

John Slater Planning Ltd

# Chalgrove Neighbourhood Development Plan 2018 - 2033

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## **Submission Version**

A Report to South Oxfordshire District Council on the Examination of the  
Chalgrove Neighbourhood Development Plan

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## Contents

	Page
Executive Summary	3
Introduction	4
The Examiner's Role	4
The Examination Process	6
The Consultation Process	7
Regulation 16 Consultation	8
The Basic Conditions	9
Compliance with the Development Plan	9
Compliance with EU and Human Rights Legislation	10
The Neighbourhood Plan: An Overview	11
The Neighbourhood Plan Policies	12
The Referendum Area	20
Summary	20

## Executive Summary

My examination has concluded that the Chalgrove Neighbourhood Development Plan should proceed to referendum, subject to the Plan being amended in line with my recommended modifications, which are required to ensure the plan meets the basic conditions. The more noteworthy include –

- Extending the range of uses acceptable outside the built-up area.
- Restricting the application of the Design and Character Policy to just within the built-up area and the allocation sites.
- Adding the Land to the East of Chalgrove as an allocation site.
- Amendments to the site-specific policy relating to the Land to the West of Marley Lane.
- Addition of a new site specific policy relating to how the Land to the East of Chalgrove should be developed.
- Deleting the policy relating to the spending of the Community Infrastructure Levy and to move it to become a Community Aspiration.

The referendum area does not need to be extended beyond the plan area.

## Introduction

Neighbourhood planning is a process, introduced by the Localism Act 2011, which allows local communities to create the policies which will shape the places where they live and work. The Neighbourhood Plan provides the community with the opportunity to allocate land for particular purposes and to prepare the policies which will be used in the determination of planning applications in their area. Once a neighbourhood plan is made, it will form part of the statutory development plan alongside the South Oxfordshire District Council's Core Strategy, adopted in December 2012 and the saved policies of the South Oxfordshire Local Plan adopted in 2006. Decision makers are required to determine planning applications in accordance with the development plan unless material considerations indicate otherwise.

The neighbourhood plan making process has been led by Chalgrove Parish Council. A Steering Group was appointed to undertake the plan's preparation. Chalgrove Parish Council is a "qualifying body" under the Neighbourhood Planning legislation.

This report is the outcome of my examination of the Submission Version of the Chalgrove Neighbourhood Development Plan. My report makes recommendations based on my findings on whether the Plan should go forward to a referendum. If the plan then receives the support of over 50% of those voting at the referendum, the Plan will be "made" by South Oxfordshire District Council, the local planning authority (LPA) for the neighbourhood plan area.

## The Examiner's Role

I was formally appointed by South Oxfordshire District Council in March 2018, with the agreement of Chalgrove Parish Council, to conduct this examination. My role is known as an Independent Examiner.

In order for me to be appointed to this role, I am required to be appropriately experienced and qualified. I have over 40 years' experience as a planning practitioner, primarily working in local government, which included 8 years as a Head of Planning at a large unitary authority on the south coast, but latterly as an independent planning consultant. I am a Chartered Town Planner and a member of the Royal Town Planning Institute. I am independent of both South Oxfordshire

District Council, and Chalgrove Parish Council and I can confirm that I have no interest in any land that is affected by the Neighbourhood Plan.

Under the terms of the neighbourhood planning legislation I am required to make one of three possible recommendations:

- That the Plan should proceed to referendum on the basis that it meets all the legal requirements;
- That the Plan should proceed to referendum if modified; or
- That the Plan should not proceed to referendum on the basis that it does not meet all the legal requirements.

Furthermore, if I am to conclude that the Plan should proceed to referendum, I need to consider whether the area covered by the referendum should extend beyond the boundaries of area covered by the Chalgrove Neighbourhood area.

In examining the Plan, the Independent Examiner is expected to address the following questions:

- a) Do the policies relate to the development and use of land for a Designated Neighbourhood Plan area in accordance with Section 38A of the Planning and Compulsory Purchase Act 2004?
- b) Does the Neighbourhood Plan meet the requirements of Section 38B of the Planning and Compulsory Purchase Act 2004, namely that it specifies the period to which it is to have effect? It must not relate to matters which are referred to as “excluded development” and also that it must not cover more than one Neighbourhood Plan area?
- c) Has the Neighbourhood Plan been prepared for an area designated under Section 61G of the Localism Act and has been developed and submitted by a qualifying body?

