the various scenarios of housing need presented in the HENA. Indeed, the preferred HENA scenarios suggest a housing requirement that is higher than the currently adopted Local Plan figure². The rationale for applying (for the purposes of 5YHLS calculations) a much lower housing requirement than those presented in both the adopted Local Plan and HENA, appears to be that a 5YHLS can more easily be demonstrated. This is despite the fact that, in applying the lower Standard Method figure, the adopted Local Plan requirement is unlikely to be met by the end of the Plan-period.
- 4.4 With respect to the supply of purportedly deliverable sites, as identified by CDC in the recently published 5YHLS Statement, it should be acknowledged firstly that this trajectory has yet to be tested and considered through a Section 78 Planning Appeal. This is noting that CDC's previous acceptance that the housing supply fell short of five years, meant that Planning Inspectors have not interrogated the housing supply in detail and for some time.
- 4.5 Notwithstanding the above, it is notable that the newly claimed 5YHLS position does not appear to have led to a change in the treatment of planning applications proposing development at the Policy Villages 2 villages, when these are considered by the Council, both in terms of Officers and by the Planning Committee. This is detailed overleaf.

² Several growth scenarios are presented in the HENA, as no formal re-assessment of housing need has yet been undertaken. However, it is notable the Oxford City Council has identified, in its current Regulation 18 Consultation, a preferred scenario which exceeds the current Standard Method figure.

5. PLANNING APPLICATIONS AT POLICY VILLAGES 2

- 5.1 CDC's Planning Committee, meeting on 09 February 2023, resolved to grant outline planning permission for a proposed development of up to 75 dwellings at Blackthorn Road, Ambrosden (ref. 22/01976/OUT). This resolution was consistent with the Case Officer's recommendation for approval. This latest consent follows the previous approval (at appeal) of 84 dwellings on another greenfield site (Land North of Merton Road) at Ambrosden in 2019. This means that a total of (up to) 159 dwellings have been permitted at this Policy PV2 Village.
- 5.2 The Officer's Report indicated that the adopted Local Plan housing apportionment to the PV2 villages (750 homes) does not represent a cap, nor does Policy PV2 contain any temporal or spatial dimensions³. Proposals for development at the PV2 villages are therefore to be considered on their merits, against a list of criteria identified in that Policy, as well as economic, social, and environmental benefits, weighed against any harm generated.
- 5.3 In the case of the latest application at Ambrosden, it was concluded that the benefits of the development outweighed the limited harm arising, with it being noted that the village is a relatively sustainable 'Category A' settlement, which was capable of accommodating development of scale. This assessment was reached, even though the settlement has previously accommodated growth within the Plan-period. Therefore, the proposals were judged to be in accordance with the policies of the Development Plan.
- 5.4 Whilst Chesterton has different services when compared to Ambrosden, it is also proximate to Bicester and will benefit from new infrastructure investments associated with the Siemens and Great Wolf developments to be delivered through the S106 agreements. These will enhance the village's sustainability credentials, particularly in relation to public transport and accessibility, as well as the creation of new local employment opportunities. These betterments are considered 'deliverable' as there is clear evidence that these planning permissions will be implemented⁴. The public benefits of Wates' proposals to the South of Green Lane, notably the parkland / sports-pitch provision, are also (in our view) markedly greater than those benefits offered by the scheme in Ambrosden.
- 5.5 This provides a clear basis that the application should be favourably judged to be in accordance with Policy PV2. The proposals also find support in the NPPF, notably in terms of the presumption in favour of 'sustainable development test', given the site is sustainably located. Indeed, it is notable that the Local Highways Authority (LHA), in providing its consultee response to the planning application, did not raise concerns in relation to the sustainability of the settlement or the site. Instead, the benefits of the proposed pedestrian and cycle enhancement were identified and supported.

³ This is consistent with the Planning Inspector's comments under appeal decision APP/C3105/W/19/3228169, which concerned Land at Merton Road, Ambrosden.

⁴ Noting the submission of discharge of conditions applications in relation to the Siemens site and a Non-Material Amendment on the Great Wolf Lodge site, to enable its delivery.

- 5.6 In balance, we acknowledge that at the Planning Committee meeting on 09 March 2023 considered an application for residential development at Bloxham⁵ (another PV2 village). In this instance, the site was judged to relate poorly to the pattern of existing settlement and the proposed development was judged to have a range of character-related and other impacts, and was also not supported by appropriate technical information. The application was considered on its merits and (unlike the proposals at Ambrosden) was considered to result in adverse effects that “*significantly and demonstrably outweigh the proposal’s benefits*”.
- 5.7 The key point, however, is that applications for residential development at the PV2 villages must be assessed on the balance of their harms and benefits. These proposals at Bloxham are a very different proposition to that proposed for Chesterton, which are considered to represent sustainable development, on a site that relates well to the pattern and character of the existing settlement of Chesterton, as has been confirmed by CDC Policy through the emerging draft allocation, as referred to below. Bloxham also benefits from a Made Neighbourhood Plan, whereas no such Plan exists for Chesterton.

