

Case Officer: Andrew Thompson

Applicant: Hill Residential Ltd

Proposal: Development of 96 Dwellings (50% affordable housing), extension to Bicester Road Cemetery with associated access (from Bicester Road), open space, landscaping and infrastructure

Ward: Kidlington East

Councillors: Councillor Billington, Councillor Mawson and Councillor Middleton

Reason for Referral: Major development

Expiry Date: 20 April 2023

Committee Date: 07 December 2023

SUMMARY RECOMMENDATION: DELEGATE APPROVAL TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT SUBJECT TO:

- ADDRESSING THE CONCERNS OF THE ENVIRONMENT AGENCY;
- THE EXPIRY OF THE CONSULTATION PERIOD;
- PLANNING CONDITIONS, AND;
- THE COMPLETION OF A PLANNING OBLIGATION

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is vacant arable land which is approximately 4.3ha in size.
- 1.2. The boundaries of the site are generally defined by hedgerows, shrubs, and trees. Existing overhead cables span the site from south-west to north-east. The site is relatively flat.
- 1.3. Bicester Road Cemetery abuts the southern boundary of the site.
- 1.4. An existing residential development (Beagles Close) abuts the northern boundary of the site. Eight existing properties which back onto the site boundary. Of these dwellings 7no are two storey high and 1no is a bungalow. This boundary consists of existing close boarded fences with some sporadic hedge planting to the field margin.
- 1.5. Land directly to the south of the site currently comprises agricultural land. However, it forms part of the wider allocation under Policy PR7a. This land is subject to application 22/00747/OUT, a resolution for approval for which was secured at Planning Committee in October 2023.
- 1.6. To the east of the site, beyond the residential properties on Water Eaton Lane, is an expanse of fields.
- 1.7. To the west the site is bound by Bicester Road, beyond which is residential development.

2. CONSTRAINTS

- 2.1 The application site is the northern half of the allocation of PR7a which comprises 32 hectares of land to the south eastern edge of the settlement of Kidlington and Gosford, north of Oxford. The site is bounded by Oxford Road (A4165) to the south west, the A34 to the east, Water Eaton Lane to the north east and Bicester Road to the west. It is generally flat and in agricultural use. The central part of the site is adjacent to a cemetery and former allotments, while residential properties are located to the north and north east. The site is located in close proximity to Oxford Parkway Station, the Park & Ride, Sainsbury's supermarket and Stratfield Brake recreation ground. The site is accessed from Bicester Road.
- 2.2 Policy PR7a of the Local Plan Partial Review sets out the policy requirements for the site which include:
- 430 net dwellings on 21 hectares of land
 - 50% affordable housing
 - An extension to Kidlington Cemetery on 0.7 hectares of land within the developable area.
 - 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt.
 - Provision for required emergency services infrastructure.
 - Play areas and allotments within the developable area.
 - Contributions towards community facilities.
- 2.3 None of the application site is within the Green Belt following its allocation.
- 2.4 A majority of the site is in Flood Zone 1 with the northeastern corner of the application site located in Flood Zones 2 and 3.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application proposes a development of 96 Dwellings with full planning permission sought.
- 3.2. The proposals show an access located off Bicester Road which is bookmarked by two three storey apartment blocks. The principal road curves down to the southern end of the site to adjoin with the southern half of the allocation. The majority of the proposed houses are two storey interspersed with 2.5 storey dwellings in key locations.
- 3.3. The proposals also show cycle and pedestrian access points off Bicester Road in the northeastern and northwestern corners of the development which would create linkages to Bicester Road and Water Eaton Lane.
- 3.4. On the northern boundary with Beagles Close and adjacent to Bicester Road is an area of wildflower planting and informal space. Further along the northern boundary is an area identified for sustainable drainage and further informal play provision.
- 3.5. To the north and eastern portion of the site is an area identified for outdoor recreation. Further sustainable drainage is proposed along the eastern boundary of the proposal.
- 3.6. To the southern portion of the site is a cycle and pedestrian route alongside the proposed cemetery extension which is to the north of the existing cemetery and fronts Bicester Road.

- 3.7. The proposed mix of dwellings is:
13, 1-bedroom properties
30, 2-bedroom properties
24, 3-bedroom properties
25, 4-bedroom properties
4, 5-bedroom properties
- 3.8. The proposals include 163 car parking spaces with communal provision for bikes and bins for apartments. The parking provision includes 15 visitor spaces.

4. RELEVANT PLANNING HISTORY

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

21/02864/SD - Screening Direction to determine whether there is a requirement for an Environmental Impact Assessment (EIA) to accompany a planning application for development at the above location. The Proposed Development comprises residential development for up to 500 residential dwellings, open space, sports facilities, an extension to Kidlington cemetery and allotments, associated vehicular access, infrastructure, engineering works and landscaping – EIA Not Required

22/00747/OUT - Outline planning application for the development of up to 370 homes, public open space (including play areas and woodland planting), sports pitches and pavilion, drainage and engineering works, with all matters reserved (appearance, landscaping, layout and scale) except for vehicular and emergency accesses to Bicester Road.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. The following pre-application discussions have taken place with regard to this proposal:
- 5.2. The Council highlighted that this site is covered by an approved Development Brief and as such any development on the site will be considered against this brief and that it will be essential to ensure that the point of crossing from one parcel to the other matches to ensure a joined-up development.
- 5.3. Early comments from the Oxfordshire County Council (OCC) Highways are that due to the indicative nature of the plan, it is not possible to determine the dimensions of associated features of the site layout - such as carriageway/footpath widths and depth of turning areas. A blocked paved surface or similar will also be required for shared surfaces while pedestrian/cyclist facilities will need to be designed in such a way that gives users priority across side roads and private driveways. OCC will expect LTN1/20 compliant cycle infrastructure to be provided.
- 5.4. In considering the spur roads leading off the main spine road, it is noted that many of these lead into parking courtyards and / or short cul-de-sacs. Many of these cul-de-sacs maintain parking spaces directly off the road and located to the front of the dwellings. The development brief highlights that parking is to be provided on street and on plot utilising a range of parking solutions in line with the guidance provided in the Cherwell Residential Design Guide. Although the use of parking courtyards is an acceptable form of parking a concern is that in the event these become too large, they are difficult to manage and become less used by residents if they cannot see their cars. The security and scale of the parking courtyards is therefore a material consideration in that if the parking areas are not used the result will be an increase in on-street parking which will lead to a highway congestion.

- 5.5. The use of the three storey blocks is in accordance with the development brief which requires buildings up to three-storey in this location and of a near continuous frontage which will act as a noise barrier to the rest of the parcel as well as a key gateway feature to the land parcel. Concerns were expressed in relation to the design and appearance of the apartments. Turning to the remaining dwellings the approach was considered appropriate and follows the requirement of the Development Brief
- 5.6. Section 6 of the Development Brief refers to Sustainable Construction and Energy Efficiency and the applicant was encouraged to consider how those requirements might influence design. For example, are roof orientations optimised for PV if that were to form part of your proposals to include renewable or low carbon energy. It was also considered that it will be required to show that all habitable rooms within the dwellings will achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) for indoor ambient noise levels.
- 5.7. In respect of affordable housing further discussion as to the scheme and necessary amendments to the design, layout, mix and distribution of housing were recommended.
- 5.8. Located on the western side of the development and to the immediate north of the current cemetery is in accordance with the Development Brief as discussed during meetings. How this area will be allocated to the appropriate body to administer the use of the cemetery and clarity on what condition the land will be provided in was required in particular with regards to any necessary remediation works.
- 5.9. Comments to the Landscape and provision of play space were also provided and the need for significant on-site renewable energy provision on residential development of this scale. As part of the wider PR7a allocation, this should be considered. It is noted that SUDs are proposed.
- 5.10. The level of s106 contributions was also discussed with a number of matters also being discussed and the County carrying out further work on the level of appropriate highway contributions.

6. **RESPONSE TO PUBLICITY**

- 6.1. This application has been publicised by way of a site notice displayed near the site, by advertisement in the local newspaper and letters to residential addresses within proximity. There have been several consultation exercises (both general and in relation to specific technical information) through the receipt of amended plans and updated information. The final date for comments was **15 December 2023**, although comments received after this date and before finalising this report have also been taken into account.
- 6.2. A total of 10 comments raised by third parties (including the local Swift Action Group and Cycle Advocacy Network) and are summarised as follows:
 - Object to flats, in particular 3-storey, impact on privacy of neighbours.
 - Use of red-brick out of keeping
 - Impact of substations on health of residents
 - Pedestrian/cycle access, would significantly affect the privacy and security of residents
 - Flooding and drainage – including to the proposed cemetery
 - Need for dog bins, in particular for the open space
 - Should increase carbon efficiency
 - Concern related to traffic and the need for road improvements, in particular pedestrian access to Sainsburys

- There is an opportunity here to incorporate nest places for Swifts, House Sparrows and Starlings (all Red-listed birds of conservation concern) into the buildings. The Universal Swift brick would be an ideal option
- Need for cycle infrastructure
- Printed Plans should have been made available in Kidlington

6.3. Councillor Ian Middleton as part of County Council comments included the following comments:

This development is in an area with currently the worst air quality in Kidlington. The two hotspots for emissions are the top of the Bicester Road where there is currently a pollution monitor and the Bramley Close area where some of the worst air quality readings have been taken. This is largely due to the number of HGVs that use both the Bicester/Gosford Link Road (also called the Bicester Road) and the main Bicester Road itself (even though that road is technically closed to HGVs). For these reasons and the general policy of OCC to improve air quality and reduce car movements, this development and any others in the area should be encouraged to be as car free as possible. I know the developers are sensitive to this and have to some extent addressed the issue in their plans, but it's worth reiterating that the provision of on site parking, garages and driveways will only serve to increase car use. Ways of attenuating this would be the encouragement of car clubs on the site where shared electric vehicles could be made available as well as encouraging other forms of sustainable travel.

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

7. **RESPONSE TO CONSULTATION**

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

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

7.2. KIDLINGTON PARISH COUNCIL: Objection on the following grounds:

- The amended application does not deal with outstanding issues associated with the cemetery extension, notably the Environment Agency continues to maintain an objection associated with the drainage issues. This application should not be resolved until this, and other issues, associated with the cemetery extension are resolved to the satisfaction of Kidlington Parish Council.
- The cycleways and pedestrian linkages do not connect effectively into the wider area and appear to discourage use through the proposed development.
- This area has been monitored as part of a AQMA (air quality management area) due to the above objective level of nitrogen dioxide, although reduced recently, this should continue to be monitored given the increase in general activity in the area with proposed developments.
- The location of bus stops indicated to serve the wider community is unsatisfactory.
- The proposed development lacks linkage to existing communities and goes against any principles of integrated development.

The Parish Council have further written on 21 November 2023 to highlight that Kidlington Parish Council still object to the application and we would draw your attention to the points raised in our response dated 14/03/23 and in particular to the suitability, layout, provision of roads, footpaths and drainage for the Cemetery Extension.

We note that the EA have objected to the drainage from the cemetery (following the T1 and T2 assessment) as it seems to discharge directly into the development drainage. The existing cemetery discharges directly into an existing watercourse which flows to Water Eaton Lane and then to the river.

