



PLANNING STATEMENT

(Incorporating Statement of Community Involvement and Affordable Housing Statement)

On Behalf of:
Manor Oak Homes

In Respect of:
**Outline application for up to 176 dwellings including public open space comprising a country park,
a LEAP and additional Green Infrastructure provision with all matters reserved other than access**

Proposed at:
Land East of Lady Grove, Didcot

Date:
May 2020

Reference:
02219/S0001am

CONTENTS

EXECUTIVE SUMMARY

1.0	INTRODUCTION
2.0	SITE DESCRIPTION & PLANNING HISTORY.....
3.0	THE PROPOSED DEVELOPMENT
4.0	STATEMENT OF COMMUNITY INVOLVEMENT.....
5.0	PLANNING POLICY REVIEW
6.0	PLANNING ASSESSMENT.....
7.0	CONCLUSIONS.....

APPENDICES

- Appendix 1: Secretary of State Letter and Inspector Recommendation in respect of Appeal Reference 3230827 at Oxford Brookes University Campus, Wheatley (23rd April 2020)**
- Appendix 2: Pre-Application Response, dated 30th April 2020**
- Appendix 3: Key Principles of the Didcot Garden Town**
- Appendix 4: South Oxfordshire 'Major Sites' Housing Trajectory (June 2019)**

EXECUTIVE SUMMARY

This application, submitted on behalf of Manor Oak Homes, seeks to deliver a landscape-led development of up to 176 dwellings, including provision for a mix of dwelling types (of which 40% would be affordable housing, representing a critical contribution towards the 'acute' need for such homes confirmed during the recent appeal at Wheatley Campus), a new country park, substantial levels of green infrastructure, the retention of all existing significant trees across the site along with additional landscaping and planting and a new vehicular access from Lady Grove.

The application proposal represents a compelling opportunity to deliver an exemplar residential scheme at the most significant growth point in South Oxfordshire, Didcot. It presents a development the scale, form and composition of which is informed by a substantial suite of supporting technical information that thoroughly investigates both the constraints and opportunities presented by the site.

Ultimately, this level of investigation has allowed the applicant to present an illustrative layout that responds directly and positively to the Didcot Garden Town principles and would serve as a natural extension to the new sustainable community at the north east of the town.

Critically, this application is submitted to South Oxfordshire District Council with a view to responding positively to the following key issues identified in respect of the vital need for additional and substantial sustainably planned growth at Didcot:

- 1. The chronic levels of under-delivery of both market and affordable housing in Didcot, a town which represents one of the principal growth points within Oxfordshire, one of the main locations for new housing delivery and a vital component of the County's Growth Deal strategy.**
- 2. The lack of flexibility and choice in the supply of housing sites at the town contributing to persistent levels of under-delivery.**
- 3. The opportunities described by the Didcot Garden Town Delivery Plan to secure a landscape-led development at a sustainable location on the edge of Didcot that accords entirely with the draft vision and objectives of the masterplan for the town.**
- 4. The out-of-date nature of the adopted development plan allied with the uncertainty that continues to exist around the emerging South Oxfordshire Local Plan and the necessity to plan positively for the delivery of new homes now.**

To expand the final of the four points above it is compelling that due to the out-of-date strategy presented by the adopted development plan, and whilst uncertainty exists in respect of the emerging Local Plan, the application proposal represents a compelling opportunity to secure additional new homes at Didcot that cut through the current planning malaise and secure vital development at South Oxfordshire's key growth point. The proposal responds positively to the heavy reliance on Didcot to meet both South Oxfordshire and the county's growth objectives whilst ensuring that it accords fully with the more general up-to-date policies of the development plan, the vision for Didcot described by the Garden Town Delivery Plan and the central guidance of the NPPF.

In light of these material considerations which, combined, present a significantly weighty case for the delivery of new residential developments at Didcot that complement the Council's growth strategy for the town there is a clear case for this application to be submitted now.

Importantly, there would be a substantial benefit to the Council in respect of vital housing, including the contribution of 71 units towards the acute affordable housing needs of the district, and infrastructure delivery in approving what is an entirely sustainably residential proposal at the town without delay.

1.0 INTRODUCTION

- 1.1 This statement has been prepared on behalf of Manor Oak Homes (from here on referred to as the 'applicant') and submitted to South Oxfordshire District Council ('SODC' or 'the council') in support of an outline planning application for the development of land east of Lady Grove, Didcot (the 'application site').
- 1.2 This application seeks to deliver a landscape-led residential development of up to 176 dwellings, including provision for a mix of dwelling types (of which 40% would be affordable housing), a new country park, substantial levels of green infrastructure, the retention of all existing significant trees across the site along with additional landscaping and planting and a new vehicular access from Lady Grove ('the application scheme').
- 1.3 The application is submitted in outline with all matters other than access reserved. The application is supported by an Illustrative Masterplan that demonstrates how the proposed development could be accommodated on site. This shows that approximately 5ha of the proposal would comprise development area, including gardens, parking areas and roads and 10ha would be reserved for formal and informal open space.
- 1.4 The proposal principally seeks to supplement the persistently slow levels of housing delivery at Didcot, a town that represents one of both South Oxfordshire's and indeed the County's principal growth points, whilst taking the opportunity to respond positively and creatively to the key principles set out in the Didcot Garden Town Delivery Plan. The need to deliver new homes in both a sustainable and timely fashion is heightened in Didcot, as it is across Oxfordshire, due to the challenging requirements the Government set out in the terms of the County's Growth Deal.
- 1.5 This application is supported by the following documents, the combined recommendations of which have informed the scale, form and composition of the illustrative scheme:
 - Planning Statement, prepared by Armstrong Rigg Planning;
 - Concept Masterplan, prepared by Thrive Architects;
 - Design & Access Statement, prepared by Thrive Architects;
 - Landscape and Visual Impact Assessment, prepared by Aspect Landscape Planning;
 - Landscape Masterplan, prepared by Aspect Landscape Planning;
 - Site Section, prepared by Aspect Landscape Planning;
 - Flood Risk Assessment (including Drainage Strategy), prepared by Martin Andrews Consulting;
 - Archaeological Desk Based Assessment and Geophysical Survey Report, prepared by Oxford Archaeology and Magnitude Surveys;
 - Ecology Report (Extended Phase 1), prepared by Aspect Ecology;

- Transport Assessment, prepared by Vectos;
- Framework Travel Plan, prepared by Vectos (appended to Transport Assessment);
- Detailed Design of Proposed Site Access, prepared by Vectos (appended to Transport Assessment);
- Proposed Off-Site Junction Improvements, prepared by Vectos (appended to Transport Assessment);
- Arboricultural Impact Assessment, prepared by Aspect Arboriculture;
- Ground Investigation Desk Based Report, prepared by Geo-Environmental;
- Sustainability Statement, prepared by Sol Environment;
- Energy Statement, prepared by Sol Environment;
- Topographical Survey, prepared by Brightsurv; and
- CIL Forms.

- 1.6 The proposed scheme has also been informed by a proportionate programme of pre-application public engagement, the scope and outputs of which are explained in the Statement of Community Involvement (SCI) at Section 4 of this statement.

Background

- 1.7 The application proposal seeks to contribute towards a significant shortfall in housing delivery in Didcot over the current Local Plan period of 2006-2027; a shortfall that equates to in the region of over 1,500 homes as of the end of the 2018/2019 monitoring year and means the council has delivered just over 60% of the growth required at a town described in the vision of its Core Strategy as *"a major centre in southern Oxfordshire, playing a key role in the Science Vale UK area and providing new housing and better services"*.
- 1.8 Regardless of the housing requirements set out in the Core Strategy matters have moved on further – in 2015 Didcot was awarded Garden Town status by the Government with an accompanying expectation that 15,050 new homes would be delivered at the town over the 20-year period prior to 2031. This figure significantly exceeds the Core Strategy requirement of 6,300 homes. Since this time Oxfordshire County Council (OCC), along with its partner authorities at district level including SODC, has agreed an ambitious Housing and Growth Deal for the County with the Government which includes a requirement to deliver 100,000 homes across Oxfordshire by 2031. As the strategic aspirations for Oxfordshire, the district and Didcot increase, the requirement to deliver new homes at the town intensifies.
- 1.9 Resultant of the designation of Didcot as a Garden Town, SODC along with the neighbouring authority of Vale of White Horse (VoWH), whose administrative area encompasses the western fringes of the town, and OCC produced the 'Didcot Garden Town Delivery Plan' in October 2017 which sets out a vision and framework of how the growth targets for the town should be met. Critically, the application site falls within the extent of the Garden Town Masterplan Area.

- 1.10 The Delivery Plan document does not provide a statutory planning basis to guide development at the town – this is expected to follow as a result of the emerging SODC Local Plan, albeit the form of this is yet to be defined (the options identified in the draft plan include one of supplementary guidance or a full development plan document). However, the progression of the new Local Plan has slowed due to much publicised political pressure and machinations. As a result, Didcot is a town where significant levels of growth are expected, and indeed are relied upon, but where there is no up-to-date adopted statutory policy framework to guide its delivery.
- 1.11 In response to both the pressing and critical need for an escalation in housing delivery at Didcot, and the clear aspiration described by the Delivery Plan for this to be achieved in a cohesive and well-designed manner, this application presents an opportunity to secure up to 176 new homes delivered in a way that fully respects the setting of the town and the overall vision set out in the Didcot Garden Town Delivery Plan. It does so on a site that is well related to the urban area and has the ability to secure part of the green infrastructure network envisaged in the Delivery Plan document, as part of a development that is sustainable in every regard when considered against both the development plan and NPPF as a whole. On this basis the applicant is clear that the application proposal is sustainable in every respect and should be approved without delay.
- 1.12 Regardless of the overriding sustainability merits of the scheme, the submission of this planning application is based upon a number of additional sound planning reasons, all of which are expanded on later in this statement, namely:
- **The chronic levels of under-delivery of both market and affordable housing in Didcot, a town which represents one of the principal growth points within Oxfordshire, one of the main locations for new housing delivery and a vital component of the County's Growth Deal strategy.** The Council has failed (and continues to fail) to do even the bare minimum to secure the levels of growth required in Didcot in light of its obligations towards the Garden Town agreement, the Oxfordshire Housing and Growth Deal, its role as a catalyst for the growth of the Science Vale UK and even the basic housing requirements set out in the adopted development plan. Even at the most basic level and leaving the additional expectations that these factors bring with them, there has been a shortfall in delivery at the town since the beginning of the adopted plan period of approximately 1,500 dwellings. This under-delivery has impacted on the provision of much needed affordable housing across the district resulting in what the Council describes as an "acute" need in its submissions towards the re;
 - **Lack of flexibility and choice in supply of sites, contributing to persistent levels of under-delivery of new homes at Didcot.** There is not only a quantitative shortfall, but a serious

qualitative one. The allocations for Didcot are large and this is one of the main contributors to the slow delivery. While large allocations provide the means to deliver a significant amount of housing in one location, they are by nature, slow and cumbersome and do not provide a quick or flexible response to change. In an area where significant delivery is required, a supply concentrated on large sites is unrealistic and provides insufficient flexibility to ensure the housing requirement will be delivered and that the Plan boosts the supply of housing and is able to respond to changes over the period to 2027, including the District's widening gap in affordability. Accordingly, in order to speed up delivery the Council needs to be looking at increasing the range and choice of sites by releasing 'oven ready' sites that can support a good mix of types and sizes of housing in order to provide a rolling programme of delivery in the shorter term.

- **The opportunity to secure a landscape-led development at a sustainable location on the edge of Didcot that accords entirely with the draft vision and objectives of the Garden Town Delivery Plan.** The emerging Local Plan is expected to provide a more advanced statutory framework against which the Garden Town should be delivered. This will involve the production of a final development brief for adoption which is expected to enshrine many of the principles set out in the current Delivery Plan document. Unfortunately, this document has also been delayed. Nevertheless, with the site falling within the Garden Town area, the application proposals offer an excellent opportunity to deliver a small part of the overall Garden Town in line with the key objectives to help deliver the Garden Town vision; and
- **The out-of-date nature of the adopted development plan and uncertainty that continues to exist around the emerging South Oxfordshire Local Plan and the necessity to plan positively for the delivery of new homes now.** It is firstly compelling that the most important policies for determining this application, namely those relating to the delivery of new homes, have very recently been confirmed as substantially out of date by both an Inspector and then on review the Secretary of State. This conclusion was reached in light of an appeal in relation to land at Oxford Brookes' Wheatley Campus (see **Appendix 1**), a decision referenced at greater length later in this statement.

Whilst SODC is in the process of delivering an update local plan this document has run into significant local political difficulties of late. Consequently, the Secretary of State has intervened in the examination process with a view to securing the adoption of the plan prior to the end of 2020. However, this timeline cannot be considered to be anything but aspirational. The plan represents a strategy that has been beset with difficulties and will inevitably attract heightened objections and resistance from key stakeholders during the course of the examination, not least from political representatives of South Oxfordshire District Council. The examination itself is of course now on hold

due to the current Covid-19 crisis. The result will therefore be ongoing delay and a continued vacuum in the policy framework required to realise the delivery of the Garden Town.

Scope of this Statement

- 1.13 This statement will establish the strong positive case for the application proposals on the basis of the planning justification set out above. It draws together both our analysis of the strategic growth requirements at Didcot as well as the key aspirations for Didcot set out in the Garden Town Delivery Plan. It also summarises the findings and key recommendations of the full suite of technical documents identified earlier in this section. It should be read alongside the Design and Access Statement, prepared by Thrive Architects, that provides a detailed explanation of the rationale behind the scheme, including the way in which it responds to the constraints of the site and relevant design policy and guidance, including the Delivery Plan itself.
- 1.14 This statement proceeds on the following basis: Section 2 provides a description of the application site and any relevant planning history; Section 3 explains the application proposals; Section 4 provides an overview of the programme of pre-application public consultation and engagement that has taken place; Section 5 provides a review of relevant planning policy, both local and national; Section 6 provides an assessment of the proposed development against relevant planning policy and any other material considerations establishing the principle of development and concluding with the planning balance; while Section 7 presents with a summary of conclusions.

2.0 SITE DESCRIPTION & PLANNING HISTORY

The Site and Surrounding Area

Site Context

- 2.1 The application site comprises a roughly square parcel of land on the north-eastern edge of Didcot, which extends to approximately 15ha. The extent and location of the site is shown at **Figure 1**, below:



Figure 1: Site Location and Context Plan

- 2.2 **Figure 1** also shows the location of the site relative to the emerging strategic allocation at North East Didcot, which is allocated to deliver approximately 2,030 dwellings along with supporting schools, community services and infrastructure, and the eastern boundary of the Didcot Garden Town masterplan area.
- 2.3 In respect of the Didcot Garden Town masterplan the site is identified as 'white' land, that is land with no current defined use or purpose. This lack of a defined use in the masterplan area is unusual as the purpose of the Delivery Plan document is to prescribe the way in which development in the Garden Town area should be delivered. As such the site is identified as one which presents an opportunity for additional development that does not contravene a specific aspiration of the masterplan. It is, however, notable that the northern fringes of the site are identified to accommodate an area of woodland that will form part of the green infrastructure network throughout the town. An extract of the Garden Town masterplan contained at paragraph 1.1.5 of the Delivery Plan document upon which the boundary of application site has been overlain is shown overleaf at **Figure 2**.

a 20-minute walk from the site. The sustainability of the site will only increase upon the delivery of the North East Didcot master-planned community, immediately to the west of the site, which will contain its own primary and secondary schools, local centre and full range of shops and services.

Relevant Planning History and Current Planning Status of the Site

- 2.21 The application site has historically been used for agricultural purposes and does not have any prior planning history of note. It is identified within both the adopted Local Plan and Core Strategy as well as the emerging Local Plan as open countryside, albeit lying within the Didcot Garden Town Delivery Plan area.
- 2.22 Since the applicant gained control of the site it has, however, been promoted towards the emerging Oxfordshire 2050 Strategic Plan and has been submitted as part of a detailed pre-application enquiry, the officer feedback from which is summarised at Section 4.

3.0 THE PROPOSED DEVELOPMENT

3.1 Whilst the application is in outline only, with all matters reserved other than access, an Illustrative Masterplan has been prepared to show how up to 176 dwellings can be delivered on site alongside an extensive level of formal and informal open space. The Illustrative Masterplan has been shaped by the recommendations of the technical work undertaken in support of this application along with the key principles set out in the Didcot Garden Town Delivery Plan document and feedback received from officers and other consultees as part of the pre-application consultation exercise.

3.2 The key components of the masterplan prepared by Thrive Architects, an extract of which is contained at **Figure 3** below and is explained in greater detail in the Design and Access Statement, can be summarised as follows:

- A mixed density residential scheme split across several distinct development parcels capable of delivering approximately 176 new dwellings in total, 71 of which would be affordable in tenure;
- A range of dwelling types and designs responding to the various character areas across the site including a mix of 1.5-storey and 2-storey dwellings along with well-designed 3-storey blocks of apartments, all of which would include smaller units designed to meet the needs of first-time buyers and households seeking to downsize;
- A landscape-led approach to development that would ensure that the verdant character of the site is retained and that the layout, design and densities respond strongly to the overall vision for the Didcot Garden Town described at Chapter 3 of the Didcot Garden Town Delivery Plan;
- The orientation of the proposed built form on the site towards the southern and western boundaries to ensure that it most closely relates to the extended developed area of Didcot and allows a natural transition from the urban form to rural northern and eastern fringes of the site;
- The inclusion of a generous swathe of open space comprising a country park and tree planting on the northern parcel of the site to accord with the Delivery Plan vision that seeks to secure Green Infrastructure connections from North East Didcot towards Wittenham Clumps. This would be supplemented by additional areas of useable amenity space dispersed throughout the scheme resulting in a total open space provision of approximately 9ha across the site;
- The retention of a significant number of the existing mature trees across the site to ensure that the development retains a strong verdant quality;
- The provision of a new copse adjacent to the existing public right of way to the north, a landscape feature that will directly correspond to the Didcot Garden Town masterplan included at paragraph 1.1.5 of the Delivery Plan;
- The proposal would also introduce a reinforced planting screen along the eastern boundary to soften and/or obscure any longer views of the site from the AONB;
- The inclusion of an extensive network of footpath and cycleways throughout the site; and

- A sustainable surface water drainage scheme comprising a network of new attenuation ponds and a swale located throughout the development, in most instances as ecology-rich landscape features, that would ensure that run-off from the site is maintained at green field rates.



Figure 3: Extract from Illustrative Masterplan

- 3.3 Being on the north eastern edge of the expanding Didcot urban area and within the boundary of the Didcot Garden Town Masterplan area, the site is extremely well placed to deliver an important new residential development that would contribute significantly towards both local and strategic housing needs in the district.
- 3.4 The application scheme would be delivered in a manner that has regard to, and responds positively to, existing site constraints whilst being of a scale that is immediately deliverable, with a likely completion within 5 years of the grant of outline consent. As a result, the scheme is well placed to accord with every aspect of both the adopted and emerging development frameworks for Didcot, including the aspirations of the non-statutory Delivery Plan, in respect of layout, design and importantly deliverability.

- 3.5 The application scheme allows for a mix of dwelling types, sizes and tenures that would contribute towards existing unmet local housing needs. A breakdown of the illustrative housing mix proposed as part of this application is set out in Section 6 of this statement. Importantly it includes an affordable element of 40% of all dwellings (approximately 71 units) and comprises a mix that is directly in accordance with both the adopted Strategic Housing Market Assessment (SHMA) (2014) as well as the up-to-date aspiration of the Council's Housing Strategy team, in respect of Didcot. This, together with the delivery of other benefits referred to later in this statement, amount to a demonstrably sustainable development justifying its release now.

4.0 STATEMENT OF COMMUNITY INVOLVEMENT

- 4.1 Prior to the submission of this application a programme of community consultation and engagement with SODC officers has been undertaken to ensure that the appropriate views of key stakeholders have been taken on board from the outset. Meetings have taken place with the Project Manager of the Didcot Garden Town team and Development Management officers following a formal pre-application submission. The preparation of the application has also been informed by a public consultation exercise involving the issue of a letter to residents located closest to the site and Didcot Town Council explaining the proposals, the rationale behind them and directing them to a consultation website where the plans could be viewed at their leisure. A summary of these processes, along with the feedback received, is set out below.
- 4.2 Despite the unusual environment created by the global health crisis we are pleased to confirm that the applicant was still able to undertake a scheme of pre-application community engagement that is proportionate to the impact the application proposal would have on local residents. It is not expected that there would have been a need to hold a public exhibition due to the location of the site within an established growth area – indeed, the principle of new and often strategic development at Didcot is essentially established. Regardless, the applicant has ensured that the engagement that has taken place – albeit remotely – is of a format that has allowed that the views of officers, residents and the town council alike to be taken into consideration when finalising the application proposals.

South Oxfordshire District Council

Garden Town Delivery Team

- 4.3 A meeting was held with the Project Manager of the Didcot Garden Town, Marybeth Harasz, on 24th June 2019 to discuss the application site in the context of the Garden Town along with the purposes of, and weight to be attributed to, the Delivery Plan. The following key points were offered to the applicant at the meeting:
- The Delivery Plan document currently does not comprise formal planning guidance – it has not been adopted by the Council. It does, however, represent a material consideration in the determination of planning applications at the town;
 - The identification of a site within the Delivery Plan area does not necessarily mean it should be subject to development. The masterplan for the town does, however, seek to designate the use for the majority of sites, identifying them as existing development, proposed development or green infrastructure;
 - In the rare instance that a site comprises 'white' land, such as the application site, its precise use has not yet been identified. This may become clearer upon the production of a supplementary planning

document covering the town to be produced in support of the emerging Local Plan; and

- It was acknowledged that the application site includes an area of tree planting and that it has not yet been confirmed how this is to be secured. As an area of landscaping has been specifically identified on the masterplan, it should be assumed that it is required as part of the proposed green infrastructure network.

- 4.4 Otherwise, it was concluded that the most appropriate forum to discuss a more detailed proposal for the site, along with the implications of the strategic growth objectives at Didcot and how any development may help achieve them, would be through the submission of a formal pre-application advice request.

Planning Department

- 4.5 A formal pre-application submission including an illustrative masterplan showing the proposed delivery of an earlier but very similar scheme of approximately 169 units was submitted to Officers on 6th March 2020.
- 4.6 A video meeting with the Case Officer was held on 15th April 2020 at which point a number of matters in respect of the application were discussed including principle, highways, character and design and highways impact. Following this meeting the Case Officer then issued a full written response setting out both the Council's position in respect of principle and then separately in respect of all other policy requirements and material considerations. A copy of this letter, dated 30th April 2020, can be found at **Appendix 2** of this statement. Our response to the Council's pre-application advice is summarised in **Table 1**, below, and expanded on at relevant points within Section 6 of this statement.

Table 1: Summary of SODC Pre-Application Advice

Summary of Officer Comments	Response
Principle of Development	
General principle of development It was identified by the Case Officer during discussions on the 15 th April that the principle of the development is not established by the policies of either the adopted or emerging Local Plans due to the location of the site in the open countryside. In addition, it was stated that SODC are currently demonstrating a 9.75-year housing land supply (dropping to 5.17 years upon the eventual adoption of the SOLP, albeit the terms of the Growth Deal offer further protection reducing the demonstrable requirement in SODC to only 3 years) and that there is no current need for additional unplanned residential development in	The status of the site as identified by the adopted and emerging Local Plans is acknowledged, as is the housing land supply position across the district. Critically, however, we would content that the most important policies of both the Local Plan 2011 and the Core Strategy in respect of this application – principally Policies CSH1 and CSS1 of the Core Strategy are clearly out-of-date, as concluded by the Secretary of State in respect of the recent appeal at Wheatley. Our conclusions on the status of the most relevant policies in respect of the determination of the application are set out as an introduction to the planning balance in

<p>the district.</p> <p>Whilst the Wheatley appeal decision is acknowledged it is still considered that sufficient elements of the development plan most important in respect of the application proposal remain up-to-date to the extent that the tilted balance is not engaged.</p>	<p>Section 6 of this statement.</p> <p>In addition, it is clear that the emerging Local Plan must currently only carry limited weight as its examination is yet to begin and it carries a high number of unresolved objections.</p> <p>Regardless, as will be set out in detail within this statement the proposed development is intended to respond to circumstances very specific to both housing delivery at Didcot and the status of the site itself in relation to the Didcot Garden Town Delivery Plan. In particular it seeks to seize an opportunity to deliver up to 176 new homes at Didcot, on a site included within the Garden Town Masterplan area but as yet without a defined use, and provide a vital early contribution towards the chronically deficient supply of new homes at the town, development that is identified as being essential towards the delivery of the vision for the Science Vale UK and to meet the wider strategic housing targets of both the Garden Town and Growth Deal visions.</p>
<p>Sustainability</p>	
<p>Affordable housing and housing need</p> <p>A response received from the Council's Affordable Housing Development Officer set out a detailed understanding of affordable housing need. The demand for two-bedroom shared ownership properties is much higher than for one-bedroom properties, therefore the overall affordable housing mix may be more suitably delivered with a higher proportion of two-bedroom properties than is indicated in the SHMA guidance.</p> <p>In general, it is anticipated that the mix of affordable housing should reflect the significant demand for two-bedroom units for both rented and shared ownership tenures with a reduction in one-bedroom accommodation and an adjustment to the number of larger homes.</p> <p>In respect of market housing mix it is understood that the SHMA remains up to date.</p>	<p>The illustrative housing mix set out at Section 6 of this statement responds directly to the affordable housing requirements set out by the Council's Housing Officer. Otherwise the illustrative mix of market dwellings is in direct accordance with the SHMA 2014.</p> <p>Otherwise, it is confirmed that all dwellings can be delivered to meet national minimum space standards and in a way that nurtures inclusive communities, including the even distribution of affordable housing across the site.</p>
<p>Landscape impact</p> <p>Following discussions between the Case Officer and the Council's Countryside Officer it is confirmed</p>	<p>A full LVIA, prepared by Aspect Landscape Planning, is included in support of this application. The initial assessment of the site</p>

<p>that, due to the location of the site adjacent to the AONB, the application must be accompanied by a full Landscape and Visual Impact Assessment (LVIA).</p>	<p>and its constraints, one which was similarly informed by the accompanying Arboricultural Assessment, has had a decisive influence on the form, scale and layout of the illustrative proposals.</p> <p>Taking into account the sensitive way in which the development is to be delivered by way of scale, layout and design, allied with further mitigation such as additional tree planting and the strategic use of open space, the LVIA concludes that the only significant visual impact at the site would be entirely localised.</p>
<p>Highways</p> <p>Pending a response from Oxfordshire County Council Highways the Case Officer identified that highways constraints are a key issue at Didcot. There is a current outstanding objection in respect of a proposed development at one of the Council's allocated sites at Ladygrove East and a recent history of the Council defending appeals on highways grounds, in all instances in respect of single dwelling proposals (four appeal decisions were forwarded to the applicant by the Case Officer, all for proposals at the village of Sutton Courtenay¹).</p> <p>It was, however, clarified that there is an expectation that significant levels of supporting highways infrastructure will come forward at Didcot in the near future easing pinch-points including the Culham Bridge. However, as and when this infrastructure is delivered it is anticipated that the capacity it would create would accommodate planned growth first.</p>	<p>The applicant has recognised from the outset that highways capacity presents a significant constraint at Didcot. However, it is made clear by the Transport Assessment submitted in support of this application that, on its own, the application proposal would not give rise to severe impact sufficient to warrant refusal of the scheme. In addition, it is of a scale that would justify and be capable of delivering localised off-site improvements that would enhance the local traffic environment.</p> <p>Whilst it is noted that recent appeals have been dismissed on highways grounds locally all four of the cited cases related to single-dwelling proposals at the village of Sutton Courtenay (technically falling within VoWH). Conversely, an appeal decision during the same timescale – appeal reference 3169755 relating to 36 dwellings at Long Wittenham on the eastern side of Didcot, local to the application site, was allowed with no overriding concern in respect of highways impact.</p> <p>In addition, it is identified that £218m of Housing Infrastructure Funding is now available to the County Council to secure the required network improvements at Didcot. This commitment will ensure that any moratorium of growth that may be argued by Officers falls away and that much needed residential commitments, such as that presented by this application, can be secured without delay.</p>

¹ Appeal references 3187947 (6th March 2018), 3200241 (2nd November 2018), 3214090 (26th March 2019) and 3234258 (19th November 2019).

<p>Archaeological interest</p> <p>No officer comments were provided in respect of archaeology, other than Oxfordshire County Council will respond to the matter during the course of the application.</p>	<p>A desk-based assessment and geophysical survey has been prepared by Oxford Archaeology in respect of the site. Whilst it does not identify any likely significant remains on the site it has the potential to accommodate post-medieval artefacts, potential that can be explored through a site investigation to be secured by condition.</p>
<p>Contaminated land</p> <p>A response from the Council's Environmental Protection Officer confirmed that a contaminated land preliminary risk assessment consultant's report should be submitted as part of any planning application.</p> <p>If land contamination has the potential to be present at the application site then planning conditions would be recommended to ensure that intrusive investigations, and if necessary remedial works are undertaken to mitigate any risk to the development and environment.</p>	<p>A phase 1 desktop assessment, prepared by Geo-Environmental, has been included in support of this application. The report does not identify any significant risks in respect of contamination or below ground pollutants.</p> <p>In addition, it concludes that the ground is stable and would be able to support standard foundations.</p> <p>The report does, however, set out recommendations relating to further exploratory works that should be secured by condition.</p>
<p>Flooding, drainage and foul water</p> <p>No specific officer comments provided.</p>	<p>Following a pre-application search comments were received from Thames Water confirming that there is currently adequate fresh-water capacity in the local network for the first 50 dwellings on site. Beyond this point it will be necessary for Thames Water to improve local infrastructure to create additional capacity.</p>
<p>Ecology</p> <p>The Council's Ecologist recommended that should an application be brought forward; it would need to be accompanied by a full ecological appraisal and biodiversity impact calculator (BIC) assessment to demonstrate compliance with the development plan.</p> <p>It is also recommended that the determination of the application will need to be informed by a suite of habitat surveys relating to the potential species identified on site.</p> <p>In general, all features that may support protected species should be retained. In particular these would include the mature tree lines across the site.</p>	<p>An extensive Ecological Impact Assessment, prepared by Aspect Ecology, is included in support of this application. Subject to the Council's Ecologist's review of this update assessment additional habitat surveys can be undertaken to inform the final view on the proposed development in respect of ecology and biodiversity.</p> <p>The applicant, has, however been proactive in ensuring that all important habitat features are retained and protected by the proposed development. In addition, new features are to be introduced, such as permanent ponds, that will encourage species onto the site even if they are not currently present.</p>

Community Engagement

- 4.7 A letter, dated 3rd April 2020 and detailing the extent of the proposals, the rationale for the submission of the application now in light of the critical need for new homes at Didcot, along with a copy of the final illustrative masterplan was sent to the residents of the 11 properties sharing a frontage onto the stretch of Lady Grove to the north of its junction with the A4130.
- 4.8 The same letter was also sent to all seven Town Councillors along with the Clerk of Didcot Town Council. A period of a fortnight was invited within which to provide a response, a period that was extended for the Town Council until 24th April 2020 upon the request of the Clerk to enable them to consider the proposals at their scheduled meeting on the 22nd April 2020.
- 4.9 To assist the consideration of the proposals by residents and the Town Council, a dedicated sub-page was set up on Manor Oak Homes' website. This provided more detailed information about the proposal, including the emerging Illustrative Masterplan and Design and Access Statement. A link to this page was included as part of the letter and publicised via various online bulletin boards such as LinkedIn.
- 4.10 A summary of the responses received following this community consultation process, including from the Town Council, is set out below:
- Any development on the site should retain all of the prominent TPO trees as important landscape features;
 - The need for new homes at Didcot was questioned – on what basis has this need arisen bearing in mind the level of strategic development proposed at the town?
 - The proximity of the site to shops, services and community facilities was questioned;
 - Concerns were raised in respect of localised speeding along Lady Grove adjacent to the site. This would be of particular danger to those crossing the road to access the shops and services to the west;
 - There should be particular reference to the AONB and its setting. Concerns were raised that the location of the proposed development may give rise to unacceptable impact on the character of the AONB;
 - It is locally acknowledged that there are species rich habitats on the site – any negative impact on biodiversity should be avoided;
 - Drainage is often an issue locally, with the local ditch system often reaching capacity at times of peak rainfall; and
 - It is questioned how the proposed development can be integrated into the proposed highway network improvements locally.

4.11 It is confirmed that the applicant is mindful of all of these points. The way in which each of them has been considered is set out at Section 6 of this statement. However, in response to what we consider to be the key points we can confirm the following:

- The application is accompanied by an extensive tree survey and impact assessment that ensures that all of the key specimens on site are identified and recorded. In response to the survey findings and recognition of the TPOs on site the illustrative layout demonstrates a scheme that is significantly shaped by landscape constraints, trees in particular, and confirms that the proposed levels of development are able to come forward with the retention of these trees as a central principle;
- The need for new homes at Didcot is discussed at length later in this statement. Principally the need is specific to the town in light of the role that residential growth must play in complementing increased delivery in both jobs and infrastructure;
- This application is accompanied by a full Transport Assessment, prepared by Vectos, which demonstrates the way in which the local highway environment, including any issues in respect of speeding, has been considered fully;
- The Transport Assessment also addresses the proximity, and connectivity, of the site to existing shops, services and amenities. It is also important to confirm that the development would complement existing planned growth at North East Didcot as well as being able to shortly draw on the full range of services and facilities at the new community as and when they are delivered;
- The setting of the AONB is considered in a similar vein to the trees on site – that is one of the foremost principles that drives the form of the scheme;
- The supporting suite of ecology evidence demonstrates both the biodiversity value of the site as well as the way in which this can be preserved and enhanced; and
- This submission is accompanied by a full Flood Risk Assessment and Drainage Strategy which fully considers both the existing and proposed drainage environment.

5.0 PLANNING POLICY REVIEW

Planning Policy Overview

- 5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise, including the extent to which those policies accord with the provisions of the NPPF.
- 5.2 For the purposes of Section 38(6) of the Act the development plan relevant to the consideration of the application proposal comprises the policies of the South Oxfordshire Local Plan 2011, adopted January 2006, and the South Oxfordshire Core Strategy, adopted in December 2012.
- 5.3 The policies of the emerging South Oxfordshire Local Plan (SOLP) are a material consideration following its submission to the Secretary of State for examination on 29th March 2019, albeit the level of weight to be attributed to them must be tempered having regard to the guidance included at paragraph 48 of the NPPF.
- 5.4 The Growth Deal represents a further material consideration of significance. The terms of the Growth Deal provide a framework for significant housing, employment and infrastructure delivery across Oxfordshire that is now enshrined as an act of parliament. In addition, the Didcot Garden Town Delivery Plan forms a non-statutory framework seeking to guide development at the town comprising a material consideration in respect of applications affecting the masterplan area.

National Planning Policy

- 5.5 National planning policy is provided for by the National Planning Policy Framework (NPPF), published on 24th July 2018, with further illustration included within the Planning Practice Guidance (PPG) suite which was first launched on the 6th March 2014.
- 5.6 The NPPF exemplifies the Government's push towards efficiency in the planning system and embodies a pro-development stance. At its core is a presumption in favour of sustainable development – therefore, in preparing plans, local planning authorities (LPAs) should positively seek opportunities to meet the development needs of the area. In taking decisions, it means approving development proposals that accord with an up-to-date development plan without delay. Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, LPAs should grant permission unless adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the NPPF when read as a whole.

- 5.7 In order to foster the delivery of sustainable development, LPAs are encouraged to approach decision-taking in a positive way (paragraph 38). A creative approach to the consideration of planning applications should be applied and decision-takers at every level should seek to approve applications for sustainable development where possible through working proactively with applicants to secure developments which improve the economic, social and environmental conditions of an area.
- 5.8 Of particular relevance to this application are the following sections of the NPPF:
- Section 2: Achieving sustainable development
 - Section 4: Decision taking
 - Section 5: Delivering a sufficient supply of homes
 - Section 8: Promoting healthy and safe communities
 - Section 9: Promoting sustainable transport
 - Section 11: Making effective use of land
 - Section 12: Achieving well-designed places
 - Section 14: Meeting the challenge of climate change, flooding and coastal change
 - Section 15: Conserving and enhancing the natural environment
 - Annex 1 - Implementation

The Development Plan

South Oxfordshire Local Plan 2011

- 5.9 The South Oxfordshire Local Plan was adopted in January 2006 and was intended to cover the period until 2011. Following the adoption of the Core Strategy in 2012 a number of policies have since been deleted. The remaining policies will in time be replaced by the emerging Local Plan. Until this time the following policies of the Local Plan 2011 are recognised as relevant for the purposes of this outline application:
- **Policy G2:** Protection and enhancement of the environment
 - **Policy G4:** Development in the countryside and on the edge of settlements
 - **Policy C4:** The landscape setting of settlements
 - **Policy C6:** Biodiversity conservation
 - **Policy C9:** Landscape features
 - **Policy CON11-14:** Archaeology and historic building analysis and recording
 - **Policy EP6:** Surface Water Protection
 - **Policy EP8:** Contaminated Land
 - **Policy D1:** Good design and local distinctiveness
 - **Policy D7:** Access for all

- **Policy H4:** Towns and Villages
- **Policy R2:** Formal recreation
- **Policy R6:** Informal recreation
- **Policy R8:** Public Rights-of-way
- **Policy T1-T2:** Transport requirements for new developments
- **Policy T7:** Cycling and walking

5.10 The general housing strategy set out in the plan, relating to the baseline housing figure for the district and its distribution, is time-expired due to both its reliance on figures derived from the now revoked Oxfordshire Structure Plan and the end of the plan period in 2011. It is clearly out-of-date by any definition. However, due to the strategic and long-term identification of Didcot as the key growth point in the district this element of the plan is considered to remain relevant and up to date.

5.11 In terms of other key policies of relevance to this application it is noted that Policy G4 makes reference to *"protecting the countryside for its own sake"*, a principle now in conflict with the most recent version of the NPPF which seeks to avoid the blanket protection of the countryside. It is notable that this policy is not referenced at all in the officer pre-application response.

South Oxfordshire Core Strategy

5.12 The Core Strategy was adopted in December 2012 and covers the plan period 2006 to 2027. It predominantly comprises the strategic policies of the development plan, including the most recent adopted housing targets for the district. The policies relevant to this application are set out below:

- **Policy CS1:** Presumption in favour of sustainable development;
- **Policy CSS1:** Overall strategy;
- **Policy CSM1:** Transport;
- **Policy CSM2:** Transport Assessments and Travel Plans;
- **Policy CSH1:** Amount and distribution of housing;
- **Policy CSH2:** Density;
- **Policy CSH3:** Affordable housing;
- **Policy CSH4:** Meeting housing needs;
- **Policy CSEN1:** Landscape;
- **Policy CSQ3:** Design;
- **Policy CSQ4:** Design briefs for greenfield neighbourhoods and major development sites;
- **Policy CSG1:** Green Infrastructure;
- **Policy CSB1:** Conservation and improvement of biodiversity;
- **Policy CSI1:** Infrastructure provision;
- **Policy DID3:** Housing at Didcot.

- 5.13 Importantly, the spatial strategy retains and indeed builds on the significance of Didcot as the principal location for growth in South Oxfordshire. The Core Strategy's Vision presents the following expectation for the town:

"Didcot will be a major centre in southern Oxfordshire, playing a key role in the Science Vale UK area and providing new housing and better services."

- 5.14 The first objective of the Core Strategy is then focused specifically on Didcot. It aims to:

"Transform Didcot into a lively thriving town through regeneration of the central area and construction of greenfield neighbourhoods ensuring it meets the community's aspirations for positive change"

- 5.15 Policy CSS1, which sets out the plan's spatial strategy furthers the importance related to the growth of Didcot. It states:

"Proposals for development in South Oxfordshire should be consistent with the overall strategy of:

(i) focusing major new development at the growth point of Didcot so the town can play an enhanced role in providing homes, jobs and services with improved transport connectivity;"

- 5.16 Paragraph 4.10 comprising the supporting text to Policy CSS1 goes on to confirm the town's strategic role succinctly:

"Didcot is a growth point, 8,800 homes² will be built in and around the town up to 2027. Didcot will become a much larger town containing a wider range of facilities and services with better linkages to the key employment sites. Its location between Oxford and Reading means it is ideally located to serve a wider catchment and so reduce the need for the local population to travel to the major centres for employment and for some key services and facilities."

- 5.17 The overall portrait of the town set out in the Core Strategy makes it clear – Didcot is expected to grow significantly due to its ability to assist in meeting the housing needs of not only South Oxfordshire but a far wider catchment including the urban centres of Oxford and Reading. It is expected to form a growth hub that will provide the catalyst for the development of the Science Vale UK.

- 5.18 Policy CSH1 sets out the housing target and proposed distribution of growth. Over the plan period to

² Including homes that will be delivered on the north west fringes within VoWH

2027 and within and around the parts of Didcot that lie within the district, 6,300 new homes are expected to be delivered. This is made up of existing commitments of approximately 4,000 homes along with new allocations expected to deliver 2,330 additional units.

- 5.19 Irrespective of the level of housing directed towards Didcot by the Core Strategy, it represents only a fraction of the growth now expected and needed at the town. Similar to the remaining policies of the Local Plan 2011, the weight that must be attributed to the Core Strategy should once again be determined bearing in mind that the growth expectations of South Oxfordshire have significantly increased since its adoption.
- 5.20 The housing numbers set out in the Core Strategy are also based on the now revoked South East Plan. Matters in respect of housing needs have moved on significantly: The SHMA 2014 now sets the baseline for growth across the majority of the rest of the County; the Oxfordshire Growth Deal, informed by the SHMA, now sets an aspirational target requiring the delivery of 100,000 new homes across the County by 2031; and Didcot, through its designation as a Garden Town, is now expected on its own to deliver 15,050 new homes by 2031 (set against a base date of 2011).
- 5.21 As confirmed by the recent appeal decision at Wheatley (**Appendix 1**) the housing policies of the plan should be considered as out of date insofar as they seek to restrict growth to within settlement boundaries defined in accordance with a housing target set in 2006.

Draft South Oxfordshire Local Plan 2011-2034 (January 2019)

- 5.22 The council is currently in the process of producing a new local plan for the district that will eventually replace the remaining policies of the Local Plan 2011 and the Core Strategy in its entirety. The plan was submitted to the Secretary of State for examination on 29th March 2019, albeit the examination has yet to commence.
- 5.23 The plan has encountered significant delays following a change in leadership of the council and recent opposition to the draft strategy from the new Liberal-led administration. In particular there is internal disagreement in respect of both the levels of growth to be delivered by the Plan along with elements of the spatial strategy that require the removal of significant parcels of land from the Green Belt south of Oxford to accommodate both the district's and a portion of Oxford City's housing requirement.
- 5.24 This uncertainty at district level has led to a much-publicised intervention by the Secretary of State (SoS) to ensure that the plan is adopted in good time in line with the council's commitments agreed as part of the Oxfordshire Housing and Growth Deal (covered later in this section). The SoS has set a date for the adoption of the plan by the end of 2020. In light of continued political wrangling, and the current global health crisis, these timescales look extremely optimistic. With all of this in mind, the weight to be

attributed to the policies of the emerging Local Plan must be tempered by the uncertainty surrounding its delivery in its current form as a result of inevitable internal pressure from members to propose wide-reaching main modifications prior to its eventual adoption. In addition, the plan is subject to a number of substantial third-party objections largely relating to the direction of growth intended to meet the needs of Oxford City towards potentially less sustainable rural Green Belt sites, a strategy that overlooks the connectivity and growth potential of Didcot. It is noted that the Secretary of State in respect of the recent appeal decision at Wheatley only attribute limited weight to the policies of the draft SOLP.

5.25 The policies of relevance to this application, as set out in the submission draft of the plan, are as follows:

- **Policy STRAT1:** The overall strategy;
- **Policy STRAT2:** South Oxfordshire housing and employment requirements;
- **Policy STRAT3:** Didcot Garden Town;
- **Policy STRAT4:** Strategic development;
- **Policy STRAT5:** Residential densities;
- **Policy H1:** Delivering new homes;
- **Policy H2:** New housing at Didcot;
- **Policy H9:** Affordable housing;
- **Policy H11:** Housing mix;
- **Policy INF1:** Infrastructure provision;
- **Policy INF4:** Water Resources
- **Policy TRANS2:** Promoting sustainable transport and accessibility;
- **Policy TRANS4:** Transport Assessments, Transport Statements and Travel Plans;
- **Policy TRANS5:** Consideration of development proposals;
- **Policy ENV1:** Landscape and countryside;
- **Policy ENV2:** Biodiversity - designated sites, priority habitats and species;
- **Policy ENV3:** Biodiversity – non-designated sites, habitats and species;
- **Policy ENV5:** Green Infrastructure in new developments;
- **Policy ENV9:** Archaeology and Scheduled Monuments;
- **Policy ENV11:** Pollution - impact from existing and/or previous land uses on new development (Potential receptors of pollution);
- **Policy ENV12:** Pollution - impact of development on human health, the natural environment and/or local amenity (Sources);
- **Policy EP4:** Flood Risk
- **Policy DES1:** Delivering high quality development;
- **Policy DES2:** Enhancing local character;
- **Policy DES3:** Design and Access Statements;
- **Policy DES4:** Masterplans for allocated sites and major development;

- **Policy DES5:** Outdoor amenity Space;
- **Policy DES6:** Residential amenity;
- **Policy DES8:** Efficient use of resources;
- **Policy DES9:** Promoting sustainable design;
- **Policy CF2:** Provision of community facilities and services;
- **Policy CF5:** Open space, sport and recreation in new residential development.

5.26 In line with the long-standing growth ambitions of the council the principal role of Didcot and the Science Vale as a focus for growth is retained and reinforced by the emerging plan. The very first bullet point of Policy STRAT1, which describes the proposed spatial strategy for the district, reads as follows:

"Proposals for development in South Oxfordshire will be assessed using national policy and guidance and the whole of the development plan and should be consistent with the overall strategy of:

Focusing major new development in Science Vale including Didcot Garden town and Culham so that this area can play an enhanced role in providing homes, jobs and services with improved transport connectivity;"

5.27 The importance of Didcot as a catalyst for growth in the Science Vale, along with the council's ambitions for the town, is described at paragraph 4.43 of the plan, as follows:

"Didcot is the gateway to Science Vale. It connects Science Vale with the rest of the UK through direct train services to Oxford, London, and Bristol. Yet the economic and social links between Didcot and the rest of Science Vale remain weak. An important part of our strategy for Science Vale is to improve and strengthen its relationship with Didcot, and realise Didcot's full potential as a thriving and attractive location to live, work and visit. We will do this by providing the homes, jobs, skills, and infrastructure needed to turn Didcot into a successful and sustainable town in its own right, and a vital part of a thriving Science Vale."

5.28 Policy STRAT2 describes the overall housing targets for the district. In setting the housing figure for the plan period the council has now accounted for the uplift required as a result of the Oxfordshire Housing and Growth Deal. Paragraphs 4.16 to 4.24 of the Plan explain how the housing requirement has been calculated:

"The NPPF and Planning Practice Guidance direct Local Planning authorities to use the "standard method" to establish the minimum local housing need figure. For South Oxfordshire this results in an annual housing need of 556 homes a year.

(However) the Planning Practice Guidance explains that the standard method for working out housing need is just the starting point for working out how many homes to plan for. It does not attempt to predict the impact that future government policies, changing economic

circumstances or other factors, might have on demographic behaviour. The Guidance states that councils should consider uplifting the housing requirement for the Local Plan above the results of the standard method. It gives the examples of where a housing or growth deal is in place, where strategic infrastructure improvements are planned to support new homes, where an authority has agreed to take on unmet need from a neighbour (based on that authority's standard method results), and where a recent strategic housing market assessment (SHMA) suggests higher levels of need.

South Oxfordshire is a partner of the Oxfordshire Housing and Growth Deal. Along with the other district and county councils in Oxfordshire, we have collectively committed to plan for 100,000 new homes between 2011 and 2031.

The SHMA is the only document that provides an evidenced approach to the 100,000 homes identified in the Oxfordshire Growth Deal. It is also the only document that seeks to split the 100,000-home target between each of the constituent authorities.

The Growth Deal commitments and the Oxfordshire SHMA are (therefore) a sound justification for uplifting South Oxfordshire's housing requirement above the 556 homes per year from the standard method. Taken together, the evidence sets a housing requirement for South Oxfordshire of 775 homes a year between 2011 and 2034, or a total plan requirement of 17,825 homes."

- 5.29 In addition to South Oxfordshire's own enhanced housing need, there is also a requirement for all Oxfordshire authorities adjoining the Oxford City Council area to assist in delivering the City's unmet need. Paragraphs 4.25 to 4.28 explain South Oxfordshire's agreed obligations in this respect, secured by way of a Memorandum of Understanding between the relevant partner authorities:

"In September 2016 the Oxfordshire Growth board considered a Memorandum of cooperation between each of its five members on how to accommodate the levels of unmet need arising from Oxford city. This was based on the housing need set out in the 2014 SHMA and consequently the Oxfordshire Growth Deal. It sets out an amount of housing for each authority to plan for, based on an assumed unmet need of 15,000 homes from Oxford city.

