

Cherwell District Council

Planning Committee

2 December 2021

Development Brief for Local Plan Partial Review Site PR9 – Land West of the A44

Report of Assistant Director - Planning and Development

This report is public.

Purpose of report

To seek the Planning Committee's approval of the Development Brief for Local Plan Part 1 Review allocated site PR9 – Land West of the A44.

1.0 Recommendations

The meeting is recommended:

- 1.1 To approve the Development Brief for site PR9 (Land West of the A44) of the Cherwell Local Plan 2011-2031 Partial Review, presented at Appendix 1 to this report.
- 1.2 To authorise the Assistant Director - Planning and Development to publish the Development Brief subject to any necessary presentational or other minor corrections in consultation with the Chairman.

2.0 Introduction

- 2.1 The Cherwell Local Plan 2011-2031 (Part 1) Partial Review – Oxford's Unmet Housing Need was adopted 7th September 2020, effectively as a supplement or addendum to the adopted Cherwell Local Plan 2011-2031, and forms part of the statutory Development Plan for the district.
- 2.2 The Partial Review Plan provides a vision for how Oxford's unmet housing needs will be met within Cherwell, which seeks to respond to the key issues faced by Oxford in providing new homes, in addressing the unaffordability of housing, in supporting economic growth and in dealing with its land supply constraints.
- 2.3 The Partial Review Plan allocates land to deliver 4400 houses across six sites:
 1. Land East of Oxford Road, North Oxford (policy PR6a) - Gosford and Water Eaton Parish
 2. Land West of Oxford Road, North Oxford (policy PR6b) - Gosford and Water Eaton Parish

3. Land at South East Kidlington (policy PR7a) - Gosford and Water Eaton Parish
4. Land at Stratfield Farm Kidlington (policy PR7b) - Kidlington Parish
5. Land East of the A44 at Begbroke/Yarnton (policy PR8) - Yarnton and Begbroke Parishes (small area in Kidlington Parish)
6. Land West of the A44 at Yarnton (policy PR9) - Yarnton and Begbroke Parishes

- 2.4 For each of the six sites, the Local Plan policy includes a requirement for the application to *“be supported by, and prepared in accordance with, a comprehensive Development Brief for the entire site to be jointly prepared and agreed in advance between the appointed representative(s) of the landowner(s) and Cherwell District Council”*. It further states, *“The Development Brief shall be prepared in consultation with Oxfordshire County Council and Oxford City Council”*.
- 2.5 The development brief will then be a material consideration in the determination of any future planning applications for the site to which it relates.
- 2.6 Further to the Partial Review Plan’s requirement, Development Briefs are being prepared for each of the six sites. The first two to be ready are those relating to sites PR7b and PR9.
- 2.7 Design consultants appointed by the Council have prepared the briefs working with officers and with the benefit of input from technical consultees, stakeholders and public consultation. This report presents the proposed, final brief for approval and in doing so explains how it meets the Council’s objectives and the requirements of the Partial Review’s policies.
- 2.8 The Development Brief has been the subject of public consultation, for six weeks from 11 August to 22 September 2021. The report summarises the representations received and explains what changes have been made in response.

3.0 Report Details

- 3.1 Policy PR9 of the Partial Review of the Local Plan relates to land west of Yarnton, located to the west and north of Yarnton and south of Begbroke, adjacent to the A44. Yarnton Nursing Home and William Fletcher Primary School lie immediately to the south-east of the site. The site is currently in agricultural use. It contains Yarnton Medical Practice on its eastern boundary which is to be retained. The site is adjacent to Begbroke Ancient Woodland and is crossed in the north by Dolton Lane, an important historic bridleway, and Frogwelldown Lane to the south which is a District Wildlife Site. Land in the western part of the site (outside the residential area) rises steeply and is retained as Green Belt.
- 3.2 The site is allocated for 540 homes on c. 25 hectares of land, of which 50% is required to be affordable housing. There are policy requirements for 1.8 hectares of land for school expansion of the existing William Fletcher Primary School and replacement of playing pitches and amenity space; the provision of facilities for formal sports, play areas and allotments to adopted standards within the developable area; public open green space as informal parkland on 24.8 hectares of land to the west of the residential area; a new Local Nature Reserve accessible to William Fletcher Primary School; and, a community woodland on 7.8 hectares of land to the north-west of the developable area and to the east of Dolton Lane.

