

Your ref:
Our ref: 39408
DD: [REDACTED]
E: [REDACTED]
Date: 18th February 2019

Planning Policy
South Oxfordshire District Council
135 Eastern Avenue
Milton Park
Abingdon
OX14 4SB

Dear Sir/Madam

Re: Regulation 19representaion: Publication Version South Oxfordshire Local Plan 2011-2034

1.0 Summary

- 1.1 Catesby Estates Ltd has an interest in land east of Park Road in Didcot and have instructed Bidwells to submit representation to the Publication Version South Oxfordshire Local Plan 2011-2034 (The Plan). The letter accompanies the requisite forms which specifically identifies the areas/policies of the Plan which are considered un-sound.
- 1.2 Catesby Estates Ltd's site was the subject of planning application Ref: P17/WS1965/O, for up to 135 dwellings and associated infrastructure. The application was determined at the 18th October 2017 Planning Committee. Although, there were no technical objections, and the Officer recommendation was for approval, Members of the committee voted to refuse the application. The application was subject appeal which was dismissed.
- 1.3 However, as is addressed later in this representation, part of Catesby Estates Ltd's land interest is identified in the Council's evidence, and the appeal decision, as being suitable for development and, for the purpose of plan making, should be considered as a suitable and deliverable housing

site. We contend that to make the Local Plan sound, the sites should be allocated for development of up to 85 dwellings. Set out in Appendix 1 and 2 to this representation are an opportunities and constraints plan and Development Framework Plan setting out how the site could be developed as an extension to the south of Didcot.

1.4 In summary, Catesby Estates Ltd do not consider that the Plan, in its present form, meets the tests of soundness as required by paragraph 35 of the National Planning Policy Framework (NPPF):

- The Plan is not neither **'positively prepared'** or **'effective'** as it is unclear whether the proposed strategy will deliver the identified housing requirement for the District in a timely manner.
- The Plan is not **'justified'** as it fails to properly consider the potential of our client's site south of Didcot to form part of the planned growth of the town.
- The Plan is not **'consistent with national planning policy'** as it has not demonstrated with clear evidence that sufficient deliverable sites are available in the first five years of the plan, as required by paragraph 73 of the NPPF. The Plans' over reliance on housing delivery from its allocated strategic sites does not create sufficient flexibility as required by paragraph 11 of the NPPF.
- Policy STRAT5 is not **'consistent with national planning policy'** and **'justified'** as the densities required are not considered to be deliverable nor will they lead to the creation of mixed, sustainable communities.

1.5 To assist in making the Plan sound, Catesby Estates Ltd, request that land east of Park Road, Didcot, as shown in Appendix 1 and 2, be included in the plan as a small residential allocation capable of being delivered in the first five years of the Plan. Catesby Estates Ltd put forward the following suggested planning policy for the Council's consideration.

Policy: Land east of Park Road, Didcot.

Site Area: 7.06 ha

The scheme will be expected to deliver:

- (i) a residential development of up to 85 dwellings, with access off Park Road;
- (ii) 40% provision of affordable housing;
- (iii) a Landscape Strategy to minimise the impact on the AONB and provide a robust buffer to the countryside to the south;
- (iv) cycle and pedestrian improvements to Didcot and the surrounding village of Coscote, to include provision of a new footway/cycle link along Park Road to the south;
- (v) Provision of green infrastructure, to include public open space to create new landscape buffer; and,
- (vi) Provision a locally equipped play area.

2.0 Policy STRAT1 The Overall Strategy and The Need for New Development in South Oxfordshire.

2.1 Catesby Estates Ltd do not agree with the overall housing strategy set out in STRAT1 which is overly dependent on strategic sites, including those at the Science Vale, Culham, Didcot, Berrinsfield and Chalgrove.

2.2 The proposed spatial strategy makes the Plan reliant on a relatively small number of large strategic sites to meet its housing need. Such a large share of the housing delivery within a small number of sites does not accord with Paragraph 11 of the Framework that require plans to be flexible to be able to adapt to rapid changes.

2.3 Any delay or stalling of delivery associated with the large strategic sites, which are reliant on significant infrastructure investment and upfront funding, could compromise the effective delivery of the housing requirement over the plan period. This is acknowledged in the Council's own evidence (Housing Needs, Housing Supply and Housing Densities Topic Paper (HTP), page 14) where reference is made to the Letwin Report and the impact of larges on build out rates in an area. It goes on to state that to speed up delivery, housing will continue to be needed on both small and large sites.

2.4 In addition, as is discussed further in relation to policy H1, there is a lack of evidence as to the deliverability of all sites that make up the Council's land supply position. The NPPF is clear (paragraph 73, definition of deliverable in the Glossary) that there needs to be clear evidence to demonstrate the delivery of all sites with an allocation and outline permission. Whilst the deliverability of the strategic allocations was a factor considered in the Site Selection process, the same cannot be said for a number of outline applications which form part of the land supply. This calls into question the justification for the overall strategy.

2.5 Given this position, the most effective approach to provide greater certainty to housing delivery over the plan period is to ensure that there are enough smaller sites allocated, that can be delivered quickly, alongside the large and strategic sites, maximising the diversity of supply in the land market and opportunities for different house builders to be active locally.

2.6 The over reliance of delivery from large strategic sites, and the subsequent lack of flexibility that this affords, mean that policy STRAT1 is not effective or consistent with national planning policy. It is unlikely that the plan in its current form will be deliverable over the plan period. The plan should be considered unsound on this point.

2.7 To make STRAT1 sound a further bullet point, should be inserted in criteria one which states:
Providing a pipeline of smaller unconstrained sites that can be delivered quickly alongside the major strategic sites.

3.0 Policy H1 Delivery of new homes

3.1 The Council's overall housing land supply position is clarified in table 5C. This confirms that there have been 4,364 completions since 2011 with a further 11,362 homes with planning permission in place at September 2018. It goes on to state that land for a further 10,375 homes (deliverable in the plan period) is allocated in the plan. This is a total of 26,202 homes.

3.2 Whilst further growth is expected in market towns and larger villages (c1,000 dwellings) and a windfall allowance is made (c1,300 homes), the planned figure is some 3,427 (15%) greater than the identified 22,775 housing requirement set out in STRAT2. Whilst this is a decent level of contingency, in our view, it is insufficient given the previously mentioned over reliance on strategic sites, along with the implications of uncertainty regarding the delivery of the densities set out in policy STRAT5, covered in more detail below.

3.3 The Local Plan itself is silent on the annual delivery rates of the strategic site and other sites allocated in the plan. Indicative delivery rates are included in the Site Selection Paper (page 50) and for the next five years in the Plan period in the latest Annual Monitoring Report (2017/18) but it is unclear what the specific expectations are for the individual sites to contribute to the overall housing trajectory set out in Appendix 8 of the Local Plan. Without this level of detail, it is not possible to assess fully whether the Plan is deliverable across the whole plan period.

3.4 Further, as noted in relation to policy STRAT1 we have not seen any assessment of the deliverability of the sites which make up the proposed housing land supply as required by paragraph 73 of the NPPF. Whilst a number of sites are under construction and have an established delivery rate, a number have yet to commence, and in some cases do not benefit from full planning permission. Without this assessment of delivery, the policy H1 is not justified, nor can it be considered to be effective in meeting the housing requirement set out in STRAT2.

3.5 Policy H1 states that:

‘The Development Plan contains a range of site types and sizes that will be developed with different timescales and that are dependant of different infrastructure’.

3.6 Whilst the plan contains some sites of c.300 units at Didcot and one 74-unit site, we would contend that the current plan does not contain a sufficient range of site types and sizes as suggested in policy H1. In particular, the Plan does not contain sufficient small sites, which the policy suggests form part of the overall housing mix.

- 3.7 The Site Selection Background Paper (Part 2, page 488) sets out in response to the NPPF's requirement for a 'variety' of land (paragraph 59) that the Local Plan's ***'housing allocations are composed of a mix of small and large sites across the district'***.
- 3.8 This is not considered to be accurate. Whilst small sites may come forward under the requirements for Market Towns and Larger Villages, this is not guaranteed as it is not controlled by any policy mechanism.
- 3.9 There has been a lack of consideration as to the suitability of small (and medium/large sites) as part of the overall development strategy. The Site Selection assessment process ruled out consideration of any sites under 500 units (Site Selection Background Paper, Part 2, paragraph 2.8.4), discounting consideration of the role smaller sites can play in the development strategy.
- 3.10 Further, whilst our Catesby Estate's Ltd's site is greater than 1 hectare, the Plan does not appear to set out how the requirement for 10% of the housing requirement to be met on sites of under 1 hectare, as required by paragraph 59 of the NPPF, will be satisfied. This emphasises our view that there has been a lack of consideration as to the role of small sites within the overall development strategy.
- 3.11 We specifically have a concern with regard to the availability of small sites in and around Didcot to support the planned growth of the town. This point is addressed further in relation to STRAT3 below.
- 3.12 To be considered sound, the Local Plan needs to identify additional housing land in sustainable locations, with a specific focus on small sites which can act as contingency to the potential under delivery on large and strategic sites.

