

DRAFT PLANNING STATEMENT OF COMMON GROUND

BETWEEN:

**CALA HOMES (MIDLANDS) LIMITED
&
CHERWELL DISTRICT COUNCIL**

**LAND AT FRINGFORD ROAD, CAVERSFIELD,
BICESTER, OXFORDSHIRE**

PROPOSAL:

**OUTLINE PLANNING APPLICATION FOR UP TO 200 RESIDENTIAL
UNITS, ACCESS, AMENITY SPACE AND NEW VILLAGE SHOP/ HALL**

PINS REF:
LPA REF: 13/01056/OUT
APPELLANT REF: BIR.4382

DATE: 04 NOVEMBER 2013

Signed:	Signed:
Name:	Name:
On behalf of: Cherwell District Council	On behalf of: Pegasus Group (acting on behalf of the appellant)
Date:	Date:

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APPENDICES:

APPENDIX 1: LIST OF AGREED PLANNING CONDITIONS

1. INTRODUCTION

- 1.1 This Planning Statement of Common Ground (SOCG) has been prepared by Pegasus Group in agreement with Cherwell District Council in respect of the Appeal (PINS ref:).

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2. DESCRIPTION OF APPEAL SITE AND SURROUNDING AREA

- 2.1 The appeal site is located to the western side of Fringford Road and extends to an area of 7.1 hectares. The site currently comprises of rough grassland within which there is a dwelling and associated outbuildings.
- 2.2 The site is bounded by mature woodland to the north west and eastern corner. Hedgerows line the south eastern and south western boundaries which abut Fringford Road, and an unnamed road respectively, with the exception of the south east corner, which runs behind the back gardens of four houses on Fringford Road. The northern boundary is more open to the fields beyond.
- 2.3 The existing access points to the site are via the unnamed road on the southern boundary, with a further access taken from Fringford Road positioned just north of the 4 no. Properties, opposite Skimmingdish Lane. There are no public footpaths in, adjacent or adjoining to the site though there is a public footpath which crosses Fringford Road in the vicinity of Springfield Road approximately 200m north of the site.
- 2.4 The site and surrounding area is relatively level, with little change in undulation within 2km of the site. The land rises gently to the north.
- 2.5 Bicester town centre is located within reasonable walking and cycling distance of the site to the south. Bicester itself is a significant commercial, retail and administrative core providing a considerable range of shops, services and facilities not only for Bicester but also the wider hinterland.
- 2.6 For the avoidance of doubt, the appeal site does not lie within the statutory Green Belt or within RAF Bicester Conservation Area; nor does the site contain any Listed Buildings or Tree Preservation Orders (TPOs).

3. APPEAL PROPOSALS

- 3.1 The Appellant undertook pre-application discussions with stakeholders prior to the submission of the formal planning application.
- 3.2 The Appellant distributed a newsletter to all properties in Caversfield explaining the plans, how people could comment and an invitation to a public exhibition that was held at the Red Lion Public House on 18 April 2013. Prior to the exhibition a special preview session of the proposals was held for local Cherwell District Council Members and Members of the Planning Committee. At the consultation event, information about the proposals was displayed and feedback forms were distributed to attendees. In addition, members of the project team were available to provide further information. A further information service, in the form of a freephone telephone number was also provided.
- 3.3 The Appellant met also met with the Parish Council to discuss the proposals and obtain their views.
- 3.4 Both the Appellant and agent (Cerde Planning) made numerous attempts to meet with and update the Planning Officers at the Council throughout various stages of the preparing the proposals. CDC Planning Officers, however, declined to meet throughout the process.
- 3.5 The application subject of this appeal was validated by Cherwell District Council on 11 July 2013 for the following description of development:
- “Outline Planning Application for up to 200 residential units, access, amenity space and associated works including new village shop/ hall”**
- 3.6 The application was submitted in Outline with all matters of detail reserved for subsequent Reserved Matters Applications.
- 3.7 The documents / plans that comprised the planning application, at the time of the Council’s decision on 4 October 2013, were as follows:

