

Case Officer: Linda Griffiths

Applicant: Miss Olivia Morris - Agent

Proposal: Replan of the western part of the residential development permitted through Reserved Matters application 19/00895/REM for the delivery of 107 dwellings

Ward: Adderbury, Bloxham and Bodicote

Councillors: Councillor Bishop, Councillor Hingley, and Councillor Nell

Reason for Referral: Major development

Expiry Date: 3 February 2022

Committee Date: 19 May 2022

SUMMARY OF RECOMMENDATION: DELEGATE POWERS TO GRANT PERMISSION SUBJECT TO CONDITIONS AND A S106 LEGAL AGREEMENT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located to the south of the existing built-up area of Banbury and within the Parish of Bodicote. The site is bounded by established hedgerows and to its northern boundary by Salt Way, a historic trade route that is also a public right of way. A public footpath also runs north to south through the centre of the site from Salt Way onto Wykham Lane.
- 1.2. The application site is part of a wider area that was allocated for development under Banbury Policy 17 of the adopted Cherwell Local Plan. Outline planning consent for this part of that allocation was subsequently granted in 2016 (15/01326/OUT refers) and reserved matters consent for 280 dwellings in July 2020 (19/00895/REM refers). The application site, which is relatively flat, relates to the western part of that consent. All pre-commencement conditions relating to the original outline and reserved matters consents have been discharged and the development has commenced on site with numerous dwellings now occupied.

2. CONSTRAINTS

- 2.1. The application site has several public rights of way which pass through the main development site, Salt Way to the north is a District Wildlife Site and the development site is a minor aquifer.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The proposals seek a re-plan of the western part of the residential development permitted through reserved matters application 18/00895/REM for the delivery of 107 dwellings, that is an additional 23 dwellings from the 84 already consented for this part of the site under the above-mentioned reserved matters approval. The increased number of dwellings has resulted in fewer larger detached properties and a greater number of smaller units. The dwellings will be constructed in a mix of red/cream bricks, natural ironstone and white render, to fit in with the materials already approved for the remainder of the development.

- 3.2. *Timescales for Delivery:* The application site is part of an existing site with full planning consent where construction has already begun, and several dwellings are now sold and occupied. The proposed additional dwellings will be constructed alongside the remainder of the development.

4. RELEVANT PLANNING HISTORY

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

15/01326/OUT – Outline planning permission granted on appeal against non-determination for up to 280 dwellings, structural planting, landscaping, open space, children's play areas, surface water flood mitigation and attenuation and new vehicular access from White Post Road

19/00895/REM – Reserved Matters granted relating to the above outline for 280 dwellings and a 34-space car park to serve Bishop Loveday School.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:

21/02027/PREAPP – Replan of 304 dwellings

Response: The proposed increase in number of dwellings is not unacceptable in principle. In terms of the revised layout, it should be consistent with the original approval in terms of the provision of open space, landscaping and the proximity to the western boundary hedge line as too must the set-back be from Salt Way. Concerns raised in respect of house types and design and poor vistas across, to and from the open space. The comments of Thames Valley Police in terms of crime prevention should be addressed. The proposed increase in building heights must be justified.

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. The final date for comments was **2 December 2021**. There were 2 objections, no submissions of support and no comments received.

- 6.2. The comments raised by third parties are summarised as follows:

- No particular comments in respect of design, but ratio of affordable housing is not clear. Can we be assured, please, that the Committee approved percentage has been maintained;
- This is a development into a rural area and the range of materials being used is not sympathetic to the rural setting, in particular the red brick and plain tile are visually unappealing and not fitting with the local environment. Object to number of red brick/plain tile dwellings, there should be more stone and slate;
- The number of trees being planted is low and should be increased.

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

7. RESPONSE TO CONSULTATION

- 7.1. 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/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. BODICOTE PARISH COUNCIL: **No comments received.**

CONSULTEES

- 7.3. OCC HIGHWAYS: **No objections** subject to a linking agreement to the outline 15/01326/OUT regarding any uplift in payments for the additional dwellings and standard condition in respect of an updated travel plan.
- 7.4. OCC DRAINAGE: **Objection** – expect to see more SuDS being utilised in the proposal and where infiltration has been proposed, report of infiltration testing in accordance with BRE365 must be submitted.

Update 27.04.22: The Cv values have been corrected and the latest drainage document explains the drainage strategy. The project is now in line with LLFA's requirements.

- 7.5. OCC EDUCATION: **No objection** subject to a linking agreement to the original obligation and additional uplift for the additional dwellings.
- 7.6. OXFORDSHIRE FIRE SERVICE: **Comments** - It is taken that these works will be subject to a Building Regulations application and subsequent statutory consultation with the fire service to ensure compliance with the functional requirements of the Building Regulations 2010.
- 7.7. ARBORICULTURE: **Comments** - The landscape proposals are acceptable as far as the trees are concerned, however, there doesn't appear to be any plans showing the proposed tree planting in the open spaces, including their size and there is no reference to existing trees on site, an arboricultural report has not been submitted.

Further comments received on 30.11.2021 advises that there needs to be a greater number of tree species chosen for the proposed highway verges. Currently there are only 4 types, and they should be interspersed rather than in blocks of the same species.

Additional comments 19/01/2022 state that the comments of the landscape officer are agreed in terms of root barriers and heavy use of Betula and Magnolia; would like to see planting pit designs.

Update: 1.3.22 – following amended submission, no further comments.