4.0 STRAT3: Didcot Garden Town

- 4.1 Policy STRAT3 is a very simple policy which sets out that development in the Didcot Garden Town Delivery Plan Area will be expected to contribute to the Garden Town Principles set out in Appendix 6. The Garden Town Masterplan Area is also set out in Appendix 6.
- 4.2 STRAT3 is considered to be imprecise as it does not define what is meant by the term 'positively contribute'. There is no evidence of an objective assessment of this proposed policy wording or how it is to be interpreted.
- 4.3 The imprecise nature of STRAT3 means that it is not justified as it is not an appropriate strategy taking into account reasonable alternatives.
- 4.4 In addition, STRAT3 seeks to apply a higher policy test for development (and it will apply to all development) within the Didcot Garden Town Delivery Plan Area, which is not justified. There is no evidence that it is necessary for a higher policy test in this spatial area as opposed to other areas proposed for development within the Local Plan.
- 4.5 It is requested that this policy is deleted as not being necessary. If the Council considers the higher policy test is necessary, then it is requested that this is explained by the Council and there is a proposal as to how to measure development against this policy.
- 4.6 In addition, we have made comments previously to various consultations on the Didcot Garden Town Masterplan raising concerns with regard to the definition of the masterplan boundary and the intentions for land beyond the boundary.
- 4.7 It is recognised in the Masterplan Delivery Document (June 2017 version) that the plan is non-statutory and section 10.2.3 goes into detail regarding how the principles will be imbedded in planning policy in due course.

- 4.8 The inclusion of the masterplan boundary in the Local Plan without due consideration of the appropriateness of the boundary and whether it should be refined in light of evidence underpinning the Local Plan is in our view an omission as the current boundary is not fully justified.
- 4.9 At the current time, it is assumed in the masterplan for Didcot, as set out in the in the Delivery Plan, that the area south of Didcot will remain a 'green buffer' to the 'necklace of villages' in the area, protecting their character and preventing coalesce.
- 4.10 Whilst we recognise the need for a buffer, the Local Plan provides an opportunity to better define the built edge of the town in light of the evidence which underpins the Local Plan.
- 4.11 We would point to the conclusions in the Four Towns Landscape Character Assessment (September 2017) – DID7.2, page 86, which identifies a developable area consistent with the area our client now wishes to promote for development. The conclusion of the assessment, set out on page 81 states:

It is recommended that DID 7A is considered further as a site option potentially for housing on landscape and visual grounds as shown in Figure DID 7.2. The developable area covers 4.1 ha. and is a reduced part of the site to limit the impact on the open character of the land separating Didcot and West Hagbourne and views across it from Park Road and the cycle route, as well as the sensitivity of the adjacent North Wessex Downs AONB. It would be important to carefully design the access from Park Road, minimising impacts on the character of the rural lane. At a nominal density of 25 dph, 106 dwellings might be accommodated on site DID 7A. A full detailed landscape and visual impact assessment will be required to inform the final capacity of the site.

- 4.12 This conclusion suggests that there is merit in reviewing the extent of the southern boundary of Didcot and allocate our clients land for residential development. Without such consideration, the definition of the masterplan boundary, simply following the Parish Boundary (as confirmed on page 423 of the Didcot Garden Town Delivery Plan, June 2017) is not justified and is unsound.

- 4.13 In addition, we would add that in due course, the area to the south of Didcot will become more 'urbanised' with the development of the Didcot Southern Spine Road, a route for which is reserved to the south west of Catesby Estate Ltd's land. The development of this land would fit comfortably with this new link and tie in with the southernly extent of development to the west of Park Road.
- 4.14 Therefore, notwithstanding comments above about the need for policy STRAT3 to be deleted, it is suggested that if reference to the masterplan boundary is to be retained in the Plan, to make the plan sound, the boundary of the masterplan shown in Appendix 6 should be amended to include the land identified as a potential option for residential development in the Landscape Capacity Assessment for Sites on the Edge of the Four Towns in South Oxfordshire, September 2017.
- 4.15 Not only would such a change bring the Local Plan in line with the Council's evidence base, importantly it would allow for the diversification of site provision in Didcot set out in policy H2 which is currently characterised by large and strategic development sites. Whilst the identification of the sites for the future development of Didcot are generally sound, given their nature and density requirements set out in Policy STRAT5, we consider that to ensure the plan is effective, the allocation of such smaller sites is important to provide contingency and flexibility in how the 6,500 homes planned for the town in the plan period is delivered.

