

**OS Parcel 3673 Adjoining And West Of 161 Rutten  
Lane Yarnton OX5 1LT Cross Parish Boundary  
Application: Begbroke and Yarnton Parish Councils**

**21/03522/OUT**

**Case Officer:** Linda Griffiths

**Applicant:** Merton College

**Proposal:** The erection of up to 540 dwellings (Class C3), up to 9,000sqm GEA of elderly/extra care residential floorspace (Class C2), a Community Home Work Hub (up to 200sqm)(Class E), alongside the creation of two locally equipped areas for play, one NEAP, up to 1.8 hectares of playing pitches and amenity space for the William Fletcher Primary School, two vehicular access points, green infrastructure, areas of public open space, two community woodland areas, a local nature reserve, footpaths, tree planting, restoration of historic hedgerow, and associated works.

All matters are reserved, save for the principal access points.

**Ward:** Kidlington West

**Councillors:** Councillors Conway, McLean, Walker

**Reason for Referral:** Major development

**Expiry Date:** 31 March 2023

**Committee Date:** 2 November 2023

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**SUMMARY RECOMMENDATION: AN APPEAL AGAINST NON-DETERMINATION HAS BEEN LODGED (ALTHOUGH NO START DATE HAS YET BEEN RECEIVED) AND THEREFORE MEMBERS ARE REQUESTED TO RESOLVE THAT BASED ON THE CURRENT ASSESSMENT THAT PERMISSION WOULD HAVE BEEN REFUSED AS SET OUT BELOW BUT TO RESOLVE THAT OFFICERS CONTINUE TO SEEK TO RESOLVE THE OUTSTANDING ISSUES PRIOR TO THE APPEAL INQUIRY SUBJECT TO CONDITIONS AND RESOLUTION OF TECHNICAL ISSUES AND SUBJECT TO A S106 LEGAL AGREEMENT IN CONSULTATION WITH THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT AND THAT IN THE CIRCUMSTANCES THAT THOSE ISSUES ARE SATISFACTORILY RESOLVED, THAT THE APPEAL IS NOT CONTESTED**

**MAIN REPORT**

**1. APPLICATION SITE AND LOCALITY**

1.1. The application site is allocated for development under Policy PR9 of the Cherwell Local Plan 2011-2031 (Part 1) Partial Review of the Cherwell Local Plan – Oxford's Unmet Housing Needs which was adopted on 7<sup>th</sup> September 2020. The application site forms a significant part of the allocation. Policy PR9 identifies 99 hectares of land as a village extension to the west of Yarnton which includes the development of 540 dwellings on approximately 25 hectares of land. The application site comprises one parcel of land totalling approximately 59.3 hectares. The site is located on an east and north-east facing slope. The rest of the allocated land outside of the

application site is the land identified by Policy PR9 as retained agricultural land within the Green Belt.

- 1.2. The site is predominantly arable farmland lying to the west and north of Yarnton and also includes the Yarnton Medical Practice and car park. The north-eastern edge of the site is defined by the built-up edge of Rutten Lane and the A44. There is direct frontage to Rutten Lane, as well as the rear boundaries to the residential properties located along the southeastern part of the site along Rutten Lane. The far southern boundary of the site abuts the access road serving both William Fletcher School and Yarnton Residential Nursing Home. To the southwest boundary is defined by Frogwelldown Lane, an historic footpath which rises gently towards Hanborough from Cassington Road. To the north is Begbroke Wood, a designated ancient woodland.
- 1.3. In terms of topography, the site is located on an east and north-east facing slope where it abuts the western edge of Yarnton. The land then rises moving westwards and to the south of the site.

## **2. CONSTRAINTS**

- 2.1. The application site is within an area of historic agricultural land including historic field systems. There are existing hedgerows within the site and trees along field boundaries. To the southwest boundary of the site lies Frogwelldown Lane, an historic public footpath. Begbroke Wood, a designated ancient woodland lies to the north of the site. Dolton Lane bridleway runs through the northern part of the site.

## **3. DESCRIPTION OF PROPOSED DEVELOPMENT**

- 3.1. The application seeks outline consent for the erection of up to 540 dwellings, 9,000sqm of elderly care C2 use, a community hub (up to 200 sqm) and associated infrastructure including 1.8 hectares for playing field for William Fletcher School, enabling William Fletcher Primary School to expand within its own site, open space and play/recreation space within the development site. The application also proposes within retained green belt, a community woodland, area of Meadowland and nature reserve. Green infrastructure and areas of public open space are based on the retention of veteran trees and provision of a network of swales and attenuation ponds, incorporation of existing hedgerows into the layout, maintaining connectivity with retained and restored hedgerows passing through open habitat. New tree planting amongst strips of grassland to buffer retained habitats from development and to reinforce the movement of wildlife.
- 3.2. Two vehicular access points, one to the north via the A44 and the second to the south, via Rutten Lane are proposed. The principal access points into the site are to be considered under this outline application with all other matters reserved for later consideration.
- 3.3. Green infrastructure and areas of public open space are based on the retention of veteran trees and provision of a network of swales and attenuation ponds. Incorporation of existing hedgerows into the layout, maintaining connectivity with retained and restored hedgerows passing through open habitat is proposed. New tree planting amongst strips of grassland to buffer retained habitats from development and reinforce the movement of wildlife is also part of the proposals.

## **4. RELEVANT PLANNING HISTORY**

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

20/01914/SO – Screening Opinion issued 7<sup>th</sup> August 2020 advising that the proposal was EIA development.

20/02575/SCOP – Scoping Opinion issued 9<sup>th</sup> April 2021.

## 5. PRE-APPLICATION DISCUSSIONS

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

21/00233/PREAPP – erection of up to 540 dwellings, up to 9,000sqm of elderly/extra care, community homework hub, play space, 1.8ha of playing pitches and amenity space for William Fletcher Primary School with associated infrastructure, community woodland and local nature reserve.

5.2. The pre-application proposals were considered to broadly meet the requirements of Policy PR9 with the exception of the community woodland, meadow land, community homework hub and extra care/care home in addition to 540 dwellings. Whilst the community woodland was to be provided within two areas rather than a single area, it complied with the policy in terms of its total land area and was considered acceptable as a departure from the policy.

5.3. In terms of the meadowland, whilst the quantum of land complies with the policy, the key difference is on how this land would be used and accessed by the public. The PR9 policy seeks a more formal space for the public with unrestricted access. This aspect is contrary to the Policy and additional details on how this land would be managed, accessed for the public and landscaped are required before any determination could be made as to whether or not this amendment was acceptable.

5.4. Community and homework hub may be acceptable in principle in lieu of a financial contribution towards improvements and/or enhancements to existing facilities within the local area.

5.5. In terms of the extra care/care home in addition to the 540 dwellings, whilst the provision of a C2 care home is not required by Policy PR9, it could be acceptable provided the application could demonstrate that an acceptable density, design and layout could be achieved as a result of the additional provision. In addition, financial contributions/obligations and other supporting infrastructure would need to be considered.

## 6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of site notices 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 **10 February 2023**, although comments received after this date and before finalising this report have also been considered.

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

- Disregard for protected greenbelt without consideration of other brown sites.
- Increase pressure on transport infrastructure into Oxford.
- Destroy character of Yarnton and sense of identity.

- Please provide a path from the rear of properties along Rutten Lane to allow easy access to the green corridor. Historic access from properties along Rutten Lane to field.
- Noise from new school playing field proposes to be mitigated by an acoustic fence which will be an unsightly barrier.
- Flood risk. Further mitigation is required. Experience flooding to property from surface water from surrounding fields. The outfall C in the report cannot cope with the existing levels of surface water so how will it cope with the extra demand. Pond has not been maintained so overflows quickly. No acknowledgement or consideration of the combined flood risk at the development site and existing village. Heightened flood risk for Yarnton. Lack of clarity regarding future maintenance and management responsibility. In-depth local knowledge of issues can be provided. Application seems to be limited to a study of flood impact on the application site and includes scant information about the existing village hydrology. The approved design brief failed to include the existing flooding issues for the village. Flooding issues will be left to be addressed at a later date which will be much more difficult post development. Fernhill Road is also subject to surface water flooding on a regular basis.
- Lack of detail/information relating to foul sewage pumping.
- Construction access should be via A44 not Rutten Lane.
- Concern about type of play facilities proposed, recent developments are hard surfaced and unattractive and not usable for children of all ages meaning parents with more than one child and age range cannot use them.
- Loss of landscape, open countryside and wildlife corridors. To build up to 4 storeys along A44 and up to Dalton Lane contrary to previous efforts to preserve and enhance this landscape. 2.5 storeys to rear of properties along Rutten Lane is unacceptable and not in keeping with street scene. Loss of privacy due to height of buildings and slope of land. Development should be reduced to a maximum of 2 storey. The designs are completely out of character to the rest of the area and if they look like the monstrosity at the mosaic site at Barton they are going to look terrible.
- Ignores climate crisis, have recorded bats, owls, rare butterflies and red listed birds such as cuckoos in the area. Concern about neglect of area has been constantly ignored by the college landowners. How can we reach net zero by 2050 by building on all the green spaces.
- Development proposed over ancient ridge and furrow landscape and ancient settlement of Begbroke which can be seen from the air. Begbroke is mentioned in the Shell Guide for Oxfordshire as a rare rural haven next to the city. Map in chapter 9 including the woodland is outdated and vastly underrepresents numerous veteran trees and also underestimates the species change threat.
- Question use of 2017 traffic data in Vectos report, Capacity created by Wolvercote roundabout, and Banbury Road already seems to have been taken by other more recent development, for example, Long Hanborough and North Leigh. Traffic from Witney direction appears to have increased far beyond levels previously experienced and at peak times extending back to Eynsham causing vehicles to use Cassington Road to bypass the

Wolvercote roundabout. With lockdown over the road traffic analysis needs to be revisited.

- Loss of views and tranquillity. Villages will become joined up and lose their unique identity and community spirit.
- Noise and disturbance during construction. Light pollution, increased traffic pollution and traffic congestion. Lack of public transport and bus services.
- Are there enough public services to serve the development, especially in relation to GP services, local medical practices are stretched and waiting times at an unacceptable level.
- Why are the 2000 empty homes in Oxford not being used. Appalling use of green belt land and based on an inaccurate, out of date estimate of Oxford's unmet housing need. Empty office buildings as a result of people working from home should be used. Suggest re-using empty retail units.
- Impact on parish churches of Yarnton and Begbroke and parishes shares which cannot be met now, let alone with the new development.
- Infrastructure must have regard to safe pedestrian crossings and wheelchair users/pushchairs. Need to consider school parking and safe cycle routes.
- Subject to further environmental information relating to the transport assessment, and socio-economic cumulative impacts in terms of schools and education the application is supported by Oxford University Development.

Yarnton Flood Defence Group: **object** and concerns are summarised as follows:

- Appreciate changes to design since Christmas 2021 but drainage strategy still partly reliant upon continued exceedance flow at Headwall C.
- This site is the only remaining undeveloped land on the west side of Rutten Lane and A44 and probably the last opportunity to mitigate flooding at the north end of the village from the high ground overlooking the village – Spring Hill.
- Request responses and additional information; (i) calculations showing maximum capacity for surface water drain at headwall C; (ii) clarification of pipework ownership and discharge rights to a private drain; query inlet works to ditch on A44; (iii) Do not agree that the PR9 site runoff has been calculated to adequately represent the nature of the real greenfield runoff specific to the site which may require an increase in the volume of on-site attenuation tanks; (iv) the current WSP report refers to groundwater being absent based on a single trial hole dug in the Oxford clay, yet during the on-site archaeological phase we understand the archaeologists had difficulty keeping their excavations dry and also note that there still seem to be no integration of the groundwater and surface runoff to headwall C, how will a workable design for the cutoff drain and pond be arrived and what contingency will there be if it should prove insufficient, also concerns that this pond and other SUDS will simply serve as stilling ponds for silt eroded from the upper slopes and become a constant problem for the management company, eroded soils being brought down into the village in significant

quantities has been a feature of previous floods; (v) need more information regarding the management company.

- Update 22<sup>nd</sup> August 2022: the revised Surface Water Management Strategy does not seem to have materially changed and still proposes to mitigate runoff from the site to a greenfield rate no lower than the minimum requirement in the National Planning Guidelines. The revised strategy does not appear to offer any significant improvement from the current greenfield runoff rate and flooding. Whilst accepted that the site itself will be at low risk from surface-water, groundwater and sewer flooding, those vulnerable within the village remain at risk. The amount of 'betterment' to flood risk for existing villagers stated is unclear. PJA drawings now shows a foul sewer connection within the village which is of great concern as foul system is already inundated and in previous discussions with Thames Water they have declared there are no surface water sewers in Yarnton, only foul sewers as a such they don't have a statutory duty for any surface water run-off. Impact on Thames Water floodplain remains an issue.
- Update 30<sup>th</sup> January 2023: **objection** to final flood strategy dated December 2022. Having scrutinised the final report firm view is that the application should be deferred until such time as a site investigation, a flood risk assessment and flood mitigation strategy is prepared for the village of Yarnton to lay alongside the PJA site specific strategy. Remains our view that National Guidelines alone do not take into account local conditions. Previous questions have not been answered. It should be noted that these comments are very detailed and run to 12 pages and can be found on the application documentation through the council's application website.

6.3. The comments received above can all 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. YARNTON PARISH COUNCIL: **object** and are disappointed that constructive comments from this council and village residents have been largely ignored.

- Piecemeal application process for PR8 and PR9 fails to provide sufficient information to judge overall impacts on the villages and surrounding area.
- Flood risk – believe ground and surface water flows including contaminants, particularly during construction will significantly increase flood risk to Yarnton. Archaeological investigation of the site has included comment that the area is wetter than any other previously studied and that property development seemed ill advised.
- Building design – continue to object to building properties immediately behind existing properties in Rutten Lane. 4 storey development out of character with the village and street scene. 4 storey either side of A44 will result in serious negative impact on rural village, become oppressive and diminish any sense of village continuity. All buildings should conform to best

eco-specifications related to production, construction, living and subsequent demolition consistent with climate change policies.