I am able to confirm that the Plan, if amended in line with my recommendations, does relate to the development and use of land, covering the area designated by South Oxfordshire District Council, for the Chalgrove Neighbourhood Plan on 21<sup>st</sup> December 2012.

I can also confirm that it does specify the period over which the Plan has effect namely the period from 2018 up to 2033.

I can confirm that the Plan does not cover any “excluded development”.

There are no other neighbourhood plans covering the area covered by the Plan designation.

Chalgrove Parish Council is a “qualifying body” under the terms of the legislation.

## **The Examination Process**

The presumption is that the Neighbourhood Plan will proceed by way of an examination of written evidence only. However, the Examiner can ask for a public hearing in order to hear oral evidence on matters which he or she wishes to explore further or if a person has a fair chance to put a case.

I am required to give reasons for each of my recommendations and also provide a summary of my main conclusions.

I am satisfied that I am in a position to properly examine the Plan, without the need for a hearing, although I did need to invite additional written evidence and I asked for a further period of public consultation.

I carried out an unaccompanied visit to the village of Chalgrove and the surrounding countryside on 14<sup>th</sup> April 2018. I spent the morning driving and walking around the village and the surrounding area. Following that site visit, I had some questions and matters that needed clarifying, which were directed to the Parish Council and the District Council. These were set out in a document entitled Initial Comments and Questions from the Independent Examiner dated 24<sup>th</sup> April 2018. I subsequently received, on 10<sup>th</sup> May 2018 the response from Chalgrove Parish Council, and I received the District Council's response on 25<sup>th</sup> May 2018.

Following receipt of the Parish Council's response, I started preparing my report and recommendations. I issued a Further Comments document on 30<sup>th</sup> May 2018 dealing with the wording of Policies C1 and C2 and the possible addition of a further allocation site. I invited the Parish Council to provide me with site specific requirements relating to the development. As the public had not been consulted on this allocation, I decided that this site-specific policy, to be known as Policy H1B should be the subject of its own six-week consultation period. This ran from 5<sup>th</sup> July 2018 until 16<sup>th</sup> August 2018. The Parish Council had set out proposed changes to the plan that they were asking me to consider making in my recommendations, reflecting the thrust of the changes that I have proposed but with the inclusion of the Parish Council's proposed site specific policy requirements. When the consultation period ended, a total of eight comments were received details of which I include in the next section of this report.

The proposed new allocation required changes to the Sustainability Appraisal–Environmental Report. That was also the subject of public consultation at the same time.

All the documents have been placed on the relevant District Council website.

## **The Consultation Process**

When the Parish Council decided to prepare a neighbourhood plan, it initially set up a Steering Group comprising 4 parish councillors, who then sought to recruit other resident volunteers. The early work was divided into four working groups, which then involved 10 additional residents – the topics for the 4 groups were sites, housing, infrastructure and living.

The neighbourhood plan was introduced to the village at three public meetings held in June, July and September 2013. This generated 550 comments and additional expressions of interest for people wishing to get involved in focus groups.

A questionnaire was circulated to all homes in the village in September 2014 and this generated a 59% return rate. Public meetings were held on 14<sup>th</sup> February 2015 and 1<sup>st</sup> March 2015 to share the findings from the questionnaire. Meanwhile the Parish Council, in October 2013, put out a call for sites, which identified 11 potential development opportunities. The criteria used for assessing the sites have been shared with residents at a public meeting held on 5<sup>th</sup> May 2014. The site analysis was considered over the months between June and November 2014, leading to the preparation of a site assessment document, the contents of which were shared at public meetings held on the 8<sup>th</sup> and 23<sup>rd</sup> November 2014. These meetings included presentations made by three developers

A shortlist of two potential sites were selected and a public meeting was held on 7<sup>th</sup> June 2015. Following that meeting, an electronic survey was put on the neighbourhood plan website, to allow other residents to express their views on the 2 sites.

Following the publication by the Environment Agency of the new flood map, a public meeting was held and it was agreed to commission further modelling to ensure all the sites were being prepared on a consistent basis. At that stage, the village's housing allocation set by the emerging local plan was set at 84 but this was, in 2016 raised to 200. The developers of the two preferred sites prepared new proposals to reflect the increased numbers and these were presented to a public meeting on 6<sup>th</sup> October 2016.

