

## Planning and Strategic Housing

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**Your Ref:**  
**Our Ref:**  
**Date:** 15 November 2019

Dear Mr Kenrick,

Thank you for the opportunity to comment on the pre-submission draft of the Charlbury Neighbourhood Plan 2031. Set out below are some general observations followed by some more specific comments on the proposed policies. I trust these will be useful as the Town Council takes the plan forward to examination.

Firstly the proposed plan period is supported which aligns with the West Oxfordshire Local Plan (WOLP) 2031. The intention to keep the plan under continual review is also welcomed and I would recommend that the Town Council ensures national planning guidance on material/non-material modifications is fully understood. The 'Updating a neighbourhood plan' section of the online Planning Practice Guidance<sup>1</sup> sets out helpful information on this.

In general the plan is clearly written, setting out a detailed description of the town as it is today and a succinct vision, aims and objectives to address identified local issues and challenges. One minor wording change to the vision could be considered, in that biodiversity in itself is not a challenge. Rather, the challenge is to resist biodiversity loss and where possible enhance biodiversity through net gain. I also have reservations against the use of the word 'limited' in the succeeding paragraph on housing. It is not within the remit of a neighbourhood plan to limit supply and this should be re-worded to refer to supporting the provision of an 'appropriate supply of housing, including affordable housing, to meet identified needs'.

The justification for each policy explained in the succeeding supporting text is particularly helpful, however there are some instances where this text might benefit from further clarification and expansion, as in some instances (e.g. Policies CH7, CH10) very little explanation is provided. These are suggested in my comments below, structured by section of the draft Neighbourhood Plan.

As a further general comment, the inclusion of a number of Community Aspirations is generally supported. This is a reasonable approach to include particular projects or intentions that cannot be required by a statutory development plan but might be used to inform the District Council's priorities on infrastructure funding. The draft Neighbourhood Plan's introductory text could usefully be more explicit in explaining that, unlike the policies

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<sup>1</sup> <https://www.gov.uk/guidance/neighbourhood-planning--2#updating-neighbourhood-plan>

in the plan, these aspirations will not be a material consideration in the determination of any planning application.

In general presentational terms, I would suggest that the paragraph numbering continues throughout the whole document and not just within the policy justification sections. This would be particularly helpful for ease of reference at examination stage.

### Housing

Section 5.1 sets out a list of specific challenges in relation to housing, followed by four principal conclusions, the main objectives of the housing policies, and the key elements of the plan's housing strategy. It is not entirely clear, the link between the housing objectives set out in this section and those set out in 3.2. In some instances they are similar, but worded differently e.g. 'to provide housing that supports a balanced demographic and a mix of household types' and 'to maintain a balanced age structure as far as possible'. It is therefore suggested that this format might be re-structured to provide a single coherent list of housing related objectives with clear reference to the evidence on which they are based.

The criteria-based policy approach to addressing the identified housing issues in the neighbourhood plan area is largely supported. The plan recognises and cites the WOLP's 'more restrictive approach to new housing development' in the Burford-Charlbury sub-area. In this context, it is considered reasonable that, where the WOLP requires new residential development to be determined on a case by case basis with no windfall allowance, that the neighbourhood plan provides further detail on what would be considered 'development of an appropriate scale and type' in this area (see further comments under policies CHI to CHI0 below).

Policy CHI seeks to ensure that all new housing development will meet the housing needs of the parish and this policy approach is broadly supported. However, there are a number of issues to consider.

Firstly, it is difficult to understand how development proposals should be assessed against the first requirement of the policy. It may for example be that a proposed housing scheme would present opportunities to meet some, but not all, of the plan's objectives and therefore the policy needs to be clearer as to the circumstances in which development would be supported. If for example the requirement to demonstrate 'need' is wider than just 'housing need' this needs to be more clearly explained.

More fundamentally, consideration needs to be given to potential conflict with the policies of the adopted West Oxfordshire Local Plan. For example, under Criterion 1 of Policy CHI, an applicant will be expected to demonstrate that there is a 'housing need' for their proposal despite falling within the built up area of Charlbury. This appears to be based on an interpretation of paragraph 9.6.29 of the Local Plan (as referred to in Appendix A of the draft Neighbourhood Plan) but is not consistent with Policy H2 of the Local Plan, which does not require 'need' to be demonstrated for housing proposals within the built up area.