5.0 STAT5 Residential densities.

- 5.1 Policy STRAT5 sets out the minimum densities residential development must achieve depending on the location in the District.
- 5.2 The densities required range for 70 dwellings per hectare to 35 dwellings Per Hectare (dph) in 'other locations' the lowest level of the settlement hierarchy.
- 5.3 As drafted, STRAT5 does not provide an explanation as to how to calculate net density of dwellings per hectare. Until an explanation of the calculation of a net area is provided it is not possible to comment in detail on the suitability of the proposed minimum net density dwellings per hectare.

- 5.4 However, notwithstanding this point of detail, irrespective of how the density is calculated, we would question whether such densities are justified and deliverable, particularly the highest densities of 70 dph in the market towns which seems excessive.
- 5.5 Whilst there may be circumstances where higher density will be appropriate, in town centres and near to railways stations for example, and whilst the NPPF (paragraph 122) encourages the efficient use of land, consideration of character is also important – policy should not simple be about delivering high density development.
- 5.6 Bullets d) and e) of NPPF paragraph 112 require consideration of an areas character and the importance of securing well designed and healthy places.
- 5.7 Whilst some evidence is provided in the Housing Topic Paper as to how the density could be achieved, this does not appear to give any consideration to the character of the existing area, the creation of attractive place and importantly the differentiation on product – which is identified elsewhere in the Housing Topic Paper (para 3.18) as being important in ensuring high delivery rates are maintained.
- 5.8 The policy also does not appear to give consideration to the density of development recently delivered in the District, which is recorded in the 2017/2018 Annual Monitoring Report (paragraph 7.12) as 29 dph. In the upcoming years, whilst there will be scope to increase densities through different design principles, the scale of growth required will be driven by the large national house builders who largely rely on standard house types and established building models. Whilst they will be able to adapt, it is our view that they will not realistically be able to deliver at the densities required by the policy whilst also delivering quality places.
- 5.9 In addition, given that there is considerable additional land available for development, including land controlled by Catesby Estates Ltd south of Didcot, there is no pressure to push densities inappropriately high on allocated sites.

5.10 It is therefore considered that as currently drafted the policy is not justified by the evidence and will not be effective in delivering the level of growth required over the plan period.

5.11 The implication of the densities proposed not being achieved is that the major sites will under deliver against expected targets. To mitigate against this, as noted in relation to policies STRTA1 and H1, more housing land, particular small sites, should be allocated to diversify supply and provide contingency.

6.0 Policy H2 New Housing in Didcot

6.1 The policy lists the sites allocated in Didcot to deliver the 6,500 homes in the Town as part of the development strategic.

6.2 In line with comments on other policies of the Plan, it is considered that to provide flexibility and contingency to supply, additional land needs to be allocated in Didcot, helping to ensure the aspirations for Didcot and the overall housing requirement are deliverable.

7.0 Policy H11 Housing Mix

7.1 Catesby Estates Ltd appreciate, that in the interest of creating socially mixed and inclusive communities, developments need to provide a mix of homes to meet both, current and expected future requirements. However, Catesby Estates Ltd is concerned with the overly prescriptive nature of the policy, and the lack of clarity in the text.

7.2 The policy, with the addition of '*at least*' before each of the requirements for Part M Category 2 and 3 dwellings, alludes to an assumption that the Council expects that some developments will deliver more than this. This lack of clarity is further exacerbated by the caveated reference to the provision of Category 3 dwellings: '*The exact requirements should be based on evidence regarding current demand*'.

7.3 The policy should be based on, and justified by, a proper assessment of the need for accessible housing and not be open to change over time, as is suggested by the wording of the policy.