There had also been a separate consultation on a draft Sustainability Appraisal Scoping Report.

The neighbourhood plan's vision and objectives have been agreed by the Steering Group and were presented to a public meeting held on 27<sup>th</sup> February 2016. Work on the drafting of the policies proceeded and these were presented to a public meeting held on 18<sup>th</sup> March 2017, including the identification of the one preferred housing site.

All this activity culminated with the preparation of the Pre- Submission Version of the plan, which was the subject of a six-week consultation, which ran from 24<sup>th</sup> April 2017 to 5<sup>th</sup> June 2017. During this period, a public meeting was held on 7<sup>th</sup> May 2017. The results of what is known as the Regulation 14 consultation are set out in Appendices E and F of the Consultation Statement which are available on the neighbourhood plan website and that table demonstrates how the final version of the plan had been influenced by the comments made.

I am satisfied that the Parish Council has fully consulted residents and stakeholders during the preparation of this neighbourhood plan and the plan that has evolved has been influenced by the comments received.

## **Regulation 16 Consultation**

I have had regard, in carrying out this examination, to all the comments made during the period of consultation, which took place over a 6-week period between 31<sup>st</sup> January 2018 and 14<sup>th</sup> March 2018. This consultation was organised by South Oxfordshire District Council, prior to it being passed to me for examination. That stage is known as the Regulation 16 Consultation.

In total 29 individual responses were received; from Natural England, Thames Water Utilities Ltd, Oxfordshire County Council, SODC Equalities Officer, National Grid, Oxfordshire Clinical Commissioning Group, Chalgrove Flood Alleviation Group health and Safety Executive, and the Environment Agency. In addition, I received representations from Wessex Environmental Planning Ltd on behalf of Vanderbilt Strategic, Carter Jonas on behalf of Homes England and Gladman Developments Ltd. I also received 16 individual representations from Chalgrove residents.

As I referred to in the Examination Process section of this report, the proposed changes to the plan that the Parish Council were suggesting that I could recommend, was the subject of a separate public consultation exercise, which was organised by South Oxfordshire District Council. Responses were received from the District Council, Carter Jonas, Oxfordshire County Council, Historic England, Miller Homes, Wessex Environmental Planning, Natural England, National Grid and a local resident.

I have carefully read all the correspondence and I will refer to the representations where it is relevant to my considerations and conclusions in respect of specific policies or the Plan as a whole.

## **The Basic Conditions**

The Neighbourhood Planning Examination process is different to a Local Plan Examination, in that the test is not one of “soundness”. Instead, the Neighbourhood Plan is tested against what is known as the “Basic Conditions” which are set down in legislation. It will be against these criteria that my examination must focus.

The questions which constitute the basic conditions, consider whether the prescribed conditions are met and prescribed matters have been complied with. These tests seek to establish that:

- Has the Plan had regard to the national policies and advice contained in the guidance issued by the Secretary of State and that it is appropriate to make the Plan;
- Will the making of the Plan contribute to the achievement of sustainable development;
- Will the making of the Plan be in general conformity with the strategic policies set out in the Development Plan for the area;
- The making of the Plan does not breach or is otherwise incompatible with EU obligations or human rights legislation, including the SEA Directive of 2001/42/EC;
- Whether prescribed conditions are met and prescribed matters have been complied with;
- Whether the making of the Plan will have a significant effect upon a European site or a European offshore marine site (as defined in the Conservation of Habitats and Species Regulations 2017 either alone or in combination with other plans and projects?

During the course of this examination the Government issued a revised National Planning Policy Framework. However, in accordance with the stipulation of Paragraph 214 of the 2018 NPPF, this examination has been carried out applying the policies in the 2012 version of the Framework.

## **Compliance with the Development Plan**

The Development Plan comprises the South Oxfordshire Core Strategy 2027, which is now somewhat out of date, in terms of identifying and meeting its objectively

assessed housing need and the saved policies within the South Oxfordshire Local Plan 2011, which had been adopted back in 2006. The Oxfordshire Mineral and Waste Plan is also a constituent part of the development plan.

