

Case Officer: James Kirkham

Applicant: Mr Russell Crow

Proposal: OUTLINE Planning Application with all matters reserved save for access for up to 9 First Homes

Ward: Cropredy, Sibfords and Wroxton

Councillors: Councillor Chapman, Councillor Reynolds and Councillor Webb

Reason for Referral: Called in by Councillor Reynolds for the following reasons:

- Public interest – The level of objection
- The site is clearly beyond the boundaries of the village yet is not an exception site but a site for entry level housing. This will drive a coach and horses through our present policies and open up all villages to speculative applications.

Expiry Date: 31 May 2022

Committee Date: 19 May 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION, SUBJECT TO CONDITIONS AND SECTION 106 AGREEMENT TO RESTRICT DEVELOPMENT TO FIRST HOMES

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is the northern part of an undeveloped field, currently laid to grass, to the south of Great Bourton. It is bounded to the north by the properties accessed from School Lane which includes a number of new dwellings that have been permitted in recent years (some of which have not yet been constructed). To the south of the site, beyond the southern part of the current field is the village allotments. To the west is Foxden Way which is a rural lane without any footpath provision.
- 1.2. The site is relatively level and has hedgerow boundaries to the north, west and east. A field access exists to the eastern boundary of the site onto Foxden Way.

2. CONSTRAINTS

- 2.1. The application site is located in an area of elevated radon levels. The site is not located in a Conservation Area or within the setting of any listed buildings. There are records of swifts in the locality.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. When the application was originally submitted it was proposed to be developed for an 'Entry Level Exception Site' for 9 dwellings and included the larger field parcel. During the course of the application new national planning guidance and a Written Ministerial Statement (as outlined elsewhere in this report) have been issued, which effectively replace Entry Level Exception Sites with First Homes Exception sites. Given this change in national policy the proposal has been amended to now propose a First Homes Exception site for 9 dwellings. The site area has also been amended to reduce the size of the site and include land for a footpath connection to South View.

- 3.2. The current application is made in outline with all matters reserved except details of the main access to the site from Foxden Way. All other matters such as appearance, scale, layout and landscaping are reserved for future applications. Permission is sought for up to 9 dwellings on the site. These are proposed to be provided as 'First Homes' which are a new form of affordable housing product and should be considered within the definition of 'affordable housing' for planning purposes. They would be secured through a legal agreement. They are a specific tenure of discounted market sale housing. First Homes are discounted market sale units which:
- a. must be discounted by a minimum of 30% against the market value;
 - b. are sold to a person or persons meeting the First Homes eligibility criteria (see 3.3 below);
 - c. on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and
 - d. after the discount has been applied, the first sale must be at a price no higher than £250,000.
- 3.3. To be eligible to purchase a First Home a purchaser (or, if a joint purchase, all the purchasers) should be a first-time buyer (as defined in paragraph 6 of schedule 6ZA of the Finance Act 2003 for the purposes of Stamp Duty Relief for first-time buyers). Purchasers of First Homes, whether individuals, couples or group purchasers, should have a combined annual household income not exceeding £80,000 and should have a mortgage or home purchase plan (if required to comply with Islamic law) to fund a minimum of 50% of the discounted purchase price. These national standard eligibility criteria would also apply at all future sales of a First Home as would the 30% market discount. Full details of the siting, size and appearance of the dwellings would be secured at reserved matters stage.
- 3.4. In terms of the access, the main access to the site would be from Foxden Way in a similar position to the existing field access. This would be in the form of a priority junction. A new footpath is also proposed along the western side of Foxden Way to link the proposed site access to the allotments further to the south. It is also proposed to create a new 1.5m wide footpath link to the north west of the site to link the site with the existing footpath in South View.
- 3.5. An indicative site layout has been provided. This shows the provision of 9no. detached dwellings in a linear arrangement facing south over an access road through the site. An attenuation feature is shown to the south of the access. Landscaping is shown further to the south of the access road.

4. RELEVANT PLANNING HISTORY

- 4.1. The following planning history is considered relevant to the current proposal:

Land to the west of South Lea (to the north of the development site)

20/01110/F – Erection of two dwellings – Approved (under construction). There are also a number of further applications relating to this site which relate to variations of this consent.

Land to adjoining north west of application site

21/02336/OUT - Outline planning application with all matters reserved except for access and scale for 2 no 1.5 storey dwellings – Approved. Not commenced.

Land to the north of 21/02336/OUT

19/01806/F – Erection of 3 no dwellings and associated garages – Approved and built. There are also a number of further applications relating to this site which relate to variations of this consent.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal

6. RESPONSE TO PUBLICITY

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **7 April 2022**. There were 147 objections, 18 submissions of support and 11 comments received.
- 6.2. The comments raised by third parties are summarised as follows:

Objections

- Principle of development – Development of a green field site outside of the village boundaries contrary to the Local Plan. The Development Plan, by law, should be the basis for decision making. The First Homes WMS and PPG are not law and do not displace the primacy of the Development Plan.
- Impact on the village - The village has already expanded significantly in recent years. The village has already taken its share of new development amounting to more than a 25% increase.
- Sustainability - No public transport and very limited services in the village. Residents will therefore be reliant on private cars contrary to the objectives of reducing the need to travel and carbon emissions. Not the right location for affordable housing given limited services and facilities and reliance on private car. Lack of footpaths to the village.
- Visual impact - Harm to the rural character and appearance of the area and the valued rural local landscape through the development of the site for housing and new footways. Harmful impact on character of lane and reduction of gap between villages. Harmful intrusion into open countryside. Agree with the landscape officers view that the proposal should be refused. The developer has complained regarding negative comments on the application including the Landscape Officers objections.
- Transport impacts – Additional traffic from the development will cause highway safety issues with other vehicles, pedestrians, cyclists and other road users on unsuitable roads which too narrow (single track in many places with limited passing places) and used by walkers. Increase traffic will be a hazard to recreational users of Foxden Way. Traffic calming and road improvements are required. Damage to highways and verges through construction and additional cars. Insufficient parking to serve the development'. The supporting Transport Note misleading and makes incorrect assumptions.

- Affordable housing – The type of housing proposed does not look ‘affordable’. No need for additional housing in the area. No demonstrated need to for more affordable housing in the village and it is being met elsewhere in the district. The Council’s housing officer questions the affordability of the dwellings and poor location. Already significant levels of affordable housing built or under development within 1.5m of the site. First Homes will not be affordable to many households. Cherwell’s affordability is currently 21st most affordable area out of 64 districts in the South East region and house prices are growing lower than the rest of Oxfordshire.
- Housing tenure – The site does not comply with Rural Exception site guidance. Not a suitable location for First Homes. The development will result in more new housing to the south in the future and set a precedent for this. The development will come forward as market housing.
- No need for pavement to allotments
- Loss of habitat and detrimental impact on wildlife.
- Loss of fertile agricultural land.
- Increase in flood risk and drainage problems. The drainage is inadequate and there is already flooding of the ditch. Additional run off will make flooding in Cropredy worse.
- Noise and disturbance during construction.
- Use of on-site treatment plan may result in harm through pollution and do not appear to work as well as is stated. Potential pollution to allotment and watercourses.
- Outline application is not sufficiently detailed. For example scale of houses, appearance, size of the dwellings
- Lack of infrastructure to serve the development including schools, doctors and roads.
- Confusion over the number of houses proposed.
- The developer has a poor track record within the village and has been involved in the adjacent site where development was not built in accordance with the approved plans
- Local opinion is overwhelmingly opposed to the development.
- The developer has promoted the wider site as part of the review of the Local Plan for 25 market dwellings which demonstrates their intentions. If planning consent is granted for the current development it make the wider development more likely.
- Queries regarding governments commitments to other planning reforms.
- Queries regarding the identity and financial standing of Fernhill Estates and the applicant.
- An orchard or play area would be more appropriate for the site which had previously been considered
- The findings of the YouGov survey submitted by the applicant are not robust.

