

Comments on the Statements of Appeal (Oxford Brookes University/Avison Young)

1. These comments have been prepared by the Wheatley Neighbourhood Plan Committee in response to the Statements of Appeal [1] presented by Avison Young on behalf of Oxford Brookes University (OBU). The Appeal [1] concerns the application for outline planning permission [2] to build 500 homes on the land owned by OBU in the parish of Holton. The critical reasons for refusal [3] by SODC are shown in Figure 1. This land comprises several separate plots collectively referred to in the emerging Local Plan eLP2034 [4] as STRAT14 “The land at Wheatley Campus”. Throughout the various versions of the emerging Local Plan the draft WNP [5] has always supported the policies associated with STRAT14 (or previous descriptions) to provide approximately 300 homes on the land that reflects the existing pattern of built development and to focus this development on the eastern part of the land owned by OBU.

1. Paragraph 145 of the NPPF allows for development in the Green Belt where it would not have a greater impact on the openness of the Green Belt than the existing development or not cause substantial harm to the openness of the Green Belt, where the development would re-use previously developed land. The residential development extends beyond the predominantly developed limits of the campus onto the western area of the site, which is currently undeveloped land in the Green Belt. The encroachment of development into this area would significantly harm the openness and visual amenity of the Green Belt, and result in loss of undeveloped land which contributes positively to the open character of the site and wider setting within the Green Belt. There are insufficient public benefits provided by the development to amount to very special circumstances for development in the Green Belt. The development therefore conflicts with paragraph 145 of the NPPF, policy CSEN2 of the South Oxfordshire Core Strategy 2027 (Adopted 2012) and saved policy GB4 of the South Oxfordshire Local Plan (2011).
2. Paragraphs 193 and 196 of the NPPF (July 2018) set out that great weight should be given to the conservation of historic assets and even where the development will lead to less than substantial harm, this harm should be weighed against the public benefits. By reason of the encroachment onto the western, undeveloped area of the site, the development would significantly compromise the historic relationship of Holton Park with its former deer park, and erode the understanding of the open setting and rural context of the Scheduled Monument. The development provides little public benefit to offset this harm. The development fails to conserve the historic setting of the parkland and the scheduled monument and therefore conflicts with paragraphs 193 and 196 of the NPPF (July 2018), policy CSEN3 of the South Oxfordshire Core Strategy 2027 (Adopted 2012) and saved policies CON5 and CON15 of the South Oxfordshire Local Plan (2011). Paragraphs 92, 102, 108 and 110 of the NPPF (July 2018) emphasises the need for pedestrian and cycle links within the site and to neighbouring areas, as well as shared spaces, community facilities and local services.
3. In light of the lengthy walking distances between the development site and facilities in Wheatley, and the poor connectivity with Holton, the development would represent a detached and poorly integrated neighbourhood where future occupants would be highly reliant on private transport. The mitigation, in the form of pedestrian and cycle link improvements, would be insufficient to reduce distances to the extent that they would become attractive alternatives to private transport. The development therefore conflicts with the paragraphs 92, 102, 108 and 110

Figure 1 Critical SODC grounds for refusal [3]

2. The WNP Committee has always viewed STRAT14 “as a whole” because of the description in eLP2034 [4] (and previous versions) together with the fact that development of STRAT14 “as a whole” will affect the communities of Wheatley and Holton. As part of the responses to the draft WNP [5] pre-submission Public Consultation the WNP Committee noted that in Representations [6] made by OBU/AY it is asserted that opinions expressed in the draft WNP [5] have related to

areas outside of the WNP Neighbourhood Designated Area (NDA). The WNP Committee thanks OBU/AY (and also by SODC in a separate response) for making the Committee aware of these technical issues. The narrative in the draft WNP has been reworded in order to meet compliance requirements.