This council has agreed to support Oxford city in meeting their housing needs to 2031, in accordance with the timescales of the Oxfordshire Growth Deal. The Local Plan does so through providing a total of 4,950 homes between 1 April 2021 and 31 March 2031."

- 5.30 In total the draft Local Plan is therefore required to plan for the delivery of 22,775 homes over the period 2011 to 2034. The monitoring of this delivery will observe the following targets throughout the plan period, a set out in Policy STRAT2:

Housing requirements

- South Oxfordshire Housing Requirement
775 homes per year (17,825 between 1 April 2011 and 31 March 2034)
- Addressing Oxford's contribution to the Growth Deal
495 homes per year (4,950 between 1 April 2021 and 31 March 2031)
- Total housing requirement for the plan period
22,775 homes

- 5.31 Policy STRAT3 is then specific to Didcot Garden Town. The text supporting the policy describes the background to, and purpose of, the Garden Town designation:

"In December 2015, the Government announced that Didcot would become a Garden town delivering 15,050 homes and 20,000 high-tech jobs in the greater Didcot area. Garden towns are locally led and ambitious proposals for new communities that work as self-sustaining places and should have high quality and good design embedded from the outset.

It is important the area realises its potential as a thriving and attractive location to live, work and visit and in particular to provide a high-quality service centre at the heart of Science Vale. This will allow Science Vale's international reputation for science and technology to support continued and accelerated growth of businesses in these sectors.

To support the successful implementation of the Garden town initiative, six high level principles have been developed to help shape development proposals that come forward. Proposals for development within the Garden town Masterplan area as set out in the Didcot Garden town Delivery Plan will be expected to demonstrate how they comply with these principles in accordance with Policy STRAT3."

- 5.32 The policy explains that proposals for development within the Didcot Garden Town Delivery Plan Area will be expected to demonstrate how they positively contribute to the achievement of the Didcot Garden Town Principles. These are summarised later in this section and set out in full at **Appendix 3**.
- 5.33 Lastly, in respect of housing delivery in Didcot specifically Policy H2 provides details of allocations proposed for the town, along with their indicative capacity, as follows:

At Didcot, provision will be made for around 6,500* new homes between 2011 and 2034. This provision will be at:

Location	Indicative dwelling capacity
Ladygrove East (saved from the Local Plan 2011)	642
Didcot North East (saved from the Core Strategy)	2030
Great Western Park (saved from the Local Plan 2011)	2587
Vauxhall Barracks (saved from the Core Strategy)	300
Orchard Centre Phase II (saved from Core Strategy)	300
New: Didcot A	270
New: Didcot Gateway	300
New: Hadden Hill	74
Total	6,503

- 5.34 What is clear from list of allocations is that delivery in Didcot is once again heavily reliant on historic allocations that are to be 'rolled forward' from either the Local Plan 2011 or Core Strategy. The emerging SOLP only identifies three new allocations in the town with a total capacity of 644 dwellings. Our analysis of this delivery strategy, together with our concerns regarding its robustness, are set out in Section 6 of this statement.

Supplementary Planning Documents

- 5.35 The only up-to-date guidance considered to be of relevance to this application is the South Oxfordshire Design Guide, published in 2016. It seeks to provide detailed guidance on the design of new development in respect of layout, appearance and integration with townscape.

Didcot Garden Town Designation and Delivery Plan

- 5.36 Following a bid by a consortium of SODC, VoWH, Oxfordshire County Council and the Oxfordshire Local Enterprise Partnership (LEP) Didcot was awarded 'Garden Town Status' by the Government in December 2015. As part of the bid it was proposed that Didcot would accommodate the delivery of over 15,000 new homes and 20,000 new jobs by 2031. In return the Government pledged to direct significant infrastructure funding towards the town, the most significant tranche of which was secured by the Consortium in March 2019 totalling £218m for the delivery of a range of infrastructure projects across the town.
- 5.37 Underpinning the delivery of the proposed growth and infrastructure across Didcot is the Didcot Garden Town Delivery Plan, published in October 2017. This document sets out a comprehensive vision for the cohesive delivery of the planned growth at the town set against a list of 'Garden Town' principles. Whilst it does not comprise adopted supplementary planning guidance it does form a key material consideration in the determination of development proposals within the Garden Town boundary. Upon the adoption of

the emerging SOLP, Policy STRAT3 will enshrine the key principles of the Garden Town giving them full weight.

- 5.38 The principles can be summarised as follows with their full wording set out at **Appendix 3** of this statement:

1. **Design:** *The Garden Town will be characterised by design that adds value to Didcot and endures over time. All new proposals should show the application of the council's adopted Design Guide SPD and demonstrate best practice design standards;*
2. **Local Character:** *The Garden Town will establish a confident and unique identity, becoming a destination in itself that is distinctive from surrounding towns and villages whilst respecting and protecting their rural character and setting;*
3. **Density and tenure:** *The Garden Town will incorporate a variety of densities, housing types and tenures to meet the needs of a diverse community. This will include high density development in suitable locations, such as in central Didcot and near sustainable transport hubs, albeit built form should be balanced by well-designed public realm;*
4. **Transport and movement:** *The Garden Town will reduce reliance on motorised vehicles and will promote a step-change towards public transport, walking and cycling through the creation of a highly legible, attractive and accessible movement network and the appropriate location of housing, employment and leisure facilities;*
5. **Heritage:** *The Garden Town will conserve and enhance heritage assets, both designated and non-designated, within and adjacent to the development area;*
6. **Landscape and Green Infrastructure:** *New development in the Garden Town will enhance the natural environment, through enhancing green and blue infrastructure networks, creating ecological networks to support an increase (or where possible achieve a net gain) in biodiversity and supporting climate resilience through the use of adaptation and design measures; and*
7. **Social and community benefits:** *The planning of the Garden Town will be community-focused, creating accessible and vibrant neighbourhoods.*

Oxfordshire Housing and Growth Deal ('the Growth Deal')

- 5.39 On the 22nd November 2017 the Government announced that Oxfordshire would receive up to £215 million of new funding to support their ambition to plan for and support the delivery of 100,000 homes by 2031, alongside a commitment to adopt an Oxfordshire-wide statutory joint plan by 2021. This Growth Deal represents the first of its kind in England.
- 5.40 It is proposed that this ambitious and comprehensive investment programme will help deliver sustainable development with a focus on quality of place and more affordable housing. This will be achieved through a set of reciprocal arrangements agreed between the Government and the partner authorities, including SODC. These arrangements would see a number planning relaxations applied across the County, along with £60m of funding for the delivery of affordable housing and £150m for nominated infrastructure projects, in return for a commitment that the partner authorities would, amongst other measures, deliver 100,000 new homes across Oxfordshire whilst quickly putting in place a suite of up-to-date local plans to

guide the delivery of these homes.

- 5.41 On 12th September 2018 the first of the planning flexibilities agreed as part of the deal was enacted by written ministerial statement. This has amended land supply policies for Oxfordshire authorities whilst their Joint Statutory Spatial Plan is developed. In which case all of the partner authorities, SODC included, currently only have to demonstrate a 3-year housing land supply for the purposes of paragraph 73 of the NPPF.
- 5.42 The Joint Statutory Spatial Plan (Oxfordshire Plan 20250), which the Growth Deal commits the partner authorities to, to cover the period to 2050, is expected to be adopted in late 2021. The initial 'Call for Ideas' consultation seeking broad views on the overall strategy took place in April 2019, to which the applicant responded. The purpose of this document will be spatial only with all decisions relating to housing figures, jobs growth and the distribution of Oxford city's unmet needs to be made by the suite of updated local plans.

6.0 PLANNING ASSESSMENT

6.1 This section of the statement considers the merits of the proposal in respect of national and development plan policy, having due regard to all relevant material considerations.

6.2 In summary this section will:

- Demonstrate that the release of the application site now is justified by the acute and pressing need for new homes, both market and affordable, in Didcot which arises from persistently slow rates of delivery over the current plan period;
- Expand the applicant's concerns regarding the absence of up-to-date development plan policies required to enable and guide the delivery of the enhanced and up-to-date levels of housing and jobs planned for the town set out in recently adopted and emerging growth strategies;
- It will also refer to the strategic importance of the application site within the area covered by the Garden Town Masterplan and explain the way in which the application proposal would contribute to the deficient levels of housing delivery in Didcot whilst adhering to the seven key Garden Town Principles. These are taken from Appendix 6 of the draft SOLP and set out in full at **Appendix 3** of this statement; and
- It will demonstrate that the application proposal represents an exemplar scheme in respect of design, connectivity and provision of open and natural space that is sustainable in every respect.

6.3 The issues raised by the proposals, and which are considered in turn below, comprise the following:

- | | |
|-----------------------------------|--|
| • Principle of Development | • Highways and Access |
| • Layout and Design | • Flooding and Drainage |
| • Landscape | • Utilities |
| • Ecology | • Ground Conditions |
| • Trees | • Local Infrastructure |
| • Archaeology | • Contamination and Ground Conditions |
| • Housing Mix | • Sustainability / Energy Efficiency |
| • Open Space Provision | |
| • General Amenity | |

Principle of Development

6.4 The acceptability of the proposed development is established by the key considerations set out at paragraph 6.2, above. To reiterate, the value of the application proposal lies in the ability of the development to contribute towards rectifying the significant and persistent under-delivery of new homes

in Didcot since the beginning of the adopted plan period, a deficit which will have significant repercussions for SODC's ability to realise its overall growth aspirations for the town. This under-delivery is demonstrably due to the failings of the Core Strategy to nurture the appropriate levels of growth required at the town to meet the planned jobs and infrastructure needs, a document which in any event has now been confirmed as out-of-date by the Secretary of State's decision at Wheatley in respect of the most important policies dealing with housing delivery. Importantly, the development proposed by this application would be achieved in a way that is able to accord entirely with the vision for the town set out in the Didcot Garden Town Masterplan area as described later in this section.

Housing Delivery in Didcot

- 6.5 As a start point Didcot has been consistently identified through the adopted Local Plan 2011, the Core Strategy and now the emerging SOLP as not only a sustainable location for new homes but the principal location for growth in South Oxfordshire. The Core Strategy explains that Didcot carries strategic importance as a Growth Point in its own right. It also describes the way in which it's *"location between Oxford and Reading means it is ideally located to serve a wider catchment and so reduce the need for the local population to travel to the major centres for employment and for some key services and facilities."*
- 6.6 The emerging SOLP then goes on to explain the key role the growth of Didcot will be expected to play in meeting the wider economic aspirations of the district. The supporting text to draft Policy STRAT3 states that *"it is important the area realises its potential as a thriving and attractive location to live, work and visit and in particular to provide a high-quality service centre at the heart of Science Vale. This will allow Science Vale's international reputation for science and technology to support continued and accelerated growth of businesses in these sectors."*
- 6.7 In short, both the adopted and emerging local plans identify the town as a centre that not only has the capacity to grow, but one that must grow to ensure that the planned spatial, housing and economic strategy for South Oxfordshire is realised.
- 6.8 Between 2006 and 2019 there has been a shortfall in the delivery of new homes in Didcot of in the region of 1,500 units, the workings in relation to which are set out below. Such an undersupply presents a clear and obvious threat to the ability of the Council to fulfil not only its own growth commitments in respect of the requirements of the Core Strategy and emerging local plan but also with reference to the Oxfordshire Housing and Growth Deal and Didcot Garden Town project. Both of these deals involve reciprocal arrangements between the Government and the Council in respect of funding paid to facilitate very ambitious levels of housing and jobs delivery.
- 6.9 Policy CSH1 of the Core Strategy explains that 11,487 new homes are expected to be delivered in South

Oxfordshire over the plan period 2006 to 2027. Of these 6,300 new homes are to be delivered in Didcot at an average rate of 300 dwellings per annum (dpa). This supply is made up of existing commitments of approximately 4,000 homes along with new allocations expected to deliver 2,330 additional units. As a proportion of the district-wide supply of 11,487 homes Didcot is expected to accommodate approximately 55% of all new dwellings.

- 6.10 To ensure that these homes are delivered at Didcot specifically paragraph 7.9 of the Core Strategy states:

"We aim to focus a large proportion of new development at the growth point of Didcot. The number of houses allocated to Didcot is ring-fenced to this settlement as this level of housing growth is closely linked to planned economic growth within Science Vale UK, our bid for transport infrastructure in the Didcot area, our plans for the expansion of Didcot town centre and Didcot's designation as a New Growth Point."

- 6.11 This paragraph is key – in essence it portrays Didcot as a separate housing market area to the rest of the district in that the new homes expected at the town meet the very specific and localised needs of the town and its hinterland, needs generated by jobs growth focused on the town and the Science Vale UK. To this end it is right to take an approach where housing land supply at Didcot is monitored, and where necessary supplemented, in isolation from the rest of the district to ensure that delivery rates are maintained and a key component of the Core Strategy's vision – namely the prosperity of the Science Vale UK – is realised.

- 6.12 With this in mind the delivery figures at the town presented within a combination of both the Council's 2012 and 2019 Annual Monitoring Reports (AMRs) present a concerning picture. These delivery rates are summarised by **Tables 2 and 3** (taken from each report respectively). The first demonstrates annual delivery at Didcot over the period 2006/07 to 2011/12, representing an extract from Table 6 of the 2012 AMR. The second then covers the 2012/13 to 2018/19 period for the same, taken from the 2019 AMR.

Table 2: Completions at Didcot 2006/07 to 2011/12

2006/07	2007/08	2008/09	2009/10	2010/11	2011/12	Total
18	56	26	36	61	125 ³	322

Table 3: Completions at Didcot 2012/13 to 2018/19

2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	Total
223	253	403	271	329	246	391	2,116

- 6.13 Based upon the average annual delivery rate of 300dpa in the town required by the Core Strategy a total

³ Note: The 2012 and 2019 AMR both provide a figure for the 2011/12 monitoring year, albeit the 2012 report states 125 dwellings with the 2019 report only stating 114. The 2012 figure is used here for robustness.

of 3,900 dwellings would be expected to be completed over this period. The number of actual completions based on the results of the AMRs, above, was 2,438 dwellings. This represents a deficit over this 13-year period of 1,462 dwellings, or approximately 5 years' worth of delivery. This constitutes a significant failing of the Core Strategy and a deeply concerning shortfall in housing provision in a town that is the principal growth point of South Oxfordshire.

- 6.14 Analysis of housing delivery in Didcot can also be undertaken on a site by site basis. **Table 4** includes a list of the key allocations in Didcot identified in the Core Strategy. It juxtaposes the anticipated delivery between 2012-2018 period, based on the initial housing trajectory provided alongside the Core Strategy upon its adoption, with the actual delivery rates over the same period.

Table 4: Completions at Didcot 2012-2018 (Site by Site)

	Expected 2012-18	Delivered 2012-18	Difference
Great Western Park	1,302	1,417	+115
Ladygrove East	300	0	-300
Vauxhall Barracks	0	0	0
North East Didcot	700	0	-700
Orchard Centre Phase 2	300	0	-300
Other sites	132	300	+168
Totals	2,724	1,717	-1,017

- 6.15 This analysis only adds to the concerns of the applicant. What is clear is that only a single strategic site in the town is actually currently delivering – Great Western Park. This would suggest that even if work were to start on the remaining sites within the next 12 months the initial rate of delivery would be slow until supporting infrastructure is in place and the respective developers establish a steady pipeline of completions. Establishing such a steady pipeline will of course now be further hampered by the enforced shut down on sites as a result of the COVID-19 pandemic. On this basis the imperative for additional deliverable sites to come forward at Didcot such as the application site is clear.
- 6.16 The figures set out at **Tables 2 to 4**, allied with the housing strategy for Didcot set out in the draft SOLP, mean that without positive and concerted efforts the problems of under delivery will continue to snowball and roll over into the new local plan period. The draft SOLP anticipates the delivery of 6,500 homes at the town between 2011 and 2034, an average of 283dpa. However, it is currently only proposed to allocate three further sites in Didcot providing an additional supply of 622 dwellings. Otherwise, the draft SOLP is once again dependent on the stalled sites listed at **Table 4** and charged with delivering almost 6,000 homes between them.
- 6.17 The concerns in respect of housing delivery in Didcot mount further when the expectations of the Growth Deal and the designation of the town's Garden Town status are thrown into the mix. The Growth Deal sets out a binding obligation for South Oxfordshire to deliver its quota of the 100,000 homes required across Oxfordshire prior to 2031. Delivery at Didcot is critical to the Council's ability to meet this

requirement.

- 6.18 The funding secured as a result of the Garden Town project is entirely contingent on 15,050 homes being delivered in Didcot and its catchment (including areas falling within VoWH) over the period 2011 to 2031. Recent delivery in the town demonstrates that the Council will fail to meet this target by a significant distance - there are approximately 11,000 homes required in Didcot over the residual 11-year period equating to a substantial requirement of 1,000dpa, which dwarfs the actual average delivery of 286dpa that has taken place since the 2011/2012 monitoring year.
- 6.19 Currently, in terms of development plan policy, the delivery of this escalated growth at the town is almost entirely rudderless. The housing strategy of the Local Plan 2011 has since been superseded by that of the Core Strategy which itself is underpinned by housing figures set out in the now revoked Regional Spatial Strategy. Whilst the emerging SOLP will provide a spatial strategy and expectations for housing growth in line with both the SHMA 2014 and the aspirations of the Growth Deal the adoption of the plan some considerable way off as a result of significant local political opposition to key elements of its housing strategy. On this basis there is a very real need to identify and enable the release of deliverable sites that can help meet the housing requirements of Didcot now and without further delay. Indeed, even in the event that the SOLP is adopted swiftly we have strong concerns that the current draft strategy does nowhere near enough to rectify the recent shortfall of housing delivery at Didcot.

Ensuring Choice and Competition in the Market for Land at Didcot

- 6.20 There is also a wider issue at Didcot in relation to delivery – that is that so much of the growth planned at the town is predicated on the delivery of strategic sites or sites that require the delivery of a level of upfront infrastructure before building can commence.
- 6.21 The two principal sites at Didcot are at Great Western Park, which we acknowledge is delivering slightly quicker than scheduled (see **Table 4**, above) and North East Didcot, which is significantly behind schedule in respect of completions. Between them these sites are expected to provide the significant bulk of new residential growth at the town over the plan periods of both the Core Strategy and emerging SOLP.
- 6.22 Indeed, over the period of the emerging SOLP – 2011 to 2034 – these sites are expected to accommodate 4,617 of the 6,503 new homes at the town. We consider this to represent a flawed strategy and one that is simply serving to repeat similar errors built into the Core Strategy, errors that have resulted in the notable deficiencies in delivery at Didcot highlighted above.
- 6.23 Whilst it is acknowledged that large-scale sites of this type can be an attractive proposition for plan makers due to the way in which they can deliver entire new communities, infrastructure included, such a reliance on them to support housing delivery presents a risk to supply in the event that first delivery stalls. The first detailed permission for 173 new homes on the site (P18/S2339/RM) was only granted in

November 2018, some 6 years after the adoption of the Core Strategy in which it was allocated.

- 6.24 And once up and running, there is a need to be realistic about how quickly sites of this scale deliver homes - past decades have seen too many large-scale developments failing to deliver as quickly as expected, and gaps in housing land supply have opened as a result. The recent update to the oft-cited NLP report 'Start to Finish' (February 2020) identifies that, on average, sites of 2,000 dwellings delivery only 160dpa with the median delivery even lower at 137dpa.
- 6.25 On the basis of what is universally acknowledged to be the robust analysis of NLP we have significant concerns about the realism of the Council's own expectations in respect of housing delivery at Didcot. In particular the most recent Housing Land Supply paper for the district, published in June 2019 (the major sites extract is included at **Appendix 4** of this statement), predicts that North East Didcot will yield an average of 276dpa over years 3-5. This is also despite the current presence of only two builders active at the site. We would expect the site to deliver at half this rate at best. We also have a fundamental concern over the accuracy of the trajectory – the consented Croudace land at North East Didcot for 173 homes appears to have been counted twice under entries 1009 and 1972.
- 6.26 Even based on these simple adjustments at one site – North East Didcot – comprising the halving of the delivery rate and the removal of the double counting on the Croudace land it is clear that the Council's trajectory for the town is optimistic by at least 592 dwellings yielding an average annual delivery across all sites of just over the 300dpa expected by the Core Strategy. Considering that the Garden Town commitments require the delivery of on average 1,000 new homes in and around Didcot each year for the next decade it is clear that reliance on a handful of sites of this scale alone will not delivery the levels of development required to ensure the strategic vision for Didcot can be realised.
- 6.27 Of the smaller sites at the town (many of which are still substantial with the majority of them anticipated to deliver upwards of 300 dwellings each) at least four of them are on brownfield land. Once again, the NLP report provides critical evidence that greenfield sites offer a 34% greater build out rate than previously developed opportunities. Even on the non-strategic sites identified at the town there will still clearly be complications that will afflict swift delivery.
- 6.28 To avoid a continued deficit in delivery not only must the assumptions new plans make about how quickly sites deliver be realistic and justified, but LPAs must also seek to bring forward a variety of sites – small, medium and large, previously developed and greenfield – that can support a good mix of types and sizes to ensure supply is maintained throughout the plan period. Such an approach will offer the choice and competition in the market for developers required by the NPPF and will inevitably stimulate greater rates of growth.

- 6.29 In which case the application site offers a rare alternative at Didcot of a greenfield site that is deliverable quickly as a single phase but also successfully 'plugs in' to the strategic vision for the town set out in the Didcot Garden Town Delivery Plan. The opportunity offered by this application should be seized upon by the Council with a view to supplementing the existing supply with a site that will deliver in good time.

The acute need for affordable housing in South Oxfordshire

- 6.30 Asides from the chronic levels of under-delivery of new homes at Didcot there is an equally compelling issue in respect of housing delivery across South Oxfordshire, that is the deficit in new affordable housing necessary to meet the needs of the district. The recent appeal decision in respect of land at Wheatley (**Appendix 1**) identified affordable housing provision as a significant factor weighing in favour of a proposal for 500 dwellings that was allowed on Green Belt land, one of the factors that allowed very special circumstances for the release of the land to be established.

- 6.31 On affordable housing need the findings of the Wheatley Inspector were stark. At paragraph 13.97 and 13.98 of his report he opined on the matter as follows:

"...the development would make a significant contribution towards the Council's stock of market and affordable housing. I heard much at the Inquiry about the eye-watering levels of affordability in South Oxfordshire. This has put the aspiration of owning a home out of reach for many and is the very embodiment of the national housing crisis. The Council itself accepts the need is "acute and pressing".

For South Oxfordshire, the SHMA identifies a need for 331 net affordable homes per annum to deal with the backlog using the Sedgefield approach for the period between 2013 and 2031. In the 6-year period since this annual need figure was calculated in the SHMA, a shortfall of -713 affordable homes has accrued as a result of delivery falling substantially short of meeting identified needs. In order to address this backlog, the Council would need to deliver 2,370 net affordable homes over the course of the next 5 years."

- 6.32 Reflecting on the Council's attempts to rectify this shortfall the Inspector then concluded at paragraph 13.100 of his report:

"Whilst I acknowledge an uplift in the Council's delivery figures over the 2018-19 period, it is too early to say with any confidence whether this is part of a sustained upward trend. Even if it is, there is evidently much work still to be done in view of past rates of affordable housing delivery in South Oxfordshire. It seems to me that there is little prospect of the backlog being cleared without a substantial and sustained boost to housing delivery in the district."

(our emphasis)

- 6.33 Reflecting on the Inspector's recommendations the Secretary of State agreed on the urgency of affordable housing need in the district, stating as follows at paragraph 35 of his own letter:

"While (the Inspector) has concluded that the council are able to demonstrate a 5 year supply of housing land, the Secretary of State agrees that, for the reasons given in IR13.97 to 13.102, the proposed development would contribute significantly towards the Council's affordable housing shortfall. Given the seriousness of the affordable housing shortage in South Oxfordshire, described as "acute" by the Council, he agrees with the Inspector at IR13.111, that the delivery of up to 500 houses, 173 of which would be affordable, are considerations that carry very substantial weight."

(our emphasis)

- 6.34 Bettering the percentage provision of affordable housing delivery at Wheatley – 34.57% of all dwellings – the application proposal would secure the delivery of a policy compliant 40% of the units on site, 71 units in total. This would represent a significant 10% of the undersupply of affordable dwellings in the district and in line with the conclusions of the Secretary of State would represents a consideration that should carry very substantial weight in the planning balance.
- 6.35 To echo the sentiments of the Wheatley Inspector there is little prospect of the backlog being cleared without a substantial and sustained boost to housing delivery in the district. It is abundantly clear that this is not currently being achieved through the delivery of site compliant with both the spatial strategy and housing policies of the development plan, hence the drastic measures identified at Wheatley where the release of Green Belt land was deemed as necessary to help meet affordable housing needs. The applicant's proposals represent an opportunity to do the same, albeit in a location that is entirely in line with the up-to-date elements of the development plan, as described later in this section.

Location of the application site in the Garden Town masterplan area

- 6.36 The application site falls within the boundary of the Didcot Garden Town area. To this end it represents a clear and obvious opportunity to deliver an additional 176 dwellings in a manner that directly accords with the key principles guiding the delivery of growth at Didcot. It also comprises a site that lies within the area considered by paragraph 1.14 of the Garden Town Delivery Plan to represent *"the area where you might reasonably describe yourself as being 'in Didcot' if you lived or worked there"*.
- 6.37 The Delivery Plan states that the masterplan area has been *"considered in detail to identify both appropriate development opportunities and in order to plan investment and improvements in transport, landscape, green infrastructure, public realm and social services"*. In short, the Didcot Garden Town masterplan area is intended to *"cover the current and future extent of Didcot"*. For the application site to fall within the masterplan area therefore demonstrates that, if delivered in line with the Garden Town principles, any development upon it would appropriately contribute towards the overall vision for the town at a location specifically considered to comprise part of the anticipated extent of Didcot.
- 6.38 Turning to look at the specific aspirations for the application site, it is identified as 'white' land, that is land whose future use is as yet undefined. This conclusion was confirmed in conversations with the

Garden Town Delivery Team, summarised in Section 4 of this statement. A clear opportunity therefore exists for the site to be brought forward for development in a way that complements rather than conflicts with the overall aspirations of the masterplan.

- 6.39 The masterplan does, however, also identify the northern parcel of the site as representing an opportunity to deliver extended green infrastructure from the urban area into the open countryside to the east. Crucially, it stops short at identifying how this additional greening will be secured and implemented. On this basis the application proposals offer an ideal opportunity to secure an integral part of the masterplan's green infrastructure network whilst assisting in the legible movement of people from Didcot into the surrounding rural area. The way that the delivery of this green infrastructure has been factored into the application proposals is described later in this section.

The Existence of a Policy Vacuum

- 6.40 Considering each of the elements of the development plan for South Oxfordshire in the round one thing is immediately clear: there is no robust, up-to-date and detailed policy framework in place that is sufficient to guide the significant growth expected and required at Didcot. The town is, however, continuously and consistently identified as the single major growth point in South Oxfordshire. The lack of a coherent framework for the town will inevitably restrict its ability to grow.
- 6.41 The **Local Plan 2011** was adopted in January 2006. The housing figures and policies dealing with the distribution of growth included in the Local Plan 2011 have since been superseded by the Core Strategy. Those that do remain are underpinned by housing figures drawn from the revoked Oxfordshire Structure Plan. The only element of the Local Plan's delivery strategy that can be considered up to date and relevant is its identification of Didcot as the district's major growth point. Due to the significantly dated nature of this plan its housing policies should be afforded little if any weight.
- 6.42 The **Core Strategy** was then adopted in December 2012. The equivalent housing policies of the Core Strategy are themselves out of date due to the plan's housing figure being drawn from the now revoked South East Plan. Once again, the only element of the Core Strategy that can be attributed full weight is its spatial strategy which similarly identifies Didcot as the district's major growth point. Due to the dated nature of the Core Strategy its housing policies should once again be afforded little if any weight. This is a position agreed by both the Inspector and the SoS in respect of the recent appeal at Wheatley Campus (**Appendix 1**). On this matter the Inspector firstly concluded at paragraph 13.9 of his recommendation to the SoS:

"However, the housing target identified in the CS is manifestly out of date being based on a constrained supply set out in the revoked RPG. Existing settlement boundaries across the district reflect the need to deliver this constrained supply. The CS does not accord with the objectives of the Framework to meet a full OAN for housing. Therefore, whilst the

overall strategy and settlement boundaries may have been appropriate to guide the quantum of development envisaged in the CS back in 2006, they are clearly not appropriate today. I therefore consider that Policies CSH1 and CSS1 are out of date where they are used to restrict development outside settlement boundaries.

(our emphasis)

6.43 At paragraph 18 of his own letter the SoS goes on to conclude:

"For the reasons given in IR13.3-13.17 the Secretary of State agrees with the Inspector at IR13.17 that the majority of the most important policies for determining this appeal are out of date."

6.44 Clear in both the Inspector and SoS's thinking in reaching these conclusions is that the housing policies of the Core Strategy have also now since been almost entirely overtaken by events elsewhere. This is as a result of the production of SHMA in 2014, the 15,050 dwelling target for Didcot agreed upon its identification of a Garden Town in December 2015 and the overwhelming need for the expedited delivery of 100,000 new homes across Oxfordshire set out in the Growth Deal, agreed in November 2017.

6.45 On this basis the draft **SOLP**, which was published in January 2019, is intended to present a comprehensive policy document that will supersede both the Local Plan 2011 and the Core Strategy. However, the SOLP is realistically some way from adoption, having not even endured its first round of hearings as part of its Examination in Public. The Plan has significant opposition in its current form, both politically and from key stakeholders and developers. Central pillars of its development strategy face fierce criticism including the direction of growth towards Green Belt sites to the south of Oxford. The weight to be given to the housing policies of the SOLP should therefore be tempered significantly by the guidance set out at paragraph 48 of the NPPF. The key element of the plan that seems to be accepted by all parties is the role that Didcot should play as a focus of sustainable growth. Otherwise, its housing policies, including its draft allocations, should all be afforded limited weight.

6.46 On the basis of the above it would be reasonable to suggest that no element of either the adopted or emerging development plan should be afforded even close to full weight due to its general conflict with other growth strategies and provisions of the NPPF, all of which present material considerations of significance. In which case, and as identified by the Wheatley Inspector in respect of the Core Strategy, the single element of each of the policy documents described above that is entirely consistent with the aspirations of the Garden Town vision and the Growth Deal and appears to be devoid of objection is the necessity for Didcot to grow - swiftly and extensively.

6.47 Turning to look at the precise way Didcot is anticipated to grow there is once again insufficient detail in any of the adopted development plan documents due to them preceding its designation as a Garden Town and the subsequent production of the Delivery Plan. Whilst the emerging SOLP identifies a number

of allocations at the town (many of which are simply rolled forward from the Core Strategy) it provides scant detail on how the Garden Town vision is to be secured. Indeed, paragraph 4.51 of the SOLP states:

"Garden town policy is likely to come forward as an additional planning document for the Garden town area: possibly as a Development Planning Document (such as within the next Local Plan) or as a Supplementary Planning Document."

- 6.48 The deferral of such a critical matter to a later planning document seems peculiar in that it once again stands to retain the significant policy vacuum in respect of the Garden Town that will inevitably hinder the delivery of the overall vision. Where the SOLP does provide clarity on growth at Didcot, through **Policy STRAT3**, it only seeks to provide full development plan weight to the established Garden Town boundary and the seven key delivery principles. Both the plan and principles are referenced by the policy and set out at Appendix 6 of the Plan.
- 6.49 On the basis of the policy vacuum identified above, then, it should be concluded that the only elements of both the adopted and emerging development plan relating to Didcot that are clear and undisputed are: the critical role that Didcot is to play in delivering the majority of growth in South Oxfordshire; the extent of the Garden Town boundary; and the key principles that development proposed at the town must comply with.
- 6.50 In which case this statement serves to demonstrate that the application proposal responds positively to each of these elements in the round, demonstrating strong compliance with the most relevant and up-to-date policies of the development plan. Importantly, it seeks to cut through the policy vacuum and deliver a development that is sustainable in every other respect whilst reflecting the critical need for well-planned landscape-led development at the town.

Prematurity

- 6.51 It is acknowledged that the timing of this application would likely result in its determination shortly before the adoption of the emerging SOLP, a document that is currently at examination. For several reasons, however, it is not considered that this application is premature in the sense defined by either the NPPF or PPG and should instead be seen as a valuable source of housing that seeks to supplement both the immediate shortfall of supply and longer term issues in respect of the pipeline of residential land at Didcot into the new plan period, as highlighted above.
- 6.52 Importantly, paragraph 49 of the NPPF clarifies the following:

"...in the context of the Framework – and in particular the presumption in favour of sustainable development – arguments that an application is premature are unlikely to justify a refusal of planning permission other than in limited instances where both:

- a) *The development proposal is so substantial, or its cumulative effect would be so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to an emerging plan; and*
- b) *The emerging plan is at an advanced stage but it not yet formally part of the development plan for the area."*

6.53 Taking account of the wording of the NPPF it is clear that the application scheme would not be considered premature on the basis of the following:

- The application site lies on the edge of the Didcot urban area, the single key Growth Point within South Oxfordshire and a settlement expected to receive over 50% of new homes in the district until 2034. To this end it would not be possible to argue that this application "*pre-determines decisions about scale, location or phasing of new development*" – indeed, it does in fact respond positively to both the adopted and emerging spatial strategy and accords with the approach taken in respect of the direction of sustainable growth; and
- The application scheme is not "*so substantial*" that it would undermine the plan-making process. In the context of the emerging Local Plan the proposal would in fact represent one of Didcot's smaller residential developments considering that only one allocation identified by the emerging SOLP is smaller – the proposed 74 dwelling scheme at Hadden Hill. Rather than undermine the plan making process, the release of the application site now would positively add to the choice of sites and add flexibility to the supply of land.

6.54 Paragraph 50 of the NPPF then clarifies that, in instances where planning permission is refused on grounds of prematurity, the local planning authority will need to indicate clearly how granting permission for the development would prejudice the outcome of the plan-making process. For the reasons set out above it is not considered that such grounds exists in that the application scheme in fact complements rather than conflicts with the emerging Local Plan, offering a supply of new homes that could and should come forward in parallel with the Council's preferred allocations.

Conclusions on the Principle of Development

6.55 It is acknowledged that the application site is not identified as a residential allocation at Didcot in any one of the adopted Local Plan 2011, the Core Strategy, the emerging SOLP or the Didcot Garden Town Delivery Plan. It is, however, clear that the housing strategies of each of these documents should be afforded limited weight at best for the reasons described above. It is identified without any equivocation by the Wheatley Inspector that the key housing policies of the development plan, namely **Policies CSS1 and CSH1** of the Core Strategy are out-of-date insofar as they seek to restrict development that falls outside built up area boundaries. This position is not contested by officers in the Council's pre-application advice letter, a copy of which can be found at **Appendix 2** of this statement.

- 6.56 The pre-application response also identifies **Policy DID3** of the Core Strategy as performing the role as one of the most important policies in respect of guiding the delivery of new homes at the town, suggesting that the proposals are in conflict with it. This comes as surprising as Policy DID3 principally seeks to guide the delivery of the North East Didcot scheme, merely adding a closing line that *"planning permission will also be granted for housing in Didcot on suitable infill or redevelopment sites"*. The policy is a permissive one and no element of it precludes the application proposal from coming forward.
- 6.57 Critically, and what is considered to serve as a material consideration of significant weight that must be factored into this balance, is that the current housing delivery strategy at Didcot set out in the Core Strategy has failed substantially to deliver the strategic levels of housing growth at the town. Indeed, considering the importance of a high rate of delivery at the town being maintained to ensure that not only the strategic growth requirements of the Core Strategy can be achieved but exceeded in line with the Garden Town and Growth Deal Aspirations the need for new homes now represents an overriding material consideration of significant weight.
- 6.58 It is also now abundantly clear from the Wheatley appeal decision that the deficit in affordable housing delivery in a district afflicted by, in the words of the Inspector, *"eye-watering levels of affordability"* is also a significant matter, the reaction to which simply cannot be deferred to a later date. There is an urgent need for the Council to identify additional sustainable sites now that would ensure a significant boost to affordable housing provision that would help temper a cumulative undersupply of some 731 homes over the past 6-year period.
- 6.59 The critical level of localised need at the town, allied with the slow and deficient delivery of new homes since the beginning of the Core Strategy plan period, represents a significant material consideration in favour of the identification of additional sustainable housing sites at Didcot. The urgency in respect of affordable housing provision similarly speaks for itself – concluded by the Secretary of State as representing a matter of very substantial weight. Taking these two extraordinary material benefits together it is clear that they would overwhelmingly outweigh any remaining limited conflict the proposal has with the locational policies of the development plan. Indeed, the delivery of additional growth at Didcot would in fact be in direct accordance with the up-to-date elements of **Policies CSS1 and CSH1** of the Core Strategy and draft **Policy STRAT1** of the SOLP.
- 6.60 In addition the application site lies within the boundary of the Garden Town Masterplan and considered as integral to achieving its overall vision. In which case, in the event that it can be clearly demonstrated that a residential development can be delivered at the site in full accordance with the Garden Town principles then there is a clear and compelling argument to suggest that it should be released for development immediately in accordance with paragraph 11(d) of the NPPF, as summarised at the end of

this section.

Layout and Design

Design Approach

- 6.61 Although this application is submitted in outline only, with all matters relating to scale, appearance and layout reserved for consideration at a later date, an Illustrative Masterplan has been produced having regard to the constraints and opportunities of the site that shows how a high-quality development of up to 176 dwellings could be delivered. The application is supported by a Design and Access Statement (DAS), prepared by Thrive Architects, that provides a thorough analysis of the proposed design approach. Importantly, the Illustrative Masterplan has been prepared with close attention paid to the key principles set out in the Garden Town Delivery Plan as well as South Oxfordshire's Design SPD.
- 6.62 The DAS explains the key principles of the design approach to the masterplan. Principal amongst these is the strong green infrastructure running through the site, in line with the 'Garden Town' designation of Didcot. This is focused around the retained high quality existing mature trees and hedgerows, creating green corridors which break up the built form.
- 6.63 The opportunity to provide pedestrian and cycle links through these spaces ensures that residents are well connected to the wider public rights of way network and local services and amenities of Didcot to the southwest. This accords with one of the key principles of the Garden Town, that being the links between the urban area and the open countryside. The green swathe at the north of the site continues the proposed large areas of open space located within the North East Didcot Masterplan Area to the west.
- 6.64 It is acknowledged that the Garden Town Masterplan envisages this area of the site as comprising a new block of woodland. However, the more detailed assessment of the opportunities and constraints of the site undertaken in advance of this application, including its relationship with the North East Didcot masterplan to the west, strongly suggests that an extension of the open space immediately to the west of Lady Grove represents the most appropriate approach to the extension of the proposed green infrastructure network. To this end it is proposed to provide a fully publicly accessible Country Park at this location. This would provide a clear and highly legible link from the North East Didcot community through to the North Wessex Downs AONB in the east.
- 6.65 Considerable tree and vegetation planting is indicated on the eastern boundary to reinforce the buffer to the AONB and reduce any visual effects of the development within the wider countryside. Many of these retained green corridors will be the focus of a definitive landscape strategy that will include the creation of a new country park along the northern fringes of the site, including a significant level of additional tree planting and green infrastructure in line with the Garden Town masterplan vision. The development

parcels and vehicular routes are secondary to this strong green infrastructure, with development located around existing mature retained vegetation.

- 6.66 The Illustrative Masterplan demonstrates the way in which the new homes will be delivered as a series of scattered blocks, varying in density from approximately 45dph to 10dph on the more visually sensitive upper slopes closest to the AONB. The gross density across the entire site would be approximately 12dph. Whilst it is acknowledged that **Policy CSH2** of the Core Strategy requires a density on housing sites at Didcot of no less than 25dph with draft Policy of **STRAT5** of the SOLP requiring a significantly higher 70dph it is not considered that these minimum densities would be appropriate for what is an urban edge site. Similarly, draft **Policy DES8** of the SOLP requires a general minimum density of 30dph district wide – however it is clear that the density of development should also be arrived at considering local character. In which case it is considered that the densities proposed on site are entirely respectful of the prevailing character of the site, on the urban/rural edge of Didcot.
- 6.67 Development parcels are located around the existing vegetation and retained trees and have been designed to be relatively informal blocks. Adjacent to the main access point, parcels in the southwest corner will have a more continuous frontage to create a rural village aesthetic. Moving north and west, development parcels reduce in density, with the use of semi-detached and detached units and mews lanes. Dwellings on the northern and eastern periphery of the development are scattered within proposed planted woodland, with those adjacent to Lady Grove having a lower-scale farmyard architectural aesthetic. Those dwellings facing Lady Grove will have an architectural aesthetic appropriate to their location, becoming more “rural” in their use of materials going north.
- 6.68 A comprehensive drainage strategy, incorporating SuDS attenuation basins located in the north, central and western parts of the site, will be integrated into the generous expanses of open space throughout the proposed development.

Response to the Garden Town Principles

- 6.69 A significant amount of time has been taken pre-application in the development of the Illustrative Layout in particular to ensure that the application proposal represents a scheme that is right for Didcot. This is bearing in mind the very special role the town must play in securing exemplar developments to meet the needs of the district. Importantly, the site represents ‘white’ land as identified by the Garden Town Masterplan – in which case it has not yet formally been identified for a specific use by the overall tapestry representing the development framework for the town. Otherwise, and in line with draft **Policy STRAT3** of the SOLP, it is then vital that the proposal meets directly (or at the very least does not conflict with) the principles of the Garden Town.
- 6.70 Taking into account the extensive analysis of the opportunities and constraints presented by the

application site we can now conclude on the proposal's performance against the Garden Town Principles at **Table 5**, below:

Table 5: Assessment of the application proposals against the Garden Town Principles

Garden Town Principle (Summary)	Statement of Compliance
<p>Design: <i>The Garden Town will be characterised by design that adds value to Didcot and endures over time. All new proposals should show the application of the council's adopted Design Guide SPD and demonstrate best practice design standards.</i></p>	<p>As a result of a substantial level of pre-application investigation into both the site and its character, including its setting at a transitional location between the existing and expanding Didcot urban area to the west and the AONB to the east it is considered that the application proposals respond in an exemplar fashion to the opportunities and constraints presented by the site.</p> <p>The proposed development, demonstrated by the Design and Access Statement and Illustrative Masterplan, responds to the gradual change in the local environment moving from east to west by proposing a mix of densities, dwelling styles and character areas across the site. This ensures that a soft edge to Didcot is created, one that encourages movement from the urban area into the countryside through the provision of new footpaths and public open spaces linking in with the green infrastructure strategy for the town.</p> <p>The built form will also respond to all of the key guidelines set out in the Design Guide in respect of materials, separation distances, setbacks and relationship with the street scene. Whilst significantly detail in this respect is included within the accompanying Design and Access Statement these matters will be considered more fully at reserved matters stage.</p>
<p>Local Character: <i>The Garden Town will establish a confident and unique identity, becoming a destination in itself that is distinctive from surrounding towns and villages whilst respecting and protecting their rural character and setting;</i></p>	<p>As an expansion of the commentary in respect of the first principle, it is considered that partially through building on the cues presented by the approved masterplan for the adjacent North East Didcot community, through the introduction of various character areas and development orientated around generous levels of open space, the application proposals represent a natural and complementary extension to the growing town of Didcot.</p>

	<p>The location of the development does not threaten coalescence with any surrounding villages and, through the location of the proposed built form on the local slopes of the site, will not be prominent when viewed from the AONB and surrounding countryside.</p>
<p><i>Density and tenure:</i> <i>The Garden Town will incorporate a variety of densities, housing types and tenures to meet the needs of a diverse community. This will include high density development in suitable locations, such as in central Didcot and near sustainable transport hubs, albeit built form should be balanced by well-designed public realm;</i></p>	<p>One of the key principles of the application proposal is the delivery of a variety of development parcels and character areas across the site incorporating densities ranging from 10dph on the more visually sensitive eastern parcels of the site through to a minimum of 45dph on the parts of the site bearing a closer relationship with the urban area of Didcot. In which case the scheme is sensitive and responsive to its surroundings and represents a proposal that is bespoke to the site rather than simply a standard residential development.</p> <p>In addition, it is proposed to deliver a range of house sizes, types and tenures in line with both the SHMA 2014 and the up-to-date expectations of SODC's Housing Strategy Team. In this respect the proposal will help deliver a new exemplar residential development that will meet the needs of the community.</p>
<p><i>Transport and movement:</i> <i>The Garden Town will reduce reliance on motorised vehicles and will promote a step-change towards public transport, walking and cycling through the creation of a highly legible, attractive and accessible movement network and the appropriate location of housing, employment and leisure facilities;</i></p>	<p>The accompanying Transport Assessment and Residential Travel Plan demonstrate the way in which the proposals would 'plug in' to the public transport, footpath, cycle and green infrastructure network proposed at North East Didcot.</p> <p>Further to this, the proposed development incorporates an expansive internal footpath and cycle network providing additional links to the open countryside to the east and north. This gateway approach to the open countryside will be characterised by the provision of a substantial Country Park on the northern fringes of the site that will form a fully accessible green corridor between the urban area of Didcot and the open countryside beyond.</p>
<p><i>Heritage:</i> <i>The Garden Town will conserve and enhance heritage assets, both designated and non-designated, within and adjacent to the development area;</i></p>	<p>The site is not within close proximity of any heritage assets or conservation areas. In which case the application proposal would conserve the historic environment of Didcot.</p>

<p><i>Landscape and Green Infrastructure:</i> <i>New development in the Garden Town will enhance the natural environment, through enhancing green and blue infrastructure networks, creating ecological networks to support an increase (or where possible achieve a net gain) in biodiversity and supporting climate resilience through the use of adaptation and design measures;</i></p>	<p>The application proposal is fundamentally and deliberately a landscape-led scheme. The vision of the applicant is to create a new garden neighbourhood at the town that allows fingers of the countryside to permeate the built form. This will ensure that the nature of the development is truly one that is transitional between the urban and rural areas.</p> <p>To achieve this the Illustrative Masterplan incorporates a significant level of green infrastructure and on-site open space (both formal and informal) that will bring with it opportunities for a significant net gain in biodiversity. This landscape-focused approach is typified by a combination of the provision of an extensive Country Park, the retention of almost all of the existing trees across the site and the scattered approach to the parcels of development that ensure the delivery of new homes is led by the network of open space and not vice versa.</p> <p>Importantly, the application proposals respond positively to the Garden Town Masterplan set out at paragraph 1.1.15 of the Delivery Plan through the provision of additional open space, woodland and general green infrastructure along the northern fringes of the site. This provision allows a significant enhancement of the green corridor that will lead from the town towards Wittenham Clumps to the east.</p>
<p><i>Social and community benefits:</i> <i>The planning of the Garden Town will be community-focused, creating accessible and vibrant neighbourhoods.</i></p>	<p>Once again, this objective lies at the very heart of the principles demonstrated by the Design and Access Statement and Illustrative Masterplan. The proposed development seeks to introduce a fully integrated community with the various parcels of residential land orientated around communal and attractive public open spaces. It will allow for enhanced access to local shops, services, employment and amenities through a combination of an extensive footpath network throughout the site as well as the way in which the layout will essentially 'plug in' to the emerging North East Didcot to the west.</p> <p>Ultimately it is considered that the proposals will represent an exemplar development where people want to live and represents the very best in community building and inclusive design.</p>

Conclusions on Design

- 6.71 On the basis of the sensitive and responsive scheme of design shown by the Illustrative Masterplan and described by the DAS it is considered that the application proposal is entirely in accordance with **Policies D1, D7 and H4** of the Local Plan 2011, **Policies CSH2, CSQ2 and CSQ4** of the Core Strategy and draft **Policies STRAT5, DES1, DES2, DES3 and DES4** of the SOLP. In addition, and due to the accordance of the landscape-led approach to development with the Garden Town principles it is also in accordance with draft **Policy STRAT3** of the SOLP.

Landscape

- 6.72 This application is supported by a Landscape and Visual Impact Assessment (LVIA) prepared by Aspect Landscape. The LVIA is accompanied by both a Landscape Masterplan and site sections illustrating the way in which the proposed development responds to the topography of the site. The LVIA identifies that the character of the application site is strongly influenced by the existing urban area of Didcot, an influence that will only increase as the 2,000-home development planned for North East Didcot begins to come forward. Importantly, the LVIA does not consider the site to comprise a 'valued landscape' in NPPF terms.
- 6.73 Whilst the LVIA identifies that the application proposal will result in significant localised harm to landscape, in that it will irreversibly change the character of a greenfield site, importantly it will only have a minimal impact on the immediate setting the AONB and no impact on its wider landscape character. Indeed, the avoidance of any harm to the wider countryside is achieved through the inclusion of various mitigating design measures described below.