The District Council is currently working on the new South Oxfordshire Local Plan 2011 - 2033 and published its Publication Version in October 2017. Chalgrove is identified as a “larger village” which ordinarily would be expected to deliver an increase in housing of 15%, on top of the growth anticipated in the Core Strategy, which would have produced a target of 248 new homes. However, Chalgrove Airfield was identified within that version of the plan as one of the strategic allocation sites expected to deliver 3,000 new homes as well as employment floorspace. Therefore, there was not an expectation that Chalgrove village would be expected to deliver the 15% growth.

The Full Council of South Oxfordshire District Council decided in March 2018 to reassess all the strategic housing sites. That work is currently underway and still includes Chalgrove Airfield, but it is also considering previously considered sites as well as additional sites put forward by developers. Until that work is completed the local plan will not be in a position to be submitted for its public examination. I discuss the implications elsewhere in the report.

## **Compliance with European and Human Rights Legislation**

South Oxfordshire District Council carried out a Screening Opinion on the Chalgrove Neighbourhood Plan and concluded on 16<sup>th</sup> August 2016, that that the plan was likely to have a significant effect on the environment and a Strategic Environmental Assessment would be required. The Parish Council decided to undertake a Sustainability Appraisal incorporating a full Strategic Environmental Assessment (SEA) as required by EU Directive 2001/42/EC, which is enshrined into UK law by the “Environmental Assessment of Plans and Programmes Regulations 2004. I have had full regard to its contents. With the proposed addition of Site 7, the Appraisal was updated.

Land Use Consultants on behalf of South Oxfordshire District Council, which is the competent authority, expressed the view that it was unlikely that the Neighbourhood Plan would have significant effects on European protected sites and an Appropriate Assessment under the Habitat Regulations was not required. The closest European protected sites are Aston Rowant SAC, Chiltern Beechwoods SAC, Hartslock Wood SAC, Cothill Fen SAC, Oxford Meadows SAC and Little Whittenham SAC.

In April 2018, there was an important ruling from the European Court contained in the judgement *People Over Wind and Peter Sweetman v Coillte Teoranta*, which

affects the way that LPAs screen neighbourhood plans. I therefore invited the District Council to revisit their original screening and it again instructed Land Use Consultants Ltd to carry out the rescreening of the plan, but also having regard to the likely inclusion of Site 7 as an additional housing allocation. They produced a new screening, which again confirmed that a Habitat Regulation Assessment would not be required. This was dated August 2018. The LPA decided to seek Natural England's views on the updated report's conclusions and it confirmed on 23<sup>rd</sup> August 2018 that it agreed with the new report's conclusions.

I am satisfied that the basic conditions regarding compliance with European legislation are met. I am also content that the Plan has no conflict with the Human Rights Act.

### **The Neighbourhood Plan: An Overview**

The Parish Council set about the preparation of this neighbourhood plan so as to give the village a say in terms of the location of new residential development in the village. Much of the work has been undertaken against the backdrop of the emerging South Oxfordshire Local Plan's proposals for a major housing and employment area at Chalgrove Airfield. The Parish Council and the villagers oppose that development, which is being promoted by Homes England. The current version of the emerging local plan, has chosen not to allocate the 15% increase in housing numbers, which would have been expected of a settlement the size of Chalgrove. However, the village had decided it wish to allocate land to the west of Marley Lane as its preferred location for new housing as it delivered other benefits to the village. I am satisfied that the Steering Group undertook an objective and comprehensive assessment of all possible development sites, including land which was latterly being promoted by Vanderbilt Strategic to the south of the village. One of the roles of neighbourhood planning, is to give the opportunity for the local community to allocate land, it wishes to see developed and I believe that Chalgrove has done just that.

The local plan process has been delayed by the District Council's decision to reconsider all the strategic housing sites and it is not a matter upon which the neighbourhood plan can or needs to address. The basic conditions do not require compliance with the emerging plan, although I am satisfied that the plan has had regard to up-to-date local and district wide housing need requirements. I consider that it will be delivering sustainable development. Furthermore, the plan's deliberations have also been affected by the appeal decision which has granted planning permission for up to 120 new homes on the east side of the village.

growth point, I considered it important that the neighbourhood plan should at least be providing minimum requirements of new homes required to be built in the village, should alternative strategic allocation sites be progressed through the Local Plan. Under the original submission, the plan would have led to a shortfall in the amount of housing it needed to provide, under that new scenario. That has been remedied by the new housing allocation, which results from the appeal decision and which I am now recommending, as these houses will inevitably be built, irrespective of and notwithstanding, the policies in the neighbourhood plan.