- 3.3 The Development Brief sets out its background, purpose and status, its structure and the community involvement that has taken place (Chapter 1); the strategic vision and context, the role of the site, its economic relationships and movement corridors (Chapter 2); the planning policy context, spatial context and the site's attributes (Chapter 3); a site appraisal including opportunities and requirements (Chapter 4); the vision and objectives for the site (Chapter 5); then the development principles (Chapter 6); and closes with a section on delivery and monitoring (Chapter 7).
- 3.4 Preparation of the Development Brief included review of baseline information and the planning policy context, preparation and agreement of the scope for the Brief, identification of opportunities and constraints, workshops to establish the vision, the principles concerning movement, water management, landscape, biodiversity, heritage and archaeology, and subsequent workshops and one to one engagements with technical consultees including the preparation of parameter plans, review of early drafts of the Brief and discussion with the site promoters.
- 3.4 The vision for Land West of the A44, set out in Chapter 5 of the Brief, is as follows:

The development site will become an extension of Yarnton village that will be well connected with the existing and proposed services and facilities, will respond to its proximity with the A44 corridor, planned development to the east of A44 and the historic context of Begbroke and Yarnton villages. Improved public access to the countryside including the creation of community woodland and informal parkland will enhance the beneficial use of the Green Belt, provide for significant ecological and biodiversity gains, will help to retain separation between Yarnton and Begbroke villages and provide a buffer to Begbroke Ancient Woodland, while corridors of green infrastructure including historic Dolton Lane will act as connecting features that provide enhanced areas of habitat, green walking and cycling routes and enable access to the countryside.

- 3.5 Each Partial Review policy sets out a detailed list of required elements for the Development Brief. There are common elements to each site, for example:
- a scheme and outline layout for the delivery of the required land uses and associated infrastructure,
 - protection and connection of existing public rights of way (where applicable) and an outline scheme for pedestrian and cycle access to the surrounding countryside,
 - design principles which seek to deliver a connected and integrated extension to the adjacent built settlement,
 - outline measures for securing net biodiversity gains informed by a Biodiversity Impact Assessment, and
 - an outline scheme for vehicular access by the emergency services.
- 3.6 Policy PR9 sets out the following particular requirements for inclusion in the Development Brief:
- At least two separate points of vehicular access and egress to and from the A44 with a connecting road between.
 - An outline scheme for public vehicular, cycle, pedestrian and wheelchair connectivity within the site (including public transport), to services and facilities in Yarnton, including William Fletcher Primary School, to the allocated site to the east of the A44 (Policy PR8) enabling access over the Oxford Canal and to

existing or new points of connection off-site and to existing or potential public transport services.

- Design principles which seek to deliver a village extension to Yarnton which responds positively to development planned to the east of the A44 and the historic context of Begbroke (west).
- The land reserved for education use by William Fletcher Primary School.

- 3.7 The Development Brief for PR9 sets the development framework for the site. The parameters for the brief are established by the Local Plan. The brief is intended to provide additional detail to help implement the Local Plan policy and guide the preparation and consideration of applications for planning permission.
- 3.8 The Brief provides a scheme and outline layout for delivery of the required land uses and associated infrastructure. There is no material change in the extent of the residential area between the policy map for the site (page 139 of the Partial Review Plan) and the development framework plan (page 25 of the draft Development Brief). The area allocated for residential development now also includes a green corridor (the 'Dolton Lane Green Corridor') through the site, connecting Spring Hill Road in the north to Cassington Road in the south, as well as a shorter green corridor in the centre of the site on a broadly west-east axis, and reinstated/new hedgerows through the site, in particular as a device for separating built form from the new green space/park which forms part of the retained Green Belt which itself acts a buffer between the developed site and the wider countryside.
- 3.9 In common with all Partial Review site policies, Policy PR9 allows for the consideration of minor variations in the location of specific land uses where evidence is available. That said, there are no such variations in this Development Brief.
- 3.10 The Development Brief for PR9 provides an outline scheme for vehicular, cycle, pedestrian and wheelchair connectivity within the site, for pedestrian and cycle access to the surrounding countryside, and for vehicular access by the emergency services. The Brief identifies three separate pedestrian/cycle crossing points over the A44 and three additional bus stops, two on the A44 and one on the eastern side of Rutten Lane in the vicinity of the Yarnton Medical Practice. The Brief also provides outline measures for securing net biodiversity gains, and reserves land for education use by William Fletcher Primary School. It also sets out the requirement for three equipped areas of play across the development – one combined LEAP and NEAP in the central-northern part of the developable area, one combined LAP and LEAP in the northern part of the area and an additional LAP in the central-southern part of the developable area.
- 3.11 The Development Brief for PR9 sets the design principles for the site, which seek to deliver a village extension to Yarnton that responds positively to development planned to the east of the A44 and the historic context of Begbroke (west).
- 3.12 The Brief requires a graduation in the heights of built form, from 2.5 – 4 storeys in the northern part of the site adjacent to the A44, down to 2 – 2.5 storey houses on the western and southern edges of the site including where development backs onto existing Rutten Lane properties and in the vicinity of the land reserved for the expansion of William Fletcher Primary School.
- 3.12 On the subject of the Primary School, the County Council has advised that it would not require both the expansion of the William Fletcher Primary School and the