Landscape Setting

- 6.74 A total of 16 viewpoints have been identified in order to demonstrate the visibility of the site within the localised and wider setting. The views have been informed by a thorough desk study, and a number of field assessments. The views are taken from publicly accessible viewpoints and although are not exhaustive, are considered to provide a fair representation of the visual environment within which the site is set. The visual analysis seeks to identify the views that will, potentially, experience the greatest degree of change as a result of the proposals.
- 6.75 The LVIA explains that the application site has a visual relationship with both the urban area and the adjacent AONB representing a transitional site at the town. It is considered that the presence of the high-density urban setting perceived when approaching from the south along Lady Grove and the emerging development to the immediate west reduces the susceptibility of the site and its immediate setting in these directions to change resulting from residential development. However, it is acknowledged that the more elevated eastern half of the site lies immediately adjacent to the North Wessex Downs AONB, and

that the positive mature treescape and robust hedgerows which characterise the site's field margins, reflect a transition from the lower lying wider landscape setting to the west and the more undulating landscape within the AONB to the east. As such, the site's more elevated eastern extents are considered to be of increased susceptibility to change when compared to the lower lying western parts of the Site.

Design Response

6.76 On review of the findings of the landscape assessment the LVIA sets out a number of recommendations that have now been incorporated into the Illustrative Masterplan and indicative scheme of design described by the DAS. These are as follows:

- The illustrative proposals should seek to retain the site's key treescape to: provide a mature landscape setting from day one; to retain the site's field pattern and character; and to visually integrate the proposed built form within the settlement edge and wider rural landscape setting. This will include the retention of all key, and often protected, trees across the site, allowing the existing landscape breaks to lead a fragmented built form that is visually subservient to the landscape qualities of the site;
- The development should incorporate extensive areas of Public Open Space. This approach would have multiple benefits:
 - o The opportunity to establish a high quality 'Country Park' within the site's northern and eastern areas which will in turn protect the setting of PRoW 189/23 established along the site's northern boundary and the site's important eastern boundary vegetation, which borders the AONB;
 - o Incorporation of a diverse 'amenity woodland' within the POS, to reinforce the site's positive boundary vegetation, improve visual amenity within the POS and comply with the Didcot Garden Town Masterplan requirements;
 - o Retention of the key visual link between the site and wider AONB setting;
 - o Assist in establishing a high-quality landscaped village gateway immediately adjacent to the built-up setting established within the adjacent North East Didcot Masterplan Area;
 - o Incorporation of a significant 'green finger' which will extend from the edge of the AONB into the heart of the development which also presents opportunities to include two permanently wet ponds and areas of much enhanced biodiversity value;
- Relatively higher density housing should be focused within the site's least sensitive lower lying western extents, immediately adjacent to the existing settlement edge and emerging development area, with low density housing located within the site's more sensitive northern and eastern areas respectively acknowledging the presence and setting of the adjacent AONB and internal PRoW;
- Housing should be provided in broken clusters, allowing for the incorporation of extensive green links and a high-quality landscape setting to be incorporated within the internal development areas. This will allow for positive and diverse green corridors to be established which will connect with the Country Park POS and localised green infrastructure. The lower density parcels should ideally be

formed around 'woodland glades' to reinforce the woodland character within the country park and the landscaped-led design approach. The extent of the developable area, particularly along the site's more sensitive eastern extents, will positively respond to the topography of the site and will follow the natural contours to retain a sense of place and ensure excavation work is kept to a minimum.

- The site's location within the immediate setting of the AONB is acknowledged by the LVIA as a key constraint. A substantial offset should therefore be included along the site's eastern boundary to ensure that development is focused on the lower central and western site areas. Further POS within the northern site area will also ensure that views into and out of the AONB, particularly from the site's north eastern corner, are not harmed.

6.77 All of these recommendations have been incorporated into the Illustrative Masterplan. As a result the application proposal is considered to be compatible with national and local planning policy and importantly conform with the following measures proposed within the AONB position statement in order to avoid harm to the setting of the North Wessex Downs AONB, as described at paragraph 2.34 onwards and paragraph 6.9 of the LVIA.

Conclusions on Landscape and Visual Impact

6.78 The Illustrative Masterplan, so far as it incorporates all of the recommendations of the LVIA, proposes a wholly sensitive approach to the delivery of development at the site that respect its urban/rural edge setting. The low-density nature of the proposed housing reflects the site's location on the urban edge and its transitional location with the wider rural landscape. The retained treescape and hedgerows will provide positive natural features within the internal development areas and will break up the perceived scale and massing of the proposed built form ensuring that it is successfully integrated within the site and the localised setting.

6.79 Overall, whilst it is acknowledged that the development would cause some significant harm in landscape terms, this would be entirely localised and limited to the site itself. The LVIA assesses a moderate significance of effect on the localised AONB setting to the immediate east of the site, that is an entirely localised impact, and a significance of none within the wider AONB setting, where the proposals are not visible and there will be no change to the character of this setting. The landscape-led proposals have ensured that the key vegetation structure within the site and along its boundaries are retained and will be supplemented through extensive areas of POS and high-quality internal landscaping that will ensure the development can be successfully integrated within its immediate urban edge setting.

6.80 On this basis it is considered that the application proposal accords fully with **Policies G2, C4, C9 and D1** of the Local Plan 2011, **Policies CSEN1, CSG1 and CSQ3** of the Core Strategy and draft **Policies STRAT3, ENV1, ENV5, DES1 and DES2** of the SOLP.

Ecology

- 6.81 An Ecological Appraisal has been prepared by Aspect Ecology. The site was surveyed during September 2019, based on standard extended Phase 1 methodology, and included a general appraisal of faunal species was undertaken to record the potential presence of any protected, rare or notable species, with specific survey work undertaken in respect of Badger.
- 6.82 The site itself is not subject to any statutory or non-statutory ecological designations. The nearest statutory designation is Covert Way Local Nature Reserve, which is located approximately 2.6km south west of the site. No non-statutory ecological designations have been identified within 2km of the site. All of the ecological designations in the surrounding area are physically well separated from the site and are therefore unlikely to be adversely affected by the proposals.
- 6.83 The site comprises five fields, four of which contain species-poor grassland, along with a further arable field, with dense, continuous structured boundary vegetation forming a number of wildlife corridors across the site. Other habitats on the site are limited to a small number of buildings, hardstanding and scrub. The majority of the habitats present are considered to be of negligible to low ecological value and as such any loss of such habitats would be of limited ecological importance and could be suitably compensated by the provision of new landscape planting incorporating native species.
- 6.84 The habitats within the site provide potential opportunities for a number of protected and common species, including Badger, bats, birds, amphibians and reptiles. Accordingly, the Ecological Appraisal provides a number of recommendations that should be secured as part of any future detailed scheme to safeguard these. In addition, the proposals present the opportunity to secure a number of biodiversity net gains, including significant additional native tree planting, two permanently wet attenuation ponds and more diverse habitats and opportunities for a range of species including invertebrates, small mammals, herpetofauna and birds. These have been incorporated into the Landscape Masterplan provided in support of this application.
- 6.85 In summary, the biodiversity value of the site is currently limited. Where potential habitats have been identified it is considered that the proposals have sought to minimise impacts on biodiversity and subject to the implementation of appropriate avoidance, mitigation and compensation measures, would provide the opportunity secure a net biodiversity gain. Indeed, the application proposals will include additional habitat creation throughout the site including the creation of two permanently wet surface water attenuation ponds that will reinforce local ecological networks. On this basis the application proposals are considered to accord directly with **Policies G2 and C6** of the Local Plan 2011, **Policies CSG1 and CSB1** of the Core Strategy and draft **Policies ENV2 and ENV3** of the SOLP.

Trees

- 6.86 An Arboricultural Survey was undertaken of the site by Aspect Arboriculture on November 2019, following which an Arboricultural Impact Assessment has been produced in line with the guidance contained in BS5837:2012.
- 6.87 Although the site is not within a Conservation Area, it is the subject on a Tree Preservation Order (reference No. 28/2019) that affords protection to a number of trees on the application area. Aspect Arboriculture also met with SODC's Tree Officer on-site during November 2019. The purpose of the meeting was to introduce the tree survey, scope priorities for retention and key design principles to minimise the development's indirect effect. The outcomes of the meeting have all been factored into the recommendations set out in the Impact Assessment, which themselves have been incorporated into the Illustrative Masterplan. In short, the survey findings were agreed by SODC's officer from the outset ensuring that the proposed layout now confidently incorporates the most valuable areas of trees and individual specimens on site as part of the landscape-led development.
- 6.88 As such, and resultant of adherence to the recommendations of SODC's Tree Officer, allied with the findings of the survey, the arboricultural impact of the proposed development has been minimised as far as practical, and is limited to the removal of trees necessary to provide vehicular access with Lady Grove, and interconnectivity between development parcels. Removals comprise one category B Poplar, thirteen low quality (category C) trees, two low quality groups of trees, and one low quality hedge. In addition, the partial removal of one low quality group of trees and sections of five low quality hedges will be required.
- 6.89 A preliminary tree protection drawing is provided to demonstrate the deliverability of safeguarding measures for retained trees and to highlight which trees are recommended for removal. Importantly, there will be no impact on trees covered by the TPO with the Illustrative Masterplan showing significant development off-sets across the site to ensure that the root protection areas of these trees would not be compromised.
- 6.90 As a result of the limited tree removal proposed on site, allied with the protection measures proposed to ensure the retention of all of the key specimens present, it is considered that the application accords fully with **Policies C9 and D1** of the Local Plan 2011 and draft **Policy ENV1** of the SOLP.

Archaeology

- 6.91 Oxford Archaeology have undertaken an archaeological desk-based assessment. Following a review of below-ground assets this identifies that later prehistoric and Romano-British settlements are known to

exist in the area, albeit these are located away from the site at Pearith Farm and Haddon Hill. The assessment judges that the site probably formed part of the agricultural hinterland surrounding these settlements. No remains dating to these periods were identified during a geophysical survey carried out as part of this assessment and as such there is considered to be a low potential for later prehistoric and Romano-British agricultural remains within site.

- 6.92 Latterly, it was identified that the site comprised an area of woodland known as 'Hadden Wood' from at least the 16th-century and probably throughout the medieval period. It is uncertain when the wood was established, and no woodland is referred to in the area by the Domesday Survey of 1086. The woodland was cleared and the site was enclosed in 1841. Ridge and furrow post-dating the clearance of the woodland has been recorded within the site and extant earthworks survive within one of the fields. In addition to the identified ridge and furrow earthworks, there is a potential for yet unknown medieval and post-medieval remains to be present within the site, although it is noted that none were recorded during the geophysical survey. The site has remained in agricultural use since it was enclosed.
- 6.93 Whilst the proposed development will result in the loss of the planned enclosure HLC type within the site this post-medieval HLC type is common within the County and considered to be of low heritage significance.
- 6.94 The proposed development has the potential to have an adverse impact upon any surviving archaeological remains present within the site. Given its undeveloped nature it is likely that an archaeological trial trench evaluation will be required to test the results of the geophysical survey and confirm the low archaeological potential of the site. The evaluation, which could be secured by condition, would confirm the presence (or absence) and significance of any archaeological deposits that might be damaged or removed by the proposed scheme and would inform a suitable mitigation strategy if required.
- 6.95 In this instance and due to the low archaeological potential of the site demonstrated by the desk-based assessment it is considered that the application proposals are in accordance with **Policy CON11-14** of the Local Plan 2011 and draft **Policy ENV9** of the SOLP.

Housing Mix

- 6.96 The application proposals seek to deliver up to 176 new dwellings of a mix of size, type and tenure in accordance with current local requirements. Specifically, the proposal will provide for a 40% element of affordable housing, of 71 homes in total, featuring a tenure split of 72/25 (53 units and 18 units respectively) in favour of social rented properties.
- 6.97 This guaranteed 40% provision is not only compliant with both adopted and emerging policy but exceeds the average level of affordable housing delivered on housing site across the district, identified as being

only 34% of new homes in the 2018/2019 Annual Monitoring Report. It exceeds the level of provision secured at Wheatley, which fell just below 35% yet was still described by the Secretary of State as a consideration that carries very substantial weight. It also represents 71 additional homes that would overcome just under 10% of the overall deficit of affordable units across a district afflicted by "eye-watering levels of affordability" in the words of the Wheatley Inspector.

- 6.98 In which case the provision of affordable housing at the site ensures that the application proposal is fully in accordance with **Policies CSH3 and CSH4** of the Core Strategy and draft **Policies H9 and H11** of the SOLP.
- 6.99 In terms of housing mix the proposal will include range of units in line with a combination of the SHMA 2014 (in respect of the market element) and the more up-to-date requirements presented by SODC's Housing Strategy team response to the pre-application enquiry. These requirements are set out at **Tables 6 and 7**. The proposed split of unit size and tenure at the site is then set out at **Table 8**.

Table 6: Market Housing Split

Sub-area	1 bed	2 bed	3 bed	4+ beds
South Oxfordshire	5.7%	26.7%	43.4%	24.2%

Table 7: Affordable Housing Split

	1 bed	2 bed	3 bed (5p)	3 bed (6p)	4 bed
Rented	16%	54%	18%	10%	2%
Shared Ownership	0%	65%	35%		
Overall	12%	57%	30%		1%

Table 8: Proposed Size and Tenure Split

	1 bed	2 bed	3 bed	4+ bed	Total
Market	6 (5.7%)	28 (26.7%)	46 (43.4%)	25 (24.2%)	105 (100%)
Affordable (all tenures)	9 (12%)	40 (57%)	21 (24%)	1 (1%)	71 (100%)
Total	15	68	67	26	176

Open Space Provision

- 6.100 The most recent open space standards applicable to South Oxfordshire were agreed at the Council's Cabinet Meeting on 4th December 2008. It is understood that these were based on the most recent open space study for the district, the period of which expired in 2011. Regardless, it is acknowledged that

Policies R2 and R6 of the Local Plan 2011 and draft **Policy CF5** of the SOLP require a variety of open spaces on site to meet the needs of future residents. Specifically, Policy R2 requires outdoor play space set against the national 2.4ha per 1,000 residents standard with Policy R6 requiring *"public open space for informal recreation to meet the needs of the new residents in accordance with an amount appropriate to the locality and the size of the development proposed"*.

- 6.101 The current Illustrative Masterplan demonstrates that it is proposed to deliver a Local Equipped Area of Play (LEAP) on the site along with an extensive new Country Park along the norther boundary of the development. Together with the extensive green infrastructure network and informal public open space to be provided across the site it is clearly demonstrated that the standards set out across both the adopted and emerging development plan documents will be significantly exceeded with a level of open space provision across the site amounting to close to 10ha compared to the expectation of just over 1ha of open space on site based on an average household size of 2.4 people.

General Amenity

- 6.102 Part of the pre-application process involved consultation with the Council's Environmental Protection Officer. Resultant of the consultation no concerns were raised in respect of any issues relating to general amenity. It was not identified that the site would be particular susceptible to noise – whilst the proposed development is adjacent to Lady Grove it is set back sufficiently to ensure that there is no negative impact on future residents as a result of highway noise. The new dwellings will also be located behind a significant tree screen for the majority of the frontage. In addition, we can confirm that the site does not fall within a designated Air Quality Management Area.
- 6.103 Otherwise, and as demonstrated by the illustrative masterplan submitted in support of this application, the site is capable of offering a high level of amenity including ample private garden space and an orientation of development that entirely avoids issues of overlooking.

Highways and Access

- 6.104 This Application is supported by a Transport Assessment and a Residential Travel Plan, both of which have been prepared by Vectos. These are provided in line with the expectations for such documents set out in **Policy CSM2** of the Core Strategy and draft **Policy TRANS4** of the SOLP.
- 6.105 The Transport Assessment demonstrates that the site benefits from access to a good network of pedestrian and cycle links, which connect the site to the existing sustainable transport networks that serves the local area and a range of local facilities. The extent of these links is set out at paragraph 3.12 of the Assessment whilst the full range of local shops, services and facilities is set out at Table 3.1 of the

document. These show that the site is well located to encourage people to travel by sustainable modes of transport in accordance with the guiding principles of the NPPF as well as the framework set out in the Local Transport Plan.

- 6.106 Notwithstanding, through the provision of an extensive network of footpaths and cycle links across the site, along with a Residential Travel Plan, the proposals will also include measures to reduce reliance upon the private car and encourage the use of sustainable modes. Specifically, pedestrian links will be incorporated into the access strategy to ensure that residents are able to access a range of community facilities and employment opportunities in the local area. The range of facilities present locally will be enhanced further as the full range of shops and services proposed as part of the North East Didcot scheme are delivered. The Travel Plan then provides details of the transportation options that are available in the local area and how these can be utilised to access key local services, together with potential incentives. As a result, it is considered that the proposals are also consistent with **Policies T1-T2 and T7** of the Local Plan 2011, **Policy CSM1** of the Core Strategy and draft **Policy TRANS2** of the SOLP.
- 6.107 Whilst this is an outline application, approval for means of access is sought at this stage. The proposed access arrangements are shown on Drawing Number 195075-A02A, included at Appendix H of the accompanying Transport Assessment. The proposed visibility splays and turning radii have been designed in accordance with current best practice guidelines and will therefore not have a detrimental impact upon the local highway network in accordance with **Policies CSM1 and CSM2** of the Core Strategy. An independent Highways Safety Audit has now also confirmed these points. On this basis the proposed development will also be in accordance with draft **Policy H4** of the Local Plan 2011.
- 6.108 Whilst the application does not show a detailed parking scheme at this stage it is confirmed that it can be provided across the site in accordance with current standards. As such, the prospect for the displacement of parking onto surrounding roads will be minimised. The use of bicycles will also be encouraged with enough secure storage to be provided throughout the development in accordance with standards. In this regard, the proposals are consistent with **Policy D2** of the Local Plan 2011.
- 6.109 In respect of impact on the wider highways network, the Transport Assessment includes consideration of both current network conditions as well as the likely off-site impact of the application proposals. The latter estimates are based on the following levels of peak trip generation, shown at **Table 8** below:

Table 8: Peak Time Trip Generation

Time Period	Trip Rates (per unit)		Trips (176 Units)	
	Arrivals	Departures	Arrivals	Departures
Morning Peak	0.188	0.733	33	129
Evening Peak	0.602	0.239	106	42

- 6.110 On the basis of the above, it is concluded that there will be no severe impact on the key local junctions modelled as part of the assessment, namely the A4130/Mersey Way junction, the A4130/Lady Grove/Abingdon Road junction and the Abingdon Road/Trent Road junction. In addition, it is anticipated that the committed strategic improvements to the wider highway network, including the replacement Culham Crossing, will ensure that capacity exists to accommodate both the application proposal and all other committed growth at Didcot. Indeed, the modelling included in the Transport Assessment captures all commitments including the North East Didcot scheme.
- 6.111 On the basis that severe impact on the highways network will be avoided the proposals accord with national and local transport related policies and can be accommodated without detriment to the operating capacity of the local transport network. As such, the proposed development represents a sustainable development from a transport perspective in the context of the NPPF and accords fully with the relevant policies of the adopted and emerging development plan, including key **Policies T1 and T2** of the Local Plan 2011, **Policy CSM2** of the Core Strategy and draft **Policy TRANS5** of the SOLP.

Flooding and Drainage

- 6.112 A Flood Risk Assessment and Drainage Strategy prepared by MAC Consulting is provided in support of this application. The site lies entirely within Flood Zone 1, which is classified as having a low probability of flooding and is suitable for all types of development. Consideration has been given to any potential for flooding from rivers or the sea, groundwater, sewers or reservoirs and this has confirmed a low probability of flooding from these sources. Investigations have further confirmed that the site has no record of flooding.
- 6.113 A scheme of surface water drainage will be provided in line with SUDS principles. It will comprise a network of detention basins, tanked paving and swales across the site designed to ensure that all run off discharges at greenfield rates.
- 6.114 Foul water will be discharged to the nearest adopted sewer.
- 6.115 On the basis of these measures it is considered that the application proposals comply with **Policy EP6** of the Local Plan 2011 along with draft **Policies INF4 and EP4** of the SOLP.

Local Infrastructure

- 6.116 In line with **Policy CSI1** of the Core Strategy and draft **Policy INF1** of the SOLP it is anticipated that the following planning obligations would be secured via a Section 106 Legal Agreement:

- Delivery of Affordable Housing provision on site of 40% of all units;
- Financial contribution towards the maintenance of on-site open space and the provision of appropriate levels of off-site open space to serve Didcot;
- Financial contribution towards the provision of refuse/recycling bins;
- Financial contribution towards local primary education provision;
- Financial contribution towards local library infrastructure;
- Financial contribution towards the upgrade and provision of local GP facilities;
- Financial contribution towards the upgrade and facilitation of local public transport services;
- Financial contribution towards off-site highways works; and
- Payment of the Council's monitoring costs.

6.117 These contributions will supplement the commensurate payment of the Council's Community Infrastructure Levy, the relevant forms relating to which are included as part of this submission.

Contamination and Ground Conditions

6.118 A ground investigation report has been prepared in support of this application by Geo-Environmental. The study identifies that the application site comprises predominantly open agricultural fields albeit the areas of material storage identified in Section 2 of this statement, along with kerosene storage and leakage were identified during the site inspection.

6.119 The subsequent risk rating identified for the site has been reached on the basis that the proposed development is to comprise residential properties with private gardens, public open space and estate roads.

6.120 Very low risk to low risk ratings have generally been assigned to the shallow soils, potential for ground gasses and naturally occurring ground conditions at the site. Moderate risks have been identified relating to the made ground associated with the small area of material and kerosene storage as well as the general shallow soils at the site. Further assessment is then required to better characterise the contamination of the site to inform an update of the illustrative proposals – as such the report sets out a list of recommendations that could be secured by condition.

6.121 In terms of ground stability, it is considered possible that conventional foundations would be suitable for parts of the proposed development, although any design should account for the potential presence of shrinkable soils as well as the presence of the root structures of the trees on the site.

Sustainability and Energy Efficiency

- 6.122 A Sustainability Statement and Energy Strategy has been prepared by Sol Environment in support of this submission. These documents are provided specifically in accordance with draft **Policies DES8, DES9 and DES10** of the SOLP in particular and reflect the Council's drive towards securing development that is energy efficient and makes the very best use of resources.
- 6.123 Whilst the precise measures to be adopted on site in respect of energy efficiency, waste recycling and renewable energy in particular will be specified at detailed design stage the reports confirm that the applicant is aiming for an improvement of CO2 emissions throughout the scheme through the implementation of energy efficiency measures within the building – fabric first. In addition, it is anticipated that opportunities will exist for the installation of LZC technologies (photovoltaic panels) that will assist in the provision of renewable electricity and hot water.
- 6.124 Through these objectives, the applicant would ensure that they have maximised the opportunities to enhance the environmental performance of the design and ultimately that the best practice sustainability standards will be implemented in practical terms within the proposed development. In addition, it is confirmed that all new dwellings at the site can be viably delivered incorporating systems that conserve and recycle water and provide sufficient space for recycling and mixed waste collection.

Planning Balance

- 6.125 Paragraph 11 of the NPPF applies a presumption in favour of sustainable development when determining planning applications. As part of the paragraph 11 test it is important to identify whether the policies which are most important for determining the application are up to date prior to identifying whether this should be 'tilted' in favour of the development.
- 6.126 Following the publication of the SoS decision in respect of the Wheatley appeal it is clear that, in respect of the consideration of residential proposals in South Oxfordshire, the policies considered to be the most important for determining such applications are in fact out-of-date – namely the elements of **Policies CSS1 and CSH1** of the Core Strategy relating to the restriction of growth towards the built limits of settlements. In the event that officers consider **Policy DID3** to represent a restrictive rather than permissive policy, as concluded earlier in this section, then it should similarly be considered as out-of-date by the same logic.
- 6.127 It is noted in the officer pre-application response that it is disputed that these policies alone form the most important policies in respect of the NPPF paragraph 11(d) test. It is also stated that **Policy G2** of the Local Plan 2011 and **Policy CSEN1** of the Core Strategy should be considered as part of the suite of

most important policies. However, the Wheatley Inspector considers at paragraph 13.10 of his report that these policies are inconsistent with the Framework due to the blanket protection they offer for the countryside. They are therefore also out-of-date.

- 6.128 **Policy T1** of the Local Plan 2011 is also identified by officers, dealing with highways impact. It is, however, considered that **Policy T1** is not in accordance with the NPPF in that it fails to recognise the requirements of paragraph 109 of the NPPF, that applications should only be refused on highways grounds if there would be an unacceptable impact on highway safety or the cumulative impacts would be severe. It is thus considered to be out-of-date. Irrespective, on the basis of the submitted Transport Assessment it is clear in the mind of the application that the proposal would accord with the requirements of this policy.
- 6.129 Lastly, the pre-application response cites **Policy CSQ3 and CSB1** of the Core Strategy as 'most important'. However, on the basis that this submission constitutes an outline application where all matters in relation to layout, design and scale are reserved these policies which deal with such matters cannot conceivably be considered to fall under the paragraph 11(d) definition. The same should be concluded in respect of **Policy C9** that requires the retention of all landscape features on site. Both the siting and resultant impact of the proposal are yet to be determined.
- 6.130 In which case it is clear that those policies considered as the most important for the determination of this application are universally out-of-date. In which case, and in line with paragraph 11(d) of the NPPF, permission should be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of (the) Framework taken as a whole"*. In other words, the 'tilted balance' is in play in this instance.
- 6.131 By way of negative impact weighing against the proposal it is identified that it will result a level of impact on the landscape, including the immediate setting of the AONB, albeit on an entirely localised basis at site level only. This should be afforded only limited negative weight in the planning balance.
- 6.132 In favour of the application it is demonstrated that the proposals will feature a high level of sustainability and contribute positively towards the following objectives:

Economic:

- Delivery of vital housing growth in support of the wider economic strategy for Didcot and the Science Vale UK. **This should be afforded significant weight in the planning balance;**
- Benefits to the local construction jobs market and economy through the delivery of a significant number of homes and supporting infrastructure. This should be afforded moderate weight on the planning balance.

Social:

- Delivery of up to 176 much needed new dwellings at Didcot that will contribute significantly towards local housing needs. **This should be afforded significant weight in the planning balance;**
- Specifically, the delivery of up to 71 affordable dwellings, across a range of sizes and house types, and weighted 75/25 towards the provision of social rented accommodation. In accordance with the conclusions of the Secretary of State in respect of the Wheatley appeal **this provision should be afforded very substantial weight in the planning balance;**
- The delivery of a new community in a sustainable location adjacent to the Didcot urban area and in walking distance of a full range of shops, services and amenities;
- Provision of an extensive level of on-site open space including a LEAP and a new Country Park that will help create a high standard of amenity in the local vicinity for both existing future residents. **Due to the extent and quality of open space to be provided, namely the country park, this should be afforded significant weight in the planning balance.**

Environmental:

- The delivery of a new sensitively planned residential development that is entirely in line with the design aspirations of the Garden Town Delivery Plan. Due to the non-statutory nature of the Delivery Plan this should be afforded limited weight in the planning balance;
- A potential net gain in biodiversity through the retention and improvement of the most valuable habitats on site including the creation of new wetland environments on site. This should be afforded moderate weight in the planning balance;
- The delivery of a new residential development in a highly sustainable location in walking and cycling distance of a full range of shops, services and amenities thus encouraging a modal shift away from private car. **In light of the climate emergency in South Oxfordshire this should be afforded significant weight in the planning balance;**
- The provision of significant enhancements to the local network of green infrastructure. This should be afforded moderate weight in the planning balance;
- The delivery of a high-quality scheme that incorporates the highest standards of design, specific to the site and reflective of the full range of objectives for Didcot, incorporating significant areas of open space and landscaping. **This should be afforded significant weight in the planning balance;** and
- A comprehensive drainage scheme that ensures that any issues with existing surface water can be rectified and future surface water run-off mitigated. This should be afforded neutral weight in the planning balance.

6.133 Following an undertaking of the tilted planning balance it is clear that there are significant sustainability benefits which weigh in favour of the application proposal and significantly outweigh any limited harm

caused through conflict with the development plan or the localised impact on landscape character. To this end it is clear that the modest adverse impacts of the proposal do not significantly and demonstrably outweigh the substantial benefits offered by the proposal and the presumption in favour of sustainable development should apply.

7.0 CONCLUSIONS

7.1 As this Statement explains, this application would deliver a truly sustainable development that accords entirely with the principles of the Garden Town Delivery Plan and reflects local identified needs. The proposal would form a well-designed extension to Didcot on a site which is well-related to the urban area. It would benefit from nearby access to a full range of shops, services and facilities present within Didcot as existing and shortly within the North East Didcot sustainable community.

7.2 Importantly, and as summarised at paragraph 1.12 of this statement, it responds positively to a number of key material factors, namely:

- **The chronic levels of under-delivery of both market and affordable housing in Didcot, a town which represents one of the principal growth points within Oxfordshire, one of the main locations for new housing delivery and a vital component of the County's Growth Deal strategy.** Since 2006 the shortfall of new homes at the town set against the 'ring-fenced' development plan targets for Didcot has amounted to some 1,500 units. This slow rate of supply places the realisation of the jobs and strategic infrastructure required in and around the town to accord with the wider aspirations of the Oxfordshire Housing and Growth Deal, as well as the Garden Town project, in serious peril. In addition, it is clear that there is an acute and pressing need for affordable housing in South Oxfordshire, one that can only be overcome through a significant boost of housing delivery across the district.
- **Lack of flexibility and choice in supply contributing to persistent levels of under-delivery.** The application proposal will go some way towards supplementing this deficient supply within the next five years. It will also ensure that flexibility and choice exist in the local marketplace – not only with respect to the sites available to developers but also, upon completion, in respect of the wide range of house sizes and types included in the proposed mix that will be available to households.
- **The opportunity to secure a landscape-led development at a sustainable location on the edge of Didcot that accords entirely with the draft vision and objectives of the Garden Town Delivery Plan.** Compellingly the site lies within the Garden Town Masterplan area, on its eastern fringe. It is established as a component part of the strategic area required to yield the new homes to contribute towards both the strategic needs of the County and the delivery of the vast employment initiative that is the Science Vale UK. As 'white' land it also represents one of the few flexible sites in the masterplan area that is capable of delivering new homes without contravening the overall spatial vision for the town. In which case the application proposal responds positively to the growth strategy for the town, seizing an opportunity to deliver an additional exemplar new neighbourhood on its urban/rural edge.

- **The out-of-date nature of the adopted development plan allied with the uncertainty that continues to exist around the emerging South Oxfordshire Local Plan and the necessity to plan positively for the delivery of new homes now.** In light of the demonstrably out-of-date housing strategy presented by the adopted development plan, and whilst uncertainty exists in respect of the emerging SOLP, the application proposal represents a compelling opportunity to secure additional new homes at Didcot that cut through the current planning malaise and secure vital development at South Oxfordshire's key growth point. The proposal responds positively to the heavy reliance on Didcot to meet both South Oxfordshire and the county's growth objectives whilst ensuring that it accords fully with the more general up-to-date policies of the development plan, the vision for Didcot described by the Garden Town Delivery Plan and the central guidance of the NPPF.

7.3 In summary the application proposal would represent a landscape-focused development which places community building and sustainable living at its heart and will deliver up to 71 critically needed new affordable dwellings at Didcot alongside a range of market properties to meet the needs of every household. It would benefit from nearby access to a full range of shops, services and facilities present within Didcot as existing and shortly within the North East Didcot sustainable community.

7.4 On the basis of the above it is clear that the application scheme represents development that is sustainable in every respect whilst positively responding towards the Government's strong push towards the delivery of a significant number of new homes at Didcot and, in accordance with paragraph 11 of the NPPF, should be approved without delay.

Appendix 1



Ministry of Housing,
Communities &
Local Government

Miss S Eastwood
Avison Young
3 Brindleyplace
Birmingham
B1 2JB

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

23 April 2020

Dear Madam,

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

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

Inspector's recommendation and summary of the decision

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

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

Environmental Statement

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

Procedural matters

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

Matters arising since the close of the inquiry

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

Policy and statutory considerations

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

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

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

Emerging plan

13. The emerging local plan (eLP) comprises “*Local Plan 2034*”. On 3 March, the Secretary of State lifted the holding direction he issued on 9 October 2019. This had prevented the Council taking any further action in relation to their submitted Local Plan, including withdrawal of the plan, whilst he considered use of his intervention powers. His letter of 3 March also made legally binding directions that require the Council to progress their plan through examination and adoption by December 2020, pursuant to powers in section 27(2)(b) of the Planning and Compulsory Purchase 2004 Act.

14. The Examiner’s report on the emerging “*Wheatley Neighbourhood Plan*” (eWNP) was issued on 27 February 2020, and concluded that, subject to modifications, the Wheatley Neighbourhood Plan meets all necessary legal requirements. South Oxfordshire District Council has made the decision to progress the plan to referendum. Policy SPOBU – WHE25 of the referendum version of the emerging Neighbourhood Plan states that the comprehensive redevelopment for residential purposes of the Wheatley Campus site will be supported where they conform with certain development principles, including:

- the development of the site is underpinned by a masterplan addressing infrastructure, access, landscaping, and recreation/open space issues;
- the layout, design and height of the new buildings take account of the openness of the Oxford Green Belt and as identified generally in national planning policy (NPPF145g);
- the development of the site should incorporate the provision of affordable housing to the most up-to-date standards of South Oxfordshire District Council;
- the development of the site should incorporate high quality public realm and open space; and
- the development of the site should address opportunities to incorporate safe, convenient and attractive pedestrian and cycling access to and from Wheatley

15. Paragraph 48 of the Framework states that decision makers may give weight to relevant policies in emerging plans according to: (1) the stage of preparation of the emerging plan; (2) the extent to which there are unresolved objections to relevant policies in the emerging plan; and (3) the degree of consistency of relevant policies to the policies in the Framework.

16. In light of the lifting of the Holding Direction on the eLP, the Secretary of State considers that it carries limited weight, given that it is yet to proceed to Examination. In accordance with the revisions to Planning Practice Guidance of 7 April 2020, the Secretary of State

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

Main issues

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

Most important policies

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

Green Belt

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

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

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

Character and Appearance

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

Heritage assets

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

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

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

Accessibility

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

Housing Land Supply – Housing Need

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

Other considerations

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

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

Planning conditions

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

Planning obligations

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

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

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

Planning balance and overall conclusion

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

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

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

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

Formal decision

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

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

Right to challenge the decision

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

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

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

Yours faithfully

Andrew Lynch

Authorised by the Secretary of State to sign in that behalf

Annex A List of representations

General representations

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

Annex B List of conditions

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

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

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

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

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

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

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

Reason: For the avoidance of doubt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11) Either prior to, or concurrent with the submission of each reserved matters application a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) Risk Assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction;
 - d) A mitigation strategy for all protected species ensuring that each species long term conservation status is protected and enhanced;
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - f) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication, and
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure the protection of habitats and species on the site, in accordance with Policy CSB1 of the Core Strategy and Policy C8 of the Local Plan.

- 12) Concurrent with the submission of the first reserved matters application, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan should demonstrate how the development can achieve a no net loss of biodiversity overall compared to the

biodiversity value of the site prior to development. The plan should include both habitat and species enhancements and should use a suitable form of biodiversity accounting to prove that no net loss can be achieved. The BEP should include:

- a) Details of habitat creation or enhancements (this could cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required;
- b) Details of species enhancements including relevant scale plans and drawings showing the location, elevation and type of features such as bat and bird boxes etc. as appropriate;
- c) Selection of appropriate strategies for creating/restoring target habitats or introducing target species;
- d) Selection of specific techniques and practices for establishing vegetation;
- e) Sources of habitat materials (e.g. plant stock) or species individuals;
- f) Method statement for site preparation and establishment of target features;
- g) Extent and location of proposed works, and
- h) Details of the biodiversity offsetting metric calculations that clearly demonstrate that the proposals contained in the plan avoid a net loss of biodiversity.

Thereafter, the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements should be delivered prior to final occupation.

Reason: To avoid a net loss of biodiversity in accordance with Policy CSB1 of the Core Strategy and government guidance as stated in paragraphs 170(d) and 175 of the Framework.

- 13) No development shall take place until the tree protection measures detailed in Appendix B of the Arboricultural Assessment dated January 2018 are erected around any trees affected by construction activity.

Reason: To safeguard trees which are visually important in accordance with Policies CSEN1 and CSQ3 of the Core Strategy 2027 and Policies G2, C9 and D1 of the Local Plan 2011.

- 14) Before any dwelling hereby permitted is first occupied, the proposed vehicular accesses, driveways and turning areas that serve that dwelling shall be constructed, laid out, surfaced and drained in accordance with the specification details that have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works.

Reason: To ensure a satisfactory residential environment in accordance with policy D1 and EP2 of the Local Plan.

- 15) Prior to the occupation of the first dwelling hereby permitted a Travel Plan in general accordance with the Framework Travel Plan dated 5 January 2018 shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: To promote the use of non-car modes of transport in accordance with Policy CSM2 of the Core Strategy.

- 16) Prior to first occupation of any dwelling or building to which they relate electric vehicle charging points shall be installed and be operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory standards of air quality for the residents of the development and surrounding residential properties in accordance with Policies G2 and EP1 of the Local Plan, CSQ2 of the Core Strategy and paragraphs 105 and 181 of the Framework.

- 17) Prior to the occupation of the first dwelling hereby approved details of the means by which the dwellings may be connected to the utilities to be provided on site to facilitate super-fast broadband connectivity have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate homeworking and to reduce the need to travel in accordance with Policies CSM1 and CSM2 of the Core Strategy.

- 18) Prior to first occupation of any dwelling a noise mitigation strategy including full details of the proposed noise bund to be erected along the southern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained thereafter.

Reason: To minimise the noise levels from the adjacent A40 and to ensure a satisfactory residential environment in accordance with policy D1 and EP2 of the Local Plan.

- 19) Prior to the occupation of the first dwelling, details of a scheme for the enhancement and protection of the on-site Scheduled Ancient Monument on the site shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall include details of the following;
- a) strimming / mowing and removal of scrub vegetation and self-set trees from the monument;
 - b) a management plan for the preservation / maintenance of the monument in the future, prepared with the objective of removing the need to secure scheduled monument consent to carry out future maintenance of the monument;
 - c) consultation with Historic England and the Local Planning Authority Archaeology Officer in respect of research into the history and the origins of the monument;
 - d) Design and location of an interpretation and information board in respect of the monument. The board shall include information in respect of the monument. It shall also include details of the statutory protection and security measures that the monument benefits from and the repercussions for any individuals who damage the monument through illegal or unauthorised activities, such as metal detecting, and
 - e) Design and location of a seating area, comprising at least one bench and associated hard standing, adjacent to, but outside, the perimeter of the monument. The perimeter of the monument is defined as the extremities of ditch, plus an additional two metre buffer zone.

The interpretation board and seating area shall be installed and the SAM maintained in accordance with the details set out in the SAM enhancement scheme as approved by the Council and shall be maintained thereafter for the lifetime of the development unless otherwise agreed in writing by the LPA.

Reason: To ensure adequate mitigation of a designated heritage asset in accordance with Policy CSEN3 of the Core Strategy.



Report to the Secretary of State for Housing, Communities and Local Government

by D M Young BSc (Hons) MA MRTPI MIHE

An Inspector appointed by the Secretary of State

Date: 27 December 2019

TOWN AND COUNTRY PLANNING ACT 1990

SOUTH OXFORDSHIRE DISTRICT COUNCIL

APPEAL MADE BY

OXFORD BROOKES UNIVERSITY

Inquiry Held on 22-25, 29-31 October 2019

Oxford Brookes University, Wheatley Campus, College Close, Wheatley, Oxford OX33 1HX

File Ref: APP/Q3115/W/19/3230827

Contents		Page No.
1	Procedural Matters	3
2	The Site and Surroundings	5
3	Planning Policy and Guidance	6
4	The Application Proposal	11
5	Background	11
6	Agreed Facts	12
7	The Case for South Oxfordshire District Council	15
8	The Case for Oxford Brookes University	26
9	The Case for Interested Persons	47
10	Witten Representations	50
11	Conditions	51
12	Planning Obligations	53
13	Inspector’s Conclusions	55
14	Inspector’s Recommendations	76

Appendices

- A** **Appearances**
- B** **Inquiry Documents**
- C** **Core Documents**
- D** **Conditions**
- E** **Respective positions of the parties on housing land supply**

GLOSSARY

5YHLS	5 Year Housing Land Supply
3YHLS	3 Year Housing Land Supply
CD	Core Document
CIL	Community Infrastructure Levy
DAS	Design and Access Statement
DPD	Development Plan Document
dph	dwellings per hectare
eLP	Emerging Local Plan
EIA	Environmental Impact Assessment
eWNP	emerging Wheatley Neighbourhood Plan
ES	Environmental Statement
GI	Green Infrastructure
HE	Historic England
HLSS	Housing Land Supply Statement
HMA	Housing Market Area
ID	Inquiry Document
JSSP	Joint Spatial Structure Plan (Oxfordshire Plan 2050)
LPA	Local Planning Authority
LVIA	Landscape and Visual Impact Assessment
NIC	National Infrastructure Commission
OAN	Objectively Assessed Need
OCC	Oxfordshire County Council
OHGD	Oxfordshire Housing and Growth Deal
PDL	Previously Developed Land
PoE	Proof of Evidence
PPG	Planning Practice Guidance
RfR	Reason for Refusal
S106	Section 106 of the Town and Country Planning Act 1990
SM	Scheduled Monument
SHLAA	Strategic Housing Land Availability Assessment
SHMA	Strategic Housing Market Assessment
SoCG	Statement of Common Ground
SODC	South Oxfordshire District Council
SoS	Secretary of State
SuDS	Sustainable Drainage System
TA	Transport Assessment
WMS	Written Ministerial Statement

Appeal Ref: APP/Q3115/W/19/3230827

Oxford Brookes University, Wheatley Campus, College Close, Wheatley, Oxford OX33 1HX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Oxford Brookes University against the decision of South Oxfordshire District Council.
- The application Ref P17/S4254/O dated 19 January 2018 was refused by notice dated 13 December 2018.
- The development proposed is a Outline planning application, with all matters reserved for subsequent approval except details of vehicular access, for demolition of all existing structures and redevelopment of the site with up to 500 dwellings and associated works including; engineering operations, including site clearance, remediation, remodelling and deposition of inert fill material arising from demolition on site; installation of new and modification of existing services and utilities; construction of foul and surface water drainage systems, including SuDS; creation of noise mitigation bund and fencing; creation of public open space, leisure, sport and recreation facilities including equipped play areas; ecological mitigation works; construction of a building for community/sport use and associated car parking; construction of internal estate roads, private drives and other highways infrastructure and construction of pedestrian footpaths.

Summary of recommendation: the appeal be allowed

1. Procedural Matters

- 1.1 The appeal was recovered by the Secretary of State (SoS) for his own determination by means of a Direction dated 12 July 2019¹. The reasons for the Direction are that the appeal involves proposals for residential development over 150 units or on sites over 5 hectares in the Green Belt, which would significantly impact on the Government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.
- 1.2 The Inquiry sat for 7 days between 22 and 31 October 2019. The venue was located on the appeal site and therefore I undertook numerous site visits during the course of the Inquiry. In addition, I carried out an unaccompanied visit to the site and surrounding area on 21 October 2019. Having heard all the relevant evidence in relation to landscape, Green Belt and accessibility matters I undertook an accompanied site visit on 28 October.
- 1.3 Although the application was submitted in outline with only access to be determined, it was accompanied by an illustrative masterplan and set of parameter plans as well as a raft of supporting technical documentation contained in an Environmental Impact Assessment (EIA)². This material is broadly accepted by technical consultees and demonstrates that a number of matters are capable of being satisfactorily dealt with either by condition or planning obligation.
- 1.4 The application was refused against officer recommendation for 5 reasons. Reason for Refusal (RfR) 1 alleges the development would be inappropriate

¹ See main file

² See Appendix 2 of Planning SOCG for full list of amended plans and documents (CD16.1)

development in the Green Belt and cause harm to its openness with no very special circumstances identified to outweigh this harm. RfR 2 considers that the development would harm the setting of nearby heritage assets with little public benefit to offset the harm. The Council accept that the wording of RfR2 erroneously refers to Policy CON15 instead of Policy CON11 which relates to nationally important archaeological remains. RfR3 focuses on the location of the development and alleges that it would be poorly related to local settlements and facilities leading to an over reliance on car borne trips. RfRs 4 and 5 relate to the absence of a planning obligation to secure affordable housing and infrastructure.

- 1.5 A signed and dated agreement under s106³ of the Town and Country Planning Act 1990 (S106) was submitted after the close of the Inquiry. Amongst other things, this contains obligations to both South Oxfordshire District Council (the Council) and Oxfordshire County Council (OCC) in respect of affordable housing, off-site sports facilities and highway works. A draft version of the agreement was discussed at the Inquiry⁴. All the proposed obligations need to be assessed against the statutory Community Infrastructure Levy (CIL) tests, a matter I return to later. On the basis of the S106 RfRs 4 and 5 fall away.
- 1.6 On 9 October 2019, the SoS issued a Holding Direction⁵ to prevent the Council taking any further action in relation to the emerging South Oxfordshire Local Plan (the eLP), including its withdrawal, whilst he considers use of his intervention powers, under s21A of the Planning and Compulsory Purchase Act 2004 (as amended) (the 2004 Act). This direction remains in force until the SoS withdraws it or gives a direction under section 21 of the 2004 Act in relation to the Plan. Section 21A (2) of the 2004 Act indicates that; “*A document to which a direction under this section relates has no effect while the direction is in force*”. The eLP therefore has no effect whilst the Holding Direction remains in place and, consequently, policies within the plan are of no effect also. I return to the matter of the evidence base later in my report.
- 1.7 During the determination period, the scheme was amended to reflect discussions between the Appellant and Council officers. Amongst other things the amendments included the introduction of a retail shop⁶. After the Council issued its decision, the requirement for a retail shop was omitted from the January 2019 version of the eLP. The appeal scheme was hence amended a second time to remove the shop. The Appellant conducted a further round of public consultation between 9 May and 4 June 2019 to give interested persons the opportunity to comment on this amendment. Having regard to the principles set out in the Wheatcroft judgement⁷, and bearing in mind the original scheme did not include a shop, I do not consider the post-decision amendment materially alters the substance of the proposal. In any event, given the Appellant’s consultation exercise, I am satisfied that local residents as well as the Council have had ample opportunity to comment on the change. In these

³ See main file

⁴ ID26

⁵ <https://www.gov.uk/government/publications/south-oxfordshire-local-plan-holding-direction-letter-to-council>

⁶ This was included to reflect the requirements of Policy STRAT10 of the ‘Publication Version’ of the eLP, dated October 2017.

⁷ *Bernard Wheatcroft Ltd v SSE (JPL 1982) (CD9.1)*

circumstances, I am satisfied that no injustice would be caused if I were to consider the revised plans.

- 1.8 As the proposal is EIA development, the various amendments resulted in the submission of an Environmental Statement (ES) Addendum dated October 2018 and an ES Addendum Review letter dated 6 June 2019⁸. The conclusions of both documents were that the findings of the original ES are unchanged by the amendments. The Council do not disagree. I am therefore satisfied that the ES remains robust and does not require amendment.
- 1.9 A pre-Inquiry Case Management Conference was held on 14 August 2019 to discuss the arrangements for the Inquiry and deadlines for the submission of various documents. A summary of the conference was subsequently sent to the main parties⁹.

2. The Site and Surroundings

- 2.1 The appeal site covers a total area of 21.5 hectares located immediately north of the A40 dual-carriageway, approximately 3.5km east of Oxford. To the south of the site, beyond the A40 London Road, lies Wheatley which is a relatively large, rural village with a good range of facilities and amenities. Waterperry Road adjoins the eastern site boundary and serves as the main point of vehicular access to the site. To the north, there are agricultural fields which separate the site from the rural settlement of Holton. To the west lies an education and leisure complex comprising the John Watson/Wheatley Park schools and the Park Sport Centre and gym. Holton Park, sometimes referred to as Old House, is a Grade II Listed Building¹⁰ situated at the eastern end of the complex adjacent to the site's western boundary.
- 2.2 The site itself is currently in use as a university campus although Oxford Brookes University (OBU) intends to vacate the site by 2021/2022. Prior to the current use, the site was used as a military hospital during the Second World War and before that it once formed part of a medieval field system which subsequently became a deer park around the late 18th Century remaining until the early part of the 20th Century.
- 2.3 As it is today, a range of buildings are located within the eastern and central parts of the site, most of which date from the mid/late 20th Century. The heights of the existing buildings range from single storey to a 12-storey tower block approximately 35m tall. There are 2 residential properties located within the eastern part of the site, and a row of houses located within the centre of the site known as College Close. The campus also includes a range of informal recreational green spaces along with various grass and artificial playing pitches which are predominantly located on the western side of the site. In the north-west quadrant lies a Scheduled Monument¹¹ (SM) which comprises a circular, ditched, landscape feature. The south-west quadrant is a visually distinct, undeveloped green space that accounts for approximately 13.75% of the site¹².