- 7.8. ECOLOGY: **No comments received.**
- 7.9. LANDSCAPE OFFICER: **Objection** – Ligustrum hedges are not suitable; Griselinia is not fully frost hardy; there are still a large number of Betula; all trees within 5m of the path or road need root barriers; no planting instructions or specification; need to confirm that all trees will have watering pipes.

Update: 11.3.22 – None of the comments made in January on the planning applications have been addressed. All they seem to have done is add a revision note.

7.10. RECREATION AND LEISURE: **Comments** received – additional contributions towards community facility; off-site sports; on-site sports maintenance costs will be required.

7.11. STRATEGIC HOUSING: **Objection** - the proposed number of affordable dwellings and tenure split is compliant with Policy BSC3 and the section 106 requirements and the parking arrangements shown on the site plan are acceptable as are the layout/clustering arrangements. However, the properties do not currently meet the Nationally Described Space Standards and 50% of rented units must meet the requirements of M4(2) Category 2: Accessible and Adaptable Dwellings. The Affordable Rent, if possible, should be delivered as Social Rented as affordable rent at 80% of market rent would be unaffordable for the majority of households on the Council's housing register. All affordable units should deliver high/standards rates of energy efficiency.

Update 18.02.2022 – the revised plans show that Type T50 dwellings have now been amended to comply with NDSS. However, type SH52 are still below NDSS and there is no acknowledgement or demonstration that 50% of the rented dwellings will meet M4(2) requirements. We are therefore **unable to support** this proposal until these matters have been rectified.

Further Update 9.3.22 – the Strategic Housing Team are appreciative that these dwellings are now 3-bed 5-person dwellings. The dimensions shown on the revised plans meet NDSS requirements for 3-bed 5-person houses and can confirm that these dwellings will now be effective in meeting identified housing needs.

7.12. THAMES VALLEY POLICE: **No objection** - but suggest relocation of the vehicle gate between plots 179/180 in line with the front of the secure building line to remove/secure recessed area between buildings.

7.13. THAMES WATER: has been unable to determine the foul water infrastructure needs of the application and has contacted the developer accordingly. In the absence of such information conditions are recommended to be attached to any permission. In terms of surface water drainage – no objection, if the developer follows the sequential approach. In terms of water infrastructure, a condition is also recommended regarding the provision of such infrastructure prior to occupation. There are water mains crossing or close and Thames Water do not permit the building over or construction within 3m of water mains.

Update: No further correspondence has been received and therefore the requested conditions are recommended to be attached to the planning permission.

7.14. WASTE AND RECYCLING: **No comments received.**

7.15. SALT WAY ACTIVITY GROUP: **No comments received.**

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 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced several 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)

- ESD15 – The Character of the Built and Historic Environment
- BSC3 – Affordable housing
- BSC4 – Housing Mix
- BSC10 – Open space, outdoor sport and recreation provision
- BSC11 – Outdoor Sport
- ESD3 – Sustainable construction
- ESD5 – Renewable energy
- ESD6 – Sustainable flood risk management
- ESD7 – SuDS
- ESD10 – Biodiversity and the natural environment
- Policy Banbury 17 – South of Salt Way – east
- INF1 – Infrastructure provision

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control over new development

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF) 2021
- Planning Practice Guidance (PPG)
- National design Guidance 2019
- CDC Residential Design Guide SPD 2018
- CDC Planning Obligations SPD 2018

9. APPRAISAL

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

- Principle of development
- Design Principles and Layout
- House types
- Affordable housing and housing mix
- Highways
- Drainage
- Landscaping
- Biodiversity
- Sustainability
- Planning Obligation
- Environmental Impact Assessment

Principle of Development

- 9.2. The site forms part of a larger allocated site in the adopted Cherwell Local Plan 2015 under Policy Banbury 17. Policy Banbury 17 brings forward greenfield land to the southwest of Banbury as a strategic urban extension for up to 1345 dwellings and associated infrastructure. The whole site is in more than one ownership and is currently being brought forward by a number of developers; Morris Homes (145 dwellings – complete); L&Q Estates (up to 1,000 dwellings with outline consent); and David Wilson/Barratt (280 dwellings – construction is underway) giving a total currently of 1,425 dwellings.
- 9.3. Policy Banbury 17 sets out the requirements for the site, including the number of dwellings and number of affordable units at 30% of the total number.
- 9.4. Reserved matters consent for this part of Banbury 17 was granted in July 2020 for 280 dwellings in accordance with the outline consent. The principle of residential development is therefore established.

Five Year Housing Land Supply

- 9.5. In Cherwell District, a five-year housing land supply does not presently exist. The Council's latest Annual Monitoring Report, (AMR 2021), prepared in accordance with NPPF guidance identifies only a 3.5-year housing land supply for the period 2022-2027 (commencing on 1 April 2022). As the Council cannot demonstrate a five-year housing land supply, in accordance with the NPPF, any assessment of the residential proposals will need to apply the 'tilted balance'. The 'tilted balance' states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

Quantum of Development

- 9.6. The Banbury 17 allocation envisages a development of up to 1,345 dwellings with associated facilities and infrastructure. The current permitted total (1,425) already exceeds the number envisaged by the allocation by about 6%. The additional dwellings proposed here would result in an additional total of 103 dwellings across the site as a whole (i.e., +7.7%). The increase in units proposed is therefore not strictly in accordance with Policy Banbury 17 in this respect. However, the merits of providing additional homes (including affordable homes) on this site would assist in delivering new homes and meeting the overall Policy BSC1 housing requirements to 2031, which is a material consideration to which substantial weight should be attributed.
- 9.7. Policy BSC4 of the adopted CLP 2015 requires a mix of housing to be provided on new development sites in accordance with the percentages set out in the policy and taking account of local market conditions. It is noted that the provision of additional units as proposed to provide a greater number of smaller units is in accordance with that policy.