I am therefore satisfied, that with my amendments, the overall scale of new housing being promoted will be greater than the 15% increase that the “larger village” status of Chalgrove would have delivered and this will provide a boost for housebuilding in this area.

My examination is focused on whether the plan’s policies meet the basic conditions. I have made recommendations relating to the drafting of a number of the policies but I consider that it is beyond the remit of my role, as the examiner, to be recommending changes to the supporting text. However, it is important that the plan reads as a coherent document and the Parish Council has put forward changes to the supporting text, to reflect the changes where I have invited their input. It may be that further changes to the text are required to reflect my other recommendations. I will leave that to the Parish Council and the planners at South Oxfordshire District Council to discuss when preparing the Referendum Version of the plan.

## **The Neighbourhood Plan Policies**

### **Policy C1 –Development Within the Built – up Area**

I consider that the title of the policy is somewhat misleading as the policy also addresses the forms of development that are appropriate outside the built-up area. I propose to retitle the policy *Location of Development*.

I did have some reservations initially, as to whether more certainty could be given by defining the built-up area boundary on a map. I raised this issue with the Parish Council, who replied that their approach, using written criteria describing the characteristics of a settlement, is normal practice in South Oxfordshire. I am satisfied that there is sufficient clarity within the policy wording and its criteria that would enable decision makers to determine whether a site falls within or is adjoining the “built- up area”.

I did have reservations regarding the section of the policy that addresses the areas outside the built-up area, which could prevent the reuse of existing buildings in the countryside, as allowed by Paragraph 55 of the NPPF 2012, plus proposals which

allow for the “diversification of agricultural and other land-based rural businesses.” I also consider that the neighbourhood plan should not necessarily be inhibiting development necessary for existing businesses operating within the plan area, from premises outside the village itself e.g. Martin Baker Ltd, so long as the development does not encroach upon the open countryside.

I therefore proposed to modify the plan to give the policy greater flexibility. I sought the views of both the Parish Council and the District Council on how the policy could be amended. The Parish Council proposed to extend the scope of the policy to allow for the reuse of existing buildings, the diversification of agricultural or other land based rural businesses and operational development necessary for existing businesses so long as the development did not encroach upon open countryside. However, as the District Council pointed out in their response, that policy would still be more onerous than set out in national policy and strategic local plan policy, for example, it would prevent rural workers housing where there is a functional need for the accommodation to be based close to the place of employment. That could mean that it did not meet basic conditions. I intend to incorporate both sets of proposals in my recommendation for the wording of this policy.

### *Recommendations*

#### ***Retitle the policy “Location of Development”***

***Insert at the end of the policy “Reuse of existing buildings in the countryside; Diversification of agricultural and other land-based rural businesses and operational development necessary for existing businesses so long as the development does not encroach upon the open countryside. Proposals for residential development outside the built-up area of Chalgrove will only be supported if it is necessary or suitable for a countryside location and is consistent with development plan policies”.***

### **Policy C2- Design and Character**

I consider that this policy is entirely appropriate for development that takes place within or adjacent to the village. However, this policy will also be relevant to development that takes place away from village, say in some of the employment areas, where this guidance covering new or replacement buildings would not be so appropriate. I propose to amend the scope of the policy to developments which are proposed within or adjacent to the built-up area of village only including the allocation sites. That is a position that both the Parish Council and the District Council said that they would support.

*Recommendation*

***At the start of the policy insert “Within the built-up areas of Chalgrove and/or sites allocated for development in Policy H1 or other allocated sites in the development plan within the plan area,”***

**Policy H1- Housing Site Allocation**

This policy allocates a site for 200 residential units on land to the west of Marley Lane. I understand that there is outline planning permission on this land for a scheme of **up to** 200 units. This location has the support of the local community and will deliver a number of other benefits for the village in addition to the new homes. For the reasons set out in the Plan Overview section of my report, the current uncertainty over the local plan’s allocation of a Chalgrove Airfield as a strategic development, which had been the basis the Chalgrove Neighbourhood Plan not having to allocate any additional land, potentially changes that assumption. If the Airfield is not to be a preferred location for strategic development in the context of the whole of South Oxfordshire, the implication is that the housing requirements for Chalgrove should be returning to the default position, set out in the draft local plan for larger villages, i.e. having to allocate land for a minimum of 15% increase in housing numbers over the 15-year period of the draft local plan. That would give a shortfall of at least 232 dwellings required to be allocated by the neighbourhood plan, having regard to what is described in the document as “completions and commitments.” My concern therefore is that the neighbourhood plan as submitted which is only allocating a maximum of 200 dwellings could lead to a shortfall in the delivery of the new homes which would otherwise be required of Chalgrove (in view of its status as a larger village in South Oxfordshire.) This could affect my conclusion as to whether the plan meets the Basic Conditions.