⁸ CD3.2

⁹ Summary of Case Conference (CD18.2)

¹⁰ List Entry No. 1369201

¹¹ Ref: SM1018425

¹² Table 2, Bolger PoE

- 2.4 The site is generally well vegetated particularly along its site boundaries with a number of existing mature trees, hedgerows and shrubs which are the subject of a Tree Preservation Order¹³ (reference 35/2005). The landscaping most of which would be retained along with local topography provides for a degree of visual containment such that the majority of existing buildings are not visible outside the site boundaries.

3. Planning Policy and Guidance

- 3.1 Section 38(6) of the 2004 Act requires planning applications to be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which can override development plan policy if it is not consistent with the Framework's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.
- 3.2 The latest version of the Framework was issued in February 2019. Like earlier versions it emphasises that the purpose of the planning system is to contribute to the achievement of sustainable development, through 3 over-arching objectives – economic, social and environmental. It makes it plain that planning policies and decisions should play an active role in guiding development towards sustainable solutions, but should take local circumstances into account, to reflect the character, needs and opportunities of each area.
- 3.3 To ensure that sustainable development is pursued in a positive way there is a presumption in favour of sustainable development at the heart of the Framework. Paragraph 11 explains that for decision-taking this means, firstly, approving development proposals that accord with an up-to-date development plan without delay. If there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, then planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 3.4 Of particular relevance in this case are those parts of the Framework which deal with Green Belt, heritage assets and housing provision. Section 13 of the Framework is entitled "Protecting the Green Belt", with paragraph 136 making it clear that once established, Green Belt boundaries should only be altered where exceptional circumstances are fully evidenced and justified, through the preparation or updating of plans. Paragraph 143 reaffirms that inappropriate development is, by definition, harmful to the Green Belt, and should not be approved, except in very special circumstances.
- 3.5 Paragraph 144 goes on to explain that when considering any planning application, substantial weight should be given to any harm to the Green Belt, and that very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

¹³ Council ref: 35/2005

- 3.6 With regard to housing, paragraph 59 of the Framework confirms that it is the Government's objective to significantly boost the supply of homes and to ensure that a sufficient amount and variety of land can come forward where it is needed and that the needs of groups with specific housing requirements are addressed. In considering ways to boost supply, paragraph 72 advises that the supply of large numbers of new homes can often be best achieved through planning for larger-scale development, such as new settlements or significant extensions to existing villages and towns, provided they are well-located and designed, and supported by the necessary infrastructure and facilities.
- 3.7 Paragraph 73 requires local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of 5 years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than 5 years old.
- 3.8 Paragraph 190 states that in determining applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. Paragraph 193 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. In those circumstances where less than substantial harm is identified, this should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
- 3.9 Other relevant paragraphs in the Framework are referenced, as appropriate, later in this Report. The Planning Practice Guidance (PPG), initially published in 2014, is also a material consideration in the determination of this appeal.

The Development Plan

- 3.10 The Development Plan comprises saved policies in the "*South Oxfordshire Local Plan 2011*"¹⁴ (the LP) and the "*South Oxfordshire Core Strategy 2012*"¹⁵ (the CS).
- 3.11 The LP was adopted in 2006 and covered the relatively short period up to 2011. The housing requirements for the LP were derived from the now defunct Regional Planning Guidance¹⁶ (RPG) for the South East (as amended) which was adopted in 2001 and the Oxfordshire Structure Plan which was adopted in August 1998. Various policies in the LP were saved by the SoS in 2008. Following the adoption of the CS, the LP was reviewed, and those policies found to be superseded by or inconsistent with the CS were 'struck through'.
- 3.12 The Planning SoCG¹⁷ identifies 36 'relevant' LP policies. Of these, only 7 are referred to in the contested RfRs, these are: GB4 (Visual Amenity of the Green

¹⁴ CD5.1

¹⁵ CD5.2

¹⁶ ID14: RPG Revocation Order 2013 No. 427

¹⁷ CD16.1

Belt), CON5 (Setting Of Listed Buildings), CON11 (Archaeological remains), T1 (Safe, Convenient And Adequate Highway Network For All users), T2 (Unloading, Turning and Parking For All Highway Users) and T7 (Improvements And Extensions To Footpaths And Cycle Network).

- 3.13 Whilst the LP is time expired, that does not mean the aforementioned policies and any other relevant policies are necessarily inconsistent with the Framework. I will return to the issue of consistency later in my report.

The Core Strategy

- 3.14 The CS was adopted in 2012 following the publication of the original version of the Framework. It sets out the vision for South Oxfordshire to 2027. Although the Examining Inspector found the CS to be generally consistent with the provisions of the Framework¹⁸, much of the evidence base underpinning the plan and the Examination hearings themselves pre-dated the March 2012 Framework. The housing requirement of the CS was based upon the constrained supply contained in the RPG which remained in force at the time of adoption and therefore the Examining Inspector (and Council) were obliged to rely on it under the transitional arrangements set out in paragraph 218 of Annex 1 of the 2012 Framework.
- 3.15 The Planning SoCG includes a list of 19 relevant CS policies of which the following 6 are cited in the RfRs: CSEN2 (Green Belt), CSEN3 (Historic Environment), Policy CSM2 (Transport Assessments and Travel Plans), Policy CSM1 – Transport, CS1 (Presumption in favour of sustainable development) and CSS1 (The overall strategy). As paragraph 1.10 of the CS makes clear, the aforementioned policies are of a strategic nature and are intended to be supplemented by more detailed policies in a Development Management Policies DPD. That document was abandoned at an early stage in favour of a new local plan.

The eLP

- 3.16 The eLP¹⁹ was submitted for Examination on 29 March 2019. Despite the advanced stage of preparation at the time of the Council's decision, none of the RfRs refer to policies in the eLP. Even before the SoS's Holding Direction, it was common ground that the eLP carries only limited weight in the determination of this appeal.
- 3.17 Notwithstanding the current status of the eLP, it has been submitted for Examination and the SoS has publicly confirmed his support for it²⁰. Although the Cabinet has recommended that the plan is withdrawn²¹, the Council's planning witness confirmed that it is still committed to the eLP for plan-making purposes. In these circumstances, I consider the evidence base which has been thoroughly and diligently compiled over several years is a material consideration in this appeal.

¹⁸ Paragraph 144-146, of the Examining Inspector's Report (CD5.3)

¹⁹ CD6.1

²⁰ CD15.4, CD15.11 & CD15.15

²¹ Council Cabinet's decision 3 October 2019

- 3.18 In relation to housing growth in the district over the plan period, the evidence base supports an annual housing requirement of 775 homes per year or an overall requirement of 17,825 homes between 2011 and 2034. This represents the midpoint in the annualised housing requirement range identified for South Oxfordshire District in the Strategic Housing Market Assessment (SHMA)²².
- 3.19 The evidence base also supports Policy STRAT 14 (formerly STRAT10) which proposes to remove the appeal site from the Green Belt and allocate it for a development to deliver at least 300 new homes within the plan period.

The Wheatley Neighbourhood Plan

- 3.20 Part of the appeal site falls within the emerging Wheatley Neighbourhood Plan²³ (the eWNP) area designated on 31 March 2016. The second draft of the eWNP was published for consultation in May 2019. On 3 September 2019 it was submitted to the Council under Regulation 15 of the Neighbourhood Planning (General) Regulations 2012. This document was then the subject of statutory consultation ending on 18 October 2019.
- 3.21 The eWNP sets out the community's vision for the future of the area during the plan period (2019 - 2033) and provides a land use framework for development in the area. The vision confirms that a main objective of the plan will be to *"provide a range of different types of new houses across all tenures to meet the needs of all income and age ranges, including key workers, within Wheatley and its catchment area using design guidance..."*. It identifies that the main housing needs are for affordable housing, starter homes and supported housing for the elderly²⁴. It aims to promote the provision of 40% affordable homes, in line with the policy of the eLP.
- 3.22 The eWNP acknowledges the importance of bus services to Wheatley²⁵ and seeks to locate new homes within walking distance of the village centre which is described in the following terms:
- "The retail activities in Wheatley centre are mainly food shops (the Co-op, Costcutter, a well-established baker and butcher) and catering (pub, restaurant, chip shop and take away). Among other High Street services there is the post office, hairdressers, pharmacy, dog grooming, estate agent, a laundrette and a tattooist. Above the High Street on Church Road services include another pub, an architect's business, garage, dentist, the library, the parish church and a further estate agent. A car tyre supplier operates on Holloway Road and a veterinary practice can be found on Roman Road. On the village perimeter, there is a motel complex, an ASDA store and petrol station, a car sales outlet, a coach depot and 2 garden centres. The seven pubs of 1975 have now been reduced to two (and one private club). There are four worshipping congregations: Anglican, Catholic, United Reform and Community Church."*²⁶
- 3.23 Policy SPOBU-WHE25 supports the release of the appeal site from the Green Belt and its allocation as a strategic housing site. It goes on to advise that

²² CD10.6 & CD10.7

²³ Chapter 9 (CD6.2)

²⁴ Paragraph 8.8 (CD6.2)

²⁵ Paragraph 4.22 (CD 6.2)

²⁶ Paragraph 4.16 (CD 6.2)

alterations or replacement of existing buildings should be focused on the previously developed part of the site and should avoid an adverse impact on the SM. In general, development on undeveloped parts of the site will not be considered appropriate with the exception of access routes and functional green spaces.

- 3.24 Some of the requirements of SPOBU-WHE25 relate to the area outside of Wheatley parish and the plan is subject to a number of unresolved objections in that regard. Accordingly, it was common ground at the Inquiry that only limited weight can be given to the eWNP at this time.

The Growth Deal

- 3.25 In 2016 the Government instructed the National Infrastructure Commission (NIC) to undertake a review of the potential for growth in the geographic corridor containing Oxford, Milton Keynes and Cambridge. Sitting at the Western end of the arc, Oxfordshire has a major role to play in delivering on the Government's ambitions for this area, and beyond. The NIC's final report²⁷ was published in late 2017. It found that Oxford with other cities in the arc is successful and fast-growing. However, a sustained shortfall in housing supply has led to high house prices and low levels of affordability which is having a constraining effect on future growth.
- 3.26 The Oxfordshire Housing and Growth Deal (OHGD)²⁸ is a response to those problems and seeks to unlock the growth potential of the area. It requires the Council along with, Oxford City Council, Vale of White Horse, Cherwell and West Oxfordshire District Councils to plan and deliver 100,000 homes by 2031 in exchange for £215m of Government investment. The OHGD requires the constituent authorities to submit and adopt a joint statutory spatial plan (JSSP) covering all 5 district councils in Oxfordshire by 2021.
- 3.27 In addition to the investment, the Government has committed to certain time-limited planning flexibilities for the relevant authorities. In a Written Ministerial Statement (the WMS), published on 12 September 2018²⁹, the SoS implemented a temporary change to the Framework's housing land supply policies as they apply in Oxfordshire. It confirmed that:

"For the purposes of decision-taking under paragraph 11(d), footnote 7 of the National Planning Policy Framework will apply where the authorities in Oxfordshire cannot demonstrate a 3-year supply of deliverable housing sites (with the appropriate buffer, as set out in paragraph 73). This policy flexibility does not apply to the Housing Delivery Test limb of footnote 7 of the National Planning Policy Framework nor plan making policy in paragraph 67. If a local authority intends to fix their land supply under paragraph 74 they will still be required to demonstrate a minimum of 5 year supply of deliverable housing sites, with the appropriate buffer."

- 3.28 The WMS is a material consideration in planning decisions and applies to South Oxfordshire provided the timescales agreed in the OHGD are adhered to. It

²⁷ Partnering for Prosperity: A new deal for the Cambridge-Milton Keynes-Oxford Arc (CD20.5)

²⁸ CD10.4

²⁹ CD10.3

confirms that the SoS will monitor progress with plan-making and keep the planning flexibilities under review. The OHGD is not an assessment of housing need and as such does not identify a housing requirement for each district, nor does it attempt to apportion any housing needs from one authority to another. The overall aspirational housing target in the deal is derived from the SHMA.

4. The Application Proposal

- 4.1 The appeal proposal seeks outline planning permission for the development of up to 500 houses. 2 points of vehicular and pedestrian access are proposed from Waterperry Road in the east and Holton Park Drive in the west. In addition to housing, the development includes generous areas of green infrastructure including; a Local Equipped Area of Play (LEAP), bowling green, cricket pitch, sports pavilion, structural landscaping and an ecological area. The green infrastructure would amount to at least 10.69ha, approximately 50% of the site.
- 4.2 An illustrative layout plan³⁰ which is to be read alongside 3 parameter plans³¹ show how the site might be developed. These plans were supplemented at the appeal stage by a suite of photomontages³². The principle components of the layout are a central spine road which links the 2 access points. Areas of housing are interspersed between the areas of landscaping. The majority of existing trees on the site would be retained.
- 4.3 The central and eastern sections of the site would be dominated by 3 and 4-storey housing. This is where the largest buildings are currently located. Low density 2-storey housing would be confined to the south-west and north-central quadrants. The north-west quadrant which is currently occupied by sports pitches would be kept largely free of development with the SM being incorporated within the proposed green infrastructure.

5. Background

- 5.1 Following OBU's decision to vacate the appeal site by 2021, the Appellant pursued a housing allocation in the eLP. At the same time and following discussions with Council officers a planning application was submitted for the redevelopment of the site. Pre-application discussions took place between September 2016 through to early 2018. The full details of these discussions are set out in paragraph 7 of the Appellant's Closing Submissions³³ and I need not repeat all of that information here.
- 5.2 The planning application was submitted on 19 January 2018 and was given the reference number P17/S4254/O. Due to the scale of the development, an EIA was submitted in support of the application. During the determination period, the scheme was amended to reflect discussions that had taken place between the Appellant, the Council and various statutory consultees. These amendments were reflected in amended parameter and layout plans that were subject to re-consultation. Amongst other things, the amendments provided for:

³⁰ Drawing ref: 7590-L-60

³¹ Drawing refs: 7590-L-19 F, 7590-L-20 F & 7590-L-18 G

³² ID1 & Appendix 6 Holliday PoE

³³ ID28

- an expansion of proposed areas of publicly accessible green open space;
- a reduction in the extent of housing in the western portion of the site;
- an expansion of open space around the SM;
- the introduction of a retail shop;
- various landscaping and biodiversity improvements, and
- an increase in the amount of 4-storey development.

5.3 The application was considered by the Council's Planning Committee at their meeting dated 28 November 2018. In recommending approval, the Committee Report³⁴ concluded:

"very special circumstances exist that demonstrate that the principle of residential development in the Green Belt is acceptable. In addition to being a previously developed site, an increase in openness achieved by the flattening and wider dispersal of buildings, demonstrates the proposal would not have any greater impact on the openness of the Green Belt than existing development. Revisions to the layout and parameter plans have resulted in a scheme that responds appropriately to the site constraints and areas of importance within the site. There are public benefits and on-site mitigation delivered through the proposal, which outweigh the identified 'less than substantial harm' to the heritage significance, as well as on and off-site infrastructure secured through the legal agreement. On this basis, the development accords with the revised National Framework and the Development Plan, and officers recommend approval of the outline planning permission."

5.4 According to the Minutes supplied by the Council³⁵ the Committee expressed concerns about encroachment of the proposed built form to the south-west quadrant, a higher number of dwellings than is provided for in the eWNP, the impact on the setting of Holton Park; and the lack of connectivity with Holton. The Decision Notice³⁶ was issued on the 13 December 2018.

6. Agreed Facts

6.1 The following SoCG's have been agreed between the Council and the Appellant:

- 1) Main Planning SoCG dated 16 August 2019³⁷
- 2) Landscape SoCG including 10 appendices dated 27 September 2019³⁸
- 3) Heritage SoCG dated September 2019³⁹
- 4) Accessibility SoCG dated 30 September 2019⁴⁰

³⁴ Core Document CD4.1

³⁵ Page 3, CD4.2

³⁶ See main file

³⁷ CD16.1

³⁸ CD16.2

³⁹ CD16.3

⁴⁰ CD16.4

5) Affordable Housing SoCG October 2019⁴¹

- 6.2 The main planning SoCG sets out the application description, the submitted plans and a brief description of the proposal, the site and its surroundings. It confirms that the application was subject to amendment relating to the convenience store during the determination period and then again after the Council's decision. It confirms the RfRs and the date of the Council's decision. Section 5 covers the Development Plan and lists 35 Local Plan and 19 Core Strategy policies that are relevant to the appeal. It confirms that the Framework, PPG, The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act), the OHGD, the eLP and the eWNP are all material considerations.
- 6.3 The Landscape SOCG lists all the relevant landscape and Green Belt studies. It goes on to identify 4 agreed matters which are: 1) the Wheatley Campus Map is helpful when discussing the parts of the site; 2) there would be landscape, visual and Green Belt benefits from the removal of the approximately 35m tall tower; 3) there would be landscape and visual benefits from the removal of buildings and structures within the site that have become dilapidated, and 4) the current visibility of buildings within the site is limited and only the tower is visible from the wider landscape.
- 6.4 The Heritage SoCG confirms the duty under the 1990 Act to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses⁴². The matters agreed are listed as:
- 1) The designated heritage assets which are, to a greater or lesser degree, affected by the appeal proposals are the SM on the appeal site; Holton Park 'Old House' at the adjacent Wheatley Park School site, St. Bartholomew's Church, Holton⁴³, and a Scheduled Monument⁴⁴ and listed buildings and structures on the adjacent Wheatley Park School site comprising stretches of listed wall, a bridge, ice house and stable block.
 - 2) There would be an impact on the setting of Holton Park 'Old House' as a result of the appeal proposals. The setting of Holton Park 'Old House' is currently affected by the present situation on the appeal site.
 - 3) The former deer park, of which the appeal site is a part, is neither a designated nor non-designated heritage asset.
- 6.5 The Accessibility SoCG agrees the distances from the centre of the appeal site to various local destinations⁴⁵. It is also agreed that the Wheatley Park School and sports centre complex, which lies at the far western end of Holton village, is within reasonable walking distance of the site. It is further agreed that distance alone is not the only factor that affects the attractiveness of walking and that the quality of footways and crossings, perceived personal security, quality and the good appearance of routes are also relevant.

⁴¹ CD16.5

⁴² The SM is not a listed building and therefore is not covered by the duty under s66 of the 1990 Act

⁴³ List No. 1047596

⁴⁴ SM1018424

⁴⁵ Table 2, page 5

- 6.6 The Affordable Housing SoCG sets out the party's respective position on the housing need and supply in South Oxfordshire. It confirms that the Council is able to demonstrate a 5YHLS against the figure which arises from the standard method which defines a Local Housing Need of 632 dwellings per annum (dpa).
- 6.7 It is also agreed that the OHGD commits the Oxfordshire authorities to plan for and support the delivery of 100,000 new homes between 2011 and 2031, and to progress their respective local plans to achieve this as well as a JSSP to address longer-term development needs to 2050. The 100,000 homes figure is derived from the 2014 Oxfordshire SHMA which breaks down the need for each of the 5 Oxfordshire authorities. South Oxfordshire's need was assessed at 15,500 homes between 2011-31, equivalent to 775dpa. Oxford's unmet need is 15,000 homes. The Oxfordshire authorities have agreed how this should be distributed through a Memorandum of Understanding, which South Oxfordshire did not sign, and the more recent Statement of Common Ground in support of the Oxford Local Plan 2036 and South Oxfordshire Local Plan 2034, which South Oxfordshire has signed up to. This statement agrees that apportionment of unmet housing need, arising from the Oxfordshire Housing Market Area, must be strategically and cooperatively considered through the Oxfordshire Growth Board, and that the latest agreed apportionment figure is 4,950 for South Oxfordshire.
- 6.8 The Council submitted its Local Plan in March 2019 on the basis of the above. Planning Inspectors at three Oxfordshire local plan Examinations have found the calculations of Oxford's unmet need to be sound, and the SoS himself has drawn the Council's attention to this in a recent letter on 26th August 2019⁴⁶.
- 6.9 It is also agreed that the WMS, which sets out that paragraph 11 d) of the Framework will be engaged where authorities cannot demonstrate a 3-year supply of deliverable land (3YHLS), has been developed within the specific context of the OHGD. It is common ground that the WMS recognises that in the *"short-term this will result in fewer permissions granted under paragraph 11 but that it is important to support ambitious plans that will deliver more housing in the longer term"*.
- 6.10 Other agreed matters include:
- Period of Assessment: housing land supply will be assessed for the period 1st April 2019 to 31st March 2024.
 - The 2019 Housing Land Supply Statement⁴⁷ (HLSS), has a base date of 1st April 2019;
 - Buffer: a 5% buffer is appropriate when calculating the 5YHLS; requirement, and
 - There is also agreement on the relevant parts of the Framework and PPG that deal with housing delivery.

⁴⁶ CD15.11

⁴⁷ CD10.1

7. The Case for South Oxfordshire District Council

The case for the Council is summarised as follows.

Overview

- 7.1 This appeal scheme is speculative development of a very substantial scale in the Green Belt where national policy is firmly against such an approach. There is an emerging allocation, but the scheme proposed is substantially bigger in terms of dwelling numbers than that proposed in the eLP which supports development of "at least 300 new homes", rather than the 500 proposed. Moreover, the overall spread of development across the site is in stark conflict with the eLP's emphasis on accommodating dwellings in the east and not the sensitive western half of the site.
- 7.2 The eLP was submitted for Examination by 1st April 2019 in accordance with the OHGD timetable and has been following a similar timetable to Oxford City's emerging plan. It is only since the Holding Direction that progress on the eLP has faltered. Even before the Holding Direction the eLP attracted only limited weight and with the Direction in place it attracts no weight.
- 7.3 The scheme would result in Green Belt, landscape and heritage harm and is not plan-led, and there is nothing about the benefits that take us into the territory of very special circumstances.

Green Belt – Inappropriate development

- 7.4 Only the area on the brownfield land register plan⁴⁸ is previously developed land (PDL). Consequently, the appeal scheme does not benefit from the exemption in paragraph 145g) of the Framework and is inappropriate development in the Green Belt.
- 7.5 Curtilage is not defined in the Framework or legislation. Case law provides some assistance, although the cases are very fact sensitive. Curtilage is generally viewed as being limited in scope and applicable to an individual building, not a group of buildings⁴⁹. There are open spaces in and around campus buildings which are within curtilage. But no authority has been provided for the proposition that the buildings can be aggregated in a way that leads to them having a very large curtilage, as contended by the Appellant.
- 7.6 It is not correct to suggest that the areas of playing fields, which are quite separate in character and function from the developed area of the campus, should be considered curtilage in ordinary language. Having failed the PDL hurdle, the appeal scheme cannot come within paragraph 145g).
- 7.7 Even if one takes a different view on PDL, the appeal scheme would cause substantial harm to the openness of the Green Belt and therefore fails to satisfy the first indent of paragraph 145g).

⁴⁸ Appendix 6, CD16.1

⁴⁹ See *Dyer v Dorset CC*, 1988 WL 622738 (1989) & *Skerritts of Nottingham Ltd v Secretary of State*, (2000) WL 389505 (CD19.1 & CD19.3)

Openness

- 7.8 The Government's commitment to the protection of the Green Belt is unequivocal. The Government attaches "*great importance to Green Belts*"⁵⁰ and it is difficult to think of a higher hurdle in policy terms than very special circumstances.
- 7.9 The rigour with which this site's contribution to the Green Belt is assessed must reflect the importance given to Green Belts. It would not be sufficient to focus on the existing concentration of buildings in the centre of the site. Built development quickly thins out and by far the majority of the site does not contain significant built development⁵¹. Openness is defined by the absence of built development. The site is predominantly open and therefore serves the fundamental aim of Green Belt policy of keeping land permanently open.
- 7.10 This contribution to the Green Belt is recognised in the 2015 Kirkham Green Belt Study⁵² which drew an inset boundary around the built form and hardstanding on the site, plus the southern recreational area, and excluded the north-west and south-west quadrants. These inset areas are those which do not display essential Green Belt characteristics; the point being, that the rest of the campus outside the proposed inset boundary does display those essential characteristics.
- 7.11 The Kirkham Study also aligns with the Council's assessment of the contribution of the site to the Green Belt purposes. In respect of purpose 2 (to prevent neighbouring towns merging into one another), the study notes that while the area between Wheatley and Holton does not contribute to the separation of towns, the area does contribute to the separation of Wheatley and Holton and any substantial development would lead to the perception of settlements merging. In respect of purpose 3 (safeguarding the countryside from encroachment), the open areas with a wooded and parkland character in the west plainly safeguard the countryside from encroachment.
- 7.12 The 2018 LUC Green Belt study⁵³ downgrades the site's contribution to the Green Belt but still finds that harm could be caused by its release. The study's overall judgement of '*low moderate*' harm needs to be treated with significant caution in light, of conflicts with the earlier Kirkham Study and the evidence of the Council's landscape witness.
- 7.13 The harm to openness is multi-faceted. On a parcel by parcel analysis of the site, the proposal would result in approximately 70% of the site being dominated by built development, rather than 33% now⁵⁴. In respect of the visual element of openness, the site is currently experienced from within as largely open but for the concentration of development in the centre and east. Visually the site would be radically changed, from an open university campus to a dense residential estate, with the exception of the north-western quadrant only.

⁵⁰ Paragraph 133 of the Framework

⁵¹ Bolger PoE paragraph 4.2.1-15

⁵² Kirkham Landscape Planning Local Green Belt Study for South Oxfordshire: Final Report 14 September 2015 (CD16.2, Appendix 6)

⁵³ Green Belt Assessment of Strategic Sites in South Oxfordshire Final Report (Appendix 7 to CD16.2)

⁵⁴ Bolger PoE paragraph 8.2.3

- 7.14 The 4-storey development on the south of the site would be visible from the A40 and Waterperry Road outside of the site. The removal of the tower would be a clear benefit in openness terms. However, the actual extent of this benefit to openness needs careful assessment. It is a single tall tower, and from many viewpoints there is considerable screening of the bottom half of it by trees. The visual Assessment in the LVIA is that, where the tower can be seen, there are only glimpsed views and that the removal of the tower would only give rise to a “*minor beneficial*” effect.

Volume

- 7.15 The Appellant’s description of “*flattening and dispersing*” is not accurate. The tower’s demolition is flattening, but elsewhere currently developed areas see a substantial increase in height. As the PPG states⁵⁵, an analysis of existing v proposed volumes are part of the assessment of impact on Green Belt openness even at the outline stage.
- 7.16 The volume of the existing built form on site is agreed to be around 125,500m³. By overlaying the illustrative layout and the building heights parameters plan, the Council has calculated⁵⁶ a building envelope of around 203,500 m³. That equates to a 62% increase on the existing volume – a substantial increase.
- 7.17 Although it is not possible to know the exact volume of development that would come forward in the future, the parameter plans do control the limits of development. A planning permission granted in the terms sought would be for up to 500 dwellings, such that no more dwellings could be built, but dwellings filling the 203,500 m³ would be consistent with that permission.
- 7.18 The alternative approach to volume involves a ‘bottom up’ approach, whereby a SHMA compliant mix of dwellings is used to calculate a volume for 500 dwellings. On this approach, the Council has calculated⁵⁷ a volume of approximately 170,000m³. The Appellant volume figure of 125,563m³ has been calculated using a higher proportion of 1 and 2 bed flats⁵⁸ as requested by the Council during the application stage. However, this is likely to be a significant underestimate for the following reasons:
- a. It makes no allowance for storage, communal storage, lifts, lobbies or pitched roofs to any of the 3 or 4 storey flats, and
 - b. Discussions with local affordable housing providers indicate that the dwellings are unrealistically small in terms of floorspace.
- 7.19 On either of the Council’s approaches to volume, there would be a substantial increase in built volume under the appeal scheme. This further bolsters the conclusions set out above that there would be a significant impact on openness.

⁵⁵ Paragraph ID64-001.

⁵⁶ Kashdan-Brown Rebuttal PoE Appendix JKB1 paragraph 2.

⁵⁷ Kashdan-Brown Rebuttal PoE paragraph 16.

⁵⁸ Gardner PoE paragraph 12.36

- 7.20 The Appellant cites the Wheatley Campus SPD⁵⁹ (the SPD) which provided for up to 194,995m³ of volume. However, the SPD shows a redevelopment scheme which is essentially confined to the area of existing built form.

Character and appearance

- 7.21 There is a distinction in character between the western and eastern halves of the site. The eastern and central areas are dominated by large scale development whereas the west, is largely open and significant elements of the former historic parkland are retained: the open and expansive grassland, the specimen parkland trees, the wooded area in the south-west quadrant, and the view to the mansion house of Holton Park just set back from its north-western boundary. Despite the use of the term 'relict parkland' in the application documents, there is more than just fragments: the parkland character is quite evident and links in particular to the parkland setting of the school to the west.
- 7.22 The parkland character is acknowledged in the Oxfordshire Wildlife and Landscape Study 2004⁶⁰, the western half of the site falls in the Wooded Estate lands landscape type, while the eastern half is in the Rolling Farmland landscape type. These landscape types can cover quite large swathes of land around Oxford, but the drawing of the line down through the middle of the site evidences the different character of the western half. "Large parklands and mansion houses" are characteristic of the Wooded Estate lands landscape type. The appeal site sits in just such a former park with the mansion house overlooking it, and although the whole is not intact, unlike for instance Shotover Park to the east, the character is still evident.
- 7.23 The Appellant's use of the term "*institutional*" is unhelpful and various landscape studies⁶¹ have referenced the site's parkland character. The scheme would harm this character with built development dominating the currently wooded south-west quadrant, enclose the southern boundary of the north-western quadrant and advance west some way into the north-west quadrant itself at the north of the site. In doing so not only would areas with parkland character be lost to dense residential development, but the remaining north-western quadrant would be significantly more influenced by the built development on its boundaries.
- 7.24 The scheme would conflict with the aforementioned landscape studies which advise that development should be focussed on the previously developed parts of the site. These studies form the evidence base that fed into the principle in eLP Policy STRAT14 that "*development on the western, undeveloped part of the site will not be considered appropriate*".
- 7.25 In visual terms, there would be harm to the visual amenity of the users of the campus (which include the public). On the western side the university buildings do not become prominent until pedestrians and cyclists are well into the site, especially in summer. The change to close views of the edge of residential development would be adverse. The proposed 4-storey development in the

⁵⁹ Oxford Brookes University Wheatley Masterplan SPD December 2012 (ID21).

⁶⁰ Appendix 3, CD16.2

⁶¹ SODC Landscape Sensitivity Assessment – Potential Strategic Allocations 2018 by KLP & South Oxfordshire District Council - Landscape Assessment Update 2018 by HDA 2018 (Appendices 9 & 10 CD16.2)

south-east quadrant is likely to be visible from the A40, including at night, and would harm the current impression of a rural landscape to the north. Users of Waterperry Road are also likely to have views of the development, impacting on the existing rural character of the road.

- 7.26 There would be some benefits to users of the Public Rights of Way network and residents in Holton, for whom the proposed development is unlikely to be visible, and who would benefit from the demolition of the tower. Care needs to be taken, however, that the undoubted benefits from the removal of the tower in landscape and visual terms, are not exaggerated.

Heritage

- 7.27 The western half of the site is sensitive in heritage terms with an on-site SM and a strong visual connection to Holton Park beyond which is a further SM and a collection of listed structures. There is no inter-visibility with this off-site SM and listed structures, but setting is not dependent on inter-visibility.
- 7.28 As the Council's witness explained these heritage assets are part of the same story of the Manor House's shifting locations through the centuries across the site and its surroundings. Holton Park has been orientated and positioned to take advantage of views to the south-east, and despite the intervening fence and vegetation there remain long views from Holton Park over its historic parkland.
- 7.29 The current open settings of the on-site SM and off-site Holton Park allow their inter-relationship to be understood. Despite the inability to be certain as to the nature of the monument, Historic England (HE) note that the on-site SM's setting has "*good open views in all directions*" and that "*in all of the possible interpretations of this feature, there is a connection with the earthwork and the relatively open and rural space surrounding it*".⁶²
- 7.30 The John Moore report⁶³ highlights an area (in green) which is "*the area that should be withheld from development to ensure the least impact to these heritage assets*". This "*designed landscape setting implication*" is essentially all of the north and south west quadrants of the site. The figure on page 266 of the same report includes a smaller shaded orange area described as "*Scheduled monument and listed building setting implication*". That shows an area where each heritage asset has a relationship with the other. There are no grounds to suggest that the "*designed landscape setting implication*" in the John Moore report was influenced by the outcome of the decision on the planning application.
- 7.31 The appeal scheme fails to respect the open context which allows the relevant heritage assets to be understood. The scheme mostly fills the south-west quadrant of the appeal site with residential development, and comes within 50m of the SM. Although the majority of the north-west quadrant is left open there is nonetheless encroachment of development into this area. This would leave the assets heavily influenced by suburban residential development.

⁶² CD20.1

⁶³ Paragraph 4.7.3 of the John Moore Heritage Services: Heritage Impact Assessment of South Oxfordshire Local Plan 2034 Potential Strategic Sites, March 2019 (CD13.3)

- 7.32 The existing university buildings occupy only 70 degrees of the field of view from the on-site SM. They leave it predominantly open. The proposed development would see this extend to more than 180 degrees, due to the spreading of development to the north and to the south west of the site. This impact would be exacerbated by the new access road which would comprise a double streetway, with kerbing and streetlighting. The illustrative layouts suggest a corridor could be kept open to the south of the on-site SM, but this would be a channelled view through residential development. By reducing openness in this way, the effect of the proposed development would be to significantly diminish the context of the SM and Holton Park that enables them to be understood and tell the Holton Park manorial story.
- 7.33 In terms of Holton Park, only 40 of the 130-degree view cone from the rear windows of the building comprise built development. This would increase to 93 degrees. Presently, the closest 2 storey buildings on the appeal site are 265m away, but the proposed development would be as close as 180m, with the access road being closer still.⁶⁴
- 7.34 Based on changes to the setting of the SM, the Council considers the proposal would result in less than substantial harm of a moderate extent. There would be noticeable changes to the setting of Holton Park, which supports a conclusion of less than substantial harm of minor extent. The same extent of adverse impact would be seen in respect of the off-site SM and associated listed structures. It is striking that HE, the Council's Conservation Officer and the authors of the John Moore report come to similar conclusions.
- 7.35 The removal of the tower would have a minor positive effect upon the significance of the heritage assets. In respect of the SM and Holton Park, the tower is several hundred metres away and well screened by parkland trees. The view of the tower from the churchyard is a seasonal, filtered, distant and incidental one. Although there may be some limited heritage benefit in redesign and tree planting in the north-west quadrant, it falls well short of counterbalancing the harm that would be caused by the encroachment of built form into the settings of the heritage assets and the reduction of the north-west open area itself by 0.8ha.
- 7.36 Paragraph 196 of the Framework requires harm to be identified. It is only then that benefits can come into play in determining whether any harm is outweighed. This approach is supported by paragraph 193 and the requirement to give "great weight" to an asset's conservation. This must require a separate consideration of harms from benefits.

Accessibility

- 7.37 There is a good range of facilities and services in Wheatley but to comply with the Development Plan and national policy and guidance those facilities and services need to be accessible by sustainable modes of transport.
- 7.38 The distances to the facilities and services in Wheatley are significant. With the exception of the Wheatley Park Secondary School and the Park Sports Centre (both of which are on the Holton side of the A40) and the doctor's surgery at

⁶⁴ ID12

Morland House, all of the facilities are over 1km away, with the primary school 1,407m and the Asda 1,739m⁶⁵.

- 7.39 The IHT's Guidelines for Providing for Journeys on Foot 2000⁶⁶, gives a 'desirable' walking distance of 400m, an 'acceptable' walking distance of 800m, and a 'preferred maximum' distance of 1,200m. All the facilities exceed the acceptable distance, and many exceed the preferred maximum. Paragraph 4.4.1 of Manual for Streets⁶⁷ states:

"Walkable neighbourhoods are typically characterised by having a range of facilities within 10 minutes' (up to about 800 m) walking distance of residential areas which residents may access comfortably on foot. However, this is not an upper limit and PPS13 states that walking offers the greatest potential to replace short car trips, particularly those under 2 km. MfS encourages a reduction in the need to travel by car through the creation of mixed-use neighbourhoods with interconnected street patterns, where daily needs are within walking distance of most residents."

- 7.40 Two other factors emphasise the need for sustainability improvements to be very effective if the appeal scheme is to be sustainable. First, the A40 adds to the perception of separation. Walking through an underpass or on an overbridge to get across 4 lanes of trunk road is unattractive and a deterrent. Secondly, the scale of the appeal scheme is strategic. When so many people are affected, it is particularly important that the scheme is a sustainable one.
- 7.41 The eLP recognises this. STRAT14 notes that provision is likely to be needed for "cycling and walking links into the centres of Holton and Wheatley and to the primary school". The cycle and pedestrian provision across the bridge is unsatisfactory. The scope for further cycle lanes to, from and around Wheatley could also be explored; the narrowness of some historic streets may mean there are limits to what can be achieved, but the Council is not satisfied that all avenues have been explored.
- 7.42 The Appellant has proposed accessibility and connectivity improvements from the site to Wheatley, which have been sufficient to satisfy the Highway Authority. The Council have had regard to that view but have reached a different judgement that in light of all the above factors.
- 7.43 In the direction of Holton, the shortcomings of the scheme are particularly stark. There are no existing adequate footpath or safe cycle links with Holton. The scheme does nothing to improve this, providing no connectivity improvements with Holton. Being divorced from Holton in this way despite lying in its parish is unsatisfactory in social and sustainability terms.

Housing requirement

- 7.44 This issue is of importance both to this appeal and more widely. The starting point must be national policy in the Framework. Paragraph 73 and footnote 37 are the principal provisions. In the present case, where strategic policies are more than 5 years old, paragraph 73 and footnote 37 are clear that housing

⁶⁵ Accessibility SOCG table 5.1 (CD16.4)

⁶⁶ CD14.17

⁶⁷ CD14.3

supply is to be calculated against local housing need. For these purposes, local housing need is expressly defined as “*the standard method set out in national planning guidance*”. There is a critical difference with plan-making. In the plan-making context, paragraph 60 entertains the possibility that exceptional circumstances might justify an alternative approach to the standard method. In the decision-making context, paragraph 73 entertains no such possibility. Annex 2 puts the matter beyond doubt: in the “*context of preparing strategic policies only*” can an alternative to the standard method be adopted.

- 7.45 The October 2018 Technical Consultation explains that these amendments to footnote 37 and Annex 2 were introduced to remove any ambiguity on this issue⁶⁸. The PPG is to the same effect: ID68-005 and other paragraphs provide that the standard method is to be used in these circumstances. The Appellant’s reliance on ID21-010 regarding alternative, higher housing requirements than that derived from the standard method fails to have regard to the fact that that paragraph is clearly talking about plan-making.
- 7.46 The Appellant has sought to argue that the Framework permits a different approach, by reference to: (i) the WMS, (ii) the OHGD, and (iii) the Government’s response to the ‘Partnering for Prosperity’ NIC report⁶⁹. For the following reasons, it is considered the Appellant’s approach is wrong in relation to all 3 documents.
- 7.47 Paragraph 6 of the Framework provides that Written Ministerial Statements may, as statements of government policy, be material. The WMS does not however, change the housing requirement for the Oxfordshire authorities. Its actual effect is to implement one specific change to national policy. This is found in the fourth paragraph of the WMS: “*For the purposes of decision taking under paragraph 11(d), footnote 7 of the Framework will apply where authorities in Oxfordshire cannot demonstrate a 3-year supply of deliverable housing sites (with appropriate buffer, as set out in paragraph 73)*”. That amends footnote 7 as it applies in Oxfordshire. Nowhere does the WMS amend paragraph 73 or Annex 2 so as to provide that the Oxfordshire authorities should calculate housing supply by reference to a requirement other than that derived from the standard method.
- 7.48 The actual words of the WMS must be respected. It is not possible to read in to the WMS, as the Appellant would like to do, an obligation on the Oxfordshire authorities to calculate supply for decision-taking purposes by reference to a housing requirement derived from the SHMA, including a sizeable chunk of Oxford City’s unmet need. Nor does the OHGD amend national policy so as to mean that South Oxfordshire is obliged to use a non-standard method housing requirement. The OHGD is all about planned growth⁷⁰. The 100,000 homes should not therefore be delivered through speculative applications and appeals outside the plan-led system, such as the present one.
- 7.49 The Government response to the NIC report became a key plank of the Appellant’s case, despite it only featuring in a single footnote in Mr Ireland’s PoE. Paragraph 6 of the Framework also provides that “*endorsed*

⁶⁸ Appendix 7 paragraphs 30-34 (PoE/NI)

⁶⁹ CD 20.6

⁷⁰ Paragraph 1.2.3 of the OHGD Delivery Agreement (CD15.7)

recommendations of National Infrastructure Commission” are statements of government policy which may be material. However, recommendation 6 which states, that agreements between central and local government must not lead to a drop-in supply⁷¹, is not an endorsed recommendation. Rather the response explains that it has negotiated a bespoke agreement with the Oxfordshire authorities. That obviously implies that one must look at the precise terms of the bespoke agreement itself to understand its implications.

7.50 The Appellant also relies on the reference to “*ensuring land supply will increase despite flexibilities agreed to the application of the 5-year land supply requirement*” and the “*authorities planning for significantly greater levels of housing growth than their Local Housing Need assessment*”⁷². However, the Government’s response is plainly referring to the WMS’s expectation that although fewer permissions may be issued in the short term, land supply would increase in the longer term through the significant growth being planned for. Using the standard method together with a 3YHLS is entirely consistent with that. It is also consistent with the purpose for which the WMS 3-year flexibility was negotiated: temporary breathing space to allow resources to be focused on ambitious plan-making, without resources being constantly diverted to dealing with speculative applications and appeals based on an alleged lack of land supply. This is set out in the Growth Board report and consultation documents which preceded the adoption of the flexibility.

7.51 The WMS provides that the SoS will monitor progress against the Growth Deal timescales and keep the 3-year flexibility under review. No alterations have been made to the flexibility, no doubt because all the plans were submitted by the 1st April deadline and the JSSP is progressing.

Housing land supply

7.52 As set out above, the Council is required to demonstrate a 3YHLS against a housing requirement derived from the Standard Method. This it can do very comfortably with a supply of 9.71 years⁷³. Even on the Appellant’s supply figures, the Council can demonstrate a 3YHLS of 5.4 years.

7.53 The figure only drops below 3 years in Table 3⁷⁴ if: (i) the housing requirement is made to match the housing numbers in the OHGD, i.e. 775pa and 495pa from 2021; and (ii) the Appellant’s supply figures are used.

7.54 For the reasons set out above, the OHGD housing numbers cannot possibly be the appropriate housing requirement for decision making in advance of plan adoption. Accordingly, whether the Council’s or Appellant’s deliverable supply figures are used, the Council has requisite supply and paragraph 11(d) of the Framework is not engaged. As observed in the Lower Shiplake decision⁷⁵, there is no point in examining the supply figures.

7.55 Nevertheless, as the Appellant has advanced its argument based on a higher requirement figure, it is necessary for the Council to address the supply issues.

⁷¹ Final paragraph page 16 (CD20.6)

⁷² Page 17 (CD20.6)

⁷³ Table 2, Housing SOCG (CD16.5) reproduced in Appendix E

⁷⁴ Appendix E to this report

⁷⁵ PINS Ref: APP/Q3115/W/19/3220425 Paragraph 48 (ID4)

The starting point is to have close regard to the definition of deliverable in Annex 2 of the Framework. As the SoS made clear in the recent North Worcestershire Golf Club decision⁷⁶ “*realistic prospect’ remains the central test against which the deliverability of all sites must be measured*”.

- 7.56 On several of the disputed sites specific SoCGs have been signed by the Council and the developer. These are important because they are evidence direct from the developer, i.e. the person who is in the best position to assess deliverability. The Appellant warns against developer’s ‘talking up’ delivery to curry favour with the Council. However, as the Appellant’s witness accepted, there is no real basis to approach the developer’s statements on that disbelieving basis. The information listed in the SoCGs is carefully aligned to the categories of evidence suggested in the PPG⁷⁷.
- 7.57 The Appellant’s approach to supply is essentially to identify where more information particularly around the status of reserved matters applications could be provided. But discussing the progress of every reserved matters application would be disproportionate and excessive. Unless there has been some significant delay in the determination of a reserved matters application, the submission of a reserved matters can of itself contribute to ‘clear evidence’.
- 7.58 The Appellant has raised concerns about the dates of some of the SoCGs. However, there is no requirement for evidence to pre-date the base date. Neither the Framework nor PPG support that and the Inspector in the North Worcestershire Golf Club appeal expressly recognised that evidence could legitimately post-date the base date⁷⁸.
- 7.59 A proper understanding of the nature of the exercise means that evidence is likely to post-date the base date. The base date is a fixed point in time for monitoring and data collection. All completions must be collected up to that date. All outline and detailed permissions issued up to that date, along with all allocations (e.g. in a Neighbourhood Plan) and resolutions to grant need to be taken into account. Given that completions / permissions / allocations / resolutions will still be happening up to the end of 31st March, collection of evidence as to the deliverability of those permissions / allocations / resolutions will necessarily be a retrospective exercise after 31st March. Even if a permission has been issued well before 31st March, deliverability needs to be assessed around the base date. The Appellant suggested the Council should collect all the evidence in January / February. But in addition to missing permissions / allocations / resolutions from after that date, the Council would miss any change of circumstances up to the base date.
- 7.60 The Council’s evidence of lead in times and build out rates, contained in Appendices B and C of the HLSS is also important in contributing to the clear evidence required. Its robustness derives from the fact that it is both recent and derived from the local area. The Appellant was critical that one of the averages was derived from 4 sites, which was asserted not to be sufficient. But there is no reason why an average from 4 recent and local sites should not give a reasonable idea of future rates.

⁷⁶ PINS Ref: APP/P4605/W/18/3192918 (Duffy Rebuttal PoE Appendix N)

⁷⁷ ID68-007

⁷⁸ Paragraph 14.48

- 7.61 On windfalls and non-implementation rate, the Appellant appears to have misunderstood the Council's approach. The Council includes 666 small site permissions for years 1 – 3 because they have got permission, not because they are windfalls. For years 4 – 5, the Council does include a windfall allowance of 100pa, because past windfall rates provide the compelling evidence that paragraph 70 of the Framework requires. The Appellant's attempt to apply a windfall rate across all of years 1 – 5 fails to appreciate that for years 1–3 the existence of actual permissions means that there is no need to apply a windfall rate.
- 7.62 Finally, on supply, the Appellant was critical of the inclusion of allocations and resolutions to grant in the supply. But the Framework expressly lists allocations as a category for which clear evidence may be sufficient to show deliverability. If allocations can be deliverable, it must follow that resolutions to grant can be deliverable, given that a resolution shows a site more advanced than if it only has an allocation. The Councils housing supply figures are set out in Appendix E to this report.

Affordable housing

- 7.63 The affordable housing proposed is a significant benefit of the scheme. Affordability is an issue in the district and there is need for affordable housing.
- 7.64 That said, the extent of the benefit should not be overstated. The Government does not impose any separate policy requirement in respect of affordable housing supply or delivery. The Council is meeting the two key policies in respect of housing supply and delivery, of which affordable housing supply and delivery will form part: 5YHLS and the Housing Delivery Test.
- 7.65 The Appellant criticises the Council for not having met the affordable housing need in full. The SHMA identifies a full need of 331pa and the Council's average over the last 7 years or so is 201pa. But the trend is upwards, and last year the 331pa was exceeded. Further, the difficulties of delivering affordable housing to meet the need in full are well recognised in the SHMA⁷⁹.
- 7.66 The Standard Method is the Government's default methodology for arriving at a housing requirement and while it incorporates an uplift for affordability, it does not attempt to impose a requirement which incorporates full affordable housing need.

Very special circumstances and the planning balance

- 7.67 The scheme is inappropriate development in the Green Belt. Very special circumstances are required for permission to be granted. On the harm side, there is the definitional harm by reason of inappropriateness, along with the other Green Belt harm, i.e. to openness and conflict with Green Belt purposes. Substantial weight must be given to all that harm.
- 7.68 There is also non-Green Belt harm. This includes the overall landscape and visual harm, the harm by reason of poorly connected and inaccessible development, and heritage harm. In accordance with paragraph 193 of the Framework great weight must be given to the heritage harm.