- Design and Access Statement – question stewardship which is unclear. Have already stated that it does not wish to be responsible for the maintenance of green spaces, trees hedgerows, water courses etc.
- Traffic assessment – detail of construction traffic routeing is unclear. Only safe route onto and off the site will be via the proposed access from A44, Rutten Lane is unsuitable. Due consideration must also be given to safety of pedestrians and cyclists using A44 path and cycle lane. Traffic data used to evaluate impact is out of date and unrepresentative of current activity. Sufficient parking for construction must be provided on site to avoid parking in Yarnton village.
- Healthcare – with closure of Sandy Lane, access from Yarnton to primary care medical facilities in Kidlington will be more difficult to access. Alarmed to see no planned expansion of Yarnton Medical Practice. Not convinced that there is sufficient evidence to support yet another elderly/extra care facility within the village.
- PRoW – opposed to any proposal of re-classification of Frogwelldown Lane as a bridleway or cycle route. The footpath has local historical importance. Visual amenity of greenfield/agricultural land seen from Frogwelldown Lane and connecting routes will be seriously, adversely affected.
- Sport and play – proposal of such extent deserves a wide range of sport and play facilities within the development area that are fully accessible to existing and proposed residents. Playing field and MUGA facility along with first class play facilities are the least that are expected to be provided. Sec 106 funding should be accessed to facilitate this and appropriate youth provision. Yarnton sports clubs (netball and football) are already at saturation and in need of more playing space.
- Utilities – astounding that such significant residential development of 540 homes can proceed when Thames Water can presently only support 50 additional properties.
- Road network – there is no reference to the proposed link between A40 and Loop Farm/Pear Tree A44 route and the effect on traffic flows.
- Update 2<sup>nd</sup> February 2023: Appreciate the detailed and considered review of the submissions made by the many stakeholders and efforts to address comments raised. Comments of BOB ICB and Thames Water must be addressed ahead of further formal planning process. Supports the comments from Yarnton flood Defence Group and expresses continued concern that the development will add surface and foul water flood risk to existing residential areas in the village. Given the lack of direct public transport services and planned closure of Sandy Lane a condition of planning permission should be that a good level of primary care provision remains within the village of Yarnton – not wholly centralised in Kidlington. Current proposals for solar panels to the border of the site will reduce health benefits of additional green space. CTMP must keep all construction movements and parking off residential roads within the village. Amended detail of access junction with Rutten Lane still represents a risk to road users. Fig 21 of DAS does not show proposed new southbound bus stop in Rutten Lane near to the site access. Would like to see greater detail of the play equipment to be

installed to ensure appropriate quality and provision. Look forward to understanding more about how the Community Trust will be structured and managed to ensure inclusive interaction with existing residents. Need to understand fully how public open spaces, flora, structures and facilities will be managed. Sec 106 must benefit Yarnton and its residents.

7.3. BEGBROKE PARISH COUNCIL: **object** – maintain previous objection to release of land from green belt and development proposed, impossible to assimilate number of documents submitted as not planners or experts in many fields presented.

- Parish council fully support objections raised by others. 4 storeys will be overbearing and contrary to Policy C28 and NPPF.
- These plans offer little to Begbroke. Virtual coalescence with Yarnton. Pedestrian crossing for Begbroke village is not included and is a major priority for the village, there must be a commitment for section 106 monies from the developers.
- Water infrastructure is inadequate and substantiated by Thames Water response who may object.
- OCCG have objected stating insufficient consulting rooms to cope with increased population and addition of Extra Care will put significant pressure on local practices.
- Object to closure of Sandy Lane.
- No retail provision meaning that all residents must go to a larger settlement such as Kidlington for shopping, nearest facility to Begbroke is Budgens Yarnton.
- Transport links – no direct bus link from Begbroke to Oxford Parkway or Water Eaton P&R which has buses to hospitals. Impractical bus changes in either Oxford or Woodstock necessary.
- Increased air pollution – is regular monitoring taking place?
- Is there still a need for these houses to meet Oxford's unmet need now thousands of houses are planned to be built around Oxford.
- Long-term management plans and effective, sensitive management (with regular reviews) will be needed in respect of green infrastructure and wildlife habitat. Merton's declaration regarding biodiversity and sustainability hardly fits with destruction of green belt and local environment.
- Ideas for Dolton Lane upsetting, disaster if turned into an urban pathway, with character lost forever. Turning the whole Binfield into woodland rather than just part of it is not a preferred option, it is special for wildlife.
- Wide range of wildlife species inhabit PR9 and Binfield – owls, swifts, hares, rabbits, crickets, spiders, deer and insects.
- Begbroke Parish Council could be involved in the stewardship of the woodland and nature areas proposed.
- Parameter Green Infrastructure Plan must clarify that trees and hedgerows will remain and be protected.



- Development and increased population bring disturbance to wildlife including presence of cats and dogs.
- Footpath 124/9/10 is shown incorrectly on all diagrams in the documents.
- Ridge and Furrow fields are of significance from medieval farming – especially in how they control surface water (Binfield).
- The sewage and drainage will present problems and impact of flooding in Yarnton and Begbroke. CDC confirm the greenfield rate here is known to already cause downstream flooding in Yarnton, therefore desirable and important that the discharge is limited to less than the greenfield rate. Clay is not free draining and flooding in Yarnton in 2021 do not support the conclusion of WSP.
- Begbroke east also experiences flooding both now and historically. Oxford City should be compelled to pay for an independent hydrologist report on this area before a single house has been built. Photos submitted to evidence flooding.
- No acknowledgement or consideration of the combined flood risk at the development site and existing village and large omission in the flood assessment maps of the known River Thames Flood Plain.
- Limited documentation demonstrating an understanding of historic drainage channels and local topography. Development will lead to heightened flood risk for Yarnton due to squeezing of available drainage capacity between PR9 and Thames flood plain.
- No measures detailed for displacement of ground water within the development site.
- No information or assessment of grey water systems and their impact on existing foul sewage networks. No information about foul sewage pumping main routes or outfall points in Yarnton.
- Concern regarding possible exceedance flow routes and flow depths from the site through Yarnton which does not have sufficient capacity in its drainage, as has been proven by recent flooding events.
- Lack of clarity regards management and maintenance responsibility for drainage scheme post development.
- Objections and concerns also made in connection with the Development Brief.
- Update 7<sup>th</sup> February 2023: **Objection maintained.**

#### CONSULTEES

- 7.4. CDC PLANNING POLICY: **No objection in principle** of developing this site for residential development. However, an **objection** is raised due to the failure to provide (i) the provision of public open green space as an informal parkland on 24.8 hectares of land to the west of the residential area, as required by Policy PR9 and the emerging development brief, and, (ii) an area of community woodland within 7.8 hectares of land to the north west of the residential area and to the east of Dolton Lane also required by Policy PR9 and the emerging development brief.

- 7.5. CDC LAND DRAINAGE: **comment** that (i) the submission is in line with guidance and comments given during the evolution of the proposals and the applicant has addressed the need to manage both surface water generated on the site through run-off from newly created impermeable areas, and land drainage/groundwater arising on and upstream of the site from land that will remain undeveloped. (ii) As surface water here is known to already cause downstream flooding in Yarnton, it is desirable and important that discharge is limited to less than the greenfield rate, by providing additional on-site attenuation. (iii) Land drainage interceptor drains and basins/ponds additional to surface water drainage are proposed, but until detailed work is done, it is not possible to assess the benefits that can be provided. (iv) Reference to Outfall B within FRA discharging to Rowl Brook, but outfall B discharges to the systems within Yarnton. (v) application is silent on future maintenance of attenuation. (vi) Foul drainage no comment.
- 7.6. CDC LANDSCAPE: **comment** that (i) north section of Dalton Lane Bridleway has been omitted from the red line boundary and should be included to ensure that it is protected through condition. Parameter Green Infrastructure Plan must clarify that hedgerows and trees will be protected. (ii) The creation of the landscape led development must be proven by evidence of a direct influence of the analysis of the LVIA. Dalton Lane should have landscape receptor status within the LVIA, judging its sensitivity and the impacts of the development. No metalled surface or lighting along this lane. Begbroke Ancient Woodland is also an important receptor which should be included in the Residual Effects chapter. (iii) visualisations to help stakeholders interpret the implications of the development should be included. Subject to these comments, the LVIA is a comprehensive document. (iv) play locations are acceptable in principle subject to achieving required standards.

**Update 22<sup>nd</sup> December 2022:** **comment** that the inclusion of Dalton Lane and Begbroke Ancient Woodland inclusion landscape receptors and respective judgement/weighting is agreed. Public open space in centre of the site has been enlarged to accommodate the SUDS and the most westerly built form has been moved approximately 5m further west. Having reviewed the updated plans and amendments set out above alongside the previous judgements of magnitude of change and overall effect in the LVIA, it is judged that the overall effect experienced by receptors set out in the original LVIA would not change. This assertion is agreed. Para 4.3.1 of the DAS should provide the necessary commitment that 2 combined LAP/LEAPs are to be provided in accordance with CDC requirements and standards. Concerned about longevity and robustness of naturalistic play areas as promoted in the DAS.

- 7.7. STRATEGIC HOUSING: **comment** that the application is supported in principle subject to clarity on a number of matters and a revised housing mix as suggested in the response. There is no mention of first Homes, split tenure to meet policy compliance, details of affordable housing standards, clustering, phasing, accessibility etc. Specific consideration should be given to the provision of bungalows, accessible homes and opportunities to provide specialist housing, self-build or self-finish housing. It is not clear how the proposed 9000sqm of floorspace for elderly/extra care should be treated for the purposes of calculating the affordable housing contribution or how C2 use will meet planning policy requirements for the PR9 site.
- 7.8. CDC ARBORICULTURE: **comment** that from a desk-based assessment, the submission documentation highlights that the proposal at outline stage has taken consideration of existing trees on site, with the proposed development areas sitting outside of the recommended CEZ and Veteran tree buffer zones. It also highlights at this stage a minimal impact with regard to tree removals, with all category A and veteran trees scheduled for retention. The proposed category B losses can

comfortably be mitigated by way of replacement planting. Updated AIA/AMS documentation will be required once the proposed layout/reserved matters stage has been reached.

- 7.9. CDC ECOLOGY: **comment** that an appropriate level of ecological survey has been carried out and in general there are few protected species issues that could not be dealt with through mitigation/design/measures during construction. A full LEMP would be needed, potentially for different phases of the development, update surveys for species such as badger, updated BIA and BIMP when layouts confirmed, management schemes for specific areas of the site (nature reserve, community woodland, greenspace) within an overarching scheme, full lighting strategy in line with BCT and ILP guidelines. **There are however, some issues and concerns** arising as a result of the relatively preliminary stage of the information submitted on habitats and the use of the site which need addressing prior to determination and request that further information is submitted in respect of **farmland birds compensation, nature reserve, meadowland area, built environment and hydrology.**
- 7.10. CDC BUILDING CONTROL: **comment** that a building regulations application will be required.
- 7.11. CDC RECREATION AND LEISURE: **require** section 106 contributions (i) £298.88 per m<sup>2</sup> maintenance for proposed on-site community hub; if the on-site hub does not include space for community activities a contribution of £617,397.50 will be required towards enhancements at Yarnton village hall; £67,983.56 community development worker for 2 years to work to integrate residents into the community and wider area; £24,300 community development fund to support groups for residents; £1,089,196.20 towards outdoor sports provision on PR7a; £450,871.28 indoor sport provision towards improvements at Kidlington and Gosford Leisure Centre; £60,480 towards public art/public realm. All index linked.
- 7.12. OCC/CDC HEALTHY PLACE SHAPING: **object** on the grounds that the health impact assessment is good but weak in one area and requires further information in another. The assessment of health does not refer to any local health data from the Joint Strategic Needs Assessment and no information is provided whether stakeholders have been engaged with regard to the health impacts of the proposed development.
- 7.13. OCC HIGHWAYS: **objections** summarised as follows:
- Further information required in order to demonstrate safe and suitable access for all users, in particular further evidence that the vehicle access onto Rutten Lane will provide sufficient visibility taking account of the road gradient as well as intervisibility between Rutten Lane and the relocated medical centre vehicular access.
  - A number of alterations to the proposed highway works are required including; (i) ensuring that crossing facilities align with LTN 1/20 standards; (ii) pedestrian and cycle infrastructure on A44 to align with preferred option for A44 corridor works, including segregated facilities, to ensure continuity; (iii) the location and layout of certain bus stops must be reviewed to ensure all are easily accessible, taking account of the location of crossing facilities; (iv) the provision of a southbound bus stop on Rutten Lane close to the site access junction; (v) a traffic calming/gateway feature on Rutten Lane to the north of the vehicle access onto Rutten Lane is required.

- The traffic impact assessment undertaken so far is not considered robust and does not adequately assess the impact of the development on the local road network. Further assessment is required in order to fully demonstrate the impact of the development on the road network and demonstrate how an identified package of mitigation will alleviate the likely significant impacts of the development in this location.
- Section 106 contributions: Mobility hub £2,087,132; A44 works Bladen to Begbroke Hill £3,246,749; A44 works Cassington Road to Pear Tree £2,704,134; Public Transport Services £798,525; Public Transport Infrastructure £28,068; Traffic Regulation Order £6,640, Travel Plan Monitoring £6,684 and Public Rights of Way £250,000. All index linked.
- **Update 22<sup>nd</sup> February 2023: Objection maintained** in respect of (i) alterations to the off-site highway works are required, including for the provision of a parallel crossing over the Rutten Lane arm of A44/Rutten Lane junction and (ii) in order to provide greater certainty over the accuracy of the forecast traffic impact, the highway authority requires the technical issues identified with the VISSIM model be addressed, and for agreed scenario testing to be presented. This will demonstrate with greater certainty whether the package of mitigation highlighted in Appendix 4 of the Local Plan Partial Review is sufficient, or whether additional measures, for example, additional bus priority measures at certain junctions, could be required, potentially with a scheme for monitoring of the development's traffic impact once occupied.
- **Update 13<sup>th</sup> October 2023: no objection** subject to S106 contributions, a S278 agreement and conditions. Following earlier responses, the Highway Authority has worked with the applicant to agree the modelling assumptions and scenarios as well as the arrangement for the crossing on Rutten Lane. A Technical Note submitted presents updated traffic modelling results as well as the proposed crossing arrangement for Rutten Lane. This updated consultation response is provided in response to that Technical Note (modelling Update Note online 06/09/23). This response also provides updated figures for the S106 obligations following a review of the calculation used to apportion those costs previously. This was done in the light of new information included within the modelling assessment and Transport Assessments from other sites that are also expected to contribute towards the infrastructure requirements. The section 106 changes are as follows: Mobility Hub £1,566,348; A44 highway works package Bladen to Begbroke Hill £2,116,660; A44 Highway Works Package Cassington Road to Pear Tree £1,762,912 and Public Transport Services £529,123. All index linked.