Conclusion

- 9.8. Having regard to the above and the Council's position in terms of a five-year housing land supply, the proposed re-plan to allow an additional uplift of 23 dwellings (including 7 affordable) across the site as a whole will not result in any significant or demonstrable harm and is therefore in principle considered acceptable.

Design Principles and Layout

- 9.9. Policy Banbury 17 sets out a number of site-specific design and place shaping principles relating to the development of the site. One of these is that the development

should comply with Policy ESD15. The NPPF emphasises the need for good design and local distinctiveness, and this is further emphasised by Policy ESD15 which advises that new development should build on the character of Cherwell. It also advises that design standards for new development, whether housing or commercial development are equally important and seeks to provide a framework for considering the quality of the built environment, to ensure we achieve locally distinctive design which reflects and respects the urban or rural context within which it sits. The CLP 1996 contains saved Policy C28, which states that *'control will be exercised over all new development to ensure the standard of layout, design and external appearance, including choice of materials are sympathetic to the character of the urban or rural context of the development'*. Saved Policy C30 states that *'design control; will be exercised to ensure...(i) that new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity and (iii) that new housing development or any proposal for the extension (in cases where planning permission is required) or conversion of an existing dwelling provides standards of amenity and privacy acceptable to the Local Planning Authority'*. These are all relevant to the proposals considered here.

- 9.10. The Cherwell Residential Design Guide SPD 2018 seeks to ensure that the quality of design across the district is raised, ensuring a legacy of successful places for future generations to enjoy. Regrettably, the submission makes no reference to the Design Guide and therefore how the scheme has been designed having regard to its requirements and advice. It is however considered that the Design Guide is a material consideration, and the proposal should therefore accord with the requirements and advice of the Design Guide and this submission has therefore been assessed against it accordingly.
- 9.11. Section 12 of the NPPF – Achieving well-designed places advises that the creation of high-quality buildings and places is fundamental to what planning and the development process should achieve.
- 9.12. A well-designed layout will incorporate good design practice and standards. Urban form is also an important element in defining the character of a place. Design is not only about the physical appearance of a development but how it works, functions and fits together, ensuring a quality of life for those who live there.
- 9.13. The application is accompanied by a Design and Access Statement (DAS) which seeks to set out the design rationale behind the proposals. Policy ESD15 also advises that the design of all new development will need to be informed by an analysis of the context, together with an explanation and justification of the design principles that have informed the proposals and then demonstrated in the DAS.
- 9.14. In terms of creating a sense of place, providing an attractive street scene and a safe refuge for pedestrians and cyclists away from a busy road is vital. In terms of the main spine road, the outline consent required a 3m-wide footpath/cycleway down one side of the spine road. This was provided through the reserved matters consent and discharge of conditions through the outline consent, together with a 4m tree-lined verge along the same side and dwellings set back from the pavement edge. This requirement is carried through in this application submission.
- 9.15. Good urban design requires house types that will effectively turn corners and define and enclose spaces, linking buildings into terraces that define a street form or focal point within the development thereby providing contrasts and interest within the layout. The proposed layout has sought to ensure that dwellings on prominent corners have been designed to appropriately turn the corner, or to address the corner by attaching two dwellings together. Vistas are also addressed, terminating them with a building front rather than a garage or an area of parking.

- 9.16. The Design and Access Statement submitted with the previous reserved matters sought to divide the development into a number of character areas. The character of streets is fundamental to the character of a place. It is important to be able to differentiate between character areas as one moves through the development, aiding legibility. There was considerable discussion during the consideration of the previous reserved matters around the proposed character areas, and whilst considerable improvement was made at that time, it was considered that the character areas defined remained disappointing and failed to provide any real distinctions between the character areas and different parts of the site. This new submission follows the previous approach, which comprises four main character areas, these being: Main Street, Neighbourhood, Park Edge and Saltway Edge. All character areas are relevant to this proposal.
- 9.17. The Main Street character area is located along the central spine road. This provides a well-defined frontage as one travels through the site. These are mostly terraced plots fronting the tree-lined street, with a consistent building line and small front gardens. Parking is hidden from the main street in small rear parking courts or from adjacent side roads. The walling main material proposed along the spine road is natural ironstone.
- 9.18. The Neighbourhood character area is centrally located and provides a transition between the spine road and the Park Edge. Here the streets are narrower with shared surfaces. Architecturally, dwellings are predominantly cottage style. This area also accommodates a secondary street which leads to the sports pitches and pavilion at the southern end. Here some of the more formal main street characteristics have been carried through to create a transition. Materials here are predominantly red brick with some render.
- 9.19. The Park Edge character area is located along the outer edge of the development and is designed to be looser knit with larger detached plots, narrower roads and private drives, more organic in form and a varying roofscape which address the open spaces along the outer edge of the development. The architectural character here draws on inspiration from the traditional vernacular of Bodicote. Materials here are predominantly red brick with some natural ironstone.
- 9.20. The Saltway Edge character area is situated along the northern edge of the site. Here the development proposes dwellings set back from Salt Way of simple design to reflect local traditional vernacular. Materials indicate a mix of red brick and natural ironstone.
- 9.21. The submission seeks to build on the previously approved scheme with access taken from the previously consented spine road. The development includes a mix of detached, semi-detached and terraced houses offering 2, 3 and 4-bedroom homes. One of the key aspects of the outline consent was the imposition of a condition restricting the maximum height of any dwelling within the development to 8.5m. This was not the case for the remainder of the Banbury 17 allocation, where there is a much greater variation in roof height across the site. This application submission has therefore sought to introduce several 2.5-storey dwellings. It is considered that this will introduce a greater variation in ridge lines and therefore visual interest within the development and will not significantly increase the landscape impact of the development and is therefore deemed acceptable.
- 9.22. A materials plan has been submitted with this application. The layout indicates a total of 35 dwellings which equates to 33% of the total within this re-plan area to be constructed in natural ironstone which is welcomed and accords with the Council's adopted Residential Design Guide SPD 2018, which requires a minimum of 30% on sites such as this. Other materials proposed are red/orange and buff bricks and some