Support

- Will help meet a need for someone on an average income to buy a house without moving out of the area. They will still be expensive but would be more accessible.
- People in affordable housing can afford a car.
- There is a housing crisis and affordable housing is even more scarce. The application should be supported

- This sort of proposal would allow people to move to the area/stay in the area where they cannot currently afford to buy and provide housing for young people to access the housing market in a rural area.
- Affordable housing would allow the community to thrive and should be encouraged. Not all affordable housing should be in urban areas and affordable housing in villages is also required.
- Cannot see any reason for the proposal not to go ahead.

6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register.

7. RESPONSE TO CONSULTATION

Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.

PARISH COUNCIL AND LOCAL COUNCILLORS

- 7.1. THE BOURTONS PARISH COUNCIL: **Objects.** Great Bourton is not the optimum location for First Homes and believe the applicant has provided some misleading comments. The comments from the Parish Council are available in full on the Council's website but are summarised as follows:
- 7.2. Great Bourton is a Category B village with limited transport services with no essential amenities and is therefore not sustainable. The services in Cropredy are too far and the topography challenging so walking and cycling is unlikely. There is a lack of any meaningful public transport and the bookable service is part funded by the parish and so cannot be regarded as permanent. There is only free buses to primary school and limited secondary schools. If residents choose other schools they would need to pay for transport. The applicant's Transport Note refers to bus services which have been discontinued. The development is contrary to the Development Plan policies for new developments at Category B villages. Future residents would be highly reliant on private car. Therefore, the development would not meet either the carbon footprint optimum or amenities criteria nor would it support a sustainable feature. The proposal would be better placed in a Category A village.
- 7.3. First Homes would be available to applicants across the whole of the Cherwell District so are not necessarily for local residents or those with a connection to the village. It does not comply with Rural Exception Site Guidance. There is sufficient affordable housing already provided in the village. The Parish's housing survey found it would be difficult to find any local residents who would qualify for the housing.
- 7.4. The applicant's reference to a Yougov survey on the need for affordable housing represents less than 0.1% of Cherwell's population and is not robust and of no relevance to the application.
- 7.5. The traffic implications are far more serious than the applicant has reported; Foxden Way (the site entrance) is not a 'quiet lane' – it's a narrow lane single track lane with a 60mph speed limit. All other lanes leading to the site are narrow and vehicles have difficulty passing each other and they are unsuitable for any future traffic. The applicant's automatic traffic count (ATC) was undertaken on School Lane and underestimates current traffic flows. The parish have undertaken their own ATC on Foxden Way which shows 1,736 weekly traffic movements on Foxden Way compared to 799 per week on School Lane in the applicant's count. It also shows 3.7% of vehicles speeding in the 30mph. The applicant's forecast traffic movements also

underestimate the expected number of trips to and from the site and are drawn from more urban site. The original Highways response objected; however, this has now been withdrawn without adequate information. Construction traffic remains a considerable concern due to the nature of the routes to access the site.

- 7.6. This proposed development is a greenfield site and would seriously impact on the local landscape and intrude into the open countryside. The site is suitable for further agricultural use. The site is adjacent to the greenspace of the allotments. The parish were assured by CDC that the allotments would not be regarded as the boundary of the settlement. The submitted plans bear no relationship to the settlement and the footpath to South View is unlikely to be used by residents or allotment holders.
- 7.7. The provision for foul water and surface water excess is inadequate. The use of an onsite treatment plant would add to flooding in the area by discharging to the ditch. From experience, treatment plans are not effective at cleaning water and would attract vermin and the ditch is inadequate. The use of soakaways for surface water is not feasible.
- 7.8. The applicant's references to surveys and statistics are misleading and sometimes inaccurate. For example, the use of the ONS data regarding housing affordability. The applicant highlights that the ratio for Cherwell has moved from 9.4 in 2020 to 10.3 in 2021 which, allowing for rounding, is correct. However, the same ratio was 10.4 in 2019. In fact, the ratio in Cherwell is the second most affordable in Oxfordshire and in the top third of affordability in the South East.
- 7.9. Raise concerns that granting permission for this development could open up development on the rest of the field and possibly surrounding land. The site is being promoted through the Local Plan process. Also states that a higher density of housing may be proposed on the site or market housing.
- 7.10. Bourtons Parish does not currently have a neighbourhood plan in place because they are costly and take a considerable time to formulate. However, [the parish is] in the process of producing a Community Plan which will be devised from the comments from our Community Plan Questionnaire and our feedback from the open events which we are planning. This plan to be the basis on which we shall respond in future not only to the CDC Local Plan but also to respond to exceptional applications of this kind, which challenge the scope and shape of our community.
- 7.11. COUCILLOR GEORGE REYNOLDS: Requests that the application to called in to committee for the following reasons

Public interest. I understand over 50 letters of objection have been sent in and there is concern within the Parish Council.

Planning reasons. The site is clearly beyond the boundaries of the village but is not, as I understand the applicant, being classed as an exception site but a site for entry level housing using new legislation about to be announced... This clearly will drive a coach and horses through our present policies and open up all villages to speculative applications that will lead to ordinary housing once the principles have been established.
- 7.12. COUNCILLOR PHIL CHAPMAN: Supports Councillor Reynolds' request and further requests a Members Site Visit for the following reasons:
 - The access to this site is difficult. From either Little Bourton which is the closest entrance to Banbury town, via a very narrow road, which is designated 60 mph. The Great Bourton access is through very tight and narrow bends
 - The land seems to have been used successfully for agriculture

- The traffic survey data used is in dispute, 129 movements per week versus 1,763 movements
- There is a need for such housing. This application is the first of its kind for Cherwell so a full evaluation seems required.

CONSULTEES

- 7.13. CDC STRATEGIC HOUSING: Originally objected to the proposal as an Entry Level Exception site. This included lack of detail on the affordability of the houses proposed, lack of details on the type of affordable housing proposed, lack of detail on how it would meet a district need. It had not been demonstrating how the development would provide an 'entry level' housing option for residents in terms of affordability and therefore it was unclear how it would meet the definition of 'entry level' housing. Also raised a number of other concerns regarding access to services and facilities and design.
- 7.14. *Following the changes to national guidance including the formal introduction of First Homes through the Written Ministerial Statement and changes to the Planning Practice Guidance and the application being revised to constitute First Homes raises **no objections**. The comments are copied in full below:*
- 7.15. **No objection** *subject to the application meeting all other planning requirements and a S.106 Agreement that secures the developer obligations in terms of provision of First Homes (as defined in National Planning Guidance and local interim guidance) i.e., with the appropriate discount for first and subsequent sales, having regard to local incomes, house prices (affordability) and a capped sale price etc. In addition, we would expect to see the homes built to a quality standard that includes water and energy efficient measures, NDSS size standards for affordable homes, suitable parking provision and accessible standards where possible.*
- 7.16. *The number of dwellings proposed falls below the threshold for affordable housing to be provided under Local Plan Policy BSC3. This scheme is proposed as a First Homes Exception site which is not a Rural Exception Site and therefore, if the properties are developed as First Homes, they would be meeting a wider Cherwell need and not just a local Parish need. Currently, the local connection criteria would not apply to First Homes schemes because Cherwell DC does not have an adopted Local Plan Policy to prescribe this. The approved CDC Interim Policy Guidance Note: First Homes (December 2021) provides clarity on how the National Planning Practice Guidance would be applied in Cherwell District.*
- 7.17. *Although we do have affordable home ownership properties in Cherwell in the form of shared ownership and a limited number of discounted market sale properties (in rural and urban areas), we do not currently have a pipeline of First Homes (as defined in national planning policy and local guidance) in Cherwell. We do not hold a separate register of applications for First Homes but the Help to Buy agent for the area has provided data to show a continuing number of applications and sales under the Help to Buy equity loan scheme and also for shared ownership sales across the district.*

Background /previous objections

- 7.18. *I set out objections to the original planning application because the information in the application (in 2021) was not clear and it lacked detail to demonstrate how the proposed 'entry-level homes' would be affordable for first and subsequent purchasers having regard to local incomes and house prices or rents; or how they would be allocated, let or managed. There was no indicative affordable housing property type or tenure mix provided with the application and there was a suggestion that 'all types of affordable housing', as defined in NPPF, could be included in the Outline*

Application S.106 Head of Terms. As stated in my objections, this was very broad and did not help to set out what the scheme was actually going to deliver as part of any future Reserved Matters planning application.

