

# Shilton Community Right to Build Order

Submission Order

Published under Regulation 22 of the neighbourhood planning (general) regulations 2012 (as amended)

March 2018

Shilton Parish Council

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# 1\_introduction

## 1.1 what is a Community Right to Build Order ?

A Community Right to Build Order (CRTBO) Submission is comparable to a Planning Application, but with two key differences:

- o a CRTBO can only be submitted by a community group or organisation (and so are usually drafted to deliver community benefit).
- o a CRTBO can only be approved or 'made' if the local community votes in favour of it at a referendum. (A Planning Application is 'granted', whereas a 'Submission' CRTBO is 'made' - the result is however basically the same that the proposals set out become accepted under planning law).

The right of qualifying bodies, in this case Shilton Parish Council, to produce and submit a Community Right to Build Order is granted under the Neighbourhood Planning (General) Regulations 2012.

## 1.2 why has Shilton Parish Council submitted this CRTBO?

The Council has prepared this CRTBO to support the Neighbourhood Plan which includes a specific policy SH2 allocating this site for the delivery of a village green and an affordable housing scheme to serve the parish. A CRTBO can support a neighbourhood plan in a number of ways:

- o by illustrating in greater detail particular proposals set out within the Neighbourhood Plan and thus give the community a better idea of what is intended.

- o by giving the community the opportunity to decide whether or not to support these particular proposals.
- o if the proposals are voted for, then the local authority (West Oxfordshire District Council) will 'make' the Order. This will be the equivalent to giving this policy within the neighbourhood plan the equivalent of an outline planning consent which will bring it that much closer to being delivered.

## 1.3 the purpose and organisation of this document.

This is the Submission version of the Order being published under Regulation 23 of the Neighbourhood planning general regulations 2012 (as amended). It is being published alongside the Shilton Parish Neighbourhood Plan that contains policy SH2 Allotment Field, and this Order is intended to implement that policy.

The Order proposal has been screened for an environmental assessment and one is not required. However, the neighbourhood plan policy which this is intended to implement has been subject to a Strategic Environmental Assessment.

Whilst part of the purpose of this document is to illustrate proposals for the CRTBO it provides two distinct kinds of information and, depending on the interest of the reader the following may be a useful guide to its use.

For those wishing to form a view as regards both the benefits and character of the proposals the following sections of the document might be best focused upon:

- o Section 1 which provides an overview of the nature and purpose of the Order and the benefits of the proposals to the community.
- o Section 4, the design statement, provides an analysis of the site and information including illustrative plans and elevations to help provide an understanding of the character of the scheme proposed by the Order.

For those wishing to review the planning law framework associated with the Order, the other sections of the document should be referred to. In particular:

- o Section 2, which provides the Order definition, and outlines the Conditions that will need to be met so that the proposals can be implemented. These Conditions require further technical and design work before the detailed proposals can be reviewed and approved for planning and building control matters in the same way, and to the same standards as any other project.
- o Section 3, which provides a planning policy context for the Order.
- o Section 7 which sets out the grounds for compliance with the Basic Conditions
- o Section 8, the Consultation Statement, which provides a record of the consultation carried out both with the local community and with other parties.

Of the remaining sections of the document,

- o Section 5 & 6, relate to Archaeological and Heritage issues and demonstrate that the proposals will not affect any archaeological features or be detrimental to the setting of any heritage assets or designations.
- o Section 8 relates to Enfranchisement Rights

# 1.4\_introduction

## 1.4 Providing and securing community assets

This Order has drawn together two needs that have been identified through the neighbourhood plan process:

**A village green:** The land which the village has had access to for holding local events is no longer available and the provision of an open space that could serve the parish and accommodate these events was identified through the neighbourhood plan as a key objective.

**Affordable housing:** the neighbourhood plan also identified the need for the provision of affordable housing within the parish to meet local needs and to improve the range of housing available as a key objective.

Through consultation, three types of affordable housing were agreed as being needed to support the parish; starter homes, 'downsizer/single person' homes and family homes. There are relatively few smaller dwellings for young people or new families within the village and affordability is an issue.

There is also a need that is more widespread, for smaller scale dwellings that are easy to maintain at low cost and designed to provide a comfortable and accessible environment for elderly residents whose home is too large or with restricted mobility, but who wish to remain in the village.

Bringing these two needs together on one site provides the opportunity for them to be addressed through a single scheme, and the opportunity for generating cross funding to support their delivery. However, there are two obstacles to achieving this; finding a body that will be responsible for taking the project forward, delivering it and then managing it over the long term, and; finding land that is available on terms that will allow for a viable scheme.

**Community Land Trust:** A Community Land Trust (CLT's) is being set up by the parish council as the body that will deliver and manage the project. There are a number of successful CLT's already in existence that have been set up to deliver and manage these kinds of projects and the articles of a CLT provide guarantees that the land will remain in trust for the benefit of the community in perpetuity whilst giving everyone in the community the opportunity to become a member of and help manage the Trust. In this way the assets and their management remain owned and controlled by the local community.

## 1.5 Selecting a site

Availability of land is often the greatest hurdle in bringing schemes of this type forward as it usually requires a discounted land value to make them viable. In this case the provision of a significant area of land for the village green, which will essentially need to be 'gifted' will significantly reduce the commercial value of land that is available on suitable terms.

Discussion during the formulation of the neighbourhood plan identified a parcel of land on the western side of the village owned by the Shilton Welfare Trust which was likely to be available on terms that would make the project viable.

A 'Pre-Feasibility Study' was then undertaken to develop scheme proposals, test viability and to allow the Parish Council to test the technical and political credibility of the emerging proposals before committing to the second stage of making the Order. As part of this Pre-Feasibility Study, and having agreed an outline brief for the scheme to establish a site area, a call for sites was carried out. No alternative sites were put forward that were either suitable or on terms that would make the project viable.

An agreement has been put in place between the Community Land Trust and the Shilton Welfare Trust which will give the Community Land Trust the required legal benefits over the land to prepare this Order and deliver the scheme.

## 1.6 Detailed design

Following approval of this Order the Conditions proposed in section 3.1 require detailed design proposals to be submitted and approved prior to works commencing. These Conditions will ensure the development will comply with the statutory design and technical standards required of a planning application.

The illustrative proposals in section 4.4 are not a detailed design that this Order is seeking approval for. They are included to illustrate how the development concept might translate into a built environment to assist the community and other consultees in assessing the Order and to help guide the subsequent detailed design process.

# 2\_the order

## 2.1 description of development

The Shilton Community Right to Build Order grants planning permission for a residential development and village green on land on the western side of the village, south west of the junction between Hen N Chick Lane and Alvescot Road, Shilton, West Oxfordshire OX18 4AH on a gross site area of 2.30 hectares.

The proposals are for:

A total of up to 12 dwellings on a site area of approximately 0.5 hectare, comprising affordable dwellings of a mix of 2 and 3 bedrooms and the minimum open market dwellings to secure a viable scheme.

Two new accesses off Hen N Chick Lane to serve the housing with provision for car parking to meet local standards.

A village green of approximately 1.0 hectare with an associated parking area served by a new vehicle access off Alvescot Road; a surface water attenuation pond; new hard and soft landscape works within the site .

In pursuance of their powers under the Town and Country Planning Act 1990 West Oxfordshire District Council grants planning permission for the development described in the Shilton Community Right to Build Order subject to the application being in accordance with detail of the proposals above and the Conditions set out in section 2.2.

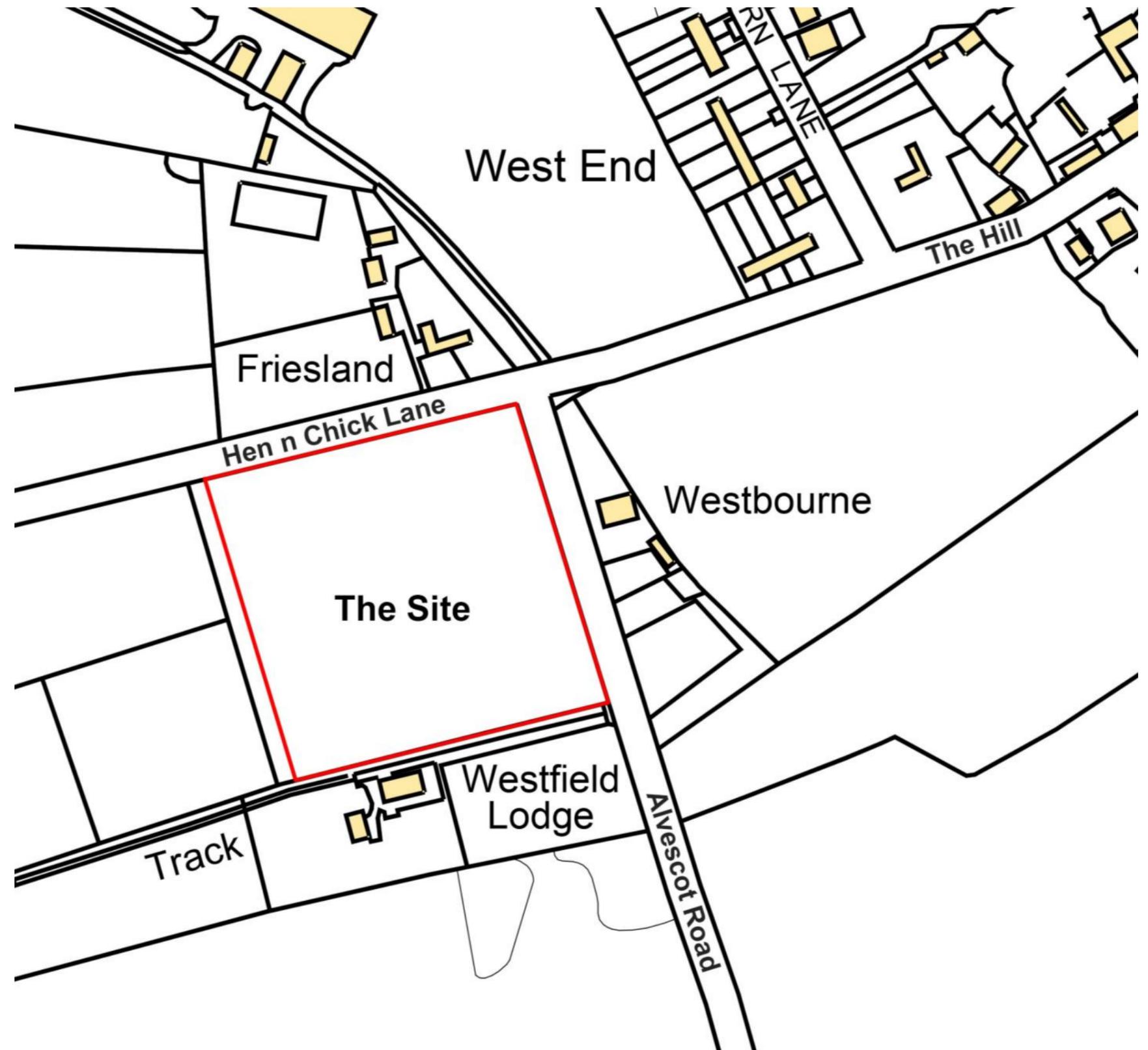


fig 1: site location plan

# 2.2\_conditions

## 2.2.1 Time limit

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

*REASON: To comply with the requirements of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.*

## 2.2.2 Affordable Housing

A scheme for the provision of affordable housing, including timescales for delivery as part of the development shall first be submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing of the National Planning Policy Framework or any future guidance that replaces it.

The scheme shall include:

- I. the type, tenure and location within the net developable area of the affordable housing provision to be made which shall consist of not less than 80% of housing units;
- II. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- III. the arrangements for the management of the affordable housing;
- IV. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- V. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

*REASON: To ensure that the housing meets the long term need for affordable housing.*

## 2.2.3 Reserved matters

Details of the Access, Appearance, Landscaping, Layout and Scale (herein called the reserved matters) shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.

*REASON: The application is not accompanied by such details.*

## 2.2.4 Materials

Before above ground building work commences, a schedule of materials (including samples) to be used in the elevations of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed in the approved materials.

*REASON: To safeguard the character and appearance of the area.*

## 2.2.5 Landscape retention and planting

That a scheme for the landscaping of the site, including the retention of any existing trees and shrubs and planting of additional trees and shrubs, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

*REASON: To ensure the safeguarding of the character and landscape of the area during and post development.*

## 2.2.6 Hard and soft landscape

A scheme of hard and soft landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority before any above ground development commences. The scheme shall be implemented as approved within 12 months of the commencement of the approved development or as otherwise agreed in writing by the Local Planning Authority and thereafter be maintained in accordance with the approved scheme. In the event of any of the trees or shrubs so planted dying or being seriously damaged or destroyed within 5 years of the completion of the development, a new tree or shrub of equivalent number and species, shall be planted as a replacement and thereafter properly maintained.

*REASON: To safeguard the character and landscape of the area.*

## 2.2.7 Landscape schedules

Notwithstanding any indication contained in the application, a detailed schedule of all hard surface materials, shall be submitted to and approved in writing by the Local Planning Authority before any hard surfacing work commences. The surfaces shall be constructed in accordance with the approved details before occupation of any associated building.

*REASON: To safeguard the character and landscape of the area*

## 2.2.8 Tree protection

No development (including site works and demolition) shall commence until all existing trees which are shown to be retained have been protected in accordance with a scheme which complies with BS 5837:2012: 'Trees in Relation to design, demolition and construction' has been submitted to, and approved in writing by, the Local Planning Authority. The approved measures shall be kept in place during the entire course of development. No work, including the excavation of service trenches, or the storage of any materials, or the lighting of bonfires shall be carried out within any tree protection area.

*REASON: To ensure the safeguard of features that contribute to the character and landscape of the area.*

# 2.2\_conditions

## 2.2.9 Arboricultural Method Statement

Before the commencement of any site works or operations, an arboricultural method statement to ensure the satisfactory protection during the construction period of trees retained in accordance with Condition No. shall be submitted to and approved in writing by the Local Planning Authority. The statement shall include the following:

- I. A specification for the pruning of retained trees to prevent accidental damage by construction activities;
- II. A specification of the location, materials and means of construction of temporary protective barriers and/or ground protection in the vicinity of trees to be retained, in accordance with the recommendations of BS 5837 (2012): "Trees in Relation to Construction", and details of the timing and duration of its erection;
- III. The definition of areas for the storage or stockpiling of materials, temporary on-site parking, site offices and huts, mixing of cement or concrete, and fuel storage;
- IV. A specification for the routeing and means of installation of drainage or other underground services in the vicinity of retained trees;
- V. Details and the method of construction of any other structures such as boundary walls in the vicinity of retained trees and how these relate to existing ground levels;
- VI. Details of the materials and method of construction of the roadway, which is to be of a 'no dig' construction method in accordance with the principles of Arboricultural Practice Note 12: "Through the Trees to Development", and in accordance with current industry best practice; and as appropriate for the type of roadway;

VII. Provision for the supervision of any works within the root protection areas of trees to be retained and for the monitoring of continuing compliance with the specified protective measures, by an appropriately qualified arboricultural consultant.

The development shall be carried out wholly in accordance with the approved arboricultural method statement.

*REASON: To ensure the continuity of amenity afforded by existing trees.*

## 2.2.10 Foul drainage

Development shall not commence until a foul water drainage scheme, including details of the phasing of works, has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

*REASON: To ensure adequate means of disposing of foul water and to avoid pollution.*

## 2.2.11 Construction Environmental Management Plan

Before any development takes place, a Construction Environmental Management Plan (CEMP) shall be submitted to the local planning authority for approval. The Plan shall provide details of the measures that will be implemented during the construction phase to prevent any harm or injury to protected species, retained hedgerows and trees. Development shall be carried out in full accordance with the approved plan.