render. The roof materials proposed do not match those already approved on the remainder of the development and it is considered that consistency of materials is important. Further, the use of duo slates is contrary to the Residential Design Guide SPD 2018. An updated materials plan has been requested but has not yet been received, so a condition will be included accordingly, which seeks the approval of alternative roofing materials.

- 9.23. To ensure reasonable standards of amenity are provided for the occupiers of each dwelling, the District Council uses a number of criteria to ensure minimum back-to-back relationships of 22m, minimum of 14m between the rear elevation of one property and any two-storey side gable of another and a reasonable area of usable private amenity space which is not overshadowed and almost entirely enclosed by buildings, such as garages, as far as possible across all new developments.
- 9.24. These layout criteria have in the main been respected through this submission. In terms of the proposed layout, comments raised during the pre-application discussions have largely been addressed and it is now considered acceptable.
- 9.25. Having regard to the above, it is considered that the submission is acceptable in layout and design terms and in the interests of ensuring the delivery housing on this strategic site and having carefully considered the relevant policy guidance and Government advice, recommended that it is approved accordingly.

Ecology Impact

- 9.26. Paragraph 174 of 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, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.27. Paragraph 180 states 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.
- 9.28. Paragraph 185 of 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.
- 9.29. 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.
- 9.30. Policy ESD11 is concerned with Conservation Target Areas (CTAs). It requires all development proposals within or adjacent CTAs to be accompanied by a biodiversity survey and a report identifying constraints and opportunities for biodiversity enhancement.

- 9.31. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats and Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.32. 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 Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.33. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development
- It also states that LPA's can also ask for:
- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.34. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the Saltway, a District Wildlife site sits immediately along the northern boundary of the site.
- 9.35. The application is supported by an Ecological Appraisal which provides details of a Desk Study and Extended Phase 1 Habitat Survey carried out in September 2021 prior to the submission of the application. The Appraisal concludes that aside from the hedgerows adjacent to the application site, which are to be retained, the site itself supports habitats of limited ecological value. The Salt Way is a non-designated heritage asset. The outline consent requires a 20m buffer is retained to the Salt Way boundary and this is also maintained through this submission.
- 9.36. The original outline consent for the whole site (15/01326/OUT) sought ecological enhancements across the whole site. Whilst this is a new stand-alone application, it does form part of that larger development site where net gain was sought. This parcel excludes the boundary hedgerows which are to be retained by the whole development. It is considered therefore that the red line site here had very little in ecological value being previously agricultural land and now part of a building site.
- 9.37. Policy ESD15 of the adopted Cherwell Local Plan advises that new development should integrate and enhance green infrastructure and incorporate biodiversity enhancement features where possible in accordance with Policies ESD10 and ESD17. Well-designed landscape schemes should be an integral part of the development proposals to support improvements to biodiversity, the micro-climate and air pollution and provide attractive places that improve people's mental health and sense of vitality. Disappointingly, notwithstanding the comments above, it is considered that the submission does not adequately address biodiversity net gain and ecological enhancements in respect of this particular parcel. Therefore, conditions are recommended to be included in the permission.

- 9.38. Officers are satisfied, on the basis of the above, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats and Species Regulations 2017, have been met and discharged.

House Types

- 9.39. Traditional Cherwell vernacular tends to be simple flat fronted dwellings, avoiding projecting gables, deep or square plan forms, hipped or pyramidal roofs, exposed wide gables and narrow fronted detached houses. In general and where proposed, apartment buildings should also be designed to be indistinguishable from the individual houses adjacent and within the development. The traditional arrangement of windows and doors varies from building to building but as a general rule of thumb, they should follow the same rules. Window openings should normally diminish in height as the building rises, so ground floor windows should be taller/larger than the first or second floor windows, the arrangement of windows should consider the balance and proportion of the overall street façade and horizontal strips of windows should always be avoided. Windows make a fundamental contribution to the character and appearance of buildings, and their design, choice of material, arrangement and proportions are fundamental in establishing the character of a building and place.
- 9.40. In respect of this submission the majority of house types are considered appropriate, being very similar to those already approved on the remainder of the development. A number of concerns were raised regarding the Kingsville and Alderney house types as well as some roof and eaves details. Amended plans have been received and the submission is now considered on balance to be acceptable in terms of the proposed house types, which are similar to those already approved on the remainder of this development.