- 7.19. *I also objected to the original application because, due to the lack of detail, the application did not adequately demonstrate how it would meet a district need that is not already being provided for across Cherwell, and therefore it was difficult to conclude how the proposals met with Para 71 of NPPF 2019.*
- 7.20. *The applicant has now provided further information and clarity that the proposal is to deliver 9no. First Homes on this site. In addition, national planning guidance has been issued and Cherwell DC has an approved interim guidance on First Homes. This information was not available previously and therefore the additional information has enabled me to review my earlier objections.*
- 7.21. *As you will be aware, First Homes were introduced in June 2021 following an update to the Planning Practice Guidance (PPG) published by the Ministry for Housing, Communities and Local Government (now the Department for Levelling Up, Communities and Local Government).*
- 7.22. *First Homes are a specific tenure of discounted market housing and should be considered within the definition of 'affordable housing'. Detailed definitions of First Homes and eligibility criteria are set out within the PPG and summarised in the Cherwell District Council 'Interim Policy Guidance Note: First Homes (December 2021)'. The note does not set policy per se, but simply provides clarity on how the PPG will be applied within Cherwell. As the note sets out, where First Homes are to be provided, this will meet the wider Cherwell needs (including Great Bourton and other areas across Cherwell) as we do not have an adopted Local Plan Policy which would prescribe a local connection criterion for First Homes. The Guidance Note also includes eligibility for First Homes.*
- 7.23. *As this is an Outline Planning application with matters deferred for consideration as part of a future Reserved Matters Planning application, it will be important to secure the necessary detail on any S.106 Agreement to ensure that the dwellings meet all the requirements of First Homes (including affordability, eligibility, price cap and mechanisms to secure discounts on first and subsequent sales) and affordable housing standards in general.*
- 7.24. *Most of my previous comments and general observations have been addressed by the additional information provided by the developer, in addition to the comments made by other stakeholder consultees, and by the issue of national planning practice guidance and local interim guidance.*
- 7.25. OCC HIGHWAYS: Originally objected to the proposal raising concerns about the delivery of the footpath connection to South View (not in the red line) and pedestrian connectivity, the reliability of the automatic traffic counts, concerns regarding the extent of the visibility splays, servicing arrangements for refuge vehicles, concerns over large construction vehicles using School Lane in Great Bourton and Spring Land in Little Bourton. Requested details to show that Crow Lane and Main Street will be able to accommodate construction vehicles. Also raised concerns regarding the locational sustainability of the village, access to services and facilities and lack of public transport option.
- 7.26. Further to the receipt of additional and amended information raises **no objections** subject to conditions. The vision splays are considered to be acceptable and the swept path analysis should that a refuse vehicle can access and egress the site. The vehicle overrun issue is resolved through the localised widening of Foxden Way at

the site access. Full details of the construction access can be provided in a Construction Traffic Management Plan. The previous plans made no provision for additional pedestrian infrastructure. The plans now show a 2m [this was corrected with OCC Highways to confirm proposal is for 1.5m] path along Foxden Way to the allotments and an additional pedestrian access to South View. If a 2m width is not achievable, further details should be provided demonstrating the new path isn't bordered by obstacles. Full details of this should be secure through condition and it should be a suitable width and material. The applicant will need to enter into a legal agreement with OCC prior to undertaking any works on the highway.

7.27. The proposals are unlikely to have any adverse impact upon the local highway network in traffic and safety terms, OCC therefore does not object to the granting of planning permission, subject to conditions.

7.28. CDC LANDSCAPE: **Objects.** The scale of the landscape assessment is suitable for the scale of the development. Object to the proposals on the following grounds:

1. The site is on the periphery of the village and outside the visual boundaries of settlement
2. Hedgerow cover is poor in winter and would result in the proposed development being visible from a number of viewpoints.
3. The layout of the proposal is not in keeping with the village. It is an isolated cluster of dwellings.
4. The houses appear to be executive detached dwellings and not affordable housing. There would therefore be no justification for this being a rural exception site
5. There appears to be no analysis of the site and its surroundings carried out and no attempt to locate properties with the existing village form or the landscape. The D&A statement is totally inadequate.

7.29. Continues to object to the amended proposal stating:

The LVA suggested a layout which provided an 'appropriate and sensitive transition between the proposed development and the wider landscape' 'with a positive outward looking approach to the east, south and west' A layout like this was proposed in the D&A statement but has now been abandoned.

The layout submitted allows for further dwellings to the south to be built at a later date. These dwellings will have rear gardens backing onto open countryside which is not a positive outward looking approach. Rear gardens with all their domestic additions do not provide for an attractive or sympathetic rural edge. There is nothing in the D&A statement which gives any indication of the design quality of the scheme.

7.30. CDC LAND DRAINAGE: **No objection** in principle. The surface water drainage strategy presented by MEC Consulting Development Engineers has been accepted on the basis of an attenuation discharge to an existing ditch in Foxden Way as the ground at the site is not sufficiently porous to allow containment of surface water on the site through soakaways.

7.31. CDC ENVIRONMENTAL PROTECTION: **No objections** subject to conditions on a Construction Environmental Management Plan (CEMP), ground investigation and provision of EV charging points.

7.32. CDC LEISURE AND RECREATION: **No objections**

7.33. OCC ARCHEOLOGY: **No objections.**

- 7.34. CDC ECOLOGY: **No objections.** The site has been surveyed as a poor semi-improved pasture and no protected species were identified on site. The site is likely to support priority species such as hedgehog and the hedgerows will be of value to nesting birds and invertebrates. Whilst the hedgerows would be retained on site they will necessarily be more disturbed which will impact their ecological function. The hedgerow to the North of the site appears to be part of the garden boundaries therefore this is likely to impact its management for wildlife.
- 7.35. A CEMP for biodiversity would need to be conditioned with any permission to ensure retained vegetation, priority species and nesting birds are protected during construction.
- 7.36. The illustrative masterplan shows some landscaping at the Southern edge of the site but this is likely to be used largely for amenity (rather than for biodiversity). The applicant has not submitted a biodiversity impact assessment (BIA) metric which is required to demonstrate that a measurable net gain for biodiversity can be achieved from the development. Whilst the site is relatively small a BIA would assist us in being confident that the development is acceptable in terms of achieving this. CDC currently seeks at least a 10% net gain in habitat units. Usually where a gain is unclear from illustrative plans we would require this up front; however, it appears that the applicant owns land to the south of the site which presumably could be used for habitat enhancement or creation in the event that net gain cannot be achieved on site? On this basis is content for the demonstration of a 10% net gain to be conditioned as part of an overall landscaping and enhancement scheme. If this is an unlikely use of the additional land then we would need this to be demonstrated up front even if in illustrative form to ensure it can be accommodated on site with the number of dwellings proposed.
- 7.37. In addition, we seek enhancements integrated into the buildings and design of the site for wildlife. The Preliminary Ecological Appraisal ('PEA') makes some good suggestions for integrated features and hedgehog highways; recommends, however, that, given local records and that this site is within a swift hotspot, enhancements should include integrated swift bricks (which are also often used by other birds).
- 7.38. CPRE: **Objects.** The village has already contributed its fair share of housing and development is not required. There is no proven or legal need, for entry level homes in the area and other developments are already providing these. Conflict with the Development Plan as outside the village boundary and the loss of agricultural land. Increase in highway safety concerns. The site is not a sustainable location for further housing. 50% of the village objects to the proposal.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 ('CLP 2015') was formally adopted by Cherwell District Council in July 2015 and provides the strategic planning policy framework for the District to 2031. The CLP 2015 replaced a number of the 'saved' policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District's statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011 - 2031 PART 1 (CLP 2015)

- PSD1 – Presumption in favour of development

- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- Policy Villages 1 – Village Categorisation

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C8 – Sporadic development in the open countryside
- TR7 – Minor Roads
- H18 – New dwellings in the open countryside
- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental Pollution

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Written Ministerial Statement on First Homes 24th May 2021 (Statement UIN HLWS48)
- Cherwell Residential Design Guide SPD
- Cherwell First Homes Interim Policy Guidance Note

9. APPRAISAL

9.1. The key issues for consideration in this case are:

- Principle of development
- Design, and impact on the character of the area
- Residential amenity
- Ecology impact

Principle of Development

Policy Context

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is

supported by Planning Practice Guidance (NPPG) and various Ministerial Statements.