*REASON: To ensure adequate protection and mitigation for protected species, priority species and/or priority habitats in accordance with policies NE13 and NE15 of the West Oxfordshire District Local Plan 2011 and Section 11 of the NPPF.*

## 2.2.12 Landscape and Ecology Management Plan

Before development takes place, a Landscape and Ecology Management Plan (LEMP) shall be prepared and submitted to the local planning authority for approval. The development site shall be managed and maintained in accordance with the measures set out in the approved LEMP in perpetuity unless otherwise agreed in writing with the local planning authority.

*REASON: To ensure the appropriate management of priority habitats and mitigation for protected species.*

## 2.2.13 Access between the land and the highway boundary

The means of access between the land and the highway shall be constructed, laid out, surfaced, lit and drained in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority and all ancillary works therein specified shall be undertaken in accordance with the said specification before first occupation of the dwellings hereby approved.

*REASON: To ensure a safe and adequate access.*

## 2.2.14 Visibility Splays

Visibility splays shown on the submitted plan shall be provided as an integral part of the construction of the accesses and shall not be obstructed at any time by any object, material or structure with a height exceeding 0.9 metres above the level of the access they are provided for.

*REASON: In the interests of highway safety.*

## 2.2.15 Accesses, Layout, Turning Areas and Car Parking

No dwelling shall be occupied until the vehicular accesses, footways, driveways, car and cycle parking spaces, turning areas and parking courts that serve each dwelling have been constructed, laid out, surfaced, lit and drained in accordance with details that have been first submitted to and approved in writing by the Local Planning Authority.

*REASON: In the interests of highway safety.*

# 2.2\_conditions

## 2.2.16 Surface water drainage

Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- Discharge Rates
- Discharge Volumes
- Maintenance and management of SUDS features
- Sizing of features – attenuation volume
- Infiltration in accordance with BRE365
- Detailed drainage layout with pipe numbers
- SUDS – Permeable Paving, Rainwater Harvesting, Green Roof
- Network drainage calculations
- Phasing
- The plans must show that there will be no private drainage into the public highway drainage system

*REASON: In the interests of highway safety.*

## 2.2.17 Vehicle tracking

Prior to the commencement of the development, vehicle tracking, which will be able to show that a refuse vehicle of not less than 11.6m in length can enter and exit the development safely in forward gear shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, construction shall commence in accordance with the approved details.

*REASON: In the interests of highway safety*

## 2.2.18 Construction Management

No development shall take place until a Construction Method and Management Statement has been submitted to and approved in writing by the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- traffic management within the site confines and delivery times and routes in and out of the site
- the parking of vehicles of site operatives and visitors
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- wheel washing facilities
- measures to control the emission of dust and dirt during Construction
- a scheme for recycling / disposing of waste resulting from demolition and construction works
- a restriction on any burning of materials on site

*REASON: to safeguard the safety and amenity of local residents.*

## 2.2.19 Lighting

No development hereby permitted shall take place until a scheme assessed against ILE Guidance for external lighting has been submitted to and approved in writing by the local planning authority and these works shall be carried out as approved.

*REASON: To control the residential amenities of the local environment*

## 2.2.20 Car and cycle parking

No part of the development shall be first occupied until car and cycle parking spaces have been constructed in accordance with plans and details submitted to and approved in writing by the local planning authority. These spaces shall thereafter be retained at all times for their designated use.

*REASON: to ensure timely provision of car and cycle parking space serving the development, and thus the amenity of local residents.*

## 2.3\_informatives

### **OCCH Location of the Highway Boundary**

The applicant will need to offer the visibility splays either side of the new access junction for adoption as public highway if they are not already within the boundary of the highway.

# 3\_planning context

## 3.1 West Oxfordshire Local Plan

The West Oxfordshire Local Plan 2011 was adopted in 2006 and the majority of its policies have been saved for development management purposes as being in general conformity with the National Planning Policy Framework of 2012. The District Council is in the process of replacing the Local Plan 2011 with the Local Plan 2011 – 2031, which has reached its examination stage.

3.1.1 The Order and the Neighbourhood Plan have been prepared to ensure their general conformity with the relevant strategic policies of the development plan for the District, that is the new West Oxfordshire Local Plan 2011 – 2031. At the time of the preparation of this Order, the Local Plan has yet to be adopted, but it will be before the Order and Neighbourhood Plan are examined.

3.1.2 For this purpose, the composite version of the West Oxfordshire Local Plan of February 2018, that includes further modifications as a result of its examination, has been used to identify the relevant strategic policies against which to test conformity. It is not expected that the adopted version will differ in respect of the strategic policies that provide the framework for Policy SH2 and the Order. However, should there be a material change, then the Parish Council will provide the examiner with a supplementary statement addressing that issue.

### *Policy OS2 – Locating Development in the Right Places* (Small Villages, Hamlets and Open Countryside)

3.1.3 This policy sets out the key development principles that the Order scheme must be able to demonstrate it can adhere to in due course. There is no specific locational matter arising from the relationship of the site to the village or the wider area that is problematic.

The land lies outside the Cotswold AONB and outside the setting of the Shilton Conservation Area or any listed buildings. Further, there is no risk of a scheme leading to the coalescence of Shilton with any neighbouring settlement.

3.1.4 Although the site does not adjoin the observed edge of the village, the location (including those buildings on its edges) forms part of the functioning village, rather than being remote from it.

### *Policy OS3 – Prudent Use of Natural Resources*

3.1.5 Complementing Policy OS2, this policy makes requirements in terms of the environmental performance of development proposals. The Order will need to demonstrate that the scheme will be able to deliver on or exceed the base level of performance.

3.1.6 There are no site-specific or locational matters that will make any of these requirements especially challenging. The land is not subject to flood risk and the public space will be close enough to the main village to encourage non-car trips. Conversely, the homes will be within walking distance of the Rose & Crown Inn, as the only social facility in the village. The site offers the opportunity to orientate the buildings for optimum passive heating performance.

### *Policy OS4 – High Quality Design*

3.1.7 This policy provides the core design guidance for the scheme and cross refers to the adopted West Oxfordshire Design Guide. The Order brief expects these same standards to be met, as it is anticipated that the local community will demand as much, if they are to support the Order. This report includes a design strategy as the first stage in showing how the provisions of this policy can be complied with.

### *Policy H1 – Amount and Distribution of Housing*

3.1.8 This policy, along with Policy H2 below, are important in enabling the Order to be justified as part of the provisions of the Neighbourhood Plan. Shilton is defined as a ‘small village’ and, as the Order is not being justified as a ‘rural exception site’ (though it shares many characteristics with that provision – see below), the ability of the Plan to identify such land for housing development that would not otherwise comply with Policy H2, is important.

### *Policy H2 – Delivery of New Homes* (Small Villages, Hamlets and Open Countryside)

3.1.9 As noted above, the provisions of Policy H1 and the final bullet of this policy enable the Neighbourhood Plan to allocate the site for development, which will be implemented by the Order.

### *Policy H3 – Affordable Housing*

3.1.10 This policy establishes the basis for rural affordable housing schemes such as that proposed by this Order. Technically, its provisions do not extend to ‘smaller villages’ like Shilton, given their scarcity of local services and relative remoteness. It will be for the Neighbourhood Plan, using the opportunity provided by policies H1 and H2, to justify an allocation policy for this type of scheme.

# 3\_planning context

## Policy T1 – Sustainable Transport

3.1.11 The village is not well served by public transport and therefore car ownership and use of the scheme will be expected to match those of existing local households. The Concept Plan shows that safe vehicular and pedestrian access can be achieved, and the site is only a short walking distance from the main village. It may be possible to extend the current footpath from the village to the site and, along with securing access to broadband infrastructure, this will be investigated further during the Order making stage.

## Policy T3 – Public Transport, Walking and Cycling

3.1.12 As noted in §4.12 above, there are public transport limitations in this rural area so the focus of the Order will be on ensuring walking between the site and the main village can be done safely. A proposal for providing a footpath link is included in the Order and will be delivered through highways Condition 1 as set out in Section 3.1 and has been factored in to the business model.

## Policy EH1 - Landscape Character

3.1.13 The Parish lies within the 'Shilton Downs' Landscape Character Area defined in the 1998 West Oxfordshire Landscape Character Assessment report. The report describes the Character Area thus: *"An area of limestone landscape which forms the divide between the low-lying clay vale to the south and the Windrush Valley and limestone uplands to the north. A line of settlements lie along its southern boundary, occupying the spring line between the limestone and clay (eg. Filkins, Kencott, Broadwell, Alvescot and Carterton). The area has a typically large-scale field pattern bounded by dry-stone walls with the sparse and characteristic vegetation cover typical of the other limestone areas, apart from extensive woodlands around the Cotswold Wildlife Park and estate farmland to the west."*

3.1.14 It goes on to note that: *"Much of this rolling limestone country is sparsely settled, with the small villages of Westwell, Holwell, Signet and Shilton forming the only settlements lying to the north and west of Carterton. All of these avoid the highest, most exposed areas, taking advantage of the shelter provided by minor valleys (eg. the Shill Brook) and hillsides ... (the smaller settlements) ... have a fairly compact form, some reminiscent of the Victorian 'closed' villages and others originally contained by a tight valley site (eg. Shilton)."*

3.1.15 The report identifies that "the upper, more open valley-sides are (therefore) particularly visually sensitive and development would be highly prominent and exposed". In which case, the location of the housing scheme within the overall site will be crucial to the ability of the Order to show that it accords with Policy EH1. Although a full Landscape & Visual Impact Assessment should not be necessary, the making of the Order should include a landscape appraisal of the scheme to evidence its compliance with this policy.

## Policy EH6 - Environmental Protection (Artificial light & Noise)

3.1.16 The site lies in a rural location where the risk of harmful impacts from artificial light and noise pollution are potentially greater. The scheme will be small but larger than the small number of homes that face on to the site. The orientation of buildings and their car parking arrangements, and the detailing of external spaces (including the open space), will need to show how this potential has been avoided or can be satisfactorily mitigated.

## Community Infrastructure Levy

3.1.17 The District Council consulted on a Revised Draft Charging Schedule for its proposed Community Infrastructure Levy scheme in January 2017. The proposals may be an important consideration for the Order, as they set out the types of housing developments that will be exemption from paying the levy.

3.1.18 At present, the District Council only proposes to extend relief from paying the levy to mandatory and not discretionary types of scheme. Mandatory relief includes a charitable institution that owns a material interest in the land (a charity landowner), which will get full relief from their share of the liability where the chargeable development will be used 'wholly, or mainly, for charitable purposes' and they meet the requirements of Regulation 43 of the CIL Regulations. Conventional affordable housing schemes are only considered mandatory where the homes will be provided by a local authority or Private Registered Provider.

3.1.19 The proposed charging rate is £200 per sq.m. of gross internal floor area. This may mean a total charge of £150,000 for the size of scheme being considered here, which may be more than 10% of the total project cost. Assuming the adopted charge proposals (in 2018) will remain more or less in line with those currently set out, it will therefore be important to consider the two main ways in which the charge can be avoided.

3.1.20 Firstly, there is the option of the Community Land Trust being registered with the Homes & Communities Agency as a Private Registered Provider. Secondly, there is the option of the Trust being incorporated as a 'Company Limited by Guarantee and Charitable Trust' (though this may not be necessary if the Welfare Trust is to retain its freehold interest in the land). These options are not mutually exclusive. However, given the unusual nature of the project, and its community benefit objectives, it is possible that the District Council will extend full relief on application.

# 4\_design statement

## introduction

The purpose of this design statement is to demonstrate that the scheme set out under the description of development in section 2.1;

- o Has taken account of the site's setting and context.
- o Is capable of being accommodated on the site in terms of its impact on character and setting.
- o Is technically deliverable.

This section of the Order follows a similar format to a design and access statement which would accompany a planning application, providing an analysis of the site and its context in section 4.2 to establish the constraints as a basis for a concept plan in section 4.3, which sets out the key development principles including the location of development and open space on the site and their relationships to each other and their context.

The illustrative proposals in section 4.4 are not detailed design proposals. They are included to illustrate how the development concept might translate into a built environment to assist the community and other consultees in assessing the Order.

The Conditions proposed in section 3.1 will ensure the detailed design proposals that will follow approval of the Order will comply with the statutory design and technical standards required of a planning application.

Section 4.5 summarises the key technical reports prepared in support of this Order. Full versions of these reports are included in the appendices.

Section 4.6 sets out a preliminary budget for the scheme based on the Illustrative Proposals to demonstrate the level of discount for the affordable dwellings that might be achieved. This will be refined through the detailed design following agreement on the mix and the availability of Homes England grant support.

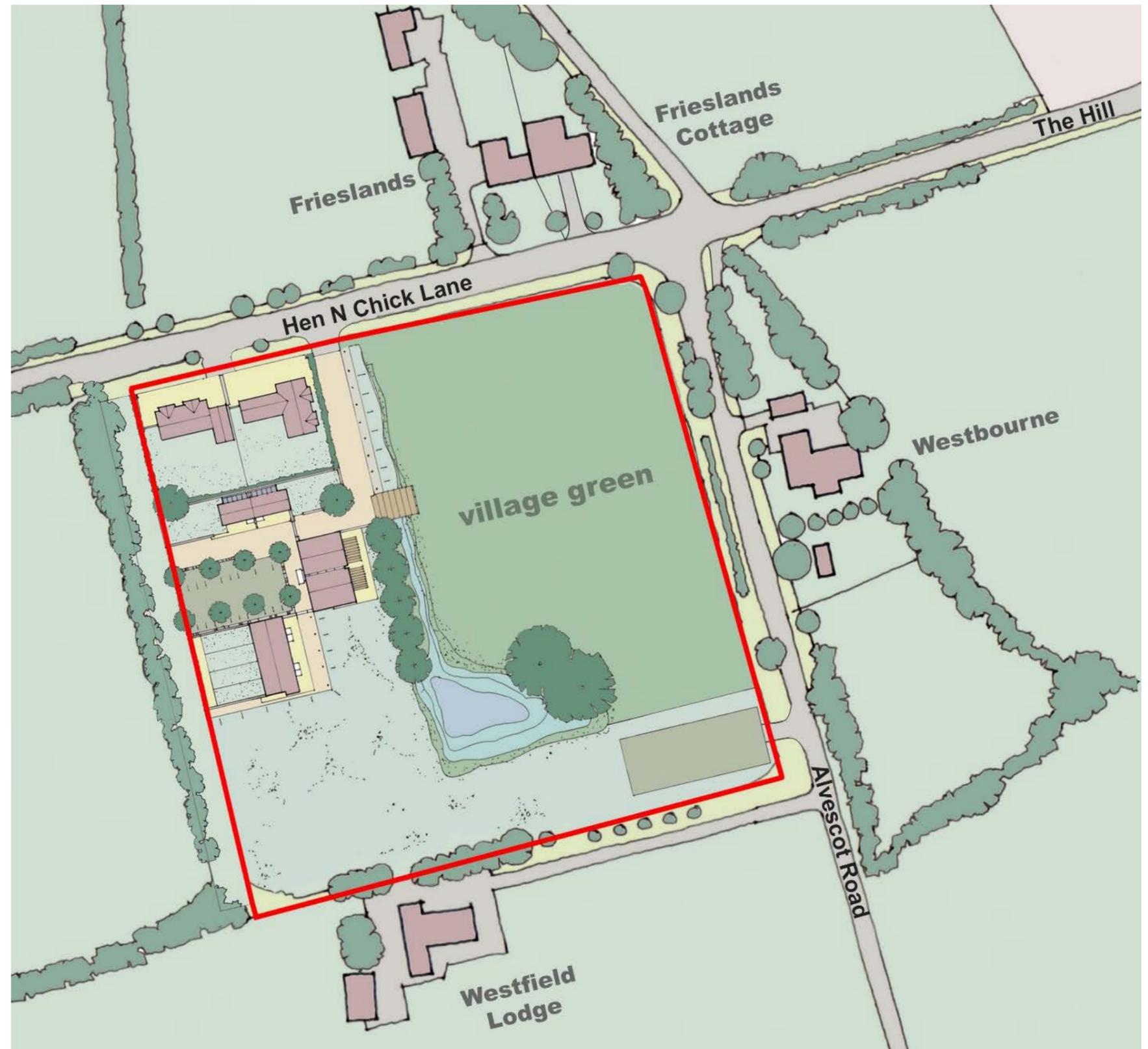


fig 2: the illustrative masterplan

# 4.1\_the brief

A working group was set up by Shilton Parish Council to progress this Order and meetings were held to develop the brief, review options and agree the project proposals that are set out in this section.