It appears that the developer is proposing mitigation measure to overcome EA objection as follows:

Use of caskets in burial: This will be expensive and not acceptable for KPC. Under these circumstances KPC may not be willing to accept the site as a cemetery.
No burials within 10 metres of any field drain, existing wet or dry ditch: this will seriously limit the space for burials however we are uncertain what is exactly meant by field drains e.g. will this include new land drain installed to drain the site?
Drains should be installed 700mm below the ground to aid fast drainage from the site: If this condition is adopted then a full detailed plan will be required to ascertain how the burials will be located in relation to the new drainage system.

KPC will expect any new drainage to be installed and fully operational before KPC can consider taking on the site for burials. KPC will also need to see that the EA have accepted the site for a cemetery with the necessary infrastructure proposed

We note there is an arterial drainage system and a road and but no footpaths or reference to grassing over ready for use which will be a KPC requirement before it is taken over.

- 7.3. GOSFORD AND WATER EATON PARISH COUNCIL: cycle connectivity and access to the site is part of this consideration. Would not want access too close to the roundabout. Query regarding proximity of bicycle sheds and refuse areas to dwellings. Could this be looked at.

CONSULTEES

- 7.4. HOUSING STRATEGY (COMBINED COMMENTS OF CDC AND OXFORD CITY) – Alterations to the tenure distribution plan show a better distribution of tenures in the southern part of the site. There is still an area to the north which contains only market housing, and this is not ideal. However, we are prepared to accept this as the affordable housing is now better integrated with some market housing and intermediate tenures. We expect the scheme to be tenure blind” and that the external appearance of the dwellings will not make the affordable stand out in terms of design, materials and landscaping.

We welcome the amendments to the overall mix to include a slightly larger number of 3-bed rented dwellings.

We also welcome the inclusion of lifts in the blocks of flats. We recognise that this can have a potential impact on rental charges, however we maintain the view that the benefits to tenants or visitors with limited mobility is of paramount importance and outweighs other considerations.

There are still only two houses proposed as intermediate tenures, and this limits customers’ choice to quite a large extent. There is also a high level of need for 1-bed

rented accommodation. The mix is not ideal, however It would be helpful in covering this point if the applicant could confirm demand for 1 and 2-bed flats for low-cost purchase in the area.

We welcome confirmation via the accommodation schedule that all of the affordable dwellings meet M4(2) or M4(3) requirements. There are 3no M4(3) flats which, as a result of recent discussions with the applicant, are now proposed with showers/wetrooms. It is not ideal that two of these are on the first and second floor, especially as they are 2-bed dwellings and will therefore potentially be occupied by households with children.

The applicant has explored the option of making two other ground floor flats M4(3) compliant, however has advised that there is not sufficient space. Whilst we support the revised application and appreciate the late stage it is at, we would request that the applicant continues to give this matter some consideration with a view to finding a solution to the M4(3) provision that will work better for potential applicants.

Conclusion

Whilst there are one or two points, as outlined above, that are not what we would ideally look for in the affordable provision, taking everything into consideration both Councils support this revised proposal.

- 7.5. OCC HIGHWAYS: No objection subject to S106 obligations, an obligation to enter into a s278 agreement for access related works and appropriate planning conditions.
- 7.6. NATIONAL HIGHWAYS: No objection
- 7.7. ACTIVE TRAVEL ENGLAND: No comment – use Standing Advice to promote active travel
- 7.8. CDC LAND DRAINAGE - It is agreed that infiltration cannot be relied on to provide any means of surface water drainage and therefore a positive attenuated discharge from the site will be required. The following critical levels are noted: Invert at receiving point in outfall ditch on east side of Water Eaton Lane: 59.80m Invert Pond 1 outfall: 60.125m Invert Pond 2 outfall: 60.35m Approximate 1% AEP flood level (without climate change): 60.7m Lowest Finished Floor Level on development: 61.50m. This will mean that in times of severe flood the outfalls from both ponds will be submerged. Generally supportive of the proposed surface water infrastructure details. The applicant has generally complied with the requirements of the Oxfordshire LLFA Local Standards in that linear basins and swales are proposed upstream of the terminal attenuation ponds. It is noted that findings from a further ground investigation are awaited to determine whether there is a ground water flood risk that will require the ponds to be lined with impermeable membranes.
- 7.9. THAMES WATER: No objection however details will be required to be agreed in terms of foul water and water infrastructure (e.g. pumping stations) to ensure that adequate water is supplied to the site.
- 7.10. LEAD LOCAL FLOOD AUTHORITY - No objection subject to condition relating to the design and management of the sustainable drainage
- 7.11. LANDSCAPE:

Cemetery – There should be at least a 5m buffer of woodland and greenspace between the cemetery and the plots and the road to allow the maximum amount of privacy for cemetery users. Resident's will use their garden space for noisy social

functions, etc. which will be very disturbing and upsetting for users of the cemetery, especially when burial services are taking place

LAP /LEAP – There is currently insufficient space allocated for the combined LAP/LEAP. It appears to be an incidental area to the side of the balancing pond, sandwiched between the balancing pond and the flood area. The facility should ideally be relocated to the larger area of open space.

Welcome the tree-lined streets to improve microclimate, visually mitigate what would otherwise be very bleak streets. The right tree in the right place is a critical determinant for the success of the tree infrastructure.

7.12. ENVIRONMENT AGENCY- In accordance with paragraph(s) 159 and 174 of the National Planning Policy Framework (NPPF), we object to the proposed development due to its unacceptable risk to the environment. The proposal is also contrary to policy ESD 6 and ESD 8 of the Local Plan.

7.13. NHS BUCKINGHAMSHIRE, OXFORDSHIRE AND BERKSHIRE – Seek contributions towards Gosford Hill Medical Centre in particular- This PCN area is already under pressure from nearby planning applications, and this application directly impacts on the ability of the Gosford Hill Medical Centre surgery in particular, to provide primary care services to the increasing population. Primary Care infrastructure funding is therefore requested to support local plans to surgery alterations or capital projects to support patient services. The funding will be invested into other capital projects which directly benefit this PCN location and the practices within it if a specific project in the area is not forthcoming.

7.14. STAGECOACH – Support the application as an important part of meeting the Oxford Unmet Housing Need and the site is in a location which can be accessed through walking, cycling and public transport.

7.15. SPORT ENGLAND – No comment

7.16. OCC ARCHAEOLOGY: No objection subject to a condition

7.17. CDC ENVIRONMENTAL PROTECTION:

Noise: I have read through the temporary CEMP section provided within the noise report and will await the full CEMP provided should the planning permission be granted. I have read and noted the results and recommendations of the noise assessment. In regards to the undesirable findings on the Western boundary to both internal and external noise levels, no development shall take place until a scheme to soundproof the affected dwellings against traffic noise has been submitted to and approved by the Local Planning Authority so as to achieve an internal level in all sleeping areas of 30dB LAeq 1 hour and 45 dB L A max between 2300 hours and 0700 hours with windows shut and other means of ventilation provided. An internal level of 40dB LAeq 1 hour shall be achieved in all other areas of the building. All works that form part of the scheme shall be completed prior to occupation of the dwellings.

Contaminated land: Having reviewed the Phase 1 and 2 Ground Conditions Reports. Only require a condition that any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. These approved schemes shall be carried out before the development is resumed or continued.

Air Quality: Satisfied that the recommendations contained in the submitted information are appropriate.

Light: No comments

- 7.18. CDC RECREATION AND LEISURE: Seek contributions towards Community Facilities, Outdoor Sport, Indoor Sport, and Public Realm, Public Art and Cultural Well-being.
- 7.19. THAMES VALLEY POLICE: No objection subject to conditions and recommendation that bollards being installed at the entrance to the cycleway.
- 7.20. FIRE SERVICE: Fire service access and suitable water provisions will need to be provided in line with B5 of Building Regulations. It is taken that where necessary; works will be subject to a Building Regulations Application to ensure compliance with the functional requirements of The Building Regulations 2010.
- 7.21. OCC LIBRARY SERVICES: Seek a contribution towards enhancement of Kidlington Library
- 7.22. OCC EDUCATION: Seek a contribution of £791,313 towards Secondary School and SEND Education sectors.
- 7.23. BUILDING CONTROL: The development will require a Building Regulations application. No adverse comments at this stage.
- 7.24. ECOLOGY: In short, as a minimum I would request that the metric is sent on, that comment on mitigation for farmland birds is made and that we see the proposals for green roofs and walls as well as integrated bat/bird provision. Also that comment is made on how the LMMP submitted will fit in with a LEMP/Biodiversity management plan so we ensure there isn't a future issue

[OFFICER NOTE – The Biodiversity Matrix has been submitted on 12/5/2023 and further consultation has been carried out however no further comment has been received.]

- 7.25. OCC WASTE MANAGEMENT: Seek a contribution of £9,020 towards enhancement of waste and recycling facilities arising from increased activity from the development.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced 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 (PART1) 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
- PR4b: Kidlington Centre

- PR5: Green Infrastructure
- PR7a - Land South East of Kidlington
- PR11 - Infrastructure Delivery
- PR12a - Delivering Sites and Maintaining Housing Supply

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

- PSD1: Presumption in Favour of Sustainable Development
- SLE1: Employment Development
- SLE2: Securing Dynamic Town Centres
- SLE3: Supporting Tourism Growth
- 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
- BSC8: Securing Health and Well-Being
- BSC9: Public Services and Utilities
- BSC10: Open Space, Outdoor Sport and Recreation Provision
- BSC11: Local Standards of Provision - 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 (SuDS)
- ESD8: Water Resources
- ESD9: Protection of the Oxford Meadows SAC
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD11: Conservation Target Areas
- ESD12: Cotswolds Area of Outstanding Natural Beauty (AONB)
- ESD13: Local Landscape Protection and Enhancement
- ESD14: Oxford Green Belt
- ESD15: The Character of the Built and Historic Environment
- ESD16: The Oxford Canal
- ESD17: Green Infrastructure
- Kidlington 2: Strengthening Kidlington Village Centre
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- GB2 – Outdoor Recreation in the Green Belt
- TR1 - Transportation funding
- TR7 - Development attracting traffic on minor roads
- TR8 - Commercial facilities for the motorist
- TR10 - Heavy Goods vehicles
- TR11 - Oxford Canal
- TR22 - Reservation of land for road schemes in the countryside
- C5 - Protection of ecological value and rural character of specified features of value in the District
- C15 – Prevention of coalescence of settlements
- C18 – Development proposals affecting listed buildings
- C21 – Proposals for re-use of a listed building
- C23 – Retention of features contributing to character or appearance of a conservation area

- C28 – Layout, design and external appearance of new development
- C29 – Appearance of development adjacent to the Oxford Canal
- C30 – Design control
- C32 – Provision of facilities for disabled people
- C38 – Satellite dishes in conservation areas and on listed buildings
- C39 – Telecommunication masts and structures
- ENV1 – Development likely to cause detrimental levels of pollution
- ENV2 – Redevelopment of sites causing serious detriment to local amenity
- ENV12 - Development on contaminated land

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- National Model Design Code
- Levelling Up and Regeneration Act
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- Natural Environment and Rural Communities Act 2006
- Conservation of Habitats and Species Regulations 2017
- Circular 06/2005 (Biodiversity and Geological Conservation)
- Human Rights Act 1998 (“HRA”)
- Equalities Act 2010 (“EA”)
- County Council guidance documents.