3. OBU/AY cite [5] that the development is within walking distance of facilities in Wheatley yet appears to disregard the fact that SODC has pointed out that it is a “lengthy walk” into Wheatley and that draft WNP [5] has indicated also that it takes “at least 25 minutes to walk from the current bus terminus at OBU into the centre of Wheatley”. This disregard begs the question as to whether OBU/AY really consider the needs of an important section of the community whom the development proposal hopes will benefit from the affordable homes created viz :- families with young mothers with one or two children of primary school age. It is the opinion of the WNP Committee that a 25minute hike with a buggy (double or otherwise) represents a barrier to integration with the resulting negative consequences. There will be a natural preference to “take the car” to school thereby exacerbating rush hour traffic issues in Wheatley and for those not so wealthy families (ie “one car” or even “no car”) there will be potential issues of isolation. Real life experience of the latter has come to light as a result of the draft WNP Public Consultation when one current resident of Wheatley wrote about her experience on the OBU site when her husband became a young lecturer at Lady Spencer College in 1972. An extract of her letter [7] is shown in Figure 2.

“We were therefore very grateful to be offered one of the old army houses on the campus. I was teaching in Didcot, we had two cars. A year later, the situation was very different, our new born son, no teaching for me, no money, lecturers are not well paid, and the second car had to go. By the following September our daughter had arrived.

It was very isolating on the campus with two small children. Doctors, nurses, friends, shops were all a long way away. Packing two little ones into a pram, buggy, for the long walk into Wheatley, became more and more difficult especially as winter approached.”

Figure 2 Life on the Campus

This experience confirms and emphasises the concerns expressed by SODC in the grounds for refusal and it also should be noted that these concerns not only affect young families but also any elderly residents.

4. The draft WNP [5] has expressed support for the policies relating to Wheatley and Holton in eLP2034 [4]. The WNP Committee would like to make two further comments.
 - a. The draft WNP [5] contains policy GBBA1 which makes provision for the release of Green Belt and robust arguments are provided in support of this

policy. These are cogently argued and are aimed at providing homes and preserving employment.

- b. The provisions of GBBA1 are however contingent on eLP2034 [4] being adopted and until such adoption takes place the WNP Committee anticipate that the draft WNP may well be examined with respect to LP2011 [8] and the NPPF [9].
5. The WNP Committee recognises that boundaries delineating STRAT14 and the WNP NDA may have led to some confusion. This is also true in the lack of consistency in the nomenclature used to describe STRAT14 in the various versions of the emerging Local Plan, the OBU/AY proposal [2] and the subsequent Appeal [1] (eg “Oxford Brookes (former) Wheatley Campus”, “The Land at Wheatley Campus”, “Wheatley Campus” etc). The Land Registry shows that STRAT14 in fact comprises three parcels of land.
- a. OBU Campus (ON259982)
 - b. Kortenay (ON78620)
 - c. Long White Cloud (ON236191)

All of these parcels are owned by OBU but, as para 3.2 in the Appeal [1] recognises, parcels (b) and (c) are “vacant residential properties and associated land” and not part of the OBU campus. Only part of parcel (a) lies within the WNP NDA. This parcel is referred to as WHE25 so the following comments will only relate to WHE25 and the



Figure 3 Land owned by Oxford Brookes University lying within WNP NDA

other two parcels which are collectively known as WHE25a. They are both shown in Figure 5 together with the boundary of the WNP NDA.

Prior to the decision by OBU to sell STRAT14 there had been various planning applications to expand and develop the campus site to provide further accommodation and facilities for the students. Permission was granted in favour of expansion being limited to approximately a 10% increase to the boundary of the built form already



Figure 4 eLP2034 [4]

existing within parcel (a). This careful and considered approach to expansion on the campus site has been continued in eLP2034 [4] and is reflected in Figure 4 that shows the “indicative development” for the site which follows mainly the existing built form for higher density development and excludes any development on the western half of the site.