Table 3.1 – Application Material

Item	Application Reports	Date / Reference
1	Planning Statement	10/07/2013
2	Design and Access Statement	10/07/2013
3	Planning Application Form	10/07/2013
4	Transport Assessment	10/07/2013
5	Travel Plan	10/07/2013
6	Flood Risk Assessment	10/07/2013
7	Ecological Assessment	10/07/2013
8	Tree Report and Survey	10/07/2013
9	Revised Transport Assessment	29/08/2013
	Application Drawings	
1	Revised Masterplan Rev D	10/07/2013
2	Access and Movement Plan	10/07/2013
3	Building Heights	10/07/2013
4	Density Plan	10/07/2013
5	Tree Survey Plan	10/07/2013
6	Boundary Plan	10/07/2013

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7	Revised Masterplan Rev H	28/08/2013
8	Micro Drainage Calculations	25/09/2013
9	1 in 100 Year + 30% Climate Change Flood Routing Plan (DRG 4808:P:901)	27/09/2013
10	Proposed Access Arrangements (DRG 4804:AC3)	02/10/2013
11	Proposed Access Arrangements (DRG 4804:AC1)	02/10/2013
12	Proposed Site Access and Traffic Calming Measures (DRG 4804:AC2)	02/10/2013

3.8 The application was considered at the Council's 3 October 2013 and Planning Committee Members determined that the application should be refused in accordance with the recommendations set out within the Committee Report.

3.9 The reasons for refusal were as follows:

"1. The proposal represents development beyond the built up limits of Caversfield where there is no proven need for agriculture or other existing undertaking and the application has not been made on the basis that this is a rural exceptions site. As the proposal cannot be justified on the basis of an identified need in an unsustainable location, it represents sporadic development in the countryside which fails to maintain its rural character and appearance which fails to conserve and enhance the environment by introducing an incongruous, prominent, urbanising and discordance built form into this rural setting to the detriment of the visual amenities of the area. The application is, therefore, contrary to Policies H15, H18, C7, C8, C28 and C30 of the adopted Cherwell Local Plan, Policies ESD13, ESD15 & ESD18 and Villages 1 and 2 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance contained in the National Planning Policy Framework.

2. Development of this site would erode an important green buffer gap between the planned expansion of

Bicester and the village of Caversfield which would be harmful to the setting and identity of Caversfield itself and also that of the setting of the RAF Bicester Conservation Area as it would fail to preserve or enhance its setting contrary to Policies ESD15 and ESD16 of the Proposed Submission Local Plan Incorporating Changes March 2013 and Government guidance in the National Planning Policy Framework.

3. The applicant has failed to demonstrate that the proposed access is adequate in terms of its visibility so close to a junction which already suffers from substandard visibility. Together with the proposed pedestrian layout and general lack of information with regards the parking requirements the proposed development would be detrimental to the safety and convenience of highway users, contrary to Government guidance contained within the National Planning Policy Framework.

4. In the absence of a satisfactory planning obligation, the Local Planning Authority is not convinced that the infrastructure directly required to service or serve the proposed development will be provided. This would be contrary to the Policy R12 of the adopted Cherwell Local Plan, Policies OA1, TR4, R8 and R10A of the Non-Statutory Cherwell Local Plan 2011, Policy INF 1 of the Proposed Submission Local Plan Incorporating Changes March 2013 and government guidance contained within the National Planning Policy Framework."

4. PLANNING HISTORY

4.1 There is no relevant planning history associated with the appeal site.

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5. PLANNING POLICY

5.1 The following section identifies relevant planning policy and guidance and outlines the key policy principles for the appeal.