9. APPRAISAL

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

- Principle of development
- Design, layout and the Development Brief
- Highways, Access and Transport Matters
- Heritage impact
- Ecology impact
- Landscape Considerations
- Mitigation to Climate Change
- Noise, Air Quality and Ground Conditions
- Flooding and Drainage
- S106 Contributions
- EIA Regulations

Principle of Development

9.2 The application site is part of an allocated site under the Local Plan Partial Review related to Oxford’s Housing Need (Policy PR7a). The allocation identified the land for 430 houses of the 4,400 houses required across the Partial Review sites. The allocation forms part of the strategy to provide new development that meets Oxford’s agreed, identified housing needs, supports the city’s world-class economy, universities and its local employment base, and ensures that people have convenient, affordable and sustainable travel opportunities to the city’s places of work, study and recreation, and to its services and facilities. This development will be provided so that it:

- i. creates balanced and sustainable communities

- ii. is well connected to Oxford
 - iii. is of exemplar design which responds distinctively and sensitively to the local built, historic and environmental context
 - iv. is supported by necessary infrastructure
 - v. provides for a range of household types and incomes reflecting Oxford's diverse needs
 - vi. contributes to improving health and well-being, and
 - vii. seeks to conserve and enhance the natural environment
- 9.3 For the avoidance of doubt the application site has been removed from the Green Belt as part of the Local Plan Partial Review. Changes to the Green Belt can only be made through the Local Plan process.
- 9.4 The allocation identifies that the proposals should deliver:
1. Construction of 430 dwellings (net) on 21 hectares of land (the residential area as shown).
 2. The provision of 50% of the homes as affordable housing as defined by the National Planning Policy Framework.
 3. The provision of 0.7 hectares of land within the developable area for an extension to Kidlington Cemetery.
 4. The provision of 11 hectares of land to provide formal sports facilities for the development and for the wider community and green infrastructure within the Green Belt.
 5. Provision for required emergency services infrastructure.
 6. The provision of facilities for play areas and allotments to adopted standards within the developable area.
 7. Contributions to the provision of community facilities in accordance with the Council's adopted standards.
- 9.5 The allocation has been submitted in two parts with two developers. This application considers the northern half of the development with the southern section being considered under 22/00747/OUT which received a resolution to grant subject to completion of the s106 at October's Planning Committee. The southern application includes allotments, formal sport, community facilities and open space provision whilst this smaller portion provides the cemetery and open space.
- 9.6 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 approximately 4,400 homes are allocated as part of the Local Plan Partial Review, none of these sites have yet progressed to full permission or are on site. 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 and any adverse impacts of proposals would have to significantly and demonstrably outweigh the benefits.
- 9.7 The Levelling Up and Regeneration Act which recently received Royal Assent has no implications on the adopted Development Plan or the adopted strategy.
- 9.8 Overall, the proposals follow broadly the principles of the allocation and the Development Brief and there is no issue with the subdivision of the site in the manner proposed as it will still enable a comprehensive development to be achieved. The approach to the allocation and delivery of housing in this location is considered to be

acceptable. There is no overriding reason as to why the principles established by the allocation of PR7a cannot be delivered.

Design, Layout and the Development Brief

- 9.9 The application is supported by a range of plans and documents which show the proposed house types and the arrangement of the proposed development. The proposals are a full application and therefore all matters are under consideration. The comments of the Parish Councils, consultees and the local residents have been given careful consideration as part of the proposal and the formation of the amended plans.
- 9.10 Amendments have included alterations to the landscaping to form an appropriate relationship between the proposed development and Beagles Close, altered access, layout and house type orientation, amendments to the design of the apartments and amendments to the design and layout of the parking courts in support of the Police original comments and improvement to the southern buffer to 4m in width to allow appropriate access and maintenance to existing hedgerows.
- 9.11 The policy sets out that the proposals should provide the following:
- Opportunity to create an integrated extension to Kidlington that provides an appropriate edge to the village and maximises walking and cycling links and provides well connected green infrastructure.
 - Layout to enable a high degree of integration and connectivity between the proposed development and the existing, particularly to Kidlington where local amenities are accessed including Stratfield Brake Sports Ground.
 - Opportunity to create a distinctive neighbourhood but at the same time respond appropriately to the landscape, settlement patterns, building typologies and traditional materials of the local area (See Cherwell Design Guide section 2.3).
 - Development should be sensitive to the historic development pattern of Water Eaton Lane.
 - Opportunity to create frontage to proposed public open space and sports facilities.
 - Design to consider appropriate building heights and character relating to the existing residential character of the surrounding area
 - Opportunity to provide an enhanced area of woodland along the south-eastern boundary of the site and establish a new area of woodland planting to screen the site from highways/rail infrastructure.
 - Opportunity to protect, restore or enhance existing hedgerows and trees.
 - Opportunity to protect and enhance the existing wildlife corridors and provide a connected corridor of green infrastructure across the site, joining with Stratfield Brake District Wildlife Site, NERC Act S41 Habitat and PR7b.
 - Opportunity to retain existing ponds and ditches within the landscape design of the site as part of the Sustainable Drainage System.
 - Opportunities to retain and enhance existing habitats and achieve a net gain in biodiversity through the creation of new/improved habitats.
- 9.12 The Council has also agreed a Development Brief for the allocation which seeks to guide development principles and detail and establish design quality through four-

character areas. These four-character areas are the Bicester Road frontage, a main street character, green edges character and a character to the sports and parkland area. The comments of Water Eaton and Gosford Parish Council with regard to access and connections are noted however these broadly follow the adopted Development Brief and in turn Development Plan policies.

- 9.13 The NPPF emphasises that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Policy ESD15 of the Cherwell Local Plan 2015 and policies C28 and C30 of the Cherwell Local Plan 1996 also require good design that respects its context and does not cause harm.
- 9.14 The application shows a principal access point which curves through the site to the southern boundary to connect to the southern half of the proposed allocation. Further the inclusion of cycle/pedestrian access at the northern end of the site to both Water Eaton Lane and Bicester Road would also create good connections to the wider area. The proposals are therefore considered to be acceptable and in accordance with the aims and objectives of the Development Brief and the allocation.
- 9.15 The concerns of residents have been considered in relation to the impact of the proposals on the privacy and impact of the development. Having regard to the separation distances and guidance contained in Cherwell Residential Design Guide it is considered that the proposals, in particular, would not harm the amenity or privacy of neighbouring or nearby residents.
- 9.16 The proposals would be designed in a manner to the north to reflect an informal shared surface to slow traffic speed and to give priority to the pedestrian and non-vehicular traffic over the car. This would be in accordance with national best practice (Manual for Streets) and the principles of the Design Guidance.
- 9.17 The provision of open space would provide appropriate play and informal open space. The development would be reliant on the formal play and sports provision provided by the southern half of the allocation under planning application 22/00747/OUT.
- 9.18 Following consultation and amendments, the Police's concerns and objections have been addressed.
- 9.19 The design of the buildings is proposed to be traditional in design and appearance with a majority being two storey and brick and tile. The eventual materials are to be agreed by condition, but the plans show a range of light brick, render and red brick which reflects the varied character of the area. Windows have been added in appropriate locations to address the Police concerns with regard to surveillance and overlooking. The design of the apartments is considered appropriate as creating a feature entrance to the site and this accords with the Development Brief which sets out the opportunity for taller buildings in this part of the site. Overall it is considered that the design and appearance of the proposed dwellings are considered to be appropriate for the location.
- 9.20 Overall, the proposals when considered as a whole would be in accordance with Policy PR2 and PR7a of the Partial Review, Policy ESD15 of CLP 2015 and the saved Policies C28 and C30 of the CLP 1996 together with the aims of the National Planning Policy Framework and other associated guidance including the adopted Development Brief, Cherwell Residential Design Guidance and the national model design code.

Highways, Access and Transport Matters

- 9.21 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').
- 9.22 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.*
- 9.23 NPPF paragraph 105 also prescribes that significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes.
- 9.24 Policy PR4a of the Partial Review, Policies ESD13, ESD15 and SLE4 of CLP 2031 Part 1) and saved policy C30 of the CLP 1996 echo the principles of active travel.
- 9.25 The proposed development includes a number of access points for vehicle and non-vehicular travel which will promote active use from the site. The site is well positioned to take advantage of local services as well as being easy access to Oxford by public transport.
- 9.26 The application is supported by a Transport Assessment and technical notes. Since adoption of the Partial Review Local Plan the developers of the PR Sites and their Transport Consultants have been working with the County Council to ensure that the impact and mitigation of the PR sites are delivered in a consistent and coordinated manner. That work is now complete.
- 9.27 The road layout and accesses to individual properties has been assessed as part of the application process and has been found to be acceptable when considering the visibility splays and road layout. The use of shared surfacing in roads to the north are considered to be acceptable and would promote pedestrian use of the streets and activity. Indeed pedestrian and cycle users would have prominence over cars in many parts of the layout. The layout is therefore designed appropriately for the person.
- 9.28 The level of car parking would be slightly higher in some properties than the OCC Parking Standards due to the design of the proposals and length of some of the drives. When considered as a whole the development would be below the level of parking standard in County Council Guidance. Taking account of the design and layout and the general acceptability the proposed layout, the comments, having been considered as a whole are acceptable.
- 9.29 In being a guidance document, the parking standards are not prescriptive and as such there will be occasions where lower and higher amounts of car parking are noted. Whilst this is noted the overall parking provision is considered to be acceptable. The

provision of visitor spaces for Plots A20 and A21 are also noted but no amendment is required as these could also support the use of the green space to the north of the proposed space. Following discussion with the County Council and applicant the parking to plot A26 has been amended to remove the space closest to the junction with the main road which overcomes the reason for objection on the amount of car parking and position of the space to this plot.

- 9.30 The application seeks provision for new bus stops and the position is a matter to which the highway authority would be in control with the bus stops being positioned on highway land and under highway powers without the need for planning permission (through permitted development rights). It is therefore not necessary to add a further condition to secure this matter. Contributions are sought towards public transport services and public transport infrastructure.
- 9.31 OCC have requested the use of a planning obligation to secure a TRO fee towards administering a Controlled Parking Zone (CPZ) on the site and for a scheme to be provided to secure a private scheme of resident parking to deter commuter parking within the development to mirror the operation of a CPZ prior to the formal TRO process. OCC consider this to be necessary on all of the edge of Oxford sites due to the risk of indiscriminate parking by those who wish to travel into the city leaving their cars in local residential roads. Their view is that to embed behaviours from the outset, to manage new resident expectations on the sites and to protect residential amenity and safe access, that an arrangement is required prior to roads being adopted which is only when a formal CPZ could be pursued. Considering the lack of indiscriminate parking in the locality of the application site, the need for such a requirement is also questioned.
- 9.32 Officers have queried the necessity in planning terms, legality and enforceability of such a proposal in terms of where the powers would lie and how that would occur when the roads are private and have sought examples from elsewhere as OCC have secured this arrangement locally (and whether those other scheme(s) provided an interim scheme and whether this has been successfully implemented/ what issues have occurred if any). The type of scheme proposed has also been queried and whether this is an arrangement that the Developer puts in place such as a private enforcement scheme which has been used elsewhere in the District.
- 9.33 Officers are awaiting a response from OCC but understand their intention. Discussions on this matter will continue to attempt to reach a suitable resolution through the legal agreement process.
- 9.34 Conditions are therefore added in respect of electric vehicle charging points, construction management, access details and travel plan/information pack.
- 9.35 Having considered all matters it is considered that the proposals would achieve a satisfactory form of development subject to a condition securing the final detail of the proposed access and S106 obligations to secure on and off site infrastructure required to mitigate the impact of the proposals. The development would be in accordance with the aims and objectives of the Development Plan, seeking to reduce the need to travel by unsustainable modes and the aims and objectives of the National Planning Framework.