- 9.3. The NPPF explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs. So that sustainable development is pursued in a positive way, the NPPF includes a 'presumption in favour of sustainable development' (para. 10). Paragraph 11 states that applying the presumption to decision-making means:
- *approving development proposals that accord with an up-to-date development plan without delay; or*
 - *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date (this includes, for applications involving the provision of housing, situations where the local planning authority cannot demonstrate a five-year supply of deliverable housing sites), granting permission unless:*
 - i. the application of policies in this Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed;*
 - ii. or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.*
- 9.4. The position in which the most important policies are considered to be out-of-date because of the absence of a five-year housing land supply is often referred to as the 'tilted balance'.
- 9.5. Paragraph 12 advises, '*The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.*'
- 9.6. Section 5 of the NPPF covers the issue of delivering a sufficient supply of homes and states, '*To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay.*'
- 9.7. Paragraph 74 highlights the need for Local Planning Authorities (LPAs) to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of five years' worth of housing against their housing requirement set out in adopted strategic policies, or against their local housing need where the strategic policies are more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case). The supply of specific deliverable sites should, in addition, include a buffer - 5% in Cherwell's current circumstances (moved forward from later in the plan period).
- 9.8. The Written Ministerial Statement on First Homes dated 24th May 2021 (Statement UIN HLWS48) ('WMS') effectively replaces paragraph 72 of the NPPF by replacing 'Entry Level exception sites' policy with a 'First Homes Exception site' policy. It states:

While the Government supports the mechanism of allowing land to come forward outside of the development plan to deliver much-needed homes via exception sites, the entry-level exception site policy has not delivered affordable housing to the extent originally envisaged. Following the consultation, the Government is replacing this policy with a 'First Homes exception sites' policy, in order to encourage First Homes-led developments on land that is not currently allocated for housing.

- 9.9. It then goes on to outline the policy on First Homes Exception sites which states:

Local authorities should support the development of these First Homes exception sites, suitable for first-time buyers, unless the need for such homes is already being met within the local authority's area. Local connection criteria may be set where these can be supported by evidence of necessity and will not compromise site viability. First Homes exception sites should be on land which is not already allocated for housing and should:

a) comprise First Homes (as defined in this Written Ministerial Statement)

b) be adjacent to existing settlements, proportionate in size to them, not compromise the protection given to areas or assets of particular importance in the National Planning Policy Framework (i.e. the areas referred to in footnote 6 of the National Planning Policy Framework. First Homes exception sites should not be permitted in National Parks (or within the Broads Authority), Areas of Outstanding Natural Beauty, land designated as Green Belt, or areas designated as rural under s. 157 of the Housing Act 1985), and comply with any local design policies and standards.

A small proportion of market homes may be allowed on the site at the local authority's discretion, for example where essential to enable the delivery of First Homes without grant funding. Also, a small proportion of other affordable homes may be allowed on the sites where there is significant identified local need.

Development Plan

- 9.10. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996 ('CLP 1996').
- 9.11. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, '*The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car*'.
- 9.12. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. Paragraph E.10 of the Plan states, '*Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement*'.
- 9.13. Cherwell's five-year housing land supply position was reviewed in the 2021 Annual Monitoring Report (AMR). Despite a strong record of delivery since 2015, the AMR presents a 3.5 years supply position for the period 2022-2027. An additional 2,255 homes would need to be shown to be deliverable within the current 2022-2027 five-year period to achieve a five-year supply as required by the NPPF.

- 9.14. Paragraph E.19 of the Local Plan states, “*If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability*”.
- 9.15. The Council’s latest assessment of housing land availability is its ‘HELAA’ published in 2018. This is a technical rather than a policy document but provides assessments of potentially deliverable or developable sites; principally to inform plan-making. The application site forms part of a larger site (site HELAA102) which was not considered to be suitable or achievable for housing and states:
- Greenfield site outside the built-up limits. Great Bourton is a Category B village in the adopted Local Plan Part 1 (satellite village). The adopted Cherwell Local Plan does not direct additional development (10 or more dwellings or small scale employment) at Category B villages other than extensions to existing employment sites. The northernmost part of the site lies within an Archaeological Constraint Priority Area. The site is considered to be unsuitable for development as it would extend development into the countryside impacting on the rural approach to the village. With regard to assisting Oxford with its unmet housing need, Great Bourton lies outside Areas of Search A and B. (2018 HELAA, Appendix 4)*
- 9.16. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Great Bourton is a Category B village and is therefore considered to be a ‘satellite village’ and is located close to Cropredy which has a wider range of services and facilities and is a Category A settlement.
- 9.17. Policy Villages 3 relates to Rural Exception Sites. It provides support for a different form of Exception Site to what is being proposed under the current application and therefore Policy Villages 3 is not directly relevant to the assessment of this application. First Home Exception sites were not within national policy when the current Development Plan was adopted.
- 9.18. Saved Policy H18 of the CLP 1996 seeks to restrict new dwellings outside the built up limits of villages except in a specific number of cases none of which are relevant to the current application.

Assessment

- 9.19. As outlined above the site is located at Great Bourton, which is a Category B village. In these villages Policy Villages 1 seeks to limit the amount of development and allows for infill, conversion and ‘acceptable minor development’ within the built up limits of the village. When considering whether minor development (normally below 10 dwellings) would be acceptable paragraph C.262 states that regard will be given to the following criteria:
- the size of the village and the level of service provision
 - the site’s context within the existing built environment
 - whether it is in keeping with the character and form of the village
 - its local landscape setting
 - careful consideration of the appropriate scale of development, particularly
- 9.20. Given its undeveloped nature and its relationship with the existing built form of the village, the site is not considered to be located ‘within the built up limits’ of the village and instead to be in the open countryside for planning purposes.

- 9.21. The proposal would therefore not be in accordance with the distribution of housing the Development Plan seeks to achieve under the aforementioned policies and is therefore considered to be contrary to Development Plan when considered as a whole.
- 9.22. The law requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 9.23. It is therefore necessary to consider whether there are other material considerations which outweigh the conflict with the Development Plan. In this case it is important to have regards to the fact that the Council cannot demonstrate a 5 year land supply so the policies guiding the provision of new housing are considered to be out of date and carry reduced weight in assessing planning applications – however, that is not to say they are irrelevant. Given the absence of the 5 year land supply the ‘tilted balance’ is engaged under paragraph 11 of the NPPF which states that planning should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
- 9.24. A very significant further material consideration in this case is that the site is being proposed as a First Homes Exception Site. The WMS provides clear support for these and states that local planning authorities should support First Homes Exception sites, unless the need for such homes is already being met within the local authority’s area, to support the government’s objective of widening opportunities for home ownership. This matter therefore is considered to carry significant weight in favour of the proposal.
- 9.25. It is important to note that when looking at First Homes Exception Sites the WMS makes it clear that it relates to the needs across the whole of the local authority’s geographical area (i.e. the whole of Cherwell). It does not relate to the needs of the parish in which it is located or neighbouring parishes as may be the case when looking at other types of exception site such as ‘Rural Exception sites’ where there is a requirement to demonstrate a need at a more local level. The Parish Council has independently undertaken its own housing needs survey for the parish; however, this is of limited relevance to a First Homes Exception site where the needs are considered across the *whole district* not just at a parish level.
- 9.26. In relation to the needs for this type of housing, the Council’s Strategic Housing Officer has stated that although the Council does have affordable home ownership properties in Cherwell in the form of shared ownership and a limited number of discounted market sale properties (in rural and urban areas), there is currently no pipeline of First Homes (as defined in national planning policy and local guidance) in Cherwell. The First Homes product is new and the Council does not hold a separate register of applications for First Homes but the Strategic Housing Officer has stated that the Help to Buy agent for the area has provided data to show a continuing number of applications and sales under the Help to Buy equity loan scheme and also for shared ownership sales across the district which indicates there is a continuing need for this type of housing across the district. The applicant has also referred to the latest released information on Housing Affordability from the Office of National Statistics which shows the average (median) house price (£330,000) to average earnings (£32,086) ratio for Cherwell District has risen from 9.4 in 2020 to 10.28 in 2021 which does demonstrate that housing affordability is challenging in Cherwell.
- 9.27. Whilst the parish and other residents’ comments are noted that this may be lower than some of other local authorities in the locality and wider south east, this reflects problems in housing affordability across the south-east. Overall, based on the limited information available at the current time, it is considered there is a need for lower cost market housing in the district.

- 9.28. Furthermore, in order to qualify to be considered as a First Homes Exception the application site must not be allocated for housing in the Development Plan and must be located adjacent to an existing settlement. Both of these criteria are met in this case with the site not being allocated and adjoining the built form of the village. The site must also not compromise the protection given to assets of particular importance as defined by the NPPF (Footnote 7 of the NPPF), none of which are relevant in the current case.
- 9.29. The WMS also states that development of First Homes Exception sites should be proportionate to the size of the existing settlement. The WMS and the PPG do not provide a definition of 'proportionate' and state this will vary depending on local circumstances and is therefore essentially down to planning judgement. However, it is noted that prior to the issuing of the WMS the NPPF used to define 'proportionate' (in relation to the former entry level exception site policy) as being no larger than one hectare in size or exceeding 5% of the size of the existing settlement. In this case the site is approximately 0.6ha in size and there are approximately 200 properties in Great Bourton for which the 9 dwellings would account for an approximate 5% of the size of the existing settlement. It would therefore comply with the earlier definition contained within the NPPF. It is also relevant to consider that Policy Villages 1 allows for minor development in Category B villages which may include developments of up to 10 dwellings albeit this is subject to the considerations outlined above.
- 9.30. The sustainability of the settlement itself is also an important consideration. In this case the village has a public house, community hall, childrens play area and church. It has a very limited bus service (1 bus on a Saturday and an agility bookable service available on Tuesdays and Thursdays) which would be of very limited use to residents for day to day needs. Cropredy is located approximately 1km to the east and there is a footpath adjacent to the road linking the villages. Cropredy includes a wider range of services including a school, small shop and a GP surgery. Banbury is also approximately 2 miles to the south of the site which has a wider range of services, facilities and employment opportunities and this proximity would likely reduce the length of car journeys to access services and facilities. Overall, it is considered that whilst some limited services would be available to residents on foot, given the distance and nature of routes, residents of the site are likely to be highly dependent on private cars to meet their day to day needs, which weigh against the proposal albeit the village is more conveniently located than many villages in the rural areas.
- 9.31. The WMS also makes it clear that First Homes Exception Sites must also comply with any local design policies and standards an assessment of which is outlined elsewhere in this report

Conclusion

- 9.32. Overall, exception sites by their very nature are an 'exception' to normal planning policy and therefore are highly likely to be in some conflict with the Council's housing strategy and this must be borne in mind when assessing the application. Subject to other material considerations, taking all these matters together, Officers consider that in the absence of a 5 year land supply, the support offered by the WMS to First Homes Exception sites, the scale of the development in proportion to the village and having regard to the villages relatively close relationship with Cropredy and Banbury, that the conflict with the Development Plan and the reliance of private car in this case is outweighed by other material considerations and the provision of up to 9 First Homes can be supported at Great Bourton.

Impact on character and appearance of the area

Policy context

- 9.33. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It goes onto note that planning decisions should contribute to and enhance the local environment by recognising the intrinsic character and beauty of the countryside. It also states that development should function well and add to the overall quality of the area and by sympathetic to local character and history, including the surrounding built environment and landscape setting. It goes onto state that planning decisions should recognise the intrinsic character and beauty of the countryside.
- 9.34. Saved Policy C8 seeks to resist new sporadic development in the open countryside. Saved Policy C28 of the CLP 1996 states that *control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development*. Furthermore, saved Policy C30 of CLP 1996 states *control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity*.
- 9.35. Policy ESD13 of the CLP 2015 states that *development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided*. It goes onto state that proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features, be inconsistent with local character, or harm the setting of settlements or buildings.
- 9.36. Policy ESD15 of the CLP 2015 highlights the importance of the character of the built and historic environment. This Policy states, amongst other things, that *successful design is founded upon an understanding and respect for an area's unique built, natural and cultural context. New development will be expected to complement and enhance the character of its context through sensitive siting, layout and high quality design*. The Policy continues by stating that new development proposals should, amongst other things, *contribute positively to an area's character and identity by creating or reinforcing local distinctiveness and respecting local topography and landscape features, including skylines, valley floors, significant trees, historic boundaries, landmarks, features or views*. Development should also *respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly defined active public frontages*.
- 9.37. The WMS also makes it clear that First Homes Exception Sites must also comply with any local design policies and standards.

Assessment

- 9.38. The site is located to the south of the village of Great Bourton. To the north of the site are a number of dwellings accessed from School Lane and a number of dwellings under construction or with planning consent. To the south of the site, beyond the remainder of the existing field parcel, which is not included in the application site, is an allotment serving the village with associated paraphernalia.
- 9.39. Foxden Way currently has a strong rural character and appearance with no footpaths or residential development facing onto it. The hedgerow boundary between the site

and Foxden Way is relatively well established and screens some views of the site from Foxden Way. In terms of land levels, the application site is relatively level with the existing development of the village. To the east of Foxden Way the land falls away into a valley and is much more exposed than the application site however given the topography and screening the application site has a stronger relationship to the village and surrounding open fields to the south and west rather than the valley landscape to the east.

- 9.40. The proposed development would be visible from Foxden Way and would result in some harmful urbanisation to the character and appearance of the lane by virtue of the new site access, built development on the site and the introduction of a new footpath from the site access to the allotments. Foxden Way appears to be well used by locals for recreational walks which heightens its sensitivity, and it is clearly an area that is valued by local people. However, the visual impacts and encroachment into the wider open countryside setting of the village would be somewhat reduced by the fact that the site would be located between housing development to the north and the allotments to the south which do impact on the character of the countryside to some extent. Views of the site from the east would largely be screened by the existing hedgerow along Foxden Way which could be retained and strengthened when landscaping is considered in a future reserved matters submission.
- 9.41. Users of the allotments would experience a significant level of change in terms of visual impacts as the presence of development would be much more apparent for these users with an urbanised context. The plans indicate that new planting could be provided to the southern boundary which would help reduce these impacts over time.
- 9.42. A public bridleway exists further to the south of the allotments, approximately 250 metres to the south of the site. Users of this right of way would also experience some degree of visual harm; however, this would be mitigated to some degree given the distance and the fact that the development would be viewed in the context of the allotments and the existing built edge of the village.
- 9.43. In terms of the relationship of the development with the existing settlement pattern, Great Bourton is a nucleated village. The proposal would extend the form of the village further to the south and would not have the same degree of intimacy and connectivity with the village core as many of the established parts of the village. However, the application does include a new footpath link from the north-west corner of the site to South View which would provide a degree of integration to the village and provide residents with convenient and safe access to the services within the village.
- 9.44. The Council's Landscape Officer has objected to the scheme and considers the scheme would be visible from a number of viewpoints and not in keeping with the village and result in an isolated cluster of dwellings at the edge of the village. Comments have also been made that the proposal would lead to future applications for development on the area of land to the south of the site which would have a poor relationship with the surrounding countryside with properties backing onto it. However, this does not form part of the current application and any application on that area of land would need to be assessed on its own merits.
- 9.45. Overall, it is considered that the proposed development would result in some harm to the rural character and appearance of the area and rural setting of the village particular in views from Foxden Way and to the south. However, the extent of the harm is reduced by the fact that many views would be in the context of the existing built form of the village and also the presence of the allotments which adds to the village fringe character of the site. Therefore, officers consider there would be a

degree of conflict with Policy ESD13 and ESD15 and the NPPF in this respect. This harm needs to be considered in the 'planning balance'.