⁷⁹ Paragraph 6.82 (CD10.6)

- 7.69 On the benefits side of the balance, significant weight is to be given to the affordable housing. The market housing does not attract significant weight, given the Council has a comfortable 5YHLS. The removal of the tower is a benefit. This is so in landscape, visual and Green Belt openness terms, but the Council's evidence concludes that it does not outweigh the harm caused in respect of those matters. It is less of a heritage benefit: any heritage harm that is being caused by the tower is minor and any benefit by its removal is correspondingly minor. Other heritage benefits, for example some parkland tree planting in the north-west quadrant, are also minor. There would be some sustainability benefits to residents of Wheatley as a result of the package of accessibility improvements, benefits as a result of reinvestment of funds in other OBU campuses, and some short-term construction benefits, but none of these are in the 'significant' category.
- 7.70 The 2 Green Belt Ministerial Statements⁸⁰ are highly relevant in the very special circumstances balance. The Government has made clear that unmet need is *"unlikely to outweigh harm to the Green Belt and other harm to constitute the very special circumstances justifying inappropriate development in the Green Belt"*. The effect of the ministerial statements is that, when an Appellant relies on meeting housing need as the principal benefit of a scheme, as the Appellant is clearly doing in the present case, they are unlikely to be able to establish very special circumstances.
- 7.71 Paragraph 11(d) of the Framework requires it to be asked whether the policies which *"are most important for determining the application are out of date"*. The most important policies are those in the RfRs. The Core Strategy policies relied on are clearly not out of date, having been adopted after the Framework and having been tested for consistency with it. The tilted balance is therefore not engaged. Even if it was, the application of Green Belt and / or heritage policies would provide a clear reason for refusing the appeal scheme in the present case.
- 7.72 There is conflict with the adopted development plan as a whole. There is conflict with the eLP, insofar as any weight can be given to it. There is conflict with national policy and therefore the appeal should be dismissed.

8. The Case for Oxford Brookes University

The case for the Appellant is summarised as follows.

Overview

- 8.1 The appeal scheme is a proposal for housing on a site proposed as a major draft housing allocation in the eLP. The site has been identified as suitable for housing, being previously developed land in the Green Belt, visually well contained, located on the edge of a large village with plenty of local services, in close proximity to Oxford, accessible by a dedicated cycle route and with good existing bus services. The proposal would also see the removal of a collection of large and unsightly institutional scale buildings including an incongruous 35m tower block.

⁸⁰ CD11.1 & 11.2

- 8.2 The proposal was recommended for approval by the professional planning officers of the Council. The site is wholly owned and promoted for development by OBU. The receipts from the land sale would be used to improve and expand the University's main Headington campus in Oxford, which would deliver a much better experience for the students who go to study there. The relocation from the appeal site has already commenced and is due to be completed by 2020/2021. After this, the site would become a large vacant and abandoned site, containing a huge mass of vacant and abandoned buildings.
- 8.3 The appeal is to be determined by the SoS who is known to support the eLP, which includes this allocation to progress and be adopted as soon as possible. The actions of the new political administration in South Oxfordshire has led directly to the SoS's intervention in the plan-making process and his expressly stated view that the plan as proposed should progress as soon as possible.
- 8.4 When OBU first notified the Council of its intention to vacate the appeal site, Officers immediately recognised its potential. The Appellant was encouraged to both pursue an allocation in the eLP and to prepare and submit a planning application for its redevelopment. Extensive pre-application discussions took place between 2016 and early 2019, which followed precisely the approach advocated in paragraphs 39-42 of the Framework. After the planning application was submitted, it was subject to detailed discussion with officers and various amendments were made including a reduction of development in the western part of the site and a reduction in volume, which the Appellant achieved not through a reduction in numbers but through a move from houses to apartments as the main form of housing. Apartments which would, of course, be much more affordable than houses. The Appellant has been on a long journey with this proposal. Always seeking to achieve a planning permission without recourse to an appeal. It has fully engaged in public consultation. Indeed, as the Council accepted at the Inquiry, there is not much more the Appellant, nor its consultants could have done in terms of seeking to positively engage and promote the proposal.
- 8.5 The Council's decision to refuse planning permission is based largely on the view that only the central and eastern parts of the site should be developed. However, that is inconsistent with the decision to remove the whole site from the Green Belt in the eLP and policy in the Framework that planning authorities should "*make as much use as possible of suitable brownfield land and underutilised land.*"
- 8.6 Once the development of the site begins, the remaining parts of the campus would self-evidently be underutilised, as indeed is the case at the moment. The north-west quadrant is not proposed for development, save originally on the south western edge of it, because of the proximity of designated heritage assets. These issues do not however apply to the south-western quadrant of the site which is currently unused and contains no heritage assets. Development in this area makes sense in order to ensure the new community is well connected, not isolated from the rest of Wheatley and that pedestrians are well overlooked in that area.
- 8.7 It is critically important to note that the concept plan in eLP Policy STRAT14 which seeks now to limit the allocation to the central and eastern parts of the site, was only issued to the Appellant and wider public on 7 January 2019, well

after the Council had issued its decision. Given its timing, it is difficult to accept that the concept plan was not influenced by the decision of Members to refuse the application citing concerns about development on the western part of the site. With a difficult decision to defend, the Council had an opportunity to put in a defensive plan to suggest the western part of the site should not be allocated. At the very least, it is possible to say that the Members had an opportunity to produce a concept plan after the refusal which would assist in defending their RfRs.

Policy context

- 8.8 The Council has cited conflict with various saved policies with the LP adopted in 2006. This was a complete local plan, as was normal before the 2004 Act. It was adopted 6 years before the Framework was published and only covered the period to 2011, meaning it was adopted in only the last 5 years of the plan period.
- 8.9 The whole planning regime in 2006 was very different to the post Framework era. The housing requirement, the key component of the plan, was based on RPG and structure plan targets from household projections which are now about two decades out of date. There was no requirement to boost significantly the supply of housing, no requirement for identifying an Objectively Assessed Need (OAN) and no presumption in favour of sustainable development. Heritage and Green Belt policy was also different.
- 8.10 When the Council failed to adopt an LDF by 2007, the policies in the LP had to be saved by the SoS. This plan does not meet the requirement for the Council to have an up-to-date local plan. The LP is a plan which is now painfully out of date both in terms of its purpose, its strategy, its content, and its policies and is not a strong foundation upon which to refuse planning permission.
- 8.11 The CS is more recent, having been adopted in 2012. Although the Examining Inspector expressly stated that he had consideration to the Framework, the Examination hearings took place mostly in 2011, with just a few days in May and June 2012⁸¹. The CS is constrained by the need to use the housing requirement in the RPG which remained in place until 25 March 2013. Paragraph 218 of Annex 1 of the 2012 Framework allowed Councils and Inspectors to give full weight to relevant policies adopted since 2004, even if there was a limited degree of conflict with the Framework. Moreover, the Examining Inspector had to rely on RPG housing requirements because he had not been presented with an OAN figure at that stage. The guidance on how to calculate OAN was not published by the Government until March 2014. The consequence of all this, is that the Council do not have an OAN figure and therefore their housing requirement is not, and never has been, compliant with the Framework.
- 8.12 The policies contained in the CS were drafted, evolved and largely examined under the previous national guidance save for some modifications in 2012. Some of the policies relied upon by the Council such as Policies CSEN2 and CSEN3, are worded to be high-level strategic policies rather than development management policies. The Council should not really be relying upon them for development management purposes. This problem with the CS stems from the

⁸¹ CD5.3

fact that it is only half a plan. Core Strategies were intended to be the strategic element of the LDF. The CS was never meant to be the full plan and was supposed to be accompanied by a development management policy document and allocations DPD. Those documents were never produced, the result being a plan which fails in its purpose and content to be up to date and most especially contains policies which offer little guidance for determining applications such as this one.

- 8.13 In a recent s78 appeal decision⁸², the Inspector found that the CS' plan strategy and a series of landscape and countryside protection policies were out of date. The eLP is designed to overcome all of the problems with the existing plans. It is intended to be Framework compliant. A brief review of its proposed policies reveals a suite of policies which seek to address the OAN for housing in South Oxfordshire, meet unmet need from Oxford, allocate the sites needed to meet these housing needs and offer development management policies which are consistent and aligned with the Framework
- 8.14 The problem is the Council is now looking to withdraw the eLP as is made clear from the resolution made by the Council's Cabinet in September. So, having finally prepared a Framework compliant, up-to-date development plan, and having submitted it to the SoS, the Council are now looking to abandon it. The Council's position is untenable. Their claim that their existing plan is not out of date is completely lacking in credibility, as evidenced by their own eLP. The eLP should have been Examined by now. Instead there is no up-to-date plan at all. That is important when considering whether this proposal should be allowed because the appeal site is a key housing allocation in the eLP.
- 8.15 The Council has referred to this as "*speculative development*". It is the antithesis of speculative development. It is a proposal on an allocation in a draft plan.
- 8.16 The Appellant has carefully considered the issue of datedness⁸³ following the Wavendon⁸⁴ approach. The Appellant's conclusions on the matter are closely aligned with those of the professional officers⁸⁵ as expressed through the Committee Report. The recommendation to approve the appeal scheme was not taken on the basis of compliance with the eLP but rather the existing development plan.
- 8.17 This is not a conclusion that was taken lightly by the professional planning officers of the Council. They know how their policies are designed to operate and the significance of compliance with the Framework and its requirements. It is not credible to suggest that Members of the Planning Committee, have the same level of understanding of planning policy as professional officers. The Council's Members who took the decision in this case were not present to give evidence at the Inquiry.

⁸² Lower Shiplake decision Ref: APP/Q3115/W/19/3220425 (ID4)

⁸³ Section 5, Gardner PoE

⁸⁴ Wavendon Properties Ltd and SoS for Housing Communities and Local Government and Milton Keynes Council [2019] EWHC 1534 Admin (CD9.15)

⁸⁵ Paragraph 7.1vii (CD4.1)

The eLP

- 8.18 The eLP proposes that the whole campus should be removed from the Green Belt and allocated for a minimum of 300 houses. The policy wording suggests the development should be focussed on the previously and eastern part of the site and that is what the appeal scheme seeks to do with the overwhelming majority of the development and the units focussed in this way.
- 8.19 The sensitive north-west quadrant would not be developed for houses, whilst the housing proposed in the south west quadrant is very much lower density, with numerous green areas proposed, as is clear from the land use parameters plan. The plan also shows that nearly half the site is proposed for green infrastructure, the overwhelming majority of which would be on the western part of the site.
- 8.20 The SoS, who is known to have reservations about the Council's intention to withdraw the eLP, will make the decision in this case. Withdrawing the plan has profound implications not just for the Council, but also for the Growth Deal which has been signed by all the local authorities in Oxfordshire. It also has profound implications for the future progress of housing in this country, as this is by far the highest profile Growth Deal, forming the first part of the Arc of Growth proposed between Oxford and Cambridge, a matter which the SoS himself has invested a huge amount of his time and effort before he was elevated to the position of SoS in July of this year.
- 8.21 On 29 March 2019, the eLP was submitted to the SoS for Examination. Following local Council elections in May, the new political administration sought to abandon the eLP, in doing so, to turn its back on the pressing need for more housing in the district and the county and significant investment which was to be made in infrastructure.
- 8.22 There was at this inquiry, a rare opportunity to cross-examine both the previous head of the planning committee who promoted the eLP and one of the new Councillors. The contrast in their approach could not be more evident. The former member spoke passionately about the plan and the Growth Deal, the need for the investment in South Oxfordshire and the county as a whole.
- 8.23 The new elected Councillor was, by contrast, concerned primarily with seeking to question the housing growth under the guise of a concern for climate change. The climate change agenda is not a sound basis for refusing to provide people with homes and the homes they can afford. In fact, it does the exact opposite. It causes such people to have to live further and further away from where they work, adding to travel distances, congestion and air pollution.
- 8.24 This is a Council where many of the new local councillors were elected on a NIMBY stop-the-plan ticket, with no sense of any wider responsibility for addressing the housing crisis in South Oxfordshire. During July and August 2019, the Council indicated their intention to review previous commitments to the eLP and OHGD. On 20 September 2019, the Ministry of Housing, Communities and Local Government's Director General for Decentralisation and Growth wrote to the Council making clear that any withdrawal "*would not be without consequences*" including putting at risk further Government investment which was dependent on providing "*certainly that the full number of houses will*

be delivered”⁸⁶. On 9 October 2019, the Holding Direction was issued by the SoS seeking to prevent the plan from being abandoned by the Council. The Holding Direction advised the Council not to take any steps in connection with the adoption of the Plan, while he considered the matter further.

- 8.25 The Council’s proposed withdrawal of the plan is a seriously retrograde step, flatly contrary to Government policy nationally and jeopardizing the position of the other Oxfordshire local planning authorities. In the prevailing development plan-led and OHGD context, the Council cannot avoid the clear national policy imperative of boosting the supply of housing, by abandoning their plan.
- 8.26 Should the SoS conduct his own examination, it is submitted that there is no prospect of the removal of Policy STRAT14. In their correspondence with him, the Council have highlighted the fact that the SoS has made clear he supports the plan. In the unlikely scenario that the plan is permitted to be withdrawn, a development plan vacuum would open in which the presumption must apply with particular force to support the grant of permission on previously allocated sites.
- 8.27 As such, in the short term, at least, those in need of housing in South Oxfordshire must again rely on the development industry and the planning appeal system to deliver new homes because as recent events testify, that is not something which this Council is well equipped to do. The University did not take the decision to appeal this proposal lightly. It spent a long time considering whether to do that in the first half of this year. But now it has, recent events suggest it was absolutely the right decision to make, as the plan may be years away, if indeed it is not abandoned.
- 8.28 Although no weight can be given to the eLP in the current circumstances, the same cannot be said for the evidence base. It is this evidence which lies behind the decision to select this site for large scale housing development and to release the site from the Green Belt. That is contained in the various reports which the Council commissioned into suitable Green Belt sites and which are set out in the SoCG on landscape.
- 8.29 This evidence base supports the development of the site for significant housing. The only real consequence for decision making at this stage is that the appeal must be approached on the basis that the site remains for now in the Green Belt, which means the policies relating to sites in the Green Belt must be addressed. That is how the Council officers approached the matter. In so doing, they reached the conclusion that the proposal met the Framework 11 c) test and therefore it was unnecessary to consider the tilted balance in paragraph 11 d).

Green Belt - Inappropriate development

- 8.30 The whole of the appeal site should be treated as PDL in light of the fact that the definition of PDL includes the land occupied not just by a permanent structure, but also the curtilage. In this way gardens around, big houses were often considered to be PDL for the purpose of what has become known as garden grabbing.

⁸⁶ CD15.15

- 8.31 'Curtilage' is not a term defined in legislation or the Framework. There is case law but it is vague in the extreme. Most of the case law relates to individual houses and the land around it. In that sense it has little currency in respect of this site. There is no case law relating to the definition of curtilage in respect of a university campus.
- 8.32 Where the case law does exist, it makes clear it is a matter of fact⁸⁷ and a matter of fact and degree⁸⁸. That makes a challenge to any decision on what is the curtilage by the decision maker very difficult to challenge.
- 8.33 A university campus is not a single house or building. In this case most of the buildings on the campus are not houses but large buildings located in close proximity together. With little space between the buildings, the open land is as much a part of the campus as the buildings. The open land around the buildings form part of the campus. The two plainly work together to create the campus and the open fields are very obviously necessary to the buildings and used in a reasonably useful way, because the open spaces and playing pitches are part and parcel of the whole composition that is a purpose build 1970s campus.
- 8.34 It is in the nature of a campus, properly understood, that the land and the buildings are intricately and inextricably linked to form the whole. The dictionary definition of campus is "*the buildings of a college or university and the land that surrounds them*"⁸⁹. That sits comfortably with the way in which the word curtilage is approached in the case law cited above.
- 8.35 On the basis that the land within the campus is PDL then its full redevelopment is to be judged not in appropriate development in the Green Belt if either of the two requirements in paragraph 145g) of the Framework are met. The first test requires the decision maker to consider whether the development would have a greater impact on the openness of the Green Belt than the existing development. The Appellant believes this test is met. The new second, and more permissive test, requires the decision maker to consider whether the development would cause substantial harm to the openness of the Green Belt, where the development would re-use PDL and contribute to meeting an identified affordable housing need within the area of the local planning authority.
- 8.36 The second test which allows the opening up of more opportunities for development in the Green Belt must be seen as a significant development, especially in the face of such strong political pressure to protect the Green Belt at a national level.
- 8.37 There is no dispute that the appeal proposal contributes to meeting an identified affordable housing need. The Council also accepts⁹⁰, that Framework paragraph 145g) applies to a significant amount of the site. The Appellant is plainly not seeking to develop any of the north-west quadrant, which is given over to sporting and recreational use, with the opportunity to enhance the area close to

⁸⁷ Methuen-Campbell v Walters [29179] QB 525. (CD19.2)

⁸⁸ Skerrets of Nottingham Ltd v SSETR [2000] 2 PLR 102 (CD19.3)

⁸⁹ Gardner PoE, paragraph 12.14

⁹⁰ Landscape SOCG (CD16.2)

the Holton Park with parkland. So the question is whether the proposal would cause substantial harm to openness. The critical issue is the effect of both the demolition of the existing built development and the effect of the new development on openness. That includes both the spatial and visual aspects of openness as set out in the PPG.

Openness

- 8.38 Whether the proposal causes harm to openness is a matter of planning judgement. The courts and now the PPG make clear that it is a matter to be looked out in both spatial and visual terms, and where volume is not the only measure.
- 8.39 The Appellant's approach to openness is two-fold. It relies on a volume analysis to demonstrate that the proposal falls within 145g) and if that fails, it seeks to demonstrate that very special circumstances exist. In *Turner v SSCLG*⁹¹ the Court of Appeal was keen to go out of its way to hold that openness is not solely about a volumetric issue but is more "*open-textured*". The Court was keen to emphasise the implicit nature of the visual amenity aspect of the issue of openness. This case was pre-dated the new second test in paragraph 145g)ii). Yet the importance and consideration of visual aspect surely lends itself more to the new test of considering whether the proposal would cause "*substantial harm to openness*".
- 8.40 The volume of the existing buildings has been calculated as 125,500 sqm and is not disputed. It is accepted by the Council that the tower has an impact on openness which is greater than merely its volume. At 35m in height that is plainly so. It has a significant impact on openness. The removal of the tower, as proposed with this scheme, is a significant benefit to improving the openness of the Green Belt in this area. There is another significant benefit associated with the removal of the other large institutional buildings around the tower, which are appropriately described as an agglomeration of buildings. The removal of all the buildings is plainly beneficial to openness.
- 8.41 It is the net effect of the proposal with this removal and its replacement by the proposed development which is important. The appeal scheme proposes a development of up to 500 homes. As this is an outline scheme the Council's professional officers accepted that "*a precise volume calculation of the proposed buildings is not available*"⁹². The parameters plans do however indicate the maximum height of the development. On the basis of that information, the officers were happy to conclude the proposal could be built so that it had no greater volume. It is of course, entirely in the gift of the Council at the reserved matters stage, to ensure the development does not result in a material increase in volume.
- 8.42 The volume is therefore assumed to be similar. The Council's volume calculation is based on unsubstantiated assumptions that the proposal would have to come forward in accordance with a SHMA compliant mix of house types. In practice the site would come forward with a proposal suitable to this site. If the Council want the volume to match that of the existing development, it would be within

⁹¹ Paragraph 14 (CD9.7)

⁹² Page 19 of Committee Report (CD4.1)

their gift to control the housing mix to that end. It should be noted that the application was amended before determination at the behest of officers to move away from a SHMA-based mix to a largely apartment-based scheme to address the officer's concerns about matching the volume of the existing built development.

- 8.43 The Council's evidence also relies on a volume calculation which assumes the maximum heights used in the parameters plan for the whole site. Similarly, control over building heights would be entirely within the gift of the Council at the reserved matters stage. They control that process and can make such decisions at that stage. The Council's arguments about needing to include lifts and extra storage space are not based on any market evidence. The Appellant has approached a major housebuilder and established that lifts would not be required for apartments which are 3 and 4 storeys in height.
- 8.44 The national space standards are not required here as there is no adopted development plan policy which requires them, and the delay in the progress in the eLP is plainly the reason that now becomes a very bad point for the Council.
- 8.45 Overall, the development would simply lower and flatten built development across the eastern and central parts of the site. The Council officers accepted this approach as is clear from the last paragraph of the conclusion⁹³. The development would cause no harm (let alone any "substantial harm") to the spatial openness of the Green Belt.
- 8.46 The eastern and central part of the site is very institutional in character and has a clear visual bulk. The removal of the 35m tower would amount to a particular positive benefit in terms of openness, which by virtue of its significant height can be observed from outside the appeal site in numerous locations. It is completely incongruous with the local landscape being unashamedly urban and modern in design. It has no place within the rural character of the local landscape, being both discordant and inappropriate. It sits uncomfortably on the edge of the village of Wheatley undermining the role played by the local church. To simply take the volume of this building as the sum total of the harm it causes to openness is to completely miss the point.
- 8.47 As clarified at the Inquiry the Council's only real dispute is in respect of impacts on openness in the south-western quadrant, in the area between the A40 and the central spine road. As the Appellant's Planning and Landscape PoEs have set out, this area does not itself serve any Green Belt purpose. In terms of the visual impact, this corner of the site is very well contained which has a significant impact on the ability to contain the visual impact on openness. Consequently, the visual impact of the low-density housing would be inconspicuous outside the site's boundaries. Overall the proposal would have a neutral effect on the visual openness within the site and a beneficial effect over a wider area. That would satisfy 145g)i) of the Framework.
- 8.48 The Council may disagree, but their evidence is predicated on erroneous assumptions about SHMA mix, the applicability of the national space standards and the need for lifts. Added to which there is an SPD which allows the University to achieve nearly 200,000m² of built development. That is an

⁹³ Paragraph 7.1vi (CD4.1)

adopted SPD and it is something which the Council has judged acceptable in terms of openness, even whilst most of existing buildings (excluding the tower) would remain in situ.

8.49 In looking at openness, the impact of developing the site has been the subject of 3 studies which have considered the potential for development on this site and other parts of the Oxford Green Belt area, including 2 commissioned by the Council. Key conclusions from these studies are as follows:

(a) All consider the campus is suitable for redevelopment, and generally one of the highest scoring sites in the District in terms of landscape capacity for development;

(b) The studies draw a clear distinction between the character of the site and the wider landscape character;

(c) They note the adverse effects of the existing 12 storey tower on landscape character, and openness of the Green Belt, and the benefits of its removal;

(d) They suggest retaining the north western part of the site in green uses and retaining the most important trees.

8.50 The proposal would not cause substantial harm to the openness of the Green Belt. The proposal should therefore be judged not inappropriate development. It follows that there would be no conflict with Policies CSEN1 and GB4 and subject to consideration of the other harms (character, heritage and accessibility, other Green Belt harm if relevant), the proposal should be allowed. There is no need to consider very special circumstances.

8.51 If the proposal is judged not to meet the requirements of paragraph 145g) of the Framework, then it will be inappropriate development in the Green Belt. The impact of the proposal on the openness of Green Belt will need to be considered in terms of the Green Belt harm as well as the definitional harm of being inappropriate development in the Green Belt. That is why in decisions where very special circumstances has been proved the Inspector will always look specifically at openness. The same evidence and approach in terms of looking at openness, as set out above, applies and the same conclusion from the Appellant can be adopted in that analysis.

Character and appearance

8.52 The appeal site is not a sensitive location in landscape character terms, given its history of built development/regrading and its edge of settlement location, adjacent to the A40. It has no landscape designation and the Council accept it is not a valued landscape.

8.53 The site is perceived as one site and the whole site is influenced by the existing buildings. For example, the character of the area of sports pitches is plainly influenced by the buildings adjacent to it. The Council's characterisation of the different parcels of land, with and without built development does not match how the site actually reads on the ground, which is read as whole, being, rather obviously, a campus.

8.54 The proposed residential land uses would be significantly smaller in scale than the current educational buildings, with far less bulk and mass than the present

agglomeration of buildings at an institutional scale and would present as more appropriate to a countryside edge location. The spacing and grain of the proposal is much more consistent with the local area.

- 8.55 The north-west quadrant, currently in use as pitches, has very clearly been re-profiled for sports use and has an engineered character. The character and appearance of this north western part of the site would be significantly enhanced by smoothing the engineered slopes and converting back to parkland with additional tree planting.
- 8.56 In this context, there would only be limited and localised harmful residual effects on landscape character and identifiable positive effects. There would be no material effect on the character of the wider landscape.
- 8.57 The Council's case is centred on the claim that the site is part of a historic parkland landscape and that to build upon it would degrade it. However, this is not a parkland. What dominates the site is the agglomeration of institutional scale buildings, including the 35-metre tall concrete tower. The site has already been completely compromised as a historic parkland. And that has been a long, on-going and continually evolving process. The parkland to which the Council refers has, as the John Moore report makes clear, been "*largely degraded following development in the Second World War and after*". However, the Appellant's arboricultural assessment⁹⁴ confirms that many of the trees on site are not from the historic parkland. In any event only 2 mature trees are to be lost, as the proposal has sought to design around them.
- 8.58 The distinction between historic parkland and education campus is plain and obvious. It was brought sharply into focus by the Council's landscape character assessments of 2003 and 2017⁹⁵. These documents locate the appeal site within the Semi-enclosed Farmed Hills and Valley's Character Type within the Mid-vale ridge landscapes. That is in direct contrast to the Parkland and Estate Farmlands character area which lies very clearly on the other side of the A40.
- 8.59 There can be no doubt that the Semi-enclosed Farmed Hills and Valley's Character Type is most appropriate to the appeal site: it specifically describes as part of this character type the area around Wheatley. It does so in these terms "*landscape typically fragmented and intruded upon by roads and built development.*" That description could be written for the appeal site and the area to the west. The A40, the new road system and roundabout by the school and the sheer extent of built development in the area are plain to see. What remains undeveloped land is largely in the form of playing pitches on engineered terraces. 'Terracing' being the word used by the Council's heritage consultants to describe the character and nature of the sports pitches.
- 8.60 This is a University campus and there will be no harm to the character and appearance of the area arising from this development, when one looks at the fact it largely replaces the extent of the built development on site, but with far less height than the tower and no institutional scale buildings.

⁹⁴ CD1.9

⁹⁵ South Oxfordshire Landscape Assessment SPG (2003) (Appendix 4 to CD16.2) & Landscape Character Assessment for the Local Plan 2033 (Appendix 5 to CD16.2)

Heritage

- 8.61 There is one listed building, variously known as Holton Hall, Old Hall, Holton Park which is Grade II and faces directly onto the appeal site, and other such buildings located behind. There is also an on-site SM, which is designated under the Scheduled Ancient Monuments and Archaeological Areas Act 1979.
- 8.62 The appeal scheme does not involve any change to the listed buildings themselves nor the SM. There is however no disagreement that the appeal site falls within the setting of both Holton Park and the SM. The setting of heritage asset is defined in the Framework which makes clear it can change over time as has happened here.
- 8.63 The appeal site, in its current state, reflects the development of the campus from the 1960s onwards. The western part of the site retains little evidence today of its former character as historic parkland associated with the early 19th Century Holton Park. This is due to:
- (a) the extensive groundworks carried out to provide the existing sports pitches and tennis courts on the western part of the site; and
 - (b) its relationship with the developed central & eastern parts of the site, including the tower.
- 8.64 The park is not included on the HE Register of Parks & Gardens and does not have any other form of national or local heritage protection. As a result of the extensive alterations made to the landscape of the campus site in the late 20th Century, the contribution that it makes to the designated heritage assets most affected (Holton Park and the SM) is of a minimal nature.
- 8.65 The John Moore report identifies a brown area which is concerned with the setting of the heritage assets. The proposal does not seek to place development in that area and instead would return much of that area and more to a parkland setting as it has previously been. That is relevant to the listed buildings. It has less relevance to the SM because no one really knows what the SM is and therefore judging what its setting is relies largely on guess work. Nonetheless the Appellant acknowledges the designation and has carefully designed the scheme to leave an open area around the SM so that it can be appreciated by the public who will enjoy full access to the site.
- 8.66 The 2017 Heritage Impact Assessment⁹⁶, seeks to ensure no development takes place *"at the north-western boundary of the site, as this would visually separate the earlier moated settlement site from its successor"* right next to where Holton Park was located. It was not a concern about building on any of the western part of the appeal site.
- 8.67 The SM on the appeal site is almost certainly of post-medieval date, rather than being the site of an early medieval manor. Its setting is fairly described as "bleak and forlorn". Nothing has been done to celebrate it or to interpret it to the public. Again, the area to the south makes a minimal contribution to its setting.

⁹⁶ The South Oxfordshire Local Plan 2033 Heritage Impact Assessment (Oxford Archaeology, September 2017) (CD13.2)

8.68 Both the Council's Conservation Officer and HE recognized the considerable improvements made to the scheme during the determination process. The refusal of the appeal scheme was contrary to the recommendation for approval made the professional planning officers of the Council whose job it is to balance the competing interests in this case, and who expressly stated in the Report to Planning Committee that,

"Having had careful regard to the 'less than substantial' harm (alleged by the Council's Conservation Officer & Historic England), there are insufficient grounds to insist on further revisions, a larger retention of open space or a reduction in unit numbers, on heritage grounds. The location of the residential development (particularly on the western edge), by virtue of the revised layout, would not adversely affect the historic significance to a degree that would warrant refusal, and would not conflict with the Framework or Development Plan in terms of heritage and conservation policy."

8.69 The Council's expert heritage witness fails to give proper weight to the heritage benefits of the appeal scheme which include:

- Reinstatement of a more parkland-like landscape in the vicinity of Holton Park and the SM on the appeal site than that which currently exists, and
- removal of the tower block and the benefits that this will bring to the settings of the designated heritage assets affected.

8.70 These should both be seen as significant heritage benefits of the scheme. The Council's heritage witness suggests the harm is the highest below substantial. That is his explanation of moderate in his proof. That is simply not tenable. And as he accepted his whole approach to that level of harm ignores all the positive benefits to heritage. HE has objected but their opinions are only provided in writing. They cannot be challenged including the assertion about what the SM actually is. Their views must be taken into account. The officers were aware of HE's comments but nonetheless found the public benefits outweighed the harm.

8.71 The public benefits of the proposal outweigh any possible heritage harm. The Council's approach to consider heritage benefits as public benefits rather than reduce the heritage harm seems erroneous when one is tasked with assessing the impact of the proposal on the significance of the heritage asset. The correct approach is to look at the impact on the significance of the asset in terms of the effect of the scheme. Even if the Council is right that simply means there are more public benefits even if there is a degree of heritage harm and it makes no real difference either way. The proposal is said to have no harm on the Grade I listed church. But the heritage benefit is surely taken into account anyway even if that is not the case. Failing that the benefit of removing the tower from the view through the lychgate is a real public benefit⁹⁷.

8.72 In summary, the appeal proposals will not cause harm to what is significant about the setting of any of the designated heritage assets affected.

⁹⁷ Plate 20 Doggett PoE

Accessibility

- 8.73 The appeal site's proposed allocation in the eLP is a direct acknowledgment by the Council that the site is sustainably located. The evidence base undertaken as part of the eLP process further acknowledges "*Wheatley provides a number of services and facilities within walking distance from the site*".⁹⁸
- 8.74 LP Policy T7 states that the District Council will seek to encourage walking as the predominant mode of transport for journeys up to 1 mile, as they recognise that walking and cycling has the potential to replace car use for short trips. The former Planning Policy Guidance Note 13 advised that "*walking is the most important mode of transport at the local level and offers the greatest potential to replace short car trips, particularly those under 2km*". Whilst the PPG has been withdrawn, the advice is retained in paragraph 4.41 of the Department for Transport's Manual for Streets. The eLP evidence base concludes that "*over one third of all journeys to work originating in Wheatley are between 0-5km – a distance which could be made on foot or cycle by most residents*", therefore the site is already well placed for travel by sustainable modes.
- 8.75 There is a very good range of day-to-day facilities nearby, including both primary and secondary schools. Almost all lie within 1-mile walking distance of the site, including the primary and secondary schools, local shops (such as the Co-op foodstore, butchers, bakers), doctors, dentist, pharmacy, leisure facilities, library and post office. These walk distances have been agreed by the Council. Therefore, walk distances accord with local and national policy.
- 8.76 The appeal site has comparable or better accessibility when compared against 2 preferred residential sites in the eWNP. The site is also better located in terms of accessibility when compared to other residential developments which have either been granted planning permission or allowed at appeal. Many of these sites are located a considerable distance from secondary schools⁹⁹.
- 8.77 The Appellant has worked with OCC to develop improvements to the key facilities for pedestrians and cyclists and this demonstrates that the Highway Authority consider that walking and cycling is a realistic transport mode for future residents of the development. A package of improvements to the walk and cycle network have subsequently been agreed with the Highway Authority. These measures include provision of new footways, widening existing footways, provision of cycle lanes, provision of dropped kerbs and tactile paving, provision of formal crossing points, signage and resurfacing of 2 cycle crossing points/ cycleways along the A40. These improvements would benefit future residents of the development as well as existing residents in the village.
- 8.78 The development would also fund a new bus service, serving the site and Wheatley. A financial contribution of £720,000 is to be provided which would fund an additional bus in the commercial fleet for eight years, with a frequency of 30 minutes; this is the highway authority's desired position for this scheme. This has a significant potential to reduce car journeys, by providing an alternative and sustainable means of transport for future residents of the appeal site. The service would also be routed so that it would serve Wheatley village to

⁹⁸ Page 9 South Oxfordshire Local Plan 2034: Strategic Site Selection Background Paper Part 2 (CD 6.3)

⁹⁹ Section 6, Ubhi PoE

the benefit of existing residents, also increasing patronage and therefore viability.

- 8.79 A Travel Plan¹⁰⁰ has been prepared as part of the planning application and agreed by the Highway Authority. Travel Plans are strongly encouraged in both national and local transport policies and seek to change people's travel behaviour.
- 8.80 OCC did not ask for access improvements between the site and Holton. There are evidently very few destinations in Holton and therefore that calls in question why improvements are necessary to make the development acceptable. The Council's case is limited to the church and the village hall. It is also said that because this is a strategic-scale development then one needs to put some infrastructure there.
- 8.81 The Council's case rests to some extent on the fact that the site is in Holton parish. However, the site was selected because it is on the edge of Wheatley. The schools might be in Holton parish but they function as schools for Wheatley.
- 8.82 The Council's case on the footbridge remains unclear and unconvincing. It is said that the bridge road serves as a barrier. However, the site and pathway are at grade. Roads are entirely normal features. Schoolchildren regularly use the bridge without any obvious issue. There is no evidence of pedestrian accidents in this area.
- 8.83 The real nub of the issue is the allocation. The Council have agreed that the south-west quadrant is their main cause of objection. The balance of all destinations is close to that end of the site, and those houses would have the shortest walk, save for Asda. The Council's planning witness accepted that the western end of the village is better located.
- 8.84 Context is everything. This is not an urban area, it is a rural area. Therefore, what might be achieved in London is not applicable in rural Oxfordshire. Paragraph 77 of the Framework states that decisions should be responsive to local areas whilst paragraph 78 emphasises that development may support the vitality of rural communities and services. The Council accept that the development would support these services.
- 8.85 Accessibility is a factor which weighs significantly in favour of this scheme, notably at the south-west quadrant. It is not a proper basis for refusal.

Affordable Housing

- 8.86 The SHMA identifies an annual requirement of 331 dwellings pa between 2013-2031. The Sedgefield method seeks to address the backlog of 713 dwellings in the next 5 years. This equates to an annual figure of 474 affordable homes between 2019/20 and 2023/24¹⁰¹. The Sedgefield approach was endorsed by the Inspector in the Davenham appeal¹⁰² in 2016 who concluded:

¹⁰⁰ CD1.14

¹⁰¹ Pages 57-60, Stacey PoE

¹⁰² PINS ref: APP/A0655/W/15/3005148 (Appendix JS30)

"The Strategic Housing Market Assessment 2013 identified a need for an additional 714 net affordable dwellings per annum between 2013 and 2018 if the backlog for such dwellings are included and delivered within 5 years. Whilst I understand this figure would be considerably less if the backlog of affordable housing demand were to be cleared over a longer time period, I do not understand the Council's justification for adopting such an approach, especially since it has adopted the 'Sedgefield' method in relation to dealing with its overall housing shortfall requirement."

8.87 The development would provide up to 327 market homes and 173 affordable homes (34.57%). Those in most need should be dealt with in quickest possible time. It is agreed that the existence of either a 5YHLS or (if applicable) a 3YHLS cannot amount to any kind of cap on development. The Council consequently accept that the provision of market housing (irrespective of the 5YHLS position) is a benefit to which "significant weight" must be attached. They further accept that "significant weight" should be attached to affordable housing.

Housing requirement

8.88 The Appellant puts forward 4 possible scenarios:

- 1) Scenario A (the Council's position) the Standard Method (632dpa from 2019)¹⁰³;
- 2) Scenario B based on the Growth Deal (Oxfordshire SHMA OAN plus South Oxfordshire's contribution to meeting Oxford City's unmet need (775dpa from 2011 plus 495 homes per year from 2021))¹⁰⁴;
- 3) Scenario C the Oxfordshire SHMA OAN (775dpa from 2011)¹⁰⁵, and
- 4) Scenario D the South Oxfordshire Local Housing Need (1,035dpa from 2019)¹⁰⁶.

8.89 Scenario A is not appropriate and the Council should not be permitted to rely upon the Standard Methodology figure for the following reasons:

- i. Paragraph 73 of the Framework and Footnote 37 have been amended by the Written Ministerial Statement, following agreement of the OHGD;
- ii. The Council's acceptance of the OHGD expressly entails acceptance of a higher requirement, and
- iii. Application of the standard methodology would cause the Council to fall significantly behind the necessary growth figures.

8.90 The Council's case is premised on a narrow reading of paragraph 73 and Footnote 37 of the Framework that local housing need must be calculated using the standard method set out in national guidance.

¹⁰³ Table 2, Appendix E

¹⁰⁴ Table 3, Appendix E

¹⁰⁵ Table 4, Appendix E

¹⁰⁶ Table 5, Appendix E

8.91 Both paragraph 73 and Footnote 37 must be read in the context of the Framework as a whole. Paragraph 59 sets out the national policy imperative of *"significantly boosting the supply of homes"*. Paragraph 60 provides that in determining the minimum number of homes required, it is permissible to use an alternative approach to the standard methodology. This is supported by PPG 2a-010 *"When might it be appropriate to plan for a higher housing need figure than the standard method indicates?"* which identifies the following as *"situations where increases in housing need are likely to exceed past trends"*:

- *"growth strategies for the area that are likely to be deliverable, for example where funding is in place to promote and facilitate additional growth;*
- *strategic infrastructure improvements that are likely to drive an increase in the homes needed locally; or*
- *an authority agreeing to take on unmet need from neighbouring authorities, as set out in a statement of common ground;"*

8.92 Each of these apply directly to the position in Oxfordshire generally and in South Oxfordshire specifically as a constituent authority, as set out below under Scenario B. Paragraph 6 of the Framework further makes clear that its text can be supplemented by further statements of government policy (i.e. of equivalent force), in 2 specific forms:

"Other statements of government policy may be material when preparing plans or deciding applications, such as relevant Written Ministerial Statements and endorsed recommendations of the National Infrastructure Commission."

8.93 The 12 September 2018 WMS altered the wording of paragraph 11d of the Framework, by reference to the then provisions of paragraph 73. It was clearly the intention of both the Oxfordshire authorities and the Government that the 100,000 homes figure would form the basis for all calculations of housing land supply in Oxfordshire. The Technical Consultation on Updates to National Policy and Guidance did not alter the effect of the WMS, as it was intended to relate to the use of the standard methodology in general: i.e. outside the Growth Deal authorities. Furthermore, the Government had expressly endorsed the NIC Recommendation¹⁰⁷.

8.94 Scenario B is the housing requirement figure which is most consistent with national planning policy as expressed in the WMS. As set out in the Appellant's evidence¹⁰⁸, the OHGD¹⁰⁹ links the time-limited planning flexibilities which support a 3YHLS threshold to the delivery of 100,000 homes across Oxfordshire between 2011-31, stating: *"any potential flexibility would be granted specifically to support delivery of the ambitious Oxfordshire housing deal to plan for and support the delivery of 100,000 new homes by 2031, and to submit and adopt a joint statutory spatial plan."*

8.95 The Council's attempts to argue that a) the OHGD commitments are not relevant to decision-making; and b) decouple the planning flexibilities from the OHGD commitment to higher housing numbers are unfounded. The OHGD and

¹⁰⁷ See CD20.5 & CD20.6

¹⁰⁸ Ireland PoE

¹⁰⁹ CD10.4

the flexibilities come as a package. This is clear from the NIC Report and the Government's response. The Government expressly endorsed the NIC recommendation that to maximise the economic potential of the Cambridge-Milton Keynes-Oxford Arc, current rates of housebuilding need to double to build up to one million homes by 2050. South Oxfordshire sits within the Arc.

- 8.96 The Government's mechanism for achieving this was, and remains, through Housing and Growth Deals of which that with Oxfordshire is the first within the Arc. Recommendation 6 in the NIC Report was that the Government should consider the need for extending flexibilities in the application of 5YHLS requirements but *"only in cases where local authorities agree deals to accommodate significantly higher levels of housing growth."* Such agreements, the NIC said, should be kept under review and *"subject to local areas demonstrating progress in the delivery of major housing growth."* It set out that *"in all cases, agreement must preserve the requirement for local authorities to maintain a supply of land sufficient to enable house building at a rate that would have been required in the absence of any deal to support additional housing growth."*
- 8.97 These recommendations were expressly endorsed by the Government in its response, which in respect of flexibilities in the application of 5YHLS requirements which stated that *"Government would work with local areas on a case by case basis to negotiate bespoke arrangements in exchange for commitment to substantial housing growth, which will ensure that overall land supply will increase despite flexibilities applied to the application of the 5YHLS requirement. The government has done this through the Oxfordshire Housing and Growth Deal, where local authorities are planning for significantly greater levels of housing growth than their Local Housing Need Assessment."*¹¹⁰
- 8.98 This therefore constituted a clear endorsement of the NIC recommendations that would thus be material to deciding planning applications. Indeed, the Government were not merely endorsing the recommendation, they were and remain in the process of actually implementing it in Oxfordshire. As examined in evidence, the application of the 3YHLS together with the standard method would result in a threshold deliverable supply of just 1,896 dwellings above which the tilted balance is not engaged. This falls substantially below the position in which a standard method is used with a 5-year threshold¹¹¹ clearly showing that the Council's position is not consistent with the statements above.
- 8.99 The rationale for the OHGD figure is set out across a series of documents. Each point to particular factors which ensure that the actual housing need is far higher in Oxfordshire than could be provided for under the standard method.
- 8.100 The Oxfordshire Baseline Economic Review¹¹² identified that Oxfordshire is one of the strongest economies in the UK. It is in a strategic location, forming an integral part of the Golden Triangle. It has a series of keystone assets in addition to the globally recognised universities, including two high-level research facilities and major funds of this ensures strong growth. Recent economic performance has been very robust: jobs growth has been 1,400 jobs

¹¹⁰ Pages 16-17, CD20.6

¹¹¹ Table 2, CD16.5

¹¹² CD10.12

per annum since 2011 and within Oxfordshire, 8,650 jobs per annum since 2011. Those are very substantial scales of job growth, absolutely and comparatively. There remains substantial future growth potential.

- 8.101 At the same time, there has been a major affordability problem. House prices are well above regional and national averages. South Oxfordshire's house price stand at 63% above national average. The National Housing Federation report¹¹³ finds that the average house prices in South Oxfordshire stand at 14 times average income. Between 2013 and 2018 average house prices increased in South Oxfordshire by 41%. There is a stronger relative supply/demand imbalance in South Oxfordshire which is already leading to a significant long-term strategic imbalance. Households on lower-quartile earnings are spending 44% gross earnings on rent such that affordability issues exist in both rental and sales market. Poor housing affordability acts as a deterrent to young professionals hoping to live in Oxfordshire. Without these workers the area's ability to fill positions in high tech and innovative business sectors would be hampered weakening Oxfordshire's competitiveness: Businesses already say that housing affordability is having a material impact, impacting upon innovation, research and productivity and threatening growth potential¹¹⁴.
- 8.102 The OHGD therefore commits Oxfordshire to planning for and support the delivery of 100,000 homes based upon the SHMA to a figure which was recognised as significantly in excess of the Local Housing Need. It is pertinent to consider the implications of South Oxfordshire's withdrawal from the OHGD.
- 8.103 The SHMA was identified as the only evidenced approach for the 100,000 target and accordingly it has been treated by the Council as a sound justification for an uplift consistent with the PPG¹¹⁵. The Scenario C figure does not make provision for the unmet need, it would fall short of meeting the Growth Deal target. However, it is a useful illustration of the extent of the housing need and the inadequacy of the standard method in this context.
- 8.104 Chapter 6 of Mr Ireland's PoE sets out the wider housing needs evidence in the context of the PPG's recognition that the standard method is merely a baseline and the Oxford authorities have recognised the need to plan for a higher growth figure. It considers more recent evidence than was available to the authors of the SHMA. Having adjusted for migration and household formation rates in younger households, it considers the severe affordability issues. It then considers the economic position and identifies that there is abundant supporting evidence of the need to accommodate employment growth. This identifies an incremental growth rate of 1.1% pa in jobs and transformational growth at 1.3 – 1.4% pa. The Appellant has modelled 1.3% in line with Transformational Growth. On this basis, it identifies the realistic Assessment of Local Housing Need as 1035dpa from 2019 onwards¹¹⁶.
- 8.105 The Appellant's housing supply scenarios are set out in Appendix E to this report.

¹¹³ National Housing Federation Press Release: 'England Short of Four Million Homes' (18 May 2018) – (Appendix 22 PoE/JS)

¹¹⁴ Section 6 (PoE/NI)

¹¹⁵ See paras 4.18-4.26 of the eLP (CD6.1)

¹¹⁶ Ireland PoE page 42

Planning balance and Green Belt balance

8.106 If the proposal is inappropriate development in the Green Belt then the Appellant must prove very special circumstances. The factors which go into making very special circumstances do not have to be rare or uncommon to be special and there is no restriction on what might be considered as "other considerations"¹¹⁷.

8.107 There is clearly a general need for housing given the shortage and affordability problems which is directly impacting on the economy and the social dimension of sustainable development in Oxfordshire and the acute need for affordable housing. The Ministerial statement from Greg Clark¹¹⁸ and Brandon Lewis¹¹⁹ make clear that housing need will not normally or usually be sufficient to demonstrate very special circumstances. These statements are acknowledged, and the Appellant's case is not predicated solely on the basis of just housing need. The Appellant has sought to focus on 6 key factors, which is a list similar in extent to that adopted by the Inspectors in Effingham¹²⁰ and West Malling¹²¹. They are in summary:

- 1) the shortage of housing in the area and serious affordability problems affecting the local economy and the delivery of to 327 market houses;
- 2) the acute need for affordable housing and the delivery of 173 units with this scheme;
- 3) the use of an extensive area of PDL in the Green Belt;
- 4) removal of a huge quantum unsightly buildings which are agreed to measure 125,500m³ which is the same volume as what is proposed. And replace it with a similar volume of built development, with in particular without the tall 35m tower and the agglomeration of institutional scale buildings which are completely alien in the Green Belt;
- 5) OBU is a charity and therefore the revenues from the land sale would fund the improvements to the University which is recognised to be a major contributing or part of the economy of Oxford, and
- 6) the fact the site has been identified in the evidence base to the eLP as a suitable location for at least 300 houses and removal of the site from the Green Belt.

8.108 Based on the above it is clear that the Appellant's case does not rely solely on housing need. However, if there is a shortfall in the 5YHLS or 3YHLS then that would be an additional 'other consideration'.

8.109 The purpose of including land in the Green Belt are concerned with designation of the site. The various Green Belt studies in the Landscape SoCG¹²² show that the degree of harm to the purpose of including land in the Green Belt is limited.

¹¹⁷ Wychavon DC v SSCLG and Butler [2008] EWCA Civ 692 & Brentwood BC v SSE [1996] 72 P&CR 61

¹¹⁸ CD11.01

¹¹⁹ 11.02

¹²⁰ CD8.6

¹²¹ CD7.35

¹²² CD16.2

One needs to be careful with the unit of analysis in these cases as sometimes it is an area larger than the site and sometimes it is not entirely clear where the area extends to. In the 2014 study¹²³ the site scored poorly against the purposes and only gave a high score on the assumption that Wheatley and Holton were settlements, but as they are not towns that is not consistent with paragraph 134b) of the Framework. The purposes were again examined in both the 2015 Kirkham Study in 2015 and the LUC report. With the removal of the tower the site is given a low moderate rating in terms of the harm, which was the lowest category applied to any of the sites in the study. This is entirely supportive of the Appellant's case. It followed on from the Kirkham Study in 2015 and is clear that the LUC report *"builds on the 2015 study and takes it to the next level of detail in terms of assessing the harm to the Green belt from the potential release of sites"*.

- 8.110 To show very special circumstances the benefits need to outweigh the harm by reason of inappropriateness and any other harm. The Council say this includes harm to the purpose of including land in the Green Belt and harm to openness.
- 8.111 The Appellant's position is that there is no other harm here. There is no harm to openness, no harm to the purpose of including land in the Green Belt, no harm to heritage assets, the local character of the area or landscape harm and no harm in terms of accessibility. The Appellant says there is no harm but if there is harm then the 'other considerations' are so significant that such harm would be outweighed thus amounting to the very special circumstances.
- 8.112 Inspectors in other Green Belt cases have not felt the need to explore the issue of the tilted balance in their decisions when they have found there are very special circumstances. That is because all the harm will have been considered in the very special circumstances test: And if it passes that high hurdle, then surely planning permission should be granted.
- 8.113 But those were Inspectors' own decisions and this is a SoS case, so there is a basis for needing to explore this in case the SoS wishes to go on to consider the case against the tilted balance. The tilted balance here could be triggered by 2 events. The first is the shortfall in the 5YHLS, which is addressed in the evidence above. The second is if the policies most important for determining the application are out-of-date. The University argues both, but either is sufficient. As noted above the shortfall in the 5YHLS would also amount to an additional part of the University's case on very special circumstances.
- 8.114 On the assumption that the most important policies are out of date, then in this case one must turn to paragraph 11d(i) of the Framework because the site is affected by 2 of the policies identified in Footnote 6. The approach to take to this is set out in Monkhill¹²⁴. Sites in the Green Belt and affecting heritage assets are not automatically excluded from the tilted balance. It is just that such sites must pass the policy tests in those parts of the Framework, such that there is not a clear reason for refusing permission. In this case that requires the proposals to pass the test of being not inappropriate development in the Green Belt or that very special circumstances are proven, and that the test in

¹²³ OCC Investigation into the potential to accommodate urban extensions in Oxford's Green Belt: Informal Assessment 2014 (Appendix 8 CD16.2)

¹²⁴ Monkhill Ltd v SSHCLG [2019] EWHC 1993 (Admin) (CD9.16)

paragraph 196 of the Framework is passed as regards the heritage assets. If that occurs then as per paragraph 45 of the Monkhill case then the tilted balance should be applied.

8.115 Even if the tilted balance does not apply, planning permission should be granted here under the conventional statutory test of Section 38(6) of the 2004 Act because other material considerations plainly outweigh the development plan, which is out-of-date and inconsistent with the Framework such that its policies should be given reduced weight. This was the approach taken by the Inspector at paragraph 81 of the Lower Shiplake decision¹²⁵.

8.116 The basic planning merits of the case are straightforward. When viewed on the basis of "need" vs "harm" there is a clear and demonstrable need for new dwellings in South Oxfordshire. In contrast, there is very little, if anything, in the way of harm to suggest that that need should not be satisfied. Indeed, there are many improvements to the environment and amenities of the village arising as a result of the proposals as set out above.

8.117 The implications of not proceeding with the appeal scheme are that the site would ultimately fall into disuse, once vacated. The site would continue to present as an incongruous element, visible through the vacant tower on the horizon. This is a far cry from the obvious beneficial use of the site through housing development.

9. The Case for Interested Persons

9.1 The following paragraphs summarise the statements made by interested parties and their answers to questions. The full texts used by interested persons are within the Inquiry Documents. Points already covered by another interested party have not been repeated.

Cllr Sarah Gray

9.2 The proposed development is inappropriate due to its impact on the openness of the Green Belt. It spreads significantly beyond the curtilage of the existing buildings and its scale and form would be permanently detrimental in nature.

9.3 The Council is committed to a radical reduction in carbon emissions by 2030. This development would fail to meet the demands of 21st Century living within our ever more crowded district.

9.4 On the 11th April 2019, under its previous administration, the Council declared a climate emergency. In September 2019, the Council formed a Climate Emergency Advisory Committee with the responsibility to identify means of ensuring that SODC is carbon neutral within its own operations by 2030. To understand the environmental impact of this proposal, the following need to be considered:

- Climate change – How will the development improve air quality in the area (under cross examination Cllr Gray conceded that she had not read the relevant chapter of the ES which deals with Air Quality). How will the development reduce the contribution to climate change made by its buildings

¹²⁵ ID4

and other infrastructure? It must also support the resilience of the area to climate change including flooding.

- Transport –Currently the development has no real connectivity to either Holton or Wheatley. Wheatley already experiences traffic congestion and there is no scope to increase parking spaces. Sustainable transport measures are required (under cross examination Cllr Gray welcome the infrastructure improvements being proposed as part of the appeal scheme).
- Biodiversity – This requires that the development enhances the current open space to ensure it meets its full potential to supports flora and fauna. Extending the built-up area into existing open spaces is not an option.
- Landscape and heritage – Those open spaces that are vital to the character of the site and the historic environment must be protected.
- Land and resources – The development needs to ensure the efficient and effective use of land. Sustainable waste management solutions that encourage a reduction in waste and an increase in recycling should be promoted.
- Community and affordable housing – The development should cater for the needs of existing and future residents as well as the needs of different age groups in the community and improve access to local community services and facilities (under cross examination Cllr Gray accepted that there is a real need for housing in the area). Affordable housing of an appropriate mix and tenure needs to be provided (under Cross examination Cllr Gray accepted that the development would provide suitable levels of affordable housing and that the SoS should give weight to that benefit). The Council supports measures to address the shortfall of affordable and social housing in the area. There is no evidence that increasing the supply of houses reduces the cost.

9.5 Cllr Gray advocated a new Local Plan that prioritises the building of more social housing and cited examples from Eastleigh and Hampshire. It was estimated that it would take approximately 3 years to adopt a new plan.

Mr Kevin Heritage

9.6 Mr Heritage is a Wheatley Park School Manager and raised some legal issues relating to the western site access. There was also a request for new fencing along the school's southern boundary to assist with security.

Mr John Fox

9.7 Mr Fox is Chairman of the eWNP Committee and a former district Councillor who lost his seat in the May 2018 local elections.

9.8 The eWNP Committee has consistently supported the Council's allocation of 300 homes on the built form of the appeal site. The site is separated from Wheatley by the A40 and the lack of connectivity has been raised as a concern. Wheatley has been described by OCC as a 'rat-run' and congestion is a problem. The first draft of the eWNP in January 2018 looked at infrastructure challenges in the village. A new bridge over the A40 was ruled out at that stage.

- 9.9 The eWNP Committee opposes the current proposal for 500 homes. The area map was drawn up in November 2015 by Holton and Wheatley Parish Councils. In seeking to influence development outside the area boundary the eWNP may have strayed beyond its remit at times but that was in good faith.

Mr Roy Gordon

- 9.10 Mr Gordon is Vice-Chair of the eWNP Committee. Policy STRAT14 of the eLP is reflected in the eWNP. OBU has made representations on the eWNP that Policy SPOBU – WHE25 attempts to deal with matters outside the eWNP designated area. The wording in the latest draft has been amended to reflect this.
- 9.11 The walk into Wheatley from the appeal site is a lengthy one and takes approximately 25 minutes from the bus terminus. Such a distance will be a barrier to integration. This will lead to car dependency.
- 9.12 Previous development proposals on the appeal site have only been supported on the basis that they do not exceed 10% of the existing built form. The removal of the tower is welcomed as it is detrimental to many views in the area. However, this should not be used to justify volume dispersal across the site which simply transfers the negative vertical features into horizontal ones. Development should be contained to the existing built-up area.

Mr Robert Barter

- 9.13 Mr Barter is Chair of Holton Parish Council and states that less than half of the site is PDL. The development is therefore inappropriate development in the Green Belt. There are no very special circumstances.
- 9.14 The allocation in the eLP offers no help as that plan has caused so much uproar that it will not be allowed to proceed in its current form. An additional 500 dwellings would adversely transform the rural character of the village and the whole area. Because of its location it would be an isolated settlement where almost all journeys would be made by car.
- 9.15 In the words of the Council "*additional school capacity will be difficult if not impossible in the early years*". An influx of 1500 new patients would overload the doctors' surgery.
- 9.16 The status of the Appellant is irrelevant and any benefits to the education sector carry no weight.

Mr Smith

- 9.17 Mr Smith is a resident of Holton. He argues that cycling and walking will not happen and that the decision should be taken by local people. The SoS should not decide the outcome of the appeal.

10. Witten Representations

10.1 The officer report¹²⁶ does not record the number of representations received but does summarise the issues raised:

Objections

- Insufficient justification to build on undeveloped Green Belt land;
- The development will have an unacceptable visual impact on the open nature of the Green Belt;
- The development should be constrained to the eastern section, replacing the existing buildings only;
- 500 houses will significantly change the character;
- Proposal for 4-storey dwellings are completely out of character with the neighbouring villages;
- Scale of development is excessive – the eLP suggests 300, not 500;
- Development at this elevated end of the site will compromise the parkland setting of the listed building;
- Roads are already too congested, resulting in a displacement of traffic through Holton (creation of rat-runs etc). This would result in further congestion and risk to highway safety as there is a lack of pedestrian footpaths/pavements;
- Access roads are unlikely to be able to cope with the increased traffic - the centre of the village of Wheatley is extremely congested already, and parking is already an issue in Wheatley;
- The proposal has made no attempt to integrate Holton and Wheatley, despite the fact that the future residents will be using Wheatley for daily errands;
- Lack of infrastructure to support a development of such a scale;
- Facilities are too far from the site, meaning residents will be dependent on cars to drive into Wheatley and use services;
- There should be a footbridge over the A40;
- GP and other services will struggle to meet needs of more households;
- There are no additional services (shops, pubs etc) being provided and these would need to be created to serve the extra residents;
- Insufficient parking proposed to serve the new sports facilities and pavilion;
- Lack of information on who will provide and maintain the proposed onsite re-provision of sporting facilities;

¹²⁶ CD4.1

- The removal of sports facilities is unacceptable;
- Compatibility of proposed facilities with existing pitches;
- Security of school site, in light of proposed western access;
- Loss of important trees which were planted by the community;
- Risk of harm to protected species;
- This proposal only benefits Brookes and not any of the local residents, and
- Even with amenity space, the wildlife will be diminished and will suffer.

In support

- Building on a previously developed site is supported, over greenfield development, subject to the relevant infrastructure being provided;
- Affordable housing is needed and being provided as part of the proposal; thereby meeting the housing needs of young people and providing local families the opportunity to stay in the village;
- The buildings are in poor repair, and housing is needed in the local area;
- It is closer to city than other proposed sites, as well as facilities such as the hospital, employment and leisure;
- Oxford Brookes are already planning to relocate, so if the site isn't developed it would leave a vacant site as an eyesore;
- The location is close to good services and the site has easy access to the A40/M40 and the Oxford park and ride, and
- The development is located close to Wheatley and will therefore support the local economy, business and trade.

11. Conditions

11.1 A schedule of conditions¹²⁷ to be imposed should planning permission be granted, was discussed at the Inquiry. These are generally agreed between the parties. I raised the possibility of an additional condition relating to the SM and subsequently wrote to the main parties after the close of the Inquiry seeking their views. I have taken the responses into account¹²⁸.

11.2 The list of conditions that I recommend should be attached to the outline permission in the event that the SoS concludes that the appeal should be allowed is set out at Appendix D. In some instances, I have amended or combined the agreed conditions in the interests of brevity and to ensure compliance with the PPG.

11.3 Conditions 1-3 are standard conditions for outline planning permissions. The Council had sought to halve the standard time limits for the permission but in

¹²⁷ ID25

¹²⁸ See ID30

view of the advice in the PPG¹²⁹ and the complexity of the development including the amount of site clearance, I do not consider that would be appropriate in this instance. Condition 4 is imposed for the avoidance of doubt and to ensure that the development is carried out in general accordance with the approved plans and details.

- 11.4 A site-wide phasing plan is necessary to ensure the development comes forward in a coherent and planned manner (Condition 5). I have amended some of the wording around affordable housing to ensure sufficient flexibility to enable the development to respond to changing market conditions and housing needs. I have also incorporated the requirements of other suggested conditions into Condition 5 to avoid the need for multiple phasing plans and other strategies. Condition 6 is necessary in the interests of highway safety. A construction method statement (Condition 7) is necessary to protect the amenity of nearby residents. A drainage condition is necessary to ensure satisfactory drainage of the site in the interests of flood prevention (Condition 8). An archaeology condition is necessary to protect any archaeological assets that may be present (Condition 9). A land contamination condition is necessary to ensure the land is suitable for a residential use (Condition 10).
- 11.5 A significant amount of ecological information was submitted with the EIA¹³⁰. The scope of the various wildlife surveys was agreed with the Council's Countryside Officer beforehand. Those surveys confirm that some parts of the site support protected species including bats, great crested newts, reptiles, badger and nesting birds. These habitats would be retained, recreated and enhanced through management delivered through measures set out in a Construction and Demolition Environmental Management Plan (CEMP) (Condition 11). As the presence of protected species on the site has already been established and given that there is no suggestion from the Council that the surveys are out of date or deficient in any other way, I have omitted the requirement for updated surveys to be submitted. A biodiversity enhancement plan is necessary to avoid a net-loss to biodiversity (Condition 12).
- 11.6 A condition relating to tree protection measures is necessary to ensure trees are not damaged during the construction period (Condition 13). A condition is necessary to ensure the requisite parking and access arrangements for each dwelling are provided prior to occupation (Condition 14). A Travel Plan condition is necessary to promote sustainable travel habits (Condition 15). To assist the move to a low carbon future, conditions regarding electric vehicle charging points and super-fast broadband are necessary (Conditions 16 and 17). A noise mitigation strategy is necessary to protect future occupiers from road noise (Condition 18). Finally, to secure the heritage mitigation, a condition relating to the SM is necessary (Condition 19).
- 11.7 A condition restricting the development to no more than 500 dwellings is unnecessary as this development concerns operational development rather than a change of use and the application description explicitly limits the permission to '*up to 500 dwellings*'. The suggested condition relating to gas boilers is not supported by a development plan policy. Moreover, I am not aware there is a

¹²⁹ Paragraph: 027 Reference ID: 21a-027-20140306

¹³⁰ CD1.15

designated Air Quality Management Area covering the site. I am therefore satisfied that the specification of the boilers is a matter that would be dealt with by other legislation. I have omitted those conditions accordingly. The requirements of several of the suggested conditions are repetitious and/or are covered by Condition 5 or the S106.

11.8 Conditions 5, 6, 7, 8, 9, 10 and 13 are pre-commencement form conditions and require certain actions before the commencement of development. In all cases the conditions were agreed by the Appellant and address matters that are of an importance or effect and need to be resolved before construction begins.

12. Planning Obligations

12.1 I have assessed the S106 in light of the CIL Regulations 2010 and paragraph 56 of the Framework which state that planning obligations must only be sought where they meet the following tests:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

12.2 Although the obligations are not in dispute, the agreement¹³¹ provides that if the decision letter concludes that any provision of the agreement is incompatible with any one of the statutory tests then the relevant obligation shall cease to have effect. The obligations contained in Schedules 1-4 relate to SODC and those in Schedule 5-7 to OCC.

12.3 Schedule 1 is concerned with affordable housing and would bind the site owners to ensure that 34.57% (172 units) of all dwellings constructed comprise affordable homes in accordance with the affordable housing mix of 75% Affordable Rent and 25% Shared Ownership. The Council has sought to secure 40% affordable housing in compliance with CS Policies CSH3 and CSH4. However, due to the existing buildings on site the scheme qualifies for a small reduction through the Vacant Building Credit. I am satisfied the affordable housing obligation meets the relevant tests.

12.4 Schedule 2 sets out the financial contributions to SODC and include the following:

- An off-site artificial football pitch (to be provided in the local area) contribution of £985,000;
- An off-site tennis court (to be provided in the local area) contribution of £365,000;
- An active communities contribution of £96,001 to fund a new member of staff at SODC;
- A public art contribution of £300 per dwelling. How this would be spent would be determined through a public art strategy which would need to be submitted to and approved in writing by the Council;

¹³¹ Paragraph 6.12, Page 9 (ID26)

- A recycling contribution of £170 per dwelling to provide each dwelling with the necessary bins;
- A street naming contribution of £134 per 10 dwellings, and
- A monitoring fee of £5,190

12.5 I am satisfied that the football pitch, tennis court, public art, recycling and monitoring contributions all meet the statutory tests. However, I have concerns in respect of the 'active communities' contribution. According to the Council's Compliance Statement¹³² the contribution would fund a 2-year post at SODC the purpose of which would be to "*secure the provision and management of sports facilities both on and off site. The replacement sports facilities are required directly as a result of the loss of sports facilities on this site*". However, it is not clear on the evidence before me what actual work would be involved.

12.6 A number of facilities are to be provided on-site as part of the development including a new cricket pitch and pavilion, a bowling green and a running route. These facilities would be designed and delivered by the developer as part of the reserved matters applications. Consequently, their delivery would not require a significant amount of additional work on the Council's part.

12.7 The off-site provision is to be dealt with by way of 2 financial contributions. Whilst there would inevitably be some work to identify suitable sites for these facilities, the evidence suggests that sites have already been identified at Holton Playing Field Association site or Wheatley Park school. Whilst some further feasibility work might be required, it is not reasonable to suggest that this would require a 2-year, full-time post holder. In any event, the build costs provided by Sport England for the football pitch and tennis courts, include an allowance of 6% for project management and other fees. That amounts to a sizeable sum which in my view would be more than sufficient to cover the Council's costs. I therefore conclude that the 'active communities' contribution fails the 3 statutory tests.

12.8 Street naming is an activity which usually falls within the normal, day-to-day functions of the Council. On the information before me it is not clear what additional work or expense would be incurred or exactly how the money would be spent. I am not therefore persuaded that this contribution is necessary to make the development acceptable in planning terms.

12.9 Schedules 3 and 4 secure the on-site LEAP, a marked 'active route' within the development, public open space covering a minimum of 10.69ha, a bowling green, cricket pitch and pavilion as well as maintenance and sinking fund contributions for their future maintenance. I am satisfied that these obligations and contributions meet the statutory tests.

12.10 Schedule 4 includes a £70,000 contribution towards the provision of 'expert advice' in relation to the construction of the sports pavilion, bowling green and cricket pitch. The evidence supporting the contribution is scant. The Council's CIL Compliance Statement states that the costs have been calculated following quotes from relevant experts. However no further information is provided. In my view the construction of a bowling green and cricket pitch are not large and

¹³² Page 10, ID29

complex projects. The latter is to be provided in approximately the same location as the existing pitch. The areas would need to be laid out to certain standard specifications, but such information is relatively easy to obtain and certainly would not require the services of an expert. The pavilion would of course require more assessment but again I do not see the construction of a sports pavilion as an overly complex project that would require specialist advice to be engaged.

12.11 It is also pertinent that these facilities are to be designed and delivered by the developer who would bring their own experience to bear on these matters. Finally, it is also not clear to me why Sport England could not be consulted on the relevant reserved matters applications. Based on the foregoing the 'expert evidence' contribution does not meet the relevant statutory tests.

12.12 The obligations to OCC in Schedule 5 comprise:

- £105,705.73 towards the provision of 3 pairs of bus stops within the site;
- A public transport contribution of £720,000;
- A Travel Plan monitoring fee of £2,040.

12.13 I am satisfied that these contributions are necessary to encourage non-car modes of travel and meet the statutory test. Schedules 6 and 7 deal with the agreed on and off-site highway works which are set out in paragraph 3.1. These would be delivered by the Appellant through the appropriate legal agreements with the Highway Authority. I am again satisfied that these obligations meet the statutory tests.

12.14 A request was made by the NHS Oxfordshire Clinical Commissioning Group for a developer contribution of £432,000 to support the improvement of local health care infrastructure. The Council has confirmed that 'increasing capacity at existing health services/local surgeries' is covered by its CIL Regulation 123 list¹³³.

13. Inspector's Conclusions

13.1 On the evidence before me, the written representations, and my inspection of the appeal site and its surroundings, I have reached the following conclusions. References in square brackets [] are to earlier paragraphs in this report.

Main issues

13.2 The main parties hold differing views regarding the degree of heritage, landscape and Green Belt harm, the weight to be attributed to the various benefits of the scheme, the consistency of the relevant development plan policies with the Framework, whether the Council has a 5YHLS and the resulting planning balance. Against this background, and in view of the evidence submitted in writing and presented orally at the Inquiry, I consider the main issues are:

1. Whether the most important policies are out of date;

¹³³ See Page 10, CD4.1

2. Whether the development is inappropriate development in the Green Belt for the purposes of the Framework;
3. The effect of the development on the character and appearance of the area;
4. The effect of the development on the setting on heritage assets;
5. Whether the location of the development would be sustainable in transport terms;
6. Whether the Council can demonstrate a 5YHLS, and
7. If the development is inappropriate development, whether the harm by reason of inappropriateness, and any other relevant harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

Most Important Policies

- 13.3 Section 38(6) of the 2004 Act requires that this application be determined in accordance with the development plan unless material considerations indicate otherwise. One such material consideration is the Framework, which can override development plan policy if it is not consistent with the Framework's provisions. I therefore summarise the national planning policy context first, before turning to look at relevant development plan policies.
- 13.4 Section 3 of the Framework stresses the desirability of local planning authorities having up to date development plans, paragraph 213 states that the weight to be given to relevant policies will depend on the degree of consistency with the Framework. The closer the policies in the plan to those in the Framework, the greater the weight that may be given.
- 13.5 Paragraph 11 of the Framework explains that there is a presumption in favour of sustainable development which comprises economic, social and environmental objectives. It goes on to indicate that where the development plan is absent, silent or relevant policies are out-of-date, planning permission should be granted unless any adverse effects of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole; or unless specific policies in the Framework indicate that development should be restricted. [3.3]
- 13.6 There are differing views on which are the most important policies for determining the application. Whilst I have had regard to the list of relevant policies contained in the SoCG, I have exercised my own judgement following the approach set out in Wavendon which confirms that *"an overall judgment must be formed as to whether or not taken as a whole these policies are to be regarded as out-of-date for the purpose of the decision."* [3.13,6.2,7.12,8.16,8.115]
- 13.7 The first point to make is that the LP is now of some vintage as the Council accepted at the Inquiry. [3.10-2.13,8.8-8.10] However, as paragraph 213 makes clear, policies should not be considered out of date simply because they were adopted prior to the publication of the Framework. The CS contains policies that are high-level and strategic in nature. Accordingly, they lack the kind of detail one would normally expect to see in development management policies. This is because the CS was always intended to be supplemented by a DPD containing

detailed development management policies. [3.15,8.11-8.13] The consequence of this is that many of the CS policies cited in the RfRs are of little assistance in determining this appeal. [8.12]

- 13.8 The appeal site lies within the parish of Holton and is washed over by the Oxfordshire Green Belt. CS Policies CSS1 and CSH1 set out the overall amount and spatial distribution of housing for the district to deliver the CS housing target. They seek, among other things, to support and enhance the larger villages as local service centres, while focusing major development at Didcot and the market towns. The appeal site is located outside the built limits of Wheatley and Holton where large-scale development would not normally be appropriate.
- 13.9 However, the housing target identified in the CS is manifestly out of date being based on a constrained supply set out in the revoked RPG. [3.11-3.14,8.11] Existing settlement boundaries across the district reflect the need to deliver this constrained supply. The CS does not accord with the objectives of the Framework to meet a full OAN for housing. [8.9-8.11] Therefore, whilst the overall strategy and settlement boundaries may have been appropriate to guide the quantum of development envisaged in the CS back in 2006, they are clearly not appropriate today. I therefore consider that Policies CSH1 and CSS1 are out of date where they are used to restrict development outside settlement boundaries.
- 13.10 Although CS Policy CSEN1 is not referred to in the RfRs it is relevant inasmuch as it refers to the protection of landscapes against inappropriate development. Whilst its broad aims are agreeable with those of Section 15 of the Framework, it runs into the same problem as LP Policy G2 in seeking blanket protection for the natural environment. Apart from 'valued landscapes', paragraph 170 of the Framework entertains no such protection instead referring only to the need to recognise the intrinsic character and beauty of the countryside. In my view 'recognition' and 'protection' are not the same. They are clearly distinguishable terms and accordingly I consider that Policies CSEN1 and G2 are inconsistent with the Framework and cannot be seen as being up to date. I note the Lower Shiplake Inspector came to a similar view in paragraph 77 of his decision in relation to Policy G2. [8.13]
- 13.11 CS Policy CSEN2 is a strategic Green Belt policy that recognises the OBU campus as a key previously developed site but defers to the Framework in terms of decision taking. Whilst the policy is not technically out of date, it offers little assistance to the assessment of the appeal scheme and instead it is the Framework that becomes the determinative document. To that end, I conclude that Policy CSEN2 is not one of the 'most important' policies for determining the application.
- 13.12 LP Policy GB4 is a more detailed Green Belt policy that reflects the wording in Planning Policy Guidance Note 2 revoked in 2012. It refers to "*rural character or visual amenity*" and applies a design test to development all of which are inconsistent with the Framework. Its language is also couched in very different terms to the Framework and does not refer to inappropriate development or very special circumstances. I therefore conclude that Policy GB4 is out of date.
- 13.13 CS Policy CSEN3 is a strategic heritage policy that states that historic heritage assets will be conserved and enhanced for their historic significance. However,

the requirement to maintain and enhance the historic environment goes beyond the statutory duty and paragraph 185 of the Framework, the latter of which requires decision makers to *"take account of the desirability of sustaining and enhancing the significance of heritage assets"*. Blanket protection for the historic environment cannot therefore be seen as being consistent with the Framework. Policy CSEN3 is thus out of date.

13.14 In a similar vein, LP Policy CON5 states that *"proposals for development which would adversely affect the setting of a Listed building will be refused"*. Whilst the general thrust of this policy might well be consistent with the Framework, that is not enough in my view. The policy does not allow for the weighing of public benefits against heritage harm and therefore cannot be seen as being in conformity with the Framework. I therefore consider Policy CON5 is out of date. For similar reasons the approach to archaeological remains advocated by Policy CON11 is also inconsistent with the cost/benefit approach set out in the Framework.

13.15 CS Policy CSM1 is a strategic omnibus transport policy that includes various items most of which have no relevance to the appeal scheme. Insofar as it 'encourages' the use of sustainable modes of transport, it can be seen as being consistent with the Framework. However, there is no recognition in the policy that the opportunities to maximise sustainable transport solutions will vary between urban and rural areas, as advised in paragraph 103 of the Framework. Despite that, I consider the policy is up to date insofar as it relates to the appeal scheme.

13.16 Finally, Policy CSM2 establishes that proposals for major development must be accompanied by a Travel Plan and a Transport Assessment. There is no suggestion that these documents have not been provided in the case. Accordingly, I do not consider Policy CSM2 passes the 'most important' test.

13.17 Based on the above exercise I consider that the majority of those policies which are most important for determining the application are out of date. As a result, the weight that can be attributed to these policies has to be commensurately reduced and irrespective of the Council 5YHLS position, the default position identified in paragraph 11 d) of the Framework is engaged. [6.9] This is a matter I will return to later in my report.

Inappropriate development in the Green Belt

13.18 Although the site is proposed to be removed from the Green Belt and allocated for development, as things currently stand the site remains in the Green Belt. As with the Officer's Committee Report, my assessment is therefore made on the basis of the existing Green Belt status of the site. [7.1,8.16,8.29] I have found that the Development Plan does not contain any up to date Green Belt development management policies, I have therefore defaulted to advice in the Framework, which both parties have referred to extensively in their evidence.

13.19 Paragraph 133 of the Framework states that the Government attaches great importance to Green Belts, with the fundamental aim of Green Belt policy being to prevent urban sprawl by keeping land permanently open. It goes on to confirm that the essential characteristics of Green Belts are their openness and their permanence, with paragraph 134 explaining that Green Belt serves 5 purposes:

- a. to check the unrestricted sprawl of large built-up areas;
- b. to prevent neighbouring towns merging into one another;
- c. to assist in safeguarding the countryside from encroachment;
- d. to preserve the setting and special character of historic towns; and
- e. to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

13.20 In paragraph 145 of the Framework gives various exceptions of where the construction of new buildings in the Green Belt would not be inappropriate. One such exception is:

"limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:

- not have a greater impact on the openness of the Green Belt than the existing development; or*
- not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land and contribute to meeting an identified affordable housing need within the area of the local planning authority"*

13.21 In order for the appeal scheme to benefit from this exemption, it must first be demonstrated that it is PDL. Annex 2 to the Framework provides the following definition of PDL:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape."

13.22 The determinative issue in this case is whether the appeal site is PDL in the terms set out in the Framework. As much of the western part of the site is devoid of permanent structures, the PDL question principally turns on whether the whole campus falls within the curtilage of those permanent structures on the site. [8.30]

13.23 The Courts have consistently held that the extent of a curtilage will be a matter of fact and degree and will depend on the particular circumstances of a case. [7.5,8.31,8.32] There is broad agreement that the central and eastern parts of the site, currently occupied by the university buildings and dwellings, are curtilage. [7.5]

13.24 The western half of the site is however appreciably more open and contentious. [7.21]. A significant portion of it along with a strip of land along the southern site

boundary comprises the university's sport pitches. [2.3,4.3,8.33,8.53,8.55,8.59] These pitches and the circulation areas around them clearly perform an important functional purpose related to the campus buildings. [8.34] Cognisant of the Sinclair-Lockhart judgement¹³⁴ and the dictionary definition of a "*campus*", I am satisfied that these areas fall within the curtilage of the university buildings. [8.34] Whilst the Council has drawn my attention to the brownfield register plan, there are very few details before me as to how or when this plan was drawn up. [7.4] On its face, the plan that simply reflects those parts of the site that are occupied by permanent structures. It does not proposit to be a detailed examination of the site under the Framework definition of PDL.

13.25 There would be no development in the north-west quadrant and therefore, as clarified at the Inquiry, the Council's Green Belt objection principally relates only to the south-west quadrant. [4.3,7.31,8.6,8.19,8.37] This area accounts for approximately 14% of the site. [2.3] The illustrative masterplan indicates this area would be reserved for low-density housing complimented by areas of open space such that not all of the area would be developed. [4.1,4.3,8.19,8.47,8.54]

13.26 Whilst historical aerial photographs indicate buildings once stood on this part of the site, there is no meaningful evidence before me as to what these were or looked like. They were evidently removed at some point during the 1950s and any remains have since blended into the landscape. Much the same applies to the golf course that was said to once occupy this part of the site. Today much of the south-west quadrant is covered in a dense scrub and is largely inaccessible save for a mown path which runs parallel to the existing surfaced footpath through the site. The presence of a maintained path is suggestive of some kind of functional link and physical relationship to the wider campus, most probably as part of a circular walk. That could be considered sufficient to bring the south-west quadrant within the definition of curtilage. In my view however the link is a tenuous one. Beyond the mown path, there is little to suggest the area serves a useful purpose to the permanent structures. On balance, I consider that the south-west quadrant is not curtilage and cannot be PDL in the terms set out in the Framework.

13.27 Returning to the approach set out in paragraph 145g), it is common ground that the development would address an affordable housing need. [7.63,7.69,8.37,8.87,8.107,9.4,10.1] The next step for those areas that are PDL is to consider whether the development would cause substantial harm (my emphasis) to the openness of the Green Belt. [7.7,8.35-8.38]

13.28 To answer that question, much time was spent at the Inquiry discussing the possible implications of the appeal scheme on building volumes. Other than agreeing that the existing buildings total 125,500m³, there is little common ground on the issue. [7.16, 8.40, 8.107] What can be deduced from the competing calculations is that any approach relies on a large amount of guesswork as to what would come forward at the reserved matters stage. This was expressly acknowledged in the Officer's committee report. [8.41] Therefore, trying to determine the exact impact on volume now is a somewhat futile task.

13.29 Nonetheless, the Appellant has demonstrated that it would be possible to bring the site forward in a manner that broadly adheres to the existing amount of

¹³⁴ Sinclair- Lockhart Trustees v Central Land Board [1950] 1 P & CR 195, (CD19.4).

volume on the site. [7.18] At the other extreme, the Council argued there could be a significant increase in volume if the site were to be developed in accordance with the maximum limits shown on the parameter plans. [7.16, 7.17, 8.40-8.43]

- 13.30 Even if the maximum permissible volumes were to be pursued and one prefers the Council's 203,500m³ figure, the Appellant rightly points out that the increase in volume would be broadly consistent with the 195,995m³ contained in the Council's SPD. [7.20,8.48]. The Council's 'bottom-up' calculation of 170,000m³ would result in a generous reduction of volume compared to the SPD allowance. [7.18]
- 13.31 The Appellant amended the scheme during the determination period to reduce its potential volume. That indicates to me a willingness to work with the Council on this matter. [1.7,5.2,5.3,7.18,8.4,8.16] It is of course possible that a different developer might pursue a different agenda. If that did happen, I am satisfied that it would be within the Council's gift to control these matters at the reserved matters stage. [8.41-8.43]
- 13.32 Of course, as the PPG acknowledges, openness is multi-faceted and there is clearly a visual aspect also. [7.13,8.38,8.39] There would undoubtedly be significant benefits associated with the removal of the existing agglomeration of large educational buildings including the tower, which is visible over a large swathe of the surrounding Green Belt. [6.3,7.14,7.26,7.35,7.69,8.1,8.40,8.46,8.57,8.69,8.71,8.107,9.13] Although some 4-storey development is proposed in the eastern/central part of the site, I am not persuaded that this would be readily visible from vantage points outside the site. [2.4,7.35] The Council point to the possibility of glimpses from the A40 at night. [7.25] However, I find that unlikely given that the existing boundary landscaping is to be retained and strengthened particularly along the A40 frontage. Even if the occasional glimpse were possible, I do not consider this can reasonably be described as harmful given the current situation where there are floodlit pitches very close to the A40 boundary.
- 13.33 Beyond the 4-storey development in the south-east quadrant, there is no suggestion from the Council that any other parts of the development would be visible outside the site's boundaries. This is because the site undoubtedly has a very high level of visual containment. [2.4,6.3,7.35,8.47] Overall, I consider the development would have a broadly neutral effect on openness as experienced from within the appeal site. However, there would be a significant net-beneficial effect on the openness of the wider Green Belt through the removal of the tower. In conclusion, save for the south-west quadrant, the development would not be inappropriate development in the Green Belt. In view of the wording in paragraph 145g) of the Framework, there is no need to undertake a separate assessment in relation to the 5 Green Belt purposes.
- 13.34 The proposed development in the south-west quadrant would be inappropriate development. The Framework states that such development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. I will return to this matter in due course. Should the SoS take the view that the whole of the site can be considered PDL then it will not be necessary to consider whether very special circumstances exist.

Character and appearance

- 13.35 Most of the appeal site was formerly part of the historic parkland of Holton Park which survived intact until the early part of the 20th Century. The western part of the site was used as a military hospital during the Second World War and the historical maps provided show a proliferation of roads and buildings during that time. In the 1960s the A40 was constructed along the southern edge of the park. At the same time the site began to be developed for educational purposes and has grown and evolved incrementally ever since.
- 13.36 The site is considered in national, regional, county and local landscape character assessments. However, owing to the site's level of containment and its specific landscape characteristics, these broad-brush studies are of little assistance as the site does not readily conform strongly to any of the key characteristics of the various landscape types. [6.3,7.22,8.58,8.59]
- 13.37 The application was accompanied by a detailed Landscape and Visual Impact Assessment which assesses the likely landscape and visual effects of the development. [8.68] This was supplemented at the appeal stage by a suite of photomontages. Whilst I have had regard to these documents, my assessment is primarily informed by my observations on the numerous site visits undertaken before and during the Inquiry, the latter with the benefit of having heard the evidence of the relevant landscape witnesses.
- 13.38 The site is well contained behind modern fencing and substantial belts of landscaping such that its current visibility within the wider landscape is limited. The site is not a designated or a 'valued' landscape in the terms set out in the Framework. It is common ground that the removal of the tower and other dilapidated structures would be beneficial in landscape terms. [6.3,7.14,7.26,7.35,7.69,8.1,8.40,8.46,8.57,8.69,8.71,8.107,9.13]
- 13.39 The appeal site, although in the countryside for planning purposes, does not possess a strong rural character. The existing buildings including parking areas, footpaths, lighting, engineered sports pitches and the A40 dual-carriageway exert an urbanising influence which extends over most of the site including those undeveloped areas. Given the extensive landscape changes that have taken place over the last 80 years, the 'historic/relic parkland' argument has little resonance to what is seen on the ground today. [7.21-7.23,7.35,8.57-8.58,8.63] That is supported by the John Moore report which found that the former parkland is now "*degraded and truncated*". Consequently, even from those open, western areas there is an ever-present feeling of being on a university campus. I therefore consider that the Appellant's description of the site as "institutional" is apt. [7.23,8.1,8.40,8.46,8.60]
- 13.40 The main parties concur that the appeal site is of medium landscape value. In addition to the evidence submitted as part of this appeal, the site has also been considered in a range of reports that form the evidence base to the eLP. The Kirkham Study found that the landscape has overall medium/low landscape sensitivity and that the site should be considered further as a Potential Strategic Allocation on landscape and visual grounds, focussing development around the previously developed area. [7.10,7.12,8.109] A number of recommendations were subsequently made:

- north-western part of potential allocation as open parkland to improve the setting of Holton Park, protect the SM and contribute to the separation of Wheatley and Holton.
- the tower block to be removed and building heights kept to a more domestic scale (2-3 storeys high).
- The developable area should include green links, open space and SUDS features.
- Heights of new buildings should be such that they are not visible above tree lines from adjacent countryside, settlement and roads.
- Create substantial new woodland planting to contain housing and create a new countryside edge, and to link existing woodland to the north-east of the potential allocation with enhanced woodland in the south-western part of the potential allocation.
- Retain and protect valuable specimen and avenue trees and native vegetation, within potential allocation and to outer boundaries.
- Protect and frame views towards the north.
- Preferred access point via existing drive off of Waterperry Road, minimising impact on the rural character of the road.

13.41 The illustrative masterplan shows the probable layout. [4.2] It indicates that the majority of the houses would be located on the currently built-up eastern and central parts of the site. Accordingly, and whilst there would be encroachment into the south-west quadrant, I do not consider that the layout necessarily conflicts with the requirement to “focus” development on the previously developed area. [3.19,3.23,7.1,7.24,8.18,8.5] If it was the case that no development outside built up area would be acceptable, then it is reasonable to conclude that alternative, more definitive, wording would have been used. The fact that the eLP evidence base supports the removal of the whole site from the Green Belt is also inconsistent with the Council’s view that no development should take place outside the built-up area. [3.19,8.18] I have noted submissions about the concept plan to Policy STRAT14 of the eLP. [8.7] However, that plan only appeared after the Council’s decision and in any event carries no weight in view of the Holding Direction.

13.42 The appeal scheme keeps the north-west part of the site as sports field/open parkland. [4.3,7.31,8.6,8.19,8.37] Approximately half the site would be given over to green infrastructure. [4.1,12.9] The tower block would be removed. The 4-storey development would be confined to those parts of the site that currently accommodate substantial built development and where the visual and landscape effects would be minimised. [4.3] As the photomontages demonstrate the heights of buildings would not be visible outside the boundaries of the appeal site above existing trees. New woodland and tree planting would take place, and most of the best trees would be retained. [2.4,4.2] Open green space within the north-western part of the site would retain views towards the north. Accordingly, I am satisfied that the scheme before me is in general accordance with the recommendations of the Kirkham Study.

- 13.43 The Kirkham Study was followed by the SODC-Landscape Assessment Update which reviewed the findings of the Kirkham Study. [7.23] It found that the site (with the exception of the existing tower block) is well contained and inward looking and has no discernible connection to the wider landscape. The conclusion was that the site could accommodate development in landscape terms.
- 13.44 It should be borne in mind that the Council's landscape objections, as clarified at the Inquiry, relate only to the south-west quadrant. I therefore turn to look solely at this area, which the Council describes as "*relict parkland containing trees and shrubs*" with an attractive wooded character. [7.21] The area accounts for approximately 14% of the appeal site and abuts the A40 to the south and the Wheatley Park school site to the west. [2.1-2.4] It appears to have little or no current use beyond an informal footpath across its northern portion. Much of the land is inaccessible and covered in a thick scrub interspersed by a range of deciduous and evergreen trees. The site is well screened from within and outside the appeal site. [2.4,7.35,8.47] Unlike other southern areas, the south-west quadrant sits at a higher level than the A40 and therefore has very little visual exposure from it.
- 13.45 The south-west quadrant has a character that is distinct from the rest of the campus. Nonetheless, I would be hard pushed to describe in quite the same terms as the Council's landscape witness. Whilst it undoubtedly has some landscape and visual value as a parcel of undeveloped green land, that is about as far as it goes. Traffic noise and the modern housing development on the south side of the A40 are both readily apparent. Despite it forming the highest part of the site, outward views are restricted by the mature landscaping both within and along the site boundaries. The trees, some of which might loosely be described as "parkland trees", have some amenity value particularly the "*spreading oak tree*". However, most of these specimens would be retained. The majority of the trees in this area are self-seeded and of little amenity value. There is currently no formal public access and therefore it is difficult to argue that the wider public derive any significant value from this part of the site. Overall, I do not consider the south-west quadrant is particularly sensitive in landscape or visual terms such that it should be excluded from development. The Council's own Landscape Architect concluded that the proposed homes in the south-west part of the site would result in a minor impact to the landscape character and visual quality of that area of the site.
- 13.46 I have noted the Council's view that regard should be had to the "*designed landscape setting*" in the John Moore report. [7.30] This encompasses a wide area that includes most of the north and south-west quadrants of the site. However, the report offers no meaningful explanation as to what the term actually means or how the authors arrived at the area drawn in Figure 4.7.4 which is both excessively large and bears no relationship to the distinct parcels of land that make up the campus. [6.3] Moreover, when assessing how much weight should be given to this and other reports forming the evidence base of the eLP, it needs to be remembered that these are high-level assessments forming the evidence base for the eLP. Their purpose is therefore to highlight heritage and landscape issues rather than to determine what response should be made to those issues. I do not believe the John Moore report was ever intended to be treated as a determining factor in development management decisions without a further, detailed landscape/heritage assessment, which the Appellant has

undertaken. For the above reasons I am giving very little weight to the “*designed landscape setting*” designation.

13.47 Overall, the proposed dwellings would be smaller in scale than the current educational buildings and would be more appropriate to a countryside edge location. Notwithstanding the increased footprint and encroachment into areas that are currently open, the Masterplan and photomontages demonstrate that the spacing and scale of the dwellings would be appropriate to the site’s rural setting and clearly preferably to the existing scenario. [4.2,8.117] All the housing especially that in the south-west quadrant would be visually contained with little impact on the wider landscape. [8.47] The development would read as a logical northern extension to Wheatley albeit separated from it by the A40. There would be a significant visual benefit from the removal of the existing buildings. These benefits along with on-site mitigation in the form of additional planting and landscaping and large areas of open space would be in my view be sufficient to secure an overall net-gain in landscape and visual terms over the wider area. [4.3,6.3,7.14,7.26,7.35,7.69,8.1,8.40,8.46,8.57,8.69,8.71,8.107,9.13]

13.48 Based on the above, I do not consider that the development would harm the character and appearance of the area. Accordingly, I conclude that there would be no conflict with CS Policy CSEN1 or LP Policies G2, C4 and C9 insofar as they seek to protect the district’s countryside and settlements from adverse development.

Heritage assets

13.49 The duty under Section 66 of the 1990 Act requires special regard to be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. The Heritage SoCG confirms that this section is clearly engaged insofar as the Holton Park (Grade II), and St Bartholomew’s Church in Holton (Grade I) are concerned. [6.4]

The SM

13.50 The records held by HE describe the SM as the site of an early moated manor. However, the Appellant’s own archaeological analysis casts considerable doubt on that interpretation highlighting that its size would be insufficient to support such a building and is more likely to have been a windmill platform or parkland feature. HE themselves acknowledge the inability to be certain as to the nature of the monument but judged that “*in all of the possible interpretations of this feature, there is a connection with the earthwork and the relatively open and rural spaces surrounding it.*” [7.29,8.65] HE was not present at the Inquiry and therefore their evidence could not be tested. [8.70]

13.51 The only thing that is known with any degree of certainty is that the site accommodated a statue which is shown on the 1880 OS map. What is abundantly clear today is that the SM strikes a rather forlorn, neglected and uninspiring feature. [8.67] Nothing has been done in recent years to interpret, celebrate or even maintain it. It has been overrun by brambles, nettles and self-seeded trees. Given its current predicament, it is not unreasonable to suggest that the SM goes largely unnoticed and unappreciated by the public at large.

- 13.52 The setting of a heritage asset is defined in the Framework as *"the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral"*. [8.62] There is no dispute that the SM currently has a fairly open setting and as much as possible this should be retained. [7.29,8.65] The appeal scheme was amended at the application stage to provide additional breathing space for the SM with HE recognising the improvements made [5.2,8.68] The Council point out based on the illustrative masterplan, that the nearest houses would come within 50m of the SM resulting in a high degree of *"less than substantial harm of moderate extent"*. [7.31,7.34]
- 13.53 The uncertainty over exactly what the SM is or was, makes the task of assessing its setting all the more difficult. Nonetheless, it is apparent that its setting has changed dramatically over the last 80 years or so. The deer park and *"open parkland setting"* referred to by the Council are all but gone and all that remains are a few parkland trees dotted around the site, nearly all of which would be retained. [2.4,4.2] The immediate context of the SM are the levelled sports pitches and a bank of mature trees to the south beyond which the land falls away to the footpath and tennis courts. [8.55,8.59]
- 13.54 Adding credence to that view is the John Moore report which states: *"Much of the site has been considerably damaged as a result of modern development and the archaeological remains, if any, presumably considerably degraded. There are one or two areas where the ground surface survives in its pre-20th century level, which includes the scheduled monument and the surrounding features"*.
- 13.55 Insofar as it can be said that the SM derives any of its significance from its setting, I consider that the immediate open area to the north, west and north-west has a moderately positive contribution. This area performs the important role of maintaining indivisibility between the SM and Holton Park and also corresponds to the *"SM and listed building setting implication"* area shown in Figure 4.7.4 of the John Moore report. [7.29-7.30] However, no built development is proposed in this area and on the contrary, the area would be subject to a detailed landscaping scheme intended to restore the original parkland character and appearance. [4.3,7.31,8.6,8.19,8.37,8.69]
- 13.56 I have noted the Council's view that regard should be had to the *'designed landscape setting'* in the same report. [7.30] This encompasses a much wider area than the *'SM and listed building setting implication'* that includes most of the north and south-west quadrants of the site. However, the report offers no meaningful explanation as to what the term actually means or how the authors arrived at the area drawn in Figure 4.7.4 which is both excessively large and bears no relationship to the distinct parcels of land that make up the campus. [6.3]
- 13.57 Moreover, when assessing how much weight should be given to this and other reports forming the evidence base of the eLP, it needs to be remembered that these are high-level assessments forming the evidence base for the eLP. Their purpose is therefore to highlight heritage and landscape issues rather than to determine what response should be made to those issues. I do not believe the John Moore report was ever intended to be treated as a determining factor in development management decisions without a further, detailed

landscape/heritage assessment, which the Appellant has undertaken. For the above reasons I am giving very little weight to the “designed landscape setting” designation

- 13.58 Although the Council’s Heritage witness did not retreat from his view that there would be overall harm to the SM, it was accepted that a carefully designed landscaping scheme could be beneficial. [7.35,8.55,8.65] Moreover, and perhaps more significantly, it would also be possible to secure a comprehensive improvement scheme for the SM by condition. The wording of the condition agreed by the parties would include maintenance and the provision of features such as public seating, an information board and research into the SM’s origins. Given the current state of the SM, I consider this to be a significant heritage benefit which would enable the general public to appreciate and understand the asset in a way that is far removed from today’s underwhelming experience.
- 13.59 The area to the south which includes the south-west quadrant has been remodelled over the last 80 years. Beyond the bank of trees, the land drops away to a parking area and a timber building beyond which is a lit footpath and tennis courts. Evidently the setting to the south has changed significantly over the years and now contains those urbanising influences. Although the south-west quadrant is undeveloped, views over the area from the SM are obscured by the bank of trees and the tennis courts. There is hence little visual relationship between the SM and the south-west quadrant. Whilst the houses would be visible from the SM, based on the distance of separation, the potential for additional landscaping and the careful placement of the dwellings, I do not consider they would be unduly prominent.
- 13.60 Nonetheless, there would be some limited harm arising from the encroachment of housing and the spine road to the SM’s southern flank. [7.32] However, for the reasons given above, this would be towards the bottom end of the ‘less than substantial’ range and would be clearly outweighed by a combination of the proposed landscape improvements in the north-west quadrant, the SM improvement scheme and also the removal of the existing university buildings which form a stark backdrop in eastward views of the SM. Accordingly, there would be an overall heritage benefit to the SM.

Holton Park

- 13.61 This is the other heritage asset cited to in the Council’s RfR. The Council’s Heritage witness alleges that there would be noticeable changes to its setting through the introduction of housing on the appeal site. The level of harm is hence judged to be “*less than substantial of minor extent*”. [7.34]
- 13.62 Holton Park is located just beyond the north-western site boundary but nonetheless visible from a variety of vantage points within the appeal site. Holton Park also known as ‘Old House’, was the replacement manor house for Holton Park constructed around 1815. Bearing in mind the history of the appeal site there can be little doubt that Holton Park was located for a direct visual, physical and historical connection with the surrounding deer park setting. [7.28,7.29]
- 13.63 Despite the amount of change that has occurred over the last century including its physical severance from the appeal site, a visual connection is still evident and important to understanding the history and evolution of Holton Park. Whilst

remnants of the deer park remain on the adjacent Wheatley school site, I do not accept that Holton Park can be said to possess an 'open parkland setting'. [7.21,8.65] Instead its setting is currently dominated by 2 large education campuses. I do however agree with the Council that the open nature of the north-western quadrant of the appeal site, albeit dominated by the engineered sports pitches, is an important component to understanding the manorial story of Holton Park and therefore makes a positive contribution to its setting. [7.32]

13.64 Whilst the appeal scheme would undoubtedly bring built development closer to Holton Park, the plan submitted at the Inquiry shows that the nearest houses would be approximately 175 metres away. [7.33] In my view that cannot reasonably be considered as close. Those dwellings in a more direct line of sight from the rear of Holton Park would be over 300m away. In both cases, the houses would not encroach into the sensitive open area between Holton Park and the SM. Instead they would be positioned on the far side of the reinstated parkland area. Once established, it is likely based on the submitted photomontages, that landscaping would provide a high degree of screening, such that the dwellings would only be visible in long distance and heavily filtered, seasonal views from a small number of viewpoints from upper floor windows in the rear elevation of Holton Park. [4.2]

13.65 As discussed above, the appeal scheme would retain and enhance the openness of the north-west quadrant through a landscaping scheme that would return this part of the site to something more akin to its original parkland setting as opposed to the heavily engineered landscape that is seen today. [8.55,8.59] As I saw when I visited the site, the tower features prominently in the background of angled views of the façade. Its removal would also be a benefit in the context of Holton Park.

13.66 Based on the foregoing, I consider the appeal scheme would lead to an enhancement to the setting of Holton Park.

St Bartholomew's Church

13.67 St Bartholomew's Church in Holton is a Grade I Listed building, meaning it is of the highest significance and of exceptional interest. The existing 12 storey tower on the appeal site is seen in the distance in seasonal views through the lych-gate thus harming the church's isolated, rural setting. [7.35,8.71]

13.68 The removal of the tower would improve views southwards from the churchyard when the intervening tree cover is not in leaf. This would represent a heritage benefit which given the building's status in the top 2.5% of all listed buildings nationally attracts weight in its own right.

13.69 I have noted the Council's view that the removal of the tower represents a landscape rather than a heritage benefit. However, that view appears to be underpinned by advice in HE's Good Practice in Planning Advice Note 3. However, that document and advice therein relate to situations where new development might impinge upon designed views of a church tower or spire. The circumstances here are different.

Heritage conclusions

13.70 After carefully considering all the evidence, I have found a small degree of harm in relation to the on-site SM arising from the encroachment of

development on its southern flank. However, I consider this harm would be outweighed by the benefits arising from the proposed mitigation.

13.71 There would be ample separation between Holton Park and the proposed areas of housing such that its setting would be adequately preserved. Factoring in the mitigation specifically the on-site parkland landscaping scheme would lead to an overall enhancement to the setting of Holton Park. There would also be an enhancement to the setting of St Bartholomew's Church through the removal of the tower. Accordingly, I consider the development would result in overall heritage betterment. This is something that weighs in favour of the scheme in the overall planning balance.

13.72 In coming to that view, I am mindful of the comments of HE, the Council's Conservation Officer and heritage witness all of whom found 'less than substantial' harm to the setting of the SM. [7.34] I do not disagree, but where I depart from those assessments is with regard to the heritage benefits, which in my view have been significantly underplayed. [8.69]

13.73 As I have found no overall heritage harm, it is not necessary to undertake the heritage balancing exercise required by paragraph 196 of the Framework. I have considered the Council's submissions that heritage benefits should properly be considered as 'public benefits' and only introduced at the paragraph 196 balancing stage. [7.36,8.71] However, I can find no explicit support for that approach in the Framework and as the Palmer Judgement makes clear¹³⁵, the decision maker may legitimately conclude that although each of the effects has an impact, taken together there is no overall adverse effect on the listed building or its setting. In effect the exercise to be undertaken is to weigh the positive and negative aspects of the scheme and to come to an overall judgement as to whether the development would harm, preserve or enhance the asset.

13.74 Even if I were to concur with the Council's approach, the question of where and when the benefits are considered makes no meaningful difference to the eventual outcome of the balancing exercise to be undertaken.

Accessibility

13.75 The Council's stance in relation to accessibility directly contradicts the eLP evidence base which acknowledges that the site is within walking distance of Wheatley which contains a number of services and facilities further details of which are provided in the eWNP. [2.1,3.20-3.24, 8.73,8.75] Because of that, the Council confirmed at the Inquiry that its objections relate to the south-west quadrant, however as discussed below that area happens to be the best located part of the appeal site. [8.83]

13.76 The Appellant met with Highway Authority Officers on several occasions during the determination period. As a result of these discussions, a package of off-site works was agreed with the aim of improving pedestrian access to key destinations namely Wheatley Primary School, the village centre and the employment areas/supermarket on the eastern fringe of Wheatley. [8.77] In addition, a financial contribution of £720,000 has been agreed to fund an

¹³⁵ Paragraph 29 Palmer v Herefordshire [2016] EWCA Civ 1061 (ID30)

additional bus in the commercial fleet for eight years, with a frequency of 30 minutes. [12.12] Both the bus service contribution and off-site highway works would benefit existing residents of Wheatley. [8.78]

13.77 Based on the above measures, the Highway Authority did not object to the planning application and the Officer's Committee Report concluded; "*the development represents sustainable development with bus, walking and cycling routes to key services and facilities*".

13.78 Para 8.24 of the LP states that "*the District Council will seek to encourage walking as the predominant mode of transport for journeys up to one mile, and cycling for journeys up to 3 miles, as far as possible within the land use planning framework*". This is reflected in advice retained in Manual for Streets which states: "*walking offers the greatest potential to replace short car trips, particularly those under 2km*". [7.39,8.74] The Appellant has conducted a detailed analysis of distances to local facilities which finds that all 14 key facilities are under 2km. Save for Asda, the facilities are also within a 1600m (or 1 mile) walk distance from the centre of the site. These distances are contained in the Accessibility SoCG. [6.5]

13.79 Paradoxically it is the south-west quadrant that is the best located part of the appeal site and benefits from the shortest distances to most local services and facilities. It is closest to the schools and Wheatley village centre. Only those destinations at the eastern end of the village such as the Asda supermarket would be over the recommended walk distance. [7.38] However, as the Asda site is on the eastern extent of Wheatley, a large proportion of the existing village is already over the recommended walk distance. However, in most cases, the supermarket is the one destination that future and existing residents are most likely to drive to regardless of distance. Despite that, the Appellant has agreed to deliver a footway along Old London Road (none currently exists) which would provide a continuous footway between the appeal site and Asda. [8.77]

13.80 The Appellant's evidence demonstrates that the appeal site has better overall accessibility than the other preferred housing sites in the eWNP as well as other large housing sites consented by the Council in recent years. [8.76] The weight of this evidence is such that it demonstrates that the Council has not approached the issue of accessibility in a consistent way.

13.81 The A40 overbridge has been cited as a deterrent to walking and cycling. [7.40,7.41] However, the bridge benefits from footways and from my observations appeared to be well used by the local community particularly school children. [8.82] The Highway Authority has determined that no improvements are necessary, and I have seen no compelling information that would lead me to a different conclusion.

13.82 I accept the Council's point that the distance to some destinations such as the primary school are over the 'acceptable' range specified in the IHT guidance. [7.39] However such distances are guidelines and should not be construed as hard and fast rules. One also has to bear in mind that this is not a large town or city, Wheatley and the appeal site are located in a predominantly rural area. This is relevant because paragraph 103 of the Framework tells us: "*opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making*". Part of the route to the primary school passes

through the historic part of the village which is less than ideal for pedestrians. However, no history of accidents has been adduced and my observations suggest that drivers and pedestrians are aware of its limitations and take the necessary precautions.

13.83 Holton is a small rural settlement to the north of the appeal site. I walked and cycled the route from Holton to the appeal site during the Inquiry. In view of the lightly-trafficked nature of the route, I found both cycling and walking to be an enjoyable experience. To assist pedestrians the Appellant has investigated the possibility of providing a continuous footway between the site and Holton. [7.43,8.80] However with the agreement of the Highway Authority, it was concluded that one cannot be accommodated due to insufficient highway space. The Council have not pointed to any other improvements that could reasonably be undertaken by the Appellant. Even if they had, I am not persuaded that improvements in the direction of Holton would be justified. The appeal site has been identified in the eLP evidence base because of its proximity to Wheatley not Holton which beyond a village hall and church, it contains no services. [8.80,8.81] Consequently, the likelihood of significant numbers of people wanting to travel from the proposed development to Holton is remote.

13.84 As is customary for a development of this size, a Framework Travel Plan was submitted with the planning application. [8.79] This aims to encourage sustainable travel habits among future residents and includes the following measures; 1) appointment of a Travel Plan Co-ordinator 2) Travel Welcome Pack and Website, 3) Promotion of public transport journey planner information, and provision of walking and cycling information. The exact range of measures is a matter that the Council would be able to control through the discharge of the Travel Plan condition.

13.85 Overall and bearing in mind the rural nature of the area, I consider the site and particularly the south-west quadrant to be well located to services and facilities in Wheatley. Accordingly, there would be no conflict with CS Policies CS1, CSS1, CSM1 and CSM2 of the CS or Policies T1, T2 and T7 of the LP. There would also be no conflict with paragraphs 92, 102, 103, 108 and 110 of the Framework. On the contrary given the extensive nature of the off-site highway works and the bus service contribution, there would be accessibility gains to the local community. This is something that weighs in favour of the scheme in the overall planning balance.

Housing land supply – Housing need

13.86 In view of my findings on the first main issue, the question of whether the Council can demonstrate a 5YHLS becomes somewhat academic as the tilted balance in paragraph 11d) of the Framework is already engaged. Nonetheless, for completeness and given the SoS is likely to take an interest in these matters, I address the housing need issue below.

13.87 There is no dispute that the CS housing requirement is out of date, therefore the starting point in determining the housing requirement has to be the Framework. [3.14, 7.44, 8.11] Paragraph 73 advises that in circumstances where strategic policies are more than 5 years old, as is the case here, a 5-years' worth of housing should be measured against local housing need. Footnote 37 to paragraph 73, added to the February 2019 version of the Framework states:

"Where local housing need is used as the basis for assessing whether a 5-year supply of specific deliverable sites exists, it should be calculated using the standard method set out in national planning guidance."

13.88 Annex 2 of the Framework provides further clarification that local housing need is *"The number of homes identified as being needed through the application of the standard method set out in national planning guidance"*. Beyond that for plan-making, the Framework simply does not entertain exceptional circumstances for decision-taking. The national policy context is therefore different to the Bamber Bridge appeal decision¹³⁶ which pre-dated the February 2019 changes to the Framework. [7.44,7.45,8.91]

13.89 I acknowledge that the continued use of the standard method could cause the Council to fall significantly behind the level of growth envisioned in the SHMA and OHGD. [8.89] I also consider that the Appellant's analysis of more recent evidence strongly points to an even higher local housing need than is identified in the SHMA and eLP. [8.104] There are clearly a number of exceptional circumstances in South Oxfordshire at the current time connected to the OHGD. [3.25-3.28, 8.14, 8.21-8.28, 8.93-8.105]. Accordingly, there is considerable merit in the Appellant's submissions on housing need. Nonetheless, the Framework is unequivocal that the standard method is to be used for the purposes of calculating the housing requirement. [7.44]

13.90 It is agreed, even on the Appellant's supply figures, that the Council is able to demonstrate a 5YHLS against the figure which arises from the standard method (see Table 2, Annex E). [6.6,7.52,8.88] That being the case and as in the Lower Shiplake decision, there is little value in conducting a thorough examination of the competing supply arguments. [7.54]

13.91 The respective positions of the parties in relation to housing land supply are set out in Appendix E to this report.

Other Considerations

13.92 In this unusual case, the majority of the appeal site is PDL and therefore benefits from the exception in paragraph 145g) of the Framework. In other words, it would not be inappropriate development.

13.93 Only a relatively small, visually contained and underutilised parcel of land in the south-west quadrant would be inappropriate development. In accordance with paragraphs 143 and 144 of the Framework, it is necessary to consider whether the harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the appeal scheme. [7.67,8.51,8.106] I have not identified *'any other harm'* in this case.

13.94 In support of the scheme, there are various 'other considerations'. [8.107] I will deal with each of these in turn. Firstly, the majority of the appeal site is located on PDL specifically identified in CS Policy CSEN2. On any level, it must be preferable to develop such sites ahead of greenfield sites whether in the Green Belt or otherwise. [8.107] The Council's own evidence base for its eLP, having carefully considered the Green Belt purposes, has recommended that the appeal

¹³⁶ Appeal Ref: APP/F2360/W/18/3198822 (Appendix 6. PoE/NI)

site in its entirety should be removed from the Green Belt and allocated for housing. [8.109]

13.95 The most recent report to have considered the site is the 2018 LUC report which built upon the 2015 Kirkham Study. This assessed the Green Belt harm that would arise from the potential release of various sites across the district against the 5 purposes. [7.12,8.109] The LUC report concluded that the appeal site is the only one of 5 sites that would result in "*low-moderate*" Green Belt harm. The conclusion of the LUC report and others clearly informed the Council's decision to remove the site from the Green Belt in the eLP.

13.96 Notwithstanding the findings of the LUC report, I have found that the development would result in an overall benefit to the visual openness of the Green Belt arising principally from the removal of the 12-storey tower, the urban scale and institutional appearance of which is unlike anything else in the locality. It is seen from public viewpoints far and wide, drawing the eye in the most grievous manner. It is difficult to envisage a building that could be more insensitive and incongruous to its surroundings. Accordingly, and even though I accept there would be a 'spreading' of development across the site, the removal of the existing buildings would have a clear and demonstrable Green Belt and landscape benefit. In my view, the openness benefits, are on their own, sufficient to 'clearly outweigh' the 'definitional' harm arising in the south-west quadrant.

13.97 Secondly, the development would make a significant contribution towards the Council's stock of market and affordable housing. [7.63-7.66,8.86,8.87] I heard much at the Inquiry about the eye-watering levels of affordability in South Oxfordshire. [3.24,7.63,8.101,8.104,8.107,9.4] This has put the aspiration of owning a home out of reach for many and is the very embodiment of the national housing crisis. The Council itself accepts the need is "*acute and pressing*". [8.107]

13.98 For South Oxfordshire, the SHMA identifies a need for 331 net affordable homes per annum to deal with the backlog using the Sedgefield approach for the period between 2013 and 2031. [8.87] In the 6-year period since this annual need figure was calculated in the SHMA, a shortfall of -713 affordable homes has accrued as a result of delivery falling substantially short of meeting identified needs. In order to address this backlog, the Council would need to deliver 2,370 net affordable homes over the course of the next 5 years.

13.99 Whilst I accept the Council can demonstrate a 5/3YHLS as required by the Framework and WMS, this is not a ceiling on the number of houses that can be provided. Moreover, there a number of forceful arguments as to why the use of the standard method is not appropriate in a district that has signed up to the OHGD and committed itself, with others, to the delivery of 100,000 homes across Oxfordshire by 2031. [3.24,3.27,6.7,7.48,8.93,8.94,8.102] The Council confirmed at the Inquiry that it is still committed to the eLP, by extension that must mean it accepts that the higher housing requirement therein is still appropriate for plan-making purposes. [3.17]

13.100 Whilst I acknowledge an uplift in the Council's delivery figures over the 2018-19 period, it is too early to say with any confidence whether this is part of a sustained upward trend. [7.65] Even if it is, there is evidently much work still to be done in view of past rates of affordable housing delivery in South Oxfordshire. It seems to me that there is little prospect of the backlog being

cleared without a substantial and sustained boost to housing delivery in the district. [7.65,8.104] In terms of Wheatley and Holton Parishes, the Appellant's figures suggest there has also been a persistent shortfall in delivery against identified needs and targets. The eWNP itself identifies that "*the main housing needs are for affordable housing, starter homes and supported housing for the elderly*". [3.21]

- 13.101 There are some 2,421 households on the Housing Register in South Oxfordshire at the present time. Of that total, 126 have an identified need for affordable housing in Wheatley Parish. It is sometimes easy to reduce arguments of housing need to a mathematical exercise, but each one of those households represents a real person or family in urgent need who have been let down by a persistent failure to deliver enough affordable houses in South Oxfordshire. It is also evident that the seriousness of the affordable housing shortage in South Oxfordshire is having wider consequences for economic growth in the area. [3.27,8.100,8.101]
- 13.102 Although affordable housing need is not unique to this district, that argument is of little comfort to those on the waiting list. The proposed development would provide 173 affordable homes. [8.87,8.107] This would contribute significantly towards the Council's affordable housing shortfall. Given the importance attached to housing delivery that meets the needs of groups with specific housing requirements and economic growth in paragraphs 59 and 80 of the Framework, these benefits are considerations of substantial weight.
- 13.103 Third, there would be a range of economic benefits from the purchase of materials and services in connection with the construction of the dwellings, local employment during the construction period, an increase in local household expenditure and revenues to the Council from the New Homes Bonus. [7.69]
- 13.104 Fourth, as the eLP evidence base confirms, the appeal site is located in an accessible and sustainable location on the edge of a larger village which CS Policy CSS1 states will be supported and enhanced as a local service centre. Future residents, particularly those in the south-west quadrant would have good access to local services and facilities in Wheatley, and with sustainable transport choices that would provide access to higher order services in Oxford. There would be material benefits to the local community from the off-site highway works, increased bus frequencies and new routes across the site. The eWNP acknowledges the importance of bus services to Wheatley. [3.22]
- 13.105 Fifth, there would be an overall net-benefit to biodiversity, which would be consistent with the Framework and the requirements of the Development Plan.
- 13.106 Sixth, there is currently no formal public access to the appeal site and therefore the opportunity for the local community to use and enjoy the extensive areas of open space, heritage assets and enhanced sports facilities created by the development on and off-site would be a benefit of the scheme.
- 13.107 Seventh, I have identified benefits to all 3 heritage assets on or close to the appeal site arising from on-site mitigation and the removal of the existing buildings.
- 13.108 Finally, the Appellant (OBU) is not a housebuilder but rather a charity. Accordingly, the proceeds arising from the sale of the land would be reinvested

into the education sector in the local area. The Council accepts this would be a benefit of the development. [7.69,8.107]

Planning balance

13.109 I have found that a small proportion of the development would be inappropriate development in the Green Belt. This is the area in the south-west quadrant which equates to approximately 14% of the site. Within this area, the illustrative masterplan indicates that there would be generous areas of open space such that not all the area would be developed. Nonetheless, the harm by way of inappropriateness must be afforded **substantial weight**, and planning permission should only be granted if very special circumstances have been demonstrated. Very special circumstances can only exist if the harm I have identified is clearly outweighed by other considerations. I have not identified any other matters weighing against the proposal which could not satisfactorily be addressed by conditions or at reserved matters stage.

13.110 In favour of the scheme, I have identified 8 '*other considerations*'. A balancing exercise therefore needs to be undertaken where these are weighed against the harm. Firstly, the release of the site from the Green Belt and its allocation for a development of 'at least 300 dwellings' is supported by a significant amount of work which forms the evidence base for the eLP. The redevelopment of the site is also supported by the eWNP. Although the development would have a roughly neutral effect on spatial openness within the site itself, I have found there would be a significant visual benefit to openness over a wide area of the South Oxfordshire Green Belt resulting from the removal of the tower and other large, unsightly structures on the site. Given the importance attached to the Green Belt in the Framework I give this matter **very substantial weight**.

13.111 The Framework attaches great importance to housing delivery that meets the needs of groups with specific housing requirements. In that context and given the seriousness of the affordable housing shortage in South Oxfordshire, described as "acute" by the Council, the delivery of up to 500 houses, 173 of which would be affordable, has to be afforded **very substantial weight** irrespective of the fact that the Council can demonstrate a 3/5YHLS.

13.112 Given the scale of the development, the economic benefits collectively carry **significant weight**.

13.113 The heritage benefits arising from the on-site mitigation, the removal of the existing buildings and the opening up of the site and the SM to public appreciation, carries **significant weight**.

13.114 The enhanced sporting facilities, public access to the appeal site, off-site highway works, and the additional bus services are social benefits arising attracting **significant weight**.

13.115 The bio-diversity benefits attract **moderate weight**. Finally, the Appellant's status as a charity and major education provider in the local area is a consideration of **significant weight**.

13.116 There would be an overall benefit to the openness of the Green Belt, and this alone would, in my view, be enough to outweigh the harm by reason of inappropriateness.

13.117 Even if one takes a contrary view on that matter, collectively the 'other considerations' are of such number and force, that they clearly outweigh the 'definitional harm' identified in this case. As such, I conclude that very special circumstances exist, which would justify development in the Green Belt. Accordingly, the proposal would not conflict with CS Policy CSEN2, LP Policy GB4 or Green Belt policy in Section 13 of the Framework.

13.118 As the proposed development would not conflict with the development plan it passes the section 38(6) test and should be approved without delay in accordance with paragraph 11c) of the Framework. Consequently, and notwithstanding that I have found that the 'tilted balance' in paragraph 11d) does apply, it is not necessary for me to consider the proposal against that lower test.

13.119 Should the SoS take a contrary view on the matter of very special circumstances, then the tilted balance would be disapplied by virtue of footnote 6 to paragraph 11d)i) with protective policies providing a "*clear reason for refusing the development proposed*". The consequence of that would be that the appeal should be dismissed.

14. Recommendation

14.1 In light of all the above points, my assessment of the planning balance leads to the overall conclusion that the proposal should be allowed, subject to the imposition of a number of conditions, set out in Annex D below.

D. M. Young

Inspector

Appendix A

APPEARANCES

FOR THE APPELLANT

Christopher Young QC instructed by the Appellant

He called:

Mr Gary Holliday	BA (Hons) MPhil CMLI	FPCR – Landscape
Dr Nicholas Doggett	FSA MCIFA IHBC	Asset Heritage Consulting – Heritage
Mr Richard Barton	BSc (Hons) MATP MRTPI	Avison Young– Housing Supply
Mr Nick Ireland	MRTPI	Iceni Projects Ltd – Housing Need
Mr James Stacey	BA (Hons) DipTP MRTPI	Tetlow King Planning – Affordable Housing
Mr Robert Gardner	BSc (Hons) DipTP MRTPI	Avison Young – Planning
Ms Upinder Ubhi	Meng (Hons)	SWECO – Accessibility

FOR THE LOCAL PLANNING AUTHORITY

Mr Hugh Flanagan Barrister Instructed by the Council

He called:

Ms Michelle Bolger	CMLI Dip.LA BA PGCE	Michelle Bolger Expert Landscape Consultancy
Mr Julian Kashdan-Brown	MSc MA RIBA	Kashdan Brown Architects Ltd - Heritage
Mr Ben Duffy	BA MA	SODC – Housing Supply
Ms Tracy Smith	BA (Hons) MRTPI	SODC Principal Appeals Officer – Housing Need
Ms Philippa Jarvis	BSc (Hons) DipTP MRTPI	Principal of PJPC Ltd – Planning

INTERESTED PERSONS

Cllr Sarah Gray	Ward Councillor
Mr Kevin Heritage	Wheatley Park School
Mr John Fox	Wheatley Neighbourhood Plan Chairman
Mr Roy Gordon	Wheatley Neighbourhood Plan Vice-Chairman
Mr Smith	Resident of Holton
Mr Robert Barter	Holton Parish Council

Appendix B

DOCUMENTS SUBMITTED AT THE INQUIRY

ID1	Additional Photomontages (18 October 2019)
ID2	Visual Appraisal – Figure 11.2 – No. UK18-24423 Issue 2
ID3	Photomontage Locations – Figure 1B – 7590-L-51 – 30 September 2019
ID4	Appeal Decision APP/Q3115/W/19/3220425 dated 14 October 2019
ID5	Opening Statement on behalf of the Appellant
ID6	Opening Submissions on behalf of South Oxfordshire District Council
ID7	Statement of Councillor Sarah Gray, Ward Councillor
ID8	Kevin Heritage, Wheatley Park School
ID9	Statement of John Fox, Wheatley Neighbourhood Plan Chairman
ID10	Statement of Roy Gordon, Wheatley Neighbourhood Plan Vice-Chairman
ID11	SODC Landscape Architect's Comments (20 February 2018)
ID12	Illustrative Masterplan showing distances from Holton Park to development
ID13	Richard Barton Errata Sheet (25 October 2019)
ID14	The Regional Strategy for the South East (Partial Revocation) Order 2013
ID15	Ben Duffy – Proof of Evidence – Appendix J
ID16	Luton Borough Council, R (on the application of) v Central Bedfordshire Council & Ors [2015] EWCA Civ 537, [2015] WLR(D) 226
ID17	APP/Q3115/W/15/3228431 - The Elms, Thame (21 October 2019)
ID18	Letter from Mark Stone Chief Executive of SODC to SSHCLG (16.10.19)
ID19	Timeline for Oxfordshire Plan 2050
ID20	Mr Robert Gardner - Addendum Sheet to Proof of Evidence
ID21	Wheatley Masterplan SPD Note on Increased Volumes
ID22	Appeal Decision APP/C2741/W/19/3227359 dated 23 October 2019
ID23	National Planning Policy Framework (2012) Chapter 9 – Green Belt
ID24	Signed Statement of Common Ground Between Oxford Brookes University and Oxfordshire County Council Re: The Western Access (28 October 2019)
ID25	List of Draft Planning Conditions (30 October 2019)
ID26	Draft Section 106 Agreement (31 October 2019) superseded by the Signed agreement dated 15 November 2019
ID27	Council's Closing Submissions
ID28	Appellant's Closing Submissions
ID29	Council's CIL Compliance Statement
ID30	Correspondence relating to Condition 19

Appendix C

CORE DOCUMENTS**CD1 Application Documents and Plans**

1.1	Covering letter, dated 19 January 2018 (including schedule of submission documents) (GVA)
1.2	Application forms and ownership certificates (GVA)
1.3	Planning Statement (GVA)
1.4	Design and Access Statement (FPCR)
1.5	Site Location Plan (Drawing No. 7590-L-17 Rev A) (FPCR)
1.6	Topographical Survey (Drawing No. 24183_T) (Amethyst Surveys Limited)
1.7	Illustrative Masterplan (Drawing No. 7590-L-10 Rev F) (FPCR)
1.8	Parameter Plans (Land Use; Green Infrastructure; Heights Drawing Nos. 7590-L-18 Rev C; 7590-L-19 Rev C; 7590-L-20 Rev C) (FPCR)
1.9	Arboricultural Plans (Tree Survey & Tree Retention Plans) (provided Arboricultural Assessment) (FPCR)
1.10	Phasing Plan (provided in ES Figures) (Drawing No. 7590-L-21) (FPCR)
1.11	Flood Risk Assessment & Drainage Strategy (provided in Technical Appendices in ES) (Avison Young)
1.12	Environmental Impact Assessment (Non-Technical Summary (NTS), Environmental Statement (ES) Main Report, Figures & Appendices) (Ramboll Environ)
1.13	Transport Assessment (provided in Technical Appendices) (SWECO)
1.14	Travel Plan (provided in Technical Appendices) (SWECO)
1.15	Ecological Assessment (provided in Technical Appendices) (EcoConsult)
1.16	Heritage Assessment (provided in Technical Appendices) (Asset Heritage Consulting)
1.17	Archaeological Desk Based Assessment (provided in Technical Appendices) (Icknield Archaeology)
1.18	Air Quality Assessment (provided in Technical Appendices) (Ramboll Environ)
1.19	Noise Assessment (provided in Technical Appendices) (MLM)
1.20	Arboricultural Impact Assessment (provided in Technical Appendices) (FPCR)
1.21	Construction & Demolition Environmental Management Plan (provided in ES Technical Appendices) (Ramboll Environ)
1.22	Landscape & Visual Impact Assessment (provided in ES Technical Appendices) (FPCR)
1.23	Phase 1 Ground Investigations Report (provided in ES Technical Appendices)

CD2 Additional/Amended Reports and/or Plans submitted after validation

2.1	Covering letter, dated 10 October 2018 (including schedule of submission documents) (GVA)
2.2	Design and Access Statement Addendum (FPCR)
2.3	Illustrative Layout (Drawing No. 7590-L-10 rev M) (FPCR)
2.4	Revised Parameter Plans (Land Use, Green Infrastructure, Heights – Rev F) (FPCR)
2.5	Revised Phasing Plan (Rev A) (FPCR)
2.6	Arboriculture Assessment Addendum (FPCR) (Including historical arboricultural analysis)
2.7	Biodiversity Impact Assessment Calculator and Note – October 2018 (EcoConsult)
2.8	EIA Addendum (Non-Technical Summary, Environmental Statement Main Report, Figures & Technical Appendices) (Ramboll Environ)

CD3 Appeal Documents

3.1	Revised Parameter Plan 1 – Land Use (Drawing No. 7590-L-18 Rev G)
3.2	ES Addendum Review Letter – Ramboll – June 2019
3.3	Counsel's Advice – Inquiry Procedure – No5 Chambers – June 2019
3.4	Public Consultation Feedback Report – Avison Young – June 2019
3.5	Building Volume Plan and Spreadsheet (submitted to SODC with Local Plan Representations but not as part of planning application) – Sky Revolutions – May 2017
3.6	Covering Letter – Avison Young – 12 June 2019
3.7	Revised Illustrative Masterplan (Drawing No. 7590-L-60 Rev -)

CD4 Committee Report and Decision Notice

4.1	Officer's Report to Committee 28 November 2018
4.2	Minutes of Committee Meeting 28 November 2018
4.3	Decision Notice – 13 December 2019

CD5 The Development Plan and Inspector's Reports

5.1	The adopted Local Plan 2011 (2006)
5.2	The Core Strategy 2027 (2012)
5.3	The Core Strategy Inspector's Report 2012
5.4	The Local Plan 2011 Inspector's Report

CD6 Emerging Development Plan and Evidence Base

6.1	Final Publication Version 2ND South Oxfordshire Local Plan 2011-2034 (Jan 2019)
6.2	Draft Wheatley Neighbourhood Plan (Sept 2019)
6.3	SODC Strategic Site Selection Background Paper 2019 (Part 1 and 2)
6.4	Draft Minutes Full Council Meeting 18 July 2019 re. emerging Local Plan
6.5	Settlement Assessment Background Paper 2018

CD7 OBU Relevant Appeal Decisions*Affordable Housing*

7.1	APP/A0665/W/15/3005148 - Land adjacent to 28 Church Street, Davenham (January 2016)
7.2	APP/L3815/W/16/3165228 - Land at the corner of Oving Road and A27, Chichester (August 2017)
7.3	APP/G1630/W/14/3001706 - Land adjacent to Cornerways, High Street, Twyning (July 2015)
7.4	APP/P0119/W/17/3191477 - Land east of Park Lane, Coalpit Heath (September 2018)
7.5	APP/D0840/A/13/2209757 - Land north of Upper Chapel, Launceston (April 2014)
7.6	APP/L3245/W/15/3137161 - Land at Foldgate Lane, Ludlow, Shropshire (November 2016)
7.7	APP/A0665/A/14/2226994 - Land at Fountain Lane, Davenham (September 2015)
7.8	APP/X2410/W/15/3007980 - Land rear of 62 Iveshead Road, Shepshed (February 2016)
7.9	APP/P3040/W/17/3185493 - Land north of Asher Lane, Ruddington, Nottinghamshire (May 2018)
7.10	APP/C3105/A/14/2226552 - Land at Sibford Road, Hook Norton, Banbury, Oxfordshire (December 2015)

Housing Need & Housing Land Supply

7.11	APP/W3520/W/18/3194926 - Land on East Side of Green Road, Woolpit (September 2018)
7.12	APP/Y3940/A/14/2222641 - Land North of Bath Road, Corsham (May 2015)
7.13	APP/L3245/W/15/3011886 - Longden Road, Shrewsbury (January 2016)
7.14	APP/G5180/W/18/3206569 - Former Dylon International Premises, Station Road (June 2019)
7.15	APP/U1105/A/12/2180060 Land East of Butts Road, Higher Ridgeway, Ottery St, Mary (December 2012)

7.16	APP/P0119/A/12/2186546 Land Between Iron Acton Way and North Road, Engine Common, Yate (April 2013)
7.17	APP/Z2830/W/18/3206346 - Land south of Kislingbury Road, Rothersthorpe (May 2019)
7.18	APP/U2805/W/18/3218880 - Southfield Road, Gretton (August 2019)

Heritage

7.19	APP/P1615/W/16/3152190 - Land off Chartist Way, Staunton, Gloucestershire (July 2017)
7.20	APP/G5180/W/18/3206947 - Hayes Street Farm, Hayes Lane, Bromley (June 2019)
7.21	APP/Z1585/A/11/2165340 - Greenacres', Old Packards Lane, Wormingford, Colchester, Essex (July 2012)

Accessibility

7.22	APP/Q3115/W/17/3177448 - Land east of Chalgrove, Chalgrove, Oxfordshire (October 2017)
7.23	APP/Q3115/W/14/3001839 - Land east of Crowell Road, Chinnor (October 2015)
7.24	APP/Q3115/W/15/3097666 - Land North of Lower Icknield Way, Chinnor, Oxfordshire (March 2016)
7.25	APP/Q3115/A/14/2229389 - Land adjoining Greenwood Avenue, Chinnor (October 2015)
7.26	APP/Q3115/W/17/3179191 - East End Farm, South East of Wallingford Road (March 2018)
7.27	APP/Q3115/W/15/3136390 - Land north of 12 Celsea Place, Cholsey (June 2016)
7.28	APP/Q3115/W/16/3161733 - Thames Farm, Reading Road, Shiplake, Henley-on-Thames (August 2017)
7.29	APP/Q3115/W/17/3169755 - Land off Fieldside Track, Long Wittenham (January 2018)
7.30	APP/Q3115/W/15/3035899 - Land to the east of Newington Road, Stadhampton (May 2016)
7.31	APP/Q3115/W/15/3136319 - Mount Hill Farm, High Street, Tetsworth (June 2016)
7.32	APP/Q3115/W/16/3165351 CABI International, Nosworthy Way, Mongewell, Wallingford, Oxfordshire (August 2017)
7.33	APP/Q3115/W/17/3186858 - Land to the East of Benson Lane, Crowmarsh Gifford, Wallingford (May 2018)
7.34	APP/Q3115/W/17/317766 - Newington Nurseries, Newington Road, Stadhampton, Oxfordshire (December 2017)

Planning and Green Belt

7.35	APP/H2265/W/18/3202040 - Land to the rear of 237-259 London Road, West Malling, Kent ME195AD (December 2018)
7.36	APP/P3040/W/17/3185493 - Land north of Asher Lane, Ruddington, Nottinghamshire (May 2018)

CD8 OBU Relevant Secretary of State Decisions

8.1	APP/Q3630/A/05/1198326 - Franklands Drive, Addlestone (July 2006)
8.2	APP/P3040/A/07/2050213 - Gotham Road, East Leake, Nottinghamshire (March 2008)
8.3	APP/H1840/A/13/2199426 - Pulley Lane, Droitwich Spa (July 2014)
8.4	APP/K2420/A/13/2208318 Land surrounding Sketchley House, Watling Street, Burbage (November 2014)
8.5	APP/K3415/A/14/2224354 - Land and Buildings off Watery Lane, Curborough (February 2017)
8.6	APP/Y3615/W/16/3151098 – Land at Howard of Effingham School and Lodge Farm and Brown’s Lane, Effingham (March 2018)
8.7	APP/Z1510/W/16/3162004 - Land off Stone Path Drive, Hatfield Peverel (July 2019)
8.8	APP/M3455/W/18/3204828 - Land off Meadow Lane/ Chessington Crescent, Trentham, Stoke-on-Trent (June, 2019)
8.9	APP/W0340/A/14/2226342 - Agricultural land to both the north and south of Mans Hill, Burghfield Common, Reading (March 2015)
8.10	APP/W0340/A/14/2228089 - Land at Firlands Farm, Hollybush Lane, Burghfield Common, Reading, Berkshire (July 2015)

CD9 OBU Relevant Judgements

9.1	Bernard Wheatcroft Ltd v SSE [JPL, 1982, P37]
9.2	Wessex Regional Health Authority v SSE [1984]
9.3	Wadehurst Properties v SSE & Wychavon DC [1990]
9.4	Breckland DC v SSE and T. Hill [1992]
9.5	Tesco v Dundee [2012] UKSC 13
9.6	Bloor Homes [2014] EWHC 754 (Admin)
9.7	Turner v Secretary of State for Communities and Local Government [2016] EWCA Civ 466
9.8	Cheshire East [2017] UKSC 37
9.9	Suffolk Coastal District Council (Appellant) v Hopkins Homes Ltd and another (Respondents) Richborough Estates Partnership LLP and another (Respondents) v Cheshire East Borough Council (Appellant) [2017] UKSC 37
9.10	Catesby Estates Ltd v. Steer [2018] EWCA Civ 1697

9.11	CEG Land Promotions It Limited v SSCLG and Aylesbury Vale District Council [2018] EWHC 1799 (Admin)
9.12	Euro Garages Limited v SSCLG [2018] EWHC 1753
9.13	SMuel Smith Old Brewery (Tadcaster) Limited v North Yorkshire CC [2018] EWCA Civ 489
9.14	Peel Investments (North) Limited v SSHCLG [2019] EWHC 2143 (Admin)
9.15	Wavendon Properties v SSHCLG v MKC 2019 EWHC 1524 (Admin)
9.16	Monkhill Ltd v SSHCLG [2019] EWHC 1993 (Admin)
9.17	Paul Newman v SSHCLG [2019] EWHC 2367 (Admin)

CD10 Housing Need, Land Supply & Affordable Housing

10.1	Housing Land Supply Statement for South Oxfordshire District Council June 2019 (Revised August 2019)
10.2	Housing Land Supply Statement for South Oxfordshire District Council April 2018
10.3	Housing Land Supply in Oxfordshire: Written statement - HCWS955
10.4	Oxfordshire Housing and Growth Deal Outline Agreement
10.5	South Oxfordshire Housing and Economic Land Availability Assessment (SHELAA) (January 2019)
10.6	Oxfordshire Strategic Housing Market Assessment (2014)
10.7	Oxfordshire SHMA – Summary of Key Findings
10.8	Joint Housing Delivery Strategy (2018-2028)
10.9	Joint Homelessness Strategy (2015-2020)
10.10	Oxfordshire 2030 Partnership Plan
10.11	Oxfordshire Local Industrial Strategy
10.12	Oxfordshire LIS Baseline Economic Review
10.13	Oxford City Council SHMA Update
10.14	Cambridge, Milton Keynes, Oxford, Northampton Growth Corridor Report for NIC
10.15	Oxfordshire Economic Forecasting Final Report 2014
10.16	Economic Vision – the Oxford and Cambridge Arc
10.17	Office for Budget Responsibility Fiscal Sustainability Report 2018
10.18	SODC Housing Topic Paper January 2019
10.19	Wheatley Neighbourhood Plan Housing Needs Assessment prepared by AECOM
10.20	PPG – Housing and economic needs Assessment (Updated July 2019)
10.21	PPG - Housing Supply and Delivery (July 2019)
10.22	PPG - Housing and economic land availability Assessment (July 2019)

10.23	PPG Housing and economic land availability Assessment (March 2014)
10.24	Archived PPG Housing need Assessment (March 2015)

CD 11 Green Belt Documents

11.01	Green Belt protection and intentional unauthorised development: Written statement - HCWS423
11.02	Written Ministerial Statement by Local Government Minister Brandon Lewis 17 January 2014
11.03	PPG – Green Belt (July 2019)

CD 12 Landscape Documents

12.1	Guidelines for Landscape and Visual Impact Assessment, Third Edition 2013 (GLVIA3) Landscape Institute/Institute of Environmental Management and Assessment
12.2	PPG Landscape (July 2019)

Extracts of all the following documents are provided in the Landscape SoCG:

National Character Area 109 Midvale Ridge

National Character Area 108 Upper Thames Clay Vales

Oxfordshire Wildlife and Landscape Study

South Oxfordshire Landscape Assessment (2003)

SODC Landscape Character Assessment for the Local Plan 2033 (2017)

Landscape Sensitivity Assessment Potential Strategic allocations Jan 2018 (KLP)

South Oxfordshire District Council - Landscape Assessment Update HAD October 2018

CD 13 Heritage Documents

13.1	The Setting of Heritage Assets: Historic Environment Good Practice Advice in Planning Note 3 (2nd edition) Historic England (Dec 17)
13.2	The South Oxfordshire Local Plan 2033 Heritage Impact Assessment (Oxford Archaeology, September 2017)
13.3	John Moore Heritage Services Heritage Impact Assessment for Strategic Land Allocations in Local Plan (March 2019)
13.4	Kevin Heritage, Holton Park- A Short History (2018)
13.5	Seeing the History in View: A Method for Assessing Heritage Significance Within Views, English Heritage, June 2012.
13.6	Guidance on Heritage Impact Assessments for Cultural World Heritage Properties, ICOMOS, January 2011.
13.7	PPG – Historic Environment (July 2019)
13.8	Historic Mapping, prepared by FPCR (Drawing No. 7590-L-63)
13.9	Illustrative Cross Sections: Proposed Parkland, prepared by FPCR (Drawing No. 7590-L-61)

CD14 Accessibility

14.1	Oxfordshire Walking Design Standards (2017)
14.2	Planning Policy Guidance Note 13 (PPG13): Transport (2011)
14.3	Manual for Streets (2007)
14.4	Chartered Institute of Highways and Transportation (CIHT) Planning for Walking (2015)
14.5	Planning Permission Ref. P11/W1227
14.6	Department for Transport – Accessibility Planning Guidance Note (2007)
14.7	National Travel Survey (2017)
14.8	Connecting Oxfordshire: Local Transport Plan 4 2015-2032
14.9	'Our Place, our future' Sustainable Community Strategy for South Oxfordshire (2009-2026)
14.10	South Oxfordshire Sustainable Transport Study for New Developments, Evidence Base Report July 2017
14.11	PPG Travel Plans, Transport Assessments and Statements (March 2014)
14.12	Planning Permission P16/S1468/O - Land north of Mill Lane, CHINNOR, OX39 4RF
14.13	Planning Permission P15/S0779/FUL - Land on corner of Mill Lane & Thame Lane, Chinnor
14.14	Planning Permission P11/W2357 - Former Carmel College, Mongewell Park, Mongewell, Oxon, OX10 8BU
14.15	Planning Permission P17/S2469/O - Land Adjacent to the Village Hall, Main Road, East Hagbourne
14.16	Planning Permission P16/S0077/O - JHHNDP Site M & M1: Highlands Farm, Highlands Lane, Rotherfield Greys, RG9 4PR
14.17	IHT Guidelines for Providing for Journeys on Foot (dated 2000)

CD15 Supplementary Planning Documents and Other Documents

15.1	South Oxfordshire Design Guide 2016
15.2	Oxford Brookes University Wheatley Masterplan SPD
15.3	SODC letter to Growth Deal members and local authority partners on 24th July
15.4	Letter from former Minister of State for Housing on 22nd July 2019
15.5	Fixing our Broken Housing Market (February 2017)
15.6	Section 106 Planning Obligations Supplementary Planning Document (2016)
15.7	Oxfordshire Housing and Growth Deal – Delivery Plan (2018)
15.8	Corporate Plan 2016 – 2020 (2016)
15.9	Joint Housing Delivery Strategy 2018-2028 (January 2018)

15.10	Housing Study (May 2017)
15.11	Letter to SODC from Rt Hon Robert Jenrick MP (26 August 2019)
15.12	SODC Infrastructure Delivery Plan Update January 2019
15.13	SODC Settlement Assessment Background Paper 2018
15.14	SODC Topic Paper – Local Plan Spatial Strategy
15.15	Letter to SODC from Tom Walker, Director General, MHCLG (20 September 2019)

CD16: Statements of Common Ground

16.1	Main Statement of Common Ground (August 2019)
16.2	Landscape SoCG
16.3	Heritage SoCG
16.4	Accessibility SoCG
16.5	Affordable Housing SoCG

CD18: Case Management documents (PINS)

18.1	Case Management Conference Agenda received 8 August 2019
18.2	Case Management Conference Notes received 21 August 2019
18.3	Email Leanne Palmer at PINS dated 20 September 2019 in relation to extension to deadline for PoE

CD19: SODC Relevant Judgements

19.1	Dyer v Dorset CC (1989) 1 QB 346)
19.2	Methuen-Campbell v Walters (1979) QB 525
19.3	Skerritts of Nottingham v SSETR (2000) 2 PLR 102)
19.4	Sinclair-Lockhart Trustees v Central Land Board (1950) 1 P&CR 19

CD20: New Inquiry Documents

20.1	Historic England Letter re. P17/S4254/O - 19 March 2018
20.2	Historic England Letter re. P17/S4254/O - 31 October 2018
20.3	SODC Conservation Officer re. P17/S4254/O - 15 March 2018
20.4	SODC Conservation Officer re. P17/S4254/O - 12 November 2018
20.5	The National Infrastructure Commission Report, Partnering for Prosperity – A new deal for the Cambridge-Milton Keynes-Oxford Arc, published on 17th November 2017
20.6	The Government's response to this report, published by HM Treasury on 29th October 2018.

Proofs of Evidence

Appellant	
PoE/GH	Gary Holliday Proof of Evidence 30 September 2019
PoE/ND	Dr Nicholas Doggett Proof of Evidence September 2019
PoE/JS	James Stacey Proof of Evidence September 2019
PoE/NI	Nick Ireland Proof of Evidence September 2019
PoE/RB	Richard Barton Proof of Evidence
PoE/UU	Upinder Ubhi Proof of Evidence October 2019
PoE/RG	Robert Gardner Proof of Evidence October 2019
Council	
PoE/MB/1	Michelle Bolger Proof of Evidence
PoE/MB/2	Michelle Bolger Rebuttal Proof of Evidence October 2019
PoE/JKD/1	Julian Kashdan-Brown Proof of Evidence
PoE/JKD/2	Julian Kashdan-Brown Rebuttal Proof of Evidence October 2019
PoE/TS/1	Tracey Smith Proof of Evidence
PoE/TS/2	Tracey Smith Rebuttal Proof of Evidence October 2019
PoE/PJ/1	Philippa Jarvis Proof of Evidence
PoE/PJ/2	Philippa Jarvis Rebuttal Proof of Evidence 15 October 2019
PoE/BD	Ben Duffy Rebuttal Proof of Evidence October 2019
PoE/KH	Katherine Hamer (Oxfordshire County Council) Proof of Evidence

Appendix D

CONDITIONS TO BE IMPOSED IF PLANNING PERMISSION IS GRANTED

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

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

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

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

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

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

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

Reason: For the avoidance of doubt.

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

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

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

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

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

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

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

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

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

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

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

Following the approval of the Written Scheme of Investigation and the commencement of the development (other than in accordance with the agreed Written Scheme of Investigation), a staged programme of

archaeological evaluation and mitigation shall be carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation.

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

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

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

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

- 11) Either prior to, or concurrent with the submission of each reserved matters application a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
- a) Risk Assessment of potentially damaging construction activities;
 - b) Identification of biodiversity protection zones;
 - c) Practical measures (both physical measures and sensitive working practices) to avoid, reduce or mitigate the impacts on important habitats and protected species during construction;
 - d) A mitigation strategy for all protected species ensuring that each species long term conservation status is protected and enhanced;
 - e) The location and timing of sensitive works to avoid harm to biodiversity features;
 - g) The times during construction when specialist ecologists need to be present on site to oversee works;
 - g) Responsible persons and lines of communication, and
 - h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

Reason: To ensure the protection of habitats and species on the site, in accordance with Policy CSB1 of the Core Strategy and Policy C8 of the Local Plan.

- 12) Concurrent with the submission of the first reserved matters application, a Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Local Planning Authority. The plan should demonstrate how the development can achieve a no net loss of biodiversity overall compared to the biodiversity value of the site prior to development. The plan should include both habitat and species enhancements and should use a suitable form of biodiversity accounting to prove that no net loss can be achieved. The BEP should include:
- a) Details of habitat creation or enhancements (this could cross reference relevant landscape plans) and include suitably detailed drawings and cross sections as required;
 - b) Details of species enhancements including relevant scale plans and drawings showing the location, elevation and type of features such as bat and bird boxes etc. as appropriate;
 - c) Selection of appropriate strategies for creating/restoring target habitats or introducing target species;
 - d) Selection of specific techniques and practices for establishing vegetation;
 - e) Sources of habitat materials (e.g. plant stock) or species individuals;
 - f) Method statement for site preparation and establishment of target features;
 - g) Extent and location of proposed works, and
 - h) Details of the biodiversity offsetting metric calculations that clearly demonstrate that the proposals contained in the plan avoid a net loss of biodiversity.