Heritage Impact

- 9.36 The site is located within an area of known archaeological potential with prehistoric and Roman finds. There is moderate potential for agricultural postmedieval archaeology. There are ridge and furrow earthworks between Kidlington Cemetery and former allotments. The site is separated from Kidlington Conservation Area and

the nearest listed buildings by modern development. However, older properties on Water Eaton Lane could be non-designated heritage assets.

- 9.37 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.*
- 9.38 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.
- 9.39 Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 199 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.
- 9.40 Due to the intervening distance and buildings there would be no impact on designated heritage assets. The impact on non-designated assets archaeology is the key asset to be considered. It is noted that securing a programme of archaeological works including targeted excavation via an appropriately worded planning condition would mitigate any harm arising from the development.
- 9.41 On considering the properties on Water Eaton Lane in terms of their age, architectural style and historic significance it is considered that the proposals would result in limited and less than substantial harm to non-designated heritage assets.
- 9.42 The impact on non-designated heritage assets on Water Eaton Lane are considered to result in less than substantial harm and therefore when balanced against the benefits of the scheme are considered to be acceptable.
- 9.43 It is considered that the proposals are acceptable and in accordance with national legislation and policy requirements and the policies of the Development Plan.

Ecology Impact

- 9.44 The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments.
- 9.45 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).
- 9.46 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.

- 9.47 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.
- 9.48 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.
- 9.49 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.
- 9.50 The submitted Ecological Assessment sets out that the planting strategy adopted should aim to utilise a range of native wildlife friendly species which will produce nectar and berries, and where necessary, non-native/ornamental species which have acknowledged value for biodiversity. The planting scheme should create structural diversity and maximise connectivity to the wider area.
- 9.51 Species-rich meadow grassland should be incorporated where possible into areas of public open space and have been created at the northern boundary with Beagles Close. This would enhance the foraging opportunities for a variety of local wildlife, including invertebrates, bats, birds and hedgehogs.
- 9.52 Hedgerow planting should be incorporated into the soft landscaping scheme to mitigate for hedgerow loss.
- 9.53 Any SuDS features proposed should be engineered to retain an area of standing water and planted with marginal plant species, appropriate to the ground conditions, with a view to increasing the botanical diversity of the site. Habitat creation around SuDS features should provide potential foraging habitat for bats, birds, amphibians and reptiles, and potential refuge for amphibians and reptiles.
- 9.54 Bat and bird boxes are recommended to be integrated into the walls of the residential properties or may be installed on mature trees within hedgerows or along the woodland edge where permission allows. This will provide long-lasting opportunities for roosting bats that require minimal maintenance.
- 9.55 A small bug hotel could be secured to a tree with a hedgerow or along the woodland edge to the eastern edge. This will provide habitat for invertebrates on site. Log and brash piles could be created within the woodland adjacent to the site where permission allows. This will create refugia within the site for amphibians, reptiles, hedgehog and invertebrates.

- 9.56 Any fencing that is to be installed should include gaps to allow for easy movement of hedgehogs.
- 9.57 The application is supported by a Biodiversity Matrix which indicates that the proposals would achieve a 12.36% habitat enhancement and 37.24% hedgerow improvement. This would be in excess of 10% as will soon be required under national legislation.
- 9.58 Overall, the proposals when considered as a whole would be in accordance with Policies PR5 and PR7a of the Partial Review and Policies ESD10 and ESD13 of CLP 2015 together with the aims of the National Planning Policy Framework and other associated guidance including the adopted Development Brief.

Landscaping considerations

- 9.59 The NPPF recognises the importance of green space and street trees and landscaping in the delivery of high quality design.
- 9.60 Policy ESD 13 sets out that opportunities will be sought to secure the enhancement of the character and appearance of the landscape, particularly in urban fringe locations, through the restoration, management or enhancement of existing landscapes, features or habitats and where appropriate the creation of new ones, including the planting of woodlands, trees and hedgerows. Landscape quality also forms an important part of design quality under Policy ESD15 of the CLP 2015.
- 9.61 The application is supported by a Landscape and Visual Assessment which demonstrates that the effect of the proposed development on the wider landscape is limited and that the most adverse effects occur in close proximity to the Site, particularly to the residential properties at Beagles Close and Water Eaton Lane which overlook the Site and the proposed development has been designed to respond positively to the character of the Site and its local landscape setting. The proposed development has sought to minimise the effect on the Site's character by retaining the existing tree belts to its boundaries and provide an open space set back to the eastern boundary to maintain a strong green edge to both the proposed development and the village of Kidlington.
- 9.62 The Assessment highlights that the proposals include significant measures to provide a high quality development with tree lined streets, connected open space areas and a new cycle route. The landscape masterplan proposes new tree, hedgerow and native buffer planting as well as wildlife meadows and areas of wet meadows which will increase the ecological value of the Site and integrate the proposals into the wider landscape. Although there will be adverse effects to residents in close proximity as the site changes from greenfield land, the effects on the wider footpath network are negligible due to the Site's limited visibility and enclosure provided by the strong vegetation to the Site's boundaries which are retained as part of the proposals.
- 9.63 The comments of consultees and objectors have been given careful consideration. As set out above the proposals include a number of natural and biodiversity enhancements which should be noted.
- 9.64 In relation to the existing cemetery, the environment is formed by low level landscaping (e.g. hedges). The relationship and surrounding environment will undoubtedly change as a result of the development. The layout has been considered with respect to its relationship to the cemetery extension land and there are just three gardens within close proximity to it with the majority of gardens otherwise set away to mitigate impacts to the extended cemetery and future visitors to it.

- 9.65 Whilst there would be some overlooking of the cemetery, this would not in itself be inappropriate, providing security and passive surveillance against anti-social behaviour are considered. Appropriate treatment to the cemetery is therefore a detailed matter however large buffers such as those suggested by landscape officers would not deliver the aims and objectives of the allocation or the Development Brief.
- 9.66 The comments on the LAP/LEAP provision are noted. The provision would not be suitable as a LEAP and therefore whilst providing some play equipment would be possible the proposals should be considered an enhanced LAP provision.
- 9.67 Appropriate separation with two storey housing to existing properties on Water Eaton Lane and Beagles Close and retention of existing trees and planting to the northern boundary is proposed.
- 9.68 As such, the proposals would be in accordance with the requirements of the allocation under Policies PR5 and PR7a of the CLP Partial Review, Policies BSC11 and ESD13 of the CLP 2015 and the aims and objectives of the National Planning Policy Framework.

Mitigation to Climate Change

- 9.69 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 address this matter.
- 9.70 Policy ESD1 of the CLP 2015 deals with the issue of Mitigating and Adapting to climate change and includes criteria under which applications for new development will be considered, such as the requirement that development will incorporate suitable adaption measures to ensure that development is more resilient to climate change impacts by proposing sustainable drainage methods and increased green infrastructure provision.
- 9.71 Policy ESD2 considers Energy Hierarchy and Allowable Solutions and seeks to achieve carbon emissions reductions where the council will promote an 'energy hierarchy' as follows: *reducing energy use, in particular by the use of sustainable design and construction measures; supplying energy efficiently and giving priority to decentralised energy supply; making use of renewable energy and making use of allowable solutions*. Any new development will be expected to consider these and address the energy needs of the development.
- 9.72 Policy ESD3 considers Sustainable Construction and states that '*all new residential development will be expected to incorporate sustainable design and construction technology to achieve zero carbon development through a combination of fabric energy efficiency, carbon compliance and allowable solutions in line with government policy*'. Cherwell is also in an area of water stress and therefore requires all new development to achieve a limit of 110 litres/person/day.
- 9.73 Policy ESD4 considers the use of decentralised energy systems and requires a feasibility assessment to be submitted with a relevant application which includes developments of 100 dwellings or more.
- 9.74 Policy ESD5 considers renewable energy and requires that all residential developments of 100 dwellings or more are accompanied by a feasibility assessment of the potential for significant on-site renewable energy provision, above that required to meet national building standards.

- 9.75 The applicant acknowledges that the development will be built in the context of the 2025 Future Homes Standard and will include matters such as solar panels, fabric first construction measures, be gas free and to include matters such as electric vehicle charging points. The proposals also approach the matter to reduce carbon by at least 58% on 2021 building regulations standard with the further inclusion of solar panels secured by condition.
- 9.76 Overall the proposals would be in accordance with Section 14 of the NPPF and Policy PR7a of the CLP Partial Review, Policies ESD1-5 of the CLP 2015, and meets the aims and objectives of mitigating the impact of climate change.

Noise, Air Quality and Ground Conditions

- 9.77 The NPPF sets out at Paragraph 183 that decisions should ensure that:
- a. a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. This includes risks arising from natural hazards or former activities such as mining, and any proposals for mitigation including land remediation (as well as potential impacts on the natural environment arising from that remediation);
 - b. after remediation, as a minimum, land should not be capable of being determined as contaminated land under Part IIA of the Environmental Protection Act 1990; and
 - c. adequate site investigation information, prepared by a competent person, is available to inform these assessments.
- 9.78 Paragraph 185 of the NPPF states that 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. Saved Policies ENV1 and ENV12 of the CLP 1996 echoes these principles.
- 9.79 The application is supported by a Geo-environmental assessment to support the assessment of ground conditions, a Noise Assessment and Air Quality Assessment to ensure that the development achieves an appropriate standard of residential environment. The comments of the Council's Environmental Protection Officers are noted. The concerns about noise and disturbance from construction from local residents are also noted.
- 9.80 In respect of contamination and ground conditions, the proposals submitted demonstrates the risk from contamination is insignificant providing all recommendations in the report are followed. There is therefore no reason to suggest that the application site could not come forward.
- 9.81 In respect of noise this has been reviewed by Environmental Protection Officers and the layout and noise assessment submitted is considered to be appropriate subject to implementation of the recommendations (set out in a planning condition). Further the Construction Environment Management Plan (CEMP), should be conditioned. Whilst it would be inevitable that there would be some level of disturbance to the neighbouring residents, the CEMP should aim to manage the construction activities to minimise the level of disturbance through working hours management and reducing the need for piling, for example.

- 9.82 In respect of air quality, the relationship between the application proposals and Bicester Road would be important in ensuring that the residential environment created should also be appropriate.
- 9.83 Management of the construction process through dust suppression, for example would also be important through the CEMP.
- 9.84 Overall, taking into account the comments and responses received, the application would not raise any significant issues in relation to contamination and matters such as air quality and noise impacts could be managed through appropriate conditions including the CEMP.

Flood Risk and Drainage

- 9.85 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 flood-risk assessment*'.
- 9.86 Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk and resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.87 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 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 (LLFA). Proposals must also include an agreement on the future management, maintenance and replacement of the SuDS features.
- 9.88 The application is supported by a Flood Risk and Drainage Strategy and a further technical note on Foul Water Drainage discussions with Thames Water has been provided during the course of the application. The comments of the LLFA, Thames Water and CDC Drainage Officers and the concerns of residents and Gosford and Water Eaton Parish Council are noted.
- 9.89 The application site is located in Flood Zone 1 (low probability) and as such, the development itself is at a low (less than 1 in 1000 year) risk of flooding from rivers or the sea but is more than 1 hectare in size and therefore a detailed Flood Risk Assessment is required. The application was therefore accompanied by a Flood Risk Assessment accordingly.
- 9.90 The submitted flood risk assessment also demonstrates how the effects of climate change on flood risk within the site can be mitigated to the one in 100 year + climate change level with the use of a Sustainable Urban Drainage System. The SuDS incorporated into the proposal will consist of 2 attenuation basins located on the eastern boundary, and a swale feature.