The ambition underlying the brief is for a small scale affordable residential scheme to serve local needs and to create a new public open space for the community to replace the privately owned which is no longer available for village events.

The site at just over 2 hectares is far larger than is required for the housing scheme making it possible to deliver a new public open space in the form of a village green to occupy the majority of the available site.

There should be a pedestrian access to the village green on the north eastern corner of the site at its closest point to the village and provision for some incidental car parking to serve the village green for day to day use and events.

The mix of dwellings is to include first time buyers, starter homes and elderly downsizers. The preferred option for how affordability will be achieved and the dwellings made available to local people is through the formation of a Community Land Trust (CLT) to deliver and manage the scheme. The scheme will need to balance the level of affordability with development costs and the generation of cross subsidy through the open market dwellings. The CLT Network <http://www.communitylandtrusts.org.uk/> will support the Shilton CLT in financing and developing the scheme, and putting in place the appropriate management and governance models.

The scheme should therefore be capable of attracting an appropriate level of investment without any public subsidy or any capital support from the Shilton Welfare Trust .

Through consultation a scale of development of around 10 affordable dwellings was considered likely to be acceptable to the community. In addition the scheme should be designed to accommodate up to two open market dwellings to provide cost subsidy for the affordable dwellings and for the creation of the village green.

The layout should create a positive relationship between the built development and the village green, with the dwellings providing a backdrop and active frontages to create a sense of overlooking.

The character of the buildings should be compatible with the local vernacular and reflect local materials whilst allowing for sustainable design to reduce environmental impacts and running costs.

The overall proposition must win the majority support of the local community. In addition, the scheme should seek through its design solution to avoid, or minimise to the satisfaction of those residential properties immediately adjoining the site, any harm to their amenity in respect of their outlook and traffic disturbance.



# 4.2\_analysis

## 4.2.1 the setting

### location

The site is located on the western side of the village approximately 100m from the developed area boundary proposed in the Shilton Neighbourhood Plan.

### the village

Shilton village is centred around the Church Lane loop with the Hill/Bridge Street junction and village pond creating a spatial focus and the Rose & Crown inn just to the north on Bridge Street a social and community focus. This space as the centre of the village is reinforced by the topography with the ground rising either side up Bridge Street and The Hill.

Bridge Street has a denser pattern of development with gables, facades and boundary walls fronting onto the road and creating a sense of enclosure. This pattern and sense of enclosure becomes more intermittent becomes through the village with clusters of dwellings along Church Lane and The Hill separated by walled open spaces. Landscape plays an important role in defining the streetscape and curtilages.

At the western end of The Hill where it becomes Hen N Chick Lane, a group of more recent dwellings along Ladburn Lane define the developed edge of the village.

There is a strong and consistent shared palette of materials and detailing throughout the village using rough and dressed stone for buildings, roofs and boundary walls. This gives the village a distinctive character.

Apart from the pavement along the northern side of Bridge Street and The Hill, there is little in the way of footpaths along the roads with boundaries separated from the road edge by grass verges. There are also very few road markings or signage and very little street lighting which reinforces the rural character of the streetscapes.

### setting

The landscape character is defined by the topography relating to the Shill Brook valley, the field patterns and boundaries and tree planting.

The pattern on the southern side of the village around Church Lane is an organic grouping around a central open space defined by a perimeter tree belt and backing onto the Brook and arable fields. The northern side has a more linear pattern with the houses backing onto small fields, paddocks and gardens before opening onto the into a larger scale pattern of arable fields and an agricultural landscape to the north.

There are two bridleways and two public footpaths connecting into the village centre, with another bridleway to the west of the site connecting onto Hen N Chick Lane. None of these pass the site.

# 4.2\_analysis

## conclusions

The development of site would have no Impact on the setting of any of the heritage assets within the village.

However, given its location on the western approach to the village and the well-defined architectural character of the village, the design of the scheme, its character and materials should be considerations in developing proposals.

The development of site would also have no Impact on the wider landscape setting of the village, however the creation of a new village green for the village as part of the scheme provides an opportunity for reinforcing the role that landscape plays in defining the character of the village.



fig 3: the setting

# 4.2\_analysis



view 1: looking across the village pond from Bridge Street



view 2: facades and boundary walls fronting onto Bridge Street



view 3: landscape gaps along The Hill



View 4: Ladburn Lane on the western side of the village

# 4.2\_analysis

## 4.2.2 site context

### movement and connectivity

The site is around 100m from the village boundary (as proposed in the neighbourhood plan) and 500m or 5 minutes' walk from the centre of the village at the Church Lane Bridge Street junction.

The roads that run alongside the site and through the village are rural in character with grass verges, very little street lighting and little in the way of road markings and signage.

There is only one continuous length of pavement running through the village along the northern side of Bridge Street, The Hill and Hen N Chick Lane which stops approximately 100m to the east of the site with a gap of around 80m further east along the Hill opposite the stone bus shelter.

A 30 mph speed limit is in place within the village which stops approximately 30m from the site just to the east of the Hen N Chick Lane/ Alvescot Road junction, beyond which the national speed limit applies. There are two bus stops either side of Hen N Chick Lane for the V25 Villager bus service which runs on Wednesdays. There are no parking restrictions or provision for cycling alongside or within the vicinity of the site.

There are existing vehicle access's off both Hen N Chick Lane and The Alvescot Road as shown on the plan; a farm track off Hen N Chick Lane just to the east of Alvescot Road junction serving a farm machinery business and a caravan storage park, two accesses off Hen N Chick Lane serving Frieslands Cottage, two accesses serving Westbourne, one off Alvescot Road and the other off Hen N Chick Lane, and an access off Alvescot Road serving Westfield Lodge.

### landscape

The field pattern and landscape character in the more immediate site context is smaller scale with established groups of trees defining property boundaries and paddocks. Topographically the landscape around the site is relatively flat falling away to the east to the Shill Brook valley that runs through the centre of the village.

Views are more enclosed approaching the village centre along Bridge Street, contained by boundary planting, buildings and curtilages. The views become more open along Hen N Chick Lane and beyond the site. The site is fairly well contained visually in its wider setting with views into it being limited to its site boundaries from Hen N Chick Lane and the Alvescot Road. There are no long views of the site from these roads or any public rights of way.

### development pattern

Although there is a 100m gap between the site and the main body of the village, the four properties that face onto the site; Frieslands, Frieslands Cottage, Westfield Lodge and Westbourne along with the smaller scale, more densely treed field pattern around the site create a sense of enclosure and a development pattern that links the site to the main body of the village and sets it apart from the wider setting of larger scale agricultural fields.

# 4.2\_analysis

## conclusions

Although the site is accessible by foot and cycle from the village centre in terms of distance, consideration should be given to providing a footpath link between the site and the existing pavement along the northern side of the Hill including connecting the existing gap along The Hill. Any proposals should however seek to retain the existing rural character of the roads that is part of the character of the village.

In addition, the 30mph speed limit should be extended westwards to include the site, improve pedestrian safety and reinforce the development as part of the main body of the village. Options for integrating the bus stop into the development should also be considered.

The existing landscape and building pattern around the site help link it to the main body of the village and the relationship between the four properties (Frieslands, Frieslands Cottage, Westbourne and Westfield Lodge) that face onto the site are a consideration for how the site should be developed in terms of the layout of built form and their amenity.

Proposals should address the site's role and potential in defining the western approach to the village through built form and landscape.



fig 4: site context

# 4.2\_analysis



view 5: approaching the site along Hen N Chick Lane



view 6: end of 30mph zone and the site beyond



view 7: accesses off Hen N Chick Lane



view 8: access to Westbourne off Hen N Chick Lane

# 4.2\_analysis

## 4.2.3 the site

### characteristics

The site is square field of around 150m x 150m and oriented five degrees off a north south axis. The site excludes an 8m strip along the western boundary of the field which is in the ownership of third parties who intend to use it as an access to a property to the south of the site. The use of this strip of land is not part of this Order.

The site that the Order is being submitted for has a gross area of 2.30 hectares (5.7 acres) and lies within the red line shown on the plan opposite. Historic mapping shows that the site has been in agricultural use since the 1880's including its use as allotments gardens with no recorded structures or other uses on the site.

Topographically, the site is relatively flat and level with a fall of around 1m to the south from a highpoint at 115mAOD along the northern boundary.

### boundary conditions

The northern boundary to Hen N Chick Lane is open with views across the site for most of its length. It is defined by a scrub edge with low level mixed vegetation, remnants of drystone walling and a few taller hawthorns. Opposite, along the eastern part, is a low drystone wall with a grass verge as a frontage which continues to the west as high hedged field boundary.

The eastern boundary is stronger with some mature trees and higher unmanaged hedging which has three extensive gaps giving views across the site.

On the north eastern corner of the site' at the junction between Hen N Chick Lane two trees about 10m apart provide a framed view diagonally across the site on the approach from the east along Hen N Chick Lane.

The southern boundary runs alongside the entrance drive to Westfield Lodge and is defined by a timber fence line and a row of recently planted trees. The boundary to the property is a denser tree screen.

There are no features defining the western boundary which sits around 8m inboard of an established tree line. The tree line screens the site from views from the west, although there are limited and intermittent views of the tree line through gaps in the landscape boundaries along Hen N Chick Lane.

In terms of its relationship to existing properties, the site is overlooked by Frieslands and Frieslands Cottage along the eastern part of its northern boundary, by Westbourne (a detached house) on its eastern boundary and by Westfield Lodge along its southern boundary. The north western part of the site is the least overlooked.

### technical

The following technical studies and reports have been prepared in support of the Order to demonstrate the viability and deliverability of the proposals. These reports listed in the appendix with key points summarised in section 4.3.

**Highways:** A pre application review carried out by Oxfordshire County Highways (ref: Application No: 18/W0001/Preapp) proposed five Conditions and one Informative which have been included in Sections 3.1 and 3.2 as conditions for the development of the scheme. It also advised on the need for a Traffic Regulation Order (TRO) to relocate the existing 30mph speed limit signage, a Section 278 agreement to construct the bell-mouth accesses and visibility splays and a Section 38 agreement if the Local Highway Authority is to adopt some or all the access roads, including the visibility splays.

The report raised concerns over pedestrian access to the bus stop and along un-paved sections of the road. These are addressed in the project proposals section 4.3 and the technical matters section 4.4.1.

**Ecology:** An Ecological Survey and Appraisal of the site has been carried out (ref: eg18820) which concludes; that the habitats of the site are of very little botanical value and the site is not likely to be used by dormice, great crested newts, otters, water voles or badgers, that adequate protection and enhancement for wildlife can be secured by including planning conditions including the submission and approval of a Construction Environmental Management Plan and a Landscape and Ecological Management Plan.

The report also notes the potential to enhance the site's value for wildlife with the proposed village green and pond, boundary planting and habitat features for wildlife

**Arboriculture:** An Arboricultural Impact Assessment, Method Statement and Tree Protection Plan report has been carried out (ref: Ref: 18091AIAv01) which concludes that the project may require the removal of some small low quality trees and their loss will have negligible impact on the visual amenity of the area. And that the minor loss of tree cover on site should be adequately mitigated by replacement tree planting proposed.

**Drainage:** A Foul and Surface Water Assessment has been carried out (ref: Project Number: 12835) which proposes a small onsite sewage treatment plant for foul water in accordance with Environment Agency rules and the use of the village the pond as an infiltration basin for surface water drainage. The site's geology indicates that soakaways will be viable subject to site testing for permeability.

**Water:** Thames Water have confirmed that there is sufficient capacity in the water main to serve the proposed development. (ref: 1015638291)

# 4.2\_analysis

## conclusions

Access to the site is available off both Hen N Chick Lane and Alvescot Road. The verges between the highway and the site are in Highways controlled land and the vegetation along the highway boundaries is within the site, making it possible to create and maintain appropriate visibility splays as required by Condition 2.2.14. These will be designed as part of a wider highways strategy including the extension of the 30mph zone.

Land within highways control is also available along both sides of Hen N Chick Lane making it possible to improve pedestrian accessibility by providing new footpaths to complete the un-paved sections of the road.

There are no identified ecological constraints to the development of the site and the extensive landscape works included in the proposals provide opportunities for habitat enhancement.

Aboricultural constraints are limited to the site boundaries and can be addressed through the location of development and management during construction to protect existing trees as required by the Conditions. Proposals should seek to retain perimeter landscape features and improve the biodiversity of the site.

The land is with Flood Zone 1 making it acceptable for residential development, although provision will need to be made for on site for surface water drainage.

An on site foul drainage system will be required as connection into the foul sewer running along Hen N Chick Lane .

The site is greenfield and its historic use, topography and geology indicate there are no issues with contamination or development abnormalities relating to ground conditions.



fig 5: the site

## 4.2\_analysis



view 9: looking westward along the northern boundary



view 10: looking northward along the eastern boundary



view 11: the southern boundary along the entrance to Westfield Lodge



view 12: the western boundary seen across the site from Hen N Chick Lane

# 4.2\_analysis

## 4.2.4 constraints

The constraints plan opposite summarises the analysis of the site and its context and illustrates the matters that will need to be accommodated by any proposals for development on this site, highlighting other matters that could be used to positively inform the design. These include:

**location of development:** The location, layout and design of the built development will need to have a positive relationship to the village green and respect the amenity of the four existing properties (F) that overlook the site. The north eastern part of the site (J) is the least overlooked.

**access:** Vehicle access is available from Hen N Chick Lane (A) and Alvescot Road (B).

**connectivity:** A pedestrian entrance (C) is proposed in the north western corner of the site. This will need to be an attractive and visible link providing access to the village green and to the housing for pedestrians and cyclists. Provision should also be made for incorporating the existing bus stop. Opportunities for improving pedestrian connectivity (J) should be explored.

**views:** The layout and design of the built development and the village green will have an impact on, and should take account of views along Hen N Chick Lane on the approach to the village (D) and on the approach from the village (E).

**landscape:** The layout and design of the built development and the village green should seek to protect and incorporate the existing perimeter landscape features (G) including trees and hedgerows.

**ecology:** There are no identified ecological constraints, but the design should seek to incorporate existing landscape features and improve habitat opportunities on the site.

**utilities:** Water, electricity and telecomms services are available along Hen N Chick Lane (H) to serve the development.

**surface water:** There is no surface water drainage available so the scheme will need to provide an on site surface water drainage and attenuation system.

**foul drainage:** Connections cannot be made into the foul sewer that runs along Hen N Chick Lane so the scheme will need to provide an on site foul drainage system.

**heritage:** There are 26 listed buildings in Shilton and a further four located elsewhere in the Parish. The site does not lie within the setting of any of these buildings. In addition, a large part of the village is within a Conservation Area, though the site does not lie within the western setting to the Area. The site has no known archaeological value (the Historic Environment Record only shows two finds 100m to the SW of the site), although a 'watching brief' condition may be appropriate.