Thereafter, the biodiversity enhancement measures shall be developed on site and retained in accordance with the approved details. All enhancements should be delivered prior to final occupation.

Reason: To avoid a net loss of biodiversity in accordance with Policy CSB1 of the Core Strategy and government guidance as stated in paragraphs 170(d) and 175 of the Framework.

- 13) No development shall take place until the tree protection measures detailed in Appendix B of the Arboricultural Assessment dated January 2018 are erected around any trees affected by construction activity.

Reason: To safeguard trees which are visually important in accordance with Policies CSEN1 and CSQ3 of the Core Strategy 2027 and Policies G2, C9 and D1 of the Local Plan 2011.

- 14) Before any dwelling hereby permitted is first occupied, the proposed vehicular accesses, driveways and turning areas that serve that dwelling shall be constructed, laid out, surfaced and drained in accordance with the specification details that have been submitted to and approved in writing by the Local Planning Authority prior to the commencement of those works.

Reason: To ensure a satisfactory residential environment in accordance with policy D1 and EP2 of the Local Plan.

- 15) Prior to the occupation of the first dwelling hereby permitted a Travel Plan in general accordance with the Framework Travel Plan dated 5 January 2018 shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details.

Reason: To promote the use of non-car modes of transport in accordance with Policy CSM2 of the Core Strategy.

- 16) Prior to first occupation of any dwelling or building to which they relate electric vehicle charging points shall be installed and be operational in accordance with details that shall previously have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure satisfactory standards of air quality for the residents of the development and surrounding residential properties in accordance with Policies G2 and EP1 of the Local Plan, CSQ2 of the Core Strategy and paragraphs 105 and 181 of the Framework.

- 17) Prior to the occupation of the first dwelling hereby approved details of the means by which the dwellings may be connected to the utilities to be provided on site to facilitate super-fast broadband connectivity have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate homeworking and to reduce the need to travel in accordance with Policies CSM1 and CSM2 of the Core Strategy.

- 18) Prior to first occupation of any dwelling a noise mitigation strategy including full details of the proposed noise bund to be erected along the southern boundary of the site, shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented and retained thereafter.

Reason: To minimise the noise levels from the adjacent A40 and to ensure a satisfactory residential environment in accordance with policy D1 and EP2 of the Local Plan.

- 19) Prior to the occupation of the first dwelling, details of a scheme for the enhancement and protection of the on-site Scheduled Ancient Monument on the site shall be submitted to and approved in writing by the Local Planning Authority. The enhancement scheme shall include details of the following;
 - a) strimming / mowing and removal of scrub vegetation and self-set trees from the monument;
 - b) a management plan for the preservation / maintenance of the monument in the future, prepared with the objective of removing the need to secure scheduled monument consent to carry out future maintenance of the monument;
 - c) consultation with Historic England and the Local Planning Authority Archaeology Officer in respect of research into the history and the origins of the monument;
 - d) Design and location of an interpretation and information board in respect of the monument. The board shall include information in respect of the monument. It shall also include details of the statutory

- protection and security measures that the monument benefits from and the repercussions for any individuals who damage the monument through illegal or unauthorised activities, such as metal detecting, and
- e) Design and location of a seating area, comprising at least one bench and associated hard standing, adjacent to, but outside, the perimeter of the monument. The perimeter of the monument is defined as the extremities of ditch, plus an additional two metre buffer zone.

The interpretation board and seating area shall be installed and the SAM maintained in accordance with the details set out in the SAM enhancement scheme as approved by the Council and shall be maintained thereafter for the lifetime of the development unless otherwise agreed in writing by the LPA.

Reason: To ensure adequate mitigation of a designated heritage asset in accordance with Policy CSEN3 of the Core Strategy.

Appendix E

THE RESPECTIVE POSITIONS OF THE PARTIES ON HOUSING LAND SUPPLYTable 1: The deliverable supply of each party

	Councils Original Position	Appellants Original Position	Councils updated position	Appellants updated position
Large Sites with planning permission	2632	2409	2632	2409
1673 Former Carmel College, Mongewell Park, Mongewell Oxon, OX10 8BU	166	100	166	100
830 Thame NDP Site 2: Land at The Elms, Upper High Street, Thame, OX9 2DX	37	0	37	0
1442 Woodcote NDP Site 16: Former Reservoir site, Greenmore	20	0	20	0
Small sites with planning permission	522	522 (not discounting from total to avoid double counting for windfall reduction)	522	522
Large sites with outline planning permission	1697	0	1697	0
1639 Land West of Marley Lane	200	0	200	0
2031 Land South of Greenwood Avenue, Chinnor	140	0	140	0
1560 Land to the East of Benson Lane, Crowmarsh Gifford	150	0	150	0
1009 Land to the north east of Didcot	838	0	838	0
1762 Land adjacent to the village hall, Main Road, East Hagbourne	74	0	74	0
1737 Thames Farm, Reading Road, Shiplake	95	0	95	0

1015 Land to the west of Wallingford (Site B), Wallingford	200	0	200	0
Small Sites with outline planning permission	61	61	61	61
Large sites without consent subject to resolution to grant	487	0	487	0
1561 Land to the south of Newnham Manor	100	0	100	0
1814 Land at Six Acres Tame Road, Warborough	29	0	29	0
1676 Wallingford Site E, Land north of A4130 Wallingford Bypass (emerging NDP site)	258	0	258	0
1930 Benson NDP: Site BEN 3 /4	100	0	100	0
Allocations	471	0	442	0
1929 Benson NDP: Site BEN 2	52	0	52	0
1937 Watlington NDP: Site A	183	0	183	0
1938 Watlington NDP: Site B	28	0	28	0
1939 Watlington NDP: Site C	28	0	28	0
1011 Ladygrove East, Land off A4130, Hadden Hill, Didcot – site has no permission- Allocated site in South Oxfordshire Core Strategy	129	0	129	0
977 Woodcote NDP Site 01: Chiltern Rise Cottage – site has no permission	22	0	22	0
Prior Approvals Large Sites	126	81	126	81
Site 1753 DAF building, Thame	45	0	45	0
Prior Approvals Small Sites	53	53	53	53
C2 Permissions	194	194	194	194
Windfall Allowance	200	105	200	105

TOTAL	6472	3583	6,443	3583
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Table 2: The five-year land supply position of each party against the standard method

	The Councils supply	The Appellant's Supply
Annual Requirement	632	632
Five-year requirement excluding buffer	3,160	3,160
Five-year requirement including 5% buffer	3,318	3,318
Deliverable Supply	6,443	3,583
Five-year land supply	9.71	5.40

Table 3: The five-year land supply position of each party against the figures identified in the Growth Deal from 2011

	The Councils supply	The Appellant's Supply
Annual Requirement	775	775
Unmet Need (495 per annum added to the 5YHLS from 2021 to assist Oxford in meeting its housing need)	1,485	1,485
Net Shortfall (2011-19)	506	506
Five-year requirement including shortfall	5,866	5,866
Five-year requirement including 5% buffer	6,159	6,159
Deliverable supply	6,443	3,583
Five-year land supply	5.23	2.91

Table 4: The five-year land supply position of each party against the 2014 Oxfordshire SHMA 1

	The Council's supply	The Appellant's supply
Annual Requirement	775	775
Shortfall 2011-2019	506	506
Five-year requirement including shortfall	4,381	4,381
Five-year requirement including 5% buffer	4,600	4,600
Deliverable supply	6,443	3,583
Five-year land supply	7.00	3.89

Table 5: The five-year land supply position of each party against the figures identified in the Appellant's OAN calculation for South Oxfordshire

	The Council's supply	The Appellant's supply
Annual Requirement	1,035	1,035
Five-year requirement excluding buffer	5,175	5,175
Five-year requirement including 5% buffer	5,434	5,434
Deliverable supply	6,443	3,583
Five-year land supply	5.93	3.30



Ministry of Housing, Communities & Local Government

www.gov.uk/mhclg

RIGHT TO CHALLENGE THE DECISION IN THE HIGH COURT

These notes are provided for guidance only and apply only to challenges under the legislation specified. If you require further advice on making any High Court challenge, or making an application for Judicial Review, you should consult a solicitor or other advisor or contact the Crown Office at the Royal Courts of Justice, Queens Bench Division, Strand, London, WC2 2LL (0207 947 6000).

The attached decision is final unless it is successfully challenged in the Courts. The Secretary of State cannot amend or interpret the decision. It may be redetermined by the Secretary of State only if the decision is quashed by the Courts. However, if it is redetermined, it does not necessarily follow that the original decision will be reversed.

SECTION 1: PLANNING APPEALS AND CALLED-IN PLANNING APPLICATIONS

The decision may be challenged by making an application for permission to the High Court under section 288 of the Town and Country Planning Act 1990 (the TCP Act).

Challenges under Section 288 of the TCP Act

With the permission of the High Court under section 288 of the TCP Act, decisions on called-in applications under section 77 of the TCP Act (planning), appeals under section 78 (planning) may be challenged. Any person aggrieved by the decision may question the validity of the decision on the grounds that it is not within the powers of the Act or that any of the relevant requirements have not been complied with in relation to the decision. An application for leave under this section must be made within six weeks from the day after the date of the decision.

SECTION 2: ENFORCEMENT APPEALS

Challenges under Section 289 of the TCP Act

Decisions on recovered enforcement appeals under all grounds can be challenged under section 289 of the TCP Act. To challenge the enforcement decision, permission must first be obtained from the Court. If the Court does not consider that there is an arguable case, it may refuse permission. Application for leave to make a challenge must be received by the Administrative Court within 28 days of the decision, unless the Court extends this period.

SECTION 3: AWARDS OF COSTS

A challenge to the decision on an application for an award of costs which is connected with a decision under section 77 or 78 of the TCP Act can be made under section 288 of the TCP Act if permission of the High Court is granted.

SECTION 4: INSPECTION OF DOCUMENTS

Where an inquiry or hearing has been held any person who is entitled to be notified of the decision has a statutory right to view the documents, photographs and plans listed in the appendix to the Inspector's report of the inquiry or hearing within 6 weeks of the day after the date of the decision. If you are such a person and you wish to view the documents you should get in touch with the office at the address from which the decision was issued, as shown on the letterhead on the decision letter, quoting the reference number and stating the day and time you wish to visit. At least 3 days notice should be given, if possible.

Appendix 2

Planning

Head of Service: Adrian Duffield



Listening Learning Leading

Manor Oak Homes

c/o Geoff Armstrong
Armstrong Rigg Planning

CONTACT OFFICER: **Emma Bowerman**

registration@southoxon.gov.uk

Tel : 01235 422600

Textphone: 18001 01235 422600

135 Eastern Avenue, Milton Park
ABINGDON OX14 4SB

30 April 2020

Ref: P20/S1015/PEJ

By email only: geoff.armstrong@arplanning.co.uk

Dear Geoff

Location: Land at Abingdon Road, Didcot

Proposal: Pre-application enquiry for a development of 169 homes

Thank you for your request for pre-application advice received 13 March 2020. I refer to our meeting on 15 April 2020.

After our meeting I shared consultation responses from our housing development team, environmental protection team and countryside officer. Since our meeting I have received consultation responses from the council's forestry officer and urban design officer, which are attached. The only outstanding consultation response is Oxfordshire County Councils and I will forward this on when it is available.

This letter represents a summary of the key issues that would be considered if you choose to make a formal planning application for the proposal. This should be read alongside the consultation responses from the relevant specialists.

Principle of the development:

As discussed at our meeting, this site is not currently allocated for development in the South Oxfordshire Core Strategy (SOCS). It is also not a site allocation in the Emerging South Oxfordshire Local Plan 2034 (ESOLP), which is in the process of being examined. The timetable for the adoption of the ESOLP is the end of 2020.

As this is not an allocated site, the proposal would be contrary to the development plan policies which outline the planned strategy for growth across the district. This includes policy CSH1 of the SOCS, which sets out the amount and distribution of housing.

Although the housing numbers outlined in policy CSH1 are out of date, having been derived from the now revoked Regional Planning Guidance, the overall strategy outlined in policy CSS1 of the SOCS is still very much relevant.

The overall strategy in CSS1 seeks to focus major new development at the growth point of Didcot. This does not mean that any major development on the edge of the town is acceptable, as this policy should not be considered in isolation. The development plan needs to be read as a whole and SOCS policy CSDID3 outlines that new housing will be supported at a strategic site to the northeast of Didcot, and on suitable infill or redevelopment sites.

The site is located outside of the built limits of Didcot and is clearly not an infill or redevelopment site. As such, the proposal would be contrary to policy DID3 and the principle of the development would be unacceptable.

Other material considerations:

As you are aware, planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. Other material considerations include the National Planning Policy Framework (the Framework) and associated guidance.

Paragraph 11 of the Framework requires decision makers to apply a presumption in favour of sustainable development. 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;*
 - i. *the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or*
 - ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.*

As indicated at footnote 7 of the Framework, for applications involving the provision of housing, situations where policies are out-of-date include where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites; 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.

In relation to housing land supply, as part of its commitment to the Oxfordshire Housing and Growth Deal (OHGD), the government introduced planning freedoms and flexibilities to support the ambitious plan-lead approach for housing in Oxfordshire. For the purposes of decision taking authorities in Oxfordshire need only

demonstrate a three-year supply of deliverable housing sites in the context of paragraph 11 of the Framework.

Against the requirement to provide a three-year supply of deliverable housing sites, the council can currently demonstrate a very healthy 9.75-year supply of housing land. As such, the relevant development plan policies are not out-of-date in relation to housing land supply and paragraph 11 of the Framework would not be engaged.

In terms of the Housing Delivery Test, the latest results were published in February 2019. South Oxfordshire's result was 179% and so substantially above the threshold in the Framework of 75%. The relevant development plan policies are therefore also not out-of-date in relation to housing delivery and this matter would also not trigger paragraph 11 of the Framework.

As discussed at our meeting, an Inspector who allowed an appeal in Lower Shiplake concluded that the tilted balance at paragraph 11 of the Framework was engaged because he considered that the policies that are most important in the determination of the appeal were out-of-date. This decision (APP/Q3115/W/19/3220425) was issued in October 2019.

An Inspector who considered a very recent appeal at Oxford Brookes also concluded that the tilted balance at paragraph 11 of the Framework was engaged as he considered that several policies are inconsistent with the Framework and out-of-date. This decision (APP/Q3115/W/19/3230827) was issued in April 2020.

I note that these decisions represent the view of two Inspectors and are based on the information before them at the inquiries. The Lower Shiplake decision is also in relation to a form of specialist accommodation and neither decision considers SOCS policy DID3.

Furthermore, the level of consistency of the development plan with the Framework is a matter that has been considered, to varying extents, at other inquiries:

- At an appeal at The Elms, Thame, the Inspector concluded that *'the most important policies of the development plan remain up-to-date and the normal balance should apply,'* This decision (APP/Q3115/W/19/3228413) was issued in October 2019.
- The Inspector considering a housing development in Lewknor gave *'significant weight to policies CSS1, CSR1 and CSH1.'* This decision (APP/Q3115/W/18/3200335) was issued in January 2019.
- For an appeal at Emmer Green, the Inspector considered that the policies in the SOCS and South Oxfordshire Local Plan (SOLP) that protect the countryside (policies CSEN1 and G2) are *'generally consistent with the Framework which requires recognition of the intrinsic character and beauty of the countryside and protection of valued landscapes.'* This decision (APP/Q3115/W/17/3185997) was issued in November 2018.

Although not all of these appeals are grappling with the same issues, they do show that considerations of what the most important policies are, and whether these are consistent with the Framework, is a complex matter.

In addition to the housing policies in the development plan, as indicated by the council's relevant specialist officers, the development would be contrary to a number of other policies in relation to ecology, trees and design. As discussed at our meeting, I think it also likely that the County Council will raise a transport objection.

The proposal would therefore also be contrary to a number of other policies including SOCS policies CSQ3 and CSB1 and SOLP policies C9 and T1. This is in addition to SOCS housing policies CSH1, CSS1 and DID3, and those policies that recognise the character of the countryside, namely CSEN1 of the SOCS and G2 of the SOLP.

I consider that the full weight can be attributed to a number of these policies due to their consistency with the Framework. The tilted balance at paragraph 11 of the Framework would therefore not be triggered as the majority of the policies which are most important for determining the application are not out-of-date.

Notwithstanding the above view, if the council were to accept that the most important policies for the determination of this proposal are out-of-date and the tilted balance was engaged, I am of the opinion that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

This is because the development of this site would result in significant and demonstrable planning harm in relation to ecology, trees and landscape. In my opinion it is likely that these adverse impacts would be afforded substantial weight, to outweigh the significant weight that would be afforded to the provision of affordable housing.

Planning impacts and technical matters:

The concerns in relation to ecology and trees are outlined in the relevant responses. Our urban design officer has also highlighted several issues in relation to the indicative masterplan that you have submitted and has touched on the potential impact on the North Wessex Downs Area of Outstanding Natural Beauty (AONB).

In relation to landscape impact, I have not sought specific landscape comments given that your submission did not include an assessment of the landscape impact of the proposals. Based on the information submitted, I am of the opinion that it is likely that the proposals would have a harmful impact of the adjoining AONB and could also detract from long distance views from Whittingham Clumps. In landscape terms, the site would be poorly related to the existing town and would protrude into the open countryside.

The impact on the landscape could be further reason why Paragraph 11 of the Framework would not be triggered. Footnote 7 of the Framework includes AONBs as one of the exceptions where the planning permission should not be granted if the

application of AONB policies in the Framework provide a clear reason to refuse the development.

In relation to traffic impact, as discussed at our meeting, it is likely that Oxfordshire County Council will object to the application due to the impact on the local road network, which is already at capacity. This is a matter that has been explored through several appeals and I have previously provided you with these relevant decisions:

Appeal ref: APP/V3120/W/17/3187947
Planning application ref: P17/V1431/FUL
Address: 9 Hobbyhorse Lane, Sutton Courtney
Decision date: March 2018

Appeal ref: APP/V3120/W/18/3200241
Planning application ref: P17/V1023/FUL
Address: The Barn, Church Street, Sutton Courtney
Decision date: November 2018

Appeal ref: APP/V3120/W/18/3214090
Planning application ref: P18/V1661/N4B
Address: West Barn, Peewit Farm, 95 Drayton Road, Sutton Courtney
Decision date: March 2019

Oxfordshire County Council will also comment on the other functions that they administer, including archaeology and education.

Notwithstanding the above advice in relation to the principle of the development and concerns about the impact of the development in relation to trees, ecology, landscape, design and highways, if you decide to submit an application contrary to officer's advice, there are a number of other details and technical matters that would need to be considered.

As outlined in the response from the housing development team, the development would need to provide a policy compliant level of affordable housing. For a development of 169 homes, this would mean 67 affordable homes on site and a commuted sum would be required for the part unit. The tenure mix, types and sizes of the units should accord with the requirements outlined in the consultation response.

In terms market housing, the mix should accord with the most recent evidence in relation to need. This is currently the 2014 Strategic Market Housing Assessment (SHMA), and I have outlined the mix that would be required for this scheme in the table below:

	1 bed	2 bed	3 bed	4+ bed
SHMA %	6%	27%	43%	24%
Number of units for pre-application proposal	6	28	44	24

Waste management should also be considered as the scheme progresses, including bin stores and access for refuse trucks. We have produced detailed guidance for developers on these matters and this can be accessed on our website at the following link:

<http://www.southoxon.gov.uk/services-and-advice/recycling-rubbish-and-waste/our-policies-and-your-questions/future-planning-prop>

A future submission would also need to demonstrate that suitable cycle store is provided. The council has declared a Climate Emergency and we would encourage you to incorporate any measures into the development that would help to reduce carbon emissions, including solar panels.

As outlined by the council's contaminated land officer, an appropriate contamination report would be required with any future submission.

Other matters raised in your letter:

In relation to housing delivery in Didcot, the town is not ring-fenced. Deliverable housing land and housing delivery are considered on a district wide basis. The level of housing delivery in Didcot alone would not trigger paragraph 11 of the Framework.

Your letter refers to Didcot being a key component of the OHGD and indicates that *'the chronic levels of under-delivery of new homes at Didcot'* undermines the strategy of the OHGD. However, this position conflicts with one of the key objectives of the OHGD Delivery Plan, which is to avoid incremental, speculative and unplanned development.

It is clear that the Growth Deal commitment is to be met through a plan led approach (i.e. the ESOLP) and that speculative developments, such as this, should be avoided. This is the reason why Oxfordshire authorities benefit from a three-year housing supply and is a matter that is highlighted in the appeal decisions for both the Lewknor and Emmer Green appeals referred to above.

As discussed at our meeting, there has been recent movement on some of the sites that you have highlighted in your supporting letter. Construction is underway at North East Didcot and several units close to the main access are nearing completion, including the feature apartment blocks.

Following a number of years of uncertainty, there is also a new planning application on Ladygrove East (P19/S0720/O), which is currently under consideration. We are also expecting an application for the re-development of a large brownfield site in the town in the coming months.

With regards to the status of the site in the Didcot Town Delivery Plan, the site is included within the boundary of the masterplan as the land is part of the overall strategy. This is because the public footpath to the north of the site would provide a key green link to Wittenham Clumps. There are no current proposals to bring forward any of the unspecified areas on the edge of the masterplan for development.

Conclusion:

If you choose to submit a formal planning application for 169 homes on this site, it would be likely that planning permission would be refused. The development of the site has not been properly planned through the plan led system and is not allocated for development. The development of this site would result in significant planning harm in relation to ecology, trees and landscape and it is also likely that a highway objection will be raised.

If you do decide to progress with a formal planning application, I suggest that you liaise with Didcot Town Council. I would encourage you to consider any recommendations that they may have which would contribute towards the scheme.

I have attached the council's validation checklist, which outlines the documents that would need to be submitted in support of a planning application. Please also take note of the specific requirements outlined by consultees.

Please note that this request for pre-application advice and the council's response will be made public once a subsequent relevant planning application is made. We will make the submitted documents, our response and any interim correspondence public.

You will appreciate that the views I have expressed are for your guidance and your proposal has not been subject to external consultation which may raise other issues. They are not binding on the council if you decide to submit a formal application.

Yours sincerely,

A handwritten signature in black ink, appearing to read "Emma Bowerman".

Emma Bowerman
Principal Major Applications Officer

Appendix 3

Appendix 6

Didcot Garden Town Principles

1. Design

The Garden Town will be characterised by design that adds value to Didcot and endures over time; it will encourage pioneering architecture of buildings and careful urban design of the spaces in between, prioritising green spaces over roads and car parks. All new proposals should show the application of the council's adopted Design Guide SPD and demonstrate best practice design standards.

2. Local Character

The Garden Town will establish a confident and unique identity, becoming a destination in itself that is distinctive from surrounding towns and villages whilst respecting and protecting their rural character and setting. Didcot's identity will champion science, natural beauty, and green living, in part delivered through strengthened physical connections and active public and private sector collaboration with the Science Vale.

3. Density and tenure

The Garden Town will incorporate a variety of densities, housing types and tenures to meet the needs of a diverse community. This will include high density development in suitable locations, such as in central Didcot and near sustainable transport hubs; higher density development will be balanced by good levels of public realm and accessible green space. Professionally managed homes for private rent (also known as Build to Rent) could play an important role in meeting housing need.

4. Transport and movement

The Garden Town will reduce reliance on motorised vehicles and will promote a step-change towards active and public transport through the creation of a highly legible, attractive and accessible movement network and the appropriate location of housing, employment and leisure facilities. The Garden Town will seek to improve opportunities for access to sport and physical activities through Sport England's Active Design Principles. Cycling and pedestrian links between the Garden Town, its surrounding villages, natural assets and the strategic employment sites will be enhanced.

5. Heritage

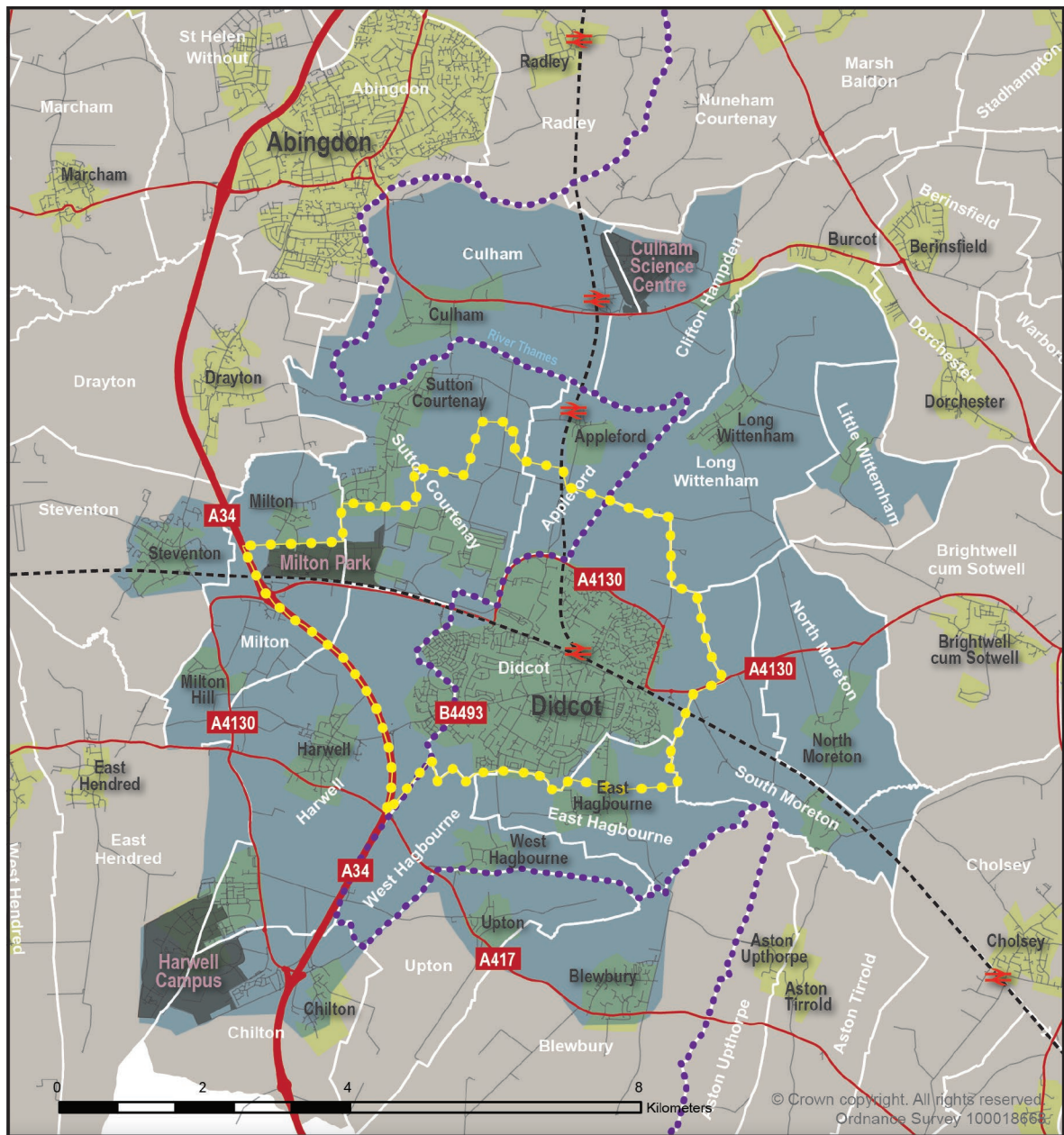
The Garden Town will conserve and enhance heritage assets, both designated and non-designated, within and adjacent to the development area. This includes the Scheduled Monuments of the settlement sites north of Milton Park and east of Appleford and any archaeological remains and historic landscapes and/or landscape features identified in the Oxfordshire Historic Environment Record, the Oxfordshire Historic Landscape Character Assessment, other sources and/or through further investigation and assessment.

6. Landscape and Green Infrastructure

New development in the Garden Town will enhance the natural environment, through enhancing green and blue infrastructure networks, creating ecological networks to support an increase (or where possible achieve a net gain) in biodiversity and supporting climate resilience through the use of adaptation and design measures. The Garden Town will also seek to make effective use of natural resources including energy and water efficiency, as well as exploring opportunities for promoting new technology within developments. Innovative habitat planting and food growing zones will characterise the Garden Town and, in turn, these measures will support quality of life and public health.

7. Social and community benefits

The planning of the Garden Town will be community-focused, creating accessible and vibrant neighbourhoods around a strong town centre offer of cultural, recreational and commercial amenities that support well-being, social cohesion and vibrant communities. The Garden Town will embrace community participation throughout its evolution. It will promote community ownership of land and long-term stewardship of assets where desirable.



Didcot Garden Town and Science
Vale Area of Influence

Didcot Garden Town and
Masterplan Boundary

District Boundary

Parish Boundary

Employment

Appendix 4

Housing Land Supply Statement for South Oxfordshire District Council

June 2019



ANNEX A: SITE DELIVERY ASSESSMENT

Major sites

Land Supply Ref	Site Name	Settlement (parish)	Major or Minor	Detailed permission in place?	Outline planning reference	Date of outline permission	Detailed planning reference	Date of detailed permission	Total units permitted	Completions as of 1 March 2019	2019 /20	2020 /21	2021 /22	2022 /23	2023 /24	Total units in 5 years	Commentary
1965	Littleworth Road, Benson - Phase 2	Benson	Major	Yes	P16/S1139 /O	18/01/2018	P18/S2262 /RM	07/12/2018	241	0	0	50	50	50	50	200	Site has detailed permission, with the trajectory in line with lead in time and build out rate analysis.
1964	Littleworth Road, Benson - Phase 1	Benson	Major	Yes	N/A	N/A	P16/S3611 /FUL	08/02/2017	187	0	50	13	0	0	0	63	Site is currently under construction.
1929	Benson NDP: Site BEN 2	Benson	Major	No	N/A	N/A	P17/S3952 /O	N/A	84	0	0	0	0	26	26	52	Statement of common ground between the Council and site promoter has been signed, agreeing delivery information.
997	Churchfield Lane Benson OX10 6SH	Benson	Major	Yes	N/A	N/A	P16/S3424 /FUL	12/01/2017	60	0	32	0	0	0	0	32	Site is under construction. Ratio of 1.9 applied as site is for communal accommodation.
1930	Benson NDP: Site BEN 3/4	Benson	Major	No	P17/S1964 /O	N/A	N/A	N/A	240	0	0	0	0	50	50	100	The site promoters of this land (P17/S1964/O – referred to as BEN 3 / 4 in the Benson NDP) are refusing to engage in a statement of common ground with the Council in relation to housing delivery. They are citing ongoing negotiations with Oxfordshire County Council regarding delivery of the Benson Relief Road. However, the Benson Relief Road has received funding from the Oxfordshire Housing and Growth Deal. The Growth Deal's purpose is to unlock or accelerate the delivery of housing during the deal period (2018/19 to 2023/24). As the site promoter has indicated the delivery of the relief road being a reason for not signing a SOCG, the Growth Deal Funding provides a solution to this perceived barrier to delivery. The Council therefore consider the site deliverable.
1641	Little Martins Field, land east of Waterman's Lane, north east of Didcot Road, Brightwell-cum-Sotwell, OX10 0RY	Brightwell-cum-Sotwell	Major	Yes	P17/S0164 /O	08/09/2017	P18/S0624 /RM	16/07/2018	31	0	31	0	0	0	0	31	Site is under construction. The Developer, Kingerlee Homes, have provided information to state that they expect site to be completed by April 2020.
1674	Land east of Chalgrove, Chalgrove	Chalgrove	Major	Yes	P16/S4062 /O	06/10/2017	P18/S1853 /RM	21/11/2018	120	0	25	50	45	0	0	120	Site has detailed permission. CIL indicates site has commenced. Delivery rate based on delivery analysis.
1639	Land West of Marley Lane, Chalgrove	Chalgrove	Major	No	P17/S0094 /O	10/04/2018	N/A	N/A	200	0	0	15	36	86	63	200	The council has engaged regularly with the promoters for this site, who have signalled their intention to sign a statement of common ground on this site several times. However, the council has yet to receive an agreed statement from the developer. In email exchanges between officers and the site promoter, they have indicated their commitment to delivering on this site in the next five years. They have been undertaking discussions with officers and the local community about detailed reserved matters and layout for the site. The site is a smaller "major" application. There is no evidence of obstructions to delivery on this site, and the Council considers that the site is deliverable in the five-year period.
1614	Land East of Crowell Road, Chinnor, OX39 4HP	Chinnor	Major	Yes	P14/S1586 /O	14/10/2015	P17/S0574 /RM	02/06/2017	120	0	50	23	0	0	0	73	Site is under construction. Build out rate based upon analysis.
163	Land north of Mill Lane CHINNOR, OX39 4RF	Chinnor	Major	Yes	P16/S1468 /O	05/12/2016	P17/S0808 /RM	25/07/2017	78	0	70	2	0	0	0	72	Site surveys indicate 6 completions. Developer has advised of expected build out rate.
164	Land off Lower Icknield Way, Chinnor, Oxfordshire	Chinnor	Major	Yes	P15/S0154 /O	23/03/2016	P17/S2915 /RM	06/02/2018	89	0	32	24	0	0	0	56	Site is under construction.
1428	Land on corner of Mill Lane & Thame Lane Chinnor	Chinnor	Major	Yes	N/A	N/A	P15/S0779 /FUL	05/08/2016	61	0	11	0	0	0	0	11	Site is under construction, and nearly complete.

2031	Land South of Greenwood Avenue, Chinnor, OX39 4HN	Chinnor	Major	No	P16/S3284 /O	24/12/2018	N/A	N/A	140	0	0	0	50	50	40	140	Appeal won on this site, decision issued in December 2018. The planning witness for this appeal put forward in their proof of evidence: "The provision of market housing will help meet the [appellant's perceived] 5YHLS shortfall." (Page 78, Hunter Page for Persimmon Homes North London) "Being an appropriate mechanism to address any shortfall in the delivery of housing, this appeal proposal is consistent with Policy CSC1 [...]" (Para 12.4, Page 82, Hunter Page for Persimmon Homes North London). The applicant has also entered into pre-application advice for the submission of reserved matters with the Council and is in discussions with the parish council regarding detailed design. The applicant has refused to engage in a statement of common ground claiming: "Persimmon Homes are happy to provide an indication of housing delivery but feel a that formal statement of common ground is overly onerous and restrictive". There is no evidence of obstructions to delivery on this site, and the site promoter has claimed in previous statements, and in their proofs of evidence for an appeal that the site will deliver housing within the five-year period. The Council considers that the site is deliverable in the five-year period and has based trajectory on lead in analysis.
1797	East End Farm, South of Wallingford Road, Cholsey	Cholsey	Major	Yes	N/A	N/A	P16/S3607 /FUL	16/03/2018	67	0	34	31	0	0	0	65	Site is under construction, with site surveys indicating 2 completions in 2018/19. Developer has advised that they are expecting 34 completions annually.
1879	Land to north of Charles Road but accessed from Meadow View/Celsea Place, Cholsey	Cholsey	Major	Yes	N/A	N/A	P18/S1010 /FUL	28/06/2018	15	0	0	15	0	0	0	15	Site has full permission. Trajectory based on build out rate analysis.
1831	Former Farm Buildings and Pharmacy Cholsey Meadows (former Fairmile Hospital) Reading Road Cholsey OX10 9HJ	Cholsey	Major	Yes	N/A	N/A	P17/S3730 /FUL	12/06/2018	14	0	14	0	0	0	0	14	Site is under construction. The developer has confirmed site to be completed during 2019/20.
198	Land north of 12 Celsea Place Cholsey, OX10 9QW	Cholsey	Major	Yes	P15/S0262 /O	20/06/2015	P17/S0875 /RM	07/06/2017	60	0	4	0	0	0	0	4	Site is under construction, and nearly complete.
1673	Former Carmel College, Mongewell Park, Mongewell Oxon, OX10 8BU	Crowmarsh Gifford	Major	Yes	N/A	N/A	P11/W235 7	22/03/2016	166	0	0	50	50	50	16	166	Site has detailed permission. The developer has confirmed that works were starting in March. Trajectory based on build out rate analysis.
1560	Land to the east of Benson lane, Crowmarsh Gifford	Crowmarsh Gifford	Major	No	P16/S3608 /O	30/05/2018	P18/S4138 /RM	N/A	150	0	0	25	50	50	25	150	Outline application agreed, and reserved matters was submitted on in December 2018. Site build out rate based on site lead in time analysis.
1561	Land to the south of Newnham Manor, crowmarsh Gifford	Crowmarsh Gifford	Major	No	N/A	N/A	P16/S3852 /FUL	N/A	100	0	0	28	56	16	0	100	The developer and Council have signed a statement of common ground agreeing delivery information.
1738	CABI international, Nosworthy way, Mongewell, OX10 8DE	Crowmarsh Gifford	Major	Yes	N/A	N/A	P15/S3387 /FUL	31/08/2017	91	0	32	32	27	0	0	91	Site is under construction.
1009	Land to the north east of Didcot	Didcot	Major	No	P15/S2902 /O	30/06/2017	N/A	N/A	1,880	0	0	10	173	308	347	838	Croudace homes are currently delivering 641 homes of the 1880 permitted under the outline application, with L and G homes delivering 1071. Statement of Common Ground has been signed by South Oxfordshire District Council and both developers confirming site delivery information.
1004	Great Western Park	Didcot	Major	No	P02/W084 8/O	19/07/2008	Various permissions	N/A	2,604	1,763	374	243	107	0	0	724	Site is under construction, delivering 1880 homes in the district since 2011. Build out rates have been provided by the developer.
1972	Land to the north east of Didcot	Didcot	Major	Yes	P15/S2902 /O	30/06/2017	P18/S2339 /RM	22/11/2018	173	0	8	78	87	0	0	173	This is the first parcel of housing development at the site North East of Didcot, being developed by Croudace Homes. A SoCG has been signed by the

																	Council and the Developer agreeing site delivery trajectory.
1638	Land to the South of A4130, Didcot	Didcot	Major	Yes	P16/S3609 /O	01/09/2017	P18/S0719 /RM	28/11/2018	166	0	29	68	56	13	0	166	Work has commenced on site. Build out rate is in accordance with information provided by David Wilson Homes.
1011	Ladygrove East - Land off A4130, Hadden Hill, Didcot	Didcot	Major	No	N/A	N/A	N/A	N/A	642	0	0	0	0	43	86	129	Developer has provided a more optimistic trajectory. Council lead in time and build out rate based upon Lichfield report.
316	Land to south of Hadden Hill, Didcot	Didcot	Major	Yes	N/A	N/A	P14/S4066 /FUL	03/02/2017	74	0	32	9	0	0	0	41	Site is under construction
1958	Unit A, Lower Broadway Broadway Didcot, OX11 8ET (Ratio of 1.8 applied to trajectory)	Didcot	Major	Yes	N/A	N/A	P18/S1475 /FUL	05/11/2018	70	0	0	37	0	0	0	37	Site has detailed permission. Ratio of 1.9 applied as C2 accommodation.
1762	Land Adjacent to the Village Hall, Main Road, East Hagbourne	East Hagbourne	Major	No	P17/S2469 /O	26/01/2018	P19/S0357 /RM	N/A	74	0	0	34	40	0	0	74	The Developer and Council have signed a statement of common ground agreeing delivery information.
384	South Oxford Business Centre, Lower Road, Garsington, OX44 9DP	Garsington	Major	Yes	N/A	N/A	P16/S2932 /FUL	10/11/2016	10	0	10	0	0	0	0	10	Site has detailed permission.
1012	Land to rear of Cleeve Cottages, Icknield Road, Goring	Goring	Major	Yes	P16/S3001 /O	25/01/2018	P18/S2308 /RM	06/09/2018	10	0	10	0	0	0	0	10	Site has detailed permission.
455	JHHNDP Site M & M1: Highlands Farm, Highlands Lane, Rotherfield Greys, RG9 4PR	Harpsden	Major	Yes	P16/S0077 /O	22/12/2016	P17/S0024 /RM	25/05/2017	163	0	40	31	31	31	3	136	Site is under construction, with the developer providing expected build out trajectory.
1737	Thames Farm, Reading Road, Shiplake, RG9 3PH	Harpsden	Major	No	P16/S0970 /O	02/08/2017	P19/S0245 /RM	N/A	95	0	0	34	61	0	0	95	SoCG has been signed with site developer with agreed trajectory.
1642	Townlands Hospital, York Road, HENLEY-ON-THAMES, RG9 2EB	Henley-on-Thames	Major	Yes	N/A	N/A	P12/S1424 /FUL	19/03/2013	110	0	46	0	0	0	0	46	Site is under construction. Ratio of 1.9 applied to C2 accommodation.
990	The Workshop, Newtown Road, Henley-on-Thames, RG9 1HG	Henley-on-Thames	Major	Yes	N/A	N/A	P15/S3385 /FUL	20/12/2016	80	0	42	0	0	0	0	42	Site is under construction. Ratio of 1.9 applied as C2 accommodation.
1926	The Smith Centre, Fairmile, Henley on Thames, RG9 6AB	Henley-on-Thames	Major	Yes	N/A	N/A	P18/S2228 /N1A	24/08/2018	36	0	12	12	12	0	0	36	Full permission.
1014	JHHNDP Site U: Wilkins Yard Deanfield Avenue HENLEY-ON-THAMES Oxon RG9 1UE	Henley-on-Thames	Major	Yes	N/A	N/A	P16/S1227 /FUL	30/05/2017	23	0	23	0	0	0	0	23	Site is under construction.
1872	The Hub, Hallmark House, Station Road, HENLEY-ON-THAMES RG9 1AY	Henley-on-Thames	Major	Yes	N/A	N/A	P18/S0840 /PDO	08/05/2018	23	0	0	18	5	0	0	23	Site has full permission. Trajectory based on delivery analysis.
533	Market Place Mews, Market Place, HENLEY-ON-THAMES, RG9 2AH	Henley-on-Thames	Major	Yes	N/A	N/A	P07/E1029	11/12/2007	14	0	14	0	0	0	0	14	Agent has advised that site is under construction and the site is expected to be completed by April 2020
1749	Anderson House, Newtown Road, Henley on Thames, RG9 1HG	Henley-on-Thames	Major	Yes	N/A	N/A	P18/S3436 /N1A	11/12/2018	11	0	11	0	0	0	0	11	Site has full permission.
1777	Sydney Harrison House, Mill Road, Lower Shiplake, RG9 3NE	Shiplake	Major	Yes	N/A	N/A	P16/S2593 /FUL	28/02/2017	-16	0	16	0	0	0	0	16	Site is under construction.
1430	SCNDP site SON 2/3: Bishopswood Middle Field/Memorial Hall Field	Sonning Common	Major	Yes	N/A	N/A	P15/S4119 /FUL	03/05/2018	50	0	32	18	0	0	0	50	Site is under construction.
1440	SCNDP site SON 5: Kennylands Paddock	Sonning Common	Major	Yes	N/A	N/A	P18/S2631 /FUL	16/01/2019	25	0	0	26	0	0	0	26	Application to discharge pre-commencement conditions was submitted March 2019. All units are expected to be complete in 2020/21.
998	Land to the east of Newington Road, Stadhampton	Stadhampton	Major	Yes	P14/S4105 /O	19/05/2016	P17/S1726 /RM	16/03/2018	65	0	32	18	0	0	0	50	Site is under construction.
999	Mount Hill Farm, High Street, Tetsworth, Oxon, OX9 7AD	Tetsworth	Major	Yes	P14/S3524 /O	10/06/2016	P18/S0513 /RM	23/05/2018	39	0	35	0	0	0	0	35	Site is under construction. Developer has advised all homes expected to be completed in 2019/20.

989	Thame NDP Site D: Land West of Thame Park Road, Thame	Thame	Major	Yes	P13/S2330 /O	10/06/2014	P15/S2166 /RM	27/04/2016	175	10		50	27	0	0	0	77	Site is currently under construction
1753	Building 1 (DAF Trucks) Kingsmead Business Park Howland Road Thame, OX9 3FB	Thame	Major	Yes	N/A	N/A	P17/S4127 /PDO	17/01/2018	45	0		0	18	18	9	0	45	Site has full permission.
830	Thame NDP Site 2: Land at The Elms, Upper High Street, Thame, OX9 2DX	Thame	Major	Yes	N/A	N/A	P14/S2176 /FUL	05/08/2015	37	0		0	18	18	1	0	37	Site has full permission.
832	Thame NDP Site F: Land north of Oxford Road, THAME	Thame	Major	Yes	N/A	N/A	P14/S3841 /FUL	30/07/2015	203	43		14	0	0	0	0	14	Site is under construction.
2064	Unit 5 Goodsons Industrial Mews, Wellington Street, Thame OX9 3BX	Thame	Major	Yes	N/A	N/A	P19/S0204 /N1A	28/03/2019	10	0		0	0	10	0	0	10	Site has full permission.
2065	Unit 6 & 7 Goodsons Industrial Mews, Wellington Street, Thame, OX9 3BX	Thame	Major	Yes	N/A	N/A	P19/S0206 /N1A	28/03/2019	12	0		0	0	12	0	0	12	Site has full permission.
1676	Wallingford Site E, Land north of A4130 Wallingford Bypass Wallingford Oxo	Wallingford	Major	No	P16/S4275 /O	N/A	N/A	N/A	502	0		0	0	86	86	86	258	Statement of common ground has been signed between South Oxfordshire District Council and Berkeley Homes agreeing site delivery information.
1837	Land at Wallingford Road/Reading Road Wallingford OX10 9EG	Wallingford	Major	Yes	N/A	N/A	P17/S3564 /FUL	16/07/2018	70	0		0	0	37	0	0	37	Discharge of conditions application is being processed. Construction is expected to start in May 2019 with an 80-week construction period. Ratio of 1.9 applied as C2 accommodation.
201	Land West of Reading Road Wallingford OX10 9HL	Wallingford	Major	Yes	N/A	N/A	P15/S0191 /FUL	21/03/2016	84	0		21	0	0	0	0	21	Site is under construction.
1015	Land to the West of Wallingford (Site B), Wallingford	Wallingford	Major	No	P14/S2860 /O	04/10/2017	N/A	N/A	555	0		0	47	61	92	0	200	Site has detailed permission for 200 homes. Developer has advised
1952	Oakdale Court and Meriden Court, WALLINGFORD, OX10 0ST	Wallingford	Major	Yes	N/A	N/A	P17/S3499 /FUL	15/11/2018	-18	0		0	-18	0	0	0	-18	Site has full permission.
1814	Land at Six Acres, Thame Road, Warborough	Warborough	Major	No	N/A	N/A	P17/S0241 /FUL	N/A	29	0		0	18	11	0	0	29	Statement of common ground signed with developer with agreed trajectory.
1937	Watlington NDP: Site A- Land between Britwell Road and Cuxham Road	Watlington	Major	No	N/A	N/A	NDP allocation	N/A	183	0		0	24	60	66	33	183	Statement of common ground has been signed with developer. Site is allocated for 140 dwellings in the Watlington NP, however the application submitted is for 183 dwellings. (Confirm approach to site with Tom)
1938	Watlington NDP: Site B- Land Off Cuxham Road and Willow Close	Watlington	Major	No	N/A	N/A	NDP allocation	N/A	60	0		0	0	0	0	28	28	A statement of common ground has been signed between the Council and Developer agreeing site delivery information.
1939	Watlington NDP: Site C- Land off Pyrton Lane	Watlington	Major	No	N/A	N/A	NDP allocation	N/A	60	0		0	0	0	0	28	28	A statement of common ground has been signed between the Council and Developer agreeing site delivery information.
1799	The Railway Hotel, 24 Station Road, Wheatley, OX33 1ST	Wheatley	Major	Yes	N/A	N/A	P17/S1865 /FUL	23/03/2018	15	0		15	0	0	0	0	15	Site is under construction.
977	Woodcote NDP Site 01: Chiltern Rise Cottage, Stable Cottage and Garden Cottage and Reading Road Woodcote RG8 0QX	Woodcote	Major	Yes	N/A	N/A	P18/S3769 /FUL	00/01/1900	22	0		0	0	18	4	0	22	This site is allocated in the Woodcote Neighbourhood Plan. Site had a detailed permission (P15/S1009/FUL) which has expired. A new full application has been submitted on the site for the same number of homes. Likely the site will come forward in the 5-year period. Trajectory is based on build out rate analysis.
1442	Woodcote NDP Site 16: Former Reservoir site, Greenmore	Woodcote	Major	Yes	N/A	N/A	P15/S2685 /FUL	05/05/2017	20	0		0	18	2	0	0	20	Site has full permission. Trajectory based on delivery analysis.
1672	Windfall	Windfall	Major	No	N/A	N/A	N/A	N/A	1,200	0		0	0	0	100	100	200	0