Development Plan

5.2 Both parties agree and accept that, under the provisions of Section 38(6) of the Planning and Compulsory Purchase Act 2004 applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

5.3 At the time of preparing this statement, the Development Plan in respect of this appeal consists of the following (policies of particular relevance are highlighted):

i. Adopted Cherwell Local Plan (Saved Policies) (November 1996):

5.4 Cherwell District Council Local Plan was adopted in November 1996. The Local Plan covers the period to 2001. Although the plan period has now elapsed the relevant local policies have been 'saved' for a further indefinite period until the plan is replaced by policies in the emerging Cherwell Local Plan.

5.5 The relevant saved policies include:

- H5: Affordable Housing
- H15: Category 3 Settlements
- H18: New Dwellings in Countryside
- TR1: Transportation Funding
- R12: Provision of Public Open Space
- C1: Nature Conservation
- C4: Creation of New Habitats
- C7: Topography and Character of the Landscape
- C8: Sporadic Development in the Open Countryside
- ENV1: Pollution Control

Other Material Policy and Guidance

5.6 Reference will also be made by both parties to additional material planning policy and guidance documents including:

i. National Planning Policy Framework (March 2012):

5.7 The NPPF is a material consideration in the determination of the appeal. Both parties will make reference to the NPPF in support of their case; in particular, the Appellant will refer to paragraphs 14, 47, 49, 214 and 215.

ii. Proposed Submission Cherwell Local Plan Incorporating Proposed Changes (March 2013)

5.8 The Proposed Submission Local Plan (August 2012) document was sent out for public consultation on 29th August 2012. The Proposed changes to the draft plan were sent out for further public consultation in March 2013. Although this plan does not have Development Plan status, it is agreed that it may be considered as a material planning consideration, however as it has still not been examined only limited weight may be afforded to it.

5.9 The emerging plan sets out the Council's strategy for the District to 2031. The policies listed below may be relevant to this appeal:

- PSD1: Presumption in Favour of Sustainable Development
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC11: Local Standards of Provision – Outdoor Recreation
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems

- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: Green Boundaries to Growth
- ESD16: The Character of the Built Environment
- ESD18: Green Infrastructure
- Policy Villages 1: Village Categorisation
- Policy Villages 2: Distributing Growth across the Rural Areas (change no. 361)

iii. Non-Statutory Cherwell Local Plan 2011

5.10 In December 2004 the Council resolved that all work to proceed towards the statutory adoption of a draft Cherwell Local Plan 2011 be discontinued. However, on 13th December 2004 the Council approved the Non-Statutory Cherwell Local Plan 2011 as interim planning policy for development control purposes. Therefore this plan does not have Development Plan status, but it may be considered as a material planning consideration. The policies listed below may be relevant to this case:

- H1A: Location of New Housing
- H3: Making Efficient Use of Land
- H4: Types of Housing
- H7: Affordable Housing
- H19: New Dwellings in the Countryside
- TR3: Transport Assessments and Travel Plans
- TR4: Mitigation Measures
- TR5: Road Safety
- TR11: Parking
- R8: Playing Fields
- R9: Amenity Areas
- R10a: Built Sport & Recreation Facilities

- R11: Community Facilities
- EN1: Conserving and Enhancing the Environment
- EN23: Ecology Surveys
- EN30: Countryside Protection
- EN34: Landscape Character
- D2: Planning Application and Design Statements
- OA1: Development by Other Authorities General Policy

iv. Draft Bicester Masterplan SPD

- 5.11 Limited weight given draft status on the basis that it is a draft document
- 5.12 This document has been prepared to expand upon the provisions of the emerging Local Plan. It is in general conformity with the emerging Local Plan. In preparing the Masterplan for the Council, it is agreed that the Consultants indicated that Caversfield already formed part of the Bicester urban area.

v. Housing Land Supply

- 5.13 It is agreed that Paragraph 47 of the NPPF requires that to boost significantly the supply of housing LPAs such as Cherwell District Council should *inter alia* identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing land, with an additional minimum buffer of 5% (moved forward from later in the plan period), increased to 20% where there is a persistent record of under delivery.
- 5.14 On this point the following is agreed:
- Cherwell District has failed to achieve the delivery required (annual requirement of 670 dwellings per annum based on the RS requirement of 13,400 divided by the number of years in the plan period of 2006 to 2026) in all years since 2006/ 2007.
 - The agreed backlog from 2006 is 1,441 dwellings.
- 5.15 For the purposes of five year housing land supply calculations it is agreed that a 20% buffer (moved forward from later in the plan period) as set out in paragraph 47 of the NPPF should be applied in this case.

