

## Planning Policy Consultation Response

### Planning and Strategic Housing

#### West Oxfordshire District Council

**Planning application reference:** 22/03240/OUT

**Proposal:** Outline application for the development of up to 140 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highway works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.

**At:** Land south of Burford Road, Minster Lovell

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#### Site context

This application seeks outline permission for residential development comprising up to 140 homes, with access off Burford Road (the B4047).

The application site is a greenfield site, comprising two agricultural fields, of approximately 10 hectares in size, bounded by hedgerows and located to the west of Minster Lovell, just under a kilometre walking distance from Brize Norton Road. The village of Minster Lovell (Charterville) is about 4km from the town centre of Witney, West Oxfordshire's main service centre.

The site adjoins, and wraps around, a new housing estate – an allocation in the West Oxfordshire Local Plan 2031 that is currently under construction. Countryside lies to the west, south and north. The B4047 runs along the northern boundary and forms the southern boundary of the Cotswolds National Landscape (Area of Outstanding Natural Beauty).

The site provides a countryside setting to the village. Given this, and the proximity to the Cotswolds, landscape character and ecology are key considerations.

A further important consideration is the site's relationship to the built form of the existing village, particularly in terms of community connections and cohesion, and to the services and facilities in the wider area. These issues will be addressed further below.

#### Status of development plan

The current statutory development plan is the West Oxfordshire Local Plan 2031 which was adopted in September 2018.

The District Council's most up-to-date Housing Land Supply Position Statement dated November 2022 acknowledges that the District Council is currently unable to demonstrate a 5 year supply of deliverable housing sites (currently this stands at a 4.1 year supply).

The effect of this is the engagement of the 'tilted balance' of the NPPF (paragraph 11d) whereby relevant policies of the Local Plan are classed as out of date and thus able to be afforded less weight and there is a presumption in favour of permission being granted unless there would be significant and demonstrable harms which would outweigh the benefits.

The comments below are provided in this context.

## Principle of development

This is an undeveloped, greenfield site next to the western edge of Minster Lovell. It is part of the countryside setting of the village.

In terms of the principle of residential development in this location, the most relevant policies of the Local Plan 2031 are Policies OS2 and H2. Dealing with each in turn:

### *Policy OS2 – Locating Development in the Right Places*

Policy OS2 adopts a 'hierarchical' approach with the majority of future homes and job opportunities to be focused on the main service centres of Witney, Carterton and Chipping Norton. Next 'down' in the hierarchy are seven rural service centres which provide varying opportunities for further development, for example with Eynsham having a particular role to play in meeting the housing needs of the District and Oxford City and scope for a 'reasonable scale of development' at Woodstock. Whereas, Bampton and Long Hanborough are identified as having 'a more restricted range of services and facilities' and thus suitable for a 'modest level of development to help reinforce their existing roles'.

The third level in the settlement hierarchy, are the 'villages'. Minster Lovell (South of Burford Road) is one of these 33 villages identified as 'suitable for limited development which respects the village character and local distinctiveness and would help maintain the vitality of these communities.'

A key consideration for this proposal is therefore whether granting permission for up to 140 additional homes would be consistent with the Local Plan expectation that the village will accommodate a 'limited' level of growth, particularly when considered in the context of cumulative development with the adjoining 126 homes.

Clearly the Council's current housing land supply position is of relevance but it should not mean that the local plan spatial strategy, including the general expectation that growth at Minster Lovell will be limited, should be completely set aside.

Also of relevance to the principle of development in this location are the general principles set out in Policy OS2. As these are general principles which are intended to apply to all forms of development, not just residential schemes, I believe they remain applicable irrespective of the 5-year housing land supply position.

Those listed below are particularly relevant to this proposal and need careful consideration:

All development should:

- Be of a proportionate and appropriate scale to its context having regard to the potential cumulative impact of development in the locality;
- Form a logical complement to the existing scale and pattern of development and/or the character of the area;
- As far as is reasonably possible protect or enhance the local landscape and the setting of the settlement/s;
- Not involve the loss of an area of open space or any other feature that makes an important contribution to the character or appearance of the area;

- Be provided with safe vehicular access and safe and convenient pedestrian access to supporting services and facilities;
- Conserve and enhance the natural, historic and built environment;
- In the AONB, give great weight to conserving landscape and scenic beauty and comply with national policy concerning major development; and
- Be supported by all necessary infrastructure including that which is needed to enable access to superfast broadband.

### *Policy H2 – Delivery of New Homes*

Also of relevance to the principle of residential development in this location is Policy H2 – Delivery of New Homes - which sets out the overall local plan housing requirement and how this will be phased over the plan period to 2031. It also sets out the specific circumstances in which new dwellings will be permitted in villages such as Minster Lovell.

As the application site is not allocated for development and comprises an undeveloped, greenfield site adjoining the built area of the village, the most relevant criterion is:

- On undeveloped land adjoining the built up area where convincing evidence is presented to demonstrate that it is necessary to meet identified housing needs, it is in accordance with the distribution of housing set out in Policy H1 and is in accordance with other policies in the plan in particular the general principles in Policy OS2.

Taking each of these requirements in turn.

Given the Council's current housing land supply position, it can reasonably be argued that the proposal would make a useful contribution towards meeting the identified housing needs of the District and the overall housing requirement set out in Policy H2.

Whilst it is an outline rather than a full application, given the scale of development, it is reasonable to assume that if permitted, a good proportion, if not all, of the 140 dwellings would be completed within the next 5 years particularly given the relatively rapid build out of the adjoining site which is expected to be completed this year.

In terms of the distribution of housing, Policy H1 identifies the provision of 4,702 homes in the Witney sub-area (in which Minster Lovell lies), the intention being that this will be met through a combination of past completions, permissions, allocations and windfall development. Policy WIT6 sets out the overall strategy for the Witney sub-area. Witney is the focus of new housing, supporting facilities and additional employment opportunities. New development in the rest of the sub-area is limited to meeting local community and business needs and is steered towards the larger villages.

Given that the figure of 4,702 homes is not a ceiling to development, I do not consider that the provision of a further 140 homes in this location presents an obvious and significant conflict with the distribution of housing set out in Policies H1 and WIT6.

The final consideration is whether the proposal would accord with other relevant policies of the Local Plan in particular the general principles set out in Policy OS2.

I have already highlighted above which of those general principles I believe to be of most relevance to this application and the further comments below explore a number of other relevant considerations.

## **Highways and accessibility (bus, walking and cycling) – importance of active travel**

The Planning Statement and the Sustainability Statement set out to demonstrate the sustainability credentials of the proposal and the appropriateness of the site for development, emphasising Minster Lovell's '*... good transport links to larger settlements, alongside the provision of a number of facilities and services within close proximity to the site.*'

It is good to see an emphasis being given (e.g. in paragraph 6.14 of the Planning Statement) to sustainable modes of transport and the need to reduce reliance on the private car. This being the case, it is important that measures are delivered as part of this proposal to encourage active travel.

Local Plan Policy T1 on sustainable transport includes the requirement that: '*All new development will be designed to maximise opportunities for walking, cycling and the use of public transport, ensure the safe movement of vehicles and minimise the impact of parked and moving vehicles on local residents, business and the environment.*' Policy T3 on public transport, walking and cycling provides further detail.

As Oxfordshire County Council is the Highway Authority, I will leave the technical assessment of highway design and wider highway infrastructure requirements to them. I trust that as part of that assessment use will be made of the Oxfordshire Street Design Guide:

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

Given the proposed vehicular access off the B4047 (which is some distance from the village facilities in Brize Norton Road) and the relatively limited range of services and facilities within Minster Lovell (more on this below), there is a particular need to make walking and cycling easy, safe and pleasant within and from the site and within and from the village in order to encourage active travel. This will help to address the climate emergency and the need for healthy lifestyles.

Local connections to, and improvements of, the footpaths and cycleway are required, especially as the built-form of the development is housing, meaning that good connections to local facilities are crucial for residents. The Illustrative Masterplan shows proposed pedestrian/cycle connection to the adjoining development which is welcomed. At the moment, one of the main routes is through the unlit, grass-surfaced public open space at Ripley Avenue. An upgrading of the existing east-west routes is required.

I have read the useful comments made by Stagecoach. Improvements to bus infrastructure, such as bus stop upgrades and the creation of a local 'transport hub', will help in encouraging the use of public transport.

## **Community services, facilities and infrastructure**

The applicant considers the site in Minster Lovell '*... to be a sustainable and accessible location within the District, ...' being within walking and cycling distance of a range of local services and facilities...*' However, the examples given to support this statement tend to focus on the proximity and access to services and facilities outside of the village. For example, the bus service to Witney and beyond and the proximity to Hanborough Station (and thus Worcester, Oxford and London) and the national cycle route 57.

The applicant asserts that, '*... given that the adjacent site was allocated in the West Oxfordshire Local Plan for 125 dwellings, it is considered that the Council deem Minster Lovell a sustainable location for development, capable of accommodating the scale of development proposed.*' While the

village does have some local services and facilities, such as a primary school, post office and village hall, it does not have the full range of services and facilities that meet people's day-to-day needs. If further homes are to be built in the village, it is essential, therefore, that adequate measures are in place to ensure the provision of additional supporting services and facilities locally and/or to ensure opportunities for safe and easy access to higher-order services and facilities nearby, without the need to make use of the private car.

This also links back to the point raised previously regarding the spatial strategy expectation that growth in villages such as Minster Lovell will be limited – which in itself reflects the fact that such locations will offer fewer services and facilities than the larger rural service centres and main service centres such as Witney.

An assessment will be needed of the cumulative supporting infrastructure requirements of 265 new homes, as opposed to the allocated site of 125 homes. Local Plan Policy OS5 on supporting infrastructure is particularly relevant.

The consultation responses to this proposal highlight a range of concerns about the capacity of local infrastructure, from doctors' surgeries through to schooling.

Included in the responses, are concerns about waste water and water pressure. There are national and, well-evidenced and well-publicised, local concerns about water quality, including in this area of West Oxfordshire. Robust consideration needs to be given to the wastewater effects of this proposal, both locally and in the wider catchment, including the capacity of Brize Norton Sewage Pumping Station and Witney Sewage Treatment Works. The views of Thames Water and the Environment Agency will be important in this regard.

### **Landscape and Biodiversity**

The applicant describes their proposed development as a '*... highly landscape-led and biodiversity-rich residential scheme ...*'

A landscape-led approach is especially important given the site's location as part of the setting of the Cotswolds National Landscape/AONB. Consideration of the requirements set out in Local Plan Policies EH1 and EH2 are particularly relevant (and Policy EH8 particularly in relation to lighting) and so too the Cotswolds National Landscape Management Plan and the Cotswolds Position Statements on Landscape-Led Development (<https://www.cotswoldsaonb.org.uk/wp-content/uploads/2021/04/Landscape-Led-Development-Position-Statement-FINAL-April-2021.pdf>) and Development in the Setting of the AONB (<https://www.cotswoldsaonb.org.uk/wp-content/uploads/2017/08/setting-position-statement-2016-adopted-with-minor-changes-30616-1.pdf>).

The visual character of the site is rural and forms part of the village's wider landscape setting. The existing hedgerows and mature trees contribute towards this. The applicant's Landscape and Visual Appraisal, while fully accepting that the landscape character of the site would alter as a result of the proposed development, identifies that the development provides an opportunity to introduce a more effective and attractive transition from urban to rural than exists currently.

As part of the landscape-led approach, the applicant proposes landscape buffers between the built form and the countryside to the north, west and south, including a substantial area of public open space and structural planting. The landscape consultant concludes that, with these measures in place, the proposal would not undermine any of the special qualities of the AONB and the visual effects would be limited.

The proposed masterplan for the site identifies areas of Green Infrastructure (GI) within the site. It is important that these are looked at in terms of provision both within the site and as part of a wider GI network for the area. With the government's increasing emphasis on healthy living, improved access to the countryside and the benefits of nature for people's health and well-being, opportunities should be taken to conserve and enhance the wider GI network around Minster Lovell, including its long term management.

As with Green Infrastructure, the site's biodiversity should not be looked at in isolation. In addition to protecting and enhancing the site's biodiversity, the NPPF makes clear that wider coherent, resilient ecological networks should be considered. As the site lies close to the Upper Windrush Conservation Target Area, the Worsham Meadows Local Wildlife Site and Pumping Station Meadows Wildlife Site, the impact of the proposed development on this wider network needs to be assessed and wider opportunities for enhancement taken. Biodiversity impacts from development can be wide ranging, including predation by cats, disturbance by dogs and humans and light pollution.