- 9.91 Surface water flooding is a description for excessive overland flows that have yet to enter a natural or manmade receptor (e.g. aquifer, watercourse or sewer). Surface water flooding also occurs when the amount of runoff exceeds the capacity of the collecting system and spills onto overland flow routes.
- 9.92 Surface water flooding is usually the result of very intense, short lived rainfall events, but can also occur during milder, longer lived rainfall events, when collecting systems are at capacity or the ground is saturated. It often results in the inundation of low points in the terrain.
- 9.93 In accordance with the EA's Long Term Flood Risk Information, the development site is mostly at very low (< 0.1% AEP) risk of surface water flooding. However, a small area in the east is shown to have a medium to high risk from surface water flooding.
- 9.94 Development is not proposed within areas where the risk of surface water flooding is higher and the proposals include significant areas of sustainable drainage potential. The eventual detail of sustainable drainage, including their ecological enhancement, would be required through the conditions but the details show significant areas of sustainable drainage to the east and northern boundaries.
- 9.95 The Environment Agency, LLFA, Land Drainage and Kidlington Parish Council have been consulted on the latest information submitted and drainage strategy in relation to the Cemetery which was received on 6 November 2023. It is considered that a suitable solution could be found through appropriate technical information and appropriate mitigation could be provided. The LLFA and Land Drainage have not raised any objections in this regard and therefore if agreement is reached with the Environment Agency in consultation with Kidlington Parish Council it is therefore considered that a solution could be agreed. The recommendation is therefore made subject to the resolution of the Environment Agency's objection.
- 9.96 There is a comment raised by Thames Water as to the capacity of the water network to deliver water at an appropriate pressure. However, discussions with Thames Water have indicated that supply issues could be provided within a reasonable timescale but it is not clear what infrastructure is needed. Thames Water has suggested a condition requiring no occupation prior to the implementation of as yet undefined infrastructure. The applicant through the course of the pre-application process and application process has engaged with Thames Water, as outlined in supporting technical note on Foul Water Strategy.
- 9.97 Officers consider that notwithstanding the comments of Kidlington Parish Council and Gosford and Water Eaton Parish Council it is considered that appropriate drainage infrastructure will be provided.

Conclusion

- 9.98 The comments and concerns have been carefully considered and the comments of all consultees have been carefully considered. Considering the application site is located in Flood Zone 1 and the applicant's Flood Risk Assessment and Foul Water Drainage Strategy as updated on 6 November 2023, the proposals are considered to be capable of support and to be in accordance with Development Plan policy and national planning policy guidance subject to conditions.

S106 Contributions

- 9.99 Paragraph 54 of the NPPF states that local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used

where it is not possible to address unacceptable impacts through a planning condition. Paragraph 56 continues by stating that planning obligations must only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

9.100 Policy INF1 of the CLP 2015 covers the issue of Infrastructure. This Policy states, amongst other things, that the Council's approach to infrastructure planning in the District will identify the infrastructure required to meet the District's growth, to support the strategic site allocations and to ensure delivery by development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities. Other policies of the Development Plan including Policies SLE4, BSC7, BSC8, BSC9, BSC10, BSC11, BSC12, ESD6 and ESD13 which set out the levels and infrastructure expected from development.

9.101 Policy PR2 and PR7a of the CLP Partial Review states, amongst other things that at Kidlington and elsewhere, all proposed developments will be expected to provide at least 50% of new housing as affordable homes on site. The Policy continues by stating that the proposals will need to have regard to Oxford's Housing Needs and assessment and the definitions contained therein to achieve an appropriate mix best placed to meet Oxford's Unmet Housing Need.

9.102 The Council also has a Developer Contributions SPD in place which was adopted in February 2018. It should, however, be noted that this is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration when identifying infrastructure requirements.

9.103 Due to the level of development on the site the issue of affordable housing should be taken into account. Paragraph 65 of the NPPF states that where major development involving the provision of housing is proposed, planning policies and decisions should expect at least 10% of the homes to be available for affordable home ownership, unless this would exceed the level of affordable housing required in the area, or significantly prejudice the ability to meet the identified affordable housing needs of specific groups. This application is for 96 residential units on the site which would represent a major application in terms of definition and therefore will need to take account of this and national initiatives such as First Homes.

9.104 The policy requirement is for 50% affordable housing as set out in Policy PR2 which would equate to 48 units.

9.105 In addition, it is also considered that the development should contribute towards community hall facilities, indoor and outdoor sports provision, highway infrastructure improvements contributions necessary for the development as outlined by the comments of the consultees. The County Council have also requested a contribution towards public transport services, as well as entering into a S278 agreement.

On Site Infrastructure and Enhancement to Open Space

9.106 The key on-site infrastructure includes the following which will be secured under planning conditions and s106s:

9.107 The on-site provision includes:

- 50% Affordable Housing
- An extension to the existing Cemetery to be transferred to Kidlington Parish Council.
- Open Space and Recreation including a Local Area of Play (shown as a LEAP/LAP)
- Sustainable Drainage

Off-site Contributions

9.108 The contributions sought include the following (with appropriate indexation to be applied):

- County Transport Contributions totalling c.£827,772 including:
 - £238,411 towards the Travel Hub
 - £94,188 towards the Cycle Superhighway
 - A contribution towards Cutteslowe Roundabout and Bicester Road Active Travel Enhancement
 - £133,208 towards enhancement of Kidlington Roundabout
 - £95,910 towards Public Transport Services
 - £34,395 towards new bus stops
 - £176,679 towards improvements of the bus lane improvements along Bicester Road to Kidlington Roundabout
 - £28,346 to junctions the A4260/ A4165 corridor to improve bus movements
 - £6,157 towards public realm enhancements on A4260
 - £6,640 towards a Traffic Regulation Order amendment to Bicester Road and to consult on the implementation of a Controlled Parking Zone or alternative parking restrictions within the site if deemed by the Local Planning Authority to meet the tests of a s106 obligation
 - £1,558 towards Travel Plan Monitoring
 - £12,280 towards enhancement of Public Rights of Way in the vicinity of the site.
- Education: £791,313 comprising
 - Secondary School: £676,438
 - Land Costs: £61,030
 - SEND: £53,845
- Healthcare: £84,648 towards Gosford Hill Medical Practice
- Community Hall - £109,754.04 (directed towards the provision on the southern half of the allocation)
- Outdoor Sport - £193,634.88 – towards Stratfield Brake or the southern half of the allocation or an alternative agreed scheme in the locality.
- Indoor Sport - £80,154.89
- Public Realm and Public Art - £18,816.00 – towards Kidlington Centre or alternative agreed scheme
- Open Space and Maintenance Contributions towards the formal play facilities on the southern half of the allocation.
- Library - £10,354 towards Kidlington Library

- Household Waste and Recycling - £9,020 towards enhancement of the waste and recycling facility.

9.109 The significant level of contributions in excess of £2.1m plus on site facilities are being delivered as part of the proposals on site. The drafting of the s106 will ensure that appropriate detail is delivered for the management and delivery of contributions and on site facilities. It should be noted that the development will need to make relevant contributions to the other half of the allocation to ensure fair distribution of the social benefit and proportionate contributions towards on-site facilities and the overall open space management. A roundtable discussion between all parties is therefore likely to be required.

9.110 Further detail is set out in the appendix to this report.

EIA Regulations

9.111 The applicant and neighbouring developer applied to the Secretary of State for a Screening Direction (reference 21/02864/SD) for the allocated site and up to 500 dwellings. The Secretary of State determined that for the purposes of the EIA Regulations, that the proposal is not EIA Development.

10. PLANNING BALANCE AND CONCLUSION

10.1. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined against the provisions of the development plan unless material considerations indicate otherwise.

10.2. The NPPF supports this position and adds that proposals that accord with an up-to-date development plan should be approved and those which do not should normally be refused unless outweighed by other material considerations.

Positive benefits - Economic

10.3. The proposals would contribute to the Council's Housing Supply in the short term due to the size and duration of the project and as part of the Development Plan would support the delivery of the Development Plan and growth strategy. The proposals would create construction jobs and also support the local public house/restaurant nearby and shopping facilities and employment in Kidlington. This is afforded very significant weight taking into account the scale of the proposed development.

Positive benefits - Social

10.4. The proposals would create the opportunity for affordable housing provision to meet Oxford's Unmet Housing Need. This attracts significant positive weight. The benefits of new recreational routes, play provision and the extension to the existing cemetery plus improvements to Stratfield Brake should also be afforded significant positive weight. Other s106 contributions should also be afforded significant positive weight.

Positive benefits - Environmental

- 10.5. Environmentally the proposals would offer a modern development that would accord with building regulations and include potential renewable energy. The proposals would also secure biodiversity net gain above the requirements of legislation and would be a positive environment in terms of the creation of sustainable drainage.
- 10.6. Other green space would also be given moderate weight as they are required to make the development acceptable and are not significantly above the expected policy levels.

Negative Impacts – Economic

- 10.7. There are no identified negative economic impacts that are identified.

Negative Impacts – Social

- 10.8. The proposals would have some negative impact on the amenity of neighbouring residents particularly during the construction of development. This would be a limited negative consideration on the social well-being of residents as it is a matter which could be managed through appropriate mitigation and management of the construction process. The impact of the proposals on the use of the cemetery have also been considered.

Negative Impacts – Environmental

- 10.9. During the construction of development there would be disturbance and impacts arising from the implementation of the development this would be a moderate negative consideration on the local environment.
- 10.10. The concerns and relationship of the cemetery and the position of the LAP have also been factored into the consideration and appropriate landscape and ecology mitigation is proposed to compensate for any lost elements during construction.
- 10.11. The proposals would also have a negative impact in terms of the use of land, resources, materials and other impacts arising from the development. This impact is considered to be limited as the proposals form part of the planned growth in the District.