- 9.46. In considering this harm the fact that the site is being forwarded as a First Homes Exception Site needs to be taken into account which, by its very nature, requires the development of sites outside the built up limits of settlements not allocated for housing (as that is one of the qualifying criteria). In this respect the applicant has referred to a recent court case concerning Entry Level Exception sites (which have now been replaced by First Homes Exception sites). In *Wiltshire Council v Secretary of State for Housing, Communities and Local Government* [2022] EWHC 36 (Admin) the judge stated that given the nature and criteria of the policy First Homes Exception sites will almost always, if not always, not be in accordance with the development plan. It was also outlined that in supporting exception sites outside of settlement boundaries a degree of landscape harm would be likely to be acceptable. That does not mean that landscape and visual harm should not be taken into account in the 'planning balance' but that it must be considered in the context of the support for First Homes exception sites provided by national policy.

Design and illustrative layout

Policy Context

- 9.47. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The NPPF is clear that good design is a fundamental to what the planning and development process should achieve. Saved Policy C28 and C30 echo this. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density. Policy BSC10 and BSC11 outline the requirements for open space provision on sites of this scale.
- 9.48. The Council's Design Guide SPD seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principal routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

- 9.49. The application is in outline with matters relating to layout, scale, landscape and appearance reserved for later consideration. The application is, however, accompanied by an illustrative layout which shows the provision of a linear row of dwellings facing south over an access road and with planting further to the south of this and an attenuation feature to the south of the access point.
- 9.50. The general arrangement of the proposed dwellings, forming a back to back relationship with the dwellings to the north and facing over the undeveloped land to the south with a landscape buffer is considered to be an acceptable approach. The indicative proposal shows one way the site could be developed with the hedgerows being maintained and links to the village and allotments provided which could be secured by way of condition.
- 9.51. The detailed, scale and appearance of the dwellings would be subject to future applications to ensure they were appropriate to the edge of village location. Officers have a number of concerns regarding the layout and form of the development including the use of all detached properties, deep plan depths and use of wide

projecting gables and the rather suburban rhythm of the development. However, officers consider that the plans demonstrate that 9 dwellings could be provided on site, albeit they are likely to require considerable alteration which would be controlled through a future reserved matters submission.

- 9.52. The proposals represent a proposed density of approximately 16 dwellings per hectare. This is based on a gross density rather than net density (as outlined in policy BSC2) but, given the constraints of the site and edge of village location, this is considered to be justified in this case.
- 9.53. The proposal would also require the provision of general green space in accordance with Policy BSC10 and BSC11 as the threshold in the rural areas is 6 dwellings. Based on 9 dwellings a requirement of approximately 0.06ha would be required and the plans demonstrate how this could be provided.
- 9.54. Whilst there are a number of concerns regarding the illustrative layout, in the context of this being an outline planning application with many matters reserved officers are satisfied that the quantum of development proposed on the site could be successfully accommodated and the detailed matters of layout, design, appearance and form could be negotiated at a future reserved matters stage.

Highways

Policy Context

- 9.55. Policy ESD15 of the CLP 2015 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions.”* Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve the development and which have a severe traffic impact will not be supported.”*
- 9.56. The NPPF advises that development should provide safe and suitable access for all and development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or where the residual cumulative impacts are severe. Saved Policy TR7 states that development that would attract large numbers of cars onto unsuitable minor roads will not normally be permitted.

Assessment

- 9.57. The application is accompanied by a Transport Technical Note which has been considered by the Local Highway Authority (LHA) who provide technical advice to the district council on highway matters relating to planning applications. During the course of the application considerable concerns have been raised by local residents regarding the suitability of the existing road network to accommodate the additional traffic from the development. This includes concerns regarding the width of Foxden Way itself; School Lane and Crow Lane to the north and Spring Lane in Little Bourton to the south all of which are narrow lanes.
- 9.58. The development would be accessed via a new priority T-junction onto Foxden Way which will also include the minor localised widening of Foxden Way to provide a passing place and facilitate larger refuse vehicle being able to enter and leave the site. The visibility splays available from the new junctions shown on the plans are considered to be acceptable to the LHA and officers agree with this assessment.

- 9.59. The LHA also raises no objection to the application on the basis of traffic generation or highway safety grounds having given full consideration to the scale of the development and the nature of the surrounding roads.
- 9.60. The Parish Council has undertaken an Automatic Traffic Count (ATC) of Foxden Lane which indicates that the amount of traffic using Foxden Lane is higher than the applicants traffic counts which occurred on School Lane (218 movements a day compared to an average of 114 a day). The LHA has considered this information and remains of the view that the proposed development would not result in severe highway impacts in terms of the existing highway network or significant additional highway safety concerns having regard to the scale of the development.
- 9.61. The Transport Note (TN) includes use of the TRICS database, which is industry standard, to assess the traffic impact of the development. This forecasts that based on 9 dwellings there will potentially be 6 additional movements on the adjacent highway network in both the AM Peak (8:00-9:00) and PM peak (17:00-18:00). Whilst residents have stated this underestimates the traffic impact, the LHA raises no objection in this respect. The TN also considers the impact on School Lane, which is a narrow single width rural lane through the village to the north of the application site and concludes that given the low likely traffic generation the impact of the development would not significantly increase conflict between vehicles along this route and furthermore vehicle speeds would be low. They therefore conclude the proposal would not result in severe highway impacts (which is the test outlined in the NPPF) or unacceptable highway safety concern.
- 9.62. It is noted that existing residents use the highways around the site for recreational purposes and they would be impacted by the additional traffic generated by the proposal. Whilst the proposal will undoubtedly increase traffic on the surrounding roads given the relatively small scale of the development (in traffic terms) this traffic impact will be relatively limited, and the LHA does not consider that it would lead to a severe impact on the operation of the highway or significantly increase highways safety concerns. They therefore raise no objection on this basis and Officers agree with this assessment.
- 9.63. There are currently no footways along Foxden Way, School Lane or Crow Lane and as noted above it is evident that current residents walk in the carriageway in these areas with associated vehicle and pedestrian movements being managed on an informal basis. The proposed development provides a new footpath link from the site to South View and also a footpath to the west of Foxden Way between the site access and the allotments. These would provide future residents with the opportunity to access the services and facilities in Great Bourton via a segregated footpath route and also provide access to the existing footpath linking Great Bourton to Cropredy. Whilst the footpath would not be the 2m width, requested by the Highway Authority, it would be 1.5m in width and officers consider this would provide a safe and suitable use given the scale of the development and the nature of the surrounding footways. The footpath link would also have the additional benefit of providing existing residents an off-carriageway pedestrian route between the village and the allotments if they wished to use it and not walk in the carriageway. It is also proposed to relocate the 30mph speed limit further to the south along Foxden Way. These matters would need to be secured through a Grampian condition.
- 9.64. The impacts of construction traffic have also been raised given the width of some of the surrounding roads. However, the LHA now raises no objection in this respect subject to a detailed Construction Traffic Management Plan (CTMP) being conditioned and officers consider this to be appropriate and do not consider that the construction traffic impacts would justify a reason to withhold outline planning consent and can be a matter that is dealt with in detail through a CTMP.

- 9.65. The wider sustainability credentials of the village and access to services and facilities weigh against the development and these matters are discussed elsewhere in the report and must be considered in the planning balance.
- 9.66. Concerns have been raised by third parties regarding the adequacy of parking on the site however the final layout of the site and the level of associated parking provision would be determined at a future reserved matters stage.

Conclusion

- 9.67. Overall, whilst the concerns from residents are noted regarding the adequacy of the surrounding highway infrastructure and the potential for further conflict to arise the LHA raises no objections to the application given the relatively limited scale of the development and associated traffic generation. Access to the village for future residents is provided in a safe manner via new footpath routes. The proposal is therefore considered acceptable in highway terms and would not result in unacceptable highway safety impacts or severe traffic impacts which are the tests outlined within the NPPF.