7.14. OCC ARCHAEOLOGY: **objection** – an archaeological evaluation will need to be undertaken on the site ahead of the determination of any planning application in order to test the veracity of the geographical survey undertaken to identify if archaeological deposits survive on the site.

**Update 22<sup>nd</sup> December 2022: objection** – an archaeological field evaluation has now been carried out on the proposed site and the report was approved in February 2022. The report on this work should be submitted so appropriate advice can be given.

**Update 10<sup>th</sup> January 2023: objection removed and advise:** A further staged programme of archaeological investigation will need to take place on the site secured by condition.

7.15. OCC LEAD LOCAL FLOOD AUTHORITY: **Objection** on the grounds that additional information is awaited.

**Update 22<sup>nd</sup> February 2023: no objection** subject to conditions relating to a detailed surface water drainage scheme and management scheme.

7.16. OCC EDUCATION: **no objection** subject to section 106 requests as follows:

- Primary education £3,564,000 towards expansion of William Fletcher School
- Secondary education £3,773,812 towards the secondary school on PR8
- Secondary land contribution £332,890 towards site acquisition land costs
- Special education £367,938 within the area
- 1.8ha land for expansion of William Fletcher School as new playing field all contributions index linked.

**Update 13<sup>th</sup> October 2023: Object** as at the time of writing there is no formal agreement with the landowner of the access strip of land between the access site and the school. Therefore, the education requirement for land for primary school expansion contiguous with the existing school site and the Property requirements including a suitable secure access between the school and the new playing fields and staff car park, are not yet able to be achieved, and discussions are ongoing to address this issue.

7.17. OCC WASTE MANAGEMENT: **no objection** subject to section 106 contributions of £50,738.40 (index linked) towards the expansion and efficiency of household waste centres

7.18. LOCAL MEMBER VIEWS: share **concerns** raised by Thames Water and local flood resilience group in the general response that the area is very prone to surface water flooding and whilst the applicant is adding additional SUDS protection, not convinced that enough attention is being paid to this very serious concern. There have been numerous incidents of serious flooding in Yarnton with the majority of water coming from Spring Hill. The flood protection in the application may deal with the additional flooding caused by the development but such proposals do not take into account the full extent of future climate change but rather stick to NPPF guidelines. Believe this development will make the situation worse. Thames Water have also expressed concerns that the current foul drainage system will not be capable of supporting the additional load by the development, and already seen the foul drainage system in Yarnton being overloaded by additional flood waters creating a backflow and additional concerns about contaminated water invading homes. Application appears to gloss over these issues, further evidenced by the inadequate response to the local flood protection group. Appears that the site promoters are woefully unaware of the extent of the flood risk and impact on the foul drainage system and appears to assume that the new development will simply be connected to the existing infrastructure with no upgrades. As LLFA, OCC needs to take all these concerns very seriously and engage further with the Yarnton Flood Defence Group to ensure we are not storing up future trouble that the county council and local residents will have to deal with. Finally concerned that the access to the site from Rutten lane is poorly designed and likely to cause incidents as it is so close to the main access to the lane from the A44.

7.19. OCC Property Library Services – **no objection** subject to Sec 106 contribution

7.20. OCC SPECIALIST HOUSING: **comment** that following discussions with CDC it has been decided that this is not one of the better sites to seek affordable extra care housing. The county Council does not offer a view on whether the land for a care home (use class C2) proposed within this application is appropriate instead.

7.21. OCC INNOVATION: **comment** that amendment to the documentation addressing innovation is required and recommend reference to the Innovation Framework which accompanies the Local Transport and Connectivity Plan is made.

**Update 3<sup>rd</sup> February 2023: no objection** subject to a number of matters such as electric vehicle charging, community hub provision providing good levels of digital connectivity and parking provision with future uses in mind being considered at reserved matters.

7.22. ENVIRONMENT AGENCY: **no objection**

7.23. BBOWT: **objection** (i) recreational impact on Begbroke Wood Local Wildlife Site and Frogwelldown District Wildlife Site; (ii) impact on farmland and other birds; (iii) importance of a net gain in biodiversity being in perpetuity; (iv) biodiversity net gain; (v) hydrological impact on Oxford Meadows SAC and Cassington to Yarnton gravel pits Local Wildlife Site.

Update 23<sup>rd</sup> January 2023: **objection** as above.

7.24. NATURAL ENGLAND: **no objection** as based on the plans submitted it does not consider that the proposed development will have significant adverse impacts on designated sites.

7.25. THAMES WATER: **no objection relating to waste** as the development doesn't materially affect the sewer network, however, care needs to be taken when designing new networks to ensure they don't surcharge and cause flooding. **Inability of existing foul water network** infrastructure to accommodate the development and therefore request the imposition of a condition regarding foul water network upgrades. There are public sewers crossing or close to the development. **No objection regarding surface water** as the application indicates surface water will not be discharged to the public network. The development is located within 5m of a strategic water main, Thames Water do not permit building over or construction within 5m of strategic water mains and therefore a condition is requested requiring no construction within 5m of the main and a further condition requiring no piling within 15m of the strategic water main. Thames Water have also identified **an inability of the existing water network infrastructure to accommodate the needs of the development**. A further condition is therefore also recommended in respect of water upgrades.

7.26. THAMES VALLEY POLICE: **request** Sec 106 contributions; £4,962 – staff set up; £12,042 for vehicles and bikes; £6,375 mobile IT; £57,739 towards additional office floorspace and £5,500 towards provision of APNR in the area.

7.27. THAMES VALLEY DESIGN ADVISER: **comment** that disappointed that crime prevention and community safety is not a significant consideration at this point and should be considered through an addendum to the DAS. Curtilage parking is preferred, and all parking must be covered by active surveillance from the dwelling it serves. Parking courts should be avoided. Should be clear definition between public and private realm with defensible space provided. It is vital that public areas/public open space/play space are well overlooked by natural surveillance from surrounding dwellings with active frontage to all streets. Any apartment blocks should follow best

practice recommendations of Secured by Design. Excessive permeability should be avoided.

**Update 10<sup>th</sup> January 2023: comment** that disappointed that previous comments do not appear to have been addressed and still unable to find any reference to crime prevention or community safety within this application. I am **unable to support** the application until my comments have been considered and addressed by the applicant.

7.28. SPORT ENGLAND: **comment** that given that the area has been identified in a development brief and there are to be contributions towards indoor and outdoor sport, offer **support** for this application subject to a suitable amount of contribution being allocated for sport.

7.29. OXFORDSHIRE CLINICAL COMMISSIONING GROUP: **request** section 106 contributions of £466,560 to be adjusted when the housing mix and number of extra care housing is known.

**Update 5<sup>th</sup> October 2022: further comment:** the required increase in floor area of the Yarnton medical centre to reflect growth should result in an increase of the site by 45% and therefore seeking an allocation of land from PR9 of 0.194ha at nil cost. Dependent upon the value of the land, the contribution request above can be amended accordingly. To accommodate the elderly/extra care facility seeking a designated room fitted out to clinical standards to be retained for Health use within the building.

## **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 Council also adopted the Partial Review to account for Oxford's Unmet Housing Need in September 2020. The Local Plan 2011-2031 – Part 1 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 2031 Part 1)

- PSD1 – Presumption on Favour of Sustainable Development
- SLE4 – Improved Transport and Connections
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land – Brownfield Land and Housing Density
- BSC7 – Meeting Education Needs
- BSC10 – Open Space, Sport and Recreation Provision
- BSC11 – Local Standards of Provisions – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD2 – Energy Hierarchy and Allowable Solutions
- ESD3 – Sustainable Construction
- ESD4 – Decentralised Energy Systems

- ESD5 – Renewable Energy
- ESD6 – Sustainable Flood Risk Management
- ESD7 – Sustainable Drainage Systems
- ESD8 – Water Resources
- ESD9 – Protection of Oxford Meadows SAC
- 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
- INF1 – Infrastructure

#### ADOPTED CHERWELL LOCAL PLAN PARTIAL REVIEW - OXFORD'S UNMET HOUSING NEED

- PR1 – Achieving Sustainable Development for Oxford's Needs
- PR2 – Housing Mix, Tenure and Size
- PR3 – The Oxford Green Belt
- PR4a Sustainable Transport
- PR5 – Green Infrastructure
- PR9 – Land West of Yarnton
- PR11 – Infrastructure Delivery
- PR12a – Delivering Sites and Maintaining Housing Supply

#### CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design Control
- TR1 – Transportation Funding

### 8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- CDC Adopted Residential Design Guide SPD 2018
- CDC Adopted Developer Contributions SPD 2018
- OCC Adopted Street Design Guide 2021
- PR9 Land West of Yarnton Development Brief
- EU Habitats Directive
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Oxfordshire Local Transport and Connectivity Plan – 2022 - and related documents such as the Central Oxfordshire Travel Plan, Innovation Framework, Active Travel Strategy, Freight and Logistics Strategy.
- Oxfordshire Parking Standards for New Developments – 2022
- Oxfordshire Implementing 'Decide and Provide' – 2022
- Oxfordshire Rail Corridor Strategy – 2021
- Oxfordshire Electric Vehicle Infrastructure Strategy – 2021
- Oxfordshire LCWIPs, Cycling Design Standards and Walking Design Standards
- Oxfordshire Mobility Hub Strategy – 2023

## 9. APPRAISAL



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

- Principle of development
- Environmental Impact Assessment
- Design and Access Statement
- Compliance with the Development Brief
- Affordable Housing and Housing Mix
- Heritage Impact
- Transport and Access
- Flood Risk and Drainage
- Landscape Impact
- Ecology impact
- Climate Change and Sustainability
- Arboriculture
- Health and Well-Being
- Viability
- Planning Obligation

#### Principle of Development

9.2. Section 38 (6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. Paragraph 12 of the National Planning Policy Framework (NPPF) makes it clear that it does not change the statutory status of the development plan as the starting point for decision making. The Development Plan for Cherwell comprises the adopted Cherwell Local Plan 2011-2031 Part 1 (CLP 2015), the adopted Cherwell Local Plan 2011-2031 Partial Review – Oxford’s Unmet Housing Need and the saved policies of the adopted Cherwell Local Plan 1996. The policies important to determining this application are referenced above.

#### *Policy Context*

9.3. Policy PSD1 of the CLP 2015 requires a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development and to secure development that improves the economic, social and environmental conditions in the area.

9.4. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The overall housing strategy is to focus housing growth at the towns of Bicester and Banbury to 2031. Policy BSC1 states that Cherwell will deliver a wide choice of high-quality homes. The CLP 2015 Partial Review – Oxford’s Unmet housing Need provides a vision, objectives and specific policies for delivering additional development to help meet Oxford’s housing needs and which can be viably delivered by 2031 in accordance with cross-boundary strategic priorities so that the vision and objectives are achieved without undermining the existing CLP 2015.

9.5. Paragraph E.10 of the CLP 2015 states, *‘Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and NPPG to maintain a continuous five year supply of deliverable, available, suitable and achievable sites as well as meeting its overall housing requirement’.*

9.6. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government’s planning policy for England and is supported by Planning Practice guidance (PPG). The NPPF states 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 and advising at paragraph 10, a presumption in favour of sustainable development'. Paragraph 11 states that applying the presumption 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 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 housing land supply of deliverable sites), granting permission unless:
- The application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed.
- Or any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework as a whole.

9.7. Paragraph 12 of the NPPF advises as follows in respect of sustainable development and the status of the Development Plan:

*'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 consideration in a particular case indicate that the plan should not be followed'*

9.8. Section 5 of the NPPF focuses upon the delivery of a sufficient supply of homes stating:

*'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'*

9.9. Paragraph 74 highlights the need for local planning authorities to identify and update annually a supply of specific deliverable sites sufficient to promote a minimum of five years supply of housing against their housing requirement set out in the adopted strategic policies, or against their local housing need where strategic policies are not more than five years old (unless these strategic policies have been reviewed and found not to require updating as in Cherwell's case).

#### *Assessment*

9.10. The site is allocated for residential development under Policy PR9 of the CLP Partial Review Plan 2020 which identifies 99 hectares of land as a village extension to the West of Yarnton. This includes the development of 540 dwellings on approximately 25 hectares of land. The application site extends to approximately 59.3 hectares and falls within the strategic allocation in the Local Plan Policy PR9. Policy PR9 is therefore the primary planning policy of the Development Plan, and the proposal

should be assessed against it. The policy is comprehensive in its requirements including matters relating to transport, connectivity, biodiversity, green infrastructure, recreation, flood risk, heritage and education provision.

9.11. The key delivery requirements of Policy PR9 are as follows:

- Construction of 540 dwellings (net) on approximately 25 hectares of land
- The provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework
- The provision of 1.8 hectares of land for use by the existing William Fletcher Primary School to enable potential school expansion within the existing school site and replacement of playing pitches and amenity space.
- The provision of facilities for formal sports, play areas and allotments to adopted standards within the developable area (unless shared or part shared use with William Fletcher Primary School is agreed with the Education Authority).
- The provision of public open green space as informal parkland on 24.8 hectares of land to the west of the residential area and a new Local Nature Reserve accessible to William Fletcher Primary School.
- The creation of an area of a community woodland within 7.8 hectares of land to the north-west of the developable area and to the east of Dolton Lane.
- The retention of 39.2 hectares of land in agricultural use.

9.12. The proposal will assist in delivering new homes and meeting the overall Oxford's unmet housing need requirement within Cherwell. A separate five-year housing land supply is calculated specifically for Oxford's unmet housing need (4,400 dwellings) (Policy PR12a) due to:

- The Council already has an adopted Local Plan 2011-2031 (Part 1) which sets out the district's own identified need and plan to meet that need; and
- Six specific sites are ring-fenced as allocations in the Partial Review to deliver the 4,400 dwellings to meet Oxford's distinct unmet housing need.

9.13. The Oxfordshire Growth Board agreed upon a common assumed start date of 2021 for the commencement of development after the adoption of the respective local plan reviews or updates without precluding earlier delivery. The site allocations and progress are therefore monitored from April 2021 and reported in the Annual Monitoring Reports. Whilst there are now resolutions to grant planning permission subject to Section 106 on two of the partial review sites, development has yet to commence in respect of these allocations. The Council is therefore unable to currently demonstrate a five-year housing land supply in respect of the Partial Review Plan and meeting Oxford's unmet housing need.

