

Case Officer: Andrew Thompson

Applicant: Richborough Estates

Proposal: Outline application for demolition of existing structures and erection of up to 99 dwellings, access, open space and associated works with all matters reserved except for access

Ward: Bicester North And Caversfield

Councillors: Councillor Simon Lytton, Councillor Nicholas Mawer, Councillor John Willett

Reason for Referral: Major development

Expiry Date: 05 August 2024

Committee Date: 01 August 2024

SUMMARY RECOMMENDATION: REFUSE PERMISSION

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is located on the western edge of Caversfield. The Site forms a roughly rectangle parcel of land at about 7ha. The topography is described by the applicant as being relatively flat.
- 1.2. The Site is composed mainly of grassland. A farmhouse and equine buildings occupy part of the Site. The Site has existing gated access from both Fringford Road and Aunt Ems Lane.
- 1.3. The Site is bounded by mature woodland to the west and north-east. Mature hedgerows line the eastern and southern boundaries, which abut Fringford Road and Aunt Ems Lane respectively, with the exception of the south-eastern corner which runs behind the back gardens of the four houses on Fringford Road.
- 1.4. The adjoining properties being generally of two storey in height with single storey outbuildings (e.g. adjoining garages and extensions). The Old Vicarage (on the corner with Aunt Ems Lane) has also small dormer windows in the roof and windows in the gable creating a dwelling of 2.5 storeys in height.
- 1.5. The principal boundaries are hedgerows with internal field boundaries being post and rail.

2. CONSTRAINTS

- 2.1. The application site is within areas identified as potentially Best and Most Versatile Agricultural Land (Grade 2) although the site also includes areas of low quality land (Grade 4 and 5).
- 2.2. The site is also within Weston-on-the-Green MoD Safeguarding Zone.

- 2.3. The site is adjacent to RAF Bicester Conservation Area. Also adjacent to the site is Grade II* Listed St Laurence Church.
- 2.4. The Brown Hairstreak Butterfly is also recorded in the area which is a notable and protected species. Stratton Audley Quarries SSSI is approximately 1.3-1.5km away from the site.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

3.1. As set out in the development description the application is an outline application for the erection of up to 99 dwellings. The proposals would involve the demolition of the existing stables, barns and existing house (and annex) on the site. The proposals are supported by parameter plans which show land use, density, storey heights, access and movement, open space and associated works however all matters are reserved except for the principal access from Fringford Road.

3.2. The applicant highlights that the application is supported by the following application drawings including:

- Site Location Plan (Edge) ref. 501_L01
- Topographical Survey (MEC) ref. 27877_06_170_01
- Framework Plan (Edge) ref. 501_P01 Rev A
- Land Use Parameter Plan (Edge) ref. 501_P02 Rev A
- Access Plan (Edge) ref. 501_P03 Rev A
- Storey Heights Strategy Plan (Edge) ref.501_P04 Rev A
- Density Parameter Plan (Edge) ref. 501_P05 Rev A
- Landscape & Open Space Parameter Plan (Edge) ref.501_P06 Rev A
- Illustrative Masterplan_ with notes (Edge) ref.501_P07 Rev A
- Illustrative Masterplan (Edge) ref. 501_P08 Rev A

3.3. The following reports, surveys and assessments have also been submitted:

- Planning Statement (including Affordable Housing Statement and Statement of Community Involvement) (prepared by Planning Prospects Ltd)
- Transport Assessment (prepared by Hub Transport Planning Ltd)
- Travel Plan (prepared by Hub Transport Planning Ltd)
- Design and Access Statement (DAS) (prepared by Edge Urban Design)
- Ecological Appraisal (prepared by The Environmental Design Partnership Ltd (EDP))
- Biodiversity Net Gain Matrix (prepared by The Environmental Design Partnership Ltd (EDP))
- Agricultural Land Classification (prepared by Soil Environmental Services Limited)
- Heritage Statement (prepared by Pegasus Group)
- Flood Risk and Drainage Assessment (prepared by MEC Development Technical Consultants)
- Acoustic Assessment (prepared by MEC Development Technical Consultants)
- Air Quality Assessment (prepared by MEC Development Technical Consultants)
- Geo-environmental Desk Study (prepared by MEC Development Technical Consultants)
- Utilities Assessment (prepared by MEC Development Technical Consultants)
- Energy Statement (prepared by MEC Development Technical Consultants)
- Heritage Note (prepared by Pegasus Group) dated 16 July 2024
- Review of Landscape and Visual Issues (prepared by Blade) dated 16 July 2024

- 3.4. Following the receipt of initial comments from the Council's Landscape and Heritage Advisor the applicant submitted updated responses to the Council in respect of the impacts and updated parameter plans to reflect the advice of the Council's Advisor in reducing the harm and improving the scheme.
- 3.5. In terms of land use the proposals would be in four principal blocks which would be generally the north and south of the principal vehicle access route which is to the north of the existing drive access from Fringford Road. In place of the existing farmhouse and structures would be a centralised open space including formal play. The existing access from Aunt Ems Lane, which is a tree lined access would be retained as a formal pedestrian route.
- 3.6. Storey heights would be a maximum of two storeys with an area of 1.5-2storey dwellings fronting Aunt Ems Lane. The landscaping parameter plan shows open space and wildflower meadows to the eastern boundary which would be fenced to support and ensure that the ecological value is enhanced. The density would be between 30-40dph.
- 3.7. Indicative sustainable drainage is shown across the site. Vehicle access is shown from Fringford Road. Existing accesses (from Aunt Ems Lane and Fringford Road) to the farmstead would be replaced as pedestrian/cycle tracks with links to existing public rights of way.
- 3.8. All existing buildings would be demolished.

4. RELEVANT PLANNING HISTORY

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

13/00044/SO: Screening Opinion - Proposed development for approximately 200 residential units. Environmental Statement not Required.

13/01056/OUT - OUTLINE - Up to 200 residential units, access, amenity space and associated works including new village shop/hall. Refused.

APP/C3105/A/13/2208385 – Appeal Dismissed following a Public Inquiry on 27 May 2014

- 4.2. The main issues of the appeal were:

- (a) the character and appearance of the area with particular regard to the built up limits of Bicester and Caversfield, the proposed green buffer gap between the planned expansion of Bicester and Caversfield, and housing land supply (HLS);
- (b) the surrounding landscape;
- (c) the setting of the RAF Bicester conservation area;
- (d) the setting of adjacent listed buildings/heritage assets; and
- (e) the quality of design.

- 4.3. In the overall conclusion (Paragraphs 40-43) the Inspector concluded:

40. Assessing whether or not the proposals would amount to sustainable development requires consideration of the three dimensions to this [relating to the NPPF Definition of Sustainable Development]. With regard to the economic role, there was no dispute that the construction of new housing would create jobs and support growth.

41. *Housing, and affordable housing in particular, would contribute to the social role in the Framework and this should be given extra impetus in the light of the Council's lack of a 5 year HLS. However, the probable lack of any new facilities or local services, the loss of an existing sports use and, in particular, the poor design as a result of a large development with a single point of access, would clearly outweigh these benefits and count heavily against the scheme.*

42. *Finally, the harm to the landscape and the setting of the listed buildings, with extra weighting to the latter from the statutory need to have special regard, would count against the proposals. Looked at jointly and simultaneously, I conclude that the scheme would not amount to sustainable development. Taken in the round and when assessed against the policies in the Framework as a whole, and even before considering the exemption for policy on designated heritage assets, I find that the adverse impacts of granting planning permission for the scheme would significantly and demonstrably outweigh the benefits.*

43. *For the reasons given above, and having regard to all other matters raised, including the question of land ownership along the eastern side of Fringford Road and to flooding, I conclude that the appeal should be dismissed.*

- 4.4. Regard is also had to extensions and alterations to the neighbouring properties and to the allocation of North West Bicester, its permissions and related development.

5. PRE-APPLICATION DISCUSSIONS

- 5.1. Pre-application discussions (under reference 22/02734/PREAPP) have taken place with regard to this proposal although it discussed a slightly larger scheme being the erection of up to 110 new, high quality family homes in a mix of tenures, 30% of which would be affordable. Written Advice was dated 16 June 2023.
- 5.2. The conclusion of the advice which summarised the relevant comments from consultees and policy advised the following:

The site is on the edge of Caversfield, a Category C village, within the built form of which only infilling and conversions will be permissible. The site is located outside the built limits of the village. The proposal therefore conflicts with Policy Villages 1 and saved Policy H18 and is contrary to the Council's housing strategy.

Cherwell District Council at the time of the advice was able to demonstrate a 5.4 year housing land supply. This means that the relevant development plan policies are up to date. Whilst the NPPF states the requirement to have a 5 year supply is not a cap on development, and the delivery of homes across the District remains an important material consideration in the planning balance, the housing policies of the Development Plan are the starting point for decision taking and afforded full weight.

The applicant sets out that in reaching an informed decision on planning applications there is a need for the LPA 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. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.

Substantial weight is attached to the proposal's conflict with the Council's housing strategy. Significant weight is attached to the effect of the proposal on the character and appearance of the countryside through the development of greenfield land, including the coalescence of settlements. Significant weight is given to the harm to heritage assets including the Grade II listed Church. Substantial weight is attached to the site being an unsustainable location for development of this scale and the conflict with Policies PSD1 and ESD1 of the CLP 2015 and the key objectives of the NPPF.*

Notwithstanding the conflict with Policies, in terms of benefits, significant weight is attached to the provision of additional market houses, and very significant weight is attached to the provision of additional affordable houses through this development. Significant weight is also attached to the proposal's economic benefits through local construction jobs although this benefit would be limited in time to the development's construction.

It is noted that the applicant entered into separate pre-application discussions with the County Council to scope the Transport impacts outside the Council's pre-application advice.