Flood Risk and Drainage

- 9.68. Policy ESD6 of the Local Plan and the NPPF and Policy ESD7 of the CLP 2015 requires the use of Sustainable Urban Drainage Systems to manage surface water.
- 9.69. The site is located in Flood Zone 1 in relation to river flooding (the lowest risk of flooding) on the Environment Agency Flood Risk Maps where residential development is considered to be appropriate. The Environment Agency Surface Water Flood Risk Maps also indicate that the site is not at risk of surface water flooding.
- 9.70. The application is accompanied by a Drainage Strategy which provides an outline strategy of how surface water will be managed. The drainage strategy indicates that soakaways are unlikely to be feasible given the local geology and therefore the outline drainage strategy proposes to provide an attenuation basin on site to accommodate flows generated by the impermeable areas of the site prior to discharging to the ditch adjacent to Foxden Way at a restricted rate. This has been designed to take into account climate change and would ensure the development did not increase flood risk elsewhere by attenuating surface water on the site.
- 9.71. The Council's Drainage Officer has raised no objection to the principle of the strategy and full details of this would need to be secured when details of the layout etc are considered at reserved matters. Whilst the concerns of local people are noted, including past flooding events in the local area such as on Foxden Way, it is considered that the development can be delivered on the site without increasing flood risk elsewhere and the proposals would not exacerbate these issues. It is important to note that it is beyond the scope of a planning application to address existing flooding issues which may occur off site.
- 9.72. The applicant has also proposed that they will collect and treat foul water drainage via an onsite Sewage Treatment Plant or similar rather than connect to a main sewer. Whilst these systems can be effective and efficient if adequately managed and maintained and are often subject to additional environmental permits, the Planning Practice Guidance makes it clear that there should be a presumption in favour of discharging foul drainage into the public sewer in the first instance and that septic tanks or package sewage treatment plants may only be considered acceptable if it can be clearly demonstrated by the applicant that discharging into a public sewer is not feasible (taking into account cost and/or practicability).

9.73. In this case the applicant has not provided sufficient evidence to demonstrate that the use of a public sewer is not feasible or practical. However, this matter does not go to the heart of whether outline planning consent should be granted and has been raised with the applicant who has agreed to a condition in this respect. It considered that full details of the foul drainage could be adequately controlled through the use of planning conditions requiring connection to the public sewer unless it is adequately justified that this is not feasible.

Ecological Implications

Policy Context

9.74. The NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity.

9.75. It goes on to state that when determining planning applications, local planning authorities should apply the following principles:

a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.

9.76. The NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

9.77. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

9.78. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that ecological assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

9.79. The current application is accompanied by a Preliminary Ecological Appraisal (PEA) prepared by a qualified ecologist. The site is not located in any designated area and the site currently consists of improved grassland bounded by species poor field hedgerows to the north, east and west. There were no signs of protected species at the site and the habitats on site provide little suitability for protected species, limited to the hedgerow boundaries for nesting birds. The Council's Ecologist (CE) has raised no objection to the proposal however has noted that the ecological function of some

of the hedgerows may be reduced given the residential development and therefore this needs to be mitigated

- 9.80. The planning application is in outline so the details of the biodiversity enhancements are limited at the stage. The CE has stated that a net gain in biodiversity will need to be demonstrated and this may include the use of some of the land to the south of the site in the applicant's ownership. The biodiversity enhancement can be secured by a condition in this case given the relatively limited size of the proposal.
- 9.81. The PEA does also indicate that measures such as additional native planting and integrated bird and bat boxes could be used to secure a net gain in biodiversity across the site and the CE has also recommended the use of swift bricks given records in the area.

Housing Mix/Affordable Housing

- 9.82. The NPPF advises that in order to create sustainable, inclusive and mixed communities, Local Planning Authorities should plan for a mix of housing, reflect local demand and set policies for meeting affordable housing need. Policy BSC4 of the CLP 2015 requires new residential development to provide a mix of homes in the interests of meeting housing need and creating socially mixed and inclusive communities.
- 9.83. The mix of dwellings that would be provided on the site would be considered as part of a reserved matters application. All the dwellings would be secured as First Homes (which is now within the definition of 'affordable housing' for planning purposes) by virtue of a legal agreement. The first sale of each property would not be able to exceed £250,000 and subsequent sales would need to be made to First Time buyers and sold at a 30% discount against the market value.
- 9.84. The WMS does state that in addition to the national criteria controlling the price/discount and eligibility for First Homes (such as the income cap etc), local authorities can set additional local criteria such as increasing the level of discount, reducing the income cap and setting local connection/key worker criteria. However, the guidance generally indicates that these additional criteria should be considered through the plan making process or through Supplementary Planning Documents or interim policy statements. The Council's recent Interim Policy Guidance note on First Homes confirms this approach and it is therefore not considered to be suitable to done on a site-specific basis. Therefore, in this case it is considered the national criteria should be used.

Effect on Neighbouring Amenity

- 9.85. Policy ESD15 advises of the need for new development to consider the amenity of both existing and future development and this reflects the NPPF which requires a good standard of amenity for all existing and future occupants of land and buildings
- 9.86. The properties that would be most significantly impacted upon by the development would be residential properties (both existing and consented) accessed from School Lane to the north of the site. Whilst there are some concerns regarding the relationship of the proposed dwellings close to the entrance to the site with the dwellings currently under construction at Stone Lea, given the outline nature of the application it is considered that the detailed design, scale and position of the proposed dwellings and internal arrangements of the site could be controlled at a reserved matters to ensure that the inter-relationship between these properties did not lead to unacceptable levels of overlooking and loss of privacy. This is also true of the other

dwellings to the north. The site is considered to be a sufficient distance from the other properties in the village not to cause undue impacts on their residential amenity.

Other matters

- 9.87. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan and the County Council's Electric Vehicle Infrastructure Strategy (2021). It is considered reasonable and necessary for provision of these to be secured through a condition of any permission given
- 9.88. Saved Policy ENV1 seeks to ensure development is appropriate in terms of contamination and does not give rise to unacceptable levels of pollution. The Council's Environmental Protection Officer has requested that ground investigation be undertaken at the site and any remediation undertaken if required and this can be secured through condition.
- 9.89. The NPPF states that planning decisions should contribute and enhance the natural and local environment by considering the economic and other benefits of the best and most versatile agricultural land. The proposal would lead to the loss of approximately 0.5ha of agricultural land which is currently laid to grass. No detailed assessment has been provided with the application; however, from the Natural England maps it would appear that the site may constitute Best and Most Versatile Agricultural Land (very good). Whilst this weighs against the development, it is not considered to constitute a reason for refusal given the limited size of the site.
- 9.90. A number of public comments raise concerns regarding the identity and motives of the applicant and also state that if the current planning application were to be approved proposals for further development to the south and west of the site would occur. They also state that this application will be followed by a proposal for market housing on the site. It has also been stated that the future intentions of the applicant are clear as they have put forward the application site and the adjacent land in the 'Call for Sites' for residential development in the review of the Local Plan.
- 9.91. However, the application must be assessed on the basis of the information provided and the individual planning merits of the case before the Council at the current time. Whilst the applicant may have aspirations of further development, if development were to come forward for different proposals on this site or for development of further land for residential purposes the Council would need to assess them on their own merits based on the relevant planning policies at that time. Likewise the motives or identity of the applicant are not material planning considerations to be taken into account in this planning application.
- 9.92. Concerns have also been raised that the current applicant has links to developments in the village which have not been constructed in accordance with approved details. These matters are, however, separate to the current application and are not material in the consideration of this application.
- 9.93. It has also been stated that the development needs to be assessed in the context of the new development to the north which consists of 7 new dwellings on 3 different plots some of which had the applicant's involvement. Whilst the new developments themselves are material considerations that can be considered in terms of the level of growth that has occurred in the village during the plan period, the fact that the current applicant may have been involved in some of these is not a relevant consideration. It should be noted that these new dwellings were considered to comply with the Development Plan and were not part of a First Homes exception site as is