Conclusion

- 10.12. The Council is not able to demonstrate a five-year supply of land for housing for Oxford's Unmet Housing Need but the proposals form part of the Development Plan which is in the post adoption stage where action can be expected to be taken to address such a shortfall. The approval of this application forms part of the adopted Development Plan and strategy to address the housing need.
- 10.13. As an allocated site, the proposals form part of the wider Housing Needs for the area and Oxford City and include a significant level of on-site facilities that are in accordance with the aims and objectives of Policy PR7a of the Local Plan Partial Review and associated guidance. Being a full application, the design, layout and detailed aspects of the scheme have been assessed and concluded to be acceptable as set out through this appraisal.
- 10.14. The proposals have been carefully considered and having considered the development as a whole the proposals are considered to be acceptable when considered against the Development Plan and National Planning Policy Framework as a whole and the positive benefits significantly and demonstrably outweigh the negative aspects of the proposals.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT THAT SUBJECT TO:

- i. THE RESOLUTION OF THE ENVIRONMENT AGENCY OBJECTION TO THE SATISFACTION OF THE ASSISTANT DIRECTOR;**
- ii. THE EXPIRY OF THE CONSULTATION PERIOD TO GRANT PERMISSION;**
- iii. THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND;**
- iv. THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a. Provision of 50% affordable housing on site**
 - b. On site green space and recreational routes and appropriate maintenance contribution/arrangements including proportionate contributions towards the formal provision provided as part of the southern half of the PR7a allocation.**
 - c. Payment of a financial contribution towards proportionate highway contributions as set out in Appendix 4 of the Partial Review Local Plan.**
 - d. Payment of a financial contribution towards Community Hall and Development, Outdoor and indoor sport contributions or facilitating the delivery on the southern half of the PR7a allocation**
 - e. Payment of a financial contribution towards Healthcare**
 - f. Payment of a financial contribution towards Education**
 - g. Payment of a financial contribution towards Library Services**
 - h. Payment of a financial contribution towards Police**
 - i. Appropriate arrangements for Open Space Management**
 - j. Appropriate arrangements for the delivery and transfer of the cemetery extension to Kidlington Parish Council.**
 - k. Payment of the Council's monitoring costs of £5,000 plus OCC Monitoring Costs**
 - l. For completeness - a controlled parking zone (CPZ) or other such controls should not be included in the s106 unless deemed by the Local Planning Authority to meet the legal tests for inclusion in a s106 Agreement**

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION HAS EXPIRED. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED WITHIN 6 MONTHS AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

In the absence of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement the Local Planning Authority is not satisfied that the proposed development provides for appropriate on site infrastructure and off site contributions towards affordable housing education, transport, community facilities, indoor and outdoor sport, open space, library and

police required as a result of the development and necessary to make the impacts of the development acceptable in planning terms, to the detriment of both existing and proposed residents and contrary to Policies PR2, PR7a and PR11 of the Cherwell Local Plan 2011 - 2031 (PART1) Partial Review, and Policies INF1, SLE4, BSC7; BSC8; BSC9; BSC10, BSC11, BSC12, ESD6 and ESD13 of the Cherwell Local Plan 2011-2031 (Part 1), guidance within the Council's Developer Contributions SPD and the aims and objectives of the National Planning Policy Framework.

PROPOSED CONDITIONS

Time Limit

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

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

Compliance with Plans

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

Site Location Plan - 141 PS 110

Topographical Survey - A524/99991/1 Rev A

Proposed Site Plan - 141-PS-100 Rev U

Illustrative Landscape Masterplan - 22027-GUA-DR-L-001 Rev P10

Outline Soft Landscape Proposals - 22027-GUA-DR-L-002 Rev P08

Outline Hard Landscape Proposals - 22027-GUA-DR-L-003 Rev P07

Outline Boundary Treatment Plan - 22027-GUA-DR-L-005 Rev P06

Plant Schedule and Outline Specification - 22027-GUA-DR-L-006 Rev P04

3D View - Bicester Road - 141-PS-601 Rev D

3D View - Open Space - 141-PS-602 Rev B

3D View - SUDs Features - 141-PS-603 Rev B

Central Parking Court View - 141-PS-605 Rev B

Primary Route View - 141-PS-606 Rev B

Cycle Route (North) - 141-PS-607 Rev A

Cycle Route (South) - 141-PS-608 Rev A

Northern Amenity Space - 141-PS-609 Rev A

Streetscenes J-J - 141-511 Rev A

Streetscenes K-K - 141-512 Rev A

Housetype 5B9P-1 - M4(3) Adaptable- 141-MC-5B9P-1-M4(3)

Housetype 3B6P-1 - 141-AC-3B6P-1-Semi-2 Rev B

Housetype 3B6P-1 - 141-AC-3B6P-1-Semi-1 Rev B

Housetype 3B6P-1 - 141-AC-3B6P-1-Semi-2 Rev A

Housetype 4B8P-1 - 141-AC-4B8P-1-1 Rev E

Housetype 4B8P-1 - 141-AC-4B8P-1-2 Rev D

Housetype 4B8P-1 Corner - 141-AC-4B8P-1-Corner Rev E

Housetype 2B4P-2 - 141-AFF-2B4P-2-Semi-1 Rev B

Housetype 2B4P-2 - 141-AFF-2B4P-2-Semi-2 Rev C

Housetype 2B4P-1 - 141-AC-2B4P-1-Semi-1 Rev B

Housetype 2B4P-1 - 141-AC-2B4P-1-Semi-2 Rev B

Housetype 2B4P-1 - 141-AC-2B4P-1-Terrace-1 Rev D

Housetype 2B4P-1 - 141-AC-2B4P-1-Terrace-2 Rev E

Housetype 3B6P-1 - 141-AC-3B6P-1-Det-1 Rev B

Housetype 3B6P-1 - 141-AC-3B6P-1-Det-2 Rev B
Housetype 5B9P-1 - 141-MC-5B9P-1 Rev E
Housetype 5B9P-1 - M4(3) Adaptable - 141-MC-5B9P-1-M4(3) Rev B
Housetype 5B9P-1 - 141-MC-5B9P-1-Vista Rev C
Housetype 3B-5P-1 - 141-BS-3B-5P-Det-Corner Rev B
Housetype 3B-5P-1 - 141-BS-3B-5P-Det-Vista Rev B
Housetype 3B5P-1 - 3B6P-1 - 141-BS-3B-5P-MT Rev B
Housetype 3B-5P-1 - 141-BS-3B-5P-Semi-1 Rev B
Housetype 3B-5P-1 - 141-BS-3B-5P-Semi-Vista Rev B
Housetype 3B6P-1-4B7P-1 - 141-BS-AFF-3B6P-1-AFF-4B-7P Rev D
Housetype 3B6P-1 - 141-BS-AFF-3B6P-1-C Rev D
Housetype 3B6P-1 Semi - 141-BS-AFF-3B6P-1-S Rev B
Housetype 3B6P-1 Semi 2 - 141-BS-AFF-3B6P-1-S2 Rev B
Housetype 3B6P-1 Terrace - 141-BS-AFF-3B6P-1-T Rev D
Housetype - 4B7P-1 - 141-BS-AFF-4B7P-1 Rev A
Apartment 02 Elevations - 141-APT-02-E Rev G
Apartment 02 Plans - 141-APT-02-P Rev F
Apartment 01 Elevations - 141-APT-01-E Rev H
Apartment 01 Plans - 141-APT-01-P Rev H
Bike Store Apartment - 141-Bike Store 01 Rev C
Bin Store 01 - 141-Bin Store 01 Rev B
Bin Store 02 - 141-Bin Store 01 Rev D
Detached Double Garage - 141-Double Garage
Electric Substation - 141-Electric Substation Rev B
Detached Twin Garage - 141-Twin Garage
Detached Single Garage - 141-Single Garage

Documents:

Design and Access Statement (September 2023)
Energy Statement (December 2022)
Service Supply Statement (ref. 10869 SS01 Rv0)
Planning Statement (December 2022)
Health Impact Assessment (November 2022)
Travel Plan (rev C)
Transport Statement (rev C) and Addendum (September 2023)
Land Management & Maintenance Plan (ref. 22027-GUA-DOC-L-001 rev P02)
Landscape & Visual Appraisal (ref. 22027-GUA-DOC-L-001 rev P05)
Social Value Delivery Plan (rev 1)
Written Scheme of Investigation for a Geophysical Survey (April 2023)
Flood Risk Assessment / Drainage Strategy (rev C) and Addendum (September 2023)
Air Quality Assessment (ref. H3115 – AQ – v2)
Arboricultural Impact Assessment (ref. EAS-143 V2)
Phase 1 Environmental Report (ref. CRM.1027.052.GE.R.001)
Biodiversity Net Gain Design State Report (December 2022)
Ecology Assessment (rev 1.1)
Geo-Environmental Report (ref. CRM.1027.132.GE.R.001.A)
Geophysical Survey Report (07 March 2023)
Kidlington Cemetery Groundwater Risk Assessment (ref. CRM.1027.052 GE.R.002A T1/T2 GRA)
Drainage Strategy (ref. 517-P-010-C)
Noise Assessment (ref. H3115 – NV – v4)
Plant Schedule and Outline Specification (ref. 20027-GUA-DR-006-P04)

Reason – For the avoidance of doubt, to ensure that the development is carried out only as approved by the Local Planning Authority and to comply with

Government guidance contained within the National Planning Policy Framework.

CEMP

3. No development shall take place until a Construction and Environmental Management Plan (CEMP) has been submitted to and agreed in writing by the Local Planning Authority. The details shall include the following:

i) Implementation of air quality and dust suppression management measures through a Dust Management Plan;

ii) Working hours and construction traffic delivery times;

iii) The protection of the environment and implement best practice guidelines for works within or near water and habitats, including the appointment of a qualified ecologist to advise on site clearance and construction, in particular any works that have the potential to disturb notable ecological features

iv) Measures to minimise energy requirements and emissions from equipment and plant (including minimising the use of diesel or petrol powered generators and instead using mains electricity or battery powered equipment; powering down of equipment / plant during periods of non-utilisation; optimising vehicle utilisation; use of energy efficient lighting)

v) A Construction Traffic Management Plan (CTMP) and traffic routing, temporary access and haul roads to ensure construction vehicles, materials and logistics saving measures are managed

vi) Measures to minimise greenhouse gas emissions associated with the production of waste including the reuse and recovery of materials where possible, avoid excavation waste, management of water and water resources, the reuse and/or recycling of construction waste on-site in subsequent stages of the development.

vii) Measures to reduce the impact on neighbouring and nearby residents and associated temporary fencing, lighting and construction compounds and activity through the operational phase of development

viii) Details of site management including a method for creation of logging of visitors and contractors on site, the monitoring incidents and complaints), including monitoring and reporting (including site inspections, soiling checks, compliance with Dust Management plan, etc) and, where appropriate, CCTV and tracking of contractor vehicles to ensure appropriate routing of vehicles

The development shall be constructed in accordance with the agreed Construction and Environmental Management Plan.

Reason: To manage construction process and to ensure that the impacts to soils, air quality, contamination and ground conditions, ecological habitats, cultural heritage, noise and vibration, heritage assets, transport and waste as well as neighbouring and nearby residents and climate impacts are managed in accordance with the mitigation outlined in the application submission and Policies ESD3, ESD15 and INF1 of the Cherwell Local Plan 2011-2031 and saved policies ENV1 and ENV12 of the Cherwell Local Plan 1996 and the aims and objectives of the NPPF.

LEMP

4. Notwithstanding the submitted Land Management & Maintenance Plan (ref. 22027-GUA-DOC-L-001 rev P02), prior to first occupation of the development hereby approved, a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the LEMP shall be carried out in accordance with the approved details.

Reason: To protect habitats of importance to biodiversity conservation from any loss or damage in accordance with Policy ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within Section 15 of the National Planning Policy Framework.

Ground conditions

5. If, during remediation or construction works, any additional or unexpected contamination is identified, then remediation proposals for this material should be agreed in writing by the Local Planning Authority before any works proceed and shall be fully implemented prior to first occupation of the dwellings hereby approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with saved Policies ENV1 and ENV12 of the Cherwell Local Plan 1996.

Access onto Bicester Road

6. No development shall take place until details of the means of access (shown on Proposed Site Plan - 141-PS-100 Rev U) between the land and the highway, including, sections, drainage and layout have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter.