Furthermore, the requirement for development to generally comprise affordable housing (with 'mixed' proposals the exception rather than the norm) also raises a potential conflict with Policy H3 of the Local Plan which, for proposals in the AONB, does not require smaller schemes of 1-5 dwellings to make provision for affordable housing and indeed for schemes of 6-10 units, only requires a financial contribution towards affordable housing rather than on-site provision.

The second requirement of Policy CH1 seems to be compliant with the WOLP, although unlike the Local Plan Policy H2, it does not differentiate between previously developed land and undeveloped greenfield land, so again there is some inconsistency. Paragraph 5.3.2 would also perhaps benefit from an accompanying plan setting out the extents of the built-up area.

Policies CH2 and CH3 are interdependent and the Town Council may wish to consider merging the two. However, the overall approach to both of these policies in particular CH2 is much more restrictive than Policy H2 and Policy H3 of the WOLP and its deliverability would likely be called into question at examination.

The supporting evidence on housing need identifies a need for 45 market dwellings and 45 affordable dwellings in Charlbury in the five-year period 2016 – 2021. Whilst existing commitments account for all of these market units and a proportion of the affordable units, clearly there will be additional needs beyond 2021, including for market housing, which need to be considered in a Neighbourhood Plan that runs to 2031. As worded, the policy is considered to be overly restrictive and inconsistent with both the Local Plan and the NPPF.

The concept of 'lower cost housing' set out in Policy H3 is supported and is likely to help meet the needs of key workers which are identified elsewhere in the document as a key priority. However, as currently worded, Policy CH3 infers that this is a less satisfactory alternative to social rent and shared ownership housing. It may be better for the policy to be combined with Policy CH2 and to simply set out the forms of affordable housing that will be sought in Charlbury including low cost housing, social rent and shared ownership.

As a general observation, the draft plan makes numerous references to 'social rent' as a form of affordable housing, but is largely silent on 'affordable rent' despite the approach set out in the Local Plan which favours two thirds affordable rent to one third intermediate housing such as shared ownership. This needs to be further considered as currently it presents a degree of inconsistency with the indicative requirements of the Local Plan.

Policy CH4 is largely compliant with the WOLP and a positive way of supporting the provision of 100% affordable housing schemes. The last clause of this policy, which seeks to make social rented housing exempt from the "Right to Buy" scheme is somewhat repeated through Policy CH5. We are unclear whether a neighbourhood plan has the legislative power to exempt social housing from right to buy. Furthermore, we are unclear whether shared ownership can or should be exempted. It is defined in the NPPF as one of the Government's affordable routes to home ownership so presumably the expectation is that people will 'staircase' up to full ownership as their circumstances allow.

Policy CH6 deals with the issue of housing mix, the intention being to address the predominance of larger properties built in recent years, by focusing on the provision of smaller properties. Whilst the rationale for the policy is understood, there is a lack of clarity and some inconsistency with the Local Plan which requires further consideration. The policy itself suggests that it applies to all new residential development except social rented housing. Social rented housing is one form of affordable housing with other forms including affordable rent and other low cost routes into home ownership such as shared-ownership. It is unclear whether Policy CH6 applies to market dwellings and all other forms of affordable housing except social rented. This should be made explicitly clear. Assuming Policy CH6 does refer to both market and other forms of affordable housing, there is some inconsistency with the housing mix requirements that are indicatively set out in the West Oxfordshire Local Plan.

In terms of market housing, the requirements set out in Policy CH6 are broadly consistent with the Local Plan in terms of 1 and 2-bed homes (at least 40% compared to 33% in the Local Plan). However, no provision is made for 3-bed properties, unlike the 43.4% set out in the Local Plan. This seems inconsistent with other references in the Neighbourhood Plan to the need for 3 bedroom bungalows for downsizers.

Furthermore, no provision is made for 5-bed properties in Policy CH6 despite the Local Plan seeking as an indicative guide, 23.9% 4-bed *and above*, which will inevitably include a proportion of 5-bed properties.