**design:** The West Oxfordshire Design Guide 2016, adopted in April 2016 is a Supplementary Planning Document and material consideration in planning decisions. The document sets out a process for developing a design proposals and consulting on it. The making of the Order will comply with its relevant provisions.

# 4.2\_analysis

## KEY

- A. vehicle access from Hen N Chick Lane
- B. vehicle access from Alvescot Road
- C. pedestrian entrance to the village green incorporating the bus stop
- D. layout and design to consider views on the western approach to the village
- E. layout and design to consider views on the eastern approach from the village
- F. layout and design to respect the amenity of existing properties
- G. layout and design to protect and incorporate existing perimeter landscape and ecology features
- H. utilities connections onto Hen N Chick Lane
- I. least overlooked area of the site
- J. improved pedestrian connectivity



fig 6: constraints plan

# 4.3\_design principles

## 4.3.1 concept

Based on the analysis and these constraints, a series of options for the general arrangement of the development and open space were considered and a concept plan agreed. This was carried out alongside the development of the brief including agreeing the number and type of dwellings and the preparation of a preliminary cost plan.

The concept plan opposite illustrates the key design principles and parameters for the development of the site which are:

- o The eastern half of the site to be used to create a new village green and event space **(A)** which is a key objective of the Order. In this location the village green will be more visible and accessible.
- o A 'gateway' **(B)** to the village green at the north eastern corner as a point of arrival on the approach along The Hill which will help visually connect the green and the village. The existing bus stop could be integrated into the design of the village green as part of the gateway.
- o A parking area **(C)** to serve the village green accessed off Alvescot Road. This parking will help accommodate events and make the green more accessible to the elderly, visitors, and mothers with toddlers.
- o Built development **(D)** located on the north-western part of the site fronting onto Hen N Chick Lane with vehicle access from Hen N Chick Lane. A number of options for the layout of development on the site were assessed and tested with the community as part of the design development for the Draft Order. This was the preferred option, which was considered to strike the best balance between the relationship of development to neighbouring properties and the relationship of the village green to the village.

- o The built development layout to be designed to minimise the visual impact of vehicles and parking **(E)** on the village green.
- o Layout to create active frontages **(F)** appropriate to the setting of the village green and to the approach and entrance to village.
- o Site perimeter **(G)** to be a margin of managed, semi-formal grassland integrating the existing boundary features, trees and hedgelines as a setting for the development and the open space and a buffer to the roads.
- o The remaining open area of the site **(H)** to be designed as a landscape buffer to Westfield Lodge and to create ecological benefit and a setting and amenity for the village green and the housing.
- o Funds to be provided for new footpaths **(I)** to link the site to the existing village footpaths.
- o An application to be made to extend the 30mph zone **(J)** westwards to include the site.
- o A surface water attenuation pond to be provided to manage surface water flows from the development
- o Up to 12 dwellings on a site area of approximately 0.5 hectare, comprising affordable dwellings of a mix of 2 and 3 bedrooms and the minimum open market dwellings to secure a viable scheme.
- o The design to be in keeping with the character of the village

The cross subsidy element of the scheme will be refined post Order as a detailed cost plan is developed by the CLT alongside the detailed design.

## layout

The general principles of this layout are the result of a number of factors :

- o A community preference for the location of the built development and the village green
- o Visibility of and connection to the village green
- o Respecting the setting and amenity of existing properties adjacent to the site
- o The scale of built development which is insufficient to provide enclosure to the village green

The resultant layout provides an informal framework to the village green adding to the existing properties with the development providing the 'fourth side' to the village green

## density

The net development area for housing at around 0.5 hectares gives a density of 20 dph which is in keeping with the setting.

## parking

The detailed layout will comply with the Oxfordshire Cycling Design Standards for resident and visitor cycle parking, and the Oxfordshire County Council standards for access, parking and design. The parking area for the village green will be designed to serve day to day use and village events.

## design

The detailed design proposals will be developed to be in keeping with the character of the village , the Local character of the Limestone Wolds and the principles of the West Oxfordshire Design Guide.

# 4.3\_design principles

## KEY

- A. village green and event space
- B. 'gateway' to village green
- C. parking area to serve village green
- D. built development with active frontage to Hen N Chick Lane
- E. internal landscaped courtyard
- F. active frontages to village green
- G. site perimeter integrating existing boundary features
- H. landscape setting and buffer
- I. new footpaths
- J. extension of 30mph zone

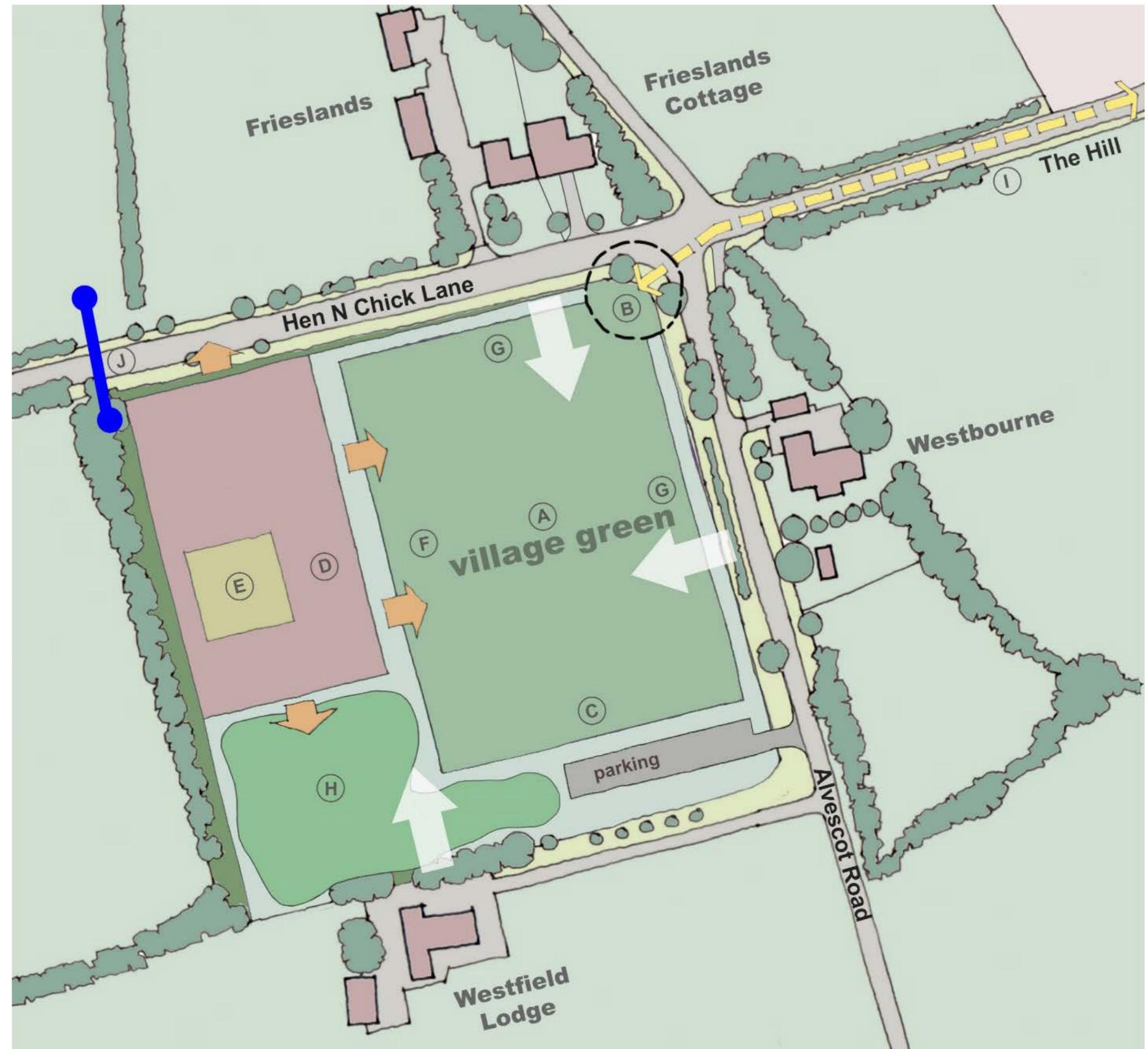


fig 7: concept plan

# 4.4\_illustrative proposals

## 4.4.1 the masterplan

The illustrative masterplan demonstrates how the development principles set out in the concept might translate into a development. This is not a definitive design proposal but an illustrative layout to help guide the detailed design, whilst allowing flexibility for the design to respond to technical matters and explore the architectural and landscape potential of the scheme. The illustrative masterplan shows:

- o A Village Green (1) located on the eastern side of the site with an area of around 1.0 hectares.
- o Entrance to the village green (2) in the north eastern corner with hard and soft landscape finishes to create a focal point on the approach from The Hill. Lighting to be low level and at the entrance only.
- o Northern and eastern perimeter edges (3) to the Village Green incorporating existing landscape features to provide a stand off between the village green and the roads. Existing perimeter features to be managed and reinforced to provide enclosure and a boundary to the road where appropriate.
- o Parking area (4) along the southern perimeter of the village green with a low key surface finish such as grasscrete or gravel, minimal markings, edge treatments and lighting in keeping with the rural setting. Area to be sized to provide sufficient capacity to accommodate day to day use and village events.
- o Attenuation pond (5) incorporated into the layout of the village green to provide a feature to the green, and as part of the surface water management for the development.
- o Boundary between the village green and the development (6) incorporating a swale as part of the surface water management strategy and to create a clear and attractive public/private boundary the housing and the village green.
- o Residential development on the north western area of the site within a net area of around 0.5 hectares planned around a shared landscaped courtyard including parking (7) to reduce the impact of vehicles on the village green and provide an amenity and focus for residents.
- o The northern part of the residential development site with a frontage onto Hen N Chick Lane (8) to allow for standalone cross subsidy/open market plots.
- o Layout to create active frontages (9) to Hen N Chick Lane and the village green and an appropriate architectural response as a part of the entrance to the village.
- o The remaining open area of the site to the south of the development (10) landscaped to provide a buffer and an amenity with ecological value for the development and the village green.
- o A pedestrian/cycle path (11) connecting the development across the village green to Hen N Chick Lane and the extended footpath.

# 4.4\_illustrative proposals

## KEY

- 1. village green
- 2. entrance to the village green
- 3. landscape perimeter
- 4. village green parking area
- 5. attenuation pond
- 6. village green boundary to residential development
- 7. residential development planned around a courtyard
- 8. cross subsidy/open market plot(s)
- 9. active frontage
- 10. amenity landscape of ecological value
- 11. pedestrian/cycle path



fig 8: illustrative masterplan

# 4.4\_illustrative proposals

## 4.4.2 housing layout

### purpose

The illustrative housing layout is based on the schedule of accommodation below and is intended as a starting point for the development of the detailed design proposals.

### description

The development fronted by two cross subsidy plots (1) with access off Hen N Chick Lane. Layouts designed to provide active frontages to the road and the village green. (These could be brought forward independently of the main body of the development to assist in project funding and cashflow).

A new access to ten affordable dwellings off Hen N Chick Lane (2) leading to a landscaped courtyard (3) with a parking area (4) to serve the dwellings.

A two storey building of four Downsizer Apartments (5) with entrances off the courtyard and private outdoor spaces (terrace and balconies) overlooking the village green.

A pair of Family Houses (6) fronting onto the courtyard with a wide plan south facing layouts and gardens

A terrace of four Starter Homes (7) with a pedestrian link to the courtyard and frontages overlooking the village green

The three building blocks around the courtyard are linked by 'garden walls' which complete the enclosure of the courtyard making it a private internal space with defined openings for pedestrians and vehicles.

This is similar to the architectural character of the village where boundary walls play a strong role in defining boundaries and providing enclosure to entrance spaces.

An attenuation pond (8) as a feature to the village green and to provide surface water attenuation for the development. This will also be part of the ecological enhancements to the site providing habitat and greater flora diversity.

A swale (9) along the boundary between the housing and the village green defining the public/private threshold and as part of the drainage strategy.

A pedestrian/cycle path (10) linking the development across the village green to the extended footpath along Hen N Chick Lane.

A landscaped perimeter (11) extending along the northern and eastern boundaries of the village green providing an offset between the village green and the roads

A landscape buffer and amenity space (12) providing a setting for the development and the village green, and as part of the ecological enhancements.

### schedule of accommodation

Type A	
4 x 2 bed downsizer apartments	@ 90 m2 NIA
Type B	
4 x 3 bed starter homes	@ 92 m2 NIA
Type C	
2 x 3 bed family homes	@ 102 m2 NIA
Cross Subsidy	
2 x 4 bed detached homes	@ 165 m2 NIA

# 4.4\_illustrative proposals

## key

- 1. cross subsidy plots
- 2. access
- 3. landscaped courtyard
- 4. parking
- 5. downsizer apartments
- 6. family Houses
- 7. starter Homes
- 8. village pond and attenuation
- 9. swale
- 10. pedestrian/cycle link
- 11. landscaped boundary and offset
- 12. landscape buffer and amenity



fig 9: illustrative housing layout

# 4.4\_illustrative proposals

## 4.4.3 detail studies

The following detailed studies are based on the illustrative masterplan and housing layout. They include two elevation studies and a sketch at the entrance to the courtyard which are intended to convey a sense of the character and scale of the scheme that is proposed through the design principles.

A series of images are included along the bottom of the elevation studies to illustrate the potential character of the elements in the drawing above.

As with the masterplan and housing layout plan these are illustrative and not intended to fix the detailed design proposals.

The building cost rates used in the Preliminary Budget in section 4.6 allow for an enhanced specification including external wall and roof finishes which will allow the use of stone and traditional detailing.

### courtyard entrance: sketch study

A view across the swale from the village green, as shown in the east elevation sketch study, onto the downsizer apartments and the entrance to the courtyard.

It shows the potential of the swale as a public/private 'defensible' boundary to the housing incorporating a landscape margin to provide screening with soft planting. The private amenity spaces of the apartments, balconies and terraces look onto the village green providing animation and oversight.

Two family homes are shown on the right with frontages facing onto the courtyard.

Local architectural detailing and materials are used with building walls extended to provide screening, and an entrance and enclosure to the courtyard.

### east elevation: sketch study

The east elevation sketch study is a view onto the development looking west from the village green. It shows the affordable dwellings up to the start of the cross subsidy plot(s) on the right, and the attenuation pond on the left.

The 'garden walls' which tie the scheme together and help provide enclosure to the courtyard link across to the apartments with a vehicle/pedestrian opening through to the courtyard.

The family home behind has its garden enclosed by a boundary wall along the access road as a continuation of the garden walls.

The downsizer apartments which sit forward of the other buildings include a terrace at ground level and balconies at the upper level overlooking the village green.

Set back from the apartments a terrace of four starter homes on the left with their entrances and frontages overlooking the village green have a pedestrian connection through to the courtyard and parking area.

The boundary between the development and the village green will need to be defined and this could be achieved by raising the development above the general level of the village green, say 450 – 600mm to create clear public/private boundary without compromising the open feel and character. This would also allow excavations for foundations, site levelling and so on to be kept on site, reducing costs and construction traffic movements.

A line of trees is shown in front of the downsizer apartments and starter homes providing a screen and further definition to the boundary between the village green and the housing.

### south elevation: sketch study

The south elevation sketch study is a view onto the development looking north from the 'meadow' area on the masterplan. It shows the attenuation pond on the right and continues up to the western site boundary on the left and on the left. The layout would be designed to avoid impacts on the existing tree belt alongside the site boundary.