Reason - In the interests of highway safety and to comply with Policies PR1, PR4a, PR7a and PR12a of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and Policies SLE4 and ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Archaeology

7. No development shall take place until (other than in accordance with the agreed and submitted Written Scheme of Investigation: Written Scheme of Investigation for an Archaeological Evaluation on the Gosford Site, Bicester Road Pre Construct Archaeology 2023), a staged programme of archaeological evaluation and mitigation has been carried out by the commissioned archaeological organisation in accordance with the approved Written Scheme of Investigation. The programme of work shall include all processing, research and analysis necessary to produce an accessible and useable archive and a full report for publication which shall be submitted to the Local Planning Authority within two years of the completion of the archaeological fieldwork.

Reason – To safeguard the identification, recording, analysis and archiving of heritage assets before they are lost and to advance understanding of the heritage assets in their wider context through publication and dissemination of the evidence in accordance with the NPPF (2023).

Drainage and Water

8. i) No development shall take place until a detailed surface water strategy, water supply and foul drainage plans to demonstrate how the management of water within the approved development accords with the overarching Drainage Strategy (ref 517-P-010 Rev C) and the approved Flood Risk Assessment and associated documents has been submitted to and approved in writing by the Local Planning Authority.

ii) The submitted strategy shall include details of all flow control systems and the design, location and capacity of all strategic SuDS features and shall include ownership, long-term adoption, management and maintenance schemes and monitoring arrangements/responsibilities. The strategy should also demonstrate that the exceedance of the designed system has been considered through the provision of overland flow routes.

iii) The development shall be carried out in full accordance with the approved detailed surface water strategy, water supply and foul drainage plans and no building shall be occupied or used until such time as the approved detailed measures serving that building have been fully completed in accordance with the approved details.

Reason: In order to reduce the risk of flooding, to ensure adequate flood control, maintenance and efficient use and management of water within the site, to ensure the quality of the water entering receiving water courses is appropriate and monitored and to promote the use of sustainable urban drainage systems to limit the volume and rate of water leaving the site and to ensure new environments and habitats are formed across the site. In accordance with Policies ESD6, ESD7, ESD8 and ESD10 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Materials

9. A schedule of materials and finishes including samples (in a panel where relevant) to be used in the external walls and roof(s) of the dwellings shall be submitted to and approved in writing by the Local Planning Authority prior to works above ground level. The development shall thereafter be completed in accordance with the approved details.

Reason: To ensure that the materials are appropriate to the appearance of the locality and to ensure the satisfactory appearance of the completed development in accordance with Policy ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1, Saved Policy C28 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

Landscaping

10. No development shall take place until a detailed scheme of hard and soft landscaping works based on the submitted landscape masterplan and the approved plans (reference Outline Soft Landscape Proposals - 22027-GUA-DR-L-002 Rev P08 and Outline Hard Landscape Proposals - 22027-GUA-DR-L-003 Rev P07) has been submitted to and approved in writing by the Local Planning Authority. These details will include the following:

- Identification of existing trees, shrubs and other vegetation to be retained including details of tree protection fencing to protect them during the construction process

- Wildlife habitat creation of potential benefit to protected species. The extent, location and design of such habitat shall be shown clearly and fully described.
- The creation of a visually attractive and stimulating environment for the occupiers of the future development, and other users of the site.
- The eradication of Japanese knotweed or other invasive species on the site, if applicable.
- The replacement of trees proposed to be lost in site clearance works.
- Details of the future management of the landscape scheme.
- Ground preparation measures to be adopted.
- Full botanical details, numbers, locations, planting specifications and densities/ seeding rates of all plant material included within the landscape scheme.
- Existing and proposed levels.
- Programme for delivery of the approved scheme

The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure the satisfactory appearance of the development, provide appropriate landscaping and protect wildlife in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Ecological Enhancement

11. a) Prior to above slab level works, details of Ecological Enhancement to achieve the submitted Biodiversity Matrix which indicates that the proposals would achieve at least 12.36% habitat enhancement and 37.24% hedgerow improvement. Details shall include:

- Species-rich meadow grassland should be incorporated where possible into areas of public open space and wildflower meadow planting
- New native and species rich in the soft landscaping scheme to mitigate for hedgerow loss.
- Any SuDS features proposed should be engineered to retain an area of standing water and planted with marginal plant species
- Bat and bird boxes are recommended to be integrated into the walls of the residential properties including swift boxes and/or may be installed on mature trees within hedgerows or along the woodland edge
- A small bug hotel to a tree with a hedgerow or along the woodland edge to the eastern edge.
- Log and brash piles in appropriate locations
- Any fencing that is to be installed should include gaps to allow for easy movement of hedgehogs.
- A timescale for implementation and management to be not later than final occupation of the development.

b) The approved scheme shall be implemented in accordance with the relevant approved programme for delivery forming part thereof and shall be managed for at least 5 years from the completion of the relevant scheme, in accordance with the approved management details.

Reason: To ensure that the development delivers the approved level of biodiversity net gain and appropriate landscaping and wildlife enhancement in

accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies ESD10, ESD13 and ESD15 of the Cherwell Local Plan 2011 – 2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

LAPs and Informal Play

12. a) Prior to first occupation of the development details of Local Areas of Play (LAPs) or any other areas of informal play shall be submitted to and agreed in writing by the Local Planning Authority. The submitted information shall include details of site levels, play features, seating, pathways, planting and landscaping relating to that LAP or other area of informal play and a strategy for their implementation and management.

b) The development shall be carried out in accordance with the relevant agreed details and retained thereafter

c) Any trees or planting which form part of an agreed scheme pursuant to this condition and which should die or require replacement within the first 5 years after completion of the scheme shall be replaced as soon as practicable in the first available planting season.

Reason: To ensure that the proposals deliver an appropriate amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Street furniture

13. a) Prior to above ground works details of street furniture including seating, refuse bins and dog bins and bollards to cycleway access points shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to first occupation of the development or an alternative agreed timescale.

Reason: To ensure that the proposals deliver appropriate levels of seating, communal bins for recreational purposes and manage access to cycleways and functioning of the development to provide an amount and variety of recreational opportunities for all ages in accordance with the submitted outline application and in accordance with Policies PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD6, ESD7, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Lighting Strategy

14. No occupation shall take place until a detailed lighting strategy has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details. The details to be submitted shall include:

- i) Lighting for play
- ii) Lighting for public realm and walking and cycling routes
- iii) Areas of ecological areas where lighting will be prohibited.
- iv) A strategy for roads and communal parking
- v) A strategy for mitigation to reduce light pollution during construction.

Reason: To minimise light pollution from the construction and operational phase of development and to ensure that the proposals are in accordance Policies PR3, PR5 and PR7a of the Cherwell Local Plan 2011-2031 (Partial Review), Policies BSC10, BSC11, ESD13, ESD15 and ESD17 of the Cherwell Local Plan 2011-2031 and saved policies C28 and C30 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.

Fibre Optic Infrastructure

15. a) Prior to their installation details of fibre optic infrastructure shall be submitted to and agreed in writing by the Local Planning Authority to demonstrate the completion of infrastructure to facilitate the provision of fibre optic cable to each dwelling upon the completion of the infrastructure.

b) The scheme shall be implemented in accordance with the agreed timescales and retained thereafter.

Reason: To provide appropriate and sustainable infrastructure for high speed internet connection in accordance with Policies PR7a, PR11 and PR12 of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

Residential Travel Plan and Information Pack

16. Prior to first occupation a Residential Travel Plan and Travel Information Pack shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan is to be updated on occupation of 50% of the site (48th dwelling). The development shall be implemented in accordance with the approved Travel Plan including the updated version as relevant.

Reason: To promote sustainable modes of transport in accordance with Policies PR4a and PR7a of the Cherwell Local Plan 2011-2031 Part 1 (Partial Review) and the aims and objectives of the National Planning Policy Framework.

PD Removal (extensions and outbuildings)

17. Notwithstanding the Town and Country Planning (General Permitted Development) Order 2015 (as amended) or succeeding and replacement legislation no works or additions under Schedule 2 Part 1 or Part 2 shall be carried out relating to any of the dwellings hereby approved or within their curtilage without prior express consent of the Local Planning Authority.

Reason: Having regard to the nature of the properties and the designs and the associated intimate relationship to which extensions within a permitted development remit may compromise and having regard to Development Plan Policies and guidance contained within the National Planning Policy Framework as a whole.

Parking and Turning areas

18. All parking and manoeuvring areas identified on the approved plans set out in Condition 2 shall be implemented prior to the first occupation of the relevant part of the approved development. Once implemented all parking, turning areas and garages shall remain for use of parking and manoeuvring of vehicles and shall not be used for alternative uses.

Reason - To ensure satisfactory functioning of the application site in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

EV Charging Points

19. No development above slab level shall take place until details of EV charging points have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the relevant dwelling and shall be retained thereafter.

Reason - To ensure satisfactory access to the site for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Details of solar panels

20. Notwithstanding the submitted details, no development above slab level shall take place until details of solar panels have been submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented prior to the occupation of the relevant dwelling and shall be retained thereafter.

Reason - To ensure the development provides appropriate climate change mitigation for future residents and users of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

Noise Mitigation

21. Prior to development above slab level a scheme to soundproof the affected dwellings against traffic noise shall be submitted to and approved by the Local Planning Authority so as to achieve an internal level in all sleeping areas of 30dB LAeq 1 hour and 45 dB L A max between 2300 hours and 0700 hours with windows shut and other means of ventilation provided. An internal level of 40dB LAeq 1 hour shall be achieved in all other areas of the building. All works that form part of the scheme shall be completed prior to occupation of the dwellings. The development shall be implemented in accordance with the approved details prior to the occupation of the relevant dwelling.

Reason - To ensure the development provides appropriate residential environment for future residents of the development in accordance with Development Plan Policies and guidance contained within the National Planning Policy Framework.

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

Planning obligation			Regulation 122 Assessment
Detail	Amounts (all to be Index linked)	Trigger points	
Affordable Housing	<p>48 dwellings – 50% of total 3 built to M4(3) standard</p> <p>Social rent (34) – 5 x 1b2p flats - 10 x 2b4p flats 4 x 2b4p houses 12 x 3b6p houses 3 x 4b7p houses</p> <p>First Homes (12) 8 x 1b2p flats 4 x 2b4p flats</p> <p>Shared Ownership (2) 2 x 3b6p houses</p> <p>Plus all other arrangements as required to deliver acceptable affordable housing to meet needs</p>	<p>Suitable trigger points for an RP to be brought on board and then for the delivery of the affordable housing alongside the delivery of market dwellings.</p>	<p>Necessary – Yes – The site is allocated as part of the Partial Review – Policy PR2 and PR7a are the relevant policies.</p> <p>Directly related – Yes – the affordable housing will be provided for the need identified in the Local Plan</p> <p>Fairly and reasonably related in scale and kind – Yes – the contribution is the level of the expected affordable housing.</p>
OCCG	£84,648	50% occupation or an alternative agreed trigger	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development. Additional consulting rooms and enhanced capacity at Gosford Hill Medical Centre are therefore proposed through the</p>

			<p>contribution. The justification presented by the Healthcare provider (OCCG) is considered to be appropriate.</p> <p>Directly related – Yes. The proposals would be used towards the creation of consultation space</p> <p>Fairly and reasonably related in scale and kind – Yes</p>
Public Art, Public Realm and Cultural Wellbeing	£18,816.00	First occupation or an alternative agreed trigger	<p>Necessary – In accordance with the Council's Adopted SPD. Public Realm, Public Art and Cultural Well-being. Public realm and public art can play an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore peoples' lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can play an important role in making interesting and exciting places that people enjoy using and for neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p>