Overall, it is considered that, notwithstanding the Council's current housing land supply position, the harm identified in relation to the proposal's adverse visual effects, the development of greenfield land and the site's relatively poor sustainability credentials, the harm to heritage assets, would significantly and demonstrably outweigh the proposal's benefits. On balance, therefore, our view is that a future application for this quantum of development in this location would not be considered favourably.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, by letters sent to neighbouring properties and by advertisement in the local newspaper. The final date for comments was **22 March 2024**, although comments received after this date and before finalising this report have also been taken into account.

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

In objection 58 comments have been received:

- Caversfield is a Category C village, the proposals are not compatible with this policy.
- Not part of the new Local Plan
- Not needed with the expansion of the Eco Town
- Loss of green space
- Inadequate infrastructure
- Too many dwellings for the site.
- Impact on drainage and flooding
- South of Bicester is a better location
- Previous refusal
- Impact on heritage
- Impact on the identity of Caversfield
- Traffic impact and lack of public transport
- Local roads are narrow and unsuitable.
- Impact on wildlife

- In support of the development 1 comment has been received stating that the proposals are a great idea but where is the shop?

- 6.3. The comments received can be viewed in full on the Council's website, via the online Planning Register
- 6.4. Councillor Ford as County Council Ward Member for Bicester North and Caversfield states:

Concerns regarding the suitability of Aunt Em's Lane which is almost a single track with no path. With the Banbury Road junction being turned into a signalised junction this road will already be experiencing more traffic as it will be used to avoid the junction and the turning into Fringford Road is already dangerous. If there is another junction added to Fringford Road with more traffic movement this will increase the traffic concerns.

The Caversfield Park mentioned as a local amenity is in fact not council/public land and is owned by the United States Military and access could be removed at any point. I have concerns regarding the distances to amenities, these appear to have been calculated from the junction with Fringford Road and not the houses towards the back of the proposed development which would considerably increase the distance.

The closest Doctors/dentist are a considerable distance and currently oversubscribed.

I understand that at least 1 of the bus routes mentioned is subsidised at present and therefore it cannot be guaranteed that it continues in the future.

I cannot see a proposed safe crossing point from the site to the pathed side of the Fringford Road. Fringford Road only contains a path on one side towards Bicester after the junction with Aunt Ems Lane

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 COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. CAVERSFIELD PARISH COUNCIL: **Objects** to the proposal on the following grounds.

Principle of Development

- As a 'Category C' village with the only type of development agreed as infilling and conversions (Policy Villages 1: Village Categorisation).

- The emerging Local Plan (in CP35) categorises Caversfield as a settlement in 'Open Countryside' and states that "development will not be appropriate unless specifically supported by other local or national planning policies". The proposal is outside the built environment of the village envelope and it would set a precedent for the village to create a 'ribbon development' all the way up the west side of Fringford Road towards Fringford which would not be in keeping with the village.

- The Eco Town and the NW Bicester development must be kept totally separate from Caversfield to reduce the possibility of coalescence.

- It is understood that CDC does have a five year Housing Land Supply and the current Local Plan is in force.

Climate Emergency

- This loss would be in terms of the ability of the land to absorb a great deal of water, the wildlife habitats of flora, vertebrates and invertebrates (including many insects, newts, deer, bats, buzzards) together with the carbon required to build the houses.

- The majority of the village has limited street lighting and concerns were raised about the light pollution which a development of this scale would have.

Flooding

- The field for the proposed development has been recorded as flooding and the Gate House has flooded in the past. The field to the south of Aunt Em's Lane floods regularly, particularly close to the junction of Fringford Road, and Aunt Em's Lane has been prone to flooding.

- The proposed attenuation pond has been situated in the wrong place.

Sports Facilities / Green Space / Outdoor provision

- the loss of a potential facility which could give much needed sport, exercise and wellbeing to a wide community would be detrimental to the area.

- the green space provision in the proposal is minimal and would not be sufficient for the development.

- Caversfield's provision for green space is extremely limited as the only green areas are privately owned (by the MoD and other developers). The MoD has the right to limit use to just the Service Personnel and therefore this should not be considered as part of the accessible village facilities.

Parish Church and surrounding area

- The setting of the open countryside around St Laurence Church is of great historical importance, as is the historical linking of the Church with Home Farm, the conservation area on Skimmingdish Lane and the connection with the military, both past and present.

Affordable Homes

- Regarding affordable homes, the Council recognises that affordable homes are of paramount importance to the area; while the current legal limit is 35%, if the application were to be permitted, the Council would request that this limit is raised to 50% in order to support the local residents.

Water

- The water pressure for Caversfield is already limited and the general infrastructure for water services, both fresh and sewerage is currently at its limit.

Highways and transport

- The Council's concerns about the effect of traffic on the area has not changed since the previous application. Neither Fringford Road nor Aunt Em's Lane is suitable for additional traffic.

- The development will have an impact on the wider network of village roads.
- the Transport Assessment to take into account the roundabout changes and therefore the assessment is flawed. It was noted that the surveys were taken during the school summer holidays at the beginning of September and do not give an accurate picture of the traffic use of the area.
- The Transport Assessment appears rather over-ambitious in its estimation of walking times and distances to areas outside the village.
- It is inevitable that the majority of the journeys will be made by private car as the pavements are not suitable. While the Transport Assessment refers to two buses and the X5 is a recognised route from Oxford to Bedford and beyond, the 500 route on the B4100 is subsidised and is not guaranteed to continue beyond the OCC funding agreement.

Health and Social Care

- No recognition has been given to the provision of medical services. The GP surgeries are struggling and there are very few NHS dentists in the area.

Amelioration

- The village has very few facilities, but if the Council were minded to approve the application, the Parish Council would require financial assistance with the purchase of land to provide allotments and open space amenities. The Parish Council would also require assistance with traffic calming which would inevitably be required.

7.3. FRINGFORD PARISH COUNCIL: **Objects** for the following reasons;

1. The proposed site is outside the built-up envelope of Caversfield village and is currently an agricultural field in the greenbelt. Such a proposal for 99 dwellings, a single access on to Fringford Road would effectively serve to join Caversfield village to Bicester. The Cherwell Local Plan identifies a green buffer between Caversfield and Bicester which should be retained.
2. Caversfield is a small category C village and is not a sustainable location for such a development. This means that the proposal is contrary to Cherwell's Local Plan where development is only allowed in sustainable locations. The Bicester Elmsbrook Eco-town development is within close proximity to the proposed site and the Cherwell Local Plan housing policy clearly identifies Elmsbrook as the focus for housing development in that area of Bicester. Therefore, speculative applications such as this on greenfield sites can justifiably be refused to prevent sporadic development in the open countryside. Aunt Ems Lane is very much a country lane in nature and appearance.
3. The adjacent sections of land contain listed buildings such as Caversfield Church and what was previously RAF Bicester The Garden Quarter. The proposed development site would be clearly visible from both areas with listed buildings, creating an urbanising effect and negative impact.
4. There will be a negative impact on the wildlife and biodiversity of this land.
5. Nothing has changed since the previous appeal decision reference App/C3105/A/13/2208385 Land off Fringford Road Caversfield (May 2014). The Parish Council urges the planning team to consider the reasons for this appeal

dismissal as still being relevant. We respectfully ask for this planning application to be refused.

OTHER CONSULTEES

7.4. OCC HIGHWAYS: **Objection** for the following reasons:

- Information provided is insufficient to properly assess the traffic and congestion impact of the development.
- It is considered that the site would add to an already predicted severe traffic congestion impact at the junction of Bucknell Road and the A4095.

If despite OCC's objection permission is proposed to be granted then OCC requires prior to the issuing of planning permission a S106 agreement including an obligation to enter into a S278 agreement to mitigate the impact of the development plus planning conditions and informatives as set out in their full response.

7.5. CDC ECOLOGY: **No objection** subject to conditions. The BNG metric shows that there will be quite a lot of 'good' condition habitat created, including traditional orchard, lowland meadows, and mixed scrub. This is achievable, but ambitious, particularly the 'good' condition lowland meadow habitat. Lowland meadow requires low nutrient levels and, as stated in the BNG report, this area may need to be subject to further investigation of existing soil nutrient levels and remediation measures. The 10% net gain relies on these habitat conditions being achieved, so a good management plan is essential. The LEMP should show how the habitats will be created and managed to achieve the target conditions. The LEMP should also include on-going monitoring and remedial measures to ensure the best outcomes should there be any issues (high nutrient levels in the area of proposed lowland meadow, for example). Overall, the strategy is acceptable.

7.6. ENVIRONMENTAL PROTECTION:

Noise: The noise impact assessment submitted by MEC on behalf of the applicant is acceptable and I am satisfied that this demonstrates the risk from noise is insignificant providing the recommendations in the report are followed.

Contaminated Land: The Geo Environmental report submitted by MEC on behalf of the applicant is acceptable and requires Phase 2 reporting through condition.

Air Quality: Considering the air quality assessment submitted by MEC on behalf of the applicant and providing all recommendations in the report are followed, then the impact of the site on air quality, in both the construction phase and after completion, will not have a significant impact on the area.

Odour: No comments

Light: No comments

7.7. OCC ARCHAEOLOGY: Recommends that, should planning permission be granted, the applicant should be responsible for ensuring the implementation of a staged programme of archaeological investigation to be maintained during the period of construction.

7.8. BUILDING CONTROL: The proposed work is subject to the Building Regulations and will require approval

- 7.9. THAMES VALLEY POLICE: Whilst I do not wish to outright object to this application, I highlight to the applicant that outline plans provided would be objectionable if submitted as the finalised design for reserved matters applications. I ask that an addendum is added to the DAS which comprehensively addresses the issue of safety and security across the site prior to outline permission being granted. I also ask that suitable amendments to outline plans are made.
- 7.10. RECREATION AND LEISURE: Seek contributions towards indoor and outdoor sport and community support in accordance with the Council's Developer Contributions SPD.
- 7.11. CDC DRAINAGE: No comments or objections in principle on flood risk grounds. The site is not indicated to be at material risk of flooding from any source. Noted that it is proposed to discharge surface water to a Thames Water public surface water sewer subject to an agreed maximum rate of discharge of 2 l/s. The sewer discharges to a culverted watercourse which is known to be in poor condition and which has caused the junction of Aunt Ems Lane and Fringford Road to flood at times. The condition of the culvert will need to be checked and improved if necessary before the development commences. The site should be laid out in accordance with the "Oxfordshire County Council Local Standards and Guidance for Surface Water Drainage on Major Developments in Oxfordshire". It is noted there is general conformity with this on the indicative layout provided in the Flood Risk Assessment. All areas of the SuDS feature must be readily accessible via a 3m minimum width perimeter access track.
- 7.12. LEAD LOCAL FLOOD AUTHORITY: **No Objection** subject to conditions
- 7.13. OCC EDUCATION: Contributions sought towards Primary, Secondary (including land costs) and SEN School provision.
- 7.14. OCC WASTE AND RECYCLING: Seek contributions towards the expansion and efficiency of Household Waste Recycling Centres
- 7.15. CPRE: **strongly objects** to this housing development proposal. The proposed development is not an allocated development in the local plan and was subject to a previous application which was ultimately refused at planning appeal. CPRE believes that the reasons for refusal are as relevant now as they were then. The development does not appear to be meeting an existing need within the village nor is it required to meet any housing supply shortfall in Cherwell as the Council has announced that it now has sufficient deliverable housing sites. As per Local Plan Policy Village 1, Caversfield is a category C village which limits new dwellings to infilling and conversions and not of the magnitude of development proposed by the Applicant. The development site is not well located to facilities and services and most journeys are likely to be taken by motor car as distances fall outside of a reasonable walking distance. Development on this site which is located in the open countryside is contrary to the aims of both the current and emerging plans which is to centre development around the main urban centres. CPRE requests that this application is refused.
- 7.16. BICESTER BIKE USERS GROUP - In summary, at present there is not enough consideration given to active travel. The current active travel infrastructure plans are not in compliance with LTN 1/20 and OCC's own guidance. The developers need to be asked to amend the plans to allow for segregated, protected cycleways at the entrance of and within the estate, and also to provide a plan for cycles along Aunt Ems Lane and at the crossing at Banbury Rd to allow access to NW Bicester.
- 7.17. COUNCIL'S LANDSCAPE ADVISOR: The change of landscape character from countryside – fields associated with the Caversfield estate and contributing to the rural setting of the adjacent RAF Bicester Aerodrome and associated heritage housing site

(now a conservation area) – to built-form with associated domestic paraphernalia and new access road and associated urbanised green spaces rather than pastures, copses and woodland belts – can only be considered to be a detrimental landscape character change. The change from open countryside to suburban residential area can only be considered to be a harmful change in landscape terms.

- 7.18. COUNCIL'S HERITAGE ADVISOR: The project fails to satisfy requirements in Local Plan Policy ESD15 in terms of: a) proposals will create a detrimental change of land use (open countryside to suburban built form with associated domestic paraphernalia and associated suburban green spaces) - therefore there will be continued cumulative harm to the settings and the new houses would cause significant harm to the joint and individual heritage settings; and, b) the proposal will result in a loss of rural setting in a key outward viewpoint from RAF Bicester Conservation Area, and therefore, this harm to the setting will in turn harm the character and appearance of the conservation area.

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 PART 1 (CLP 2031 Part 1)

- PSD1: Presumption in Favour of Sustainable Development
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- BSC3: Affordable Housing
- BSC4: Housing Mix
- BSC7: Meeting Education Needs
- 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
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- INF1: Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- H18: New dwellings in the countryside
- C5: Protection of ecological value and rural character of specified features of value in the district
- C8: Sporadic development in the open countryside
- C15: Prevention of coalescence of settlements
- C23: Retention of features contributing to character or appearance of a conservation area
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- C33: Protection of important gaps of undeveloped land
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land
- TR1: Transportation funding

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- The Planning (Listed Buildings and Conservation Areas) Act 1990
- EU Habitats Directive
- 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”)
- Residential Design Guidance SPD
- Developer Contributions SPD
- RAF Bicester Conservation Area Appraisal
- Regulation 10A Development Plan Appraisal
- Regulation 18 Local Plan Consultation and Associated Evidence.

9. APPRAISAL

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

- Principle of development
- Landscape Impacts
- Heritage impact
- Design, and impact on the character of the area
- Residential amenity
- Ecology impact
- Flooding and Drainage
- Highway Safety and Traffic Impact
- Environmental Impact Assessment Regulations
- Planning Obligations and Conditions

Principle of Development

- 9.2. Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise.

Development Plan

- 9.3. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 Part 1 ('CLP 2015') and the saved policies of the Cherwell Local Plan 1996.
- 9.4. Policy PSD1 of the CLP 2015 embeds a proactive approach to considering development proposals to reflect the presumption in favour of sustainable development. It states, 'The Council will always work proactively with applicants to jointly find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area'.
- 9.5. The CLP 2015 seeks to allocate sufficient land to meet district-wide housing needs. The Plan states, 'The most sustainable locations for growth in the District are considered to be Banbury, Bicester and the larger villages as identified in Policies Villages 1 and Villages 2 as these settlements have a range of services and facilities, reducing the need to travel by car'.
- 9.6. Policy BSC1 states that Cherwell District will deliver a wide choice of high quality homes by providing for 22,840 additional dwellings between 1 April 2011 and 31 March 2031. 1,106 completions were recorded between 2011 and 2014 leaving 21,734 homes to be provided between 2014 and 2031. However, the Regulation 10A review of the Local Plan concluded that Policy BSC1 requires updating due to new evidence in the form of the Housing and Employment Needs Assessment (HENA) 2022.
- 9.7. Paragraph E.10 of the Plan states, 'Housing delivery will be monitored to ensure that the projected housing delivery is achieved. The District is required by the NPPF and the NPPG (to maintain a continuous five year supply of deliverable (available, suitable and achievable) sites as well as meeting its overall housing requirement'.
- 9.8. Paragraph E.19 of the Local Plan states, "If the supply of deliverable housing land drops to five years or below and where the Council is unable to rectify this within the next monitoring year there may be a need for the early release of sites identified within this strategy or the release of additional land. This will be informed by annual reviews of the Strategic Housing Land Availability".
- 9.9. The Housing and Economic Needs Assessment (HENA) was published in December 2022 and is used to assist the Council in the preparation of their Local Plans as part of the Local Plan review. The HENA is intended to provide an integrated evidence base to help identify the appropriate level of and distributions of housing and employment over the period to 2034.
- 9.10. Policy Villages 1 of the CLP 2015 provides a framework for housing development in the rural areas of the district and groups villages into three separate categories (A, B and C). The categorisation of villages was informed by a defined range of sustainability criteria (CLP 2015 para C.255). Caversfield is a Category C village.
- 9.11. Therefore whilst the proximity of Caversfield to Bicester and the Eco-Town urban extension should be noted in providing services and potential facilities the impact to the settlement of Caversfield itself also should be balanced and the impact of the gap and its potential loss and the settlement identity (saved policies C15 and C33 of the 1996 Plan) are matters which require balance.

National Planning Policy Framework

- 9.12. A key material consideration is the National Planning Policy Framework (NPPF) which sets out the Government's planning policy for England. The NPPF is supported by Planning Practice Guidance (PPG).

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

Housing Land Supply Position Statement (Update) January 2024

Context

- 9.19. The former NPPF (September 2023) contained a requirement to include a buffer in the assessment of the supply of specific deliverable housing sites of at least 5%. A

revised National Planning Policy Framework (NPPF) was published on 20 December 2023 and no longer contains this requirement.

9.20. This changes the calculation of the five year land supply as shown in the Council's 2023 Annual Monitoring Report (AMR) at paragraph 41. The calculation (published as part of a Housing Land Supply Position Statement (Update) in January 2024) is now as follows:

Table 1 Step	Description	Five Year Period 2023-2028
a	Requirement (2023 – 2031) (standard method)	5,680 (710x8)
b	Annual Requirement (latest standard method)	710
c	5 year requirement (b x years)	3,550
d	Deliverable supply over next 5 years	4,121 (from 2023 AMR)
e	Total years supply over next 5 years (d/b)	5.8
f	Surplus (d-c)	571

9.21. Additionally, it is advised at paragraph 226 of the revised NPPF:

9.22. "From the date of publication of this revision of the Framework, for decision-making purposes only, certain local planning authorities will only be required to identify and update annually a supply of specific deliverable sites sufficient to provide a minimum of four years' worth of housing (with a buffer, if applicable, as set out in paragraph 77) against the housing requirement set out in adopted strategic policies, or against local housing need where the strategic policies are more than five years old, instead of a minimum of five years as set out in paragraph 77 of this Framework. This policy applies to those authorities which have an emerging local plan that has either been submitted for examination or has reached Regulation 18 or Regulation 19 (Town and Country Planning (Local Planning) (England) Regulations 2012) stage, including both a policies map and proposed allocations towards meeting housing need. This provision does not apply to authorities who are not required to demonstrate a housing land supply, as set out in paragraph 76. These arrangements will apply for a period of two years from the publication date of this revision of the Framework."

9.23. The Council has an emerging local plan that has reached Regulation 18 stage and therefore the Council only need to demonstrate a four year housing land supply. Table 1 above demonstrates that the updated AMR 2023 position is that the district has in excess of a 'four years' worth of housing' measured against a five year housing requirement.

Recent appeal decision at Heyford

9.24. At a recent appeal an Inspector concluded that the Council had under a 4 year supply of housing when combining the district housing land supply figure with the housing land supply for Oxford's unmet housing need in the separate Partial Review Local Plan. That appeal was reference APP/C3105/W/23/3326761 at OS Parcel 1570

Adjoining And West Of Chilgrove Drive And Adjoining And North Of Camp Road, Heyford Park (known as the Heyford Inquiry).

- 9.25. The decision issued by the Inspectorate in the above Heyford Park case is a potential material consideration to applications for housing in the district.
- 9.26. In the recent decision at Chesterton (reference: APP/C3105/W/23/3331122), in respect of Housing Supply, the Inspector did not reach a conclusion as he found that the proposal was consistent with the development plan policies for the area. This conclusion is common to other recently decided appeals, including that relate to a site at Ambrosden (reference: APP/C3105/W/23/3327213).
- 9.27. However, the LPA has launched legal proceedings for a challenge to the conclusions reached by the Inspector in the Heyford Park case (and the basis for the decision making) and this has been granted by the Courts with a Hearing expected in November 2024. Dorchester Land (the applicant to Heyford Park) has also been successful in having grounds heard. Officers have significant concerns that the Heyford Park decision does not sufficiently consider all material considerations and therefore could be unsound.
- 9.28. Members will be aware there are a number of disputed sites across the District which has formed part of common ground in appeal hearings and inquiries over the previous months. This relates to the delivery of strategic Banbury, Bicester and Heyford Park sites.
- 9.29. On that basis, officers consider that placing reliance on that decision and upon the housing land supply considerations and conclusions could place subsequent and dependent decisions also at risk. As such, officers consider that greater weight should be placed on the published AMR figures.

Assessment

- 9.30. The comments from the Ward Members, Parish Councils and local residents have been carefully considered in relation to the delivery of the Eco-Town and the level of housing in the area. The comments of the previous Inspector have also been considered (highlighted above).
- 9.31. The Council's housing supply position of 5.8 years means that the relevant development plan policies are up to date and that development proposals must be assessed in accordance with the Development Plan. Whilst the NPPF states the requirement to have a 5-year supply is not a cap on development, the housing policies of the Development Plan are the starting point for decision taking and are afforded full weight. However, the delivery of homes and the requirement to significantly boost the supply as set out in the NPPF across the district remains an important material consideration in the planning balance.
- 9.32. In this respect, the conclusions of the Inspector related to the Chesterton appeal (as referred to above) is relevant, particularly given comparisons in terms of accessibility can be made to this site (albeit the village categorisation is different). He noted that villages have an important role in maintaining a deliverable supply of new houses. Particularly given the plan is now in the second half of its period and that a number of the strategic sites are unlikely to deliver during the plan period. The 750 figure was not a ceiling and should not be interpreted as such and there was no harm to the locational strategy arising from the proposals (particularly given the links to Bicester and Oxford). The lack of facilities should be noted but this is common for villages this size not to have these facilities, especially when they are located close to large centres of population such as Bicester.

- 9.33. Policy Villages 1 of the CLP 2015 does not include Caversfield as an identified settlement and therefore it falls under Category C 'All other villages' where infilling and conversions are permissible. Supporting text to the policy states that infilling refers to the development of a small gap in an otherwise continuous built-up frontage however more broad definitions can be found in appeal decisions. However considering the scope and scale of the development, the proposal would not constitute infilling.
- 9.34. The definition of Previously Developed Land is explored in Lee Valley vs Broxbourne Borough Council (Citation Number: [2015] EWHC 185 (Admin)). This highlights that it is incorrect to assume that all land is previously developed land if an element of the site is previously developed.
- 9.35. The site includes previously developed land associated with the existing house and annex and associated garaging.
- 9.36. It is noted that the NPPF definition of Previously Development Land excludes land that is or was last occupied by agricultural or forestry buildings.
- 9.37. On site there are also former stables, barns and indoor school and whilst some of these are significant buildings and whilst these would in themselves be agricultural in nature taking account of the buildings and the definition of previously developed land and similar appeal decisions, in the view of officers, the buildings and farmstead area constitutes previously developed land.
- 9.38. However the majority of the site is an undeveloped green field site that, given its physical and visual relationship to the existing built-up form, is outside of the existing built form of Caversfield village and the former Barracks and MoD site, and therefore within the countryside. Whilst the site would not be entirely isolated due to its relationship to the Eco Town, Bicester and Caversfield, the proposal for development on a greenfield would have an urbanising impact.

Local Plan Review 2040 and Oxford's Unmet Housing Need

- 9.39. In accordance with the original allocation of the PR sites (as set out in the sustainability appraisal of the Partial Review) was to provide new residential development that included:
1. Proximity to Oxford, the existing availability of public transport and the opportunity to maximise the use of sustainable and affordable transport in accessing Oxford's key employment areas and services and facilities.
 2. Opportunity to achieve an overall, proportionate reduction in reliance on the private motor vehicle in accessing Oxford's key employment areas and services and facilities and to achieve further investment in sustainable transport infrastructure.
 3. Deliverability of sustainable transport improvements in comparison to other Areas of Search.
 4. Relationship of existing communities to Oxford.
 5. Existing economic relationship between the Areas of Search and Oxford
 6. Opportunity to provide affordable homes to meet Oxford's identified need close to the source of that need.
- 9.40. Given these constraints, Oxford residents from the Oxford City Housing Register would not be placed on this development and it would not contribute to meeting

Oxford's Unmet Housing Need taking account of the distance and poor relationship to Oxford and the likely prohibitive cost (time and financial) of such commute when relying on alternative modes of transportation and restrict access to employment.

- 9.41. The site does not form part of the Local Plan 2040 Regulation 18 consultation but has been discussed in evidence associated with the Local Plan (Reg 18 ref: LPR32). It has not been progressed due to an issue is maintaining a landscape gap to/protecting the setting of historic Caversfield (set out in the Sustainability Appraisal to the Local Plan 2040).
- 9.42. Due to the new Local Plan being at an early stage the plan carries no weight (at best limited weight) but the Local Plan will over time will gather increasing weight as the Local Plan moves through further stages over the next 12-18 months.
- 9.43. On the basis of the above, Officers have identified a conflict with planning policy in principle. The impacts of the development and other material considerations will now be discussed.

Landscape Matters

Policy Context

- 9.44. As highlighted above saved Policies C15 and C33 from the Development Plan are material considerations, these policies despite their age are considered up to date as they are in general conformity with the National Planning Policy Framework. These policies are also relevant to the principles of good design and settlement characteristics that are highlighted in Policies ESD13 and ESD15 of the CLP 2015 and saved policy C28 of the CLP 1996. The comments and objections from local residents, the Parish Councils and CPRE in this regard are noted.
- 9.45. Saved Policy C15 highlights that the Council will prevent the coalescence of settlements by resisting development in areas of open land, which are important in distinguishing them whereas Policy C33 advises that the Council will seek to retain any undeveloped gap of land which is important in preserving the character of a loose-knit settlement structure or in maintaining the proper setting for a listed building or in preserving a view or feature of recognised amenity or historical value.

Assessment

- 9.46. The proposed site retains its historic man-made landscape character: "A wooded estate landscape characterised by arable farming and small villages with a strong vernacular character". To the west, Caversfield House remains shrouded in woodland with surrounding belts of woodland and arable fields. The current rectangular shaped fields within the site are now in equine use but are read by the onlooker as open pasture fields within the wider pattern of agricultural fields in the 'Wooded Estatelands' landscape. The new mid-C20 built-form of the northern edge of Bicester is dominated by the mid-C20 former RAF housing estate in typical 'Office of Works/Ministry of Works' style – which is of national importance with many listed buildings; and, the associated former RAF Bicester aerodrome (because of the historic pre-WWII layout) to the East, which is of national importance in its own right.
- 9.47. The open field in traditional agriculture form, contributes both to the wider 'Wooded Estatelands' landscape character, and more importantly to the landscape settings of both Caversfield House estate and the rural setting of the nationally important former RAF Bicester aerodrome and associated housing, now a designated conservation area.

- 9.48. The applicant's LVA submission agrees that the landscape character of the site will be completely changed by the proposed development:
- “11.2. It is a consequence of the nature of the development proposed that effects on the site would change it completely when compared to the surrounding character area of ‘smaller grass fields around villages’ with gently undulating landform and ‘belts of young mixed and coniferous plantations next to roadside hedges and they often function as field boundaries.’”
- 9.49. The Council's Landscape Advisor notes that the LVA concludes that “the scheme would have only a minor effect on the openness of the land between Caversfield and Bicester” (para 12.26). The site is in their words “well contained”. When undertaking an on the ground assessment though, the Council's advisor suggests that whilst this is true to some extent, there are relatively large sections along Aunt Em's Lane and Fringford Road – including the new access road, which will allow visibility of the new housing estate. The applicant's conclusion that “...the effect of the scheme on the visual openness would be negligible” appears to be an exaggeration. The new development clearly will lead to some physical and perceived coalescence in the built form with Caversfield and the former MOD site.
- 9.50. The LVA suggests that “...in landscape terms, the proposed scheme would respect and provide landscape enhancement to the village's setting,” (para 12.28). However, this fails to address the loss of open countryside which contributes to the rural settings of Caversfield House to the east and RAF Bicester and associated domestic site - to the east.
- 9.51. The final conclusion of the LVA is:
- “12.30. Consequently, this appraisal finds that the proposed scheme would not lead to unacceptable levels of effect on landscape resources, visual amenity, and any influence the scheme may have, would be benign, and largely imperceptible.”
- 9.52. The Council's Landscape Advisor notes that in 2014, the Planning Inspector found the loss of this landscape to be unacceptable. Whilst the current scheme is significantly less than the development proposed previously, the current lesser proposed built-form and suburbanisation of associated green spaces – will still create a harmful loss of open countryside in this location.
- 9.53. The adverse landscape and visual effects of this proposed scheme need to be included in the planning balance undertaken in relation to this scheme.
- 9.54. The updated submission reflects the response of the Council's Landscape Advisor and his recommendations to improve the scheme including additional landscaping to Aunt Ems Lane and a change in the orientation to the access road. Whilst the comments and response of the applicant have been given full and careful consideration.
- 9.55. It is noted that none of the amendments made mitigates the scheme sufficiently: the loss of open countryside character; and, the loss of an area that contributes to the separation of Caversfield and Bicester and the rural settings of Caversfield House and RAF Bicester and associated historic domestic site (housing area).
- 9.56. Further there is limited development on this side of Fringford Lane, other than the existing detached dwellings and as such this would change the settlement pattern of the area significantly.
- 9.57. As such, the proposals would conflict with the above-mentioned policies.

Heritage Impact

Legislative and policy context

- 9.58. The site affects the setting of a Conservation Area and the Grade 2* listed building of St Laurence Church with the Grade 2 Home Farmhouse on the opposite side of the B4100 which are to the west of the application site. There are a number of Grade 2 listed buildings associated with the former MoD site to the east of the site off Skimmingdish Lane.
- 9.59. 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.*
- 9.60. 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.
- 9.61. Conservation Areas and Listed Buildings are designated heritage assets, and Paragraph 193 of the NPPF states that: *when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.* Policy ESD15 of the CLP 2015 echoes this guidance.
- 9.62. *Built Heritage*
- 9.63. The submitted Heritage Statement suggests that the development site lies outside the setting of the Church of St Lawrence and Home Farmhouse. Both the Council's Heritage Advisors and the 2014 Appeal Inspector, find that the site does lie within the setting of the Church. The loss of the rural setting which contributes to the heritage significance of the Church can only be assessed as a harmful change, and therefore, there will be a 'less than substantial harm' to the heritage significance of the Grade II* listed Church. This will be at the lower end of the less than substantial range.
- 9.64. In respect of Caversfield House, the submitted Heritage Statement suggests that the development site lies outside the setting of the non-designated heritage asset that is Caversfield House, associated historic estate buildings and parkland. The setting of this relatively extensive non-designated site does include the immediately adjacent site. There will a change of land-use from open countryside to suburban built form and associated suburban green spaces which will be a loss of rural setting and part of the Caversfield farmed estate - resulting in a detrimental harm to this heritage asset.
- 9.65. The conservation area appraisal specifically states that: "...The siting of any development outside the conservation area but visible from it should respect the open visual relationships with the adjacent countryside, the setting of the conservation area." (Para. 10.1 (8), p.28). The current site which in land-use terms is classified as open countryside field with associated estate access road, contributes to the surrounding rural character of the conservation area. A change from fields to suburban housing estate will adversely affect the setting of the conservation area. The development will not conserve nor enhance the character and appearance of the conservation area.

- 9.66. Whilst it is noted that the current scheme for 99 houses is less than the 2013/2014 scheme, the proposals will still create a detrimental change of land use (open countryside to suburban built form with associated domestic paraphernalia and associated suburban green spaces). Therefore, there will be continued “cumulative harm” to the settings and the new houses would again cause significant harm to the joint setting as well as the settings of the Grade II* Church and Grade II Home Farmhouse, and the conservation area.
- 9.67. The proposed scheme would again also conflict with the test in the statute requiring that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 9.68. As highlighted above it is considered that the proposal fails to satisfy requirements in Local Plan Policy ESD15 in terms of: a) proposals will create a detrimental change of land use (open countryside to suburban built form with associated domestic paraphernalia and associated suburban green spaces) - therefore there will be continued cumulative harm to the settings and the new houses would cause significant harm to the joint and individual heritage settings; and, b) the proposal will result in a loss of rural setting in a key outward viewpoint from RAF Bicester Conservation Area, and therefore, this harm to the setting will in turn harm the character and appearance of the conservation area.
- 9.69. The recommended landscape works have now been included and the response of the applicant to the initial comments of the Heritage Advisor have been given full and careful consideration.
- 9.70. It is noted that none of the recommendations made mitigates sufficiently the detrimental changes to the rural settings that conflicts with the test in the statute requiring that special regard shall be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses.
- 9.71. The NPPF requires (paragraph 208) that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. This balance will be undertaken in overall planning balance later in this report.

Archaeology

- 9.72. The comments of the County Archaeologist have been carefully considered.
- 9.73. The site is located adjacent to Caversfield deserted medieval village (PRN 1016). The 10th century Church of St Lawrence is located 190m north-west of the site (PRN 5106). A faint cropmark of a possible ring ditch has been recorded 160m to the north of the site (PRN 17461). This feature is likely to be either the remains of a Bronze Age Barrow or the remains of parkland planting features as other, circular, clumps of trees are recorded in the area.
- 9.74. Iron Age and Roman settlement has been recorded at Slade End Farm 500m southeast of the site (PRN 16025) and a series of linear features and possible pits have been recorded through geophysical survey 380m northeast of the site (PRN 17498) and a complex of Later Prehistoric rectilinear enclosures have also been recorded by geophysical survey approximately 1km to the southwest (PRN 15958).

- 9.75. The site has been the subject of a geophysical survey as part of a previous application, which recorded a number of features which may be of archaeological origin. The report however also concludes that several areas of the site were disrupted by geological or magnetic interference which may have masked further features and therefore it is possible that further features may survive on the site. Not all archaeological features will be identified through geophysical survey and it is also possible that archaeological features may survive on the site which were not recorded by the survey.
- 9.76. Conditions are recommended to secure further investigation.

Ecology Impact

- 9.77. The Conservation of Habitats and Species Regulations 2017 consolidate the Conservation of Habitats and Species Regulations 2010 with subsequent amendments. The Regulations transpose European Council Directive 92/43/EEC, on the conservation of natural habitats and of wild fauna and flora (EC Habitats Directive), into national law. They also transpose elements of the EU Wild Birds Directive in England and Wales. The Regulations provide for the designation and protection of 'European sites', the protection of 'European protected species', and the adaptation of planning and other controls for the protection of European Sites.
- 9.78. 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).
- 9.79. Paragraph 170 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.
- 9.80. Paragraph 175 states that when determining planning applications, local planning authorities (LPAs) 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.
- 9.81. Paragraph 180 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.82. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for

relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.

- 9.83. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.84. In addition, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024. This application was submitted in January 2024 so the proposal is not required to comply with the mandatory requirements but biodiversity net gain is required by Policy ESD10 and a 10% net gain is sought.
- 9.85. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that LPAs should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.
- 9.86. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
 - an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')
- 9.87. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard the site consists of well managed fields used for private grazing of horses, in respect of the dwelling there are closely mown lawn with fencing and established hedgerow to the boundaries. There are several trees close by and in the boundary of the site which would not be affected by proposals other than where accesses would be provided. There are buildings to be removed due to the proposed development.

Having considered Natural England's Standing Advice and taking account of the site constraints it is considered that the site has the potential to be suitable habitat for bats, breeding birds, badgers, reptiles, great crested newts, water voles and invertebrates.

- 9.88. In order for the LPA to discharge its legal duty under the Conservation of Habitats and Species Regulations 2017 when considering a planning application where EPS are likely or found to be present at the site or surrounding area, LPAs must firstly assess whether an offence under the Regulations is likely to be committed. If so, the LPA should then consider whether Natural England would be likely to grant a licence for the development. In so doing the authority has to consider itself whether the development meets the 3 derogation tests listed above.

- 9.89. In respect of planning applications and the Council discharging of its legal duties, case law has shown that if it is clear/ very likely that Natural England will not grant a licence then the Council should refuse planning permission; if it is likely or unclear whether Natural England will grant the licence then the Council may grant planning permission.
- 9.90. The application is supported by detailed Ecological Surveys and Biodiversity Net Gain Assessment which concluded that in light of the embedded mitigation and subject to the full implementation of the additional measures included, that the proposed development is capable of compliance with relevant planning policy and legislation and can deliver net benefits for wildlife and biodiversity. The submitted Biodiversity Net Gain assessment sets out the proposals would achieve 10.49% habitat units and 69.20% in terms of hedgerow units.
- 9.91. Officers are satisfied, on the basis of the advice from the Council's Ecologist and the absence of any objection from Natural England, and subject to conditions, that the welfare of any European Protected Species found to be present at the site and surrounding land will continue and be safeguarded notwithstanding the proposed development and that the Council's statutory obligations in relation to protected species and habitats under the Conservation of Habitats & Species Regulations 2017, have been met and discharged.

Flooding and Drainage

- 9.92. 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'.
- 9.93. 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.
- 9.94. 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.

Assessment

- 9.95. The application is supported by a Flood Risk and Drainage Strategy. The comments of the LLFA and CDC Drainage Officers are noted.
- 9.96. 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.

- 9.97. 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. 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. 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. There are also some isolated areas of low risk. Within the western field there is an area of low to medium risk at the south-west corner and an area of low to high risk towards the south-east corner which upon review of the topographical survey is caused by a localised low spot.
- 9.98. Development is not proposed within these areas where the risk of surface water flooding 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 reserved matters details.

Conclusion

- 9.99. The comments and concerns of local residents have been carefully considered and the comments of CDC Land Drainage and the LLFA have been carefully considered. Considering the application site is located in Flood Zone 1 and the applicant's Flood Risk Assessment and Drainage Strategy, the proposals are considered to be acceptable and in accordance with Development Plan policy and national planning policy guidance subject to conditions and appropriate Reserved Matters submissions.

Highway Safety and Traffic Impact

- 9.100. Policy SLE4 seeks to support proposals in the movement strategies and the Local Transport Plan to deliver key connections, to support modal shift and to support more sustainable locations for employment and housing growth. It identifies that new development in the district will be required to provide financial and/ or in kind contributions to mitigate the transport impacts of the development. The Policy also identifies that new development should facilitate the use of sustainable modes of transport to make the fullest use of public transport, walking and cycling. The policy reflects the NPPF in that it advises that development which is not suitable for the roads that serve the development, and which have a severe traffic impact will not be supported. At the outline planning application stage it will be necessary to set out the indicative layout of lower hierarchy streets as part of a future design code (where appropriate). The secondary road network will provide other routes through the site. Below this level, further work in preparing planning applications is required to show how the routes will connect and illustrate the permeability of the site.
- 9.101. There is scope for planning applications to reconsider key elements and provide further detail to explain how the movement principles will be realised in spatial and public realm terms.
- 9.102. It is considered in guidance that planning applications and proposals should:
- Demonstrate how Manual for Streets 1 and 2 have been incorporated into the design of roads and streets;
 - Demonstrate how Sustrans design manual guidance has been incorporated;
 - Address and ensure connectivity along the major routes;

- Include a Movement Strategy and designs to promote sustainable transport ensuring that all residential areas enjoy easy access to open space and are connected by a range of modes of transport to schools, community facilities and leisure/ employment opportunities.

9.103. The NPPF also sets out at Paragraph 104 that transport issues should be considered from the earliest stages of plan-making and development proposals, so that: a. the potential impacts of development on transport networks can be addressed; b. opportunities from existing or proposed transport infrastructure, and changing transport technology and usage, are realised – for example in relation to the scale, location or density of development that can be accommodated; c. opportunities to promote walking, cycling and public transport use are identified and pursued; d. the environmental impacts of traffic and transport infrastructure can be identified, assessed and taken into account – including appropriate opportunities for avoiding and mitigating any adverse effects, and for net environmental gains; and e. patterns of movement, streets, parking and other transport considerations are integral to the design of schemes, and contribute to making high quality places.

9.104. Further Paragraph 110 In assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location; b) safe and suitable access to the site can be achieved for all users; c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

9.105. Paragraph 111 of the NPPF also stipulates that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

9.106. Taking on board the Transport Assessment as submitted and the comments of the County Council are particularly noted.

9.107. The key issue from the County Council would likely be the unacceptable transport impact ahead of the implementation of a realignment of the A4095, which is a key element of infrastructure necessary to support the nearby NW Bicester strategically allocated site. A significant proportion of the site's trip generation is predicted to distribute via the A4095 and as such would add to the predicted severe congestion of the junction of Bucknell Road and the A4095, which necessitates the realignment to bypass this junction. The realignment is required to deliver NW Bicester, and pending decisions around its funding and delivery and therefore what capacity might be available and how development might be appropriately phased, further development on the allocated site is likely to be restricted.

9.108. To date it has not been demonstrated that any further development at NW Bicester beyond that already permitted, could be accommodated ahead of the A4095 realignment. Further clarification is required from the transport consultant to determine the extent of committed development used within the transport modelling. Paragraph 7.23 states that only the Firethorn appeal site (reference 21/01630/OUT) has been added to the Temprow growth model to derive the base + committed flows within the traffic analysis. Given the extent of the committed development in close proximity to the site, using Temprow to derive future year base flows could underestimate them.

- 9.109. There are significant discrepancies when comparing junction modelling results using the 2031 base data from Tempro and the sensitivity test using the Bicester Transport Model (BTM) when comparing results for the B4100/Aunt Ems Lane and A4421/Skimmingdish Lane junctions. Clarification is being sought to ensure an appropriate model is used to predict future traffic flows at crucial junctions as the current modelling shows scenarios with little-to-no similarities. The BTM shows significant delays for 2031 BTM + Committed + Proposed for both junctions and if this model is considered appropriate, it would be argued that any additional traffic on these junctions would be considered unacceptable.
- 9.110. Discussions have been ongoing between the applicant and the County Council to address their concerns; however, the objection is a matter which needs to be weighed in the planning balance.

Accessibility

- 9.111. The TA does not disclose the exact point the distances have been measured from and therefore it cannot be accurately determined whether these amenities are conveniently accessible by residents on foot. The centre of development is considered an acceptable measurement point in this case. It can be determined however that from the measured location, no food shopping facilities are within the preferred maximum distance within the IHT guidelines.
- 9.112. Paragraph 4.21 states: 'A network of traffic-free routes are present throughout Bicester, connecting the residential areas of the town with local centres, railway stations, Bicester Town Centre, and Bicester Village'. It should be noted that there are currently no continuous active travel routes from the proposed site to Bicester Town Centre. The Banbury Road footway/cycleway route only provides a traffic-free route to Bicester North Station, there is no further provision connecting this to the town centre. Moreover, the transport statement makes no reference to the Bicester Local Cycling Walking Infrastructure Plan (LCWIP). Nevertheless, the proposed crossing and footway/cycleway connection to the A4095 would provide necessary active travel connection towards Bicester town centre. Given the location and the restricted available width, OCC considers that a 3m shared use footway/cycleway is acceptable in this instance.
- 9.113. A suitable cycle connection to existing facilities on the A4095 is necessary to make the development acceptable. It must be demonstrated that this connection is feasible, prior to planning permission being granted.
- 9.114. The TA does not show highway improvement works in relation to the highway boundary. The plans must be resubmitted to show the proposed highway improvements in relation to the highway boundary to show that works can be completed within the public highway. The design must be based on a topographical survey and cross sections should also be provided to demonstrate feasibility.
- 9.115. To improve Public Transport, the proposed 3m footway/ cycleway from site access on Fringford Road to the A4095 is to be extended to the nearest bus stop on Banbury Road, south of the roundabout. In addition, secure cycle parking is to be provided at the bus stop. This will provide a good connection for pedestrians and cyclists between the development and the existing bus routes from the site. Signage may be required in order to direct cyclists not accessing the bus routes onto the cycle routes on the west side of Banbury Road.
- 9.116. The developer has proposed a footway measuring 1.5m -2.0m from the south-west of the site to connect the site to the committed pedestrian crossing at St Laurence Church which was approved as part of ref. 21/01630/OUT. Given the constraints of

Aunt Ems Lane and the B4100, further cross-sectional plans are required to demonstrate that the footway can be implemented.

9.117. The impact of these measures on the landscape and character of Aunt Ems Lane would also need to be assessed. and weighed against the public benefits of the proposal. This balance will be undertaken in overall planning balance later in this report

Public Transport

9.118. The County Council also seeks to ensure that new development is well served by public transport.

9.119. With this in mind, financial contributions are requested from the promoters of development schemes for the maintenance and/or improvement of public transport services where reasonable and appropriate, in order to mitigate the impact of their proposals and to secure sustainable development in line with policy objectives.

9.120. For a peri-urban location, this site is relatively remote from the public transport network with the nearest current stops being located 950m away on the A4421 (as noted in TA paragraph 4.28)

9.121. Service X5, operated by Stagecoach East, operates every 30 minutes on Mondays to Saturdays and every 60 minutes on Sundays, but its future is uncertain because the opening of East West Rail in 2025 is likely to abstract a significant proportion of its passengers.

9.122. Equally, service 500 (referred to in TA paragraph 4.29) between Bicester and Banbury operates every 60 minutes on Mondays to Saturdays (not on Sundays), but is financially supported by the County Council.

9.123. Its continuation cannot be guaranteed beyond the expiry of the current contract in March 2025. In any event, pedestrian links are poor or non-existent to this stop and no improvements are proposed.

9.124. Oxfordshire County Council state that the proposed 3m footway/ cycleway from site access on Fringford Road to the A4095 is to be extended to the nearest bus stop on Banbury Road south of the roundabout. In addition, secure cycle parking to be provided at the said bus stop. This will provide a good connection for pedestrians and cyclists between the development and the public transport realm which is not currently considered a convenient walking distance from the site.

9.125. However, there are two potential enhancements which would be of benefit to the development and would provide a basic level of public transport service:

- In April 2024 a new service will commence between various villages, Caversfield and Bicester, which will be operated with financial support from the County Council. This will provide four/five buses per day (including at commuting times) on Mondays to Saturdays and will operate via Skimmingdish Lane and Fringford Road in the vicinity of the development.
- In the longer term, Bicester Motion are required to either provide a bus service between Caversfield and Bicester town centre, or to financially contribute towards a service. This was in response to the potential for changes to service X5 following the introduction of East West Rail.

- 9.126. To maximise connectivity to the site and ensure that the opportunity for longer-term viability can be maximised, a contribution for public transport services is sought from the development which would be applied to either of these options.
- 9.127. Nonetheless, given the distances and time involved the access to public transport and alternative modes of transport would be, at best, very limited in terms of opportunity for future residents to use alternative transport modes. The time taken to travel (including likely waiting time between modal shifts (e.g. changing from bus to train) and distances mean there would be limited, if any, reduce the likely opportunity for alternative modes to be used for work or shopping. The scheme would rely on the private car.
- 9.128. The NPPF at paragraph 114 sets out four criteria for assessing development proposals. Two criteria are that a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location and b) that any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.
- 9.129. It is the view of officers, taking into account the advice of County Council Highways, that these criteria have not been satisfied.

Highway Mitigation

- 9.130. The County Council highlight that the applicant will be obliged to enter into a s278 and seeks to secure this matter as part of the s106. In this regard the mitigation proposed includes:
- Proposed footway on Aunt Ems Lane
 - Proposed footway/cycleway and crossing on Fringford Road and Banbury Road
 - Bus stops on Fringford Road / Skimmingdish Lane
- 9.131. In respect of bus stops no details of how many or where these would be located have been provided. It is the view of officers that there should be a single pair in order to be optimal in service, these would be best located on Skimmingdish Lane near the entrance to the converted buildings of the former MOD site so that they capture both the Caversfield and proposed development passenger capability. The installation of these would be considered compatible with the tests of seeking contributions.
- 9.132. In respect of the proposed footpath to Fringford Road and Banbury Road, it is the view of officers that this mitigation would be to connect the site to the National Cycle network on Banbury Road. Officers note that if exiting the site and seeking to walk and catch a bus the logical approach would be towards the A421 along Skimmingdish Lane.
- 9.133. There are no services or facilities along Fringford Road which this footpath would connect to or desire lines to shops or other such facilities within easy walking distance. Whilst a crossing to Fringford Road would be potentially appropriate to maximise capability to Skimmingdish Lane. The value of this mitigation to the benefit of future residents is therefore questionable but highways officers are of the opinion that this mitigation should be sought.
- 9.134. The proposed footway to Aunt Ems Lane is shown exiting the secondary (pedestrian access) to the site and running along the development up to the Church. The impact on the Grade II Listed Church and Home Farm the heritage setting would be harmed by such works and it would also exacerbate the harm to the landscape and heritage of Aunt Ems Lane. It is considered that the extension of the footpath would impact on

established hedgerows and the character of the important gap between Caversfield and the EcoTown.

- 9.135. The new footway to Aunt Ems Lane is also considered necessary by the highway authority and this would impact potentially on the mature hedgerows to the boundary with Aunt Ems Lane and further sub-urbanise the nature of the road and potentially impact on landscape and increase visibility in the short and medium term whilst replacement planting could be matured. The proposals would also impact on the heritage setting of St Laurence Church in particular.
- 9.136. Overall the highway improvements necessary to make the development acceptable are proposed by the applicant. In the view of the highway authority are appropriate to mitigate and connect the site to existing infrastructure, in particular the national cycle network. In the view of officers however these exacerbate and increase the impact of the proposed development. It is the view of officers that whilst there would be some benefit to promoting walking and cycling, in particular the proposed footway to Fringford Road, the impacts and benefits need to be carefully considered.
- 9.137. Further discussion would be undertaken should this application be the subject of a planning appeal which would require the completion of a S106 agreement.

Environmental Impact Assessment Regulations

- 9.138. As part of the application submission, Officers assessed the proposals against the EIA Regulations. The proposal is below the threshold of 150 dwellings a development falling within Schedule 2, Section 10(b)(iii) of the Regulations, where the area of development exceeds 5 hectares which is the applicable threshold for the purpose of classifying the development as Schedule 2 Development. It is noted that the proposals are just below the 150dwelling threshold set out in Part (ii). The site is not within a 'sensitive area' as defined by Schedule 3 of the Regulations. For the development to be considered EIA development, it would be likely to have significant effects on the environment by virtue of factors such as the developments nature, size or location. Irrespective of the considerations on the planning merit it is considered that this proposal is unlikely to have significant environmental effects for the purposes of the EIA Regulations and that the proposal is not EIA Development.

S106 Contributions, Affordable Housing and Conditions

- 9.139. It is suggested that contributions are sought as set out in accordance with Appendix 1 of this report. It includes 35% affordable housing, contributions towards education, highways, community facilities and sport. Contributions are also sought to maintain on-site open space and new planting.
- 9.140. The contributions towards highways are noted in their impact on the landscape character. Contributions to support public transport, rights of way and travel plan monitoring are also sought.
- 9.141. In respect of planning conditions, if considered acceptable, these should be sought to deliver the development in appropriate timescales, housing mix, construction management, landscape detail, ecological enhancement, sustainable construction standards, sustainable drainage detail and access arrangements. Due to the proximity to Graven Hill development, there would be no further requirement for self or custom build as Graven Hill provides significant provision and opportunity for this type of development.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. In terms of the planning application, it is important to acknowledge the location of the application site in respect of the urban extension of North West Bicester (Bicester Eco Town) and the overall settlement of Caversfield and the proximity to Bicester itself. The site could not be described as isolated or inherently unsustainable. Officers have had regard to and considered carefully the conclusions of the previous Inspector in 2013 but note that both local and national planning policy have moved forward. Nonetheless, the conclusions of the previous Inspector are still relevant and material to the consideration of this application in particular the harm identified at Paragraph 42 of the Inspector's decision (set out in Section 4.3 of this report).
- 10.2. Caversfield however is a Category C village and significant extensions to the village were not planned as part of the existing Local Plan. The site has been promoted but has not been progressed in the Draft Local Plan, although this should be noted to be at an early stage, it will be progressing to Regulation 19 submission and more advanced submission stages in the next 12months.
- 10.3. Therefore in positive aspects the proposals would contribute towards the Council's Housing Land Supply and the supply of economic and social benefit of the provision of market and affordable housing towards the District needs. This should carry significant positive weight. The site is too far from Oxford to support Oxford's Unmet Housing Needs and this aspect carries no weight.
- 10.4. The site would also create construction jobs and support to Bicester services and local services which would have a moderate positive benefit.
- 10.5. The application proposals would also meet and potentially exceed the requirements for biodiversity this should also carry significant positive weight.
- 10.6. The use of previously developed land carries limited positive weight as this is only a small part of the site.
- 10.7. On the negative side the impact of the proposals on the landscape character and separation of Caversfield and Bicester are very significant impacts which are negative considerations which carries very significant weight.
- 10.8. The impact on the highway network, having regard to the comments of the Highway Authority are also a negative consideration and carries significant weight.
- 10.9. Further the impact of mitigation necessary to make the development acceptable in highway terms is also of significant adverse weight in terms of the adverse impact on character and the potential impact on established hedgerows and trees. This carries significant negative weight. The benefit for walking and cycling is however noted but given the limited facilities in walking distance this is given limited weight.
- 10.10. The proposals would also carry harm to the setting of St Lawrence Church and the RAF Bicester Conservation Area in particular and the impact to the heritage landscape and setting. These are at the lower end of less than substantial but would have a moderate negative consideration.
- 10.11. On balance, having regard to the previous appeal decision and the differences in scale from the 2013 scheme, and weighing the material harm the proposed negative impacts, and considerations of the development, it is considered that these would outweigh the positive elements of the proposals.
- 10.12. The Council has made this judgement in the view that it can demonstrate an appropriate housing land supply in accordance with the NPPF. It is considered that should the Council's supply position not be supported and the tilted balance under

Paragraph 11 of the NPPF be engaged, the conclusion, whilst more balanced, would not be titled in favour of the application submission due to the significance and importance of the field in maintaining the setting of the landscape, the separate identity of Caversfield and planned growth.

RECOMMENDATION

REFUSAL

- i. FOR THE REASONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE REASON(S) AS DEEMED NECESSARY), AND**
- ii. THAT AUTHORITY BE DELEGATED TO OFFICERS, IN CONSULTATION WITH THE CHAIRMAN OF PLANNING COMMITTEE, TO ADD OR REMOVE REFUSAL REASONS, IN THE EVENT OF AN APPEAL BEING LODGED AGAINST THE REFUSAL, IN LIGHT OF NEW EVIDENCE BECOMING AVAILABLE.**

REASONS FOR REFUSAL

- 1. The proposals by reason of their loss of gap between Caversfield and Bicester would have an adverse impact on the character of the area and Aunt Ems Lane in particular and setting of the wider heritage landscape of RAF Bicester Conservation Area. The field is considered an important feature and visual gap for the area, the identity of Caversfield, historic setting and the proposals would result in unsustainable growth with a limited relationship to the existing built form. As such the proposals would be contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan 2015 and saved policies C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework.**
- 2. The proposals would result in a severe impact on the capacity and functioning of the highway in particular the B4100/Aunt Ems Lane and A4421/Skimmingdish Lane junctions and severe traffic congestion impact at the junction of Bucknell Road and the A4095 and having regard to the impact of committed developments and capacity in these junctions for further movements. As such the proposals are contrary to Policy SLE4 and INF1 of the Cherwell Local Plan 2015 and the aims and objectives of the National Planning Policy Framework**
- 3. The highway mitigation considered necessary to make development acceptable, in particular proposed footways to Aunt Ems Lane and to Fringford Road/Banbury Road would create an urbanising effect to the development and the surrounding area which would result in a detrimental impact to the peri-urban character and result in loss of trees and landscaping with further impacts to heritage assets. As such the proposals would be contrary to Policies Villages 1, ESD13 and ESD15 of the Cherwell Local Plan 2015 and saved policies C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework**
- 4. Caversfield is a designated Category C village as set out in Policy Villages 1 of the Cherwell Local Plan 2015. Due to the very limited facilities and opportunities for day to day services or the opportunity to access alternative modes of transport, the village is only considered appropriate for limited growth and the proposals are significant in the context of the**

scale and character of the village. The proposals would be distant from the principal area of the village and unsustainable in relation to Local Plan Policies BSC1 and Villages 1 of the Cherwell Local Plan 2015 and saved policies C5, C8, C15, C23, C28, C30 and C33 of the Cherwell Local Plan 1996 and the aims and objectives of the National Planning Policy Framework

- 5. In the absence of a satisfactory legal agreement or unilateral undertaking to secure education, sport, open space, community facilities and highway contributions, it is not considered that the development would mitigate its impacts and as such would be contrary to the requirements of Policies BSC3, BSC7, BSC10, BSC11, BSC12, SLE4 and INF1 Cherwell Local Plan 2015 and the aims and objectives of 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>35% Affordable Housing</p> <p>National policy requires that 10% of the overall scheme is provided as Low-Cost Home Ownership, and that 25% of the affordable element is provided as First Homes. The tenure split required by BSC 3 is 70% rented and 30% Low-Cost Home Ownership. On this scheme this equates to 35 dwellings (rounded up) with 25 as rented (rounded up to reflect the high level of identified need) and 10 as Low-Cost Home Ownership.</p> <p>The tenure mix, based on the above policy requirements, would be:</p> <ul style="list-style-type: none"> - 25no social rented dwellings - 9no First Homes - 1no shared ownership dwelling 	<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 –</p> <p>Yes – The site is allocated as part of the Local Plan – Policy BSC3 of the CLP2015 is the relevant policy. Other relevant policies includes ESD15 and C28 and C30 in relation to design quality and the integration with market housing.</p> <p>Directly related –</p> <p>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 –</p> <p>Yes – the contribution is the level of the expected affordable housing.</p>
Health	TBC upon receipt of ICB comments	TBC upon receipt of ICB comments	TBC upon receipt of ICB comments
Public Art, Public Realm and Cultural Wellbeing	<p>£22,176.00</p> <p>This includes 5% management and 7% maintenance.</p>	<p>First occupation or an alternative agreed trigger</p>	<p>Necessary – SPD 4.130 Public Realm, Public Art, and Cultural Well-being. Public realm and public art can plan an important role in enhancing the character of an area, enriching the environment, improving the overall quality of space and therefore</p>