9.14. The application proposals broadly meet the requirements of Policy PR9 with the following significant exceptions:

9.15. Community Woodland – Policy PR9 requires the provision of a new community woodland on 7.8 hectares of land as defined on the PR9 Policy Map. The main functions of the new community woodland are to help secure net biodiversity gain and provide a buffer for Begbroke Village (a designated conservation area) to the

north, in addition to helping to protect the ancient woodland. The application proposes two smaller areas of woodland and is therefore contrary to the local plan policy in this respect.

- 9.16. Proposed Meadow – Policy PR9 requires the provision of public open green space as informal parkland on 24.8 hectares of land together with a new nature reserve accessible to William Fletcher Primary School to the north-west of the developable area. The area of land proposed does not correlate with the Local Plan for public open space as informal parkland required to enhance the beneficial use of the Green Belt, in that it is 5.5ha less than required by Policy PR9 and is not proposed as publicly accessible informal parkland. The application proposes to provide a meadow managed through rotational grazing with limited public access across limited public footpath provision. This is contrary to the local plan policy in this respect and is not currently considered acceptable.
- 9.17. Proposed Community Home - Work Hub – this is not a policy requirement of Policy PR9 but is considered to be acceptable in principle provided it does not prejudice or preclude the successful delivery of the principles and requirements of Policy PR9.
- 9.18. Proposed Elderly/Extra Care Housing – this is not a requirement of Policy PR9 but is considered acceptable in principle provided it does not prejudice or preclude the successful delivery of the principles and requirements of Policy PR9, including the delivery of 540 new dwellings on the site.
- 9.19. The application proposes 540 dwellings (Use class C3) on approximately 16 hectares with an average net density of approximately 37.5 dwellings per net developable hectares. Policy PR9 was refined (as now adopted) to increase the site's developable area to 25 hectares with a reduction in density to 31dph to allow for an appropriate response to the site's constraints and a density complementary to the site's rural edge, the village of Yarnton and the A44 frontage.
- 9.20. The Council can demonstrate a five-year housing land supply when considering its own housing position. Due to the specific nature of the proposals in relation to an allocation in terms of Oxford's Unmet Housing Need, the Council calculates this provision separately. Whilst 4,400 homes are allocated as part of the Local Plan Review, none of these sites have yet progressed to full permission. As such, the Council's position in relation to Oxford's Unmet Housing Need is that the Council cannot demonstrate a five-year housing land supply and therefore the delivery of permissions for housing on the allocations carry additional positive weight with permissions on a number of the sites now being progressed and any adverse impacts of doing so would have to significantly and demonstrably outweigh the benefits.
- 9.21. The western part of the site remains in the green belt and will be proposed through the application as meadowland with public access.

### *Conclusion*

- 9.22. The principle of the development of the site is considered acceptable as proposed as the proposals broadly follow the principles of the allocation and the Development Brief, however an objection is raised due to the failure to provide the provision of public open green space as informal parkland on 24.8 hectares of land to the west of the residential area as required by Policy PR9. The submission is therefore not currently policy compliant in this respect.

### Environmental Impact Assessment

- 9.23. The application is accompanied by an Environmental Statement (ES). The ES covers Transport and Movement, Ecology, Ancient Woodland and Veteran Trees, Geology, hydrology and contamination, Flood Risk and Drainage, Air Quality, Built Heritage and Archaeology, Landscape and Visual Impact and Health. The ES identifies significant impacts of the development on the environment and the locality, and the mitigation considered necessary to make the development acceptable.
- 9.24. The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 Regulation 26 requires that local authorities shall not grant planning permission or subsequent consent pursuant to an application to which this regulation applies unless they have first taken the environmental information into consideration, and that they shall state in their decision that they have done so.
- 9.25. The information contained within the submitted Environmental Statement has been considered as part of assessing the merits of the application and the impacts of the proposed development and the mitigation measures necessary to make the development acceptable. These matters are discussed in more detail below.
- 9.26. Having assessed the Environmental Statement, Officers are satisfied for the reasons set out below that the adverse environmental effects of the development would not be significant subject to the mitigation measures set out and the resolution of technical matters and as secured through the recommended conditions and legal agreement clauses. This report should be considered as the Council's statement for the purposes of regulation (26c) of the EIA Regulations 2017 (as amended).

#### Design and Access Statement and Development Brief

- 9.27. Policy PR9 states that the application shall be supported by and proposed in accordance with a comprehensive Development Brief for the entire site. The Development Brief has been subject to extensive stakeholder engagement and formal public consultation and was considered at the planning committee and approved as guidance in 2021, it is therefore a material consideration in the determination of the application.
- 9.28. The NPPF emphasises the need for good design and local distinctiveness, and this is further emphasised by Policy ESD15 of the CLP 2015 which advises that new development should build on the character of Cherwell. It also advises that the 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.
- 9.29. The Cherwell Local Plan 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 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*;
- 9.30. Policy PR9 is also quite specific in its place shaping principles requiring (i) *a layout, design and appearance to achieve an extension to Yarnton village that responds to the site's prominent position on the A44 corridor, its proximity and connectivity to the allocated site land to the east of the A44 (PR8), the need to protect the identity of*

*Begbroke village west, the opportunity for sustainable travel into Oxford and the provision of green infrastructure and access to the countryside for the local community; (ii) a layout, design and appearance that responds sensitively to the topography and landscape character of Frogwelldown Lane; (iii) a landscaping structure for the community woodland which helps retain the perceived separation between Yarnton and Begbroke (west) and helps to protect Begbroke Wood Local Wildlife Site; (iv) development which provides a frontage to the A44 which both reflects the character of Yarnton and responds to the planned development to the east of the A44; (v) the historic lined bridleway of Dolton Lane shall be extended southwards through the developable area to create a potential connection to William Fletcher School and (vi) layout and design that encourages the sustainable and safe management of waste by individual households and by residents collectively while minimising the visual and pollution impacts.*

- 9.31. 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. 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.
- 9.32. 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.
- 9.33. A well-designed masterplan or 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.
- 9.34. The application was accompanied by a masterplan for the development of the site which in the main reflected that set out in the approved Development Brief.
- 9.35. The application is accompanied by a Design and Access Statement (DAS) which has evolved during the consideration of this application. The application submission states that the scheme has been designed with wide, linear belts of green infrastructure based around the existing trees and hedgerows providing green connectivity through the site with adequate distances from trees maintained such that their protection and continued health can be maintained in the long term. The DAS also sets out that it seeks to create a new development, the identity of which should strike a balance between responding to local vernacular and materials and the highest standards of best practice, retaining important landscape assets and achieving a 15+% biodiversity net gain, the principle of which is welcomed.
- 9.36. The original DAS however, failed to provide a contextual analysis of Begbroke and Yarnton and the surrounding area and Cherwell's special character. It is important that the proposed design parameters for the site are informed by an understanding of the historic character and evolution of the district and thereby the creation of new places that are locally distinctive. The DAS as a consequence failed to respect tradition local vernacular, typologies and use of materials etc.
- 9.37. A concern was also raised regarding the development adjacent to Rutten Lane where many of the existing properties are essentially single storey with rear gardens which immediately back onto the development site. The applicant was requested to consider further the scale and height of properties here, including their set back from the boundary to address the potential overlooking and privacy issues.

- 9.38. A number of other issues were also raised in respect of the DAS in terms of the amount of open space/play space and their relationship with the proposed SUDs, many of which were proposed to be wet for all or part of the year and proposed buffers to the green infrastructure such as the Dolton Lane extension, the boundary to the western edge and the landscape buffer to A44 which is required to provide a footpath/cycle link by the Development Brief. The DAS has been amended to show minimum widths for the green infrastructure provision within the development to ensure that the vision as set out will be successfully delivered through the reserved matters and not subsequently eroded by the built development.
- 9.39. Following the above comments, the local planning authority has had numerous discussions and meetings regarding the content of the DAS and negotiated a revised document which was submitted in June 2023 and is considered to address many of the points raised and is now on balance considered to be acceptable.
- 9.40. As such, taking into consideration the amendments secured, the proposals would achieve an appropriate basis for the Reserved Matters submission. The proposals would be in accordance with Policies ESD15 of the CLP 2015, associated guidance in the development Brief and the aims and objectives of the National Planning Policy Framework.

#### Affordable Housing and Housing Mix

- 9.41. The proposed development provides for up to 540 new dwellings together with C2 uses of up to 9,000sqm. Policy PR9 requires that 50% of dwellings provided on the site to be affordable housing as defined by the NPPF, and Policy PR2 sets out the housing mix, tenure and size of dwellings to help meet Oxford's housing needs. No details of housing mix are provided at this stage. It is important to have consideration of the mix of housing when considering urban design as well as responding to identified local housing needs.
- 9.42. Page 71 (paragraph 5.29) of the Cherwell Local Plan Review sets out that the provision of both affordable and market housing will be expected to include specific provision for key workers in accordance with Oxford City Council's definition of 'key worker'. Paragraph 5.30 on page 72 of that plan also states that in the interests of meeting Oxford's identified unmet housing need and the specific purpose of the Partial Review of the Cherwell Local Plan, only individual self-contained dwellings (use class C3) will be permitted. Additionally, in the interest of responding to local housing need and the desire to both increase the variety of housing stock and to increase local employment and training opportunities, scope for community self-build and/or self-finish housing will be expected to be made.
- 9.43. The affordable housing requirement in terms of mix and tenure needs to be agreed in conjunction with Oxford City and in accordance with Policy PR2 which states:
- All housing to be provided as self-contained dwellings (use class C3) only.
  - Provision of 80% of the affordable housing (as defined by the NPPF) as affordable rent/social rented dwellings and 20% as other forms of intermediate affordable homes.
  - Delivery of 25 to 30% of the affordable homes as one-bedroomed properties, 30-35% as two-bedroomed properties, 30 to 35% as three-bedroomed properties and 5 to 10% as four+ bedroomed properties unless otherwise agreed with CDC in consultation with Oxford City Council.

- Delivery of a mix of sizes of market homes to meet current and future needs and to create socially mixed and inclusive communities. The mix of housing is to be agreed with Cherwell District Council in consultation with Oxford City Council having regard to the most up-to-date evidence on Oxford's housing need and available evidence on local market conditions.
- Provision for key workers as part of both the affordable and market housing mix. The provision shall be made in accordance with Oxford City Council's definition of key workers unless otherwise agreed with Cherwell District Council in consultation with Oxford City Council.
- Provision of an opportunity for community self-build or self-finish housing to be agreed with Cherwell District Council in consultation with Oxford City Council.

9.44. Cherwell District Council has also adopted a First Homes Interim Guidance Note which sets out the local requirement for First Homes in Cherwell. However, this site is being brought forward to meet Oxford's unmet housing need and it is therefore important to consider Oxford City Council's First Homes Policy Statement (Technical Advice Note) March 2022. This sets out that all sites above 10 dwellings must provide 50% affordable housing split as follows: 25% First Homes; 70% social rented and 5% intermediate housing. An Oxford City local connection will apply to all First Homes for the first three months of marketing.

9.45. Oxford City Council's Local Plan Policy H10 sets out that all affordable units should be constructed to Category 2 (M4) standard and 5% of all dwellings to be Category M4 (3) (wheelchair user) standards. All wheelchair accessible homes must have suitable dedicated parking aligned with the relevant property in accordance with the requirements of Part M4 (3). All affordable housing will also be required to be developed to nationally described space standards in accordance with their Policy H15. Maisonettes are preferred to flats as they can provide dedicated outdoor space, reduced communal areas and independent access.

9.46. In terms of affordable housing clusters, affordable housing should be clustered in groups of no more than 10 dwellings of single tenure or 15 dwellings of mixed tenure.

9.47. It is also a requirement of the council and Registered Providers that the design of the affordable housing will meet Registered Providers policies in relation to sustainable and energy efficient measures being incorporated.

9.48. The applicant has submitted a viability appraisal which is discussed below but which essentially argues that the scheme is unviable. The consequence of that could be the delivery of less than 50% affordable housing depending upon the conclusion of those discussions. Should that be the case then there would be some conflict with Policy in this respect. However, should 50% affordable housing be achieved then having regard to the above, the application would be acceptable in principle subject to clarity on the points above, including the provision of First Homes and a revised housing mix/tenure split, but this can be agreed through the section 106 and an affordable housing scheme. There will also need to be consideration to the provision of bungalows, accessible homes and opportunities to provide specialist housing, self-build or self-finish housing.

### Heritage Impact

#### *Legislative and policy context*



- 9.49. The site is located within an area of archaeological interest 800m west of an Iron Age and Roman settlement site identified from cropmarks and confirmed by an archaeological excavation ahead of gravel extraction. Further cropmarks of probable Bronze Age round barrows have been recorded 800m north-east of the application site. A shrunken medieval village has also been recorded 500m north of the proposed site. A programme of systematic fieldwalking in and around the site has recovered several prehistoric tools which are likely to relate to further prehistoric settlement.
- 9.50. An archaeological desk-based assessment has been undertaken which sets out the archaeological background of the site. A geophysical survey has also been undertaken on the site which does not appear to have recorded significant archaeological deposits across the site but has recorded an extensive area of ridge and furrow which has been seen elsewhere in the county to mask any earlier features on the site from being identified from such surveys. As such an archaeological evaluation will need to be undertaken on the site ahead of the determination of any planning application in order to test the veracity of these geophysical survey results and identify if archaeological deposits do survive on the site.
- 9.51. In accordance with the NPPF paragraph 194, the applicant was requested prior to the determination of this application to implement an archaeological field evaluation to be carried out by a professionally qualified archaeological organisation which should aim to define the character and extent of the archaeological remains within the application area, and thus indicate the weight which should be attached to their preservation.
- 9.52. The site is separated from Begbroke Conservation Area by a parcel of agricultural land. Policy PR9 states that this land which is included within the allocation should be used and planted as a community woodland, the purpose of which would be to protect the setting of Begbroke Conservation Area and protect Begbroke Wood adjacent, an ancient woodland. The application submission differs in that it proposes an area of woodland immediately to the north of the allocation with the remainder adjacent to Begbroke being retained in agricultural use.
- 9.53. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) states that in carrying out its functions as the Local Planning Authority in respect of development in a conservation area: *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*
- 9.54. Likewise, Section 66 of the same Act states that: *In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority...shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.* Therefore, significant weight must be given to these matters in the assessment of this planning application.
- 9.55. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2031 Part 1 echoes this guidance.
- 9.56. Following the comments above regarding archaeology, an addendum prepared by Oxford Archaeology was submitted in December 2022 which sought to address the

archaeological field evaluations that were undertaken on site between November and December 2021. The addendum considers that the results of the on-site investigations have validated and clarified the conclusions of the originally submitted ES chapter in demonstrating that the Site does not contain significant archaeological deposits. Oxford Archaeology consider the investigation sufficiently demonstrated that the deposits within the site can be considered to be of low or negligible value. Consequently, the objection raised by OCC has now been removed and conditions requiring a further staged programme of investigation are recommended.

- 9.57. In respect of the impact on Begbroke Conservation Area, it is considered that the area of woodland proposed is sufficient to mitigate the impact of the development on Begbroke and therefore there will be no significant adverse impact upon the setting and character and appearance of the Conservation Area.

#### Transport, Cycle and Pedestrian Access

- 9.58. NPPF paragraph 113 states that all developments that will generate significant amounts of movement should be required to provide a travel plan, and the application should be supported by a transport statement or transport assessment so that the likely impacts of the proposal can be assessed. The Transport Decarbonisation Plan and DfT Circular 01/2022 also set out that we need to move away from transport planning based on predicting future demand to provide capacity ('predict and provide') to planning that sets an outcome communities want to achieve and provides the transport solutions to deliver those outcomes (sometimes referred to as 'vision and validate').

- 9.59. The National Design Guide states:

*75. Patterns of movement for people are integral to well-designed places. They include walking and cycling, access to facilities, employment and servicing, parking and the convenience of public transport. They contribute to making high quality places for people to enjoy. They also form a crucial component of urban character. Their success is measured by how they contribute to the quality and character of the place, not only how well they function.*

*76. Successful development depends upon a movement network that makes connections to destinations, places and communities, both within the site and beyond its boundaries.*

- 9.60. NPPF paragraph 105 also prescribes that significant development should be focussed on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 9.61. Policy PR4a of the Partial Review, Policies ESD13, ESD15 and SLE4 of the CLP 2015 and saved policy C30 of the Cherwell Local Plan 1996 echo the principle of active travel.
- 9.62. Policy SLE4 of the CLP 2015 states that all development where reasonable to do so, should facilitate the use of sustainable modes of transport to make the fullest possible use of public transport, walking and cycling. It further advises that encouragement will be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Development which is not suitable for the roads that serve the development, and which have severe traffic impact will not be supported.
- 9.63. Saved Policy TR1 of the CLP 1996 states that before proposals for development are permitted, the council will require to be satisfied that new highway, highway

improvement works, traffic management measures that would be required as a consequence allowing the development to proceed should be provided.

- 9.64. Policy PR9 requires that the application be supported by a Transport Assessment and Travel Plan, including measures for maximising sustainable transport connectivity, minimising the impact of motor vehicles on new residents and existing communities, and actions for updating the Travel Plan during the construction of the development.
- 9.65. One of the main reasons for the site's allocation is that its location enables the site to be made highly accessible by active and sustainable travel modes. The site is located adjacent to the A44, and the infrastructure requirements highlighted in the Local Plan Appendix 4, including enhanced bus services and high-quality pedestrian and cycle links to nearby communities as well as toward Oxford city, indicate how it is envisaged that the site will be made sustainable and accessible by non-car transport modes.
- 9.66. The application proposes two principle vehicular access points into the site, one from A44 and the second from Rutten Lane which are acceptable in principle. Consideration of access is a matter of consideration and approval under this outline submission. Whilst the access to A44 is acceptable, the crossing arrangements initially shown to the A44 required further consideration and it needed to demonstrate that this junction has sufficient capacity to accommodate the development traffic associated with the PR8 site which will also be taking access from this junction from the eastern arm.
- 9.67. Regarding the site access to Rutten Lane, whilst the original submission provided vision splays to demonstrate that appropriate visibility can be provided along the horizontal plane, this did not take account of the gradient of Rutten Lane in this location. Further plans were therefore requested to demonstrate that appropriate visibility between the site access junction and Rutten Lane can be achieved on the vertical plane, being taken into account of the gradient of Rutten Lane.
- 9.68. Access to the medical centre is to be altered and taken from the new access road just within the application site. Given the close proximity of the medical centre access junction with the new access road and the new site access junction with Rutten Lane, it is essential that a good degree of intervisibility is demonstrated between the medical centre access junction and Rutten Lane is achieved. The applicant has since proposed that the detailed layout of the medical centre access be agreed at reserved matters stage, and this is acceptable to the highway Authority.
- 9.69. A gateway/traffic calming feature will be required on Rutten Lane to the north of the vehicle access to ensure that speeds of vehicles exiting the A44 are lowered appropriately on the approach to the site access. An amended highway works plan was requested demonstrating the inclusion of such a feature.
- 9.70. Further to the above, a revised drawing for the access junction onto Rutten Lane (Drawing 162751A/PD02 Rev A) demonstrates that appropriate visibility splays on both the horizontal and vertical plane can be achieved, in line with standards set out in the Manual for Streets. A traffic calming build-out to the village of Yarnton is also provided in order to ensure that vehicles exiting the A44 onto Rutten Lane are made to slow down to an appropriate speed. This appropriately addresses the objections raised above.

- 9.71. Vehicle tracking drawings have also now been provided which demonstrate that large vehicles can safely navigate the access junctions and off-site highway improvements.
- 9.72. Whilst not specifically set out in the application documents, OCC understand that the applicant proposes to implement the section of segregated pedestrian and cycle facilities along the western side of the A44 along the site frontage, south to connect with Growth Deal funded works from the Cassington Road junction to Pear Tree interchange. This is welcomed by OCC who will require an obligation to enter into a S278 Agreement in order to secure the works. The details will also need to be agreed.
- 9.73. As the provision of high-quality sustainable infrastructure is key in delivering these sites, OCC consider that cycle crossing facilities should be provided directly adjacent to the pedestrian crossings in accordance with LTN 1/20. Having assessed the submission OCC is content that the number and location of pedestrian and cycle points into the site from both the A44 and Rutten Lane appear to be appropriate and largely align with pedestrian desire lines for crossing and onward journeys. One concern raised however relates to the southbound bus stop at the southernmost pair of bus stops onto the A44 and suggest that this is reviewed in order to make public transport as easily accessible and convenient as possible for future residents at the southern end of the site.
- 9.74. Further south towards Oxford there is a lack of a suitable pedestrian and cycle crossing over the Godstow Road arm of the Wolvercote roundabout. Given that Oxford will be a key destination for commuters from the development and the highlighted need to make sustainable transport as safe, convenient and attractive as possible, it will be necessary for the development to provide a suitable crossing over Godstow Road through a S278 Agreement.
- 9.75. In terms of traffic impact, a traffic modelling exercise has been carried out by a consortium of all the PR sites to test the impact of the developments cumulatively as well as refine the mitigation packages required. This modelling was carried out using an updated VISSM model of the north Oxford Road network. The original application was submitted in advance of this modelling work being carried out. This was required in order to fully understand the impacts of the development on the existing road network given known congestion issues, and to demonstrate how the mitigation package will enable further development in this area by providing for access by sustainable transport modes and potentially where additional or alternative mitigation schemes may be required to address impacts that are directly related to the development. The traffic impact assessment that was undertaken for the original submission used a trip rate derived from the TRICS database which, while robust does not take account of the required modal splits that are to be accommodated for through enhancements to sustainable transport options. The modelling that had been carried out for the original submission had also looked at the number of junctions along the A44 in isolation which was not considered acceptable in this instance because it does not accurately reflect the road network in this area, given the impacts and interrelations that junctions in the area have on each other and along the corridor as a whole which would not be reflected in individual junction capacity assessments. The additional impacts of the residential care home/extra care proposed through the application also need to be assessed. Having regard to this, OCC objected to the submission.
- 9.76. Following the above, OCC further advised in February 2023 that the modelling carried out to date had been audited for OCC and this had picked up various technical issues including: (i) bus routes and pedestrian/cycle crossings had not been programmed in correctly to account for greater use and timetabling changes

(ii) input trips from Salt Cross Garden Village were not agreed and needed to be amended; (iii) a number of more minor technical issues had also been picked up and (iv) the modelling report only presented one scenario with development and with modal shift. As a consequence, OCC did not consider that the transport modelling presented to date provided sufficient comfort that the residual cumulative impacts of the development on the transport network would not be severe and therefore continued to object to the application.

- 9.77. Further to the above, the Highway Authority has worked with the applicant to agree the modelling assumptions and scenarios as well as the arrangement for the crossing on Rutten Lane. A Technical Note has been submitted by the applicant which presents updated traffic modelling results as well as proposed crossing arrangement for Rutten Lane.
- 9.78. The Technical Note shows the provision of a parallel crossing over the Rutten Lane arm of the A44 roundabout junction. This arrangement reflects that of the crossing being installed over the Cassington Road arm of the junction to the south through the North Oxford Corridor Growth Deal works. This will ensure continuity of provision along the A44 corridor cycle route between the development site and towards Oxford city.
- 9.79. Pedestrians and cyclists would have priority over vehicles, and this is in accordance with best practice as well as OCC's movement hierarchy as set out in the LTCP. Appropriate visibility can be achieved from the roundabout junction and the crossing will be illuminated and provided on a raised profile with appropriate signage and road markings to ensure the presence of the crossing is clear to approaching drivers. This will be delivered through a S278 agreement. The above removes the previous objection to the application on this ground.
- 9.80. In terms of the transport modelling, the modelling which has now been carried out using a VISSIM model of the north of Oxford area has tested the predicted impact of the infrastructure identified in Appendix 4 of the Local Plan. Principally these are the Mobility Hub at Oxford Airport, A44 bus priority and walking and cycling improvements, enhanced bus services, A4260 and Oxford Road corridor cycle superhighway and bus priority measures, Kidlington Roundabout scheme of improvements for pedestrians and cyclists and improvements to Loop Farm and Pear Tree junctions. The schemes are all intended to enable and encourage modal shift from private car use to active and public transport through more reliable services and safer, more amenable walking and cycling routes.
- 9.81. The modelling has been carried out on the premise that the infrastructure identified in Appendix 4 of the Local Plan Partial review not only enables lower trip rates from the development site, but also reduces background vehicle traffic to an extent that the allocated development sites can be accommodated on the road network without leading to severe traffic impacts. Where journey time increases have been identified, these are mitigated through the use of bus priority measures to bypass congestion and the option to travel by modes other than the private car. The modal shift created would in turn help to mitigate the increase in congestion for private vehicles.
- 9.82. The modelling scenarios presented in the TA including the development of all other PR sites demonstrate that with a reasonable degree of modal shift away from private car use onto the improved sustainable transport routes and services to be provided by the PR sites, the overall impact across much of the network can be appropriately mitigated. The approach whereby improvements in sustainable transport options are prioritised over network improvements for private vehicles are prioritised in mitigating the impact of development traffic growth is consistent with the LTCP and OCC's adopted Decide and Provide approach.

- 9.83. Measures such as bus priority, improved crossings and high-quality direct walking and cycling routes are required not only to ensure that the negative effects on bus services or active travel routes as a result of the additional development traffic is mitigated, but also to achieve the required modal shift away from private car use.
- 9.84. The technical Note also provides an assessment of the impact of the PR9 development in isolation and without the package of infrastructure identified in the Local Plan. This is in order to assess the impact of the delivery of PR9 development in isolation prior to the delivery of the key pieces of mitigating infrastructure required to accommodate all PR sites.
- 9.85. This assessment demonstrates that the addition of the PR9 development traffic without the delivery of the package of mitigation identified results in journey time increases on the A44 and A4260 in particular during the AM peak period and along the A44 in particular during the PM peak period.
- 9.86. While these journey time increases may not quite meet the 'severe' threshold set out in the NPPF, it is nonetheless important to consider that the PR9 development is unlikely to be delivered in isolation and is likely to be delivered alongside the development of the other Partial Review sites.
- 9.87. It is therefore vital that the package of mitigation that can be delivered directly by the PR9 development – including the connection of an enhanced pedestrian and cycle route along the site frontage to the Growth Deal scheme at the Cassington Road junction, bus stops serving the development, safe and suitable A44 crossings and enhanced bus services – is all provided for at the earliest stage of the development. This is not only to provide safe and suitable access to the development, but also to ensure that some of the key pieces of infrastructure that will ensure sustainable and active travel options to/from the site are available from the start and which will tie into the overall mitigation package for the PR sites.
- 9.88. The latest consultation response also provides updated figures for S106 obligations following a review of the calculation used to apportion those costs previously. This was done in the light of new information included within the modelling assessment and Transport Assessments from other sites that are also expected to contribute towards the infrastructure requirements. These are provided in more detail in the planning obligations.
- 9.89. OCC have noted that in the recent committee report on the PR7a development site that the recommended condition requiring the implementation of a Controlled Parking Zone (CPZ) for the development that was not supported. The County Council consider that a CPZ is required for all Partial Review development sites in order to prevent the development from becoming informal 'Park and Ride' sites as well as to enforce the lower car parking levels set out in the adopted Parking Standards document. OCC consider that this is the most effective method of controlling overspill and undesirable ad-hoc parking within the site. As a consequence, the Highway Authority intends to implement a site-wide CPZ upon adoption of the internal streets in any event. However, in the interim, the county council considers that a residents parking scheme which mirrors the operation of a CPZ is required and a planning condition is requested to secure this. The implementation of a private residents parking scheme would limit disruption to future residents of the development site when the county council comes to implement a CPZ once the internal streets are adopted.
- 9.90. A key delivery requirement of Policy PR9 is the provision of 1.8 hectares of land for use by the existing William Fletcher Primary School to enable potential school expansion within the existing school site and the replacement of playing pitches and

amenity space. A number of discussions have taken place between OCC, Sanctuary Care Home and the applicant regarding access to the land reserved for the expansion of William Fletcher Primary School and the use of the existing access road to Sanctuary Care Home, which bisects the school expansion land from the existing school site.

