

Site Address: The Paddocks, Chesterton

14/01737/OUT

Ward: Ambrosden and Chesterton **District Councillor** Cllr.Andrew Fulljames

Case Officer: Aitchison Raffety **Recommendation:** Approval

Applicant: Taylor Wimpey UK Ltd

Application Description: OUTLINE – with means of access for consideration (layout, scale, appearance and landscaping reserved for subsequent approval). For the erection of up to 45 dwellings served via a new vehicular and pedestrian access; public open space and associated earthworks to facilitate surface water drainage; and other ancillary and enabling works

Committee Referral: Major

Committee Date: 22 January 2014

1. Site Description and Proposed Development

- 1.1 The application site is situated to the south and west of Chesterton, off an un-named road that runs along its western boundary. The site is formed by two separate fields, with the smaller northern field used as a paddock and the larger field to the south used for agricultural purposes. The site has an overall area of 2.79 hectares. To the north of the site is an allotment garden, with the main built up area of Chesterton beyond this. To the east is further housing, with The Woodlands and Fortescue Drive immediately adjoining the application site. To the south is a further agricultural field that then leads to Green Lane.
- 1.2 The proposal seeks consent for up to 45 dwellings, with an indication of 30% affordable housing. The site would be accessed via a new vehicular access onto the un-named road to the west of the site.
- 1.3 The site is situated beyond the existing built-up limits of the village.

2. Application Publicity

- 2.1 The application has been advertised by way of neighbour letter, site notice and press notice. The final date for comment was the 12th November 2014.

29 letters have been received. The following issues were raised and summarised below:

- Increase in traffic movements through the village.
- Spoil an open area in Chesterton, which is widely used by village residents.
- Proposal not in keeping with village properties.
- Need for an upgrade to the infrastructure in the vicinity of the site as the road network that will be affected is already supporting a large volume of

traffic from the golf club, the village and traffic avoiding junction 9 of the M40.

- Further development of this village is unnecessary given the amount of development in neighbouring Bicester.
- The Allotment Road is too narrow for the daily increase in traffic.
- There are no provision for any footpaths to the proposed new houses so access to the village would be along busy roads.
- Junction of the Allotment Road and the A4095 daily witnesses near misses.
- High water table in this and the immediate area and so the capacity of the sewerage, water and electricity services will be over stretched and will increase the regularity of power failures.
- The field next to the southern boundary floods every year so this will increase the chance of local flooding.
- The Green Lane development is not yet completed and the impact on the village not properly assessed.
- Destroy existing farmland currently in regular use.
- Not a sustainable location with regard to public transport and amenities.
- Development would be outside the existing housing limits of the village and there would be visual impact on Fortescue Drive and The Woodlands.
- Need to upgrade utility services.
- Impact of the present new development “Alchester Park” needs to be assessed before any further development should be considered.
- No employment opportunities in Chesterton.
- New houses will make a contribution to the retaining the amenities in the village.
- This is a developable site that should be developed.

3. Consultations

3.1 **Chesterton Parish Council:** No comments received at the time of writing.

Cherwell District Council Consultees

3.2 **Planning Policy Officer:** This is a greenfield site outside the built-up limits of the village.

Main Development Plan Policies: The saved policies of the adopted Cherwell Local Plan should be considered. The main policies relevant to this proposal are:

Policy H18: sets out the criteria for allowing new dwellings in the countryside. It is intended to ensure that the countryside is protected from sporadic development.

Policy C7: In preparing any detailed proposals, consideration should be given as to whether development would cause demonstrable harm to the topography and character of the landscape.

Policy C8: applies to all new development proposals beyond the built-up limits of settlements. The Council will resist such pressures and will where practicable direct development to suitable sites at Banbury and Bicester.

Policy C9: aims to limit the level of development elsewhere in order to protect the environment, character and agricultural resources of the rural areas.

Policy C13: Careful control of the scale and type of development will be required to protect the character of the Areas of High Landscape Value, and particular attention will need to be paid to siting and design.

The NPPF should be considered. The paragraphs of the NPPF most pertinent to this application from a Local Plan perspective are:

Paragraph 17 sets out the core planning principles that should underpin plan-making and decision-taking, including that planning should:

- “Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.
- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Recognise the intrinsic character and beauty of the countryside
- Contribute to conserving and enhancing the natural environment and reducing pollution
- Conserve heritage assets in a manner appropriate to their significance
- Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling.”

Paragraph 28 on supporting a prosperous rural economy

Paragraphs 29, 30, 32 and 34-36 on Promoting sustainable transport

Paragraphs 47-50 and 55 on Delivering a wide choice of high quality homes

Paragraph 47 requires local planning authorities to “identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”

Paragraph 49 states that “Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered upto-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

Paragraph 56, 57, 59-64 on Requiring good design.

Paragraph 109, 112, 120 and 123 on Conserving and enhancing the natural environment.

Paragraph 109 states “The planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or

being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability.”

The NPPG states that it is important to recognise the particular issues facing rural areas in terms of housing supply and affordability, and the role of housing in supporting the broader sustainability of villages and smaller settlements. It states that assessing housing need and allocating sites should be considered at a strategic level and through the Local Plan and/or neighbourhood plan process. However, all settlements can play a role in delivering sustainable development in rural areas.

The NPPG should be considered, particularly guidance on understanding Housing needs, Rural housing and Natural environment.

The Non-Statutory Local Plan should be considered. Whilst some policies within the Plan may remain to be material considerations, other strategic policies have in effect been superseded by those of the Submission Local Plan (January 2014) and Proposed Modifications to the Submission Local Plan (October 2014).

The main policies relevant to this proposal are:

Housing: Policy H15 Residential development in Category 1 villages

Housing: Policy H19 New dwellings in the countryside

Conserving and enhancing the environment: EN30 Sporadic development in the countryside, EN31 Beyond the existing and planned limits of the towns of Banbury and Bicester and EN34 Conserve and enhance the character and appearance of the landscape.

Submission Local Plan 2011-2031 As Proposed To Be Modified (August 2014)

A new Local Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved. The Examination was suspended on 4 June 2014 to enable the Council to propose modifications to the plan involving increased new housing delivery over the plan period to meet the full, up to date, objectively assessed, needs of the district, as required by the National Planning Policy Framework (NPPF) and based on the Oxfordshire Strategic Housing Market Assessment 2014 (SHMA).

Modifications to the Submission Local Plan (Part 1) was consulted between 22 August and 3 October 2014 which generated over 1,500 individual comments. The Proposed Modifications to the Submission Local Plan (Part 1) was submitted to the Secretary of State on 21 October 2014 for examination.

The Main Modifications propose several new sites in order to achieve the District's assessed housing need and maintain a deliverable five year housing land supply. This site is not proposed for allocation.

The main policies relevant to this proposal are:

Policy Villages 1: Chesterton is identified as a Category A village where minor development, infilling and conversions will be permitted.

Policy Villages 2 has been revised by including a total housing requirement for the Category A villages which includes Chesterton. A total of 750 homes will be delivered at Category A villages which now includes Kidlington. Sites will be identified through the preparation of the Local Plan Part 2, through the preparation of Neighbourhood Plans where applicable, and through the determination of applications for planning permission.

Policy BSC1: District Wide Housing Distribution includes a table of completions, permissions, allocations and windfalls for the areas of Bicester, Banbury and Rest of District. The table shows that a total of 22,840 new homes will be provided by 31 March 2031.

Policy BSC3: Affordable Housing sets out the requirements for the provision of affordable housing. In rural settlements such as Chesterton, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% of new housing as affordable homes on site.

Policy BSC4: Housing Mix expects new residential development to provide a mix of homes to meet current and expected future requirements.

Policy ESD13: Local Landscape Protection and Enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided.

Policy ESD16: The character of the built and historic environment should be protected and where development is allowed it should respect the local character context.

Five Year Housing Land Supply

The Council does not presently have a five year housing land supply. The current published position is reported in the Housing Land Supply Update June 2014 which concluded that the district had a supply of 3.4 years for the period 2014-2019. This reflects the Oxfordshire SHMA 2014 figure of 1,140 dwellings per annum, currently considered to be the objectively assessed housing need for the district. The 3.4 years of supply includes a requirement for an additional 20% buffer, taking into account the shortfall (2,314 homes) within the next five years.

Strategic Housing Land Availability Assessment Update 2014 (SHLAA)

The SHLAA is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan. It will help the Council to identify specific sites that may be suitable for allocation for housing development. The SHLAA is to inform plan making and does not in itself determine whether a site should be allocated for housing development.

The application site is part of a larger site (ref. CH004) in the SHLAA Update 2014 (Aug 2014). The site assessment concluded that "*Development of the whole site would be out of scale with the size of the village and the level of*

services and facilities. Individual sections of the site may be appropriate to consider particularly to the north.....This is considered to be a potentially developable site providing for 50 dwellings in the next five year period.”

This application takes the SHLAA assessment into consideration by only proposing to develop on land identified as being appropriate for residential development. The SHLAA Update 2014 also recognises that constraints such as access, integration with the village and potential contamination land issues will need to be addressed.

Overall Policy Observations

The site lies outside the built up limits of the village, would extend development into the countryside and as such is contrary to adopted Development Plan policies.

However, the Council does not currently have a five year housing land supply and NPPF paragraph 49 indicates that planning policies for the supply of housing cannot be considered up to date if this is the case. As such the provisions of paragraph 14 of the NPPF become relevant to the proposal and an assessment will need to be made as to whether the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, namely the provision of new homes including affordable homes and associated developer contributions to infrastructure in the locality.

This application for 45 residential units has the requirement for 35% affordable housing, equating to 16 affordable housing units. However the proposed development suggests that approximately 30% of affordable dwellings will be provided.

In advance of the Local Plan Part 2 or a Neighbourhood Plan it will be necessary to consider the district's current housing supply situation, to be mindful of emerging policy and the likely impact of proposed developments on a case by case basis. Consultation on Proposed Modifications to the Submission Local Plan was held between 22 August 2014 and 3 October 2014 and includes Chesterton as one of a group of the most sustainable villages with a rural housing allocation of 750 homes in addition to planning permissions as at 31 March 2014.

Policy Recommendation

The planning policies contained in existing Local Plans, the Proposed Modifications to the Submission Local Plan, the NPPG and the NPPF, together with the Council's five year housing land supply situation will need to be taken into account.

Whilst the proposals are contrary to saved housing policies in the Adopted Cherwell local Plan, as the Council does not currently have a five year housing land supply the housing policies cannot be considered up to date.

From a Policy perspective the proposal would lead to an incursion into the open countryside and the loss of natural resources. There would be benefits from the provision of new houses (including affordable housing). However, landscape and other impacts will need to be considered. In the context of the

current, published, five year land supply position, a planning policy objection is not raised subject to all detailed matters having been satisfactorily resolved.

- 3.3 **Housing Officer:** This application for 45 homes in Chesterton is required to provide and affordable housing provision. The applicant states a 30% requirement in their D&A Statement however because of its rural location there is a 35% requirement, amounting to 16 units.

The tenure split is expected to be a 70/30 rented/shared ownership make up.

There is expected to be a range of house types made available for the affordable housing provision, the detail of which will be determined at reserved matters stage should this outline be approved.

However indicatively I would suggest;

4x1b2pM

9x2b4pH

3x3b5pH

There should be 2 clusters of the affordable housing distributed on the site with 50% of the rented homes meeting Lifetimes Homes standards. All the affordable homes should meet the HCA's Design and Quality Standard and specifically the HQI requirements.

The affordable housing should be transferred to an RP which is agreed with the Council

- 3.4 **Landscape Officer:** The findings of the LVIA is generally acceptable in that the site is visually contained and can only be experienced from a limited number of viewpoints. However this is only true if the southwest and southeast boundary hedgerows are maintained at their current height. The hedgerow on the road frontage has been regularly trimmed above 2 metres. In order to retain enclosure and screening from the road I recommend that the hedgerow is maintained to a minimum height of 3 m above ground level.

For me main contentious views are from residential receptors to the northeast, but it is inappropriate to supplement the north-eastern boundary with dense screen tree planting or woodland because of the implications of shade being cast on the adjacent allotment site. However in order to integrate the development into the surroundings in respect of these properties, Banks Furlong and The Rise, landscape mitigation / tree planting will be required in the public open space and the access road.

The trees and hedgerow/ditch to the south eastern boundary must be protected with a 10m minimum buffer zone to be managed by parties other than residents, given that it is essential to retain this vegetation as visual screen to the development for the benefit of adjacent residencies of Woodlands. Alternatively a street adjacent to a reduced buffer, root protection areas and ditch permitting could be include in a revised housing layout.

Similarly a 3 m minimum wide landscape buffer to the hedgerow and trees is necessary.

A flood risk assessment must be implemented in regard to the southern eastern boundaries and adjacent gardens. The attenuation area on the southern corner must be considered as part of the risk assessment.

The LAP appears to have been slotted into an available space. It must be relocated into a more central position at the apex of the junction where the POS is at its widest. This position will allow for greater surveillance for child safety. Full details of the LAP are required.

Detailed landscape proposals and aftercare are to be submitted.

- 3.5 **Arboricultural Officer:** The valued trees and hedgerows are located to the south-east and south-west of the site with particular emphasis on the Category 'B' trees and hedgerow to the south-east.

The Hedgerow identified as H7 to the south-west boundary appears to be reasonably catered for within the outline design proposal although, to maintain and promote biodiversity and to provide additional hedgerow and tree protection, the design should include a 3.0m verge / buffer zone between the hedge and the adjacent access road.

Hedgerow H18 (Cat 'B2') and the significant percentage of Category 'B' trees contained within is without doubt the most valued existing and retained arboricultural feature on site and all efforts must be made at the design stage to ensure that the health, well-being, habitat value and potential longevity of the hedge and the individual trees is protected. Placing dwellings or rear gardens adjacent to the hedgerow and trees will create long-term nuisance issues such as branch encroachment, leaf litter, excessive reduction of natural light levels (particularly up till lunchtime) and residential fears and concerns regarding the structural condition of the trees which may be considered oppressive or even 'threatening' by residents. Such nuisances and risk considerations will place increasing pressures upon individual trees with residential requests or applications for excessive pruning or complete removal.

To reduce the risk presented to the trees within H18 it is recommended that a 10.0m 'buffer zone' is incorporated between the hedge and any residential property. The 'buffer zone' could comprise of a 3.0m grassed / wildflower verge and an access road which not only divides the feature from dwellings opposite but also provides an access route for maintenance purposes.

The north-east boundary faces the existing allotment site therefore consideration should be given towards the impact that any proposed boundary planting may have upon light levels and shading. A native boundary hedgerow should be maintained and rejuvenated if required and any tree planting within the hedge-line itself should consist of medium native species such as rowan, crab apple, wild service tree, and birch. All proposed large species, such as oak, lime, pine, alder and willow should be located away from the boundary line and planted within the proposed 'Open Space' areas in locations where full canopy spread may be achieved without affecting shading levels on adjacent allotment plots.

Within the streetscene, sufficient space must be allocated for 'useful' tree planting of species capable of developing heights which may compliment or

soften adjacent architecture. Highway verges exceeding 2.0m width or the allocation of small but suitable areas of 'Open Space' in prominent locations within the street scene are welcome. Proposing trees within the boundaries of private gardens and therefore out of the public realm would not be considered adequate in terms of 'Green infrastructure'.

- 3.6 **Ecology Officer:** With regard to the above application, the submitted ecological and protected species surveys are appropriate and sufficient in depth at this site.

There are a number of factors to consider on site. The site is used by a good range of foraging and commuting bats although no roosts were identified on site. Within the protected species survey report there is a recommendation for a precautionary methodology should any trees need removing which should be conditioned. In addition lighting needs to be well thought out with regard to its impact on the hedgerows in order to avoid an offence through disturbance. Enhancements on site should include provision for bats within the built environment and on mature trees.

There are nesting birds on site and as such timing of works should be restricted to avoid an offence. Enhancements on site should include replacement of any hedgerow lengths to be removed on site, provision of high quality green space and inclusion of nest boxes both on dwellings (for swifts, house sparrows and house martins for which there are local records) and within green space (e.g. on trees) in order to achieve no net loss for biodiversity in line with NPPF guidelines.

There are reptiles (confirmed slow worms) on site which are protected from killing and injury. Therefore prior to works commencing reptiles will need to be caught and translocated off site to a suitable area. It is likely that this can be combined with the works which will be needed for Great crested newts below.

The site is in the vicinity of a large population of great crested newts and therefore likely to have some value for them as terrestrial habitat. As yet a full mitigation strategy for Great Crested Newts has not been submitted with the application (I see two hibernaculum are included in the current landscape strategy but they will need to include more specific information on habitat enhancements for them and the management of such and may need to include further green space or an enhanced receptor site). With careful planning of translocation and enhancements within the landscaping proposals I think there is enough scope for them to design a scheme for which an EPS licence will be granted given the distance from the ponds and the fact that the current terrestrial habitat is not of high quality. They will need to take into account however that adjacent land is also likely to be proposed for development and therefore the cumulative impacts on the Great crested newt population may be greater. This may lead to Natural England requiring greater levels of mitigation than they might otherwise in order to ensure their continued conservation status.

I would recommend the following conditions therefore:

K2 Mitigation Strategy for Great Crested Newts

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision and future management, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason KR1

K4 Great Crested Newt Licence Required to Implement Permission

Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 is likely to occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason KR1

K10 Reptile Translocation Strategy

Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a strategy for the translocation of reptiles, which shall include the identification of receptor sites, the management scheme, landscaping and the arrangements for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

Reason KR1

K5 Bats: Restriction Over Lighting

Prior to the commencement of the development hereby approved a full lighting strategy designed in line with Bat Conservation Trust Guidelines is to be submitted and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

Reason KR1

Bats and tree removal

No removal of trees recorded as Category 2 shall be carried out except in adherence to the precautionary working methodology outlined in Section 2.40 of the Protected species report submitted with the application which was prepared by CSa Environmental Planning dated September 2014.

Reason KR1

K12 Nesting Birds: No Works Between March and August Unless Agreed

No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason KR1

- 3.7 **Refuse & Recycling Manager:** No mention of waste storage or collection this needs to be address before permission is granted. Section 106 contribution of £67.50 per property will also be required.

Oxfordshire County Council Consultees

- 3.8 **Highways Liaison Officer:** No objection subject to conditions

Key issues

- Traffic impact and access arrangements are acceptable.
- A Travel Information Pack will be required.
- Public transport through the village is poor and access to core public transport is also poor.
- The site is not in a sustainable location, and the developer should pursue opportunities to improve this.
- Drainage design is conceptual at the present time.

Legal Agreement required to secure

S106 contribution will be sought for the improvement of pedestrian and cycle connectivity in the village.

Conditions

D4 – Access

D9 – New Estate Roads

D10 – Estate Accesses, Driveways and Turning Areas

D15 – Parking and Manoeuvring Areas Returned

A final drainage design plan and full drainage calculation need to be submitted and approved by Oxfordshire County Council prior to the development commencing on site.

A Travel Information Pack should be developed in accordance with OCC guidelines and submitted to the OCC Travel Plans team for approval prior to first occupation of the site.

Informatives

Prior to commencement of development, a separate consent must be obtained from OCC Road Agreements Team for the new highway vehicular access under S278 of the Highway Act. Contact: 01865 815700; RoadAgreements@oxfordshire.gov.uk.

Detailed Comments:

Transport Statement

The Transport Statement demonstrates that the traffic impact of the development will be within acceptable limits, and presents vehicle and pedestrian access arrangements that are acceptable.

The Transport Statement does not offer any travel planning initiatives, and OCC requires that the development be the subject of a Travel Information Pack.

Public Transport

Chesterton does not possess a good bus service that would be attractive for journeys to work. However, there is a frequent inter-urban bus service between Bicester and Oxford operating along the A41/A34 at frequent intervals, but the nearest stop is some 1.7 km from the development site.

The current Chesterton bus service is supported financially by the County Council, and reduced future funding levels will result in a review and possible reduction of frequency. Although currently there are a few direct buses to Oxford in the peak hours, this situation cannot be relied upon to continue. This development is insufficiently large to fund additional bus services to and from Chesterton village, up to the level of a meaningful and attractive bus service for journeys to work.

Bus service 25 currently links Chesterton village with Bicester Town Centre six times per day. In the other direction, buses serve various other villages before extending to Kidlington or Oxford. The combination of reduced funding by the Council and the probable effect of an expanded Upper Heyford requiring direct links with Bicester and with Oxford will almost certainly result in a reduction in current peak services at Chesterton. Future direct links from Chesterton village to Oxford by bus cannot be assumed.

Bus service s5 operates at least every 15 minutes between Bicester Town Centre and Oxford along the A41 and A34. Peak services are more frequent than this, and a supplementary S5 service also operates directly to Headington. It is probable that the effect of additional residential development in and around Bicester will result in even more bus services along this route.

Making this development accessible to the core public transport network is a huge challenge, but this could be achieved by creating a link suitable for cycling from the residential units to a bus stop on the Bicester-Oxford bus route.

A Park and Ride site is planned adjacent to the Vendee Drive roundabout, where buses on the Bicester-Oxford inter-urban service will call en route in both directions. The existing right of way between the Chesterton to Alchester road and Vendee Drive could be upgraded to be suitable for cyclists with cycle storage facilities at the park and ride site.

Should the Park and Ride site not proceed for any reason, then this developer should provide a cycle track from the Chesterton to Alchester Road to alternative bus stops located at Chesterton Turn, adjacent to the over-bridge. The southbound stop exists currently, but the developer would be required to re-create a northbound bus stop, as well as providing safe cycle storage facilities.

Sustainability

The location of the site is not considered particularly sustainable in strategic transport terms. The proposed footway connecting the site to the village is therefore considered a minimum essential provision.

The County Council expects that the developer will take further initiatives to improve the sustainability of this site. In this respect there are two specific possibilities that could be exploited. These are:

- Improvements to the informal footpath between the eastern corner of the site and Fortescue Drive enhancing pedestrian access to the village centre;
- Upgrading of the existing right of way between the Chesterton to Alchester road and Vendee Drive enhancing pedestrian and cycle access to the proposed new park and ride site.

Regarding the first of these possibilities, this path is not currently recorded on the Definitive Map as a public right of way. However, it appears to be used as a footpath and it is likely that it should be recorded as such. This would need to be surfaced and lit, and the existing path surface improved to provide all-weather pedestrian access into the heart of the village. If this link is not established the development will feel cut off from the rest of the village and its residents are more likely to use cars to access the village. Ideally a financial contribution towards formalising this link should be obtained.

Regarding the second possibility, this currently a grass strip alongside an arable field and would benefit from being upgraded to an all-weather surface. Landowner agreement would be required to widen the path and allow cyclists to use it.

3.9 **Archaeology:** No objection subject to conditions

Key issues:

The site is located in an area of archaeological interest as identified by the submitted Desk Based Assessment and geophysical survey. A condition requiring that a staged programme of archaeological investigation be undertaken ahead of any development will need to be attached to any planning permission for this site.

Legal Agreement required to secure:

None

Conditions:

- a)** Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

- b)** Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [a], a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

Informatives:

None

Detailed Comments:

The site is located in an area of archaeological potential to the North of Akeman Street, the Roman Road from Alchester to Cirencester (PRN 8921). The Roman town of Alchester, a Scheduled Ancient Monument is located 1.5km to the SW of the site (SAM OX18) and archaeological deposits related to the extra-mural settlement of Alchester have been recorded to the North of the Roman Town, along the line of Akeman Street, (PRN 14292). Further archaeological features have been identified from aerial photographs 1.4km to the south west of the proposed area which are also thought to be of Roman date (PRN 9191). These consist of a trackway and a number of probable buildings to the immediate south of the Roman road. A hoard of Roman coins was recorded 700m south west of the site (PRN 16452) which has been argued suggests the presence of a villa in the area.

A geophysical survey of the proposed site recorded a linear features and a large enclosure. These features are recorded from the geophysical survey alone and are therefore undated but it is possible that they are prehistoric or Roman in date based on their form. These features will be disturbed by this development.

We would, therefore, recommend 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. This can be ensured through the attachment of a suitable negative condition as suggested above.

If the applicant makes contact with us at the above address, we shall be pleased to outline the procedures involved, provide a brief upon which a costed specification can be based, and provide a list of archaeological contractors working in the area.

3.10 Education: Approval subject to the conditions

Key issues:

£179,868 Section 106 required for necessary expansion of permanent primary school capacity in the area. Chesterton CE (VA) Primary School is the catchment school for this development. £254,216 Section 106 required for necessary construction of new secondary school facilities in Bicester. £8,939 Section 106 required as a proportionate contribution to expansion of Special Educational Needs provision in the area.

Legal Agreement required to secure:

£179,868 Section 106 developer contributions towards the expansion of permanent primary school capacity serving this area, by a total of 15.53 pupil

places. This is based on Department for Education (DfE) advice weighted for Oxfordshire, including an allowance for ICT and sprinklers at £11,582 per pupil place. This is index linked from 1st Quarter 2012 using PUBSEC Tender Price Index. If extension of an existing school is not feasible, and instead a new school is required, a contribution would be required towards the new build costs, at a rate reasonably related to the scale of this development. £254,216 Section 106 developer contributions towards the construction of permanent new secondary school facilities in Bicester by a total of 10.74 pupil places (including 1.37 sixth form places). This is based on Department for Education (DfE) advice for secondary school construction weighted for Oxfordshire and including an allowance for ICT and sprinklers at £23,670 per pupil place. This is index linked to 4th Quarter 2012 using PUBSEC Tender Price Index.

£8,939 Section 106 developer contributions towards the expansion of permanent Special Educational Needs school capacity by a total of 0.30 pupil places. This is index linked to 1st Quarter 2012 using PUBSEC Tender Price Index. We are advised to allow £30,656 per pupil place to expand capacity in special educational needs schools.

Conditions:

Planning permission to be dependent on a satisfactory agreement to secure the resources required for the necessary expansion of education provision. This is in order for Oxfordshire County Council to meet its statutory duty to ensure sufficient pupil places for all children of statutory school age.

Informatives:

None

Detailed Comments:

Primary: Chesterton CE (VA) Primary School could be affected by housing development both within the villages and in Bicester. The school has limited spare places, and is full in some year groups. Given that the draft Local Plan indicates likely future housing growth in Chesterton, expansion of the school would be an appropriate response to any increase in local population. The feasibility of such an expansion has not been assessed. Housing developers would be expected to contribute towards such expansion.

Secondary: Bicester secondary schools currently have spare capacity, but this will be filled as the higher numbers now in primary school feed through. The large scale housing development planned for the town will require new secondary school establishments, the nature of which will be determined following local consultation. All housing developments in the area would be expected to contribute towards the cost of these new establishments.

Special: Across Oxfordshire 1.11% of pupils are taught in special schools and all housing developments are expected to contribute proportionately toward expansion of this provision.

3.11 Property: No objection subject to conditions

Former OCC ownership: disposal did stipulate restricted use for agriculture and horticulture

Key issues:

The County Council considers that the impacts of the development proposal (if permitted) will place additional strain on its existing community infrastructure.

The following housing development mix has been used in the following contribution calculations

- 0 no. x One Bed Dwellings
- 13 no. x Two Bed Dwellings
- 25 no. x Three Bed Dwellings
- 7 no. x Four Bed Dwellings

It is calculated that this development would generate a net increase of:

- **123.77 additional residents including:**
- 9.11 resident/s aged 65+

Legal Agreement required to secure:

• Bicester new Library	£ 5,452
• Waste Management	£7,921
• Museum Resource Centre	£ 619
• Adult Health & Wellbeing Day Care	£ 7,416
• Central Library	£ 2,123
• Total*	£ 23,531

Contributions are to be index-linked to the relevant price bases (detailed below).

- | | |
|-------------------------------|---------|
| • Administration & Monitoring | £ 3,750 |
|-------------------------------|---------|

The County Councils legal fees in drawing up and/or completing a legal agreement will need to be secured.

Conditions:

The County Council as Fire Authority has a duty to ensure that an adequate supply of water is available for fire-fighting purposes. There will probably be a requirement to affix fire hydrants within the development site. Exact numbers and locations cannot be given until detailed consultation plans are provided showing highway, water main layout and size. We would therefore ask you to add the requirement for provision of hydrants in accordance with the requirements of the Fire & Rescue Service as a condition to the grant of any planning permission

Informatives:

Fire & Rescue Service recommends that new dwellings should be constructed with sprinkler systems

Local Library

Oxfordshire County Council has an adopted standard for publicly available library floor space of 23 m² per 1,000 head of population, and a further 19.5% space is required for support areas including staff workroom, totalling 27.5 m². The Bicester library provision is significantly under-size in relation to its catchment population and this development will therefore place additional pressures on the library. A new library is planned for Franklins Yard development and contributions are required from all development in the locality to fund this community infrastructure with £487,205 still to be secured from the total £1.2 M capital cost at 3rd Quarter 2013 price base index. Population forecasts show a population increase of 20,257 to 2026 for the Bicester Library Service catchment area.

Current contribution requirement is £487,205 ÷ by 20,257 = £24.05 x 2169 people = £52,164

The development proposal would also generate the need to increase the core book stock held by the local library by 2 volumes per additional resident. The price per volume is £10.00 = £20 per person.

The full requirement for the provision of library infrastructure and supplementary core book stock in respect of this application is: **£ 44.05 x 123.77 (the forecast number of new residents)** or £105.72 per dwelling = **£5,452**

In addition a *library link* model (25 m²) fitted out, integrated as a dedicated flexible space as part of the new community centre, is required. This will function in conjunction with the Oxfordshire Central Library in Oxford utilising its resources and also work in conjunction with the new Bicester Library once delivered and implemented as part of the District Council development at Franklins Yard.

Central Library

Central Library in Oxford serves the whole county and requires remodelling to support service delivery that includes provision of library resources across the county.

Remodelling of the library at 3rd Quarter 2013 base prices leaves a funding requirement still to be secured = £4.1 M

60% of this funding is collected from development in the Oxford area. The remainder 40% is spread across the four other Districts. 40% of 4.1M = £1,604,000.

Population across Oxfordshire outside of Oxford City District is forecast to grow by 93,529 to year 2026. £1,604,000 ÷ 93,529 people = £17.15 per person **£ 17.15 x 123.77 (The forecast number of new residents)** or £41.16 per dwelling = **£2,123**

Strategic Waste Management

Under Section 51 of the Environmental Protection Act 1990, County Councils, as waste disposal authorities, have a duty to arrange for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of that waste.

The proposed residential development will increase demand for recycling facilities in the area. The nearest household waste recycling centre (HWRC) we provide is Ardley HWRC.

The HWRC strategy, which included a proposal to close Ardley HWRC and open a new site at Kidlington, was agreed by Cabinet on 19 April 2011 following a formal consultation. However, in light of wider changes our countywide plans for the long-term future of HWRCs are currently under review while we consider a number of factors. These include significantly higher levels of planned growth in Bicester as well as the decision not to go ahead with a new recycling centre based at Kidlington. The outcome of reuse trials currently underway at Alkerton and Stanford HWRCs will also play a significant part in defining future plans for the service.

Regardless of the review of HWRC provision, in view of the additional demand that would be generated by the proposed development for reuse, recycling and composting facilities in Bicester we will seek contributions towards meeting the increased demand.

A new site serving 20,000 households costs in the region of £3,000,000; this equates to £64 per person at 1st Quarter 2012 price base
£64 x 123.77 (the forecast number of new residents) or £153.60 per dwelling = £7,921

County Museum Resource Centre

Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC). The MRC is the principal store for the Oxfordshire Museum, Cogges Manor Farm Museum, Abingdon Museum, Banbury Museum, the Museum of Oxford and the Vale and Downland Museum. It provides support to these museums and schools throughout the county for educational, research and leisure activities.

The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £460,000; this equates to £5 per person at 1st Quarter 2012 price base.

£5 x 123.77 (the forecast number of new residents) or £12 per dwelling = £619

Integrated Youth Support Service

The Early Intervention Service offers high quality early intervention and specialist services to children, young people and families with additional complex needs, both through county council staff and across partner agencies. All community partner agencies are actively involved in service delivery to ensure integrated and inclusive solutions to best improve outcomes for children and young people from birth to 19 years (up to 25 years where there are special educational needs).

The Bicester Early Intervention Hub is currently operating at capacity in the delivery of specialist services.

The proposed development and other planned development in and around Bicester will generate further demands on the Early Intervention Service. This proposal is forecast to generate 518 residents aged 13-19.

To adequately address the increased needs, the County Council requires 15sqm of storage for youth kit to be designed into the community hall. This storage space should be able to be accessed internally and externally.

Health & Wellbeing Resource including Day Care Facilities

To meet the additional pressures on Health & Wellbeing provision the County Council is planning to expand day care facilities at Bicester Health & Wellbeing Resource Centre. Current demand is above service provision capacity of 40 places per day at the current site accounting for ward –based catchment areas in terms of population. This proposal will increase pressures on the current service.

Contributions are based upon a 230 m2 expansion providing an additional 10 places to the existing service at Launton Road. Cost of expansion at 3rd Quarter 2013 price base is £787,000.

Secured contributions amount to £242K, with the remainder, £542,000 outstanding.

Population forecasting to 2026 based on build out since 2011 census and allocated housing projections including the SHMA within the catchment wards for this Health and Wellbeing Resource = 21,704 people
 $£542,000 \div 21,704 = £24.97 \times 2.4$ average house occupancy in Bicester area = £ 59.92

$£59.92 \times 123,77$ (the number of new dwellings) = £7,416.

Administration

Oxfordshire County Council requires an administrative payment of £3,750 for the purposes of administration and monitoring of the proposed S106 agreement, including elements relating to Education.

Indexation

Financial contributions have to be indexed-linked to maintain the real values of the contributions (so that they can in future years deliver the same level of infrastructure provision currently envisaged). The price bases of the various contributions are covered in the relevant sections above.

Security/Bonds

Given the scale of the contributions, where the triggering of payment of financial contributions is deferred to post implementation of the development, it will be necessary for the S106 agreement to include provisions for appropriate security by the landowner/developer for such payments.

General

The contributions requested have been calculated where possible using details of the development mix from the application submitted or if no details are

available then the County Council has used the best information available. Should the application be amended or the development mixed changed at a later date, the Council reserves the right to seek a higher contribution according to the nature of the amendment.

The contributions which are being sought are necessary to protect the existing levels of infrastructure for local residents. They are relevant to planning the incorporation of this major development within the local community, if it is implemented. They are directly related to this proposed development and to the scale and kind of the proposal.

3.12 Street Scene and Landscape Services: Recommends the following S106 contributions:

Attenuation Pond Maintenance

Total area of the attenuation ponds to be measured and this figure to be multiplied by current CDC rate for attenuation pond maintenance: £14.91/m²

Ditch Maintenance

The total length of ditch/watercourse to be measured and the figure multiplied by the current CDC rate of £50.09/Ln m

POS Maintenance

Combined total area of Informal Open Space to be measured and this figure to be multiplied by current CDC rate of £25.07/m²

LAP Maintenance

LAP (equipped) - £31,995.52

Mature Tree Maintenance

The number of mature trees are to be counted and this figure multiplied by the current CDC sum of £2,527.16

Other Consultees

3.13 Thames Water

Waste Comments

Following initial investigation, Thames Water has identified an inability of the existing waste water infrastructure to accommodate the needs of this application. Should the Local Planning Authority look to approve the application, Thames Water would like the following 'Grampian Style' condition imposed. "Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed". Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community. Should the Local Planning Authority consider the above recommendation is inappropriate or are unable to include it in the decision notice, it is important that the Local Planning Authority liaises with Thames

Water Development Control Department (telephone 0203 577 9998) prior to the Planning Application approval.

Water Comments

The existing water supply infrastructure has insufficient capacity to meet the additional demands for the proposed development. Thames Water therefore recommend the following condition be imposed: Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point. Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

Supplementary Comments

Initial investigations have identified an inability of the existing Foul and Surface Water sewer networks to accommodate the needs of this application. Thames Water request that a foul and surface water impact study be undertaken to ascertain, with a greater degree of certainty, whether the proposed development will lead to overloading of existing infrastructure, and, if required, recommend network upgrades. Please liaises with Thames Water Development Control Department (telephone 01923 898072) with regard to arranging an impact study.

- 3.14 **Thames Valley Police:** I have now had an opportunity to carefully examine the proposals having regard to the implications of the development upon the infrastructure requirements of TVP and the impact the scheme will have upon the day to day policing of the area.

As you are aware TVP has undertaken an assessment of the implications of growth and the delivery of housing upon the policing of the Cherwell District Council area and in particular the major settlements in the district where new development is being directed towards. We have established that in order to maintain the current level of policing developer contributions towards the provision of infrastructure will be required. This assessment and information has been fed into the Council's Infrastructure Delivery Plan and is acknowledged by the Council as a fundamental requirement to the sound planning of the area.

The additional population generated by the development will inevitably place an additional demand upon the existing level of policing for the area. In the absence of a developer contribution towards the provision of additional infrastructure then TVP consider that the additional strain placed on our resources and therefore ability to adequately serve the development.

At present the Cherwell Local Police Area (within which Chesterton lies) has a population of approximately 141,900 and 56,700 households. based on 2011 Census information

At present this population generates an annual total of 32,871 incidents that require a Police action. These are not necessarily all "crimes" but are calls to our 999 handling centre which in turn all require a Police response/action. Effectively therefore placing a demand on resources.

The proposed development of 45 units would have a population of 112 (at 2.5 per unit). Applying the current ratio of “incidents” to population then the development would generate an additional 27 incidents per year for TVP to deal with.

In total Cherwell area is served by; ^(all figures = FTE)

- 124.3 Uniformed Officers – a mixture of Patrol and Neighbourhood
- 21 PCSO’s.
- 11 CID Officers.
- 9.25 Dedicated staff

Central staffing provision is provided and drawn upon when required – this ranges from support functions (HR, IT, etc) to operational functions (SOCO, Forensics, Major Crime Unit) these services are provided force wide. Again utilising the ratio of current staff/officers to the projected additional demand then the development would generate the following additional requirements.

Total Additional LPA Officers Required	0.10
Total Additional PCSO	0.01
Total Additional CID	0.01
Total Additional Support Staff (Local/Central)	

In order to mitigate against the impact of growth TVP have calculated that the “cost” of policing new growth in the area equates **£6285.65** to fund the future purchase of infrastructure to serve the development.

The contribution represents a pooled contribution towards the provision of new infrastructure to serve the site and surrounding area. The pooling of contributions towards infrastructure remains appropriate under the terms of the CIL Regs, up until the relevant Local Authority has adopted CIL, whereby pooling will be limited to 5 S106 Agreements (subject to other regulatory tests).

The contribution will mitigate against the additional impacts of this development because our existing infrastructures do not have the capacity to meet these and because like some other services we do not have the funding ability to respond to growth.

The contribution requested will fund, in part, the following items of essential infrastructure and is broken down as follows;

OFFICER/PCSO	
Uniform	£873
Radio	£525
Workstation/Office Equip	£1508
<small>(21 radio)</small>	
Training	£4515
TOTAL	£7421

STAFF	
Workstation/Office Equip	£1508

(21 radio)	
Training	£687
TOTAL	£2195

On the basis that the development generates a requirement for 0.11 (uniformed officers – including PCSO) the set up costs equate to **£816.31 (7421 x 0.11)** staff generation/CID increase is not included given its small impact.

Premises

At present within Cherwell Neighbourhood Policing is delivered from premises in Banbury, Bicester and Kidlington. At present TVP maintain full capacity of accommodation for staff and officers, with any additional capacity delivered via new works to provide floorspace. Each new officer/member of staff is allocated 16.8sqm of floorspace (workstation, storage, locker room etc) at a cost of £1800per sq m. This is a derived cost of adaptation/new build (TVP operate an estate policy of delivering new accommodation principally through the adaptation of existing buildings as opposed to new build at a 90:10 ratio. As this development will generate 0.11 staff/officers the cost is **£3342.24 (16.88 x 1800 x 0.11)**

Vehicles

The purchase of vehicles including response and neighborhood patrol cars and bicycles. The (three year lifetime) capital costs of these items are;

Patrol Vehicle – **£42,300**

PCSO Vehicle - **£25,960**

Bicycles - **£800**

Current fleet deployment within Cherwell administrative area (therefore serving 56,700 households) is broken down as follows;

Patrol Vehicle – 18

PCSO Vehicle - 12

Bicycles – 15

This equates to a cost of £19.13 per household. Accordingly therefore in order to maintain this level of provision the development would generate a required contribution of **£860.85 (19.13 x 45)**

Mobile IT

Provision of mobile IT capacity to enable officers to undertake tasks whilst out of the office, thus maintaining a visible presence. Cost of each item - **£4250**, therefore for this development (which generates 0.21 additional uniformed officer, the cost would be **£467.50 (4250 x 0.11)**.

Radio Coverage/Airwave Capacity

Radio Coverage/Capacity – TVP is currently at capacity with regard to its coverage, therefore each additional household places an additional burden upon our communications ability. TVP roll out a programme of capacity enhancements and improvements of £368,467p.a that is based on a cost of **0.40 per household**. These improvements are expected to last for 5 years, by

which time the telecom capacity will be able to absorb this additional demand. Therefore the cost of this contribution would amount to **£142 (.40 x 45 x 5)**

ANPR Cameras

Automatic Number Plate Recognition (ANPR) Cameras – TVP has a desire to roll out ANPR Cameras throughout the area. There is a limited budget for this at present but a requirement to roll out more cameras. The number and location of cameras is driven by the scale location and road network in the area. Current coverage in Cherwell is limited. An assessment based on the significant planned growth within Cherwell District has been undertaken and it has been assessed that there is a requirement for additional ANPR cameras coverage in the area. Each Camera costs £11,000, and requirement is assessed on the basis of the scale, location, and proximity to the road network of the proposed development. Operationally it has been determined that a development of this scale and in this location does not require any contribution towards the provision of ANPR.

Control Room and Police National Database Capacity

At present Police control room handling is used to capacity at peak times. Our various call handling centre's deploy resources to respond to calls as quickly as possible. We are able to assess the capacity of the existing technology and calls currently dealt with (based on the minimum times with callers) and are able to assess the additional impact of growth upon this capacity. Existing lines, telephony, licenses, IT, workstations and monitoring will be required on the basis of **£15.75** per unit. Therefore the cost generated by this development would be **£1118 (15.75 x 45)**.

1. Necessary to make the proposed development acceptable in planning terms

The creation of safe and accessible environments where crime and disorder, and the fear of crime do not undermine the quality of life or community cohesion is fundamental to planning for sustainable development as confirmed in the NPPF.

The Council's own document; *Cherwell Sustainable Community Strategy – Our District, Our Future* identifies as a key objective the need to reduce the number of people who fear crime and feel unsafe in their community, the strategy goes on to promote the tackling of incidences anti-social behaviour and building confidence in the police and local authority.

There is no dedicated Government funding to comprehensively cover the capital costs associated with policing associated new development. Unless contributions from developments are secured then TVP would be unable to maintain the current levels of policing with resources diverted and stretched, inevitably leading to increased incidents of crime and disorder within the local area.

Developer contributions are therefore necessary to ensure development is in line with the wider objectives of sustainable development as set out in national and local planning policy.

2. Directly related to the proposed development

There is a functional link between the new development and the contributions requested. Put simply without the development taking place and the subsequent population growth there would be no requirement for the additional infrastructure. The additional population growth will lead to an increase in incidents, which will require a Police response.

The infrastructure identified above has been specifically identified as infrastructure required to deal with the likely form, scale and intensity of incidents that the development will generate.

3. Fairly and reasonably related in scale and kind to the proposed development.

The proposed developer contribution is proposed to help achieve a proportionate increase in police infrastructure to enable TVP to maintain its current level of service in the area. As stated the contribution would assist in the provision of necessary infrastructure which have been identified by the Local Area Commander as necessary to provide an appropriate level of policing to serve the proposed development and maintain an appropriate level of community safety.

I would also highlight two recent appeal decisions in Leicestershire (APP/F2415/A/12/217984 & APP/X2410/A12/2173673, Enclosed). In assessing the request from Leicestershire police for developer contributions towards infrastructure the Inspector commented at **para 29** of decision 2179844;

The written evidence submitted by Leicestershire Police detailed the impact the proposed development would have on policing, forecasting the number of potential incidents and the anticipated effect this would have on staffing, accommodation, vehicles and equipment. In view of the requirement of national planning policy to create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life, it is considered that, on the evidence before me, a contribution towards policing is necessary to make the development acceptable in planning terms.

Furthermore with regard to appeal decision 2173673, the Inspector is unequivocal in highlighting the acceptability of police contributions being recipients of developer's contributions;

Adequate policing is so fundamental to the concept of sustainable communities that I can see no reason, in principle, why it should be excluded from the purview of S106 financial contributions, subject to the relevant tests applicable to other public services. There is no reason, it seems to me why police equipment and other items of capital expenditure necessitated by additional development should not be so funded, alongside, for example, additional classrooms and stock and equipment for libraries.

Para 292

These appeal decisions confirms that the approach of TVP in assessing the impact of development, having regard to an assessment of the potential number of incidents generated by growth is appropriate, and fundamentally it confirms that police infrastructure should be subject to developer contributions

as the provision of adequate policing is fundamental to the provision of sustainable development.

I trust this sets out sufficiently TVP's request for infrastructure contributions to mitigate against the impact of the development.

For clarification this response is solely linked to the impact of the development upon TVP's infrastructure requirements. You may receive a separate response from TVP's Secure by Design advisor relating to detailed matters of the design and layout of the proposals.

4. Relevant National and Local Policy and Guidance

4.1 Development Plan Policy

Adopted Cherwell Local Plan (Saved Policies)

H13	Category 1 settlements
H18	New dwellings in the countryside
C2	Protected species
C5	Creation of new habitats
C7	Harm to the topography and character of the landscape
C8	Sporadic development in the countryside
C27	Development in villages to respect historic settlement pattern
C28	Layout, design and external appearance of new development
C30	Design of new residential development
C33	Protection of important gaps of undeveloped land
R12	Public open space provision
ENV12	Contaminated land
TR1	Transportation funding

4.2 Other Material Policy and Guidance

National Planning Policy Framework

National Planning Policy Framework 2012 – Core planning principles and the delivery of sustainable development with regard to the following sections:-

- 4: Promoting sustainable transport
- 6: Delivering a wide choice of high quality homes
- 7: Requiring good design
- 8: Promoting healthy communities
- 10: Meeting the challenge of climate change and flooding
- 11: Conserving and enhancing the natural environment

Planning Practice Guidance

Non-Statutory Cherwell Local Plan 2011

Whilst some policies within the plan may remain to be material considerations, other strategic policies have in effect been superseded by those in the

Submission Local Plan (October 2014). The main relevant policies to consider are as follows:-

- Policy H15: Category 1 Settlements
- Policy H19: New dwellings in the countryside
- Policy EN30: Sporadic development in the countryside
- Policy EN31: Beyond the existing and planned limits of Banbury and Bicester
- Policy EN34: Conserve and enhance the character and appearance of the landscape

Submission Local Plan 2006 – 2031

The Plan was submitted to the Secretary of State on 31 January 2014 for Examination. There are outstanding objections to some policies which have yet to be resolved.

The Examination commenced on 3 June 2014. On 4 June 2014 the Inspector temporarily suspended the examination to enable the Council to prepare modifications to the plan to accommodate additional homes across the district. The Examination reconvenes on 9th December 2014.

The main policies relevant to this proposal are:

- Policy Villages 1: Chesterton is identified as a village where infilling, minor development and conversions will be permitted
- Policy Villages 2: Distributing growth across the rural areas
- Policy BSC3: Provision of affordable housing. In rural settlements proposals for residential development of 3 or more dwellings will be expected to provide at least 35% affordable homes on site
- Policy ESD3: Sustainable construction. All new homes are expected to meet at least Code Level 4 of the Code for Sustainable Homes
- Policy ESD7: Sustainable drainage. All development will be required to use SUDS for the management of surface water run-off
- Policy ESD13: Local landscape protection and enhancement expects developments to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided
- Policy ESD16: the character of the built and historic environment should be protected and where development is allowed it should respect the local character context

5. Appraisal

5.1 The key issues for consideration in this application are:

- Planning Policy and the Principle of Development
- Five Year Housing Land Supply

- Design and Access Statement
- Landscape impact
- Ecology
- Flooding and Drainage
- Archaeology
- Transport Assessment and Access
- Delivery of the Site
- Planning Obligation

Planning Policy and Principle of Development

- 5.2 The Development Plan for Cherwell District comprises the saved policies in the Adopted Cherwell local Plan 1996. Section 70(2) of the Town and Country Planning Act 1990 provides that in dealing with applications for planning permission the Local Planning Authority shall have regard to the provisions of the development plan, so far as is material to the application, and to any other material considerations. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that if regard is to be had to the development plan for the purposes of any determination to be made under the Planning Acts, the determination must be made in accordance with the development plan unless material considerations indicate otherwise.
- 5.3 The site in question is not allocated for development in any adopted or draft plan forming part of the development plan. Chesterton is designated as a Category 1 settlement in the adopted Cherwell local Plan. Policy H13 of that plan states that new residential development within the village will be restricted to infilling, minor development comprising small groups of dwellings within the built up area of the settlement, or the conversion of non-residential buildings. The site is not within the built up limits of the village and is therefore in open countryside. Policy H18 of the adopted Cherwell Local Plan restricts new dwellings beyond the built up limits of settlements, in open countryside to those which are essential for agriculture, or other existing undertakings, or where dwellings meet an identified and specified housing need that cannot be met elsewhere. These policies are carried through in the Non- Statutory Cherwell Local Plan. The adopted Cherwell Local Plan contains no specific allocation for this site and the proposal clearly does not comply with this policy criterion and therefore represents development beyond the existing built limits of the village into open countryside. The proposal therefore, needs to be assessed against Policy H18 which limits residential development beyond the existing built up limits of settlements unless they are agricultural workers dwellings or affordable housing.
- 5.4 Quite clearly the development fails to comply with this policy and in doing so also potentially conflicts with the rural conservation Policy C7 which does not normally permit development which would cause harm to the topography and character of the landscape. Policy C8 seeks to prevent sporadic development in the open countryside but also serves to restrict housing development.
- 5.5 The Council's Strategic Housing Land Availability Assessment Update 2014 (SHLAA) is a technical document and is a key element of the evidence base for the emerging Cherwell Local Plan and will help the council to identify specific site that may be suitable for allocation for housing development. The SHLAA is

to inform the plan making and does not in itself determine whether a site should be allocated for housing development.