Affordable Housing and Housing Mix

- 9.41. The outline planning permission provides for up to 280 dwellings on the site. No details of housing mix were provided at outline stage. It is important to have consideration of the mix of housing in considering urban design as well as responding to identified local housing needs. Policy BSC4 of the adopted CLP 2015 seeks to encourage a mix of housing on all new developments that meets the need of the district as identified by the results of the SHMA 2014. This advises that there is a greater need for 3-bedroom properties in Cherwell and the suggested mix is shown on Table 67 of the Local Plan. Consideration of and compliance with Policy BSC4 is relevant in this respect. This amended scheme which seeks to provide an increased number of dwellings, has resulted in fewer larger detached properties and a greater number of smaller units, which is welcomed.
- 9.42. Policies BSC3 and Banbury 17 require the provision of 30% affordable housing. The outline planning permission was accompanied by a Unilateral Undertaking securing the provision of 30% affordable housing which equated to 84 dwellings, with 59 rented and 25 low-cost home ownership dwellings. The original outline consent was issued prior to the Nationally Described Space Standards being adopted and consequently, the affordable housing provision approved to date on this site do not comply and are smaller than we now require. The applicant at the time of considering the reserved matters application declined to provide the affordable housing to NDSS.
- 9.43. Aster Housing Group are the Registered Provider for this scheme and have submitted a schedule of delivery for the 84 affordable units, which will be delivered by David Wilson Homes (DWH) and Barratt Homes by October 2023. Members of the Housing Team have recently liaised with DWH and have negotiated some improvements such

as level access thresholds and the installation of showers instead of baths to assist customers with limited mobility. Whilst none of the dwellings will meet any of Part M4 (2) requirements for accessibility and adaptability, these improvements will assist customers to some degree.

- 9.44. This proposal is for the re-working of the western edge of the site to include additional dwellings, although the already approved affordable units are excluded, which is regrettable as these do not comply with NDSS. The additional proposed 23 dwellings will generate a requirement for the provision of further affordable housing, as a consequence, a further 7 affordable units are proposed. It is considered that the required standards must be achieved in respect of the additional units in order to fully meet the needs of households on the Council's housing register.
- 9.45. The original scheme submitted did not comply and the applicant was requested to amend the affordable housing provision accordingly. Following discussions with the applicant and agent, a revised submission was received in March 2022, which has been assessed by Strategic Housing who have confirmed that the submission is now acceptable in this respect.
- 9.46. Affordable housing should be indistinguishable from market housing in terms of external design and integrated throughout the site. In terms of the number of additional affordable units proposed and the tenure split, it is compliant with Policy BSC3, and the parking arrangements shown are acceptable as are the layout/clustering arrangements. As above, the submission requires amendment to achieve the Nationally Described Space Standard and meet the requirements of M4(2) Category 2: Accessible and Adaptable Dwellings. All affordable housing units are also now required to deliver high standards/rates of energy efficiency to ensure that household fuel and water bills are affordable.
- 9.47. Following the receipt of amended plans, the revised plans show that type T50 dwellings have been amended and now comply with NDSS. However, Type SH52 remained below NDSS and there was no acknowledgement or demonstration that 50% of the rented dwellings would meet M4(2) requirements. The applicant's agent was advised that this must be rectified if the submission was to be considered acceptable. Further amended plans have now been received and assessed by Strategic Housing, who advise that the submission is now effective in meeting identified housing needs.

Highways

- 9.48. The submission has been assessed by OCC as Local Highway Authority who raise no objections. The access arrangements to the site are not deemed to change, nor does the application propose to alter the road layout from the plans already approved.
- 9.49. OCC consider that the development proposed would not give rise to a significant traffic generation in isolation but may cumulatively (with the wider scheme) have some modest impact. The transport Statement accompanying the application shows in Table 5.5 that the proposals would create an additional 2% impact at the White Post Road access, taking the RFC from 0.745 to 0.759 in the PM peak.
- 9.50. However, OCC consider that such an impact is not significant enough to warrant an objection but rather an appropriate mitigation shall be required to address the seemingly meagre but cumulative impact on the network. It is thus considered appropriate to uplift the contributions that were secured as part of the S106 Agreement of the outline consent.
- 9.51. An updated Travel Plan covering the full scale of the development shall need to be submitted in reflection of the uplift in dwellings.

- 9.52. Having regard to the above, the proposals and additional 23 dwellings are not considered to have any significant highway impact and is therefore considered acceptable in this respect.

Drainage

- 9.53. The original submission was assessed by OCC as Local Lead Flood Authority who raised an objection to the original submission on the grounds that as LLFA they would expect to see more SuDS utilised in the proposal and where infiltration is proposed, a report of infiltration in accordance with BRE365 must be submitted. The applicant was advised of the objection. Following further correspondence and discussions, OCC have now confirmed that the drainage proposals are acceptable.
- 9.54. Comments in respect of the submission have also been received from Thames Water who advise that from the information submitted they are unable to determine the Foul water infrastructure needs of the development and has identified an inability of the existing water network infrastructure to accommodate the needs of the development proposal. The applicant has been asked to contact Thames Water accordingly and a response is awaited. Should the issues not be resolved, conditions are recommended to be attached to any planning consent.