Assuming Policy CH6 does apply to all forms of affordable housing except social rented, the Local Plan identifies a much higher proportion of 1 and 2-bed properties specifically 65% one and two-bed properties compared to the minimum of 40% set out in the draft neighbourhood plan.

It will be important therefore that before formally submitting the plan for examination, there is confidence in the housing needs evidence that underpins the specific requirements set out in Policy CH6 including the absence of any requirement for 3 and 5-bed properties and the differences between market and affordable housing identified in the Local Plan.

The second element of Policy CH6 could also potentially be construed as too prescriptive and it may be better expressed in terms of seeking the most efficient use of land, with a particular emphasis on smaller higher density forms of accommodation such as terraced housing, semi-detached and flatted accommodation.

Policy CH7 appears to apply solely to social rented housing – although this should be clarified. It would perhaps be preferable to have two policies, one applying to market housing and one applying to all forms of affordable housing including social rent. The policy itself or the supporting text to the policy could usefully make reference to the indicative affordable housing mix requirements set out in the Local Plan. As worded, we also have some concerns that the policy infers that the needs of older people and those with disability would be in greater need than other households on the housing register which will not always be the case.

Policy CH8 is supported and considered to be compliant with Policy H6 of the WOLP. Parking requirements of new development should meet standards adopted by Oxfordshire County Council. The County Council's comments on this proposed policy will be particularly relevant. It may also be useful to include reference to the issue of amenity to ensure that any sub-divided properties retain decent room size standards in the interests of the health and well-being of future occupants.

The general thrust of Policy CH10 is supported in principle although in expressing particular support for older persons' accommodation, there is a tension with the stated plan objective of ensuring a good, balanced demographic mix for the town and a thriving, active community. Also, it is not abundantly clear what the first paragraph of Policy CH10 is setting out to achieve and would perhaps be better placed in the supporting text. Nevertheless, the objectives behind the second and third requirements of Policy CH10 are understandable and supported, notwithstanding the potential conflict with the plan's objectives highlighted above.

To provide flexibility, we would suggest that the final sentence is re-worded as follows: 'Redevelopment that results in the long-term loss of current or potential assisted living accommodation will be resisted *unless it can be demonstrated that the accommodation is no longer needed or commercially sustainable*.

### Economy, Community, Transport and Movement

The aspirations and objectives behind policy ECT1 are largely supported however the Town Council might wish to consider whether it is necessary to set out specific employment use classes, the increase / retention of which they wish to support.

ECT2 seeks to ensure that the change of use of former retail premises remains in employment land use unless there is evidence to demonstrate this is unviable. While the rationale behind this approach is reasonable, consideration should be had of how current Permitted Development rights, particularly for the conversion of office use to residential may conflict with the objectives of this policy. Potentially, the policy could also be broadened to include other uses that would contribute to the vitality and viability of the town centre e.g. community facilities, tourism.

As a final observation, the supporting text at paragraph 6.2.5 states that the policy seeks to maintain the ability to revert buildings back to retail or other employment uses in the future should the situation change – but this is not clear in the policy itself and it is not clear how it would be achieved once a change of use has been implemented.

Proposed policy ECT3 Home Working is supported and complements the WOLP's general principle that requires all development to be supported by necessary infrastructure including that which is needed to enable access to superfast broadband. It is noted that the related Community Aspiration 1 seeks to ensure that all properties will have access to superfast broadband. Although this will not form one of the policies of the Neighbourhood Plan, there would be merit in considering how this aspiration may be more measurable, such as the addition of a timeframe.

Charlbury understandably plays an important role for tourism, particularly with its AONB location, and this is reflected in the WOLP's approach which supports only a modest level of development in the town and requires the objectives of the Cotswolds AONB Management Plan to be supported. Policy ECT4 is compliant with WOLP Policy E4 but the final bullet point could go further to explain how this might be demonstrated through development proposals.