- 5.6 The application site was recorded in the SHLAA Update 2014 as part of a larger site that included the additional agricultural field to the south. The site assessment concluded that *“development of the whole site would be out of scale with the size of the village and the level of services and facilities. Individual sections of the site may be appropriate to consider particularly to the north.... This is considered to be a potentially developable site providing for 50 dwellings in the next five year period”*.
- 5.7 Paragraph 49 of the NPPF states ‘housing applications should be considered in the context of a presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable sites.
- 5.8 The NPPF sets out the economic, social and environmental roles of planning in seeking to achieve sustainable development: contributing to building a strong, responsive and competitive economy; supporting strong, vibrant and healthy communities; and contributing to protecting and enhancing our natural, built and historic environment (paragraph 7). It also provides (paragraph 17) a set of core planning principles which amongst other things require planning to:
- Be genuinely plan led, empowering local people to shape their surroundings and to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency
 - Proactively drive and support sustainable economic development
 - Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings
 - Support the transition to a low carbon future in a changing climate
 - Encourage the effective use of land by re-using land that has been previously developed
 - Promote mixed use developments
 - Conserve heritage assets in a manner appropriate to their significance
 - Actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling and focus significant developments in locations which are, or can be made sustainable
 - Deliver sufficient community and cultural facilities and services to meet local needs
- 5.9 The NPPF at paragraph 14 states ‘At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan making and decision taking’....For decision taking this means:
- Approving development proposals that accord with the development plan without delay; and
 - Where the development plan is absent, silent or relevant policies are out of date, granting permission unless;

- Any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, or
 - Specific policies in this framework indicate development should be restricted
- 5.10 The adopted Cherwell Local Plan 1996 is out of date in relation to the policies regarding delivery of housing. The NPPF advises that due weight should be given to relevant policies within existing plans according to their degree of consistency with the NPPF (the closer the policies in the plan to the policies in the Framework, the greater the weight may be given). The Development Plan (the adopted Cherwell Local Plan) contains no up to date policies addressing the supply of housing and it is therefore necessary to assess the application in the context of the presumption in favour of sustainable development as required by the NPPF.
- 5.11 Whilst it is acknowledged that Chesterton is one of the more sustainable villages, this does not necessarily mean that the proposal itself constitutes sustainable development. The NPPF sets out three dimensions to sustainable development, those being economic, social and environmental which are considered below. In respect of the appeal at The Green, it is important to note that the Inspector concluded that Chesterton is a sustainable location. Furthermore, in an appeal at Bourne Lane, Hook Norton an Inspector concluded that whilst the village does not have a piped gas supply and that electricity supply and broadband connectivity can be poor, that these did not alter his overall assessment of the range of facilities available within the village and that it was sustainable.
- 5.12 In terms of the environmental dimension, the development must contribute to the protection and enhancement of the natural, built and historic environment by improving biodiversity. Whilst this is a green field site and its loss will cause harm to the character and appearance of the countryside, this would be limited to short distance views within the immediate vicinity of the site. The development proposal also includes an area of open space, landscaping and additional tree and hedge planting. Conditions can be imposed to ensure that an ecological enhancement scheme is carried out as part of the development.

Five Year Housing land Supply

- 5.13 Section 6 of the NPPF 'delivering a wide choice of high quality homes' requires local planning authorities to significantly boost the supply of housing by identifying key site within the local plan to meet the delivery of housing within the plan period and identify and update annually a 5 year supply of deliverable sites within the District.
- 5.14 Paragraph 031 Reference ID: 3-030-20140306 of the Planning practice Guidance – Housing and Economic Development needs Assessments states that the NPPF sets out that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. Therefore local planning authorities should have an identified five-year supply at all points during the plan period. Housing requirement figures in up-to-date adopted local plans should also be used as the starting point for calculating the five year supply. Considerable weight should be given to the housing requirement

figures in adopted local plans, which have successfully passed through the examination process, unless significant new evidence comes to light. It should be borne in mind that evidence which dates back several years, such as that drawn from revoked regional strategies, may not adequately reflect current needs.

- 5.15 Where evidence in local plans has become outdated and policies in the emerging plans are not yet capable of carrying sufficient weight, information provided in the latest assessment of housing needs should be considered. But the weight given to these assessments should take account of the fact they have not been tested or moderated against relevant constraints. Where there is no robust recent assessment of full housing needs, the household projections published by the Department for Communities and Local Government should be used as the starting point, but the weight given to these should take account of the fact that they have not been tested (which could evidence a different housing requirement to the projection, for example because of past events that affect the projection are unlikely to occur again or because of market signals) or moderated against relevant constraints (for example environmental or infrastructure).
- 5.16 On 28 May, the council published a Housing land Supply Update which showed that there was a five year housing land supply, based on the Submission Local Plan requirement of 670 homes per annum from 2006 to 2031. The examination of the Local Plan began on 3 June 2014. On that day, and the following day, June 4 2014, the Local Plan's housing requirements were discussed in the context of the Oxfordshire Housing Market Assessment (SHMA) 2014, published on 16 April 2014 (after the submission of the Local Plan in January 2014).
- 5.17 The Oxfordshire Strategic Marketing Assessment (SHMA) 2014 was commissioned by West Oxfordshire District Council, Oxford City Council, South Oxfordshire District Council, Vale of White Horse District Council and Cherwell District Council and provides an objective assessment of housing need. It concludes that Cherwell has a need for between 1,090 and 1,190 dwellings per annum. 1,140 dwellings per annum are identified as the mid-point figure within that range.
- 5.18 The Planning Inspector appointed to examine the Local Plan made clear his view that the SHMA document provided an objective assessment of housing need in accordance with the NPPF and suspended the Examination to provide the opportunity for the council to propose 'Main Modifications' to the Plan in the light of the higher level of need identified. The 1,140 per annum SHMA figure represents an objective assessment of need (not itself the housing requirement for Cherwell) and will need to be tested having regard to constraints and the process of Strategic Environmental Assessment/Sustainability Appraisal. However, the existing 670 dwellings per annum housing requirement of the Submission Local Plan (January 2014) should no longer be relied upon for the purpose of calculating the five year housing land supply. Until 'Main Modifications' are submitted to the Secretary of State for Communities and Local Government, the objectively assessed need figure of 1,140 homes per annum from the SHMA is considered to be the most robust and defensible basis for calculating the five year housing land supply.

- 5.19 A further Housing Land Supply Update (June 2014) has been approved by the Lead Member for Planning. It shows that the District now has a 3.4 year housing land supply which includes an additional 20% requirement as required by the NPPF where there has been persistent under-delivery. It also seeks to ensure that any shortfall in delivery is made up within the five year period. The District does not therefore have a 5 year housing land supply and as a result of the NPPF advises in paragraph 14 that planning permission should be granted unless 'adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this framework taken as a whole'.
- 5.20 However, notwithstanding the Council's Housing land supply position, it should be noted that the NPPF does not indicate that in the absence of a five year supply that permission for housing should automatically be granted for sites outside of settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits.

Submission Cherwell Local Plan

- 5.21 The Submission Cherwell Local Plan is not adopted and therefore carries limited weight, but does set out the Council's proposed strategic approach to development within the district to 2031, with the majority of new development being directed to the urban areas of Bicester and Banbury. The Plan does, however, recognise that some development will have to be permitted in rural villages in order to meet the needs of the rural population.
- 5.22 Policy Villages 1 of the Plan designates Chesterton as a Category A village, and therefore one of the Districts most sustainable based on criteria such as population, size, range of services and facilities and access to public transport. Policy Villages 2 seeks to distribute the amount of growth that can be expected within these villages, although how the numbers will be distributed is not specified as precise allocations within each village would be set out in the Local Neighbourhoods Development Plan Document, based on evidence presented in the SHLAA. This document is to be prepared following the adoption of the Submission Local Plan. As part of the 'Main Modifications' to the Submission Local Plan following the need to identify further housing in order to achieve the District's assessed housing need and maintain a five year housing land supply Policy Villages 2 has been revised by including Kidlington as a category A village and increasing the number of homes to 750.
- 5.23 It is evident from the above that the proposed development is contrary to policies within the adopted Cherwell Local Plan and is not allocated for development within the Submission Cherwell Local Plan. As previously expressed however, the adopted Cherwell Local Plan is out of date in terms of allocating land for new housing development, and the Submission Cherwell Local Plan currently carries limited weight in the consideration of new development proposals. As such a refusal based on these grounds alone is unlikely to be defensible at appeal and has to be weighed against other material considerations, the most significant being the need to provide a five year housing land supply.

5.24 However, notwithstanding the Council's Housing Land Supply position as stated above, the proposal would give rise to conflict with a number of policies in the adopted Cherwell Local Plan, Non-Statutory Cherwell Local Plan and the Submission Local Plan. Paragraph 14 of the framework makes it clear that there is a presumption in favour of sustainable development and that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against policies in the Framework taken as a whole. It does not however indicate that an absence of a five year land supply means that permission should automatically be granted for sites outside settlements. There remains a need to undertake a balancing exercise to examine any adverse impacts of a development that would significantly and demonstrably outweigh the benefits of it and also the harm that would be caused by a particular scheme in order to see whether it can be justified. 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 Framework. It is also necessary to recognise that Section 38 of the Act continues to require decisions to be made in accordance with the development plan and the Framework highlights the importance of the plan led system as a whole. The identified issues of relevance are identified and considered below.

Design and Access Statement

- 5.25 A Design and Access Statement has been submitted with the application which seeks to set out the framework for the proposed development and is supported by an Illustrative Masterplan which indicates how the dwellings proposed can be accommodated on the site. This shows an area of Green Space, including a potential Play Area on the northern side of the site and a Water Balancing Facility. A further Water Balancing Facility is also to be located in the south-eastern corner of the site.
- 5.26 In terms of design and layout of the proposed dwellings, the Illustrative Layout proposes 3 areas of housing, predominantly fronting onto the internal road, with further housing facing towards the southern boundary. The Design and Access Statement indicates that all dwellings will be 2 or 2 ½ storey to match the predominant two-storey dwellings in the surrounding area.
- 5.27 The Design and Access Statement also indicates that hedgerows along all four sides of the site would be retained. This would seek to ensure that the impact when viewed from the south and west would be mitigated, as well as seeking to protect the amenities of those properties to the east.
- 5.28 It is considered that the details provided within the Design and Access Statement and the Illustrative Layout indicate that the application site can be developed in an appropriate manner that would fit with the context of the wider village.

Landscape Impact

- 5.29 The application site lies beyond the built up limits of the village in an area of open countryside. Policy C7 of the adopted Cherwell Local Plan seeks to resist development if it would result in demonstrable harm to the topography and character of the landscape and the explanatory text states that tight

control should be exercised over all development proposals in the countryside if the character is to be retained and enhanced.