Landscaping

- 9.55. The submission which includes a set of landscape plans has been assessed by Landscape and Arboriculture Officers. The landscape officer advises that previous comments have largely been ignored and makes comments about the suitability of some of the proposed planting for the location. Concern has also been expressed regarding the number of Betula and lack of detail on the plans in terms of planting instructions and specifications. The applicants have been requested to re-consider the landscaping proposals having regard to these comments.
- 9.56. Following the above, revised landscaping plans were received on 8 February 2022 and has been assessed by the Landscape and Arboriculture Officers. However, the landscape officer advises that these do not fully overcome previous objections. A landscaping condition is therefore included accordingly.

Sustainability

- 9.57. This application is part of a large strategic residential allocation within the adopted CLP 2015 on the edge of the built-up area of Banbury. A new spine road will be provided through the development and the remaining allocation to provide a new link from Bloxham Road to White Post Road. This route will also be a main bus route through the development. The site is therefore in a highly sustainable location in terms of transport and access to the existing built-up area and schools etc. A local centre, including new community building and new primary school will be provided on the adjacent Banbury 17 site to serve the whole allocation.
- 9.58. In terms of energy efficiency and sustainable construction, an Energy Report and Addendum is submitted with this application. The agent advises that these have previously been approved as part of the discharge of condition 26 of the outline planning permission and are therefore applicable to this application and the same measures will be applied to the dwellings proposed under this application in order to ensure consistency with the wider site. It should be noted that the energy strategy submitted with the outline application was poor in terms of addressing Policies ESD1-5 and securing energy efficiency. At the time of discharging the above-mentioned condition, Barratt/David Wilson Homes were encouraged throughout the consideration of their submission in this respect to have regard to the increasingly important need to address climate change, particularly having regard to the District Council's Climate Change Emergency. At that time Barratt/David Wilson Homes were

reluctant to consider anything more than had already been committed through the outline submission, which was disappointing. However, as the submission to discharge the condition on the outline consent at that time accorded with the minimal requirements set out in that outline approval, the Council could not reasonably withhold consent, and the condition was therefore discharged.

9.59. Whilst it is acknowledged that there is an extant permission relating to this development site through the original outline and reserved matters consents, this is a new full application for a greater number of dwellings than has been permitted through the outline consent that now stands to be considered against the most up to date policies and requirements. It is therefore considered that the applicant should consider further Policies ESD1-5 and the Councils Climate Change Emergency.

9.60. An updated Energy Strategy was awaited at the time of writing this report.

Planning Obligation

9.61. In order to ensure that the development is acceptable in planning terms, a number of the impacts of the development need to be mitigated and/or controlled through covenants in a legal agreement. All section 106 requirements are subject to statutory tests and in order to be taken into account in deciding to grant planning permission they need to be: necessary to make the development acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind.

9.62. The original outline consent was subject to a Unilateral Undertaking signed by the landowner and developer at that time, Gladman Developments Ltd. The new section 106 required in respect of this additional development will need to be linked to the original to ensure the continued delivery of all the associated infrastructure and mitigation measures. A new legal agreement relating to this application is currently being drafted in consultation with the legal team and OCC. Accordingly, the requirements indicated below may be subject to change.

9.63. It is considered that the following additional items/contributions should be secured as part of the permission relating to the additional dwellings (and any amendments deemed necessary):

9.64. **CDC Obligations:**

- 30% affordable housing to NDSS and CDC requirements;
- Community facility to serve the additional units;
- Off-site sports provision to serve the additional units;
- On-site sports contribution for additional maintenance of the existing facility to be provided on site of £15,349.97 (plus indexation);
- Additional allotment facilities to serve the additional dwellings;
- Burial ground contributions to serve the additional dwellings;
- Refuse and recycling bins for the additional dwellings; and
- Monitoring Fee of £1,000.

9.65. **OCC Obligations:**

- Uplift in transport requests through the original obligation in respect of the additional units; and

- Additional education contribution of £375.000 for the expansion of BGN.
- Monitoring fee TBC

9.66. **Other Obligations:**

- OCCG - £19,872 to support the local primary care trust relating to the additional units.

Environmental Impact Assessment

- 9.67. The original outline permission (15/01326/OUT) was accompanied by an Environmental Impact assessment. The development proposed therefore also falls under Schedule 2, Section 13(b) of the Regulations as it is a change to, extension of, the development described by Section 10(b) of Schedule 2 and that development is authorised and in the process of being executed.
- 9.68. For the development as changed or extended to be considered an EIA development it would be likely to have significant effects on the environment by virtue of factors such as its nature, size or location. In determining whether the proposals are likely to constitute EIA development, regards has to be had to the criteria set out in Schedule 3 of the Regulations 2017.
- 9.69. Having regard to the above, it was concluded that the additional dwellings proposed is unlikely to have significant environmental effects for the purposes of EIA Regulations and therefore that this amended proposal and new application did not constitute EIA development.
- 9.70. For the full assessment, see the letter to the applicant's agent dated 1 December 2021 in the application documentation.

10. BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 requires that the three dimensions to sustainable development (economic, social and environmental) are not undertaken in isolation, but are sought jointly and simultaneously.
- 10.2. The delivery of housing is high on the Government's and District Council's agenda. Having regard to the above, this proposal which will secure additional housing provision, in particular having regard to the council's lack of a five-year housing land supply, and whilst not strictly in accordance with Policy Banbury 17 because of the increased number, is on balance considered acceptable.