provision of two primary schools on the PR8 site east of the A44, that the requirement would be for either/or depending on which development came forward first. This is reflected in the text of the Development Brief.

- 3.13 The outline layout for the site sets out the positions of key frontages for buildings. These are labelled 'indicative' in brackets, but importantly show no frontages facing towards existing Rutten Lane properties – development adjacent to these neighbours will need to be 'side-on' or gardens to new dwellings, while some of the Rutten Lane properties would instead be bounded by allotments.
- 3.14 A material deviation in the Development Brief from the requirements of Policy PR9 is that one of the two vehicular accesses is shown to connect to Rutten Lane approx. 150 metres south of its junction with the A44. This has been raised in responses to the public consultation. This change has been worked up through detailed discussion between CDC officers, OCC as local highway authority and the site's promoter. Officers consider that the local highway authority's contentment with this relocated access point means that this is an acceptable change from the policy's requirement.
- 3.15 The Development Brief also sets out development principles in relation to school playing fields, education provision, preservation of historic ridge and furrow earthworks, and sensitive design of the community woodland.

Consultation

- 3.16 The brief was published for public consultation from 11 August to 22 September by way of advertisement on the Council's website, emails directly to parish councils and technical consultees, and invitations to parish councils to a virtual meeting to raise or seek or clarification on particular matters. A total of 19 representations were received. The representations have been made publicly available alongside this report and a schedule containing a summary of each and officer responses is provided at Appendix 2. A precis is provided below.

Begbroke Parish Council

- 3.17 The comments raised from Begbroke Parish Council are summarised as follows:
- Believes the Brief offers very little for Begbroke and hard to see how the development would improve the village
 - Need for a pedestrian crossing in Begbroke
 - Proposals to Dolton Lane are upsetting to the Village
 - Believes Sandy Lane should be open for both ways of traffic if proposed new railway station is built
 - Funding for improvement to facilities in Begbroke is needed and if an option to develop the playing field in Begbroke then this should be done.
 - Possible issues for Begbroke villagers trying to cross A44 if traffic is allowed onto A44 at the science park junction as queuing would likely increase and gaps in traffic would reduce

Yarnton Parish Council

- 3.18 The comments raised from Begbroke Parish Council are summarised as follows:

- Concerns PR9 development is being considered in isolation to other development brief sites and unclear of the District Council's overall intentions
- Concerns that the development could have effect on flooding on new development and existing village
- Traffic (volume and speeding violations)
- Welcomes inclusion of green spaces and play areas with appropriate variety of equipment
- Concerns that sporting hub for all development brief sites is located in PR7a as this could lead to accessibility issues for some residents.
- Building heights should not exceed current buildings in the Cresswell Close/Hayday Close development
- Timed lighting should be a minimum requirement within the brief.
- Developers must adhere to Climate Change policies

Yarnton Flood Defence Group

- 3.19 A detailed representation was submitted by YFD which outlines issues related to flood risk and flood defence matters. YFD is concerned that there is no acknowledgment or consideration of the risk of groundwater and flash flooding at the development site and no acknowledgment or consideration regarding existing flood risk from foul sewage which occurs in village. It is of the view that there is limited understanding of historic drainage channels and local topography and inadequate drainage assets both historical and part of the development sites which have not considered the wider community context.