The 'garden walls' which tie the scheme together link the apartments and the starter homes with a pedestrian opening through to the courtyard and parking area. The walls extend around the garden of the end starter home providing a boundary to the meadow area.

Beyond the starter homes and apartments, the outline of the two family homes on the northern side of the courtyard is shown.

Internal layouts and windows to the apartments and starter homes should be arranged to provide overlooking and architectural interest to the meadow. And roofs designed with south facing aspects for solar thermal /pv as illustrated on the apartments. On the right of the study, the ground level terrace and balconies to the downsizer apartments are shown overlooking the village green, screened by a line of trees and separated from the village green by the pond.

On-site surface water attenuation will be required to store the run-off from roofs and hard surfaces within the scheme. As the land is available, an attenuation pond could be an economic design solution. It could also provide an attractive and ecologically rich feature to the village green.

## 4.4\_illustrative proposals

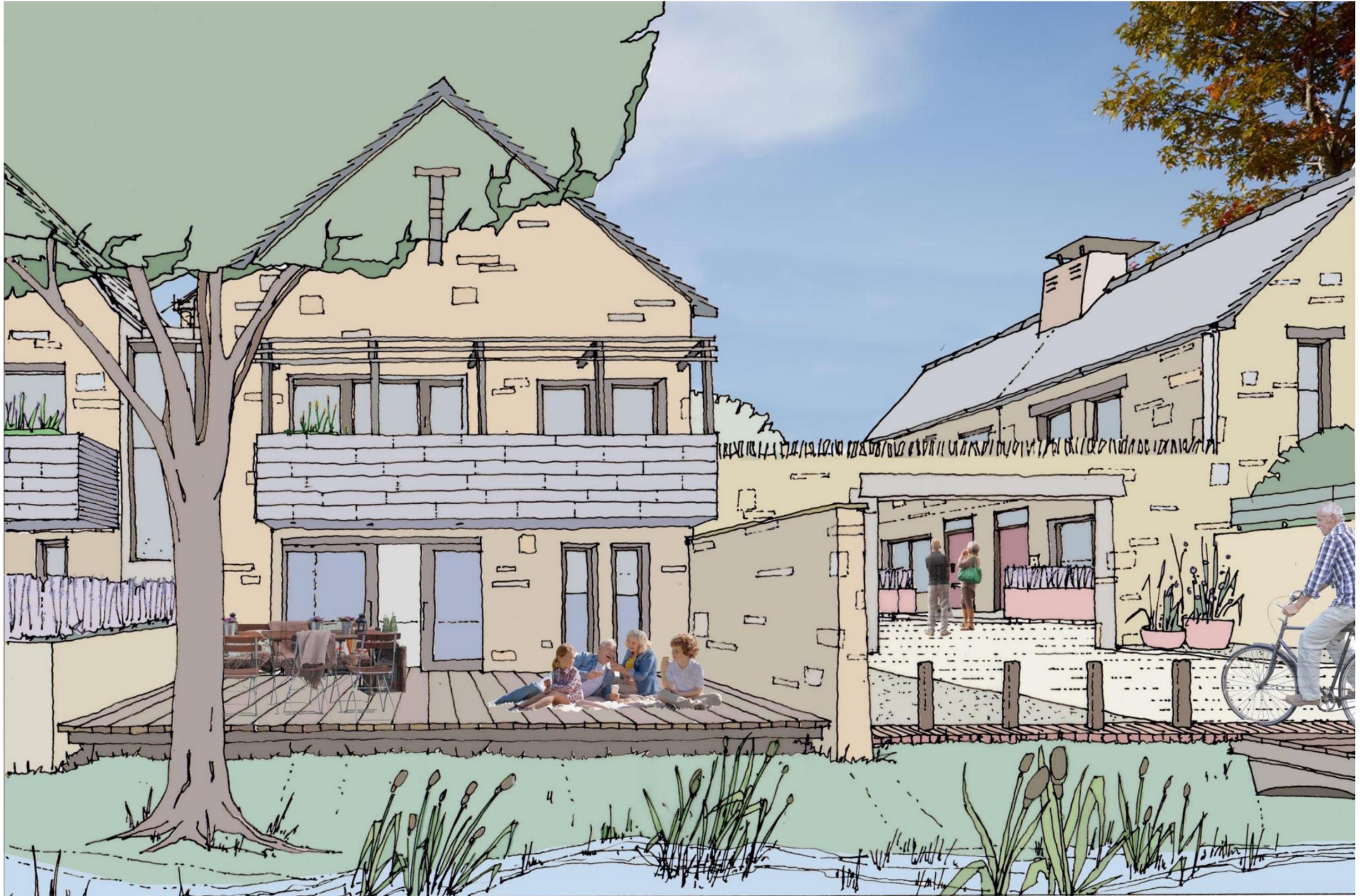


fig 10: sketch study at the entrance to the courtyard

# 4.4\_illustrative proposals



fig 11: east elevation sketch study



# 4.4\_illustrative proposals

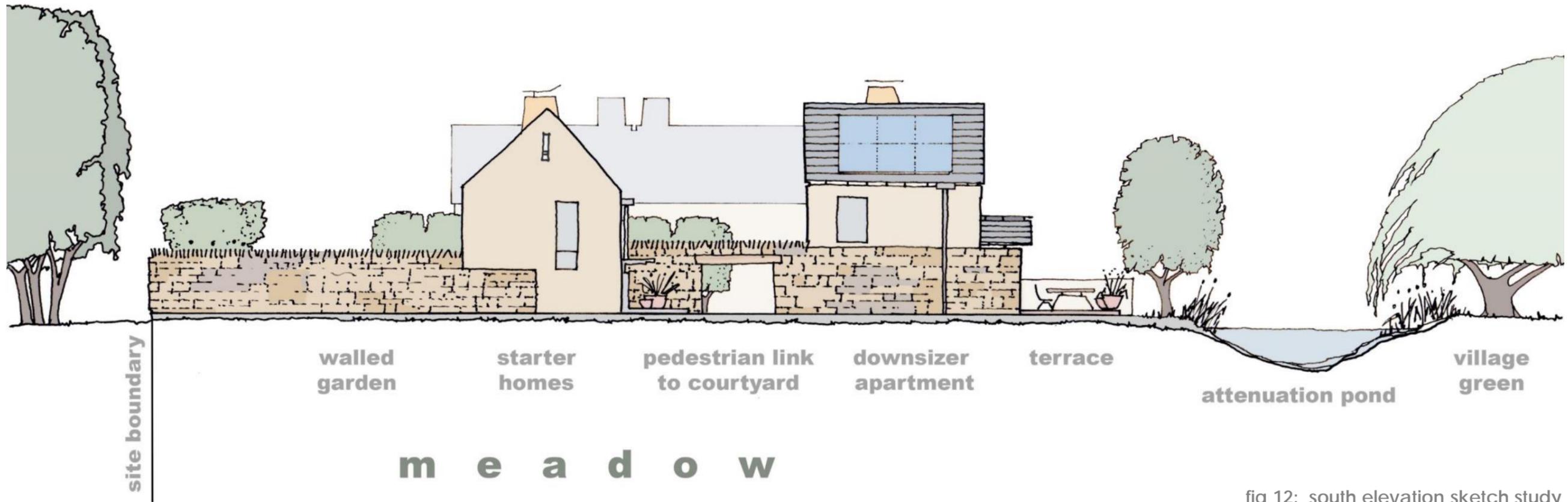
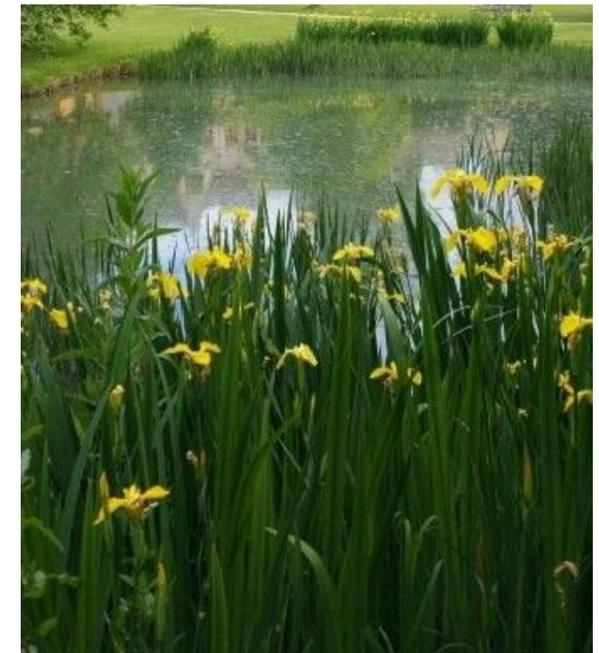


fig 12: south elevation sketch study



# 4.5\_technical matters

## 4.5.1 accessibility

In their pre application advice Oxfordshire County Council Highways Authority raised concerns over pedestrian access to the site and the bus stop along un-paved sections of the road.

There are two un-paved sections of road between the site and the existing pavement which runs through the village along the northern side of Hen N Chick Lane, The Hill and Bridge Street. The first section (A) runs from the proposed entrance to the village green to the pavement alongside the Ladburn Lane housing and is approximately 100m in length. The second section (B) runs from Ladburn Lane eastwards along The Hill up to the existing bus shelter (C) and is approximately 80m in length.

It is proposed to complete these missing sections of pavement to improve pedestrian connectivity. A new pedestrian/cycle path (D) within the village green will connect the proposed housing to the extended pavements. These proposals will also improve pedestrian connectivity for existing residents of Frieslands, Frieslands Cottage and Ladburn Lane.

Oxfordshire County Council Highways Records shows both of these sections run in a Class 3 (classified unnumbered) road and are within highways maintained land. This includes the verges up to the roadside edge of the boundary ditches.

There is therefore the potential for new sections of footpath to be created along these stretches as shown on the drawing. The best routing for the new sections in terms of usability and impacts will be considered as part of a wider Highways package of works at the detailed design stage.

Allowance has been made in the Preliminary Budget and the obligation to carry out these works is provided under Highways Condition 2.2.13 requiring details of the means of access between the land and the highway to be submitted and approved.

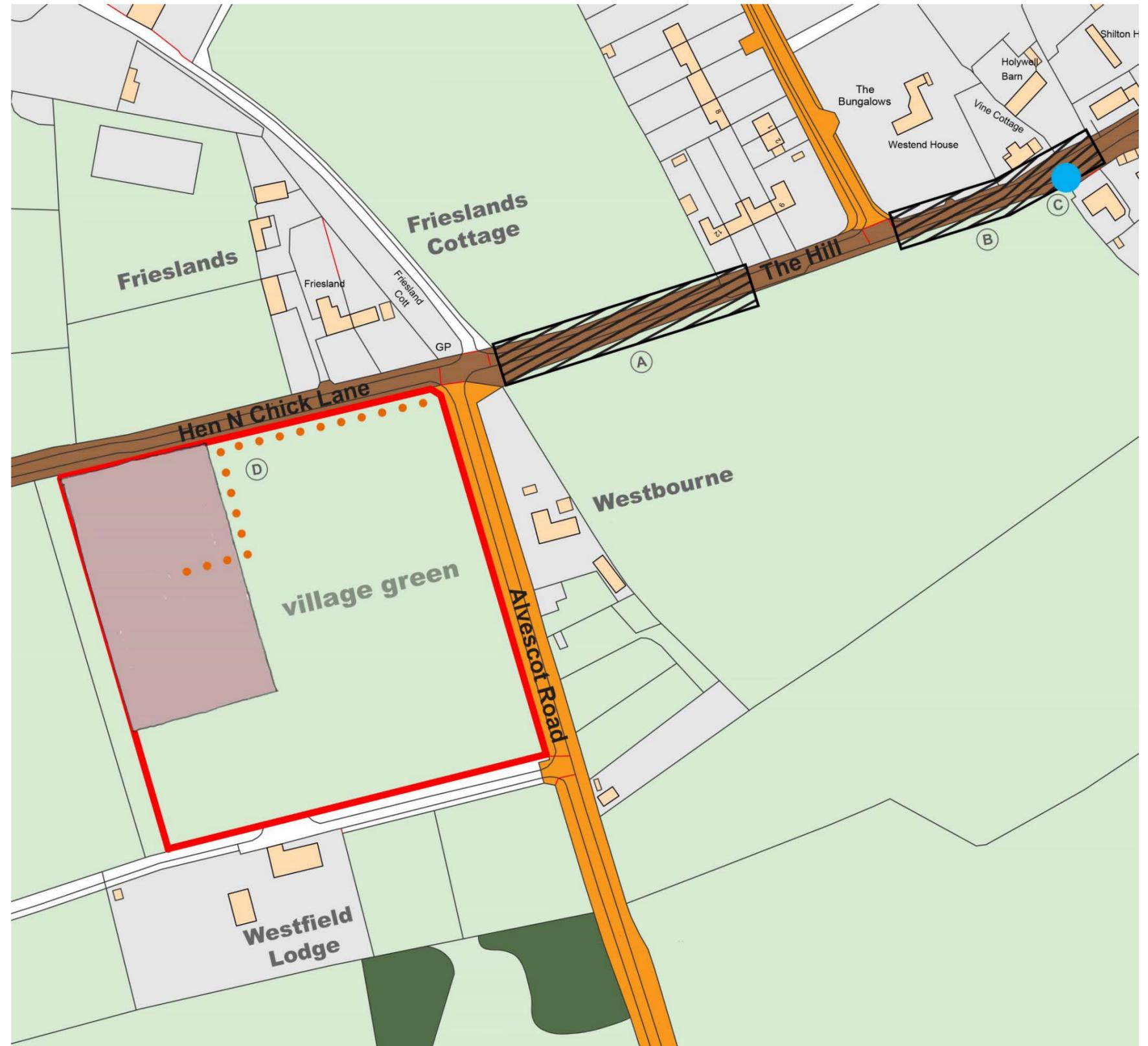


fig 13: proposed new footpaths

# 4.5\_technical matters

## 4.5.2 drainage

The site requires on site an on-site strategy for both foul and storm water. These are summarised below and illustrated in the drainage strategy plan.

### Foul Water

Thames Water sewer records show a foul rising main running along Hen N Chick alongside the site which Thames Water have advised cannot be connected to. As a consequence a small onsite treatment plant is proposed for the disposal of foul water from the development. As the sewage is domestic in nature the Environment Agency general binding rules will be adhered to ensure no pollution occurs.

The treatment plant will be located a minimum of 10m away from buildings as required by Part H2 of the building regulations, and discharge to a soakaway which will be designed and located based on results of a site investigation to determine the permeability of the underlying ground and the ground water levels.

### Surface Water

Thames Water sewer records do not show any public surface water sewer either on the site or close to the site, and as there is no surface water features such as ditches or watercourses in the vicinity of the site it is proposed to discharge the surface water into the ground via infiltration.

Permeable paving such as grasscrete is proposed for the external hard standing areas including the village green parking area with full infiltration to the underlying ground.

Based on the outline proposals it would be sensible to use the village pond as an infiltration basin with the size and detail to be developed during detailed design using the results of the site investigation.



fig 14: drainage strategy



# 4.5\_technical matters

## 4.5.4 arboriculture

Although the site is accessible by foot and cycle from the village centre in terms of distance, consideration should be given to providing a footpath link between the site and the existing pavement along the northern side of the Hill including connecting the existing gap along The Hill. Any proposals should however seek to retain the existing rural character of the roads that is part of the character of the village.

In addition, the 30mph speed limit should be extended westwards to include the site, improve pedestrian safety and reinforce the development as part of the main body of the village. Options for integrating the bus stop into the development should also be considered.

The existing landscape and building pattern around the site help link it to the main body of the village and the relationship between the four properties (Frieslands, Frieslands Cottage, Westbourne and Westfield Lodge) that face onto the site are a consideration for how the site should be developed in terms of the layout of built form and their amenity.