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, (AND ANY AMENDMENTS AS DEEMED NECESSARY):

FURTHER RECOMMENDATION: IF THE SECTION 106 AGREEMENT /UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO

BE ISSUED, AND, NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate infrastructure required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policy INF 1 of the adopted Cherwell Local Plan 2011-2031, Government guidance within the NFFF and CDC Planning Obligations SPD 2018.

S106 HEADS OF TERMS

As set out in the table set out at Appendix 1.

CONDITIONS

Time Limit

1. The development to which this permission relates shall be begun not later than the expiration of three years beginning with the date of this permission.

Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

Compliance with Plans

2. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out strictly in accordance with the following plans and documents: [*to be inserted once received and agreed*]

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.

3. Notwithstanding the landscaping proposals submitted, prior to the commencement of any development above slab level, a scheme for landscaping the site shall be submitted to and approved in writing by the local planning authority. The landscaping scheme shall include: (i) details of proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas and written specifications (including cultivation and other operations associated with plant and grass establishment, i.e depth of topsoil, mulch etc.(ii) details of the hard landscaping including hard surface areas, pavements, pedestrian areas and any steps etc. The approved scheme shall be implemented by the end of the first planting season following occupation of the development.

Reason: To ensure that a satisfactory landscape scheme is provided in the interest of well planned development and visual amenity and to accord with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and saved Policy C28 of the adopted Cherwell Local Plan 1996 and Government guidance within the National Planning Policy Framework.

4. Prior to the commencement of any development above slab level, a material plan shall be submitted to and approved in writing by the Local Planning Authority.

Notwithstanding the materials plan submitted, all materials of construction relating to (i) all access roads, driveways, parking courts, parking areas and footpaths (ii) all dwellings, garages and other buildings and structures (iii) shall be in accordance with the use of materials already agreed under 18/00895/REM, unless otherwise agreed in writing. The development shall be carried out in accordance with the approved materials plan.

Reason: In the interests of the visual appearance of the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031. The Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

5. If alternative materials to those in condition 4 above are proposed, prior to the commencement of any dwelling or garage above slab level, samples of any alternative roofing materials and sample panels (minimum size 1m²) of the alternative bricks/natural ironstone shall be constructed on site to be inspected and approved in writing by the Local Planning Authority. Thereafter, the external walls of the relevant dwellings, garages and boundary walls shall be constructed in accordance with the approved sample panels. The sample panels shall be retained on site for the duration of the construction of the development.

Reason: In the interests of the visual appearance of the development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

6. No dwellings shall be constructed above slab level until details of a site-wide biodiversity enhancement strategy has been submitted to and approved in writing by the Local Planning Authority. Such details shall include the provision of habitat boxes/bricks for bats, swifts and other birds; the provision of hedgehog passages; the provision of boundary treatments to facilitate the movement of wildlife; and a timetable for the enhancements to take place. The development shall be carried out in accordance with the approved details and timetable and thereafter maintained in accordance with this condition.

Reason: To enhance biodiversity in accordance with Policy ESD10 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

7. Prior to commencing any works in respect of landscaping, final details, locations, specifications and construction methods for all purpose-built tree pits and above ground features, to include the installation of below ground, load bearing cell structured root trenches, rot barriers, irrigation systems and a stated volume of suitable growing medium to promote the healthy development of the proposed trees, 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 details and specifications.

Reason: In the interests of the visual amenities of the development, the long-term survival of the trees, to ensure the creation of a pleasant environment, and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

8. Prior to the first occupation of any dwelling on the site, a Travel Plan. Prepared in accordance with the Department of Transport's Best Practice Guidance Note 'Using the Planning Process to Secure Travel Plans' and its subsequent amendments. shall be submitted to and approved in writing by the Local Planning Authority. The approved

Travel Plan shall thereafter be implemented and operated in accordance with the approved details.

Reason: In the interests of sustainability and to accord with Government guidance within the National Planning Policy Framework.

9. No development shall be occupied until confirmation has been provided that either:-
(i) Foul Water Capacity exists off-site to serve the development; or, (ii) A Development and Infrastructure Phasing Plan has been agreed with the Local Planning Authority in consultation with Thames Water. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan; or, (iii) All Foul water network upgrades required to accommodate the additional flows from the development have been completed.

Reason: Network reinforcement works may be required to accommodate the proposed development. Any reinforcement works identified will be necessary in order to avoid sewage flooding and/or potential pollution incidents.

10. No development shall be occupied until confirmation has been provided that either:-
(i) all water network upgrades required to accommodate the additional flows to serve the development have been completed; or, (ii) a development and infrastructure phasing plan has been agreed with Thames Water to allow development to be occupied. Where a development and infrastructure phasing plan is agreed, no occupation shall take place other than in accordance with the agreed development and infrastructure phasing plan.

Reason: The development may lead to no/low water pressure and network reinforcement works are anticipated to be necessary to ensure that sufficient capacity is made available to accommodate additional demand anticipated from the new development.

11. The drainage strategy for the site shall be carried out in accordance with the drainage report dated 25.03,2022 and drawing number 957-00-001 Rev A.

Reason: To ensure the development is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

12. Prior to the commencement of any development hereby approved, an Energy Statement shall be submitted to and approved in writing by the Local Planning Authority, demonstrating how each dwelling hereby approved, will achieve a 19% reduction in carbon emissions above 2013 Building regulations and a water efficiency of not more than 110 litres/person/day. The development shall thereafter be carried out in accordance with the approved energy strategy.