- 5.16 It is agreed that the start date for the most recent assessment of housing land supply within the Cherwell District is April 2013 with the five year period used for the assessment being April 2013 to April 2018.
- 5.17 It is agreed that the most common methodologies employed to calculate supply are known as the "Liverpool" and "Sedgefield" methods.
- 5.18 The 'Liverpool' approach is one which seeks to address backlog (under supply), in this case the agreed figure of 1,441, throughout the remainder of the plan period.
- 5.19 The 'Sedgefield' approach seeks to address the identified backlog of 1,441 dwellings within the first five years.
- 5.20 It is agreed that the Bourne Lane Appeal Decision (APP/C3105/A/12/2184094) (23rd September 2013) (paragraph 198 of the Inspectors Report) stated:

"In my view, given that the aim of paragraph 47 of the Framework is to significantly boost housing land supply, the correct approach to address this shortfall is to do so within the next 5 years (the 'Sedgefield' approach) rather than to spread the shortfall over the 20 year lifespan of the PSDLP (the 'Liverpool' approach)."

- 5.21 The Local Planning Authority agree that the Sedgefield approach is the correct approach to achieving the necessary boost to housing supply set out in the NPPF.

v. Heritage and Conservation

- 5.22 It is agreed that the only conservation area that may be affected by the proposed development is the RAF Bicester Conservation Area.

It is agreed that the proposed development would not affect the significance of any scheduled ancient monument, listed building, or any other heritage asset.

vi. Affordable Housing

- 5.23 It is agreed that the appeal proposals would contribute a significant provision of affordable homes which would help address the existing level of need for affordable housing in the district.

vii. Landscape

- 5.24 It is agreed that a Landscape and Visual Assessment was not submitted with the planning application submission in error. The LVA does, however, form part of the appeal submission.
- 5.25 It is agreed that the conclusions of the Landscape and Visual Assessment, set out below, are acceptable.
- The site itself is too small to be considered to have any defining characteristics other than it contributes to the overall defining character of the surrounding countryside and urban fringe.
 - The characteristics of the existing landscape is that of strong vegetation forms through hedgerows and tree blocks, enclosing the landscape and providing limited opportunities for expansive views. Therefore, further enclosure with the site by strengthening the sites weak boundaries would not be detrimental to the character of the local area.
 - Due to the topography of the study area in combination with the extensive vegetation cover, views of the site are restricted to a number of limited locations within 300 metres of the site. Long and more distant views are almost non-existent and where available, development of the site would have little impact on the visual amenity.

ix. Design and Layout

- 5.26 The application is in outline form only with all matters reserved for future consideration.
- 5.27 The proposals are supported by indicative layout plans which demonstrate how the site can accommodate the scale of development proposed and could be designed to provide an appropriate level of private amenity space and public open space.
- 5.28 It is common ground that matters of design and layout do not constitute a reason for refusal because the application is in Outline.

x. Highways Safety and Sustainable Travel

5.29 Highways matters are addressed within the accompanying Highways Statement of Common Ground.

xi. Flooding and Drainage

5.30 It is agreed that the application is deemed to have a low environmental risk as confirmed by the Environment Agency.

5.31 The LPA has not seen any compelling evidence to suggest that drainage measures could not be provided as part of the development that would ensure that there is little or no residual risk of property flooding occurring during extreme storm events and that the scheme provides well in excess of the minimum acceptable standard of protection for new property.