⁵ 23/00065/OUT

6. EMERGING LOCAL PLAN POSITION

- 6.1 As you are aware, CDC is currently progressing its emerging Local Plan 2040. Once adopted, the Plan will replace the Cherwell Local Plan (Part 1) and the Saved Policies of the Cherwell Local Plan 1996. Work on the emerging Cherwell Local Plan commenced in 2020. Subsequently, an 'Issues Consultation' took place in 2020, with an 'Options Consultation' following in 2021 (both were Regulation 18 stage consultations).
- 6.2 The next consultation on the emerging Local Plan was expected to take place in early 2023. In anticipation of this, CDC's Scrutiny Committee and Executive met on 11 January and 19 January (respectively), to consider a version of the Draft Local Plan and determine if it should progress to public consultation.
- 6.3 The version of the Draft Local Plan considered by these Committees identified Land South of Green Lane as part of a wider potential allocation to the South of Chesterton. This indicated that the land was potentially suitable for the development of 500 homes. The parameters of this potential allocation were consistent with our previous discussions with the Planning Policy Team, as well as the 'site proforma' (which Boyer provided input to, at CDC's request) that was provided at Appendix 3 of the document considered by the Committees.
- 6.4 However, in considering the Draft Local Plan, the Scrutiny Committee identified several reasons why the Plan should not progress to public consultation at this time, until further clarifications have been provided and considered on a number of specific matters. The Executive then decided to defer the envisaged consultation, with it being indicated that new consultation dates would to be announced "in due course", but preferably during early 2023.

7. NATIONAL PLANNING POLICY CONSULTATIONS

- 7.1 The Government has created a significant degree of uncertainty, by proposing a series of changes to key elements of the planning system. This follows the publication (on 06 December) of a Written Ministerial Statement, and a subsequent public consultation, on envisaged changes to the NPPF, and wider changes that could be made through the Levelling Up and Regeneration Bill (LURB) and/or future amendments to the planning system.
- 7.2 In our view, the contents and proposals outlined in the consultation cannot attract any weight at this stage, for the purposes of determining planning applications. Officers, in verbally advising Members of the Planning Committee when related queries were raised, have adopted the same position.
- 7.3 Nonetheless, it is worth noting that the consultation proposals (if put into place) would remove the requirement for Local Authorities to demonstrate continually a deliverable 5-year housing land supply, where they benefit from an up-to-date Local Plan. This refers to situations where the housing requirement set out in strategic policies is less than five years old. However, the consultation text (at footnote 9 of the NPPF and footnote 3 of the LURB) also states that this applies “*unless these strategic policies have been reviewed and found not to require updating*”.
- 7.4 In the case of Cherwell, the Regulation 10A Review has confirmed that the adopted housing requirement is no longer current, such that Policy BSC1 ‘requires updating’. This means that the above test (set out in NPPF footnotes 9 and 3), cannot be said to have been met. As such, whilst the envisaged amendments to the NPPF are subject to consultation and may yet change, the conclusions of the Local Plan Review indicate that CDC will still need to demonstrate a rolling 5YHLS, until such time as it is able to adopt a new Local Plan. This in turn means that CDC must continue to grant planning permissions, in accordance with the Development Plan (including Policy PV2), as tempered by the material considerations we have identified in this Addendum.

8. NPPF PARAGRAPH 11 AND THE 'TILTED BALANCE'

NPPF Paragraph 11(d)

- 8.1 We consider that the provisions of NPPF paragraph 11(d) are applicable to this planning application. As acknowledged by CDC, via the Local Plan Review, Policy BSC1 is out-of-date. This policy is of fundamental importance to the spatial and distribution strategy of the Local Plan, with corresponding implications for policies which relate to settlement boundaries and restrictions on development with the Countryside.
- 8.2 It is also the case that CDC is not able to demonstrate a 5YHLS when set against the adopted Local Plan requirement (i.e., rather than the Standard Method figure). This is a fundamental consideration, because if CDC is unable to meet the significantly higher housing requirement adopted under the Local Plan, then it risks failing to fully meet the adopted requirement by the end of the Plan-period. The Planning Practice Guidance (PPG⁶) is also clear that housing requirements represent a minimum to be exceeded, rather than a ceiling figure.
- 8.3 Consequently, even though CDC has taken the view that the Standard Method should be used to calculate the 5YHLS position, the Local Plan Review and recent Officer Reports considered by the Planning Committee, have highlighted the need to continue to approve housing developments on sustainable, but unallocated greenfield sites.
- 8.4 Moreover, the application of the Standard Method (in Cherwell) results in a significant under provision of housing when assessed against the HENA scenarios. The HEHA represents the most recent evidence on housing need and the Assessment was jointly commissioned by CDC and Oxford City Council. In our view, this also acts to trigger the tilted balance under Paragraph 11 of the NPPF.
- 8.5 Indeed, it is notable that recent Officer Reports, concerning the aforementioned sites at Ambrosden and on land adjoining Heyford Park, have also presented their recommendations for approval in the context of NPPF Paragraph 11(d). This is the case, even if the same reports have not expressly described stated whether the tilted balance was engaged, or not.
- 8.6 In this context, it is our considered view, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. In this case, the benefits of the planning permission are significant, as detailed below.