- 7.4 The requirement to market the Part M (4) Category 3 plots for 12 months to identify an appropriate purchaser is an unreasonable obligation on the developer, and cumulatively with other provisions in the policy, could impact viability of sites, and ultimate delivery of dwellings.
- 7.5 This lack of clarity, and unreasonable prescriptive provisions in the policy gives no certainty to developers in bringing forward viable sites and is not consistent with national policy. The specific requirement also does not appear to be properly justified by the evidence base.
- 7.6 To make the Plan sound, all references to Part M (4) Category 2 and 3 dwellings should be deleted unless clear justification for the standards is clearly set out in the evidence base along with clarity as to the impact on development viability.

8.0 Land East of Park Road

- 8.1 As previously stated, permission was refused at Planning Committee on the 18th October 2017 for the development of the full extent of Catesby Estates Ltd's land to the East of Park Road, with an appeal subsequently dismissed. The application description was:

Outline planning application (with all matters reserved except for means of access from Park Road) for up to 135 residential dwellings including open space, sustainable urban drainage systems and associated landscaping on land east of Park Road, Oxfordshire'.

- 8.2 The application site extended to around 7.06ha and is located on the southern edge of Didcot. The site comprises a semi improved grassland field. The site is bounded by residential development to the north, which includes the Great Western Park Urban Extension to the northwest. Agricultural and grazing land bounds the site on all other sides. The fields show signs of truncated and fragmented ridge and furrow. The village of Coscote lies to the south and East Hagbourne lies to the south east of the site.
- 8.3 The site does not lie within or contain any landscape designation. The North Wessex Downs Area of Outstanding Natural Beauty (AONB) lies approximately 1.9km to the south, 2.1km to the east, and 1.5km to the west of the site.

8.4 Didcot Town Centre with the provision of everyday facilities is located 1.5km from the site, and is within easy walking/cycling distance. The nearest bus services to the site are located on Edwin Road, Parkway and Station Road, where hourly bus services run to Broadway, Didcot Town Centre, Didcot Leisure Centre and the Community Hospital. Didcot Parkway Rail Station is located 2.5km from the site.

8.5 The refusal of the application and subsequent dismissal of the appeal were principally on the grounds that the development of the site was considered to conflict with the development plan and would unacceptably close the gap between Didcot and Coscote.

8.6 However, the appeal decision (see Appendix 3) clarified the site was in part developable, referencing the assessment in the Council's own evidence based, referred to in response to policy STRAT3 above. The Inspector commented (see paragraph 26 of the Appeal decision) in relation to the extent of the site shown Appendix 1 and 2:

It seems to me that the provision of some landscaping along the southern edge of the site identified in the Study would link to the proposed landscaping on the southern edge of Great Western Park and together could provide a strong, vegetated southern edge to Didcot.

8.7 The development now proposed therefore represents an appropriate response to the constraints and opportunities of the site and surrounds, the Council's evidence base and is of a scale which is appropriate to the site context. The Illustrative Masterplan meets the design objectives of the NPPF and the development plan policies that seek to secure high quality design.

8.8 Whist subject to the detail, the housing mix would reflect the housing mix included in the Oxfordshire Strategic Housing Market Assessment and would include the provision of 40% affordable housing.

8.9 There were no technical objections to the original proposals from the following statutory consultees, which supported the Officer recommendation for approval:

- Oxfordshire County Council Highways
- Oxfordshire County Council Archaeology
- Drainage Engineer (MONSON)
- Thames Water
- Forestry Officer (SODC)
- Countryside Officer (SODC)
- Urban Design
- Landscape Consultant
- Conservation Officer
- Historic England (No comment)
- Environmental Health (SODC) Air Quality
- Environmental Health and Housing Contaminated Land (SODC)
- Waste Management (SODC)

8.10 To aid with the delivery of the housing requirement and to support sustainable patterns of growth, Catesby Estates Ltd request that the land east of Park Road, Didcot as identified in Appendix 1 and 2, be allocated in the Plan as a small site, capable of being delivered in the first five years of the Plan.

8.11 Without the allocation of the site the plan will be ineffective in meeting the minimum housing requirement for the area and would not be justified by the evidence base produced by the Council.

8.12 Catesby Estates Ltd would like to attend the hearing sessions when these issues are discussed.

8.13 Please can you acknowledge safe receipt of our representations in due course.

Yours Sincerely,



Mark Harris, MRTPI
Associate

Enclosures:

Appendix 1: Opportunities and constraints plan

Appendix 2: Development Framework Plan

Appendix 3: Appeal Decision - APP/Q3115/W/17/3188474