The Design and Access Statement identifies opportunity to enhance the existing overall habitat value of the site. The measures that are set out in the Ecological Impact Assessment and followed through in the Design Considerations are welcomed.

Consideration of the requirements set out in Local Plan Policy EH3 are especially important, particularly as since the plan's adoption biodiversity net gain has been given added emphasis through the Council declaring an Ecological Emergency and through the Government's Environment Act requiring at least a 10% Biodiversity Net Gain (from November 2023).

### **Sustainable design and construction**

Given the climate and ecological emergencies and the evidence of the need for a step-change in addressing the issues, proposals are coming forward within West Oxfordshire which are designed to achieve high sustainability standards, through for example a commitment to achieve the Passivhaus standard, to meet WODC's LETI net zero guidance, to exceed the Environment Act's 10% Biodiversity Net Gain and to deliver the Government's aspirations for beauty and well-designed places.

The measures set out in the Design and Access Statement and the Sustainability Statement are welcomed but to really deliver on their statements of wishing to '*...create a legacy ...*', '*... deliver mixed uses ...*' and provide '*... opportunities to create a sustainable and vibrant community ...*', we would encourage a greater level of ambition.

### **Other observations**

**Housing mix** –this is indicative at this stage but, as proposed, is in accordance with the Local Plan

**Affordable housing** – 40% is proposed which is in accordance with the Local Plan.

**Accessible and adaptable dwellings** – Policy H4 requires at least 25% of any market and affordable homes to be accessible and adaptable housing designed to meet Building Regulations Requirement M4(2). At least 5% should be designed as wheelchair adaptable to meet Building Regulation Requirement M4(3). Where wheelchair adaptable homes are provided they will be counted as contributing towards the 25% accessible and adaptable homes requirement. The applicant intends to comply with these requirements.

**Historic Environment and archaeological remains** – please note the concerns of the County Archaeologist.

**Health** – an increasing emphasis nationally and locally is being given to designing developments for health and well-being. A Health Impact Assessment Toolkit has been approved for use in Oxfordshire <https://futureoxfordshirepartnership.org/projects/oxfordshire-health-impact-assessment-toolkit/>

## **Conclusion**

Given that the District Council acknowledges that it is currently unable to demonstrate a 5-year supply of deliverable housing land, the ‘tilted balance’ of the NPPF is engaged, whereby there is a presumption that planning permission will be granted unless:

- The application of policies in the NPPF 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 NPPF taken as a whole.

As set out in the comments above, this does not completely negate the policy requirements of the Local Plan, but it does mean that less weight is able to be afforded to those policies of relevance to the application than would otherwise be the case.

In this instance, particular consideration needs to be given as to whether the harms identified by those responding to this proposal ‘significantly and demonstrably’ outweigh the benefits. The key benefits include the provision of additional housing to help meet the Council’s five year housing land supply, affordable housing, the provision of additional public open space and the economic benefits development would bring.

The potential harms include: the limited range of services and facilities within the village; the use of the private car unless measures are delivered to facilitate active travel and sustainable transport improvements; and the potential adverse biodiversity and landscape impacts if existing hedgerows, trees and their buffers are not adequately protected and maintained.

## **Key Policies - Local Plan 2031**

- OS1: Sustainable development
- OS2: Locating development in the right places (partially out of date)
- OS3: Prudent use of natural resources
- OS4: High quality design
- OS5: Supporting infrastructure
- H3: Affordable Housing
- H4: Type and mix of new homes
- H5: Custom and self-build housing
- T1: Sustainable transport
- T2: Highway Improvement Schemes
- T3: Public transport, walking and cycling
- EH2: Landscape character
- EH3: Biodiversity
- EH4: Public realm and green infrastructure
- EH5: Sports, recreation and play space
- EH7: Flood risk
- EH8: Environmental protection

- EH9: Historic environment
- EH13: Historic landscape character
- EH14: Registered historic parks and gardens
- EH16: Non-designated heritage assets
- WIT6: Witney sub-area

Also of relevance:

- West Oxfordshire Design Guide SPD
- Affordable Housing SPD
- Revised Draft Developer Contributions SPD