Proposed policy ECT5 also complies with the WOLP, Policy E5 in particular, and is supported however, whilst similar to Policy E5 of the Local Plan, includes different criteria. This should be made clear with a reasoned justification for the alternative approach taken in the neighbourhood plan. Furthermore, the Town Council should understand the limitations of Community Aspiration 2 that attempts to safeguard community facilities that are at risk of being lost or significantly harmed. A Community Asset designation would be among other considerations in the assessment of a development proposal which would result in its loss, and therefore Right to Bid opportunities would also need to be fully explored. The wording of the aspiration could be adjusted to reflect this, being mindful that the listing of a Community Asset does not in itself protect the Asset from change of use – it is planning policy which controls the use class of the asset.

The justification of Policy ECT6 is understandable and the broad thrust of the policy is generally compliant with WOLP Policies OS5 and EH5. The supporting text usefully identifies areas of the town considered to be underserved with play facilities, however further clarification would be welcomed on how new residential development proposals in such areas would need to demonstrate their improving of play space provision.

Oxfordshire County Council's response in relation to Policy ECT7 will be particularly relevant. The plan explains that because parking problems have been a top priority raised through consultation, this justifies a more stringent approach to parking than set out in the Local Plan and required by Oxfordshire County Council as highway authority. However, the fact that parking was raised as a key issue through consultation is unsurprising as it is often at the top of any such list. It does not necessarily mean that adopted requirements should be exceeded and we would suggest that greater clarity and justification is needed with input from OCC as highway authority.

As a minor observation, there appears to be a formatting error in paragraph 6.4.1 which refers to Policy ETM5 rather than ECT7.

ECT8 relates to specific development of Charlbury Station car park and presents a justified approach which can be applied alongside WOLP policy EH1, and EH8 in respect of light pollution. Community Aspiration 3 is reasonable in the context of increasing station parking pressures, however needs to be worked up in more detail for it to be implementable. These comments should also be read in conjunction with those provided on the proposed policy to designate Local Green Spaces set out later in this response.

Proposed policies ECT9 and ECT10 aim to achieve similar objectives but generally complement each other, albeit there is some overlap in the statement of support for development proposals that make the town centre more accessible to particular user groups as identified.

The first paragraph of Policy ECT9 may need to be re-considered. WOLP Policy T1 already requires all new development to maximise opportunities for walking and cycling and, where such opportunities are limited, policy T3 seeks other measures to help reduce car use as appropriate. WOLP Policy T3 also expects new development to contribute towards the provision of new and/or enhanced walking and cycling **infrastructure** (emphasis added for the purpose of this response).

The feasibility of the proposed policy approach in the Neighbourhood Plan, which places a further obligation on applicants to seek to effectively provide *safe and attractive walking and cycling routes to the town's main facilities*, could be questioned. What is particularly welcomed is the identification of the main facilities, the routes to which are considered important to be given particular regard. As an alternative approach to achieving the objectives, The Town Council might wish to explore in more detail how development of various scales / locations might be expected to provide the infrastructure to contribute to the wider strategic provision of pathways / cycleways / bridleways etc. The views of the County Council in this regard should be given due consideration.

In the same respect as set out in response to the proposed policies ECT9 and ECT10 above, the accessibility to public transport links requires a strategic direction which Policy T3 of the WOLP seeks to provide. The role of policy ECT11 of the draft neighbourhood plan should also be considered in light of the above suggestions.

While the WOLP recognises that incorporating facilities for charging plug-in and other ultra-low emission vehicles into new developments is an element of good design, the policies therein are silent on this issue. National planning policy requires that policies to set local parking standards for residential and non-residential development should take into account the need to ensure an adequate provision of spaces for charging such vehicles.

Oxfordshire County Council's adopted parking standards, in accordance with which WOLP Policy T4 requires parking in new developments to be provided, are also silent on the provision of electric vehicle charging. Policy ECT12 of the draft Neighbourhood Plan proposes a standalone policy to ensure all new residential development include electric vehicle charging provision. While the aspiration behind the policy is supported, I am concerned that this might not be upheld at examination on viability or deliverability grounds hence it would be appropriate to give further consideration to the supporting evidence on which the policy is based.

Policy ECT13 is concerned with addressing particular traffic and congestion issues in the areas of Sturt Road and The Slade in Charlbury.