However, I have subsequently discovered, through the Parish Council’s response to my Initial Comments document, that in addition to the planning permission on the land proposed for development in Policy H1, that planning permission has now been granted on appeal, in the decision dated 6 October 2017, for residential development for the land to the east of the village, which had been earlier identified as one of the potential development sites in the Site Assessment process. That development will deliver up to 120 dwellings. The Parish Council and the District Council in their respective responses pointed to this new commitment, as the reason that the neighbourhood plan did not need to allocate any extra sites site to meet the shortfall that I had previously initially identified. This then raised the question in my mind, as to whether this site (known as Site 7) should also become an allocation site in the Chalgrove Neighbourhood Plan, if it is to contribute to meeting the housing requirements for the area and contribute to the achievement of sustainable development.

I put that suggestion to the Parish Council and in view of the fact that planning permission existed then, they were content that it be allocated and acknowledged as evidence that the Parish Council was planning positively for new housing.

I had previously questioned, now that planning permission had been granted for the Land West of Marley Lane, whether the neighbourhood plan still needed to be allocating it for development. Both the Parish Council and the District Council saw that there was a value in maintaining the allocation in the plan, notwithstanding it had now become a commitment. Not only does having an allocation cover the unlikely situation whereby the permission was not to be implemented, but it could also be relevant for the consideration of reserved matters. Therefore, to follow the logic of that position, leads me to conclude that a similar case can be made for identifying the Land to the East of the Village, also as an allocation site. I will be recommending that Site 7 be added to the policy as an additional allocation site.

### ***Recommendation***

***Replace all the wording after “200 dwellings” and insert “as shown on the aerial photograph, described as Map 4 and at H1 option B land to the east of Chalgrove for up to 120 dwellings as shown on the aerial photograph, described as Map 4a”. If the plan’s aerial photographs are to be changed to maps in the future versions of the plan then the wording of the policy should be amended so as to remove references to aerial photographs and it may be necessary to make further consequential changes.***

### **Policy H1A – Land to the West of Marley Lane**

I have only limited comments to make on this policy which sets 15 requirements for the development of this site.

Requirement a) reads as a statement of fact. The allocation for 200 dwellings is covered by the first sentence of the policy. That part of the policy is not actually a statement of policy and can be removed.

In terms of requirement e), the policy should be that residential development and appropriate access roads should be undertaken in Flood Zone 1 only. The policy should make it explicit that Sustainable Urban Drainage Systems(SUDS) should be used to deal with surface water drainage in line with secretary of State advice.

The requirement relating to housing mix can be improved, in terms of its clarity, by the insertion of a comma after “semi-detached”.

It is not appropriate for a planning policy which governs the use and development of land to impose requirements on the constitution of maintenance company as required by criterion h)– it would not be possible to refuse a planning application on the

grounds that the relevant level of representation was not provided. That is a matter for negotiation. Equally the policy cannot require that “ownership and maintenance to be agreed with the Scout Group” as that could give the Scout Group an effective veto over the whole development - that would be a matter that would need to be negotiated into the Section 106 agreement with possibly a dispute resolution mechanism introduced in case there were to be a failure to agree.

### ***Recommendations***

#### ***Delete a)***

***In e) After “All” delete “development” and insert “new buildings and roads” and after “Zone 1” insert “incorporating Sustainable Urban Drainage measures.***

***In f) delete “ownership and maintenance to be agreed with the Scout Group”***

***In h), delete the second sentence.***

***In j) insert a comma after “semi- detached”.***

### **New Policy H1B- Land to the east of Chalgrove**

This is a new site specific policy that I will be recommending. The Parish Council had prepared a draft policy and this was the subject of the 6-week consultation. The developers, Miller Homes on behalf of themselves along with Wates Development offered comments on the detailed requirements, whilst supporting the principle of the introduction of the policy. Historic England made recommendations in terms of the wording of the condition, dealing with archaeology.