- 9.91. There has been much discussion during the consideration of the application regarding access to the additional school land without having to cross the access road to the care home which is owned by Sanctuary and over which difficulty was being experienced in terms of a consent from Sanctuary to use the access road. The alternative options included the use of bridges or a long route around the site. These were discounted as the bridge designs had a large land take and the alternative access around the site was considered to be too long and impractical.
- 9.92. At the time of writing the report there is no formal agreement with the landowner of the access strip of land between the application site and the school. Therefore, the Education requirement for 'land for primary school expansion contiguous with the existing school site' and the Property requirements including 'suitable secure access' between the school and the new playing fields and staff car park, are not yet able to be achieved. An objection is therefore currently raised by OCC in this respect. Discussions are ongoing to seek to address this issue.
- 9.93. In terms of mitigation, Appendix 4 of the Local Plan Partial Review indicates the level of infrastructure required to support the delivery of the Partial Review sites which relate to providing new and/or enhanced sustainable travel access between the sites and key destinations, such as links to existing nearby settlements, employment areas and towards Oxford city. These will be sought through a Section 106, further details are given below.
- 9.94. Having regard to the above, subject to appropriate Section 106 and conditions the proposals have appropriately assessed the highway impacts of the development and comments made by parish councils and others have been carefully considered, the proposals have been found to be acceptable and in accordance with the Development Plan and the NPPF.

#### Flood Risk and Drainage

- 9.95. Section 14 of the NPPF considers the issue of meeting the challenge of climate change, flooding and coastal change. Paragraph 167 states that when determining any applications, local planning authorities should ensure that '*flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific assessment.*
- 9.96. Policy ESD6 of the CLP 2015 essentially replicates national policy contained within the NPPF in this respect when assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable development (such as residential) towards areas at lower risk of flooding. The application proposal has been assessed by the Environment Agency who have raised no objections to the proposed development.
- 9.97. Policy ESD7 of the CLP 2015 relates to sustainable drainage systems and advises that all development will be required to use sustainable drainage systems (SUDs) for the management of surface water run-off. Where site specific Flood Risk Assessments are required in association with the development proposals, they should be used to determine how SUDs can be used on particular sites and to design appropriate systems. In considering SUDs solutions, the need to protect ground water quality must be taken into account, especially where infiltration

techniques are proposed. Where possible, SUDs should seek to reduce flood risk, reduce pollution and provide landscape and wildlife benefits. SUDs will require the approval of Oxfordshire County Council as Lead Local Flood Authority. Proposals must also include an agreement on future management, maintenance and replacement of SUDs features.

- 9.98. The drainage strategy and surface water management solutions must be considered from the outset of the development planning process and throughout – influencing site layout and design and should not be limited by the proposed site layout and design. Wherever possible runoff must be managed at source with residual flows then conveyed downstream to further storage or treatment components where required.
- 9.99. A site-specific flood risk assessment and drainage strategy has been submitted with the application produced by WSP. This sets out that the proposed built development is located within Flood Zone 1, indicating that the land is assessed as having a less than 1 in 1000 annual probability of river flooding. The nearest main river to the site, with associated flood events has been identified on the publicly identified Flood Map for Planning. The Rowel Brook, an Environment Agency River, is located approximately 200m north of the site.
- 9.100. The FRA advises that the baseline modelling indicates that shallow surface water flood depths occur across the existing site with some higher-depth areas of surface water ponding where there are low areas in topography, consistent with existing ditches and flow routing. It further advises that the modelling indicates flows discharged off-site and peak flood depths within Rutten Lane downstream of the site are reduced as a result of the proposed ‘cut-off’ measures; the existing flood risk is not exacerbated; and post development surface water risk is considered to be low.
- 9.101. In accordance with current guidance regarding the use of Sustainable Drainage Systems the submission proposes a surface water drainage strategy in conjunction with the masterplan thus making space for multi-functional SUDS within the site boundary with swales incorporated to convey water to the proposed attenuation basins. The FRA advises that the attenuation basins are all designed with a minimum of 1:4 side slope. This drainage water strategy has been designed to deal with increased run-off from the development.
- 9.102. The original submission was assessed by OCC who raised an objection on the grounds that insufficient information had been submitted. Objections to the application were also raised by Yarnton and Begbroke parish councils and Yarnton Flood Defence Group which are discussed below.
- 9.103. Begbroke east experiences flooding both now and historically. As recently as January 2021 Yarnton has been severely affected by surface water and foul water flooding and whilst Yarnton Flood Defence Group are working with drainage agencies to address this, concern is raised that if the development of PR9 proceeds without full integration and assessment of current flood-related issues in Yarnton the overall impact from flooding will increase. A concern is also raised that there is limited documentation demonstrating an understanding of historic drainage channels and local topography and the proposed development will lead to a heightened flood risk for Yarnton due to the squeezing of available drainage capacity between the site and the Thames flood plain which borders Yarnton. It is also considered that there is insufficient information and detail regarding the displacement of ground water within the development, grey water systems, proposed foul drainage, capacity within the existing system and lack of clarity regarding management and maintenance responsibility for the drainage scheme post development.



- 9.104. Following the above objections raised and discussions with the applicant's drainage consultants, a revised Flood Risk Assessment and Drainage Strategy dated December 2022 (Document ref 06058/FRA/0001 Rev 3) was issued by PJA Civil Engineering, the drainage consultants on behalf of the applicant which supersedes that above submitted by WSP. This document provides information on the nature of identified potential flood risk at the site and follows government guidance with regards to flood risk largely in line with the NPPF and Planning Practice Guidance. In terms of surface water drainage, the strategy aims to sustainably manage surface water from the site and has been developed largely in accordance with current sustainable development best practices and the specific requirements of Oxfordshire County Council as Lead Local Flood Authority.
- 9.105. This revised FRA provided information on the potential flood risk at the site. The surface water drainage strategy aims to sustainably manage surface water from the site and a high-level drainage strategy has been developed. The assessment concludes that the site is considered at either very low or low risk of flooding from the sources assessed and whilst surface water flood risk is considered high in the localised areas in the baseline scenario, following an assessment of the proposed mitigation it considers that this would be low and that the managed nature of the surface water within the proposed site should reduce the likelihood of flooding downstream within the village.
- 9.106. During a meeting in May 2022, Yarnton Flood Defence Group expressed concerns about the potential groundwater which emerges from 'Spring Hill' west of the site where the overlying superficial sand and gravel deposits of the Hanborough Gravel Member are identified above the clay bedrock. When it cannot permeate through the clay bedrock from the overlying sands and gravels, it will flow overground with the existing topography towards the site akin to surface water flow route. PJA advise that any groundwater flow which emerges upstream of the site will therefore be captured within the proposed 'cut-off features' within the proposed development. Given this PJA advise that flood risk from ground water is considered to be low.
- 9.107. Following an assessment of the above revised FRA and surface water drainage strategy, the LLFA removed its objection to the submission subject to the imposition of conditions. The first condition requires the submission of additional detail and information to enable a further assessment of the sustainable surface water drainage strategy, the second condition requires that prior to the approval of any reserved matters that a detailed surface water management scheme for each phase be submitted and approved as part of the strategic surface water management scheme, including all supporting information as listed in the first condition and the third condition requires that prior to occupation, a record of the installed SUDS and site wide drainage scheme be submitted and approved. It should be noted that Yarnton and Begbroke parish councils and Yarnton Flood Defence Group continue to object on the grounds of flooding in Begbroke and Yarnton.
- 9.108. Further to objections raised by the parish councils and Yarnton Flood Defence Group, PJA produced a Summary Response Note dated 16<sup>th</sup> June 2023 which sets out a response to each of the concerns raised.
- 9.109. Yarnton Flood Defence group, continue to object considering that the submission had not materially changed from the original and that the report still proposed to mitigate runoff from the site to greenfield rate no lower than the maximum requirement in the National Planning Guidelines. Whilst the report now recognised that the subsoil conditions on the lower slopes are not suitable for infiltration, they assume that the proposed attenuation ponds have been increased to reflect this but note that the proposed rate of runoff at the site boundary remains the same. Whilst the report references 'betterment' to flood risk for existing communities, as

previously raised, the flood group advise that the current greenfield runoff rate is already causing flooding in the north of the village, and it is not clear how much benefit there might be to the existing village.

- 9.110. It should also be noted that CDC Land Drainage officer has been involved in discussions relating to the drainage proposals with the applicant and Yarnton Flood Defence Group in an attempt to achieve some betterment for the village.
- 9.111. In terms of foul drainage, Yarnton Flood Risk Group also raise concerns that the draft drainage strategy shows connection within the village at Aysgarth Road/Rutten Lane junction, bringing more sewage to an inundated foul system that already plays a significant part in surface flooding.
- 9.112. The comments and concerns of local residents and Yarnton Flood Defence Group have been carefully considered as too have those of CDC Land Drainage, LLFA and Environment Agency. Having regard to the applicant's Flood Risk Assessment and Foul and Surface Water Drainage Strategy, and the consultation responses who now raise no objections, the proposals are considered to be acceptable and in accordance with Policies ESD6 and ESD7 of the CLP 2015 and Government guidance within the National Planning Policy Framework.

#### Landscape Impact, Green Infrastructure and Recreation Provision

- 9.113. Policy ESD13 of the CLP 2015 requires landscape protection and enhancement opportunities to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management and enhancement of existing landscapes, features or habitats or where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not be permitted if they would cause visual intrusion into the open countryside; cause undue harm to important natural landscape features and topography; be inconsistent with local character; impact on areas judged to have a high level of tranquillity.
- 9.114. Paragraph B.253 of the CLP 2015 further advises that the Council seek to retain woodlands, trees, hedges, ponds, walls and any other features which are important to the character or appearance of the local landscape as a result of their ecological, historic or amenity value. The application site currently consists of historic farmland, an ancient woodland and District Wildlife Site lies immediately to the north-west. And Frogwelldown Lane, a public right of way and District Wildlife Site forms the south-west boundary of the site.
- 9.115. At the northern end of the site, to the north-west of the development area, PR9 seeks the provision of 7.8 hectares of land to create a new community woodland between Begbroke Wood and Dolton Lane to help secure biodiversity net gain and to provide a buffer for both Begbroke village and to help protect the ancient woodland. This requirement is also set out in the approved Development Brief for the site.
- 9.116. The application proposes to provide 7.8 hectares of woodland but in two separate parcels of new community woodland separated by the woodland belt of Dolton Lane. The application advises that the new woodland to the west will provide a physical buffer to Begbroke Wood, existing ancient woodland and to the east of Dolton Lane, new woodland would provide a multi-structural vegetated feature which is currently demarcated by hedgerow. The remainder of the land identified as community woodland within the policy between the site and the Begbroke Conservation Area is

proposed to be retained in agricultural use. Whilst the separating of the woodland into two separate parcels is considered on balance to be acceptable, it has resulted in a shortfall in provision for the meadow area/informal parkland of 5.5 hectares.

- 9.117. Policy PR9 as already stated above requires the provision of public open green space as informal parkland on 24.8 hectares of land to the west of the residential area and a new Local Nature Reserve accessible to William Fletcher School. The reason for requiring this is to enhance the beneficial use of the Green Belt within the site area by requiring improved access to the countryside primarily through the establishment of a publicly accessible informal parkland between the proposed built development and the retained agricultural land to the west. This will also provide an opportunity for significant ecological and biodiversity net gains. A new Local Nature Reserve at the southern end of the site will enable easy access by the primary school and the adjacent public footpath network.
- 9.118. This requirement is wholly in accordance with Government Policy. The NPPF at paragraph 142 states: *'where it has been concluded that it is necessary to release Green Belt land for development, plans...should also set out ways in which the impact of removing land from the Green Belt can be offset through compensatory improvements to the environmental quality and accessibility of remaining Green Belt land'*.
- 9.119. Paragraph 145 continues; *'once Green Belts have been defined, local planning authorities should plan positively to enhance their beneficial use, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land'*.
- 9.120. Government policy in this respect is also reflected in Policy PR5 (7) which requires the application to demonstrate how the provision of green infrastructure will assist in the beneficial use and permanence of the Green Belt. Furthermore, Policy PR5 (5) requires the application to demonstrate the opportunities for improving the existing and proposed built and natural landscape through the provision of Green Infrastructure and for the protection or enhancement of the natural environment.
- 9.121. The application as submitted indicates that this area will extend to only 19.3 hectares of public open green space as a consequence of providing a block of community woodland within this area which is not in accordance with Policy PR9. Further, the application proposes that this land will be retained by the applicant as Meadowland with public access restricted only to certain areas. This is not in accordance with Policy PR9 as stated above and is not acceptable. The application also provides insufficient information regarding the ongoing stewardship of this area, including the nature reserve.
- 9.122. Policy BSC11 of the CLP sets out the local standards of provision for outdoor recreation which includes general green space and play space within a development. Whilst Policy PR9 states that provision for formal sports provision shall be made on the site, it has been agreed that a single comprehensive sports facility shall be provided on land at PR7a, so a contribution towards the provision of those facilities is requested in lieu of the on-site provision. In terms of the amount of open space and play provision within the development this is policy compliant. Concerns were raised with the applicant regarding the amount of SUDS, including wet SUDS were proposed within the public open space and therefore its usability throughout the year. In response to this concern the green space has been increased slightly which has resulted in the proposed development shifting 5m westwards. On balance this change is considered acceptable in seeking to address the issue.

