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Statement of Common Ground

Land South of Burford Road, Minster Lovell

Outline planning permission for the development of up to 134 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

Appellant: Catesby Strategic Land Limited

Local Planning Authority: West Oxfordshire District Council

Council Reference: 22/03240/OUT

Planning Inspectorate Reference: APP/D3125/W/23/3331279

Walsingham Planning

Bourne House

Cores End Road

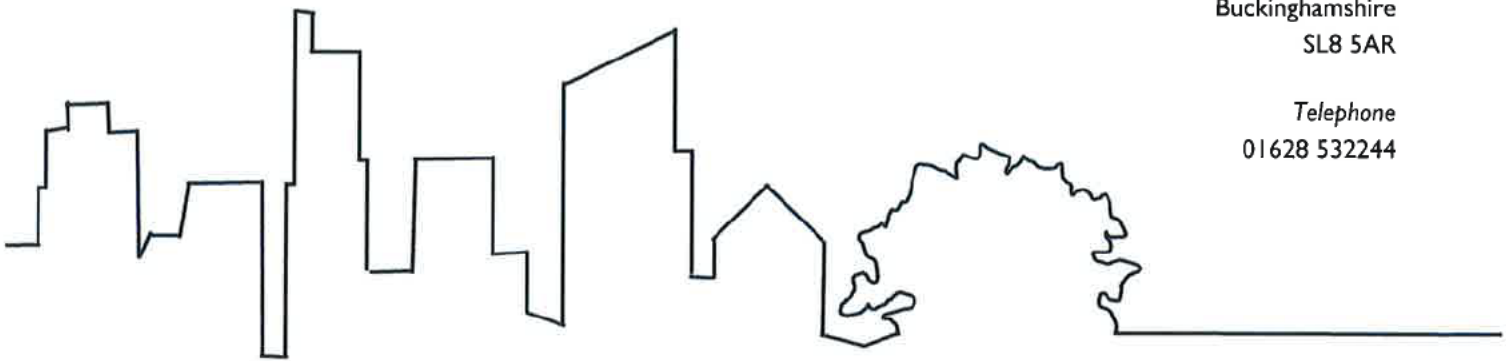
Bourne End

Buckinghamshire

SL8 5AR

Telephone

01628 532244



Bourne.end@walsingplan.co.uk

www.walsinghamplanning.co.uk

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I INTRODUCTION

- I.1 This Statement of Common Ground (SoCG) has been agreed between Catesby Strategic Land Limited (the Appellant) and West Oxfordshire District Council as the local planning authority ("the LPA") in relation to a planning Appeal ("the appeal", ref. APP/D3125/W/23/3331279) that has been lodged for development proposals at a site described as Land South of Burford Road, Minster Lovell (the Appeal Site).
- I.2 This SoCG contains factual and other information about the proposal, the site and the respective positions of the Appellant and the LPA.
- I.3 The purpose of this SoCG is to identify the areas where the principal parties (the Appellant and the LPA) are in agreement, and to narrow down the issues that remain in dispute.
- I.4 The parties hope to update this document and/or to agree topic specific SoCGs throughout the Appeal process, through agreement on other matters.
- I.5 This SoCG follows the Procedural Guide: Planning Appeals – England, updated in October 2023 and the Appellant draft statement of common ground proforma.
- I.6 A final list of Core Documents will be agreed before the exchange of Proofs of Evidence.

2 THE APPEAL SITE AND SURROUNDING AREA

Appeal Site

- 2.1 The Appeal Site is a greenfield site, measuring approximately 8.54ha, location to the south of Burford Road (B4047), on the western edge of the village of Minster Lovell. The existing site comprises agricultural fields, marked with hedgerows along all boundaries, alongside a number of mature trees along the northern boundary of the site. The extent of the site is detailed on the Location Plan Ref. 16b, submitted as part of the outline planning application.
- 2.2 The Appeal Site is not subject to any ecological or landscape designations. The Cotswolds National Landscape (formerly the Cotswolds AONB) is located close by to the north, on the opposite side of Burford Road, which effectively forms its southern boundary at this point.
- 2.3 There are no Tree Preservation Orders affecting the Site and there are no Public Rights of Way within the Site.
- 2.4 The Appeal Site is situated within Flood Zone 1, which is the lowest classification of fluvial flood risk and means that it is assessed as having a less than 0.1% chance of flooding from rivers or the sea in any year. The site is also at a very low risk of surface water flooding.
- 2.5 The Appeal Site does not contain any listed buildings, conservation areas or Scheduled Ancient Monuments. The nearest listed building is 37 Upper Crescent, which is located some 280m east of the site. Minster Lovell includes a former Chartist settlement created in the mid 19th Century, with the settlement laid out with bungalows in large plots that were intended to be self-sustaining. Some of these bungalows survive and some including 37 Upper Crescent are statutorily listed and the LPA regards the others as non-designated heritage assets.
- 2.6 The agricultural land classification of the entirety of the Appeal Site is recorded as Subgrade 3b and therefore is not Best and Most Versatile Agricultural Land.

Surrounding Area

- 2.7 The adopted West Oxfordshire Local Plan 2031 ("the Local Plan") identifies Minster Lovell as a 'village' within the Settlement Hierarchy. Paragraph 9.2.57 of the Local Plan describes it as "a sustainable settlement close to Witney and also offering its own range of services and facilities". It is located approximately 4km west of Witney (it is approximately 5km distance

by road from the town centre), which is a 'main service centre' and the largest town West Oxfordshire District with a wide range of services and facilities.

- 2.8 According to the 2021 census, the Parish of Minster Lovell had a population of 1,436 people. The village has two pubs, a post office, SPAR convenience store, florist, hairdressers, village hall and primary school and playgroup, furniture store and car sales garage.
- 2.9 The 233 and 234 bus service can be caught from Burford Road and provide a broadly twice hourly service between Witney and Burford, also stopping at Brize Norton and Carterton. The nearest bus stop to the site is located on Burford Road, immediately to the west of the site boundary. The V5 (Wednesday villager bus route) and daily Pulhams Coaches 64 offer limited services to some other destinations.
- 2.10 The site lies immediately to the west of the allocated site WIT4, which was granted consent for 126 dwellings under applications refs. 17/01859/OUT and 18/03473/RES and has now been completed by Bovis Homes.

3 PLANNING APPLICATION PLANS AND DOCUMENTS

- 3.1 The planning application was submitted in outline, with all matters reserved other than access.
The application was supported by a comprehensive suite of plans and documents as follows:

Reference	Title	Prepared By	Date
Submitted as part of the application			
I6a	Site Location Plan	Edge Urban Design	Oct 2022
P02 Rev E	Framework Plan	Edge Urban Design	Oct 2022
P03 Rev D	Illustrative Masterplan	Edge Urban Design	Oct 2022
23178-02-2 Rev A	Proposed Footway	David Tucker Associates	Nov 2022
23178-02-1 Rev A	Proposed Site Access	David Tucker Associates	Nov 2022
N/A	Application Forms	Walsingham Planning	Nov 2022
N/A	Covering Letter	Walsingham Planning	Nov 2022
N/A	Planning Statement	Walsingham Planning	Nov 2022
N/A	Affordable Housing Statement	Tetlow King Planning	Nov 2022
N/A	Agricultural Land Classification	Kernon Countryside Consultants	Nov 2022
444891-01 (00)	Air Quality Assessment	RSK	Nov 2022
RSE_4967_R2_V1	British Standards 5837:2012 Tree Survey: Arboricultural Impact Assessment, Method Statement and Tree Protection Plan	RammSanderson	Nov 2022
P22-2186	Built Heritage and Archaeological Assessment	Pegasus Group	Oct 2022
N/A	Design and Access Statement	Edge Urban Design	Nov 2022
RSE_4967_R2_V1_ECIA	Ecological Impact Assessment	RammSanderson	Nov 2022
680568-R1(01)-FRA	Flood Risk Assessment	RSK Land and Development Engineering Ltd	Nov 2022
890595-R1(1)	Preliminary Foul Drainage & Utilities Assessment	RSK Land and Development Engineering Ltd	Nov 2022
GRM/PI0086/DS.1	Phase I Site Appraisal (Desk Study)	GRM Development Solutions Limited	Aug 2022
2061152-RSK-RP-001(00)	Noise Assessment Report	RSK Acoustics	Oct 2022
N/A	Statement of Community Involvement	Catesby Estates	Nov 2022
edp7754_r001b	Landscape and Visual Appraisal	The Environmental Dimension Partnership Limited	Nov 2022
CATZ3041	Sustainability Statement	Turley Sustainability	Nov 2022
DN/NS/BM/23178-01c	Transport Statement	David Tucker Associates	Nov 2022
DN/NS/23178-02c	Framework Travel Plan	David Tucker Associates	Nov 2022
714262R01	Lighting Impact Assessment	RSK	Oct 2022

Additional/Updated plans and documents submitted during determination			
RSK 444891-03(01)	Response to Air Quality Assessment	RSK	Jan 2023
N/A	Response to Highway Authority (inc. revised Framework Travel Plan)	David Tucker Associates	Feb 2023
P22-2186	Updated Built Heritage and Archaeological Assessment	Pegasus Group	Feb 2023
680568-01L	Response to LLFA Comments	RSK Land and Development Engineering Ltd	Feb 2023
16b	Site Location Plan	Edge Urban Design	Feb 2023
P02 Rev F	Framework Plan	Edge Urban Design	Feb 2023
P03 Rev F	Illustrative Masterplan	Edge Urban Design	Feb 2023
RSE_4967c_BIAB_0123_V2R1	Baseline Habitat Plan	RammSanderson	Feb 2023
RSE_4967c_BIAP_0123_V2R1	Proposed Habitat Plan	RammSanderson	Feb 2023
RSE_4967c_BIA_0123_V2R1	Biodiversity Metric	RammSanderson	Feb 2023
edp7754_d011b	Landscape Strategy Plan	The Environmental Dimension Partnership Limited	March 2023
CATZ3041	Revised Sustainability Statement	Turley Sustainability	April 2023
8362	Interim Archaeological Evaluation Report	Oxford Archaeology	April 2023
8362	Archaeological Evaluation Report	Oxford Archaeology	May 2023
RSE_4967	Rebuttal to BBOWT	RammSanderson	June 2023

3.2 All documents submitted to WODC as part of the application will also be listed in the Core Document List.

4 BACKGROUND TO APPEAL PROPOSALS

Relevant Planning History

4.1 Prior to the submission of the outline application, there was no relevant planning history relating to the Appeal Site, however on the adjacent site immediately to the east of the Appeal Site, are the following relevant planning applications:

- Application 16/02588/OUT – Residential development of up to 85 dwellings together with a new vehicular access onto Burford Road (B4047), footpath links, areas of public open space, children's play area, landscaping and land for potential burial ground (means of access only) – Approved 8th May 2018
- Application 17/01859/OUT – Residential development of up to 126 dwellings together with a new vehicular access onto Burford Road (B4047), footpath links, areas of public open space and landscaping – Approved 29th August 2018
- Application 18/03473/RES – Residential development of 126 dwellings together with a new vehicular access onto Burford Road (B4047), footpath links, areas of public open space and landscaping (Matters seeking approval are appearance, landscaping, layout and scale pursuant to 17/01859/OUT) – Approved 7th June 2019

4.2 This development has now been completed by Bovis Homes.

Pre-application Submission

4.3 A pre-application advice request was submitted in September 2022 (22/02461/PREAPP) for a residential development of up to 140 dwellings. A written response was received from WODC on the 9th November 2022.