Sustainable Development and the Planning Balance

- 8.7 As indicated, we consider that the presumption in favour of sustainable development is in effect and the tilted balance should be applied to the proposals on Land South of Green Lane, Chesterton. Nonetheless, the scheme also merits approval in the context of Policy PV2 and is necessary to help ensure that the adopted Local Plan housing requirement is met

⁶ Under sections 'Housing and Economic Needs Assessment' and 'Housing Supply and Delivery'.

within the Plan-period.

- 8.8 For the reasons we have described, the site represents a sustainable location for residential development, with the proposals also providing a wide range of economic, social and environmental objectives, consistent with the central objective of the NPPF. These are described as follows.

Economic Benefits

- 8.9 The proposals will give rise to the following beneficial economic outputs;
- Up to 147 new homes to meet the identified housing need and contribute to the vibrancy and vitality of the area, including 35% affordable homes;
 - Provision of temporary construction jobs, sustained over a 4-year build period;
 - Indirect jobs in the wider supply chain during the construction phase;
 - First occupation expenditure (i.e., monies spent by people to furnish and outfit their new homes);
 - Support local jobs resulting from increased expenditure within the local economy;
 - Support the new frequent bus service for Chesterton envisaged to be subsidised by Great Wolf resort; and,
 - An agreed financial contribution through S106 of agreed monies towards improving the local infrastructure.

Environmental Benefits

- 8.10 As set out in the various technical assessments that support this application, the proposals will generate a range of environmental benefits;
- New housing which is net zero carbon, exceeding current policy requirements;
 - Electric vehicle charging points for every dwelling;
 - A positive net biodiversity gain, exceeding current policy requirements;
 - New habitat areas to support a variety of species;
 - New planting around the boundary of the site and new habitat creation and;
 - A high-quality and beautiful development, designed around extensive green spaces, which will contribute positively to the character of the settlement.