- 9.123. The original submission and submitted Landscape Visual Impact Assessment (LVIA) was assessed by the Landscape Officer who raised a number of concerns. The red line boundary did not include the north section of the Dolton Lane Bridleway which should be included to ensure that it is protected, and the parameter plan should clarify that the hedgerows and trees are to remain and will be protected. Further evidence was also required to demonstrate that the landscape led development is evidenced as a direct influence of the LVIA.
- 9.124. The Dolton Lane bridleway with its mature hedgerows is deemed to be such an important feature that it merits landscape receptor status within the LVIA, judging its sensitivity and the impacts of the development. Its current character should be protected as part of the scheme with no metalled surface or lighting with the route only sided up for horse riding. A parallel cycling and walking route is preferred. The proposed safe school walking route parallel to Dolton Lane bridleway is supported. Begbroke Ancient Woodland is also a very important landscape receptor which should be included in the residual Effects chapter and not just considered under the generalist term 'Site Landscape Resource'. The production of 'visualisations' would also be helpful to stakeholders in interpreting the implications of the development. Once these points are addressed the Landscape Officer considers that the LVIA which is already quite comprehensive would be complete.
- 9.125. In response to the above comments the applicant's agent advised that, in respect of Dolton Way bridleway, changes to Dolton Lane will be limited to the introduction of a short section of paved surface at the eastern end of the lane; hedgerow and trees that line the route limit views out to the surroundings which means that the surroundings have only minimal influence on the character of the lane. The overall effect of the Slight magnitude of change experienced by this Medium-High landscape receptor. In respect of Begbroke Ancient Woodland, there will be no direct impacts as a result of the proposed development as no trees will be removed and public access will not be promoted, so footfall will not increase. The overall effect that results from this High sensitivity receptor experiencing a Negligible magnitude of change is judged to be negligible. Following re-consultation, the Landscape Officer confirms that this is accepted.
- 9.126. Having regard to the above, whilst the proposals are acceptable in terms of landscape impact and the quantum of public open space and play space within the development itself in accordance with Policies ESD13 and BSC11 of the CLP 2015 and Government guidance within the NPPF, the provision of 24.8 hectares of 'informal parkland' which is a specific key delivery requirement of Policy PR9 has not yet been resolved. The proposal is therefore contrary to Policy PR9 and Government guidance within the NPPF in this respect.

### Ecology Impact

#### *Legislative context*

- 9.127. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.128. Under the Regulations, competent authorities i.e. any Minister, government department, public body, or person holding public office, have a general duty, in the

exercise of any of their functions, to have regard to the EC Habitats Directive and Wild Birds Directive.

9.129. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.

9.130. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:

- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
- (2) That there is no satisfactory alternative.
- (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

9.131. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

#### *Policy Context*

9.132. 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.

9.133. 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.

- 9.134. 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.
- 9.135. Policy ESD10 of the Cherwell Local Plan 2011-2031 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.
- 9.136. Policy ESD11 is concerned with Conservation Target Areas (CTAs) and 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.
- 9.137. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.138. 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.

#### *Assessment*

- 9.139. 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')
- 9.140. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of predominantly historic farmland with a number of veteran and TPO trees and historic hedgerows within which have the potential to be suitable habitat for bats, breeding birds, badgers, reptiles and invertebrates. To the northern boundary of the site is Begbroke Wood, an ancient woodland and Local Wildlife site and Frogwelldown Lane, a public right of way and District Wildlife Site forms the south-western boundary of the site. Pixey and Yarnton

Meads and Rushy Meadows SSSI's are both within 2km of the site. The constraints have also identified a number of Protected and Notable species on or close to the site. There are no buildings to be removed or altered due to the proposed development.

- 9.141. In order for the local planning authority to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, local planning authorities must firstly assess whether an offence under the Regulations is likely to be committed. If so, the local planning authority should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.
- 9.142. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.143. The application is supported by an Environmental Statement which assess the likely significant effects resulting from the development in terms of ecology and nature conservation. The application is also accompanied by a Biodiversity Impact assessment and Biodiversity Improvement and Management Plan as required by Policy PR9. Policy PR9 also specifically requires that the submission includes (i) measures for securing net biodiversity gain; (ii) measures for retaining and conserving protected/notable species identified; (iii) demonstration that designated environmental assets will not be harmed, including no detrimental impacts to watercourses through hydrological, hydro-chemical or sedimentation impacts; (iv) measures for the protection and enhancement of existing wildlife corridors, including Frogwelldown Lane District Wildlife Site and Dolton Lane and the protection of existing hedgerows and trees; (v) the creation of a new green infrastructure network with connected wildlife corridors, including within the developable area; (vi) measures to minimise light spillage and noise levels on habitats especially along wildlife corridors; (vii) provision of built in bird and habitat boxes; (viii) farmland bird compensation; (ix) proposals for wildlife management in conjunction with conservation organisations including the Local Nature Reserve and community woodland; and (x) application supported by a phase 1 habitat survey.
- 9.144. The ES submitted with the application includes a chapter on ecology to address the likely significant effects resulting from the proposed development in terms of ecology and nature conservation. The ecological survey work in respect of the proposal has been informed by a desktop study, habitat survey based on extended Phase 1 survey methodology which was initially carried out in August 2018 and updated in April 2020 in order to ascertain the general ecological value of the site and identify the main habitats present and faunal survey.
- 9.145. Mitigation measures identified to be incorporated within the scheme include the retention and protection of all veteran trees with suitable buffers from the development, the retention and protection of the vast majority of hedgerows and non-veteran trees, the creation of a community woodland which is a specific policy requirement, reinstatement of historical hedgerows to redefine the boundary of the green belt and the creation of meadowland and nature reserve (again part of the green infrastructure publicly accessible space required by the policy).
- 9.146. The submission has been assessed by BBOWT and the Council's Ecologist. BBOWT raised a number of objections to the submission. The first relates to the

recreational impact on Begbroke Wood Local Wildlife Site and Frogwelldown District Wildlife Site on the grounds that without appropriate mitigation it is highly likely that there would be significant increase in the use of local paths and green spaces and therefore damage to Begbroke Wood and Frogwelldown Lane District and Local Wildlife sites, contrary to Policy ESD10 of the CLP 2015. The revised application submission dated December 2022 does not sufficiently address this concern and BBOWT maintain their objection. A further Technical Note 06 dated March 2023 advises that a dense double staggered row of thorny shrubs at the edge of Begbroke Woods with interpretation boards to highlight the sensitivities of habitats will be sufficient to overcome the concerns.

- 9.147. The second objection raised by BBOWT relates to the impact of the development on farmland birds and that it is therefore important that the green spaces proposed are appropriately managed for the benefit of these species in perpetuity with consideration given to zoning some of the open access areas as some species are particularly vulnerable to disturbance by dogs and people. In the absence of this BBOWT consider the submission to be contrary to Policy ESD10 and that the benefits of the development do not outweigh the harm. Technical Note 06 dated March 2023 advises that the green open spaces will be secured for the lifetime of the development, but do not provide any detail regarding this management/funding etc.
- 9.148. The third objection raised by BBOWT relates to the importance of a net gain in biodiversity being in perpetuity which is considered to be at least 125 years. BBOWT advise that the proposed Trust and Management Company which should have experience in such matters and who will be ultimately responsible for the green spaces must be clearly set out to ensure that this can be achieved. The submitted Technical Note 06 advises that an organisation will be set up for the lifetime of the development to manage and deliver the habitat creation but does not provide any further information or detail as to how this will be successfully achieved and funded.
- 9.149. The fourth objection raised by BBOWT relates to biodiversity net gain and advises that the advice within DEFRA guidance for metric 3.0 should be used to calculate net gain as this guidance suggests that vegetated back gardens should be condition 'poor' and buildings have no condition score. The applicant submission identifies gardens as 'moderate'. And therefore, a higher score. This would have a significant impact resulting in a much-reduced net gain for biodiversity, somewhat lower than the 10% sought. The submitted Technical Note 06 dated March 2023 advises that an updated Biodiversity Net Gain Assessment dated February 2023 has been undertaken to reflect changes to the scheme and the comments made by BBOWT, stating that there will be a 14.86% net gain in habitat units for biodiversity and 66.7% net gain in hedgerow units.
- 9.150. The fifth objection raised by BBOWT relates to the hydrological impact of the development on Oxford Meadows SAC and Cassington to Yarnton gravel pits Local Wildlife Site. The Oxford Meadows SAC contains a key part of what remains of the best examples of exceptionally high-quality flood plain meadows (MG4 type). The vegetation of an MG4 type meadow is exceptionally sensitive to changes in water quantity and quality. In particular both summer and winter levels need to be maintained within narrow boundaries of height level in order for the vegetation type to remain. BBOWT therefore consider that a detailed ecohydrological report will be needed to demonstrate no impact on the SAC. In this respect the Technical Note 06 dated March 2023 advises that the SAC were considered during the allocation of the site through the Partial Review which concluded no adverse effects on the integrity of the SAC and as there have been no changes/information or evidence to the contrary, this remains relevant.



- 9.151. BBOWT have been asked to comment further on the Technical Note 06 dated March 2023 submitted in response to the objections above, at the time of writing the report, a response was awaited.
- 9.152. As advised above, the submission has also been assessed by the council's ecologist who advises that an appropriate level of ecological survey has been carried out on the site and in general there are few protected species issues that could not be dealt with through mitigation/design/measures during construction. It is advised however that there are some issues arising as a result of the relatively preliminary stage of the information submitted on habitats and the use of the site which need addressing prior to determination. These are as follows:
- 9.153. Policy PR9 (11h) calls for farmland bird compensation in recognition of the difficulty of mitigating for nesting/breeding farmland birds on a development site. Currently the proposal for farmland birds found on the site (which include skylark) is that the meadowland will provide foraging resources. This will not replace the level of breeding opportunities which would be lost. Compensation suggests off site provision of a similar opportunity for these birds. There is limited information on how the meadowland is planned to be used in terms of the extent of access by the public and how this will allow undisturbed access for ground nesting birds as this is rarely compatible with dog walking and amenity use. Unless there are substantial areas which cannot be accessed the farmland birds are unlikely to be mitigated for through this provision and compensation should be outlined.
- 9.154. A key delivery requirement of Policy PR9 is the provision of public open green space as informal parkland on 24.8 hectares of land to the west of the residential area which should also include a new Local Nature Reserve accessible to William Fletcher Primary School. Proposals for the extent and type of nature reserve need to be put forward at this stage so that the plans can be viewed holistically, and we are able to assess the merits of public access/ecological area. Under Policy PR9 and the approved development brief the functions that it is desirable for the Nature Reserve to demonstrate is clear. Following ecological, hydrological and topographical surveys of the site it should be possible for an outline of the potential habitats which could be achieved to be put forward for assessment and comment, even if only at outline stage.
- 9.155. Under PR9, proposals for management of the nature reserve needs to be in conjunction with a Conservation Organisation The application makes no mention of an approach to a conservation organisation to gain their input on what would be feasible here in terms of management of a Nature Reserve ongoing and whether any organisations are amenable to involvement. As part of this application submission information is required on the extent of the nature reserve, proposed location, habitat types to be created and the level of public access envisaged along with information on how and what level of input from a Conservation organisation will be incorporated into this. Without at least a preliminary proposal the area cannot be counted in a metric to assess net gain and we do not know the level of access envisaged or its potential extent which impacts assessment of the availability of publicly accessible green space overall. Therefore, we cannot assess if the Nature Reserve is able to achieve the requirements as set out in the approved development brief as follows:

*'a local nature reserve to be provided of a potentially viable size to enable the following features: - Connect Dolton Lane to Frogwelldown Lane (to be agreed, subject to location) – establish a wildlife corridor – habitat to encourage local flora/fauna – accessibility to William Fletcher School as a key community space. Habitat creation within the nature reserve area is to support notable and protected species such as the silver-washed fritillary and black hairstreak butterflies and great*

*crested newt which have been recorded at the site. Footpaths in this area are to be appropriately fenced to limit access to the areas of habitat'.*

- 9.156. The provision of the nature reserve and the need to provide greater clarification and information has been discussed at length during the consideration of the application with the applicant, but the details remain limited.
- 9.157. In terms of the proposed meadowland, in order to determine whether the 'good' condition of grassland proposed within the biodiversity metric is feasible, CDC ecologist concurs with the comments made by BBOWT in this respect, requiring more information about how this area will be managed long term. Achieving this condition in grassland which forms green space for a development is ambitious and could be realistic dependent on management and access. This would impact the net gain that could be achieved on site. Currently two management options are outlined within the BIMP – grazing or cutting. Grazing with cattle is likely to lead to a better ecological outcome, however it is not clear which is feasible on site when considered in conjunction with other factors such as access to livestock and public use. It is noted that the BIMP states restricted access from grazing would be needed to limit disturbance to farmland birds but there is a question over how this could work with the large number of residents who would expect to use this greenspace, particularly given that much of the immediate greenspace around dwellings are required for SUDS. It should also be noted that restricted public access to this meadowland is contrary to Policy PR9 which requires this to be provided as informal parkland for public access to provide improved access to the countryside as a public benefit of releasing this land from the Green Belt for development purposes.
- 9.158. In terms of the built environment the Ecologist advises that CDC's guidance currently seeks a minimum of the equivalent of one provision for bats/birds per dwelling integrated into the fabric of buildings. Currently insufficient provision for bats/birds/invertebrates are proposed. In addition, the policy seeks the incorporation of green roofs and green walls which have not been committed to. This would contribute to net gain on the site and if not included their omission should be justified.
- 9.159. A Technical Note 07 dated May 2023 has been submitted to address the concerns raised by the ecologist. At the time of writing the report, a response is awaited.
- 9.160. The Cassington to Yarnton gravel pits Local Wildlife Site is one of the most important sites for birds in Oxfordshire. Its value is partly due to the relatively undisturbed complex of lakes which is used by large numbers of breeding and wintering waterbirds, as well as marginal habitats and undisturbed scrub which also provide important nesting and foraging areas for bird species. BBOWT therefore consider a report as above which demonstrates any impact on the SAC.
- 9.161. Both sites are highly dependent upon hydrology and therefore vulnerable to any changes in it. There will also need to be a need for measures to ensure that anything put in place (such as SUDS schemes) are maintained in perpetuity, with maintenance programmes and the potential for replacement in time if necessary to ensure there is no reduction over time in the effectiveness of the provision. Demonstration that designated environmental assets will not be harmed, including no detrimental impacts to water courses through hydrological and hydro-chemical or sedimentation impacts is also a specific requirement of Policy PR9.
- 9.162. Having regard to the above, Officers are not convinced that a net gain of 10% or more in biodiversity net gain can be achieved and that further detail and information as requested is submitted prior to the determination of the application. Neither are Officers satisfied, on the basis of the advice from the Council's Ecologist and

BBOWT, 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. Therefore, the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been not yet been met and discharged.