			<p>peoples' lives. SPD 4.132 The Governments Planning Practice Guidance (GPPG) states public art and sculpture can plan an important role in making interesting and exciting places that people enjoy using.</p> <p>Directly related – The recommendation is for an artistic intervention alongside the proposed fenced off area for ecology and/or wildlife to encourage awareness of need and to protect the local habitat. Ideally this would also include a participatory design element involving the local school and residents to ensure relevance and sense of ownership to the artwork.</p> <p>Fairly and reasonably related in scale and kind – A developer contribution of £200 per dwelling would be requested plus 5% management and 7% maintenance.</p>
Outdoor Sports Provision	<p>A contribution of £2,017.03 per dwelling will be sought.</p> <p>Example at 99 Dwellings = £199.685.97</p>	The amount to be phased alongside the delivery of the scheme.	<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 – We are seeking an off-site outdoor sport contribution towards the provision of a 3G football pitch in Bicester</p>

			<p>or enhancement of an off-site outdoor sports facility in the locality. A 3G pitch would allow the future local shortfalls in pitch provision to be addressed.</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	£76,672.03	The amount to be phased alongside the delivery of the scheme.	<p>Necessary – Policy BSC 10 Addressing existing deficiencies in provision through enhancements of provision, improving access to existing facilities. Ensuring proposals for new development contribute to sport and recreation provision commensurate to the need generated by the proposals. Policy BSC 12 – Indoor Sport, Recreation and community Facilities. The council will encourage the provision of community facilities to enhance the sustainability of communities – enhancing quality of existing facilities and improving access. CDC Built Indoor Sports Facilities – needs assessment May 2023 - Highlights insufficient pool water space in Bicester and the need for a new learner pool.</p> <p>Directly related – We are seeking an off-site indoor sport contribution towards the provision of a new learner pool Bicester Leisure Centre.</p>

			Fairly and reasonably related in scale and kind – Calculations based on the Developer Contributions SPD calculation based on a contribution of £335.32 per occupier of each Dwelling with an expected population of 2.4people per dwelling.
Community Hall	£109,108.72	The amount to be phased alongside the delivery of the scheme.	<p>Necessary - Seeking a contribution towards improvements at a community facility within the locality in accordance with Policies INF1 and BSC 12 and the Developer Contributions SPD.</p> <p>Directly Related – The facility will be related to the site and delivered to meet the Council’s Community Spaces and Development Study and could support enhancement in the area (e.g. Bicester Eco Town)</p> <p>Fairly and Reasonably related in scale and kind - The sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2.</p>
Open Space Maintenance	Up to:	On transfer of the landscaping/phased contribution payment	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
	LAP £50,279.76		
	LEAP £202,989.56		
	Or		
	LEAP/LAP Combined £228,387.53		

	<table border="1"> <tr><td>Public Open Space - £16.09/sq m</td></tr> <tr><td>Hedgerows - £33.83/lin m</td></tr> <tr><td>New Woodland - £44.54/sq m</td></tr> <tr><td>Mature Trees £356.21/tree</td></tr> <tr><td> </td></tr> <tr><td>Ditch Maintenance £153.05/lin m</td></tr> <tr><td>Swale Maintenance £153.05/lin m</td></tr> <tr><td>Balancing Pond £84.02/sq m</td></tr> <tr><td> </td></tr> <tr><td>Or current contract rates advised by CDC Landscape Team</td></tr> </table>	Public Open Space - £16.09/sq m	Hedgerows - £33.83/lin m	New Woodland - £44.54/sq m	Mature Trees £356.21/tree		Ditch Maintenance £153.05/lin m	Swale Maintenance £153.05/lin m	Balancing Pond £84.02/sq m		Or current contract rates advised by CDC Landscape Team		<p>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 – Commuted 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>
Public Open Space - £16.09/sq m													
Hedgerows - £33.83/lin m													
New Woodland - £44.54/sq m													
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Swale Maintenance £153.05/lin m													
Balancing Pond £84.02/sq m													
Or current contract rates advised by CDC Landscape Team													
Public transport services	£112,167	On first occupation or alternative agreed trigger	<p>Necessary – Policies INF1 and SLE4 are the relevant policies which set out the support for public transport services.</p> <p>Directly related – Commuted sums to support the viability of Bicester Motion are required to either provide a bus service between Caversfield and Bicester town centre, or to financially contribute towards a service. This was in response to the potential for changes to service X5 following the introduction of East West Rail.</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>										

Public Rights of Way	TBC	TBC	<p>Necessary – Due to the proximity of the development site to nearby PROWs, OCC seeks a contribution from the developer which will be used to mitigate the impact arising from additional use of the paths by the site's residents, this may include improvements to the path surface, signing, and other necessary mitigation measures.</p> <p>Directly related – Towards enhancement and improvement of rural rights of way across the development.</p> <p>Fairly and reasonably related in scale and kind – tbc</p>
Travel Plan Monitoring	£1,890	On first occupation or alternative agreed trigger	<p>Necessary – To support the delivery of sustainable modes of transport.</p> <p>Directly related – Related to the management and monitoring of the residential travel plan associated with the development.</p> <p>Fairly and reasonably related in scale and kind – The scale of contribution is related to the level of the development.</p>
Primary and nursery education	£808,524	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 36 additional places which would need to be provided for in nearby schools.</p>

			<p>Directly related – The nearest primary school to the proposed development is Gagle Brook Primary School , which opened in September 2018 to provide primary school capacity for the North West Bicester allocated site. Although pupil numbers at the school are still growing, it will be filled from the developments at NW Bicester which have funded it, and currently spare places at the school cannot be assumed to be available to meet the needs of this application site. The scale of housing development at Bicester will require further new primary schools, which can be built large enough to meet the needs of the application site. In order that all developments mitigate their own impact in a fair and reasonable manner, this application site is therefore required to contribute towards the cost of the planned new primary schools at NW Bicester.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £22,459 per pupil</p>
Secondary education	£764,451	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for 23 additional places which would need to be provided for in nearby schools</p> <p>Directly related – The scale of housing growth in Bicester requires another new</p>

			<p>secondary school, in addition to that recently opened at SW Bicester to meet the needs of already permitted development. Sufficient secondary school capacity to meet the needs of this site will be provided through the new secondary school planned as part of the southern section of the North West Bicester development. The school will be delivered in phases depending on the build out of the development. The first phase of at least 600 places is forecast to be required by the late 2020's, although this is subject to the speed of housing delivery.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £33,237 per pupil</p>
Secondary school land contributions	£70,150	On first occupation or alternative agreed trigger	<p>Necessary – The proposed secondary school site is on land that forms part of the planning application reference 14/01641/OUT. This development would be expected to contribute proportionately towards the cost to the county council of acquiring this land</p> <p>Directly related – To assist delivery of school places.</p> <p>Fairly and reasonably related in scale and kind – Estimated per pupil cost of land for the new secondary school (using April 23 prices of £3050 per pupil</p>

SEN	£53,845	On first occupation or alternative agreed trigger	<p>Necessary – The development is expected to create the demand for the equivalent of 0.6 additional places which would need to be provided for in nearby schools</p> <p>Directly related – Approximately half of pupils with Education Needs & Disabilities (SEND) are educated in mainstream schools, in some cases supported by specialist resource bases, and approximately half attend special schools, some of which are run by the local authority and some of which are independent. Based on current pupil data, approximately 0.9% of primary pupils attend special school, 2.1% of secondary pupils and 1.5% of sixth form pupils. These percentages are deducted from the mainstream pupil contributions referred to above and generate the number of pupils expected to require education at a special school.</p> <p>Fairly and reasonably related in scale and kind – Based on DfE calculation of £89,741 per pupil</p>
Waste and Recycling centres	£9,302	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 (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</p>

			<p>they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times.</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 of 0.18m² per dwelling</p>
Other Highways	A s278 obligation towards proposed footway on Aunt Ems Lane	As part of the development delivery by the developer with future	<p>Necessary: Yes to enhance walking and cycling opportunity to the Eco Town and the facilities.</p> <p>Directly Related: The proposals would be related to the development proposals.</p> <p>Fairly and reasonably related in scale and kind: The proposals are required to make the development acceptable and would be reasonable in scale and kind from a CIL perspective.</p>
	Proposed footway/cycleway and crossing on Fringford Road and Banbury Road		<p>Necessary: The proposed footway is considered of limited benefit to support walking or cycling as it does not connect the site to services which would be accessible by walking or cycling. It does</p>

		<p>however connect the site to the National Cycle Network and this forms the basis of the mitigation. The proposals would exacerbate landscape harm and the impact to the setting of the Conservation Area</p> <p>Directly Related: The proposals would be delivered by the developer.</p> <p>Fairly and reasonably related in scale and kind: The length and scale of the footpath works would exacerbate landscape harm and the impact to the setting of the Conservation Area but is in the view of County Council appropriate in scale and kind to meet the purpose of walking and cycling enhancement.</p>
	<p>Bus stops on Fringford Road / Skimmingdish Lane</p>	<p>Necessary: Yes to support the provision of public transport and support access to alternative modes of transport.</p> <p>Directly Related: Whilst there would be wider benefit. The proposals would be delivered for and by the development proposals.</p> <p>Fairly and reasonably related in scale and kind: The proposals would be to deliver a pair of bus stops to support services in the area. This is considered reasonable in scale and kind.</p>

CDC and OCC Monitoring Fee	CDC: £1,000	On completion of the S106	The CDC charge is based upon its agreed Fees and Charges Schedule
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