I will be generally basing my recommendations on the wording of the policy as put forward by Chalgrove Parish Council and I will comment on the Miller Homes representations, where appropriate. I consider again a) is not a policy but a statement of fact and will again recommend that it be removed from the policy. Requirement b) deals with the access arrangements. Miller Homes would wish them to be as per the outline planning consent, but as previously mentioned, there is no guarantee that this scheme will be the one that will be implemented. I therefore do not propose a different version. Similarly, the developers would wish me to remove the requirement to “where possible” reduce the risk of flooding in requirement e). I do not propose to agree that as, the requirement is, in any event, qualified and I consider that it should be an aspiration, in delivering sustainable development, that where measures are put in to deal with flooding, that they should provide, if possible, a positive improvement. I will maintain the local aspiration set out in requirement i) as to local housing mix as this is an expression of the local housing need and to be consistent with Policy H1A. I agree that the housing mix is unclear in terms of types

of layouts, but that clarity can be given by the insertion of a comma after the requirement “that two thirds should be terraced or semi-detached”. I note that the planning consent has a requirement for a Neighbourhood Equipped Area for Play (NEAP) rather than a Multi-Use Games Area (MUGA). I will allow either to be provided in accordance with this policy as I have no evidence to recommend one facility over another. Finally, I will be recommending the wording suggested by Historic England for dealing with the archaeology.

### ***Recommendations***

***Insert the following policy:***

#### ***Policy H1B- Land to the East of Chalgrove***

***Site H1 B is allocated for up to 120 dwellings, subject to the following:***

- (i) The proposed development conforming to the policies contained in the Chalgrove Neighbourhood Plan and the Development Plan and;***
- (ii) The following site specific requirements.***

- a) Provide a vehicular entrance on to the B480 via a roundabout, and provide pedestrian entrances onto a new B480 footpath and via the upgraded existing footpath onto Monument Road. Provide safe pedestrian crossing across the entire extent of Monument Road from the footpath to the High Street.***
- b) Provide open areas within the development.***
- c) The existing public footpath to be retained.***
- d) All development to be undertaken in Flood Zone 1 with appropriate and effective flood mitigation measures which ensure that flood risk is not increased to neighbouring properties and where possible is decreased.***
- e) Provide high quality play areas including a Multi-Use Games Area (MUGA) or a Neighbourhood Equipped Area for Play (NEAP).***
- f) A maintenance agreement to be in place for all public open spaces including grass verges and waterways.***
- g) Overall up to 10% or more new homes should have 1-bedroom, a minimum of 35% should have 2, a minimum of 35% should have 3, and up to 15% can have 4 or more bedrooms unless viability or other material considerations show a robust justification for a different mix***
- h) Approximately two-thirds of new homes should be terraced or semi-detached, and one-third detached properties unless viability or other material considerations show a robust justification for a different mix***
- i) Roads within the development to be wide enough to accommodate two cars***

- j) Minimum of two off road parking places excluding garage to be provided for 1 to 3 bedroom homes, a minimum of 3 spaces including garage to be available for 4 bedroom houses unless viability or other material considerations show a robust justification for a different mix***
- k) 40% of development to be made available for affordable housing***
- l) Survey existing trees, hedgerows and wildlife to retain valuable resources and habitat. Maintain the current open drainage ditch which runs along the West side of the site. Planting of additional trees and hedges will be strongly encouraged to improve biodiversity and provide a buffer between existing homes and the new development.***
- m) Development should be phased in tandem with the timely provision of infrastructure to help support sustainable growth***
- n) Development must be informed by a stage program of archaeological evaluation and mitigation, carried out by a professional archaeological organisation in accordance with a written scheme of investigation approved by South Oxfordshire District Council, prior to any development taking place. Any find should be recorded and listed for further examination and the work should include a full report which should be published and placed in a public archive.***

## **Policy H2- Dwelling Mix**

My comment on this policy is that the supporting text appears to impose a requirement on residential development to be two thirds terraced or semi-detached properties and one third detached. The wording of the policy in its second sentence is vague, when it mainly refers to “should include link and semi-detached dwellings”. Comments included in the justifications section do not constitute a development plan policy that could be used for the determination of planning application. I consider that to provide the clarity a decision maker would expect that the wording of the policy to be amended and it can reflect the aspirations set out in the supporting text.