Community Aspiration 7 offers support for projects which would likely provide a significant contribution in addressing identified safety issues around Charlbury Primary School. However, the need for the standalone policy ECT14 is questionable, which does not appear to propose anything substantially different, or additional to, policies ECT9 and ECT10.

ECT15 is supported in principle from a Local Plan compliance perspective, but would benefit from endorsement from the County Council.

#### Natural Environment and Green Space

Section 7 gives a comprehensive summary of the natural environment and green spaces within the town with specific reference to its importance within the Cotswolds Area of Outstanding Natural Beauty. The policies set out key considerations for strategic development in Charlbury leading me to make the following comments on this section.

Policy NE1 sets out a vision of conserving and enhancing the natural beauty, landscape and countryside of Charlbury within the designated AONB. The Policy is well presented and it is commendable that the Town Council have focused not only on conservation of this area, but in addition, focussed on enhancing the natural landscape of the town's setting within the AONB.

This policy complies with adopted Local Plan Policy EH1, but does not delve into significant detail and therefore struggles to develop on the policy set out in the Local Plan.

Protecting important views is very important, especially within the AONB. Policy NE2 sets out that proposals should be sympathetic to important views of, from and within the town. It goes on to mention particular areas of the town of which should be protected within this policy. This is considered to be a useful policy and if accepted, will be beneficial to the residents of Charlbury and the wider community. The final bullet point regarding views out from designated local green spaces is however very general, perhaps rather too general and therefore overly restrictive.

Policy NE3 aims to specifically protect certain designated areas within the remits of the Neighbourhood Plan, not permitting development in particular areas highlighted in the policy.

However, whilst the rationale for the policy is understood, we have concerns that as worded, it automatically assumes that development will be of detriment to the landscape. The policy should therefore perhaps be re-worded to state that *'the land west of the existing building line is sensitive to development and that landscape and visual impact will be a key consideration for any development and where potential harm is identified, that this should be outweighed by public benefit'* or words to that effect.

Concerns also arise where the policy is subjective in regards to gauging understanding of public benefits against detrimental impacts on the constrained landscape of Charlbury. The supporting text could usefully be clarified to explain what is meant by public benefit.

We also have concerns that the policy essentially introduces a form of 'sequential test' whereby other alternative locations for development need to be considered. It may be preferable to simply refer to the issues of public benefit and the mitigation of landscape harm, rather than requiring a consideration of alternative locations as well.

Retaining tranquillity and darks skies are a prominent issue in many communities. Policy NE4 sets out that no development should cause noise and light pollution and where possible, current pollution should look to be reduced.

Policy NE4 complies with, and adds to Policies EH2 and EH8 in the Local Plan and offers a degree of additional specificity to that of the policies set out in the local plan. Consequently, this policy is supported.

Policy NE5 relates to the protection and enhancement of Charlbury to create a net gain in biodiversity which is of high importance to the local community with this issue being a huge national concern. This policy complies with WOLP Policy EH2, and offers a specific improvement and aspiration for Charlbury.

As currently worded, the policy refers to development within Conservation Target Areas only being allowed where it helps to achieve the aims of the CTA. However, it could usefully include reference to development nearby that could also make a positive contribution. The supporting text to the policy could usefully be expanded to briefly explain the CTAs and their significance/primary aims and objectives. If possible it would be useful to understand how these could potentially be enhanced through development.

Support is offered for policy NE5 with specific reference to the following: "All new developments shall provide an enhanced wildlife friendly environment by installing such things as swift boxes, bat roosts and hedgehog gates where these are appropriate". This quote is clarified in paragraph 7.3.2 where reference should be made to the list of appropriate of species in the 1993 Charlbury Nature Appraisal. This complies with the adopted Local Plan and NPPF policy on biodiversity. There should be consideration for ensuring that the policy is implemented in such a way that the most appropriate environmentally friendly enhancements are adopted, ensuring that they make the best use of the opportunity that this policy creates.

Policy NE6 complements WOLP Policy EH4 in respect to the significance of green infrastructure in the district and is therefore supported. A detailed map and/or photographs of proposed 'corridors' for green infrastructure would provide suitable context to this policy and give a visual appreciation of the policy's details. Additionally, by doing this, it will help to gauge a better understanding of the benefits that this policy has the potential to bring about.