5.32 The LPA has not seen any compelling evidence to suggest that for extreme events, or in the event of blocked drains, the proposed development would not be able to convey excess flows overland towards the areas of open space. Details of which will be provided as part of the detailed Reserved Matters stage.

5.33 It is therefore common ground that matters relating to flooding and drainage do not constitute a reason for refusal of the appeal.

xii. Ecology

5.34 It is agreed that the conclusions of the Ecological Assessment, set out below, are acceptable.

5.35 There are no statutory sites of International nature conservation importance (e.g. SPAs, SACs or Ramar Sites) present within the proposed development site or within a 5km radius. There are two sites of National nature conservation importance present within a 2km radius. These sites are isolated from the proposed development area. Three non statutory designated sites occur within 1km of land ownership boundary, which are also physically isolated from the site. The proposed development will not affect the conservation status of these sites.

- 5.36 There will be areas of existing semi improved grassland and scrub habitats lost as a result of the development. However, the report demonstrates that the proposal will have no adverse impact upon protected species nor important habitat. It is agreed that the full range of protected species surveys have been undertaken in the appropriate survey season.
- 5.37 Further consideration of the detailed layout of the site at the Reserved Matters stage may be able to provide further opportunities for biodiversity enhancements.
- 5.38 It is therefore common ground that matters pertaining to ecology do not constitute a reason for refusal.

xiii. Planning Obligations

- 5.39 It is agreed that the forth reason for refusal relating to the provision of appropriate infrastructure and services can be addressed if the Appellant provides a suitable S106 package to guarantee adequate provision of directly related infrastructure and/or improvements to services necessary to offset the future burdens that the proposed development would be likely to place upon such infrastructure and/or services. This planning obligation would have to be legally binding and satisfactory to the LPA in all other respects.
- 5.40 Negotiations are ongoing between the Appellants and the LPA and it is hoped that by the time of the Inquiry a draft S106 Obligation that is acceptable to the LPA will be in place.
- 5.41 It is agreed, however, that that Section 106 contributions requested for: community development, day care, waste management, adult learning, maintenance, admin/monitoring fees and refuse bins are not CIL compliant following the Inspector's comments in relation to the Appeal Decision for Barford Road, Bloxham.
- 5.42 Furthermore, it is incumbent on the LPA to satisfy the Inspector that the contributions sought meet the CIL Regulations.

6. MATTERS IN DISPUTE

6.1 This section sets out the matters in dispute between the Appellants and Cherwell District Council as follows:

- i. The weight to be attributed to the saved policies of the Development Plan given the provisions in the NPPF, which render such policies out of date;
- ii. The appropriate five year land requirement;
- iii. The appropriate methodology for calculating a five year land supply;
- iv. Whether or not the LPA can demonstrate that it has a 5 Year Supply of Achievable, Deliverable, Available Housing Land Supply;
- v. If it is considered that the LPA can demonstrate that it has a 5 Year Housing Supply, whether the proposed development would represent sustainable development as defined in the NPPF;
- vi. Whether, if it is accepted that the LPA can demonstrate that it has a 5 Year Housing Supply, any positive planning benefits of approving the proposed development would individually or cumulatively outweigh the planning harm that would arise from the development;
- vii. Whether, if it is not considered that the LPA can demonstrate that it has a 5 Year Housing Land Supply, any adverse impacts of approving the proposed development would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;
- viii. Whether in the absence of a satisfactory planning obligation the proposed development would result in unacceptable pressure on local infrastructure and services resulting in an unsustainable form of development.

[NB as noted above, the last of these issues may be resolved in advance of the inquiry subject to provision of a satisfactory planning obligation].

6.2 Evidence will be produced on each of these issues by the two parties. The Appellant and Cherwell District Council may provide a supplementary statement on residential land supply to identify in detail any other areas of difference and/or agreement.

7. PLANNING CONDITIONS

7.1 An agreed set of conditions is attached to this Statement at Appendix 1.

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