The draft WNP [5] has deferred to eLP2034 [4] regarding the final decision regarding the future development at STRAT14 and not sought to undermine or control any of the policies associated with STRAT14. However, with the decision to refuse planning permission [3] to OBU/AY (by eight votes with one abstention) and the content of the subsequent Appeal [1] the WNP Committee would like to make comments, with respect, on the Appeal [1] and the outline planning application [2]) as part of the terms under which SODC and the Inspector will consider the Appeal [1]. It is felt that these comments are relevant especially if the Appeal [1] is to be considered within the framework of LP2011 [8] and the NPPF [9] due to the possible delay in the examination and subsequent adoption of eLP2034 [4].

6. The NPPF [9] has laid out clear guidelines defining “brownfield sites” also referred to as “previously developed land”. They are listed in Figure 5.

The definition from the 2012 National Planning Policy Guidance, which only applies to England, uses the terms 'brownfield' and 'previously developed land' interchangeably:

"Land which is or was occupied by a permanent structure, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed) and any associated fixed surface infrastructure. This excludes:

- land that is or has been occupied by agricultural or forestry buildings;
- land that has been developed for minerals extraction (mining) or waste disposal by landfill purposes where provision for restoration has been made through development control procedures;
- land in built-up areas such as private residential gardens, parks, recreation grounds and allotments; and
- land that was previously-developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape in the process of time."

Figure 5 NPPF [9] definition of "brownfield site"

Whereas the built form of the OBU Campus lying within the WNP NDA can be considered as a "brownfield site" it is clear from the NPPF [9] guidelines that Kortenay and Long White Cloud cannot be considered in the same manner as the OBU Campus and therefore, surely, must be subject to different criteria in considering any planning application or any appeal. Due diligence would demonstrate that Kortenay and Long White Cloud lie within the Parish of Holton where there are examples of development proposals for similar parcels of land being restricted or refused due to the provisions of LP2011 [8] so it is surprising that OBU/AY appear to be unaware that development of Kortenay and Long White Cloud would be subject to these provisions. Unless and until the examination and subsequent adoption of eLP2034 [4], including the soundness of the provisions of the policies for STRAT14, is concluded then within the framework of LP2011 [8] the WNP Committee can support development of homes on the built form of the OBU Campus lying within WHE25 but cannot support the development proposed by OBU/AY for Kortenay and Long White Cloud.

7. One aspect of the proposed redevelopment of STRAT14 that has met with almost unanimous support from Wheatley Parish Council, Holton Parish Council, the WNP Committee and the community in general is the removal of the OBU tower block which is detrimental to many views in the area. However, the removal of the tower block cannot be supported at the expense of the adoption of a policy of volume dispersal espoused by OBU/AY for development on STRAT14. In refusing the OBU/AY planning application SODC cited concerns about preserving the "openness of the site" (see Figure 1, item 1). The policy of volume dispersal merely transfers the negative visual features of the tower block in the vertical direction into negative features in the horizontal direction by spreading out homes into land that otherwise lies in the Green Belt. The visual impact of these homes may not be as dramatic as the

tower block but they will nevertheless be present as evidenced by the concerns of SODC. The WNP Committee cannot support any development on the built form of the OBU Campus within WHE25 that involves volume dispersal.

References

- 1 APP/Q3115/W/19/3230827, Statement of Appeal, P17/S4254/O, www.southoxon.gov.uk
- 2 P17/S4254/O, www.southoxon.gov.uk
- 3 Decision Notice, P17/S4254/O, www.southoxon.gov.uk
- 4 SODC Local Plan 2011 – 2034 Final Publication 2nd (2019), www.southoxon.gov.uk
- 5 EB Public Consultation 10, WNP_Document_v37, www.wheatleyneighbourhoodplan.co.uk
- 6 A copy of the Representations to the “Regulation 14” Version of the Emerging Wheatley Neighbourhood Plan will be available in the WNP Consultation Statement.
- 7 EB Public Consultation 11, Responses/analysis following Pre-submission Public Consultation 7 May – 21 June 2019. WNP scan CM_letter0001, www.wheatleyneighbourhoodplan.co.uk
- 8 SODC LP2011, www.southoxon.gov.uk
- 9 NPPF, <https://www.gov.uk/guidance/national-planning-policy-framework/annex-2-glossary#prev-dev-land>

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