Policy NE7 aims to enhance and protect designated local green spaces in the town from development unless there is a significant benefit to the local community that outweighs the harm to the greenspace. To reiterate comments made in regard to policy NE6, the neighbourhood plan should ensure that the maps presented more appropriately, to ensure that the boundaries are clearly illustrated using a more suitable scale, by doing this; the policy will ensure that there is no scope for misinterpretation from any stakeholders.



As a general observation, some of the proposed local green spaces are very large e.g. west of Grammar School Hill and Clarke's Bottom. Paragraph 100 of the NPPF states that local green space designations should only be used where the green space is local in character and 'is not an extensive tract of land'. It will be important to ensure that upon submission, each of the proposed local green spaces comply with the national criteria.

Policy NE8 states that development must not increase flood risk in Charlbury & Evenlode valley. There should be an alteration in the wording within the description of this policy. The town council should alter the word 'possibly' to 'possible' ensuring the correct sentencing form. It is also relevant to note that the requirement to not increase surface water run-off is actually a little weaker than the Local Plan which requires a reduction in surface water run-off for greenfield sites.

Policy NE9 aims to safeguard new buildings ensuring that they are developed to an excellent environmental standard, using the 'Home Quality Mark' to rate proposals. The policy raises concerns over the ability to include the incorporation of energy/water efficiency measures on developments and proposals should demonstrate how this will be done. It lacks a degree of clarity and fails to specifically name what efficiency measures do or do not fit in with this policy. As the policy is being finalised, it would also be sensible to take into account emerging measures set out in the Government's recently published 'Future Homes standards' consultation paper.

#### Historic Environment and Locally Appropriate Design

The policies set out in section 8 aim to conserve and enhance the historic environment of Charlbury ensuring that it remains a sustainable place to live and work, and retains its intrinsic character quality within the setting of the Cotswold AONB. I have made the following comments on this section.

Policy HE1 looks to give value to non-designated heritage assets in Charlbury as a method of conserving the intrinsic character of the town. This is supportive of policies EH1, EH9, and EH16 in the Local Plan where 'the quality, character and distinctiveness of West Oxfordshire's natural environment, including its landscape, cultural, and historic value' 'will be conserved and enhanced'.

This policy could look to focus on appropriate measures to enhance (where appropriate) the protection of non-designated heritage assets, such as categorising them as 'locally listed buildings' within the conservation area as part of Conservation Area Appraisals.

Policy HE2 looks to sustain or enhance the character and quality of Charlbury's built character in regards to development opportunities using the Design Guide. This policy enables Charlbury to protect its intrinsic character by ensuring that development can help the town to retain this character, and where appropriate enhance it in accordance with Policy OS4 in the Local Plan.

Support is offered for Policy HE3 as it goes some way to ensuring that possible development impacts are mitigated by gauging a better understanding of any areas of archaeological significance within the historic town centre as shown in Appendix D and is in compliance with policy EH15 in the Local Plan.

#### Article 4 Direction

The Council does not support the inclusion of an Article 4 Direction request in the Neighbourhood Plan. The appropriate mechanism for securing Article 4 Directions over

each of the properties would be via a formal written request to the District Council – a decision on such a request would be taken by the Membership of the Council who would consider the legal, resource and procedural implications of restricting Permitted Development Rights on the properties to which the Article 4 Direction would relate. The Council advises that this formal written request be sent after the Neighbourhood Plan is made and has legal weight so that the Local List and Local Character Area assessment to which the Article 4 Direction relates has status.

#### Conclusion

On the whole, this pre-submission draft neighbourhood plan is well-written covering a range of topics of importance to the local community. I trust that this representation enables the Town Council to carefully consider the range of issues raised and assists in finalising the Neighbourhood Plan prior to submitting to WODC for examination. The Council looks forward to receiving the Submission Neighbourhood Plan (and supporting documentation) and remains committed to assisting you in meeting your aim of a 'made' Neighbourhood Plan for Charlbury.

Yours sincerely

A handwritten signature in cursive script that reads "C. Bromley".

Claire Bromley

Planning Policy Officer