Fig 16: arboricultural survey plan

# 4.6\_viability

## 4.6.1 scoping report

A Scoping Report prepared by Ian Crawley of the National Community Land Trusts Network in July 2017, following approval to a Stage 1 Start Up grant and based on the Shilton Community Right to Build Order Pre-Feasibility Study (March 2017), set out a series of next steps for progressing the scheme as a CLT including: meeting with WODC planners to confirm the CRTBO approach and discuss any Section 106 or Community Infrastructure Levy requirements, inclusion of the scheme in the Neighbourhood Plan to achieve a designation of the Trust site for affordable housing, setting up of a CLT to deliver the scheme, and obtaining Stage 2 CLT Start Up Grant for advice and support on setting up the CLT and to meet start-up costs.

The summary and recommendations went on to conclude:

*With a site on offer at little or no cost by a local trust; a Neighbourhood Plan is in preparation which is intended to designate the site for affordable housing and public open space; and a community which recognises the need for new affordable homes for its sustainability, there is the genuine prospect of a successful CLT development.*

*The community should be supported with Stage 2 funding, when they choose the time is right for them to apply, in the context of completing the Neighbourhood Plan and preparing a CRTBO for the land identified and available for the development of affordable housing.*

During the development of the Order the Parish Council and The Shilton Welfare Trust agreed Heads of Terms for a 999 year lease. Specialist solicitors have been engaged to deal with the legal implications of this and to obtain Charities Commission approval. Stage 2 funding has been secured from NCLT to support the next stage in the formation of the CLT.

## 4.6.2 preliminary budget

A preliminary budget was produced during the development of the Draft Order to provide a cost plan for the project and test its viability. The preliminary budget is based on the schedule of accommodation; build rates as m2 costs, sales as historic m2 values, abnormals, professional fees and a contingency.

The build costs include allowance for higher design standards and material costs (such as stone) to reflect the village character and an increased open market rate to reflect higher fit out specifications.

The abnormals include a cost for providing a new footpath to connect the site to the existing footpaths and the cost of a Wastewater Treatment System to provide on site foul drainage.

The budget demonstrates that the scheme could be delivered on a break even basis giving a discounted cost of the affordable dwellings at 63%. Although this will be affected by fluctuations in build costs and sales values, it provides a level of discount that guarantees affordability will be achieved whilst minimising risk to the CLT.

This also leaves the options open for the CLT, as the scheme is developed in detail, to decide on the balance between affordable sales, rentals and the levels of short and long term borrowing that is required and available to service the development and the rental element.

In all cases, whether affordable sale or rental, the land would remain in CLT ownership ensuring the discounted rate and level of affordability through any future on sale is maintained in perpetuity.

The accepted definition of Affordable Housing is that it should be available to rent or buy at no more than 80% of current market values. House prices in Shilton Parish and particularly in Shilton Village, are very high. It is our aim to provide the houses on the Allotment Field at between 65 and 80% of the current market values for similar properties in the area.

The following budgets are based upon our understanding of current building costs and current market values for similar houses in the area. In particular the anticipated sale value of the two cross subsidy houses is based upon a recently developed four bedroom property close to the proposed site.

It was clear from the consultations with residents that it would be necessary to build in stone and to a high standard of finish and design if the houses were to be successfully integrated into the area.

Our budgeted building costs are therefore at the higher end of the range. They clearly indicate that the inclusion of the cross subsidy houses greatly improves the viability of the project with potential discount rate being 65%. We understand that it may be possible to secure some additional funding through Government or Local Authority schemes. If this was the case then it may be possible to revisit the need for the cross subsidy plots.

The budgets are based upon all the houses being sold on completion, however it may be that some or all of them could be made available to rent. This would require the CLT to provide long term capital funding for those units. Clearly there will be a considerable amount of work for the CLT to do on a comprehensive business plan should the CRTBO be approved.

# 4.6\_viability

## Shilton Parish Council

### Allotment Fields Project Preliminary Budget With Cross Subsidy Housing

		£
<b>Pre-development</b>		
CRTBO professional fees	OneillHomer	37,000
Legal costs for CLT	Solicitor	3,000
Legal costs for lease	Solicitor	1,000
		<u>41,000</u>
<b>Building costs</b>		
2 x 3 bed family homes 102m2	204 x £1900	387,600
4 x 3 bed starter homes 92m2	368 x £1900	699,200
4 x 2 bed apartments 90m2	360 x £1900	684,000
2 x 4 bed detached 165m2	330 X £2100	693,000
Total building costs		<u>2,463,800</u>
Anticipated sales value 2 houses	2 x £750,000	- 1,500,000
<b>Additions</b>		
New footpath		40,000
Open space area & landscape		30,000
Onsite Waste treatment		10,000
Contingency	10%	246,380
Professional Fees	15%	369,570
		<u>695,950</u>
Total cost		<u><u>1,700,750</u></u>
<b>Market value</b>		
2 x 3 bed family homes 102m2	£350,000.00	700,000
4 x 3 bed starter homes 92m2	£285,000.00	1,140,000
4 x 2 bed apartments 90m2	£195,000.00	780,000
Total at market value		2,620,000
discount rate		65
<b>Sale value with discount</b>		
2 x 3 bed family homes 102m2	227,199	454,398.85
4 x 3 bed starter homes 92m2	185,005	740,020.99
4 x 2 bed apartments 90m2	126,583	499,200
Total discounted value if sold		<u><u>1,693,620</u></u>

## Shilton Parish Council

### Allotment Fields Project Preliminary Budget Without Cross Subsidy Housing

		£
<b>Pre-development</b>		
CRTBO professional fees	OneillHomer	37,000
Legal costs for CLT	Solicitor	3,000
Legal costs for lease	Solicitor	1,000
		<u>41,000</u>
<b>Building costs</b>		
2 x 3 bed family homes 102m2	204 x £1900	387,600
4 x 3 bed starter homes 92m2	368 x £1900	699,200
4 x 2 bed apartments 90m2	360 x £1900	684,000
Total building costs		<u>1,770,800</u>
<b>Additions</b>		
New footpath		40,000
Open space area & landscape		30,000
Onsite Waste treatment		10,000
Contingency	10%	177,080
Professional Fees	15%	265,620
		<u>522,700</u>
Total cost		<u><u>2,334,500</u></u>
<b>Market value</b>		
2 x 3 bed family homes 102m2	£350,000.00	700,000
4 x 3 bed starter homes 92m2	£285,000.00	1,140,000
4 x 2 bed apartments 90m2	£195,000.00	780,000
Total at market value		2,620,000
discount rate		89
<b>Sale value with discount</b>		
2 x 3 bed family homes 102m2	£311,861	623,721
4 x 3 bed starter homes 92m2	£253,944	1,015,775
4 x 2 bed apartments 90m2	£173,751	695,004
Total discounted value if sold		<u><u>2,334,500</u></u>

fig 17: preliminary budget

# 5\_archaeology

The Oxfordshire Historic Environment Record (HER) has been reviewed and the map shows the location of findings, structures and artefacts in addition to the Listed buildings within the parish.

There have been two finds both around 200m to the west of the site at grid reference SP 26 08; HER 1401 Medieval Pottery fragments, and 16862 an Anglo Saxon spearhead, both classified as Marginal.

There have been no findings on the site which is in arable agricultural use.

As parties to the Regulation 21 Consultation, West Oxford District Council and Oxfordshire County Council have made no comments or recommendations for the inclusion of Conditions in the Order.

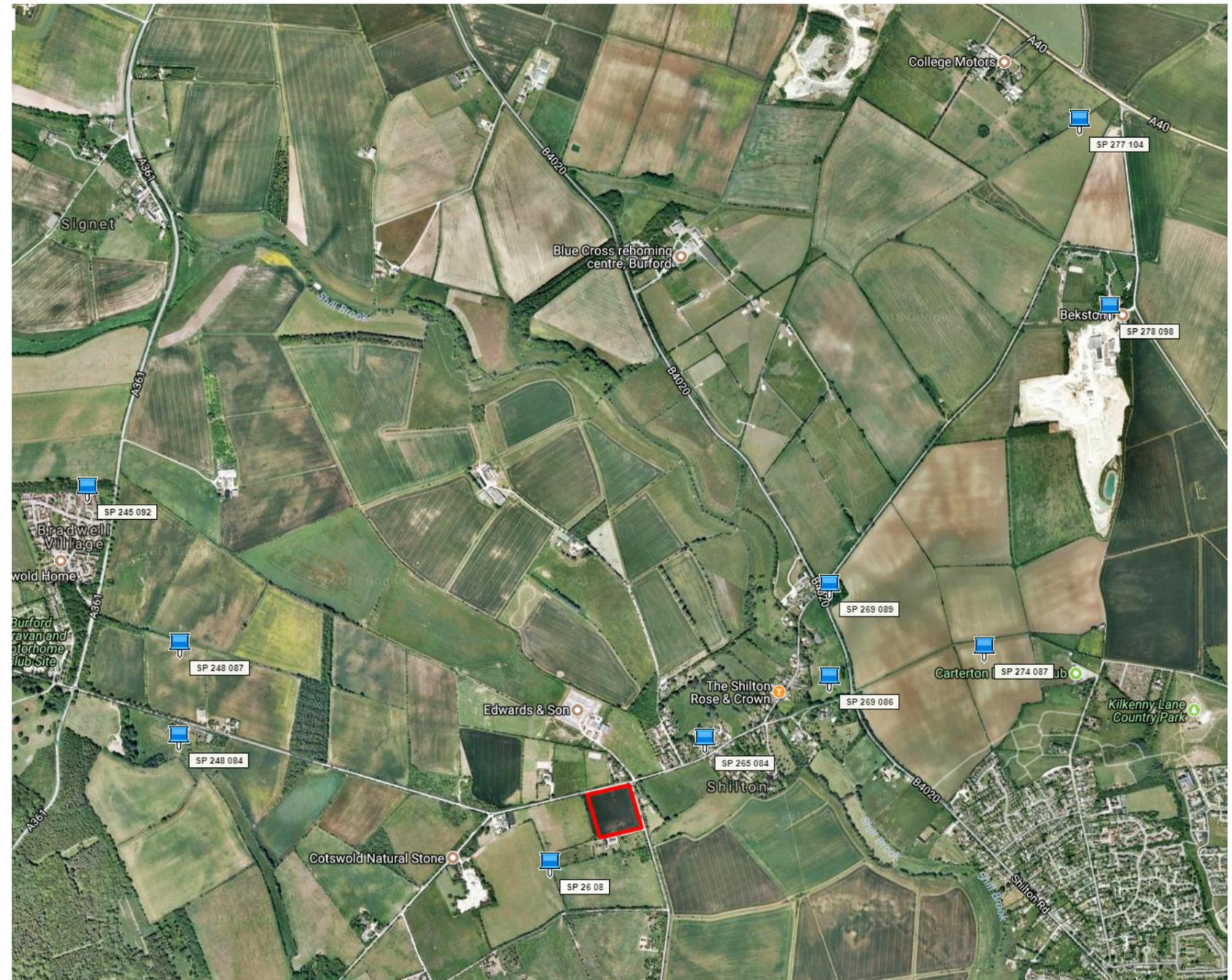


fig 18: archaeology findings map

# 6\_heritage statement

There are 26 listed buildings in Shilton and a further four located elsewhere in the Parish. The site does not lie within the setting of any of these buildings. In addition, a large part of the village is within a Conservation Area, though the site does not lie within the western setting to the Area. The proposals site is therefore neither within nor proximate to a conservation area, does not include any listed structures or monuments, and is not within sight of any listed structures or monuments. Accordingly the proposals do not take into consideration heritage matters.

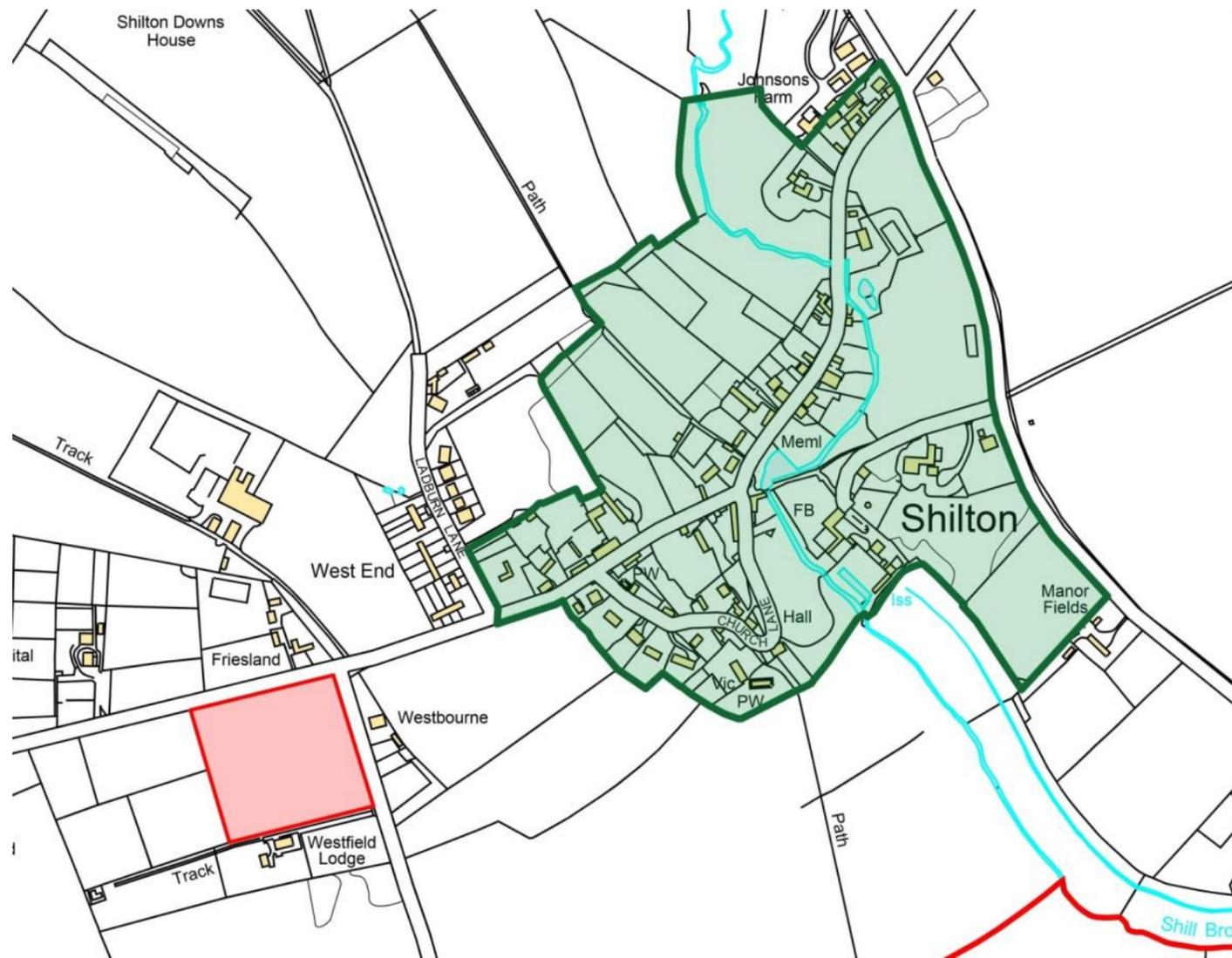
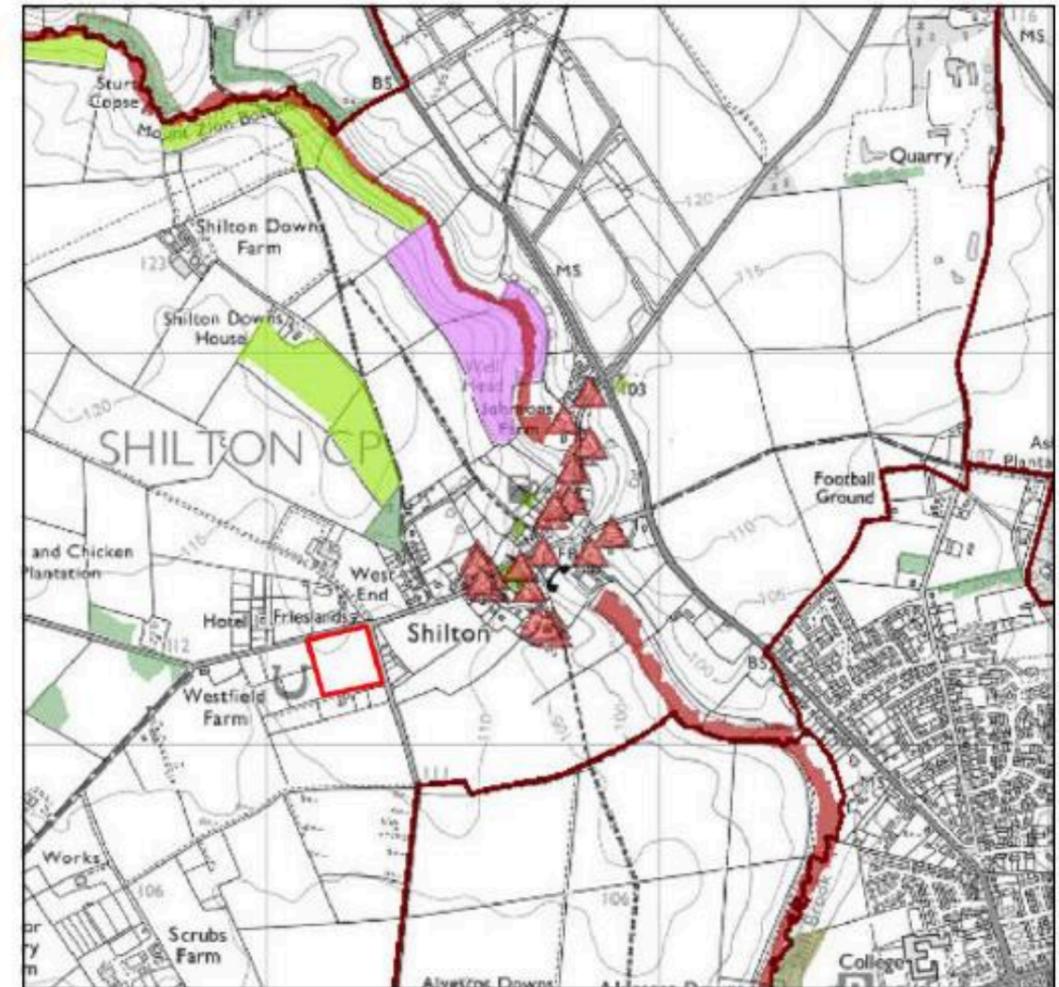


fig 19: Shilton conservation area



## Legend

- Parishes (GB)
- Woodland - Flood Risk (England)**
  - High Spatial Priority
  - Lower Spatial Priority
  - Scheduled Monuments (England)
- World Heritage Sites (England)**
  - Buffer Zone
  - World Heritage Site
- Listed Buildings (England)**
  - Priority Habitat Inventory - Good quality semi-improved grassland (Non Priority) (England)
  - Priority Habitat Inventory - Lowland Calcareous Grassland (England)
  - Priority Habitat Inventory - Lowland Meadows (England)
- Ancient Woodland (England)**
  - Ancient and Semi-Natural Woodland
  - Ancient Replanted Woodland
  - Priority Habitat Inventory - Deciduous Woodland (England)
  - Forestry Commission Legal Boundary (England)
  - Priority Habitat Inventory - Traditional Orchards (England)
  - Woodpasture and Parkland BAP Priority Habitat (England)

fig 20: environmental constraints and Listed buildings

# 7\_basic conditions statement

## 7.1 INTRODUCTION

7.1.1 This statement has been prepared by Shilton Parish Council ("the Parish Council") to accompany its submission of the Shilton Community Right to Build Order ("the Order") to the local planning authority, West Oxfordshire District Council ("the District Council"), under Regulation 22 of the Neighbourhood Planning (General) Regulations 2012 (as amended) ("the Regulations").

7.1.2 In accordance with S61E of the Town & Country Planning Act 1990, the Parish Council, a qualifying body, has prepared the Order for a development scheme on land that lies within the Shilton Parish Neighbourhood Area (see Plan A). The Area was designated by the District Council on 5 October 2016 primarily for the purpose of making the Shilton Parish Neighbourhood Plan ("the Neighbourhood Plan").

7.1.3 The statement addresses each of the 'Basic Conditions' required of the Regulations and explains how the submitted Order meets the requirements of paragraph 8(2) of Schedule 4B to the 1990 Town & Country Planning Act. Those requirements state that an Order will be considered to have met the conditions if:

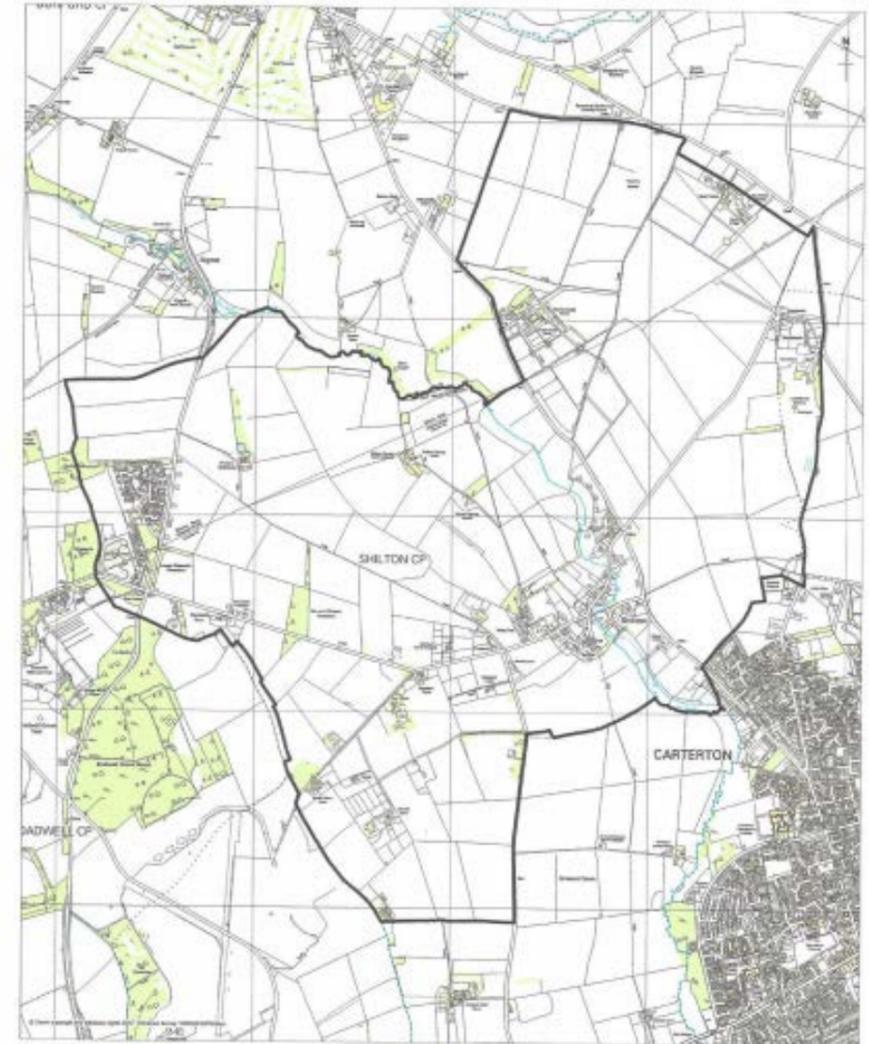
- o having regard to national policies and advice contained in guidance issued by the Secretary of State, it is appropriate to make the Community Right to Build Order
- o the making of the Community Right to Build Order contributes to the achievement of sustainable development
- o the making of the Community Right to Build Order is in general conformity with the strategic policies contained in the development plan for the area of the authority (or any part of that area)

- o the making of the Community Right to Build Order does not breach, and is otherwise compatible with, EU obligations
- o the making of the Community Right to Build Order does not damage a Listed Building or setting or any features of architectural or historic interest it possesses if the Order is intended to grant permission for development that affects the building or its setting
- o the making of the Community Right to Build Order does not damage the character or appearance of a conservation area if the Order is intended to grant planning permission for development in relation to buildings or other land in the area

7.1.4 The purpose of this statement is to set out how each of the relevant basic conditions has been met by the Order. In this case, the development described by the Order does not directly affect a Listed Building or its setting and the location of the land does not lie within the designated Shilton Conservation Area or its setting. These two conditions are therefore considered no further in this Statement.

7.1.5 In addition, S61J of the 1990 Act requires that the Order does not comprise 'excluded development'; does not grant planning permission for development that already has planning permission; and does not relate to more than one neighbourhood area. It is confirmed that the Order complies with this requirement.

7.1.6 As per the Planning Practice Guidance (§41-067), the District Council has provided constructive comments on the emerging Order proposal prior to this submission. Its comments on the draft Order in relation to meeting the basic conditions have been helpful in finalising the Order.



Plan A: Shilton Designated Neighbourhood Area

# 7\_basic conditions statement

## 7.2 CONFORMITY WITH NATIONAL PLANNING POLICY

7.2.1 The Order has been prepared with full regard to national policies as set out in the National Planning Policy Framework (NPPF) and is mindful of the Planning Practice Guidance (PPG) in respect of preparing Orders. The Parish Council is also mindful that shortly before the completion of the Order, the Government published its draft revisions to the NPPF for consultation. As it is not expected that the final NPPF will be published before the examination of the Order, that document has not been taken into account in this Statement. However, it is noted that there are no significant changes in policy in respect of the Order or of the proposals contained in the Neighbourhood Plan.

7.2.2 In overall terms, there are four NPPF paragraphs that provide general guidance on making Orders, to which this Order has directly responded:

Para 16, 183, 184 & 185

7.2.3 The Parish Council considers the Order, as an important proposal of the Neighbourhood Plan (Policy SH2), makes a significant contribution to planning positively to support the strategic development needs of the District, as framed by the Local Plan, albeit at the very small scale expected of a small village.

7.2.4 By making a housing allocation for affordable housing the Order is helping shape the future of village life. It represents the expressed desires of the majority of the local community for the kind of place that the village should change for the better in coming years.

7.2.5 The Parish Council believes the Order is in general conformity with the policies of the new Local Plan. It is considered to strike a positive balance between the physical and policy constraints of being a smaller village and the desire to steer development of the right type to the right locations.

### Other Relevant Paragraphs

7.2.6 The Order is intended to implement Policy SH2 of the Neighbourhood Plan by granting planning permission for an affordable housing scheme and a new village green.

7.2.7 The housing scheme will enable younger people and families to live in the village and allows for some market housing to ensure a viable scheme can be delivered, as allowed for by §54. The early viability assessment work indicates that one or two higher value, open market homes may be necessary for this purpose, hence the design work for the Order has made this assumption. However, the new Community Land Trust (CLT) has yet to be formed and it will require some flexibility to determine the right blend of housing tenures to achieve its social and financial objectives. The Plan policy and the Order have been drafted to provide this flexibility.

7.2.8 The development scheme is similar in its rationale to a Rural Exception Site but is not promoted as such and does not therefore depend on a housing needs survey evidence base. Rather, to improve the vitality of the village that is being lost as its population ages (as per §55), the Order is intended to enable young people and families to be able to live in the village and to participate in village life. They may be newly formed households from the local area or existing households in other affordable accommodation and they may be key workers in local public services. However, as planning policy has

its limitations in securing and maintaining housing occupation for this outcome, the Order (that includes a leaseholder enfranchisement exemption) will be delivered and managed by the CLT.

7.2.9 In line with the requirements of §173 to pay 'careful attention to viability and costs in plan-making', the Order includes a planning condition to require a viability assessment to be agreed between the CLT and the District Council. Most importantly, to secure a site for this purpose has required land for which there was no 'hope value' in respect of its future development potential. Acknowledging that conventional housing schemes need to 'provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable', the location of the land had to be an exception to Policy SH1 of the Neighbourhood Plan by being not just outside the defined village boundary but also being a little removed from it (by some 80m).

7.2.10 As explained in the policy, the Parish Council invited other private land owners to make their land available on the necessary terms to enable a site evaluation process to be carried out, as per the Planning Policy Guidance (§41-042). All the owners of suitably sized land on the western edge of the village (i.e. beyond the setting of the Shilton Conservation Area, areas of flood risk and the Shill Brook Conservation Target Area of biodiversity value) were contacted. Although some were interested in securing an allocation for a conventional housing scheme, none was willing to make their land available on the required terms other than the Welfare Trust. No further site assessment process work was therefore necessary.

7.2.11 As highlighted in the Strategic Environmental Assessment (SEA) of the Neighbourhood Plan, there is the potential for some negative landscape and other effects resulting from the location of the site. To mitigate these negative effects as a result, the policy has set out a series of key

# 7\_basic conditions statement

development principles for the site (as per §58), with which the Order has complied in full, in terms of either the description of the development or of the proposed model planning conditions.

7.2.12 The location does not fall within a designated or valued landscape that engages the protection and enhancement provisions of §109 or §115. However, the Order seeks to demonstrate that the location of the net developable area minimises the exposure of the scheme in the wider landscape as per §110 and that design solutions are possible in discharging the model planning conditions on layout and building form etc. The Order also makes provision for measures to be taken in the detailing of the landscape scheme (to comply with Policy SH2) to incorporate biodiversity, as per §118.

7.2.13 The village centre is accessible by foot (less than 80m) with a bus stop located immediately adjacent to the site. However, there is currently no complete footpath connection to make it safer for walking trips to and from the village to the new Green and housing in the way envisaged by §35. In which case, Policy SH2 requires the investigation of options to complete the missing sections of public footpath and for them to be delivered as part of the scheme (in line with §75) should it be viable. Discussions with the Highways Authority have already indicated that a viable option is possible using land in its ownership and so a cost sum has been added to the viability appraisal as per §173. The details of this scheme will be agreed in discharging the access model planning conditions.

7.2.14 The village green component of the scheme may also contribute to these same national policy objectives. In addition, it will provide a much-needed gathering place for community events, as it is no longer possible to access the private land previously used for these events, as per §70 and §73.

## 7.3 CONTRIBUTING TO ACHIEVING SUSTAINABLE DEVELOPMENT

7.3.1 The Neighbourhood Plan has been subject to a Strategic Environmental Assessment. The assessment of Policy SH2 states:

*“This policy will have minor negative climate change and landscape effects in using a former allotment to deliver a small affordable housing scheme. The effects are mitigated for the most part by the design requirements of the policy in terms of the number and location of the housing within the site and of the landscape scheme and delivery of a new village green. Parts of the new green may be managed for the positive effect of a biodiversity gain. The final policy now makes provision for a potential footpath link to be constructed between the site and the village to provide a safe and convenient alternative to the car for occasional trips between the two.*

*No other land was made available in the Parish on the required terms for this scheme so there is no reasonable alternative site option. Such a scheme may be possible without an enabling policy in the Neighbourhood Plan, so the alternative option of no policy is assessed the same.” (Table D: Assessment of Proposed Neighbourhood Plan Policies, p21, Final SEA report)*

7.3.2 In addition to its environmental effects, the policy and Order will have a very positive social effect in providing for a small number of new affordable homes over the plan period and the creation of a new village green.