### ***Recommendation***

***At the end of the second sentence replace “include link and semi- detached dwellings” by “be made up of approximately two thirds terraced or semi-detached properties, and one third detached properties, unless viability or other material considerations justify a different mix”.***

## **Policy H3 - Home Working**

As this policy does not set a requirement to provide additional parking, beyond the standards for residential properties, which are, in part, set to recognise the needs for visiting family and friends. The policy merely supports proposals that do provide this

extra parking and accordingly I have no concerns regarding the policy meeting basic conditions.

#### **Policy H4- Residential Parking**

I consider that this policy offers locally distinctive criteria for assessing the siting of car parking, beyond the numerical standards set out in Parking Standards. The requirements to provide justification for departing from this requirement in a Design and Access Statement, could only be imposed on those applications that require the submission of such a document i.e. schemes of over 10 units or residential development in a conservation area. Such a justification should be provided on **all** new housing applications and I propose to remove reference to a Design and Access Statement.

#### ***Recommendation***

***In the first bullet point, delete “in the supporting Design and Access Statement”.***

#### **Policy H5 - Walking /Cycling**

I consider that this policy is only applicable in terms of larger residential developments, rather than small infill developments, where its criteria would not necessarily be a practical requirement. I will propose that a proviso is inserted to require it to be only on major residential schemes which would be development over 10 units.

#### ***Recommendation***

***Insert “major” after “new”.***

#### **Policy CF1 - Community Infrastructure Levy**

The Community Infrastructure Levy is received in respect of all qualifying development that takes place within the plan area. If the neighbourhood plan is made the Parish Council will receive 25% of that receipt. This policy, as written, is not a planning policy that can be used to determine a planning application. As a Statement of Intent, it is perfectly appropriate for the Parish Council to set out its spending priorities in the neighbourhood plan document, but it should not be a development plan policy. It should instead be clearly identified as a community action, community aspiration or similar. That is the advice of the Secretary of State in the Planning Practice Guidance. The policy does not meet the basic conditions and I will recommend that it be deleted.

***Recommendation5***

**Delete the Policy and replace as a non-development plan “Community Aspiration” or similar.**

**Policy CF2 - Community Assets**

For the avoidance of doubt, the title of the policy should be Assets of Community Value, rather than Community Assets which could be construed as other valued community facilities (which a planning policy could equally have sought to protect but that is a matter that this neighbourhood plan has not sought to address.)

***Recommendation***

**Change the title of the policy to “Assets of Community Value”.**

**Policy CF3 – Improvement to Community Assets**

This policy extends beyond the assets of community value to include “or any other established community use”. I consider that would be clearer if it referred to them as “community buildings”.

***Recommendation***

**Replace “of any other established community use” by “community building,”.**

**The Referendum Area**

If I am to recommend that the Plan progresses to its referendum stage, I am required to confirm whether the referendum should cover a larger area than the area covered by the Neighbourhood Plan. In this instance, I can confirm that the area of the Chalgrove Neighbourhood Plan as designated by South Oxfordshire District Council on 21<sup>st</sup> December 2012, is the appropriate area for the referendum to be held and the area for the referendum does not need to be extended

**Summary**

I am satisfied that the neighbourhood plan, through the allocation of the two housing sites, on the eastern and western sides of Chalgrove will provide a significant increase in housing numbers for the village, which will now be above the level that would have been delivered from the emerging local plan. It is beyond the remit of the neighbourhood plan to address the issues as to whether Chalgrove Airfield will be a major housing allocation to address the wider sub regional needs. It ensures that

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organic growth will take place in the village, that will deliver both new homes and other village facilities. It is a well-researched document based on a good understanding of what makes Chalgrove special and allows the community to shape development ensuring that it is compatible with the character of this lovely Oxfordshire village.

To conclude, I can confirm that my overall conclusions are that the Plan, if amended in line with my recommendations, meets all the statutory requirements including the basic conditions test and that it is appropriate, if successful at referendum, that the Plan, as amended, be made.

**I am therefore delighted to recommend to the South Oxfordshire District Council that the Chalgrove Parish Neighbourhood Plan, as modified by my recommendations, should now proceed to referendum.**

JOHN SLATER BA(Hons), DMS, MRTPI

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7<sup>th</sup> September 2018