#### Climate Change and Sustainability

- 9.163. Section 14 of the NPPF covers the issue of meeting the challenge of climate change, flooding and coastal change. Policies ESD1-5 of the CLP 2015 also address this. The application submission was not accompanied by a sustainable strategy or energy statement. It should be noted that demonstration of climate change mitigation and adaption measures is also a key design and place shaping principle which should also be addressed through a Design and Access Statement as it is vital that this is considered in the initial design stage and not considered as an afterthought once consent is granted for the development of the site. The applicant was requested to address this matter prior to the determination of the application.
- 9.164. An energy statement was submitted in December 2022 which has been developed through consideration of the Energy Hierarchy and how it can be applied across the development to minimise carbon emissions and advises that the design, specification and construction of buildings will achieve the specifications of the Future Homes Standard. It further advises that the application of the Energy Hierarchy will depend on the build out date as once Part L 2025 comes into force, dwellings will be constructed to comply with that higher standard, but prior to that they will be constructed to comply with the interim FHS 2021. It advises that the feasibility of both District Heating and Combined Heat and Power has been explored but is unlikely to be viable for the proposed development. It advises that a combination of solar photovoltaics, wastewater heat recovery, ground source heat pumps and air source heat pumps will be utilised to achieve the Future Homes Standard. It is proposed however that the precise details will be established through subsequent reserved matters.
- 9.165. In terms of innovation, pre-application advice was given and there has also since been discussion with the applicant about the need to provide for innovation which is considered to be particularly important in this location, recognising that there is a large allocation on either side of the A44 around the Begbroke Science Park, pursuant to Policy PR8. As this is an outline submission, the innovation team sought confirmation that innovation would be provided for and requested a document addressing innovation to be submitted. These matters included provision of full fibre to all users; 5G infrastructure in design consideration; potential for non-allocated parking to become green space or re-purposed in future if not needed; electric vehicle charging provision, flexibility of design of the community hub, monitoring of usage of different modes of transport and on-site renewable energy generation and consideration for storage and smart energy solutions.
- 9.166. Following the above comments, the applicant submitted a new statement to address the above-mentioned issues. This has been reassessed by OCC's innovation team who are now satisfied that the matters can all be dealt with through reserved matters.
- 9.167. The above-mentioned Energy Statement and Innovation Statement both leave much to reserved matters and do not make any specific commitments for the development beyond those required by current legislation. This is disappointing and it is therefore considered that any planning consent would require a condition which requires the submission of a more detailed energy/innovation strategy to be

submitted and agreed prior to the submission of a reserved matters and prior to the commencement of any development on the site.

### Arboriculture

- 9.168. The site comprises arable farmland, with hedgerows defining field boundaries. Trees are almost exclusively located within the hedgerows and comprise predominantly broadleaved native species including pedunculate oak, ash, crack willow and field maple. The hedgerows and trees growing within them are a defining feature of the site. The submission advises that an objective of the design process has been to retain as much of the existing tree and hedgerow stock as possible with this to be integrated into the layout, incorporating wide, linear belts of green infrastructure base around the existing trees and hedgerows providing green connectivity through the site. The submission states that 100% of Category A trees, 98% of Category B trees and 100% of Category C trees will be retained.
- 9.169. Ancient and veteran trees are present across the site which impose significant planning restrictions and each veteran tree which are marked on the submitted Tree Retention and Removal Plan will be protected by a buffer on a radial distance of 15x stem diameter with no upper cap.
- 9.170. This submission has been assessed by the Arboriculture Officer who raises no concerns to the proposals and advises that the proposed category B tree losses can comfortably be mitigated by way of replacement planting and an updated AIA/AMS document which will be required once the proposed layout/reserved matters stage is reached.

### Health and Well-Being

- 9.171. Health and Well-Being is high on both the Government's and council's agenda, particularly in the light of the recent pandemic and the impact it has had on the population, emphasising the need for access to good quality public open space as well as the benefit of private outdoor space. The council therefore suggests that a Health Impact Assessment is carried out in connection with any planning application submission. A Health Impact Assessment is a tool used to identify the health impacts of a development and how best to prevent ill-health, promote good health and reduce health inequalities.
- 9.172. The application was accompanied by a Health Impact Assessment which was assessed by OCC's Healthy Place Shaping Team who raised an objection on the grounds that it did not fully assess and recommend adequate mitigations to protect and promote health and wellbeing. The inadequacies raised included: (i) does not refer to any local health data from Oxfordshire's Joint Strategic Needs Assessment (ii) further information required on whether stakeholders have been engaged with regard to the health impacts of the proposal; (iii) no reference to relevant policy; (iv) assessment of health inadequate as does not refer to any local health data from the Joint Strategic Needs Assessment so it is not possible to identify whether the development will have a positive or negative impact on the health and wellbeing of the local population; (v) play areas and green space will promote physical activity and are therefore required early in the development to have a positive impact; (vi) need attractive safe spaces to cross A44 to promote active travel; (vii) the community hub should be provided early on in the development to promote social interaction.
- 9.173. Following the above, a revised Health Impact Assessment was submitted in December 2022. This was assessed by OCC Healthy Place Shaping Team who advise that it has now been amended to address previous comments and the

development does not show adverse impacts on human health. The only outstanding issues related to the delivery of safe attractive spaces to wait at the A44 crossing and promotion of active travel which will be addressed in consultation with transport officers. Consequently, OCC removed their objection, and the revised Health Impact Assessment is now considered to be acceptable.

### Viability

9.174. In January 2023 the applicant submitted a viability assessment to progress discussions between the local planning authority and Oxfordshire County Council to reach an agreement on an acceptable and viable level of contributions and affordable housing. At the time of writing this report the final report from the viability consultant instructed by the council is awaited.

9.175. The applicant has advised that if all infrastructure contributions requested by CDC, OCC and others are paid that only 42% affordable housing provision can be met. This is not considered acceptable to CDC as a shortfall in affordable housing provision will not be policy compliant in terms of 50% affordable housing provision required to meet Oxford's Unmet Housing Need which is a direct consequence of removing the site from the Green Belt and allocating it for development through the Partial Review 2020 specifically to meet that need, albeit where a scheme is proven to be unviable, a solution should be negotiated to enable a scheme to be viably delivered, especially in a case like this where it relates to an allocated site. The shortfall stated by the applicant is not considerable, at approximately £4m.

9.176. The draft report received from the council's viability consultant on 24<sup>th</sup> August 2023 accepts and agrees with many of the inputs to the appraisal but advises that there are a number of matters requiring resolution as follows:

- The three bed units used in the assessment are oversized when compared to those normally provided by house builders, this has a consequence of producing a higher build cost figure than is likely to be achieved if a more average 3 bed unit size is proposed. We have therefore asked the applicant to consider this matter further as this will impact the overall shortfall in viability for the site. To date this has not happened.
- Some outstanding issues around arrangements for long term management and maintenance, income opportunities where land/ assets are retained (such as land for health care, the community hub and open space areas)
- The council's viability report states that there is a difference of approximately £1.8m in the build costs quoted by the applicant, reducing the above gap to £2.2m
- There is existing Thames Water pipework running through the centre of the site which the applicant proposes to divert as part of the development at a cost of £2.49m. It should be noted that Thames Water have not required the pipework diversion. Following discussion with the applicant and further work by PJA, a report has been submitted that shows that if the current masterplan was not changed and the Thames water pipe was retained in situ that there could be a loss of approximately 39 residential units from the scheme. The report also advises that if the pipe was retained and the masterplan amended accordingly that there would only be a loss of approximately 2 units. The applicants advise that the masterplan submitted with the application broadly reflects that shown in the approved Development Brief, which is correct. However, the Development Brief is only a guidance

document and where viability is an issue, such as here, further consideration should be given to retaining the pipeline and amending the masterplan.

- Following the submission of the viability assessment, OCC have in their latest consultation response of October 2023 reduced a number of the infrastructure contributions requested by approximately £2.5m.

9.177. It is considered that together with the OCC s106 costs reduction, the amendment to the size of the 3 bed dwellings costed and the build costs quoted by the council's viability assessment that there should not be any significant viability gap for the proposed development and that if there is still a gap, further consideration should be made as to the best way to resolve this before a reduction in affordable housing is reached.

9.178. Having regard to the above, it is considered that the applicant's position is not accepted at this point in time and that any shortfall in affordable housing provision below 50% is not acceptable.

#### Planning Obligation

9.179. To ensure that the development is acceptable in planning terms, several harmful impacts of the development would need to be mitigated and/or controlled through covenants in a legal agreement. All Section 106 requirements are subject to statutory tests and 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. Officers have had regard to the requirements of relevant development plan policies and considered the planning obligation requirements against the above provisions. Having done so, officers are of the view that a significant number of items need to be secured through a planning obligation before development can be considered acceptable and, in turn, planning permission granted. These items are as follows (all figures must be index linked):

#### 9.180. CDC Obligation

- 50% affordable housing to NDSS and CDC/OCC requirements and standards
- The delivery of 24.8ha of informal parkland, 7.8ha of new woodland, a local nature reserve within the informal parkland
- Provision and maintenance of play areas – tbc
- SUDS management and maintenance – tbc
- Management and maintenance of public open space – tbc
- Community hall facilities – if onsite provision maintenance contribution of £298.88 per m<sup>2</sup> but if off-site contribution of £617,397.50
- Community development worker - £67,983.56
- Community development fund - £24,300.00
- Outdoor sports provision - £1,089,196.20
- Indoor sport provision - £450,871.28

- Public realm - £200 per unit plus 12% maintenance and management

#### 9.181. OCC Obligations

- Mobility hub - £1,566,384
- A44 highway works Bladon to Begbroke Hill - £2,116,660
- A44 highway works - £1,762,912
- Public transport services - £529,123
- Public transport infrastructure - £28,068
- Traffic Regulation Order - £6,640
- Travel Plan Monitoring - £6,684
- Public rights of way - £250,000
- S278
- Primary education - £3,662,000
- Secondary education - £3,773,812
- Secondary land contribution - £332,890
- Special education - £367,938
- Land for primary school – 1.8ha
- Waste management - £50,738.40
- Public libraries - £58,867
- Monitoring Fee - tbc

#### 9.182. Other Obligations

- ICB – provision of land for car park to medical centre plus contribution tbc
- Thames Valley Police - £86,609

### **10. PLANNING BALANCE AND CONCLUSION**

10.1. Section 38 (6) of the Planning and Compulsory Purchase Act 2024 requires that planning applications be determined against the provisions of the development plan unless material considerations indicate otherwise. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those that do not be normally refused unless outweighed by other material consideration.

10.2. In respect of this application, weighing in favour of this proposal is that the council cannot currently demonstrate a five-year housing land supply in respect of the Partial Review Local Plan 2020, the provision of market, affordable and older persons housing which attracts significant weight, improvements to bus

infrastructure and service, promotion of active travel, highway infrastructure and economic benefits.

- 10.3. However, at the current time, there are a number of areas where resolution of issues is outstanding and which would create harmful effects that would weigh in favour of not supporting the development. It is considered that the shortfall in affordable housing provision, Biodiversity Net Gain and the lack of provision of public accessibly green space on 24.8 hectares of informal parkland as specifically required by Policy PR9 as a consequence of removing the application site from the Green Belt must also be given significant weight. There is also no agreed S106 or other Planning Obligation in place at this time. The local planning authority is therefore satisfied that conflict with the Development Plan weighs heavily in this case.
- 10.4. The application is therefore considered to be contrary to Policies ESD10, ESD15 and INF1 of the CLP 2015 and Policies PR2, PR5 and PR9 of the Local Plan Review 2020 and Government guidance within the National Planning Policy Framework.
- 10.5. Notwithstanding the above, the issues highlighted are not insurmountable in the view of Officers and are areas where, had an appeal not be lodged, where Officers would have continued to attempt to resolve the issues. An appeal has been lodged and it would be advisable for Officers to continue to work to negotiate on these issues to narrow areas in dispute. This is important to reduce the opportunity for a costs award to be made against the Council. Should Officers be able to negotiate all issues and agree a set of conditions and a S106 with the appellant, in consultation with the Assistant Director for Planning and Development then the Council may not be able to contest the appeal. This however remains to be determined depending upon progress made in the lead up to the Inquiry.

## **11. RECOMMENDATION**

**THAT BASED ON THE CURRENT ASSESSMENT THAT PLANNING COMMITTEE WOULD HAVE RESOLVED TO:**

- **REFUSE PERMISSION FOR THE REASONS OUTLINED BELOW.**

**PLANNING COMMITTEE FURTHER RESOLVE TO ALLOW OFFICERS TO CONTINUE TO SEEK TO RESOLVE THE OUTSTANDING ISSUES PRIOR TO AND DURING THE APPEAL INQUIRY SUBJECT TO CONDITIONS, RESOLUTION OF TECHNICAL ISSUES AND SUBJECT TO A S106 LEGAL AGREEMENT IN CONSULTATION WITH THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT AND THAT IN THE CIRCUMSTANCES THAT THOSE ISSUES ARE SATISFACTORILY RESOLVED, THAT THE APPEAL IS NOT CONTESTED**

1. The proposal has failed to adequately demonstrate that the application will deliver the public open space in the form of an informal parkland as specifically required by Policy PR9 which is required as a consequence of removing the allocated land from the Green Belt. As such the proposal is contrary to Policy PR9 of the Cherwell Local Plan Review 2020, the approved Development Brief and Government guidance within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

2. The proposal has failed to adequately demonstrate that the development would not impact existing flora and fauna and that ecological mitigation would successfully



deliver a 10% net gain in biodiversity and to ensure the protection, enhancement and connectivity with the local green infrastructure network alongside the successful delivery of the Local Nature Reserve. As such the proposal fails to accord with Policies ESD9, ESD10 and ESD13 of the adopted Cherwell Local Plan 2011-2031, Policies PR5 and PR9 of the Cherwell Local Plan Partial Review 2020, the approved Development Brief and Government guidance within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

3. The application proposal has failed to secure an appropriate safe and convenient access from William Fletcher Primary School to the new school playing fields as required by Policy PR9 which is contiguous with the existing school boundary. The proposal is therefore contrary to Policy PR9 of the Cherwell Local Plan Partial Review 2020, the adopted Development Brief and Government guidance within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

4. The proposed development, when set against the financial viability of the scheme, would fail to provide an adequate level of affordable housing provision. The proposal is therefore contrary to Policies PR2 and PR9 of the Cherwell Local Plan Partial Review 2020 and Government guidance contained within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed

5. In the absence of a satisfactory Planning Obligation, the Local Planning Authority is not satisfied that the development would provide for appropriate on-site infrastructure or infrastructure contributions towards offsite mitigation 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 contrary to Policy INF1 of the adopted Cherwell Local Plan 2011-2031, Policies PR2, PR9 and PR11 of the Cherwell Local Plan Review 2020 and Government guidance within the National Planning Policy Framework.

Note to Appellant: This reason for refusal is capable of being addressed