Councillor Ian Middleton

- 3.20 The comments raised by Councillor Middleton are regarding both PR7b and PR9 and are summarised as follows:
- Would like the Council to hold developers to a high standard of sustainable development
 - The Council should make sure biodiversity enhancements are applied and maintained long term
 - Seems to be a lack of health and education provision provided for both development briefs
 - Consideration into the effect on local roads the development and closure of Sandy Lane will have on traffic.
 - Pedestrian crossing are vital pieces of infrastructure and should respond to the local need.
 - Recommendation to set up a local forum consisting of councillors and residents to give back feedback to the LPA and developers.
 - Yarnton seeing more flooding events regularly often related with run off from Spring Hill. Endorses response from Yarnton Flood Defence Group

The majority of Councillor Middleton's comments pick up those made by other responses, and the majority are matters more appropriately picked up at planning application stage.

Members of the Public

- 3.21 The comments raised from members of the public are summarised as follows:

- Concerns of flooding on development both freshwater/groundwater and from foul sewage
- Building on apparent flood corridor for existing village could affect Yarnton in future with being more susceptible to flooding
- Need for a controlled pedestrian crossing in Begbroke
- Investment in existing facilities in Begbroke including playing field facility
- Desperate need for social housing for Oxford
- Green space/green corridor for existing dwellings backing onto new development wanted
- Construction traffic accesses site via A44 and not through Cassington Road and Rutten Lane
- Access to site off Rutten Lane not needed and could create issue with traffic through village.
- Pressure will be increased on local education and health facilities
- Development is under London Oxford Airport flight path

Where there is overlap between responders on these points the comment is only captured once in Appendix 2.

Site Promoter

- 3.22 Supports most elements of the brief document but highlights there are some aspects of variance between their thinking and what is within brief. These include the woodland area, the meadowland and elderly/extra care provision.

Tripartite (owner of part of PR8)

- 3.23 Believes strengthening of wording in certain areas of the development briefs is required. Regarding heads of terms for development contributions, clarity required in briefs on the way shared infrastructure across the Partial Review's strategic housing sites is to be delivered.

Oxfordshire County Council

- 3.24 The County Council's comments are:

- Supportive of purpose of the development briefs but believes affording them the status of Supplementary Planning Document would give them a stronger status.
- Development Brief should set out enhancement and beneficial use of the Green Belt land in the allocation will be achieved.
- Advises of certain requirements in Local Plan that the development needs to follow and certain developer contributions that the developer would need to make through a legal agreement. Requests certain wording changes within the development brief in certain areas.
- Limited information provided on the local flood risk issues and believes this should be withing within the development brief.

Berkshire Buckinghamshire Oxfordshire Wildlife Trusts

- 3.25 Welcomes the intention to create, “An enhanced green infrastructure network..., providing connected wildlife corridors through the development site and enhancing wildlife connections with Begbroke Woodland, and along Frogwelldown Lane (which is a District Wildlife Site) and Dolton Lane”
- 3.26 Makes some recommendations regarding items listed in the development brief for the enhancement of green infrastructure and the impacts on wildlife.

Highways England

- 3.27 Would expect transport assessments on Strategic Road Networks. This is a matter appropriately picked up at the planning application stage.

Historic England

- 3.28 No comments

Sport England

- 3.29 Makes recommendations regarding developer contributions to local sport facilities. Expresses disappointment that the brief sets out no formal requirement for the playing fields at the school. Advises on how to make areas in development safe for people to undertake informal exercise.

Thames Water

- 3.30 The scale of development will likely require upgrades of the water supply network. Asks for housing phasing plan at earliest opportunity. Advises that the scale of proposed development will not affect the waste network but that the developer should liaise with Thames Water and the local lead flood authority during the planning application and beyond.

Officer Response to Representations

- 3.31 Responses to the representations made are included in the summary schedule at Appendix 2. Several comments relate to matters which either relate to the principle of development – which has already been set in the adoption of the Local Plan – or to matters relevant to the planning application. Where this is the case it has been noted as such in Appendix 2. In certain cases, specific comments have been made by respondents which are not been taken forward in the final Development Brief – where this is the case explanation is provided in the summary schedule at Appendix 2. Officers are pleased to recommend to planning committee that some minor changes are made to the text of the Development Brief.

Summary of Changes

- 3.32 In response to comments by local residents and the parish councils, reference to the existing problems with foul sewerage have been added specifically to section 4.1 under site constraints. How these problems will be dealt with is a matter more appropriately dealt with at planning application stage.