proposed under the current application so are materially different to the current proposal.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. Planning law requires that development proposals be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 10.2. In this case the proposal conflicts with the Development Plan in that it would result in additional housing outside the built up limits of a Category B village for which there is no provision in the Development Plan. There would also be a relatively high reliance on private car to access a range of facilities to meet the day to day needs of residents. In addition, the proposal would result in harm to the character and appearance of the area especially from Foxden Way and views to the south although these would be relatively localised. There would also be some limited harm through the loss of best and most versatile agricultural land.
- 10.3. It is therefore necessary to consider whether there are other material considerations to outweigh this conflict with the Development Plan and other planning harm.
- 10.4. The Council is unable to demonstrate a 5 year land supply so the housing policies are considered to be out of date and can only carry reduced weight in the consideration of planning applications. It also means the 'tilted balance' outlined in paragraph 11d of the NPPF is engaged, which tilts the balance in favour of approving development and means that planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits of the scheme when assessed against the NPPF as a whole.
- 10.5. In this case a significant material consideration is the fact that the site is being proposed as a First Homes exception site, which the WMS outlines LPAs should support where the relevant requirements are met. It is important to note that by their very nature 'exception sites' are likely to conflict with the Development Plan and whilst this does not mean that the sustainability of settlements or associated planning harms associated with Development are not relevant considerations, they need to be considered in the context of this be an exception to the 'normal' planning requirements.
- 10.6. As outlined above the scheme is considered to meet the requirements to qualify as a First Homes exception site and the provision of additional affordable homes to help First Time buyers access the housing market is considered to carry significant weight in favour of the proposal. It is also considered that the size of the development would be proportionate to the village of Great Bourton. The provision of housing more generally would contribute to meeting the clear needs for additional housing in the district in the absence of a 5 year land supply. The proposal would also lead to some modest economic impacts associated with the construction and additional spending in the area, and there would be a modest public benefit in providing a new footpath to the allotments for existing as well as proposed residents.
- 10.7. Other matters relating to biodiversity net gain, highways, flood risk and residential amenity are considered to comply with relevant planning policy and weigh neutrally in the planning balance.
- 10.8. Overall, taken as a whole, the harm arising from the development is not considered to clearly and demonstrably outweigh the benefits of the scheme and in this case officers considered there are material considerations which outweigh the conflict with the Development Plan. It is therefore recommended that planning permission be granted.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106** OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):

S106 Heads of Terms

- a) Secure the dwellings as First Homes

Conditions

Time Limit

1. No development shall commence until full details of the layout (including the layout of the internal access roads and footpaths), scale, appearance, and landscaping (hereafter referred to as reserved matters) have been submitted to and approved in writing by the Local Planning Authority.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

2. In the case of the reserved matters, the final application for approval shall be made not later than the expiration of three years beginning with the date of this permission.

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: To comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 5(1) of the Town and Country Planning (General Development Procedure) Order 2015 (as amended).

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the application form and drawings numbered 333 L01 A, T21512.001 E and T21512.003 B

Reason: For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and comply with Government guidance contained within the National Planning Policy Framework.

5. No development shall commence until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted

to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

6. Prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

7. If contamination is found by undertaking the work carried out under condition 6, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

8. If remedial works have been identified in condition 7, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with Saved Policy ENV12 of the Cherwell Local Plan 1996 and Section 15 of the National Planning Policy Framework.

9. As part of any application for reserved matters relating to layout, a detailed 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 also include management and maintenance provisions. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details.

Reason: To ensure that sufficient capacity is made available to accommodate the new development and in order to avoid adverse environmental impact upon the community and to ensure compliance with Policy ESD 6 and 7 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance within the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

10. As part of any application for reserved matters relating to layout, full details of the foul drainage to serve the site shall be submitted and approved in writing by the local planning authority. The scheme shall include details of a connection to the mains foul drainage system unless adequate justification has been provided to demonstrate that this is not feasible or practical. If the development requires the use of an onsite treatment full details of this shall be provided including management and maintenance provisions and the requirement for any permit. The scheme shall not be implemented other than in accordance with the approved details and shall be implemented before the development is completed. It shall thereafter be managed in accordance with the approved details.

Reason: To ensure risk of pollution to the environment is reduced in accordance with Government guidance within the National Planning Policy Framework and Planning Practice Guidance.

11. a) No tree or hedgerow shall be cut down, uprooted, damaged or destroyed, nor shall any retained tree be pruned in any manner, be it branches, stems or roots, other than in accordance with the approved plans and particulars, without the prior written approval of the Local Planning Authority. All tree works shall be carried out in accordance with BS3998: Recommendations for Tree Works.

b) If any retained tree/hedgerow is cut down, uprooted, destroyed or dies, another tree shall be planted in the same place in the next planting season following the removal of that tree, full details of which shall be firstly submitted to and approved in writing by the Local Planning Authority.

In this condition a "retained tree/hedgerow" is an existing tree/hedgerow which shall be retained in accordance with the approved plans and particulars; and paragraphs (a) and (b) shall have effect until the expiration of five years from the date of the approval of the final reserved matters.

Reason - In the interests of the visual amenities of the area, to ensure the creation of a pleasant environment for the development and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

12. No development shall commence unless and until full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and lighting have been submitted to and approved in writing by the Local planning Authority. The access, driveways and turning areas and lighting shall be constructed in accordance with the approved details prior to the first occupation of any of the dwellings and shall be retained as such thereafter.

Reason - In the interests of highway safety, to ensure a satisfactory standard of construction and layout for the development and to comply with Government guidance contained within the National Planning Policy Framework.

13. The development authorised by this permission shall not begin until the local planning authority has approved in writing a full scheme of works for:
- (i) The access from Foxden Way site and visibility splays
 - (ii) Localised widening of Foxden Way
 - (iii) New footpath provision to the west of Foxden Way linking the site to the allotments
 - (iv) New footpath connection linking the site to the South View (including details of future management and maintenance and public access of this)
 - (v) The relocation of 30mph speed limit and ancillary works to facilitate speed limit change

The development shall not be occupied unless and until those works have been completed in accordance with the local planning authority's approval. They shall thereafter be retained and available for public use unless otherwise agreed in writing by the local planning authority.

Reason – To ensure the development provides safe and suitable access and to maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework

14. No development shall commence unless and until a Construction Traffic Management Plan (CTMP) has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved Construction Traffic Management Plan shall be implemented and operated in accordance with the approved details.

Reason - In the interests of highway safety and the residential amenities of neighbouring occupiers.

15. No development shall commence above slab level unless and until a scheme for electric vehicle infrastructure to serve each dwelling has been submitted and approved in writing by the Local Planning Authority. The approved electrical vehicle charging infrastructure shall be provided in accordance with the approved details prior to the first occupation of the dwelling it serves.

Reason –To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework

16. No development shall commence (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include:

- Risk assessment of potentially damaging construction activities;
- Identification of 'Biodiversity Protection Zones';
- Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- The location and timing of sensitive works to avoid harm to biodiversity features;
- The times during construction when specialist ecologists need to be present on site to oversee works;
- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

17. No development shall commence including any demolition, and any works of site clearance, unless and until a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, has been submitted to and approved in writing by the Local Planning Authority, which shall accompany any reserved matters application for layout and landscaping. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out in accordance with the approved details and shall be retained and managed as such thereafter in accordance with the approved details.

Reason: To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

NOTE: It is advised that this condition include a Biodiversity Impact Assessment metric to show how a clear net gain for biodiversity will be achieved and may include use of the land to the south of the site within the blue line.

18. Prior to the installation of any external lighting, a full lighting strategy to include illustration of proposed light spill and which adheres to best practice guidance in relation to ecological impact, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

Reason -To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

19. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

20. As part of any application for reserved matters including layout, full details of the general greenspace serving the development and its future arrangements for management and maintenance shall be submitted and approved in writing. The open space shall be provided in accordance with the approved details in accordance with a timetable outlined in the approved details and shall thereafter be managed and maintained in accordance with the approved details.

Reason: To ensure adequate provision is made for general green space in the development in accordance with Policy BSC10 and BSC11 of the Cherwell Local Plan

2011-2031 Part 1 and Government guidance within the National Planning Policy Framework.