- 5.30 Paragraph 113 of the NPPF states that Local Planning Authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites, so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution they make to wider ecological works.
- 5.31 The application is accompanied by a Landscape and Visual Appraisal which has been prepared by CSa Environmental Planning on behalf of the applicant. It has been assessed by the Council's Landscape Officer who has found the findings of the LVIA to be generally acceptable due to the site's visual containment and can only be experienced from a limited number of receptors.
- 5.32 The Landscape Officer makes several recommendations, including landscaping mitigation in the public open space and access road, buffer zones along boundaries, the retention of surrounding hedges and the relocation of the LAP to a more central location.
- 5.33 Officers are also minded to agree with the conclusions of the LVIA and the comments made by the Landscape Officer. The application site has no specific designations or intrinsic features that need retaining or enhancing, other than it being within open countryside. As such, it is considered that the development proposed would not appear unduly prominent in the wider area and so would not be contrary to Policy C7 of the adopted Cherwell Local Plan and Government advice in the NPPF.

Ecology

- 5.34 The application is accompanied by an Ecological Appraisal, as well as Protected Species Survey Report and a Great Crested Newt Mitigation Strategy. The Ecological Appraisal confirms that the site is not within or adjacent to any statutory or non-statutory wildlife sites and that the proposed development would not cause any significant impacts to such sites.
- 5.35 The Ecological Appraisal outlined that there is the potential for several protected/notable animal species to occur on the site, including Bat roosting, bat commuting and foraging, birds, reptiles and Great Crested Newts. As such the Protected Species Survey Report address these issues in further detail.
- 5.36 In respect of bats, it was found that no on-site trees exhibit significant bat roosting potential. Bats were recorded at the site, with most activity along the most mature and tall hedges along the western, southern and eastern boundaries. The report makes a number of recommendations to mitigate any impact arising from the development. These include:

- Whilst no trees are proposed to be felled, ivy should be stripped from the trees prior to felling to check that no cracks, splits or holes are present that could support bats.
- The relatively young hedge that divides the two fields is proposed to be removed. The removal of this hedgerow is unlikely to have any significant impact upon bats.
- Any new lighting for the site entrance is designed to avoid unnecessary light spill onto adjacent, off-site vegetation.
- The minor losses of bat foraging habitats through the removal of sections of hedge and long grassland field margins should be compensated for by the provision of new diverse semi-natural habitats.
- New roosting opportunities for bats to be provided through the provision of integral roost units within new houses and erection of bat boxes on retained trees.

5.37 In respect of nesting birds, the site was found to support a range of common and widespread species typical of the habitats present. The surrounding hedgerows form key foraging and nesting habitat for birds at the site. Those bounding the allotments and adjacent housing to the south supported the highest diversity of birds. The report makes a number of recommendations to mitigate any impact arising from the development. These include:

- Compensation for loss of existing habitats used by birds would be provided through new native tree and shrub planting and enhancement of the existing boundaries through the introduction of low intensity wildlife-friendly management.
- Establishment of species-rich grassland areas.
- Range of bird nest boxes be installed within new buildings.

5.38 In respect of reptiles, a single slow-worm was found along the central hedgerow of the site, which is likely to have come from the allotment site. No grass snakes were found during the survey but it is reasonable to expect that individual grass snakes use the margins of the site. The extent of the on-site reptile habitat is small and is likely to be regularly disturbed by farming operations. The report makes a number of recommendations to mitigate any impact arising from the development. These include:

- Any wood/brush generated from management or clearance works are used to create log piles within retained hedge bases to provide additional cover for reptiles.
- A translocation exercise for reptiles be undertaken in conjunction with the great crested newt mitigation that will be required for the site.

5.39 In respect of Great Crested Newts, surveys identified a large population of great crested newts breeding within two ponds on the golf course to the west, at distances of 90m and 425m from the site. The separating road is unlikely to be a significant barrier to great crested newt movement. On-site hedgerows and long grassland margins of the arable field offer good quality habitat that could be used for foraging and shelter. The report makes a number of recommendations to mitigate any impact arising from the development. These include:

- The production of a mitigation strategy to demonstrate that favourable conservation status of great crested newts would be maintained alongside the development.
- 5.40 The NPPF – Conserving and Enhancing the Natural Environment, requires at paragraph 109, that, ‘the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the overall decline in biodiversity, including establishing coherent ecological works that are more resilient to current and future pressures.
- 5.41 Section 40 of the Natural Environment and communities Act 2006 (NERC 2006) states that ‘every public authority must in exercising its functions, have regard to the purpose of conserving (including restoring/enhancing) biodiversity and: ‘local Planning Authorities must also have regard to the requirements of the EC Habitats Directive when determining an application where European Protected Species are affected, as prescribed in Regulation 9(5) of the Conservation Regulations 2010, which states that a ‘competent authority’ in exercising their functions, must have regard to the requirement of the Habitats Directive within the whole territory of the Member States to prohibit the deterioration or destruction of their breeding sites or resting places’.
- 5.42 Under Regulation 41 of the conservation Regulations 2010 it is a criminal offence to damage or destroy a breeding site or resting place, but under Regulation 53 of the Conservation Regulations 2010, licenses from Natural England for certain purposes can be granted to allow otherwise unlawful activities to proceed when offences are likely to be committed, but only if 3 strict derogation tests are met:-
1. is the development needed for public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature (development)
 2. there is a satisfactory alternative
 3. is there adequate mitigation being provided to maintain the favourable conservation status of the population of the species
- 5.43 Therefore where planning permission is required and protected species are likely to be found present at the site, or surrounding area, Regulation 53 of the Conservation of Habitats and Species Regulations 2010 provides that Local Planning Authorities must have regard to the requirements of the Habitats Directive as far as they may be affected by the exercise of those functions and also the derogation requirements might be met.
- 5.44 The Council’s Ecologist has assessed the Ecological appraisal which has been submitted with the application and considers that it is appropriate in scale and depth. The Ecologist recommend six conditions to ensure that appropriate measures are put in place to ensure that protected species are adequately managed. Consequently, having regard to the above, it is considered that Article 12 (1) of the EC Habitats Directive has been duly considered in that the welfare of any protected species found to be present on the site will continue, and will be safeguarded, notwithstanding the proposed

development. The proposal therefore accords with the NPPF and Policies C2 and C5 of the adopted Cherwell local plan and Policy ESD10 of the Submission Local Plan.

Flooding and Drainage

- 5.45 No objections have been raised by the Environment Agency to the proposed development as the application site is not within a high risk area, being located within Flood Zone 1. A Flood Risk Assessment has been submitted as part of the application which demonstrates that the site is not at risk of flooding and that adequate provision can be made to ensure that the proposed development would not have any knock-on effects to surrounding land.

Archaeology

- 5.46 The Archaeological Statement submitted as part of the application states that it is unlikely that a low-rise residential development within the site will result in any change to the significance of the Chesterton Conservation Area or any listed buildings. It is officers opinion that this conclusion is correct with the site being adequately separated and screened by existing built development so as for the proposed development not to have any visual impact on the character and appearance of the conservation area or the setting of any listed building.
- 5.47 In respect of underground archaeological remains, it is noted that the site lies within 100m of a Roman road, which led to the Roman town of Alchester. In 2009 an archaeological evaluation was carried out approximately 100m to the south, on the southern frontage of Akeman Street but did not identify an significant archaeology. As such, as there still remains the potential for the site to contain buried archaeology of Roman date, the submitted Archaeological Assessment recommends that a geophysical survey be carried out and depending on the results of this survey a programme of trial trenching may also be required.
- 5.48 The Archaeological Assessment has been reviewed by the OCC Archaeology team who have raised no objection, subject to the imposition of two conditions that address the recommendations made in the Assessment.

Transport

- 5.49 The application has been submitted with a Transport Assessment. A single vehicular access into the site is proposed on the north-western side of the site onto the unnamed road adjacent to the Country Club. There is an existing grass verge along the road and the road has a 30mph speed limit. The proposed access will be constructed to an adoptable standard.
- 5.50 The transport Assessment has been assessed by the Highway Authority. The Transport Assessment sets out that for the development proposed, the predicted level of peak hour traffic movements generated from the site would be up to 29 two-way vehicular movements.
- 5.51 Transport and Accessibility is one of the aspects which must be considered in respect of whether development can be considered to be sustainable. Whilst it is acknowledged that the site, being on the edge of a village is less sustainable than in urban areas of Banbury and Bicester, Chesterton has been

assessed as being one of the districts more sustainable villages because of the range of services available. Having regard to this, emerging policy anticipates that villages will take some of the housing growth and that Chesterton is sufficiently sustainable to accommodate some new development. The Highway Authority have questioned the sustainability of Chesterton and the efforts made by the applicant to improve accessibility to the site. In doing so, the Highway Authority have made several recommendations, including improvements to footpaths and rights of ways. It is considered that these matters can be adequately addressed through the imposition of appropriate conditions and obligations.

Delivery of the Site

- 5.52 Part of the justification for the submission of this application is based on the district's housing land supply shortage. The potential of this development to contribute to the shortage of housing is a key factor weighing in favour of this proposal. It is therefore vital that this land is delivered within the 5 year period.
- 5.53 As with other residential applications submitted for consideration on this basis, it is considered that if planning consent is granted, a shorter implementation period should be imposed which will help to ensure that the development contributes towards the five year housing land supply. The application has been submitted by a national house building company, and intend to develop the site as soon as possible.

Planning Obligations

- 5.54 The proposal generates a need for infrastructure and other contributions to be secured through a planning obligation, to enable the development to proceed. The draft Supplementary Planning Document (SPD) relating to the requirements was considered by the Council's Executive in May 2011 and was approved as interim guidance for development control purposes.
- 5.55 New development often creates a need for additional infrastructure or improved community services and facilities, without which there could be a detrimental effect on local amenity and the quality of the environment. National Planning Policy sets out the principle that applicants may reasonably be expected to provide, pay for, or contribute towards the cost of all or part of the additional infrastructure/services. Obligations are the mechanism used to secure these measures.
- 5.56 In respect of planning obligations, the NPPF advises at paragraph 204 that they should be sought where they meet all of the following tests:
- necessary to make development acceptable in planning terms
 - directly related to the development; and
 - fairly and reasonably related in kind and scale to the development
- 5.57 Having regard to the above, the Heads of terms relating to the additional development would include the following:-

CDC Contributions

- 35% affordable housing
- Refuse and Recycling - £67.50 per property
- Play Areas – a LAP and £31,995.52 commuted maintenance sum

- Attenuation Pond Maintenance - £14.91 per m2
- Ditch Maintenance - £50.09/Ln m
- POS Maintenance - £25.07 per m2
- Mature Tree Maintenance – £2527.16 per mature tree
- Monitoring fee - £1500

OCC Contributions

- £179,868 – Primary School Expansion in the area
- £254,216 – New Secondary School at Bicester
- £8,939 – Special Education Needs
- £5,452 – Bicester New Library
- £7,921 – Waste Management
- £619 – Museum Resource Centre
- £7,416 – Adult Health and Wellbeing Day Care
- £2,123 – Central Library
- £3,750 – Administration
- Improvements to pedestrian and cycle connectivity into Chesterton from the application site

Thames Valley Police - £6,285.65

Engagement

- 5.58 With regard to the duty set out in paragraphs 186 and 187 of the Framework, no problems or issues have arisen during the application. It is considered that the duty to be positive and proactive has been discharged through the efficient and timely determination of the application.