- 3.33 In response to comments by a resident of Rutten Lane, section 6.3.3 has been amended to provide for a path from the rear of the properties on the western edge of Rutten Lane to provide direct access to the green corridor, and section 6.3.1 and figure 13 has been amended to require hedgerow planting along the site boundary with Rutten Lane properties which would be bounded by residential properties – this would have ecology benefits as well as for residential amenity.
- 3.34 In response to comments by Begbroke Parish Council, the second paragraph in 6.4.5 has been amended to read “northwards” rather than “southwards” and to remove the words “run alongside”.
- 3.35 In response to comments by Oxfordshire County Council,
- the early part of the Brief has been amended in relation to enhancement and beneficial use of the Green Belt land
 - various minor edits to the text, including in relation to bus stops, wayfinding in cycle routes, the requirement for contributions towards the off-site A44 bus lane enhancement and for increased service provision, replacement of CDC Flood Officer with the Local Lead Flood Authority (LLFA), pedestrian footpaths, routes to the school site, the promotion of health and wellbeing, cycle parking, cycle route connectivity, biodiversity, archaeology and EV charging points.

4.0 Conclusion and Reasons for Recommendations

- 4.1 Overall, officers are happy to conclude that, having regard to the representations received, the final Development Brief for the site accords with Policy PR9 and the vision and objectives for the site, and provides an appropriate development framework, to achieve the quality of development expected by the Local Plan and to guide future decision making.
- 4.2 It is recommended that the planning committee approved this Development Brief as a framework for the development and delivery of site PR9 - Land west of Yarnton and so that it will be a material consideration in the determination of any future planning applications for the site.

5.0 Consultation

Councillor Colin Clarke - Lead Member for Planning (briefing only)
Councillor George Reynolds, Chairman – Planning Committee (briefing only)

6.0 Alternative Options and Reasons for Rejection

- 6.1 The following alternative options have been identified and rejected for the reasons as set out below.

Option 1: Not to endorse the Development Brief. Since Policy PR9 requires the planning application for the site to be supported by and prepared in accordance with

a Development Brief, this option would require a new Brief to be prepared, adding significant expense for the Council and delaying delivery of the development.

Option 2: To request further significant changes to the Development Brief. Officers consider that the final brief presented to Members represents an appropriate response to Local Plan policy and will assist in achieving high quality development. This option would also delay the determination of any planning application and may require further public consultation, thereby creating uncertainty.

7.0 Implications

Financial and Resource Implications

- 7.1 External work on the development briefs is being funded by the respective site promoters through Planning Performance Agreements but controlled directly by Council officers. Otherwise, existing budgets are being used.

Comments checked by:
Michael Furness, Assistant Director of Finance
Tel. 01295 221845
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Legal Implications

- 7.2 The brief has been prepared to be non-statutory guidance to support the implementation of the statutory Development Plan. It is generally consistent with the Local Plan policy it supports and its preparation has been assisted by stakeholder engagement and public consultation. Approval of the brief by the Committee would enable it to be taken into account as a material consideration[Insert legal implications]

Comments checked by:
Matthew Barrett, Planning Solicitor
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Risk Implications

- 7.3 The relevant Local Plan policy requires a Development Brief to be produced. Whilst not a reason for approval, not approving the brief may require re-consideration of the Planning Performance Agreement with the respective promoter.

Comments checked by:
David Peckford, Assistant Director – Place & Development
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Equality & Diversity Implications

- 7.4 The proposed brief supports Local Plan policy that has been the subject of Equalities Impact Assessment and has been reviewed in line with this report. As there are no new impacts arising from this report, no new mitigations are required.

Comments checked by:
Emily Schofield, Acting Head of Strategy
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8.0 Decision Information

Key Decision (Executive reports only; state N/A if not Executive report)

Financial Threshold Met: N/A

Community Impact Threshold Met: N/A

Wards Affected

Kidlington East

Other wards affected by Partial Review sites: Kidlington West

Links to Corporate Plan and Policy Framework

Business Plan Priorities 2021-2022:

- Housing that meets your needs
- Leading on environmental sustainability
- An enterprising economy with strong and vibrant local centres
- Healthy, resilient and engaged communities

Document Information

Appendix 1: Development Brief – Land West of A44 (Site PR9)

Appendix 2: Summary of representations and officer responses

Background papers

None

Reference Documents

Cherwell Local Plan 2011-2031 Partial Review:

<https://www.cherwell.gov.uk/info/83/local-plans/215/adopted-cherwell-local-plan-2011-2031-part-1-partial-review---oxfords-unmet-housing-need>

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