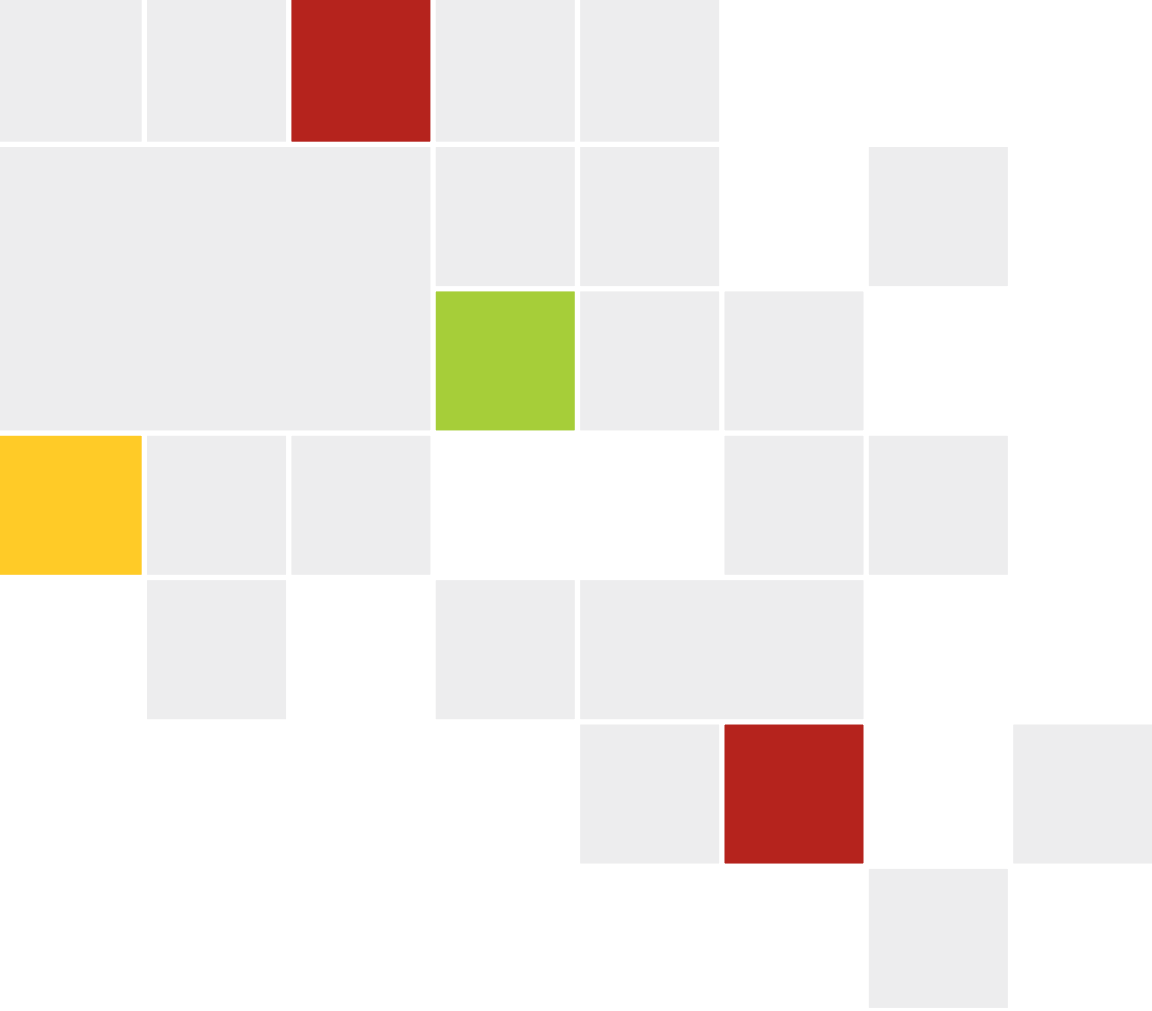
Social Benefits

- 8.11 With respect to societal benefits, the proposals will generate the following;
- Helping to meet the identified need for both market and affordable housing, in the context of a current and significant housing supply shortfall;
 - Delivery of a range of type and tenures, which will facilitate mobility within the local housing markets. This will allow (for example) first time buyers to secure new homes, whilst older residents will be presented with opportunities to 'down size';

- The provision of a new parkland, which respond to local needs and which will incorporate recreational sports and playing fields, alongside a NEAP and a new car park via the new access road, to help cater for home sporting matches including football;
- Significant new areas of informal public open space, including new scrub and woodland areas, providing new scenic pedestrian routes through the site; A number of proposed homes that include home offices, to address the need for suitable home working environments;
- Highway improvements including a 20mph speed restriction to Green Lane, and,
- Financial contributions (Section 106) towards the provision of infrastructure within Chesterton.

9. SUMMARY AND CONCLUSIONS

- 9.1 Overall, the acceptability of the application proposals on Land South of Green Lane are not contingent on the 5YHLS position within Cherwell (noting also that this has yet to be challenged at appeal). Nor does the recent Regulation 10A Local Plan Review mean that CDC is now able to refuse (as a matter of course) planning applications on land situated outside of adopted settlement boundaries, but at otherwise sustainable locations that are broadly consistent with the adopted spatial strategy.
- 9.2 The Officers Reports for the February and March 2023 Planning Committees, indicate that development proposals at such locations continue to be considered on their merits. This includes proposals on greenfield land adjoining Policy PV2 settlements, with a planning application at Ambrosden having been recently approved. Indeed, this was the second large residential development to be approved at Ambrosden since 2019.
- 9.3 Chesterton represents a sustainable PV2 settlement, and one which is becoming more sustainable because of new developments that have been approved (and which are being brought forward). This notably includes the Great Wolf and Siemens projects, which are supported by a comprehensive package of sustainable transport measures, which better integrate Chesterton within Bicester. It is relevant also that the site was also identified as being potentially suitable for development, as a key part of a proposed allocation for 500 homes.
- 9.4 The proposed development on Land South of Chesterton provides significant benefits, which go beyond adopted planning policy requirements. In addition to a wide mixture of market and affordable housing, the proposals will achieve a circa 20% BNG and will provide Net Zero Homes, alongside a large new park, which will include new sports facilities to complement existing provision within the settlement.
- 9.5 Indeed, the proposals for the park followed extensive engagement with Chesterton Parish Council, which ran a local consultation in 2022 (separately from the applicant) to identify community preferences. Consequently, the proposals include a new football pitch to support Chesterton FC and cater to wider needs, through the provision of new tennis courts, flexible recreational surfaces, and high-quality amenity space.



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