Reason: In the interests of creating sustainable new development in accordance with the requirements of Policies ESD1, ESD2, ESD£, ESD4 and ESD5 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning Policy Framework.

13. That prior to the occupation of any dwelling, it shall be provided with an electric vehicle charging point.

Reason: in the interests of sustainability and reducing carbon footprints and to accord with Policy Esd3 of the adopted Cherwell Local Plan 2011-32031 and Government guidance within the National Planning Policy Framework.

14. Notwithstanding the information shown on the approved plans, all casement windows to be installed on the dwellings and garages within the development shall be side hung, balanced casements of equal proportions unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD 15 of the adopted Cherwell Local Plan 2011-2031, saved Policy C28 of the adopted Cherwell Local Plan 1996, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

15. All windows and doors to be installed within the development shall be recessed a minimum of 75mm within the window and door surrounds, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

16. All dwellings and garages shall be constructed using simple mortared edges to roof edges and no overhang, and clipped eaves and gutters fitted tight to the walls or brackets or sprockets, unless alternative details are first submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure the satisfactory appearance of the completed development and to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031, the Council's adopted Residential Design Guide SPD 2018 and Government guidance within the National Planning Policy Framework.

17. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments, no gate, wall, fence or other means of enclosure shall be erected or constructed or placed between any dwelling and the highway or within the curtilages of dwellings if forward of a principal elevation without the prior express consent of the Local Planning Authority.

Reason: To retain the character and appearance of the development and in the interests of highway safety, to comply with Policy ESD15 of the adopted Cherwell Local Plan 2011-2031 and Government guidance within the National Planning policy Framework.

18. Notwithstanding the provisions of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 and its subsequent amendments the garages, car ports and drive-throughs serving parking areas shown on the approved plans shall be retained and maintained for the parking and manoeuvring of vehicles and storage of cycles at all times and shall not be converted to provide additional living accommodation without the express planning permission of the Local Planning Authority.

Reason: To ensure that satisfactory provision is made for parking and access, and the parking of safe undercover storage of cycles clear of the highway, in accordance with Government guidance within the National Planning Policy Framework.

APPENDIX 1- Heads of Terms for Section 106 Agreement/undertaking

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Provision of and commuted sum for burial ground provision	Commutated sum as set out in the Developer Contribution SPD	To be delegated to officers	<p>Necessary: To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018).</p> <p>Directly related: For the use of future occupiers of the development.</p> <p>Fairly and reasonably related in scale and kind: In accordance with the policy and guidance provisions adopted by the Council.</p>
Provision of additional allotment provision to serve the additional units	Provision on site. Commutated sum as set out in the Developer Contribution SPD (as updated by annual tendering).	To be delegated to officers	<p>Necessary: To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related: For the use of future occupiers of the development</p>

	Details of ongoing management company if no commuted sum		Fairly and reasonably related in scale and kind: In accordance with the policy and guidance provisions adopted by the Council
Off-site outdoor sports facilities capital provision – to serve the additional units On-site sports provision contribution for additional maintenance towards the existing facility to be provided on site of £15,349.97 (plus indexation)	TBC	To be delegated to officers	<p>Necessary: The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p> <p>Directly related: The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind: Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Off-site indoor sports facilities – Towards Indoor Tennis Centre and/or improvements of leisure centre provision in the locality	TBC based on the additional units		
Community hall facilities – in respect of the additional units	TBC based on the additional units. Final calculation to be based on calculation outlined in the Developer Contribution SPD		
Contributions to bins	£106 per dwelling	To be delegated to officers	Necessary: The dwellings will required adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD

			<p>Directly related: The need for these comes from the increase in the number of dwellings</p> <p>Fairly and reasonably related in scale and kind: Costs in accordance with the advice in the Developer Contribution SPD</p>
Affordable housing provision on site	<p>At least 30% of total number.</p> <p>Housing mix – To be delegated to officers.</p> <p>To be in accordance with the standards outlined in Developer Contributions SPD</p>	To be delegated to officers	<p>Necessary: As would provide housing for those who are not able to rent or buy on the open market pursuant Policy BSC3 of the Cherwell Local Plan</p> <p>Directly related: The affordable housing would be provided on-site in conjunction with open market housing</p> <p>Fairly and reasonably related in scale and kind: Based on the Cherwell Local Plan requirement for percentage of affordable housing.</p>
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking.	<p>CDC - £1,000</p> <p>OCC - To be confirmed</p>	To be delegated to officers	<p>Necessary: In order to ensure the planning obligations are complied with.</p> <p>Directly related: As only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p>

			<p>Fairly and reasonably related in scale and kind: Considering the extent of the development and the obligations to be monitored.</p>
Public transport contribution to serve the additional units towards bus services through the site	£117,156	To be delegated to officers	<p>Necessary: To ensure sustainable mode of transport and encourage and integrated into the development and made attractive to future users to reduce car dependency.</p> <p>Directly related: As these will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind: The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public transport infrastructure uplift in accordance with the original obligation to serve the additional units	TBC		
Secondary education capacity contribution and contribution towards the expansion of BGN secondary school	£63375,000.	To be delegated to officers	<p>Necessary: To provide adequate education provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>Directly related: Will provided additional school places for children living at the proposed development</p> <p>Fairly and reasonably related in scale and kind: In accordance with the County Councils standards for provision of new school places based on cost per additional pupil.</p>