Conclusion

- 5.59 Given that the adopted Cherwell local plan housing policies are out of date and the emerging housing policies can only be given limited weight and the council cannot demonstrate a five year housing land supply, paragraphs 14 and 49 of the Framework are engaged. Paragraph 14 makes it clear that permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
- 5.60 The site lies outside, but on the edge, of the village confines and so lies in open countryside and would represent the loss of agricultural land. However, it is clear from the information provided and the assessment's made by officers of the Council that the level of harm arising from the development would not outweigh the benefits of the provision of housing in the face of housing deficit. In accordance with paragraph 14 of the NPPF, the adverse impacts of the proposed development do not outweigh the benefits and so there should be a presumption in favour of sustainable development.

6. Recommendation

Approval, subject to:

- a) The applicants entering into an appropriate legal agreement to the satisfaction of the District Council to secure financial contributions as outlined in paragraph

5.57,

b) the following conditions:

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

Reason – This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and Article 4 of the Town and Country Planning (General development procedure) Order 2010 (as amended)

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

Reason – As above

3. The development to which this permission relates shall be begun not later than the expiration of one year from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last reserved matters to be approved.

Reason – As above

4. Except where otherwise stipulated by condition, the application shall be carried out strictly in accordance with the following plans and documents:
Application forms,

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

5. Prior to the commencement of the development, a plan showing the details of the finished floor levels of the proposed dwellings in relation to existing ground levels on the site shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason – To ensure that the proposed development is in scale and harmony with its neighbours and surroundings and to comply with Policy C28 of the Adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework

6. No more than 45 dwellings shall be accommodated on the site.

Reason – In order to achieve a satisfactory form of development, to ensure that the site is not overdeveloped and to comply with Policies C28 and C30 of

the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

7. Prior to the commencement of the development hereby permitted, a detailed scheme for the surface water and foul sewage drainage of the development shall be submitted to and approved in writing by the Local Planning Authority. The approved surface water drainage scheme shall be carried out prior to commencement of any building works on the site and the approved foul sewage drainage scheme shall be implemented prior to the first occupation of any building to which this scheme relates. All drainage works shall be laid out and constructed in accordance with the Water Authorities Associations current edition 'sewers for adoption'

Reason – To ensure that the development is served by proper arrangements for the disposal of surface/foul sewage, to comply with Policy ENV1 of the adopted Cherwell Local Plan and Government guidance within the National Planning Policy Framework

8. Prior to the commencement of the development hereby approved, a landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme for landscaping the site shall include:-
 - (a) details of the proposed tree and shrub planting including their species, number, sizes and positions, together with grass seeded/turfed areas,
 - (b) details of the existing trees and hedgerows to be retained as well as those to be felled, including existing and proposed soil levels at the base of each tree/hedgerow and the minimum distance between the base of the tree and the nearest edge of any excavation,
 - (c) details of the hard surface areas, including pavements, pedestrian areas, reduced-dig areas, crossing points and steps.

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

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with BS 4428:1989 Code of Practice for general landscape operations (excluding hard surfaces), or the most up to date and current British Standard, in the first planting and seeding seasons following the occupation of the building(s) or on the completion of the development, whichever is the sooner. Any trees, herbaceous planting and shrubs which, within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the current/next planting season with others of similar size and species.

Reason - In the interests of the visual amenities of the area, to ensure the

creation of a pleasant environment for the development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

10. Prior to the commencement of the development hereby approved, a schedule of landscape maintenance for a minimum period of 5 years, to include the timing of the implementation of the schedule and procedures for the replacement of failed planting shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the landscape maintenance shall be carried out in accordance with the approved schedule.

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

11. Except to allow for the means of access and vision splays the existing hedgerow along the north-west boundary of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

12. The existing hedgerows along the south-west and south-east boundaries of the site shall be retained and properly maintained at a height of not less than 3 metres, and if any hedgerow plant dies within five years from the completion of the development it shall be replaced and shall thereafter be properly maintained in accordance with this condition.

Reason - In the interests of the visual amenities of the area, to provide an effective screen to the proposed development and to comply with Policy C28 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

13. Prior to the commencement of the development hereby approved full details of the provision, landscaping and treatment of open space/play space within the site together with a timeframe for its provision shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the open space/play space shall be landscaped, laid out and completed in accordance with the approved details and retained at all times as open space/play space.

Reason - In the interests of amenity, to ensure the creation of a pleasant environment for the development with appropriate open space/play space and to comply with Policy R12 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

Framework.

14. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance, a mitigation strategy for great crested newts, which shall include timing of works, exclusion fencing, the location and design of alternative ponds/habitats together with the timing of their provision, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the mitigation works shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

15. Where an offence under Regulation 41 of the Habitat and Species Regulations 2010 could occur in respect of the development hereby approved, no works of site clearance, demolition or construction shall take place which are likely to impact on newts until a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the Local Planning Authority.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

16. Prior to the commencement of the development hereby approved, including any demolition and any works of site clearance or the translocation of any reptile, a strategy for the translocation of reptiles, which shall include the identification of receptor sites, the management scheme, landscaping and the arrangements for implementation shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

17. Prior to the commencement of the development hereby approved a full lighting strategy designed in line with Bat Conservation Trust Guidelines is to be submitted and approved in writing by the Local Planning Authority. Thereafter the strategy shall be carried out in accordance with the approved details.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

18. No removal of trees recorded as Category 2 shall be carried out except in adherence to the precautionary working methodology outlined in Section 2.40 of the Protected species report submitted with the application which was prepared by CSa Environmental Planning dated September 2014.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

19. No removal of hedgerows, trees or shrubs nor works to, or demolition of buildings or structures that may be used by breeding birds, shall take place between the 1st March and 31st August inclusive, unless the Local Planning Authority has confirmed in writing that such works can proceed, based on health and safety reasons in the case of a dangerous tree, or the submission of a recent survey (no older than one month) that has been undertaken by a competent ecologist to assess the nesting bird activity on site, together with details of measures to protect the nesting bird interest on the site.

Reason - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy C2 of the adopted Cherwell Local Plan and Government guidance contained within the National Planning Policy Framework.

20. Prior to the commencement of the development hereby approved, full details of the means of access between the land and the highway, including, position, layout, construction, drainage and vision splays shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the means of access shall be constructed and retained in accordance with the approved details.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

21. Prior to the first occupation of any of the dwellings hereby approved, all of the estate roads and footpaths (except for the final surfacing thereof) shall be laid out, constructed, lit and drained in accordance with Oxfordshire County Council's 'Conditions and Specifications for the Construction of Roads' and its subsequent amendments.

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

22. Prior to the commencement of the development hereby approved, full specification details of the vehicular accesses, driveways and turning areas to serve the dwellings, which shall include construction, layout, surfacing and drainage, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first occupation of any of the dwellings, the access, driveways and turning areas shall be constructed in

accordance with the approved details.

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

23. Prior to the commencement of the development hereby approved, full specification details (including construction, layout, surfacing and drainage) of the parking and manoeuvring areas shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, and prior to the first occupation of the development, the parking and manoeuvring areas shall be provided on the site in accordance with the approved details and shall be retained unobstructed except for the parking and manoeuvring of vehicles at all times thereafter.

Reason - In the interests of highway safety and to comply with Government guidance contained within the National Planning Policy Framework.

24. A Travel Information Pack shall be developed in accordance with Oxfordshire County Council guidelines and submitted to the Local Planning Authority, in consultation with OCC Travel Plans team, for approval, prior to first occupation of the site. No occupations shall take place prior to the written approval of the Travel Information Pack by the Local Planning Authority.

Reason - In the interests of sustainability, to ensure a satisfactory form of development and to comply with Government guidance contained within the National Planning Policy Framework.

25. Prior to any demolition on the site, the commencement of the development and any archaeological investigation, a professional archaeological organisation acceptable to the Local Planning Authority shall prepare a first stage archaeological Written Scheme of Investigation, relating to the application area, which shall be submitted to and approved in writing by the Local Planning Authority.

Reason - To safeguard the recording and inspection of matters of archaeological importance on the site in accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

26. Prior to any demolition on the site and the commencement of the development and following the approval of the first stage Written Scheme of Investigation referred to in condition [a], a programme of archaeological evaluation, investigation and recording of the application area shall be carried out by the commissioned archaeological organisation in accordance with the approved first stage Written Scheme of Investigation.

Reason - In order to determine the extent, character and significance of the surviving remains of archaeological interest and to safeguard the recording and inspection of matters of archaeological importance on the site in

accordance with Policy BE6 of the South East Plan 2009 and Government guidance contained within the National Planning Policy Framework.

27. That prior to the first occupation of any part of the development hereby permitted, fire hydrants shall be provided on site in accordance with details which shall first be submitted to and approved in writing by the Local Planning Authority.

Reason – To secure the provision of essential community infrastructure on site in accordance with Government guidance within the NPPF.

28. Development shall not commence until a drainage strategy detailing any on and/or off site drainage works, has been submitted to and approved by, the local planning authority in consultation with the sewerage undertaker. No discharge of foul or surface water from the site shall be accepted into the public system until the drainage works referred to in the strategy have been completed.

Reason - The development may lead to sewage flooding; to ensure that sufficient capacity is made available to cope with the new development; and in order to avoid adverse environmental impact upon the community.

29. Development should not be commenced until: Impact studies of the existing water supply infrastructure have been submitted to, and approved in writing by, the local planning authority (in consultation with Thames Water). The studies should determine the magnitude of any new additional capacity required in the system and a suitable connection point.

Reason: To ensure that the water supply infrastructure has sufficient capacity to cope with the/this additional demand.

Planning Notes

1. PN19
2. PN22

Statement of Engagement

In accordance with the Town and Country Planning (Development Management Procedure) (England) (Amendment No 2) Order 2012 and paragraphs 186 and 187 of the National Planning Policy Framework (March 2012), this decision has been taken by the Council having worked with the applicant/agent in a positive and proactive way as set out in the application report.