The management of occupation of the homes by a community-controlled organisation to favour young people and families will help change the demographic profile of the village for the better. There are no material economic effects, though it is possible that in some cases, access to local labour may improve for local farms and other businesses.

7.3.3 The policy and Order are considered to be good examples of the power of the Localism Act 2011 to help local communities use the planning system to shape positive, sustainable outcomes. The Plan has enabled the local community to assert its judgement in the planning balance that the significant social benefits arising from the proposal outweigh the minor negative environmental effects of developing a green field site just beyond the edge of the village.

## 7.4 GENERAL CONFORMITY WITH THE STRATEGIC POLICIES OF THE DEVELOPMENT PLAN

7.4.1 The Order and the Neighbourhood Plan have been prepared to ensure their general conformity with the relevant strategic policies of the development plan for the District, that is the new West Oxfordshire Local Plan 2011 – 2031. At the time of the preparation of this Statement, the Local Plan has yet to be adopted, but it will be before the Order and Neighbourhood Plan are examined.

7.4.2 For this purpose, the composite version of the West Oxfordshire Local Plan of February 2018, that includes further modifications as a result of its examination, has been used to identify the relevant strategic policies against which to test conformity.

# 7\_basic conditions statement

It is not expected that the adopted version will differ in respect of the strategic policies that provide the framework for Policy SH2 and the Order. However, should there be a material change, then the Parish Council will provide the examiner with a supplementary statement addressing that issue.

7.4.3 The Local Plan defines Shilton village as a 'small village' in the settlement hierarchy, but allows Neighbourhood Plans to allocate housing development in its Policy H2. (see Table 4.1 Settlement Hierarchy). Policy SH2 is proposed as a deliberate exception to Policy SH1 of the Neighbourhood Plan to ensure that land could be secured on the necessary terms to deliver a viable scheme. Policy H2 allows the allocation of housing land in small villages through Neighbourhood Plans. Although the Order land does not lie within the village it lies alongside a small cluster of existing homes that are considered by those residents and by the village community to form part of that community and that lie only some 80m from the western edge of the village. It is only Policy SH1 and not Policy H2 that defines the village boundary for development management purposes and so Policy SH2, and therefore this Order, is regarded as being in general conformity with intent and provisions of Policy H2.

7.4.4 The development proposals in the Order are consistent with the location principles of Policy OS2. They are appropriate to the context of the location being part of a small cluster of houses at that end of the village) and therefore form a logical complement to the existing scale and pattern of development. There is no risk of coalescence with other settlements and the design requirements of the policy, that have been incorporated into the Order and its conditions, will ensure its landscape effects are minimised.

7.4.5 It is consistent with the high design standards expected in Policy OS4 and will protect the local landscape character, as per Policy EH1. In respect of Policy T3, the Policy SH2 requires the investigation of the creation of a new footpath link between the site and village and its implementation as part of the scheme if deliverable. This investigation has already begun in liaison with the highways authority and options have been identified to use available land within the highway to deliver this proposal. It is acknowledged that Shilton is not well suited to any major development in respect of Policy T1 as it has few local services and its public transport connections are weak. Hence, the scheme provides only a small number of new homes, but which will be of sufficient number overall to begin to address the demographic profile of the village.

7.4.6 The affordable housing provisions are consistent with Policy H3 in respect of its proposals to deliver suitable rural sites for small scale affordable housing schemes and its allowance for a small number of open market homes to ensure viability. It is noted that although meeting the housing needs of young people is referenced in the Local Plan (§5.94/5.95), it relies on policies H3 and H5 (self-build) to meet those needs rather than make specific policy provision. It is therefore possible that this policy device (coming through a Neighbourhood Plan and Order) and delivered by the Community Land Trust may provide a model by which the District Council's aims may be achieved here and elsewhere in the District.

## 7.6 COMPATABILITY WITH EU LEGISLATIONS

7.6.1 The District Council was requested to provide a screening opinion on the need for the Order to comply with the Town & Country Planning (Environmental Impact Assessment) Regulations 2017, which implement amendments to Directive 2011/92/EU of the European Parliament and of the Council on the assessment of the effects of certain public and private projects on the environment which were made by Directive 2014/52/EU.

7.6.2 The screening opinion is attached as Appendix A to this Statement. It concludes that, "the proposal is considered not to be EIA development requiring the submission of an Environmental Statement". Neither this opinion nor the screening opinion of the District Council on Strategic Environmental Assessment indicated that a screening would be necessary to assess the effects of the Neighbourhood Plan or Order on European nature sites as part of the Conservation of Habitat & Species Regulations 2017, which implement Council Directive 92/43/EEC on the conservation of natural habitats and of wild fauna and flora.

7.6.3 There are no other EU legislative requirements that are considered relevant for the making of the Order.

# 7\_basic conditions statement

Planning and Strategic Housing

Elmfield  
New Yatt Road,  
WITNEY,  
Oxfordshire, OX28 1PB  
Tel: 01993 861000  
www.westoxon.gov.uk



Brendan O'Neill  
RcOH Ltd  
106 Westbourne Studios  
242 Acklam Road  
London  
W10 5JJ

Date: 26/01/2018  
My ref: Shilton CRTBO  
Please ask for: Astrid Harvey  
Telephone: 01993861692

Dear Mr O'Neill

## THE TOWN AND COUNTRY PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2017

### SCREENING OPINION

**PROPOSAL:** Development of 12 Residential Dwellings (10 affordable units and 2 'cross subsidy' private market units)

**AT:** Former Allotment Land Fronting onto Hen N Chick Lane, Shilton, OX18 4AH

**DATE:** 26 January 2018

A request for the EIA screening of a draft Community Right to Build Order (as outlined above) was received by West Oxfordshire District Council on the 18 January 2018.

The following assessment is undertaken under the terms of the Town and Country Planning (Environment Impact Assessment) Regulations 2017 only. It is important to note that the assessment does not constitute an opinion or determination under planning policy.

Whilst this draft proposal is a Schedule 2 development, having considered the criteria stated within Schedule 3 the Local Planning Authority concludes that it will not be likely to have significant environmental effects having regard to its characteristics, location and the types and characteristics of the potential impact and is therefore considered not to be EIA development requiring the submission of an Environmental Statement.

#### The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 EIA Screening Opinion – Reasons

The 2.23 hectare development site is located in the open countryside to the west of the village, south west of the junction between Hen N Chick Lane and The South Lane, Shilton, West

Oxfordshire. It does not adjoin the built edge of Shilton and is not located within the Shilton Conservation Area. It is overlooked by three separate rural dwellings – Friesland on Hen N Chick Lane, Westbourne on The South Lane, and Westfield Lodge which is accessed via a single track lane abutting the southern perimeter of the site. The impact of the proposed development on each of these three dwellings would be significant.

The development is not of a size or form that is likely to have significant effects in terms of traffic generation and the effect on the highway network in the context of the above Regulations.

The site is located in a Flood Zone 1 and it is unlikely that the proposed development will have significant flooding or drainage effects when assessed against the above Regulations.

The site is currently an agricultural field and is not located in an ecologically sensitive area. Delivery of the proposed scheme does not require the removal of any significant trees. Access to the site can be achieved without removal of any of the trees along the site perimeter. Any tree protection details can be secured by condition. Having regard to the above Regulations it is considered that the development would be unlikely to have significant arboricultural or ecological effects.

The location of the proposed development means that the proposal is unlikely to have significant effects in terms of noise, pollution or disturbance either in the short, medium or longer term.

The construction phase is likely to commence Spring 2019 with anticipated completion Autumn 2020 giving an indicative construction period of 18 months. This is unlikely to have significant environmental effects having regard to the above Regulations.

The proposed development is considered not to be of a level that will have significant social and economic effects when considered against the above guidelines.

Overall, it is considered that the proposal is not for development of more than local importance, would not have a significant effect on an environmentally sensitive or vulnerable location or raise unusually complex and potentially hazardous environmental effects when assessed against the above Regulations. The proposal is considered not to be EIA development requiring the submission of an Environmental Statement.

Yours faithfully,

*Phil Shaw*  
Area Planning Manager

# 8\_consultation statement

8.1 This Consultation Statement has been prepared by the Parish Council to accompany its submission of the Order to the District Council. Under S22(1b) of the Neighbourhood Planning (General) Regulations 2012 (as amended), 'where a qualifying body submits an Order proposal to the local planning authority it must include ... a consultation statement'.

8.2 A statement is defined in S22(2) of the Regulations as a document which:

- "(a) contains details of the persons and bodies who were consulted about the proposed ... community right to build order;
- (b) explains how they were consulted;
- (c) summarises the main issues and concerns raised by the persons consulted; and
- (d) describes how these issues and concerns have been considered and, where relevant, addressed in the proposed ... community right to build order."

8.2 The Statement describes all of the informal and formal consultation activities that have helped inform the Order as part of the wider consultations on the Neighbourhood Plan. Given the Plan proposes a specific policy (SH2) for the land to which the Order applies, and the coincidence of the making and examination of the Plan and Order, it has been sensible to integrate these consultation activities. A separate Consultation Statement has been prepared for the Neighbourhood Plan, of which this Statement is a subset.

8.4 However, since the completion of the Pre-Feasibility Study for the Order in May 2017 and the receipt of grant funding to make the Order, more specific consultations have been undertaken on its contents, especially with the District Council and Highways Authority, and then with the other statutory and utility bodies.

## Informal Consultations

(February – October 2017)

8.2 The Parish Council consulted the local community in February/March 2017 on a number of issues to inform both its Neighbourhood Plan and this feasibility report. A 'Village Survey' questionnaire was circulated to every household in the Parish, including Bradwell Village. The survey was designed to test initial opinions on the desire for change in terms of population profile and how this may be effected by the Plan.

8.3 The survey achieved a very good response rate, especially from those living in the main village. The important topics identified included the desire to see the surrounding countryside preserved, the Conservation Area maintained, the Rose & Crown P.H. kept, local transport services improved, new local employment opportunities created and affordable housing delivered.

8.4 Around half of local people expressed the view that the village population is too old and getting older, with a small majority in favour of the Plan being used to bring about some change, primarily through an affordable housing scheme. Of the 82 responses, 20 indicated that there may be a family member or relative that wants or will need access to affordable housing in the village. Of those in favour of the Plan looking at housing issues, a majority favoured an affordable housing scheme of 5 – 10 homes, focusing on family homes and starter homes over which the community had control of ownership and management of the homes. Conversely, there appeared to be little appetite for the Plan to allocate land for conventional open market homes.

8.5 The survey itself indicated no specific sites in the village but the Parish Council and Welfare Trust have discussed in open meetings the idea of using the Trust land at Hen N Chick Lane for an affordable scheme. In this very small village, it can safely be assumed that many people will have been aware of that possibility when answering the survey.

No other land to date has been put forward by a land owner willing to deliver an exclusively affordable housing scheme with the Parish Council.

8.6 Although there are many in the village that do not appear to support the Plan promoting any form of development, the fact that half of local people seem interested in an affordable scheme should be considered a positive sign. However, such interest is likely to be contingent on the provision of a high quality scheme of the right size and tenure mix and delivered in a way that enables the local community to control the scheme thereafter.

8.7 The project brief from the Parish Council has made clear its preference for the scheme to be financed, delivered and managed through a bespoke, community land trust type body, rather than follow a more conventional, housing association partnership route. The community consultations indicate that local people place some importance on the degree of local control over the scheme over the long term as an important and distinctive source of meeting local housing needs.

8.8 A full day drop in consultation on the Neighbourhood Plan which included the proposals for affordable housing on the Allotment Field site, which would go on to form the basis of the Order, was held at the Old School Village Hall on 14th October 2017 with invitations delivered to all residents and stakeholders to attend. The event was also advertised in the village newsletter. A total of 61 people attended. Display boards outlining the findings of each of the Task Groups were prepared and copies of each of the group reports were made available. Members of the Steering Group were available all day to discuss the proposals. Each person attending was asked to complete a questionnaire indicating their support or rejection of the group's proposals. The results were 98.3% in support of Environment, 98.3% in support of Design proposals and 76.5% in favour of the affordable housing proposals. Additional comments were also recorded and carried forward for the further considerations of the Steering Group.

# 8\_consultation statement

## Regulation 21 Consultation

(January – March 2018)

8.9 A further full day drop in consultation event was held on 24th February 2018 in the Old School Village Hall in Shilton during the Regulation 21 period which included the Draft Order and the Pre-submission Neighbourhood Plan. Display boards were prepared and full copies of both the Plan and CRTBO and summaries were available to everyone attending. Our consultants and some Steering Committee members were on hand to answer questions and to give detail explanations of the policies. Thirty two people attended during the day. A questionnaire asking for comments was provided. Some completed this at the event, others took it away for consideration and later comment. Of those completing questionnaires 79% voted in favour of the proposed development on the Allotment Field.

8.10 The design process set out in section 4.2 involved the consideration of a number of layout options, technical issues before agreeing the overall development concept as set out in 4.2.5. which was consulted on at the event on 24th February.

8.11 During the regulation 21 Consultation Oxfordshire County Council Highways Authority proposed five Conditions and one Informative in a review of the draft order scheme (ref: Application No: 18/W0001/Preapp). These have been included in the Conditions in section 3.1.

8.12 During the regulation 21 Consultation West Oxfordshire District Council provided their Condition Wording document 2016, and the Standard Ecology Conditions. Conditions from these have been included in section 3.1. in line with recommendations made in the technical reports and as considered appropriate for the proposals set out in this Order, from these have been These additional Conditions are.

8.13 During the regulation 21 Consultation West Oxfordshire District Council provided additional (secondary) observations regarding the Draft Order proposals which have been addressed in the Submission Order. In summary:

**Housing mix:** The affordable mix has been determined through consultation and meets the greatest need within the District for smaller family homes (i.e. 3 bed properties). The two open market four-bed homes are to provide cross subsidy to make the scheme viable and are not intended to meet affordable housing needs. Section 4.5 in the Order sets out how these contribute to the financing and viability of the scheme.

**Layout and density:** The density of the scheme at around 20 dph is considered appropriate to the local character and context. The village green has been located to be accessible to existing and future residents. Matters relating to parking, detailed building layouts, bin stores and washing lines will be dealt with at the detailed design stage and through the reserved matters.

**Village Green:** The village green replaces the existing privately owned open space that is no longer available for village green events. It is the key requirement of the community that can be delivered through the neighbourhood plan and the Order. Improvements in connectivity are set out in section 4.4.1 of the Order.

**Car parking:** The size of the village green parking area allows for occasional larger vehicles to serve village events. The design of the parking area will be low key and in keeping with the rural setting as described in section 4.3.1 of the Order.

**Accessibility:** The County Council's Cycling Design Standards will be used in the detailed design.

**Drainage:** A summary of the foul and surface water drainage strategies is included in section 4.4.2 of the Order with the full report in the appendices. Section 3.1 includes Conditions for drainage.

**Ecology and Landscape:** A summary of the Ecology and Arboricultural reports are included in sections 4.4.3 and 4.4.4 of the Order with the full report in the appendices. Section 3.1 includes Conditions for ecology.

**General Additional Points on Design:** Design strategy explained in section 4.0 of the Order.



# 9\_enfranchisement

Under Section 28 of the Neighbourhood Planning (General) (as amended) Regulations 2012 the Parish Council, as qualifying body provides that an enfranchisement right is not exercisable in relation to any property consented by this Order.

Shilton Parish Council: Shilton Community Right to Build Order  
Submission Order \_ Published under Regulation 22 of the neighbourhood planning (general) regulations 2012 (as amended)

March 2018