			<p>Directly related – The recommendation is to engage a lead artist/artist team to develop a series of bespoke and creative waymarkers or landmark features around the cycleways and footpaths. These could also potentially be rolled out to other routes in the area to create a broader network and link in the neighbouring communities. The design of these should seek to be interactive and encourage imaginative play and stimulate curiosity about the natural environment. It is also recommended that the design and execution of the artwork embeds participatory activity for local schools and community groups to ensure the work is meaningful and inspires cultural wellbeing.</p> <p>Fairly and reasonably related in scale and kind – Based on £200 per residential dwelling (£16,800) plus 12% for management and maintenance (£2,016) is considered to be proportionate to the scale and location of the development</p>
Outdoor Sports Provision	<p>£193,634.88 – towards Stratfield Brake or the southern half of the allocation or an alternative agreed scheme in the locality.</p> <p>In this context of the above, proportionate contributions are sought to the southern half of the development under application reference 22/00747/OUT</p>	50% of the development occupation or alternative agreed trigger.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD</p>

			<p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor Sports Provision	£80,154.89	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation.	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policy BSC12, INF1 and advice in the Developer Contribution SPD. Contributions would be towards improvements at Kidlington & Gosford Leisure Centre and/or a new facility in the vicinity.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Community Hall	Community Hall - £109,754.04 (directed towards the provision on the southern half of the allocation)	50% of the development occupation or alternative agreed trigger	<p>Necessary - Seeking a contribution towards improvements at a community facility within the locality (potentially the community building as part of the</p>

			<p>proposals) in accordance with Policy BSC 12 and Policy PR11 and the Developer Contributions SPD.</p> <p>Directly Related – Yes</p> <p>Fairly and Reasonably related in scale and kind- Yes</p>
A public transport services contribution	£95,910 towards Public Transport Services	First Occupation or alternative agreed trigger	<p>Necessary – The contribution is necessary to provide sustainable transport options to the site and as part of the overall public transport provision</p> <p>Directly related – The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Public Transport Infrastructure	£34,395 towards new bus stops	First occupation or alternative agreed trigger	<p>Necessary – The contribution is necessary to provide sustainable transport options with the fitting of four bus shelters on the site.</p> <p>Directly related –</p>

			<p>The proposal provides for residential which should be reasonably accessible via public transport modes to ensure occupiers have options to use sustainable modes of transport. It is therefore directly related to the development.</p> <p>Fairly and reasonably related in scale and kind – The level is at an established rate and based on number of dwellings.</p>
Travel Plan Monitoring contribution towards the cost of monitoring the framework and individual travel plans over the life of the plans	£1,558	First occupation or alternative agreed trigger	<p>Necessary – The site will require a framework travel plan. The fee is required to cover OCCs costs of monitoring the travel plans over their life.</p> <p>Directly related - The contribution is directly related to the required travel plans that relate to this development. Monitoring of the travel plans is critical to ensure their implementation and effectiveness in promoting sustainable transport options.</p> <p>Fairly and reasonably related in scale and kind – The amount is based on standard charging scales which are in turn calculated based on the Officer time required at cost.</p>
Public Rights of Way	£12,280	First occupation or alternative agreed trigger	<p>Necessary - to allow the Countryside Access Team to plan and deliver improvements with third party landowners in a reasonable time</p>

			<p>period and under the Rights of Way Management Plan aims. The contribution would be spent on improvements to the public rights of way in the vicinity of the development – in the ‘impact’ area up to 3km from the site, predominantly to the east, south and north of the site. Primarily this is to improve the surfaces of all routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub- surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way would also be included.</p> <p>Directly related - Related to rights of way and improvements arising from the development to support public rights of way enhancement</p> <p>Fairly and reasonably related in scale and kind - Calculated on the basis of the impact arising from the development and the scale of the development</p>
Secondary Education	£676,438	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation or an	<p>Necessary – To address the complexity of planning secondary school provision equitably across all the PR sites, the approach taken is that credit for any existing surplus places in the Woodstock-Begbroke-Kidlington area</p>

		alternative agreed trigger with the County	<p>should be distributed across the PR sites in proportion to the number of dwellings allocated in the Local Plan. When the individual planning applications are assessed, the site's share of the surplus places will not be subject to secondary education contributions. A per-pupil cost rate will be applied to the remaining pupil generation. This cost will be based on the cost of building a new school in Begbroke of the scale needed to meet expected population growth, currently assumed to be 900-places. The scale of surplus capacity to be distributed across the PR sites has been assessed as a total of 200 places. PR7a has an allocation of 430 dwellings in the Local Plan, which is 10% of the total allocated dwellings. It therefore benefits from 20 of the surplus places. However the current application is for only part of PR7a, and proposes 96 dwellings, or 22% of the allocation. An application for the rest of PR7a (22/00747/OUT), with a total of 370 dwellings proposed. This brings the total of dwellings proposed to 466, 36 more than originally allocated. The spare place discount has been calculated using the original allocation, however, with 86% of the spare places being allocated to the larger site ($370/430 = 0.86$). This leaves 14% - or 3 spare places - to be offered to this site ($0.14 * 20 = 3$). The estimated gross secondary pupil generation from the current application is 22. Deducting the</p>
--	--	--	--

			<p>remaining 3 surplus places, the estimated net secondary pupil generation from the current application is 19. The net pupil generation is charged at the per pupil cost of building a 900-place school on the Begbroke site, which is £35,602 excluding land (at BCIS TPI=327).</p> <p>Directly related – Related to the pupils generated by the development</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil</p>
Secondary Education Land Costs	£61,030	The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation or an alternative agreed trigger with the County	<p>Necessary – A contribution is also required towards secondary school site acquisition land costs, proportionate to Local Plan allocated dwelling numbers.</p> <p>Directly related – Related to the expected pupils generated by the development</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil</p>
SEN Development	£53,845	The amount to be phased across the delivery of the scheme. 50% to be delivered	<p>Necessary – towards expansion of SEN school capacity is therefore sought based on the</p>

		<p>on first occupation, 50% on 50% occupation or an alternative agreed trigger with the County Council</p>	<p>percentage of the pupil generation who would be expected to require places at a special school, based on pupil census data. (This amount of pupils has been deducted from the primary and secondary pupil generation).</p> <p>Directly related – Related to the expected pupils generated by the development</p> <p>Fairly and reasonably related in scale and kind – Calculated on the basis of pupil yield and cost per pupil</p>
<p>OCC Transport (final requests tbc)</p>	<p>£238,411 towards the London-Oxford Mobility Hub</p> <p>£94,188 towards the Cycle Superhighway</p> <p>A contribution towards Cutteslowe Roundabout and Bicester Road Active Travel Enhancement - tbc</p> <p>£133,208 towards enhancement of Kidlington Roundabout</p> <p>£176,679 towards improvements of the bus lane improvements along Bicester Road to Kidlington Roundabout</p> <p>£28,346 to junctions the A4260/ A4165 corridor to improve bus movements</p>	<p>The amount to be phased across the delivery of the scheme. 50% to be delivered on first occupation, 50% on 50% occupation or an alternative agreed trigger with the County Council</p>	<p>Necessary – The highway improvements are identified through the work on the Transport Assessment and the works are identified in the Local Plan.</p> <p>Directly related – Identified in Appendix 4 of the Local Plan</p> <p>Fairly and reasonably related in scale and kind – The scale of the identified contributions are appropriate. Proportionate contributions would need to be identified towards the Travel Hub and Cycleway.</p>

	<p>£6,157 towards public realm enhancements on A4260</p> <p>£6,640 towards a Traffic Regulation Order amendment to Bicester Road</p>		
Open Space Maintenance	<p>Up to: Mature Trees: £280.04/tree New Woodland Maintenance 35.02/sq. m Hedgerow: £26.60/lin. m Attenuation Basin: £66.05/sq. m Swales: £120.32/lin. m Informal Open Space: £12.65/sq. m LAP/LEAP Combined: £179,549.95 LEAP/NEAP Combined: £540,048.31 MUGA: £73,215.11</p> <p>The above figures represent the whole development contribution however proportionate contributions would also be sought in combination with the southern half of the development under application reference 22/00747/OUT who would benefit from the formal play, open space and recreation facilities.</p>	On transfer of the landscaping/phased contribution payment	<p>Necessary – Policy BSC 11: Local Standards of Provision- Outdoor Recreation, Table 7: Local Standards of Provision - Outdoor Recreation If Informal open space/landscape typologies/ play areas are to be transferred to CDC for long term management and maintenance, the following commuted sums/rates covering a 15 year period will apply. The typologies are to be measured and multiplied by the rates to gain the totals.</p> <p>Directly related – Commutated sums/rates covering a 15 year period on open space and play facilities on site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the scale and amount of open space on site.</p>
Library Services	£10,354	On first occupation or alternative agreed trigger	<p>Necessary – This site is served by Kidlington Library but it is unable to accommodate such expansion. This development will</p>

			<p>nevertheless place increased pressure on the local library. Instead, to ensure Kidlington Library is able to provide for planned growth north of Oxford this library can be reconfigured with associated refurbishment to expand capacity within the existing footprint. The reconfiguration of the existing layout will be designed to make more efficient use of space by increasing shelving capacity; provide moveable shelving to allow for events and activities and, provide additional study space.</p> <p>Directly related – Kidlington Library is the nearest public library to the application site and is within walking distance of the site.</p> <p>Fairly and reasonably related in scale and kind – Contributions are sought in relation to the library facilities, the adopted standard for publicly available library floor space is 23m² per 1,000 head of population, and a further 19.5% space is required for support areas (staff workroom, etc.), totalling 27.5m² per 1,000 head of population. The forecast population for this site is 894 people. Based on this, the area of the library required is 24.6M2</p>
Waste and Recycling	£9,020	On first occupation or an alternative agreed trigger	<p>Necessary: Site capacity is assessed by comparing the number of visitors on site at any one time</p>

			<p>(as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 96 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 384 HWRC visits per year</p> <p>Directly Related: Will be towards providing waste services arising from the development</p> <p>Fairly and reasonably related in scale and kind Calculated on a per dwelling basis total land required for current dwellings (300,090) is 55,350 m², or 0.18m² per dwelling. This equate to a contribution of £93.96 per dwelling.</p>
Extension to the Cemetery	0.7ha hectares of land – details of drainage, contributions installation to pathways and connection to existing Cemetery and ongoing maintenance. Transfer to Kidlington Parish Council.	Appropriate timescale to be agreed	<p>Necessary: 0.7ha of land identified within Policy PR7a as part of the overall allocation</p> <p>Directly Related: Identified within the allocation policy PR7a</p> <p>Fairly and reasonably related in scale and kind</p>

			Level and detail is in accordance with the allocation.
Proportionate contributions to southern half of the allocation under 22/00747/OUT	Contributions towards open space, play provision and allotments as appropriate.	Appropriate timescale to be agreed	<p>Necessary: Ensure that the development provides and delivers all the onsite facilities proposed across the allocation.</p> <p>Directly Related: Facilities identified with the proposed masterplan and layout of both applications.</p> <p>Fairly and reasonably related in scale and kind Ensures that the proposal delivers all the onsite facilities proposed across the allocation in a fair and equitable manner.</p>
CDC and OCC Monitoring Fee	CDC: £5,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule