

On Behalf Of:
C/o Alan Divall
Bourne House, Cores End Road,
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SL8 5AR

Date: 9th November 2022
Our Ref: 22/02461/PREAPP
Please ask for: David Ditchett
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Dear Sir

Town and Country Planning Act 1990

APPLICATION: 22/02461/PREAPP

PROPOSAL: Erection of up to 140 dwellings and associated works.

AT: Land South Of Burford Road Minster Lovell

FOR:

I write in regard to your enquiry received by the Council on the 01.09.2022 seeking the pre-application views of the Local Planning Authority. The relevant information is set out below. Please be aware of the disclaimer at the end of this letter. If you have any questions relating to the advice given, please contact the Case Officer.

I apologise for the length of time it has taken to provide this advice to you.

Policies

OS1NEW Presumption in favour of sustainable development
OS2NEW Locating development in the right places
OS3NEW Prudent use of natural resources
OS4NEW High quality design
H1NEW Amount and distribution of housing
H2NEW Delivery of new homes
H3NEW Affordable Housing
H4NEW Type and mix of new homes
H5NEW Custom and self build housing
T1NEW Sustainable transport
T2NEW Highway improvement schemes
T3NEW Public transport, walking and cycling
T4NEW Parking provision
EH1 Cotswolds AONB
EH2 Landscape character
EH3 Biodiversity and Geodiversity
EH4 Public realm and green infrastructure
EH5 Sport, recreation and childrens play
EH7 Flood risk
EH8 Environmental protection

EH13 Historic landscape character
EH16 Non designated heritage assets
DESGUI West Oxfordshire Design Guide
NPPF 2021

Site Characteristics and Constraints

The application relates to a greenfield site located on land to the south of Burford Road (B4047), on the western edge of Minster Lovell. The existing site comprises agricultural fields, with hedgerows marking the site boundaries.

The site adjoins the allocated WIT4 (126 dwellings) to the west, which is nearing completion.

The Cotswolds Area of Outstanding Natural Beauty is located immediately to the north of the site. The site is located within Flood Zone 1.

There does not appear to be any listed buildings, conservation areas or Scheduled Ancient Monuments within 200m of the site. However, Minster Lovell itself is considered to be a non-designated heritage asset. This view is supported by the Planning Inspector of appeal reference APP/D3125/W/18/3211732 where they state:

The village of Minster Lovell was originally a Chartist settlement called Charterville where residents would live in houses with plotlands, or smallholdings, supporting themselves. As a result, the settlement pattern of the village is an important and significant physical feature and can be seen clearly on maps of the village. The Council consider that due to its history, relative rarity and the fact that many of the undeveloped plots that show the original layout of the village remain intact; the entire settlement is a non-designated heritage asset. This is a conclusion with which I agree, the significance being derived from the features described above.

Planning History

None for the site itself. However, immediately to the east and north of the site are three relevant applications on the allocated site WIT4:

- 16/02588/OUT – Residential development up to 85 dwellings - Approved
- 17/01859/OUT – Residential development up to 126 dwellings – Approved and implemented
- 18/03473/RES – Reserved matters (17/01859/OUT) – Approved and implemented

Proposal

The applicant seeks advice for the erection of up to 140 dwellings and associated works.

Principle of Development

Policy OS2 sets out the overall strategy on the location of development for the District. It adopts a hierarchal approach, with the majority of new development focused on the main service centres of Witney, Carterton and Chipping Norton, followed by the rural service centres of Bampton, Burford, Charlbury, Eynsham, Long Hanborough, Woodstock and the new Oxfordshire Cotswolds Garden Village (now referred to as Salt Cross) and then the villages as set out Policy OS2.

Minster Lovell is identified as a 'village' in the settlement hierarchy of the Local Plan and Policy OS2 states 'the villages are suitable for limited development which respects the village character and local

distinctiveness and would help to maintain the vitality of these communities'.

Local Plan Policy H2 states 'new dwellings will be permitted at the main service centres, rural service centres and villages in the following circumstances.....

- On previously developed land within or adjoining the built up area provided the loss of any existing use would not conflict with other plan policies and the proposal complies with the general principles set out in Policy OS2 and any other relevant policies in this plan;
- On undeveloped land within the built up area provided that the proposal is in accordance with the other policies in the plan and in particular the general principles in Policy OS2;
- 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.'

The site would be described as undeveloped land adjoining the built up area and in this instance, Local Plan Policy H2 requires convincing evidence to demonstrate the site is necessary to meet an identified housing need.

Although the policies for the supply of housing in the Local Plan carry less weight in the decision making process as the Council cannot demonstrate a five year supply of deliverable housing sites, the Local Plan remains the starting point for the assessment.

The National Planning Policy Framework (NPPF) sets out the Government's planning policies and how these are expected to be applied. The NPPF also sets out a presumption in favour of sustainable development and states that development proposals that accord with an up-to-date development plan should be approved without delay. The NPPF goes on to say that where policies that are most important for determining the application are out-of-date, permission should be granted unless:

- i. the application of policies in this 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 this Framework taken as a whole.

In a recent appeal decision (Land East of Barns Lane, Burford), the Inspector found that the Council cannot, currently demonstrate a 5-year supply of housing land. As such, the provisions of paragraph 11d) of the NPPF would be engaged in the determination of any planning application. This means that should an application be submitted, the LPA would need to assess whether the adverse impacts of granting planning permission for the proposed development would significantly and demonstrably outweigh the benefits or whether there are specific policies in the framework that protect areas or assets of particular importance which provide a clear reason for refusing the development proposed. Such an assessment would be undertaken following consultation with necessary internal and external consultees, including the County Council (OCC) who would comment on matters such as Transport, Flooding and Drainage and Archaeology. The views of OCC have not been sought as part of this pre application response as they operate their own pre-application advice service.

Siting, Design, Form and Landscape Impact

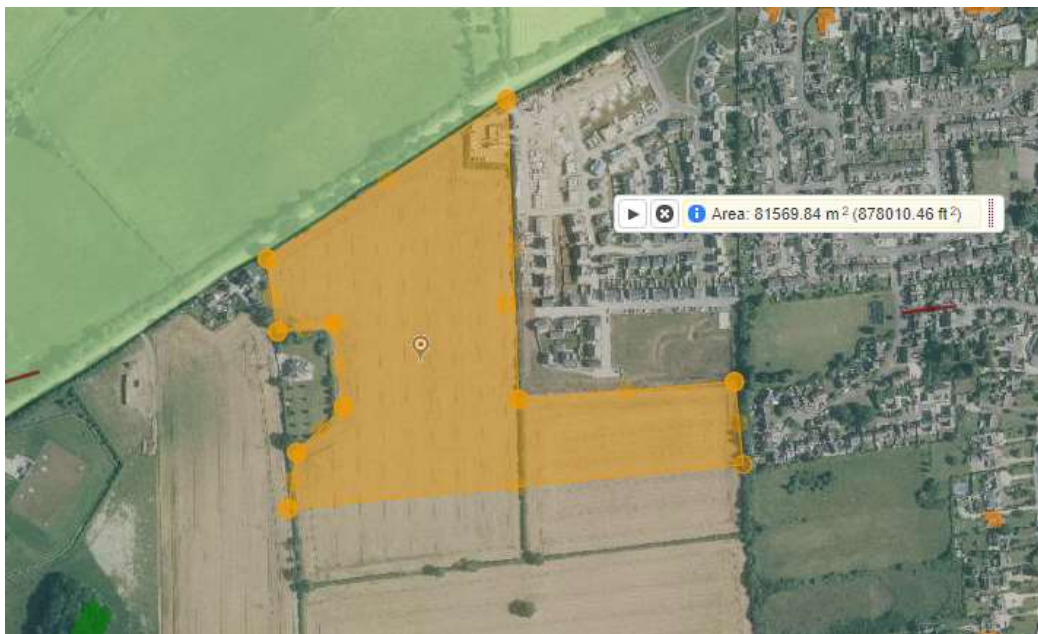
Policy EHI (Cotswolds Area of Outstanding Natural Beauty) would be applicable as the proposal would

affect the setting of the AONB owing to its close proximity.

Policy EH2 of the Local Plan also seeks to protect landscape character and ensure that new development conserves and, where possible, enhances the intrinsic character, quality and distinctive natural and man-made features of the local landscape.

A full assessment of landscape impact would be undertaken as part of the application process involving consultation with the Council's Landscape Officer. Such an assessment would be aided by the required LVIA. However, officers can offer the following advice.

This is a greenfield site measuring 11.6ha which adjoins allocated site WIT4 to the north and east. Up to 140 dwellings are proposed. WIT4 is just under 8ha in size and accommodates 126 dwellings. The proposed development therefore is a lower density than to the built up area that it would adjoin. Perhaps a lower developed area (and less homes) but a greater density should be explored. If the applicant does not wish to reduce the number of homes/developed area. Officers strongly recommend that the developed area (this includes the open space/play area/attenuation basin to the south east of the site, as this would read as part of the development) does not encroach any further to the south than Ripley Avenue (to the east). Please see the below image for a guide. The below site area would bring the site area down to approx. 8ha and as such, a similar density could be achieved to WIT4. Furthermore, the site as shown below would be more in line with the existing settlement limits.



Affordable Housing and Housing Mix

Policy H3 (Affordable Housing) requires schemes such as this in the 'medium value' zone as set out in the Local Plan (Figure 5a) to provide 40% affordable housing on-site. The submitted supporting document explains that the applicant intends to meet this requirement.

In terms of the mix of affordable homes, paragraph 5.64 of the Local Plan sets out an indicative mix guide for affordable houses and advises 65% one/two bed and 35% three/four bed but this may vary depending on local needs. In terms of tenure, the general proportion sought is 2:1 in favour of rented affordable homes to intermediate tenures. In accordance with national policy, provision would need to be made for a proportion of First Homes as part of the intermediate component.

Para 5.75 of the Local Plan gives an indicative guide for the preferred size of market housing, with the main focus being 2/3 bed.

Policy H4 (Type and Mix of new homes) requires at least 25% of homes to be accessible (and at least 5% of which need to be wheelchair adaptable) on schemes of this size (50 dwellings or more).

Finally Policy H5 (Custom and self-build housing) requires 5% of plots to be serviced and made available for custom/self-build on schemes of 100 dwellings or more.

Further information can be found in the Council's recently adopted Affordable Housing SPD (September 2021).

Accessibility and Highways

The County highways team provide separate advice regarding the highway impacts including the need for on and off-site upgrades and the proposed access etc. However, officers note that all traffic movements in and out of the site would be from just one access point and one spine road.

Importantly, while the site adjoins WIT4. The site proposes new homes further from the services found in Minster Lovell. Whether the site is sustainable for this purpose would be assessed at full application stage. However, walking and cycling to these services is vital and as such, permeability with WIT4 must be integral to the scheme.

Active Travel, Green Infrastructure and Biodiversity

West Oxfordshire is placing increasing emphasis on healthy place shaping principles and an important part of this is providing an opportunity and encouragement for people to walk and cycle. Priority needs to be given to planning around an effective and permeable active travel network.

Opportunities for walking and cycling should form a fundamental element of the scheme in light of the climate emergency and the need to improve healthy lifestyles. This should be reflected in the proposed masterplan, in accordance with Policy EH4 (Public Realm and Green Infrastructure) of the Local Plan.

Footpath/cycle links within the site should encourage high levels of active travel across the site and beyond. Such routes should be safe, well lit, overlooked, welcoming, durable and clearly signposted. Active travel, including walking and cycling, should be prioritised over other modes of transport. Key destinations such as schools should all be within walking distance and connected by an integrated network of walking and cycling routes. Such connections should link seamlessly with wider connections and should link to key facilities/open space in the surrounding area.

Where hedgerow/field boundaries are shown to be retained or planted, there should be a minimum 5 metre buffer either side where possible to ensure that the long term viability and appropriate management of the hedgerow can be secured. These important features need to be planned as part of an overall strategy for Green Infrastructure, including achieving a net biodiversity gain, both within the site and linking to the wider landscape.

In addition, multifunctional open space should be created which is linked to this network of green routes to support recreation and play plus other landscape features including Sustainable Drainage Systems (SuDS).

A Biodiversity Metric must be used to assess this scheme with regard to net gain (BNG), in accordance with Local Plan Policy EH3 (Biodiversity and geodiversity). Officers are mindful that should this scheme come forward, the 10% BNG legislation may be in force at the point of decision (winter 2023). The applicant should plan for this accordingly.

Sustainability

The applicant should commit to achieving all of the standards in the Council's Sustainability Standards Checklist. There should be a commitment to consider the whole-life carbon of the building (including both the building's operational carbon and embodied carbon) and for net zero carbon in operation to be the target standard for energy in use and demonstrated using predictive energy modelling designed to achieve:

- An ultra-low energy demand through design and energy budgets – expressed as Energy Use Intensity - of no more than 35 kwh/m²/yr.
- Space heating demand of 15 kwh/m²/yr. Details of fabric to be provided with target U-values for walls, floors, ceilings, roofs, doors, windows (with G-value), air tightness, mechanical ventilation and heat recovery.
- Zero fossil fuels.
- Low-carbon heating, for example heat pumps.
- A net-zero operational carbon balance with 100% of total energy, accounting for both regulated and unregulated, provided on or near site through renewables. Expressed as total kwh/yr. Solar PV orientation and pitch should maximise their efficiencies.
- Embodied carbon target, and a commitment to check and verify these through all stages of design and construction, of no more than 500kg/CO₂e/m²/yr. Principles of circularity should inform materials selection so encouraging reuse. They could add a stretch target here of 300kg/CO₂e/M²/yr which would represent best practice.
- A thermal model to confirm compliance with TM59 and no risk of overheating. Where there is a risk, passive measures should be designed in where appropriate at early design stage to mitigate for this. This thermal model should directly correspond with the energy strategy for net zero above.

To aid the design process, the Net Zero Carbon Toolkit sets out really clearly how these KPIs can be achieved and is a great reference point for this project in particular

Further advice

Officers note the submitted layout and while this is likely to be indicative, officers have concerns. The proposal appears as a number of cul-de-sacs and should be amended to ensure the development itself is permeable. An increase in roads that can accommodate two way traffic is required and the single spine road would not be supported as it is likely to lead to congestion and conflict.

It is strongly recommended that the views of OCC are sought prior to the submission of the formal application.

Conclusion

Officers are unable to advise whether the application would be supported at this stage as the tilted balance applies and neither the benefits nor the harms are fully known. However, officers would welcome the application in due course.

I trust this is of some assistance. If I can be of further help, please do not hesitate to contact me.

Yours sincerely,

David Ditchett
Principal Planner

Useful links

Sustainability Standards Checklist: <https://www.westoxon.gov.uk/planning-and-building/planning-permission/make-a-planning-application/sustainability-standards-checklist/>

West Oxfordshire District local plan: <https://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/local-plan-2031/>

Environment Agency: www.environment-agency.gov.uk enquiries@environment-agency.gov.uk

Thames Water: developer.services@thameswater.co.uk

Natural England: www.naturalengland.org.uk

NPPF: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6077/2116950.pdf

Disclaimer

- Please note that this is an officer's opinion and is in no way binding Members of the Area Planning Sub Committee.
- The above advice is given for purposes relating to the Town and Country Planning Acts and for no other Council function.

West Oxfordshire District Council Planning Department promotes email correspondence as it is the quickest, easiest and most environmentally friendly way of contacting us.

Contact us at planning@westoxon.gov.uk