Screening Opinion

4.4 An EIA Screening Opinion (ref. 22/03089/SCREEN) for a residential development of up to 140 dwellings was submitted to WODC on 7th November 2022. WODC responded on the 20th December 2022 confirming that the proposal was not considered to constitute EIA development.

Public Consultation

- 4.5 The Appellant undertook a public consultation for the proposals in October 2022 and also met with the local Parish Council. Leaflets were circulated to local residents and a website was created to provide further information and to allow feedback on draft proposals. A Statement of Community Involvement was submitted with the application that sets out the outcomes of this consultation.

Outline Planning Application 22/03240/OUT

- 4.6 This following section sets out the planning application process chronologically, for outline application 22/03240/OUT that is the subject of this Appeal.
- 4.7 The outline planning application was submitted to WODC via the Planning Portal on the 17th November 2022, with the following description of development:
- 'Outline planning permission 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.*
- 4.8 An acknowledgment letter was received from WODC on the 22nd November, which confirmed receipt of the application, stating it was waiting to be validated. The application was assigned reference 22/03240/OUT.
- 4.9 A letter was subsequently received from WODC on 2nd December confirming the application as valid. This letter stated incorrect details relating to when the application was received and the determination date, and therefore an amended letter was issued by WODC on the same day, confirming the determination date to be 21st February 2023.
- 4.10 Additional information relating to Air Quality was submitted to WODC on 26th January 2023, which provided additional information sought by the Council's Air Quality Officer, and overcame the issues raised.
- 4.11 Additional information in the form of a Transport Note, which responded to points raised within an objection from Oxfordshire County Council Highway's was submitted to WODC on 1st February 2023. This information overcame the Highways Authority Objections.
- 4.12 Additional information in the form of an updated Built Heritage and Archaeological Assessment was submitted on 10th February 2023.

- 4.13 Amended plans which reduced the size of the application site were submitted on the 13th February 2023. These included amended Site Location Plan ref. 16b, Framework Plan ref. P02 Rev F and Illustrative Masterplan ref. P03 Rev F and an updated description agreed to:

'Outline planning permission for the development of up to 134 dwellings (Use Class C3) including means of access into the site (not internal roads) and associated highways works, with all other matters (relating to appearance, landscaping, scale and layout) reserved.'

- 4.14 The plans for approval are:

- Site Location Plan ref. 16b
- Framework Plan ref. P02 Rev F
- 23178-02-2 Rev A – Proposed Footway
- 23178-02-1 Rev A - Proposed Site Access

- 4.15 Additional information in the form of an amended Biodiversity Metric, Baseline Habitat Plan reference RSE_4967c_BIAB_0123_V2R1, and Proposed Habitat Plan, reference RSE_4967c_BIAP_0123_V2R1 were submitted on 17th February 2023 to update the reflected application site boundary.

- 4.16 Additional information in the form a letter responding to comments and an objection from the LLFA was submitted to WODC on 28th February 2023. This information subsequently overcame their objections.

- 4.17 Additional information in the form of an updated Landscape Strategy Plan, reference edp7754_d011b, which reflects the revised application site boundary and in response to comments from WODC's Landscape Officer was submitted on 24th March 2023.

- 4.18 Additional information in the form of an email to the Case Officer responding to queries raised from WODC's Ecologist was sent on 11th April 2023. This overcame the concerns raised and the ecologist confirmed they had no objections subject to conditions.

- 4.19 Additional information in the form of a revised Sustainability Statement was submitted to WODC on the 18th April 2023.

- 4.20 Additional information in the form of an Interim Archaeological Evaluation Report was submitted to WODC on the 2nd May 2023. The Final Archaeological Evaluation Report was

submitted on 10th May 2023. Oxfordshire County Council's Archaeologist subsequently removed their objection, subject to the inclusion of conditions.

- 4.21 The application was reported to Planning Committee on 30th May 2023, with an Officer recommendation for approval. The application was subsequently deferred for a site visit, and due to return to Planning Committee on 19th June 2023.
- 4.22 Due to a late objection from the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust (BBOWT) received on 8th June 2023, consideration of the application was withdrawn from Planning Committee on 29th June, however a member's site visit still took place on 19th June 2023.
- 4.23 Additional information in the form of a rebuttal to the objection from BBOWT was submitted to WODC on 20th June 2023.
- 4.24 The application was reporting to Planning Committee on the 17th July 2023, where members voted to refuse permission, contrary to the Officer's recommendation.
- 4.25 A formal Decision Notice was issued on 21st July 2023, and states two reasons for refusal.
- 4.26 The Reasons for Refusal are as follows:

- 1. *The proposal does not respect the village character and local distinctiveness as it extends the existing C20 development, which further delineates the historic from the modern. Cumulatively, it is not limited development. It would not protect the local landscape or setting of Minster Lovell. It would involve the loss of an area of green space that makes an important contribution to the character and appearance of the area and the scheme causes localised landscape harm by urbanising a greenfield site. In addition, the site is divorced from key services and facilities on offer in Minster Lovell with future residents reliant on private vehicles to meet their daily needs. While the development would provide up to 134 dwellings to include 40% affordable homes and 5% self-build plots; economic benefits, a children's play area, open space/recreational route, pedestrian and cycle links, biodiversity net gain, and sustainability measures. The adverse impacts identified would significantly and demonstrably outweigh the benefits. As such, the proposal is considered to be unsustainable development and is contrary to policies H2, OS2, OS4, T1, T3 and EH2 of the adopted West Oxfordshire Local Plan 2031, the West Oxfordshire Design Guide 2016, and the relevant paragraphs of the National Planning Policy Framework.*

2. *The applicant has not entered into a legal agreement or agreements to secure the provision of affordable housing, self build plots, biodiversity net gain or signposting to the Local Wildlife Site; or contributions to education, waste, public transport, sport and leisure, medical facilities, Village Hall, or children's play area. The proposal conflicts with West Oxfordshire Local Plan 2031 Policies OS5, H3, H5, T1, T3, EH3, EH4, and EH5; and the relevant paragraphs of the National Planning Policy Framework.*

5 APPEAL PROPOSALS

- 5.1 The Proposal comprises residential development of up to 134 dwellings, and a means of vehicular and pedestrian access off Burford Road.
- 5.2 Details of appearance, landscaping, scale and layout were reserved for future consideration, and therefore all matters are reserved other than access.
- 5.3 The following plans were submitted with the application:
- 16a – Site Location Plan
 - P02 Rev E - Framework Plan
 - P03 Rev D – Illustrative Masterplan
 - 23178-02-2 Rev A - Proposed Footway
 - 23178-02-1 Rev A - Proposed Site Access
- 5.4 During the determination of the application, revised plans were submitted to WODC, references Site Location Plan ref. 16b, Framework Plan ref. P02 Rev F and Illustrative Masterplan ref. P03 Rev F. These changes were made following advice from Officers that there were concerns with the scheme extending further south than the adjacent Ripley Avenue (paragraph 5.7 Core Document C9)
- 5.5 The Framework Plan and Illustrative Masterplan demonstrate how up to 134 dwellings could be accommodated on the site, along with proposed landscaping, attenuation features, public open space and play space.

Access Arrangements

- 5.6 The details of access were submitted for determination as part of the outline planning application. The site would be accessed via a priority junction off Burford Road (B4047), in the form of a 5.5m wide access road, with 8m entry/exist radii (as demonstrated on drawing reference 23178-02-1 Rev A Proposed Site Access).
- 5.7 It is also proposed that the existing 40mph speed limit to the east of the site is extended south-west along Burford Road, so that it extends along the site frontage. A 3m wide cycle/footway is proposed along the south side of Burford Road, to link the development into

the village (as shown on drawing reference 23178-02-2 Rev A Proposed Footway). New bus stops have been requested and would be provided at the site frontage.

- 5.8 An additional Transport Note was submitted on 1st February 2023 following an objection from Oxfordshire County Council Highways. Clarification was provided on a number of points, including access arrangements, sustainable transport connectivity, and traffic impact and an updated Travel Plan was included. Oxfordshire County Council Highways were satisfied with the contents of this, and subsequently confirmed they removed their objection by email on 16th February 2023.

6 DEVELOPMENT PLAN POLICIES AND MATERIAL CONSIDERATIONS

- 6.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 states that *“if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan, unless material considerations indicate otherwise”*.
- 6.2 For the purposes of this appeal, the relevant parts of the adopted statutory Development Plan for the purpose of this application comprise the West Oxfordshire Local Plan 2031, which was adopted in September 2018. There is no adopted or emerging Neighbourhood Plan for Minster Lovell.
- 6.3 Material considerations also include national policy, primarily the National Planning Policy Framework (last updated December 2023) and related guidance in the National Planning Policy Guidance. The LPA has also adopted certain relevant Supplementary Planning Documents (SPDs) that are set out below.

Emerging Local Plan

- 6.4 West Oxfordshire is preparing a new Local Plan covering the period up to 2041.
- 6.5 An initial scoping consultation (Reg 18) was undertaken between August and October 2022. This sought views on what main topics the new Local Plan should cover. A focused consultation on draft plan objectives, spatial strategy options, alongside a call for sites (reg 18) took place between August and October 2023. Taking into account the responses received to its two previous consultations and emerging evidence, the LPA intends to further consult on a series of preferred policy approaches, which will help to inform a final draft of the new Local Plan which will be published for comment before being submitted for independent examination.
- 6.6 The LPA's aim is to adopt the new Local Plan in 2025 but at present it is still at an early stage and accrues very limited weight. Progress of the Local Plan review has slipped against the programme set out in the adopted Local Development Scheme (LDS).

The Development Plan

6.7 The committee report dealing with the application identified the following Local Plan policies as being of relevance:

- OS1 Presumption in favour of sustainable development
- OS2 Locating development in the right places
- OS3 Prudent use of natural resources
- OS4 High quality design
- OS5 Supporting infrastructure
- H1 Amount and distribution of housing
- H2 Delivery of new homes
- H3 Affordable Housing
- H4 Type and mix of new homes
- H5 Custom and self build housing
- H6 Existing housing
- T1 Sustainable transport
- T2 Highway improvement schemes
- T3 Public transport, walking and cycling
- T4 Parking provision
- EH1 Cotswolds AONB
- EH2 Landscape character
- EH3 Biodiversity and Geodiversity
- EH4 Public realm and green infrastructure
- EH5 Sport, recreation and children's play

- EH7 Flood risk
- EH8 Environmental protection
- EH9 Historic environment
- EH11 Listed Buildings
- EH12 Traditional Buildings
- EH13 Historic landscape character
- EH14 Registered historic parks and gardens
- EH15 Scheduled ancient monuments
- EH16 Non designated heritage assets
- WIT6 Witney sub-area strategy
- WIT4 Land west of Minster Lovell

6.8 WODC's 2 reasons for refusal identify conflict with the following policies of the Development Plan:

Reason for Refusal 1:

- H2 Delivery of new homes
- OS2 Locating development in the right places
- OS4 High quality design
- T1 Sustainable transport
- T3 Public transport, walking and cycling
- EH2 Landscape character

Reason for Refusal 2:

- OS5 Supporting infrastructure

- H3 Affordable Housing
- H5 Custom and self build housing
- T1 Sustainable transport
- T3 Public transport, walking and cycling
- EH3 Biodiversity and Geodiversity
- EH4 Public realm and green infrastructure
- EH5 Sport, recreation and children's play

Local Plan Review

- 6.9 The West Oxfordshire Local Plan 2031 became 5 years old on 27th September 2023, and as such, WODC have undertaken a Regulation 10a review of the Plan. This review was approved by Members on 11th October 2023.

Material Considerations

- 6.10 A number of material considerations are also relevant to this appeal. The main documents include, but are not limited to:

National Planning Policy Framework (NPPF) (December 2023)

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision Making
- Chapter 5 – Delivering a sufficient supply of homes
- Chapter 6 – Building a strong, competitive economy
- Chapter 8 – Promoting healthy and safe communities
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places

- Chapter 14 – Meeting the challenge of climate change, flooding and coastal change
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment

Other documents and legislation

- West Oxfordshire Design Guide (adopted April 2016)
- WODC Affordable Housing SPD (adopted October 2021)
- WODC Developer Contributions SPD (adopted July 2023)
- Planning Practice Guidance

7 MATTERS NOT IN DISPUTE

- 7.1 The following matters are agreed between the Appellant and the LPA.

Format of the Application

- 7.2 It is agreed that the format of the outline planning application, forms and the supporting documents fulfilled the requirements of the various regulations and validation checklists, applicable at the time of the application.
- 7.3 It is agreed by the parties that the application was submitted in outline with all matters reserved, except for access. As such, the matters relating to appearance, layout, landscaping and scale are not for determination in this appeal.

Environmental Impact Assessment

- 7.4 It is agreed that the proposals do not constitute EIA development and that an Environmental Statement is not required.

Reasons for Refusal

- 7.5 The Decision Notice states two Reasons for Refusal.

It is agreed that the Reasons for Refusal include the following policies; and the LPA does not rely on conflict with any other policies within the Development Plan:

Reason for Refusal 1:

- H2 Delivery of new homes
- OS2 Locating development in the right places
- OS4 High quality design
- T1 Sustainable transport
- T3 Public transport, walking and cycling
- EH2 Landscape character

Reason for Refusal 2:

- OS5 Supporting infrastructure
- H3 Affordable Housing
- H5 Custom and self build housing
- T1 Sustainable transport
- T3 Public transport, walking and cycling
- EH3 Biodiversity and Geodiversity
- EH4 Public realm and green infrastructure
- EH5 Sport, recreation and children's play

Five Year Housing Land Supply (5YHLS)

- 7.6 The LPA and the appellant agree that there are no NPPF footnote 7 policies that apply in this case.

Principle of Development

- 7.7 It is agreed that Minster Lovell, as a village within the settlement hierarchy, is suitable for limited development that respects the village character and local distinctiveness and would help maintain the vitality of these communities in the terms of Local Plan policy OS2.
- 7.8 Policy H1 plans for a minimum of 15,950 homes between 2011 and 2031 and this remains the Council's housing requirement figure in the statutory Development Plan; but, as the Local Plan is now over 5 years old and following the Reg.10A review under the provisions of paragraph 77 of the NPPF, the LPA is required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against the local housing need ("the LHN"), as calculated using the standard method. As stated in the PPG, the standard method takes account of past undersupply. For West Oxfordshire the LHN calculated in this way before any buffer is 570dpa.
- 7.9 The LPA's housing delivery test results since first publication have been: 153% of its target completions in 2019-2020, 114% of target in 2018-2019, 103% in 2017-2018, 195% in 2020-2021 and 187% (2021-2022), with no consequences applying in any of these years. Accordingly, no buffer applies to the 570 dpa LHN.

- 7.10 It is anticipated that further details on HLS issues will be the subject of a topic-specific SoCG.

Development Plan Designations

- 7.11 It is agreed that the site is not allocated for any development purpose in the development plan.
- 7.12 It is agreed that the site is not located within the Green Belt, and that there are no statutory or other adopted landscape, ecology or heritage designations that relate to the Appeal Site.

Siting, Design, Form and Landscape Impact

The LPA does not assert that the development would harm the setting of the Cotswolds National Landscape (formerly the Cotswolds AONB) to the north of the site. Detailed matters associated with landscape impact area being dealt with through a topic based Statement of Common Ground.

Access and Highways

- 7.13 It is agreed that the Highways Authority raised no objections to the application subject to conditions and S.106 obligations.
- 7.14 It is agreed that the residual cumulative impacts on the road network would not be severe and that there would be no unacceptable impacts on highway safety.
- 7.15 It is agreed that the Appellant intends to provide a new footway/cycleway along the southern side of the B4437 between the proposed site access into Minster Lovell.

Accessibility

- 7.16 Agreed walking distances to services and facilities in Minster Lovell are attached at Appendix 2. It is agreed that both distance and the quality of the route are material considerations.

Impact on Residential Amenity

- 7.17 Given the application is outline, and therefore the size, position and orientation of dwellings are not fixed, it is agreed that issues relating to overlooking and loss of privacy for future residents of the development or existing residents occupying neighbouring properties, could be addressed at the reserved matters stage.

7.18 It is agreed that there would be no unacceptable impact to existing and future residents in respect of noise and disturbance.

7.19 It is agreed that, in respect of contaminated land, a study and if required, a remediation scheme can be secured via condition.

Affordable Housing

7.20 It is agreed that the appeal proposals are capable of providing a policy compliant level of affordable housing through a completed s.106 agreement (40%) in accordance with Local Plan Policy H3.

7.21 It is agreed that there is an acute need for more affordable housing in West Oxfordshire and the benefit of 40% affordable housing should be given appropriate weight in the planning balance (NB this issue is discussed further in the AH SoCG but the appellant considers that this benefit should be given substantial weight and the LPA considers it should be given significant weight).

Heritage

7.22 It is agreed that the scope of the Appellant's heritage assessment submitted with the application is agreed to be appropriate.

Archaeology

7.23 It is agreed that there are no archaeological constraints to the development and that there are no objections from the Oxfordshire County Archaeologist subject to conditions.

Drainage and Flood Risk

7.24 The reasons for refusal do not refer to flood risk of any kind on the site or elsewhere.

7.25 Issues relating to foul drainage and water can be controlled by carefully worded conditions that reflect those requested in the consultation response from Thames Water.

Trees and Ecology

7.26 It is agreed that there would be no unacceptable impacts upon trees.

- 7.27 It is agreed that the proposal would meet the biodiversity hierarchy and subject to further details reserved by condition and controlled at reserved matters stage, the proposed development would not have an unacceptable impact upon biodiversity and would deliver a biodiversity net gain.

Sustainability

- 7.28 It is agreed that the proposed dwellings would seek to achieve the requirements of the 2025 Future Homes Standard before they come into force – i.e., delivering homes which achieve a 75% carbon reduction and are Net Zero Ready, and that further information relating to the detailed design of the dwellings can be resolved at reserved matters stage.

Infrastructure and services

- 7.29 It is anticipated that the Section 106 agreement that is currently in preparation will address the second Reason for Refusal.

Delivery

It is agreed that the Appellant's evidence, contained in its rebuttal proof, clearly demonstrates that all 134 homes can be delivered within the next five years.

Public Benefits

- 7.30 It is agreed that the proposed development would secure benefits in economic, social and environmental terms, including:
1. The provision of market housing;
 2. The provision of affordable housing;
 3. The provision of a mix of housing types;
 4. The provision of self build housing;
 5. Direct and indirect employment opportunities;
 6. Economic benefits during construction phase;
 7. Local Economic benefits by expenditure from future residents.

8. Provision of a children's play area and public open space;
9. Financial contributions towards local services and infrastructure;
10. The delivery of a biodiversity net gain and additional planting;
11. Provision of a range of sustainability measures, including a commitment that the proposed dwellings would be built to meet the 2025 Future Homes Standards, delivering net zero ready homes which reduce carbon emissions by at least 75% beyond current building regulations. This will be achieved through a combined fabric, energy efficiency and low carbon renewable energy approach such as; triple glazed windows, heat recovery systems, provision of solar PV on all homes and air source heat pumps.

7.31 The Council and the Appellant agree that moderate weight should be attributed to the economic benefits of the Appeal proposals. The weight to be attributed to other benefits will be a matter for evidence.

8 MATTERS NOT AGREED

8.1 Subject to the completion of an agreed S106 agreement, the issues that remain in dispute between the Appellant and WODC include:

- Whether the proposed development respects the village character and local distinctiveness;
- Whether harm would be caused to Minster Lovell as a non-designated heritage asset. WODC's evidence considers that there would be moderate harm to Minster Lovell as a non-designated heritage asset. The Appellant does not consider that there would be any harm caused to Minster Lovell as a non-designated asset.
- Whether the proposed development would respect the local landscape and setting of Minster Lovell, and the level of localised landscape harm caused by urbanising a greenfield site;
- Whether the Appeal Site is divorced from key services and facilities in Minster Lovell and how reliant future residents would be likely to be on private motor vehicles;
- The weight to be given to the benefits and harms likely to arise from the appeal proposal;
- The extent to which financial contributions towards infrastructure and services would benefit existing local residents (10.8 of Mr Wood's Proof of Evidence)
- Whether what the LPA regards as the likelihood that many future residents will have reduced disposable income will reduce indirect economic benefits to local shops and services; and the extent to which lost disposable income in other areas should be taken into account as an economic disbenefit of the proposal. (10.10 of Mr Wood's Proof of Evidence).
- Whether the 'tilted' planning balance under paragraph 11(d)(ii) of the NPPF and policy OSI of the WOLP is engaged as a result of the operation of Footnote 8 (or for any other reason) and if so whether any adverse impacts of the Appeal proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole;

- Whether there is conflict with the West Oxfordshire Development Plan when read as a whole;
- The extent of the deliverable housing land supply and whether this exceeds 5 years;
- Whether there is an identified housing need within West Oxfordshire;

9 CONDITIONS

- 9.1 The Appellant and WODC intend to liaise and where possible agree draft conditions and reasons for each condition, which will be provided to the Inspector (with the reasons for any remaining disagreements) before the start of the inquiry. These are based on the conditions recommended in the related committee report and an initial set is detailed at Appendix I.

10 SECTION 106 AGREEMENT

- 10.1 The Appellant intends to liaise with WODC and prepare and complete a S106 Agreement that would take effect in the event that this Appeal is allowed. It is intended to submit a draft S106 agreement prior to the inquiry.
- 10.2 The Appellant and WODC anticipate that this would address the second Reason for Refusal.

II DECLARATION

- II.1 The above matters have been agreed between the Appellant and West Oxfordshire District Council.

<p>Signed on behalf of Appellant</p> <p></p> <p>.....</p> <p>Date: 14/2/24</p>	<p>Signed on behalf of WQDC</p> <p></p> <p>.....</p> <p>Date: 14/2/2024</p>
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Appendix I – Suggested Conditions

1. a) Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of two years from the date of this permission; and

b) The development hereby permitted shall be begun either before the expiration of four years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

REASON: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended and to improve the deliverability of the proposed dwellings.

2. Details of the appearance, landscaping, layout and scale (herein 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.

REASON: The application is not accompanied by such details

3. That the development be carried out in accordance with the approved plans listed below:

- Site Location Plan ref. 16b
- Framework Plan ref. P02 Rev F
- 23178-02-2 Rev A – Proposed Footway
- 23178-02-1 Rev A - Proposed Site Access

REASON: For the avoidance of doubt as to what is permitted and to facilitate later minor amendments.

4. Construction shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before any of the dwellings hereby approved is occupied.

The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the "Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire";
- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365 (if applicable)
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction and post development in perpetuity;
- Confirmation of any outfall details.
- Consent for any connections into third party drainage systems

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

5. Prior to first occupation, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:
 - a) As built plans in both .pdf and .shp file format;
 - b) Photographs to document each key stage of the drainage system when installed on site;
 - c) Photographs to document the completed installation of the drainage structures on site;

- d) The name and contact details of any appointed management company information

REASON: To ensure the proper provision for surface water drainage and/ or to ensure flooding is not exacerbated in the locality.

6. No development shall take place until a site investigation of the nature and extent of contamination has been carried out in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. The results of the site investigation shall be made available to the local planning authority before any development begins. If any significant contamination is found during the site investigation, a report specifying the measures to be taken to remediate the site to render it suitable for the development hereby permitted ("the Remediation Scheme"), which shall include a timetable of works, shall be submitted to and approved in writing by the local planning authority before any development begins.

REASON: To prevent pollution of the environment in the interests of the amenity in accordance with Local Plan Policy EH8 and Section 15 of the NPPF.

7. The Remediation Scheme, as agreed in writing by the Local Planning Authority, shall be fully implemented in accordance with the approved timetable of works and before the development hereby permitted is first occupied. Any variation to the scheme shall be agreed in writing with the Local Planning Authority in advance of works being undertaken. On completion of the works the developer shall submit to the Local Planning Authority written confirmation that all works were completed in accordance with the agreed details.

REASON: To prevent pollution of the environment in the interests of the amenity in accordance with Local Plan Policy EH8 and Section 15 of the NPPF.

8. No development shall take place (including demolition, ground works and vegetation clearance) until a Construction Environmental Management Plan - Biodiversity (CEMP-B) has been submitted to and approved in writing by the local planning authority. The CEMP-B shall include, but not necessarily be limited to, the following:

- I. Risk assessment of potentially damaging construction activities;
- II. Identification of 'biodiversity protection zones', including root protection zones for retained hedgerows and trees;

- III. Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- IV. Details of a precautionary working method statement for the following species: great crested newts, reptiles, ground-nesting birds and dormice;
- V. Details of a badger sett closure method statement, including precautionary working methods in the event commuting/foraging badgers enter the site;
- VI. The location and timing of sensitive works to avoid harm to biodiversity features (e.g. daylight working hours only starting one hour after sunrise and ceasing one hour before sunset);
- VII. The times during construction when specialists ecologists need to be present on site to oversee works;
- VIII. Responsible persons and lines of communication;
- IX. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person(s);
- X. Use of protective fences, exclusion barriers and warning signs, including advanced installation and maintenance during the construction period; and
- XI. Ongoing monitoring, including compliance checks by a competent person(s) during construction and immediately post-completion of construction works.

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

REASON: To ensure that protected and priority species and habitats are safeguarded in accordance with The Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), The Hedgerow Regulations 1997, Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031, and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

9. An Ecological Design Strategy (EDS) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved.

The plan shall include, but not necessarily be limited to, the following information:

- I. Details of planting such as, hedgerows, tree planting, aquatic and emergent vegetation, scrub planting and grassland planting;
- II. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- III. Timetable for implementation demonstrating that works are aligned with the proposed phasing of the development;
- IV. Details of integrated bird and bat boxes, dormouse nest boxes, reptile hibernacula, hedgehog friendly fencing and bee bricks;
- V. Details of initial aftercare and long-term maintenance and persons responsible for the maintenance

The EDS shall be implemented in accordance with the approved details and all features shall be retained as approved thereafter.

REASON: To protect and enhance the site for biodiversity in accordance with paragraphs 174, 179 and 180 of the National Planning Policy Framework, Policy EH3 of West Oxfordshire Local Plan and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

10. A 30-year Biodiversity Management and Monitoring Plan (BMMP) shall be submitted to, and approved in writing by, the local planning authority before the commencement of the development hereby approved. The Plan shall include, but not necessarily be limited to, the following information:

- I. Description and evaluation of features to be managed, including locations shown on a site map;
- II. Landscape and ecological trends and constraints on site that might influence management;

- III. Details of signage to be incorporated along public footpath informing residents of the ecological importance of pumping station meadow local wildlife site;
- IV. Aims and objectives of management, including ensuring the delivery of onsite biodiversity net gain;
- V. Appropriate management options for achieving the aims and objectives;
- VI. Prescriptions for all management actions;
- VII. A work schedule matrix (i.e. an annual work plan) capable of being rolled forward over 5 or 10 year periods;
- VIII. Details of the body or organisation responsible for implementation of the plan;
- IX. Ongoing monitoring of delivery of the habitat enhancement and creation details to achieve net gain as well as details of possible remedial measures that might need to be put in place;
- X. Timeframe for reviewing the plan;
- XI. Details of how the aims and objectives of the BMMP will be communicated to the occupiers of the development; and
- XII. The submission of a monitoring report to the local planning authority at regular intervals, e.g. every 5 years.

The BMMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body (ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that the conservation aims and objectives of the BMMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented. The BMMP shall be implemented in full in accordance with the approved details.

REASON: To secure the delivery of the biodiversity net gain outcome for the required 30 year period and appropriate management of all habitats in accordance with the NPPF

(in particular Chapter 15), Policy EH3 of the West Oxfordshire Local Plan 2031 and in order for the council to comply with Section 40 of the Natural Environment and Rural Communities Act 2006.

11. Prior to the installation of external lighting for the development hereby approved, a lighting design strategy for biodiversity shall be submitted to and approved by the Local Planning Authority.

The strategy will:

- a) Identify the areas/features on site that are particularly sensitive for foraging bats;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their commuter route

All external lighting shall be installed only in accordance with the specifications and locations set out in the strategy.

REASON: To protect foraging/commuting bats in accordance with the Conservation of Habitats and Species Regulations 2017 (as amended), the Wildlife and Countryside Act 1981 (as amended), Circular 06/2005, paragraphs 174, 179 and 180 of the National Planning Policy Framework (Chapter 15), Policy EH3 of the West Oxfordshire District Local Plan 2031 and in order for the Council to comply with Part 3 of the Natural Environment and Rural Communities Act 2006.

12. The development hereby approved shall be constructed in accordance with the Sustainability Statement prepared by Turley (April 2023; Turley Reference CATZ3041) unless otherwise agreed in writing by the Local Planning Authority.

REASON: To ensure that the proposals comply with the Climate Change Strategy for West Oxfordshire 2021-2025, Local Plan Policy OS3, and the NPPF.

13. The development shall not be occupied until confirmation has been provided that either:- 1. All foul water network upgrades required to accommodate the additional flows from the development have been completed; or- 2. A development and infrastructure phasing plan has been agreed with the Local Authority in consultation with Thames Water to allow development to be occupied. Where a development and

infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan."

REASON: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

14. No development shall be occupied until confirmation has been provided that either:- all water network upgrades required to accommodate the additional demand to serve the development have been completed; or - a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

REASON: The development may lead to no / low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

15. Prior to the erection of the dwellings hereby approved, written and illustrative details of the number, type and location of electric vehicle charging points (EVCP) shall be submitted to and approved in writing by the local planning authority.

The EVCP shall be installed and brought into operation in accordance with the details agreed prior to occupation of the development.

REASON: In the interests of air quality and to reduce greenhouse gases.

16. Prior to first occupation of the development hereby approved, full details of the means of access between the land and the highway, the shared pedestrian & cycle path and bus stops, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority.

The means of access shall be constructed and thereafter retained in accordance with the approved details.

REASON: In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

17. Prior to the first occupation of the development hereby approved, a Travel Plan and Travel Information Pack, prepared in accordance with the Department of Transport's Best Practice Guidance Note "Using the Planning Process to Secure Travel Plans" and its subsequent amendments, shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the approved Travel Plan shall be implemented and operated in accordance with the approved details.

REASON: In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

18. Prior to commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall include a commitment to deliveries only arriving at or leaving the site outside local peak traffic periods and details

- The CTMP must be appropriately titled, include the site and planning permission number.
- Routing of construction traffic and delivery vehicles is required to be shown and signed appropriately to the necessary standards/requirements. This includes means of access into the site.
- Details of and approval of any road closures needed during construction.
- Details of and approval of any traffic management needed during construction.
- Details of wheel cleaning/wash facilities - to prevent mud etc., in vehicle tyres/wheels, from migrating onto adjacent highway.
- Details of appropriate signing, to accord with the necessary standards/requirements, for pedestrians during construction works, including any footpath diversions.
- The erection and maintenance of security hoarding / scaffolding if required.
- A regime to inspect and maintain all signing, barriers etc.

- Contact details of the Project Manager and Site Supervisor responsible for on-site works to be provided.
- The use of appropriately trained, qualified and certificated banksmen for guiding vehicles/unloading etc.
- No unnecessary parking of site related vehicles (worker transport etc) in the vicinity - details of where these will be parked and occupiers transported to/from site to be submitted for consideration and approval. Areas to be shown on a plan not less than 1:500.
- Layout plan of the site that shows structures, roads, site storage, compound, pedestrian routes etc.
- A before-work commencement highway condition survey and agreement with a representative of the Highways Depot - contact 0845 310 1111. Final correspondence is required to be submitted.
- Local residents to be kept informed of significant deliveries and liaised with through the project. Contact details for person to whom issues should be raised with in first instance to be provided and a record kept of these and subsequent resolution.
- Any temporary access arrangements to be agreed with and approved by Highways Depot.
- Details of times for construction traffic and delivery vehicles, which must be outside network peak and school peak hours.

Thereafter, the approved CTMP shall be implemented and operated in accordance with the approved details;

REASON: In the interests of highway safety and to mitigate the impact of construction vehicles on the surrounding highway network, road infrastructure and local residents, particularly at morning and afternoon peak traffic times.

19. Hours of work shall be restricted to 08:00 to 18:00 Monday to Friday and 08:00-13:00 on Saturday with no working on Sunday or Bank Holidays. For clarity, there shall be no deliveries to site outside of these hours.

REASON: In the interest of protecting neighbour amenity.

20. Prior to the commencement of the development hereby approved, full details of the signposting at the start of the footpaths that lead to the Pumping Station Meadow Local Wildlife Site (LWS) shall be submitted to the LPA for approval. For clarity, a minimum of the following details shall be submitted:

- Scaled drawings showing the height(s), width(s) and depth(s) of the signposting;
- Material(s) sample(s);
- The wording/imagery/content of the signposting;
- Location of where the signposting shall be placed;
- A timing schedule for when the signposting shall be installed; and
- A 30 year maintenance schedule of the signposting.

The signposting shall be installed in accordance with the agreed details prior to the first occupation of the dwellings and shall be retained as such thereafter.

REASON: To mitigate the impacts of the increased population on the Pumping Station Meadow Local Wildlife Site.

Appendix 2 – Agreed Distances to Local Amenities and Facilities

Location	Distance from Nearest Dwelling	Distance from Site Centre	Distance from Furthest Dwelling	Approximate Time*
School	600m	700m	880m	428-628 seconds
(Playgroup/ Nursery Similar)				(7.1-10.5 minutes)
Spar	965m	1,065m	1,250m	689-892 seconds
(Church similar)				(11.5-14.9 minutes)
Horse and Radish	380m	480m	760m	271-543 seconds
(NB White Hart similar to Spar)				(4.5-9.0 minutes)
Post Office	665m	765m	960m	475-685 seconds
(NB Brize Norton Rd Bus stops, hairdresser, florist etc similar)				(7.9-11.4 minutes)
Village Hall	880m	980m	1,165m	629-832 seconds
				(10.5-13.9 minutes)

Nearest 20m / Centre 100m / Furthest 305m

*Assumes a walking speed of 1.4m/s (3.2mph or 5.0kph) taken from the Guidance for Providing for Journeys on Foot (IHT, 2000).