

Case Officer: Sophie Browne

Applicant: Hayfield Homes Construction Limited

Proposal: Erection of up to 10 dwellings and associated vehicular access, public open space, landscaping and other supporting infrastructure

Ward: Fringford And Heyfords

Councillors: Cllr. Conway-Murray, Cllr. Simpson, Cllr Wood

Reason for Referral: Major development

Expiry Date: 15 November 2024

Committee Date: 5 June 2025

**SUMMARY RECOMMENDATION: GRANT PERMISSION SUBJECT TO CONDITIONS
AND SUBJECT TO A S106 LEGAL AGREEMENT**

MAIN REPORT

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site comprises is a roughly square in shape, undeveloped field of around 1.92ha, located on the south western edge of Finmere. It is bounded to the north and east by existing residential development (Stable Close and Chinalls Close respectively). Banbury Road bounds the site to the south, from which is it separated by a mature hedgerow. The site is separated from a similar-sized field to the west by fencing, with further mature vegetation to the remaining boundaries of the adjacent field.
- 1.2. The site is largely flat and is currently in use for grazing horses and ponies. Access is via a field gate to the south eastern corner with additional pedestrian access points, associated with the Public Rights of Way (PROW) that cross the site, located in the north eastern corner and on the northern boundary close to the north western corner. Banbury Road is gated around 10m from the eastern site boundary, becoming a private access to a dwellinghouse known as Foxley. The gated section of the road remains the property of Oxfordshire County Council Local Highway Authority.

2. CONSTRAINTS

- 2.1. The application site is not subject to any relevant planning designations. Three PROWs run across it: 213/9/20 and 213/1/40 run diagonally north west from the south eastern access point, with the former connecting to a field gate on the northern boundary near the north west corner and the latter continuing in a more westerly direction across the adjacent field. PROW 213/10/30 and 213/10/20 run sequentially from the western site boundary at a shallow angle to the access point in the north eastern corner.

- 2.2. A pond is located some 105m to the west of the site with good habitat connectivity, with a second pond approximately 185m to the north west separated from the site by a road and some dwellinghouses. Council mapping systems identify the site as containing a mixture of Grades 1, 2 and 5 agricultural land, with Grades 1 and 2 falling within the 'best and most versatile' (BMV) category.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application is made in outline with all matters reserved other than means of access. The proposal is for the erection of up to ten dwellinghouses, shown on the illustrative masterplan as detached units located centrally within the site around a cul-de-sac originating from a new access point from Banbury Road, which would be located approximately 28m from the south eastern corner of the site. The applicant has committed to providing two of these dwellinghouses as two-bedroomed bungalows. Affordable housing would be provided on-site if a Registered Provider can be secured, as detailed in Section 9 of this report, with the remaining dwellings proposed to be family homes of four or more bedrooms. All dwellinghouses would meet M4(2) accessibility standards and be EPC-A rated, with dedicated electric vehicle charging points.
- 3.2. The indicative drawings submitted in support of the application show the retention of the three existing PROWs and the applicant has committed to providing off-site footpath works to improve pedestrian safety between the north eastern site access and the primary school on Mere Road. The development would incorporate a community orchard as well as a variety of public open spaces, a play area, and trim trail equipment.
- 3.3. *Timescales for Delivery:* The applicant has advised that, in the event that planning permission is granted, they anticipate that the development could be delivered within the next two years.

4. RELEVANT PLANNING HISTORY

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

15/00026/PREAPP: Proposed residential development together with access and associated infrastructure. Response sent 26.3.2015.

15/00028/SO: Screening opinion to 15/00552/OUT. 'Screening opinion not requesting EIA' 3.6.2015.

15/00552/OUT: Residential development together with access and associated infrastructure and public open space. Withdrawn 22.7.2015.

21/03317/SO: Screening opinion to 21/03066/OUT. 'Screening opinion not requesting EIA' 2.11.2021.

21/03066/OUT: Outline application for up to 30 dwellings and detailed access from Banbury Road, with all other matters reserved. Refused 22.4.2022. Appeal dismissed 1.11.2023.

- 4.2. 15/00026/PREAPP did not relate specifically to the current proposal but sought pre-application advice in relation to the principle of the residential development of the land for up to forty five dwellinghouses. The advice provided preceded the adoption of the

CLP Part 1 in July 2015 and the Council could not demonstrate a five-year housing land supply at the time.

- 4.3. Observations from Planning Policy noted that Policy Villages 2 of the (then) Submission Local Plan *“provides for some development at Finmere”* and summarised that *“The scale of the proposed development at this location causes some concern. A smaller development area and a reduced number of dwellings may better reflect the character and size of the village and reduce the impact on the countryside”*.
- 4.4. The overall conclusion to the pre-application advice note stated the following: *“The development of this site is contrary to the adopted Development plan policies. However, the Council does not currently have any up to date adopted policies to ensure the future delivery of housing and there currently remains a shortfall in housing land supply. In this case, it is the benefit of seeking to meet the housing land supply and the provision of affordable housing that weigh heavily in the balance. On balance therefore, it is considered that some residential development on the site may be acceptable in principle. Having regard to the comments of Oxfordshire County Council, the position of the site beyond the existing built up limits of the village and the public rights of way which cross the site, it is considered that a reduced number of dwellings must be proposed which enables a scheme to be designed which better reflects the character and size of the village, pays proper regard to existing public rights of way which cross the site and reduces the impact of the development on the open countryside”*.
- 4.5. 21/03066/OUT was refused by the Planning Committee, contrary to Officer recommendation, on the grounds of being in an unsustainable location, having potential to impact on nearby archaeological assets, potentially utilising best and most versatile agricultural land, and leading to increased downstream flood risk. The lack of a planning obligation to secure infrastructure and affordable housing delivery was cited as an additional refusal reason.
- 4.6. The Inspector’s subsequent appeal decision (APP/C3105/W/22/3309489) supported the refusal on the basis that *“the proposed development of up to 30 homes would be too large in relation to the range of local services and facilities”* (paragraph 8) but also noted that the site was identified *“as suitable for 20 dwellings by the Council’s Housing and Economic Land Availability Assessment (2020) which formed part of the evidence base of the Cherwell Local Plan 2011-2031 (Part 1) (Partial Review), and indeed the site meets many of the criteria in Policy Villages 2. It is well enclosed with limited landscape impact, and with satisfactory access for vehicles from Banbury Road. An existing footpath would take pedestrians through Chinalls Close into Valley Road and Mere Road, and would integrate the site with the village. Submitted evidence demonstrates that there are no archaeological, heritage or flood risk constraints on the site”* (paragraph 9).
- 4.7. It is of note that, whilst the Council could not demonstrate a five year housing land supply at the time of the Committee decision to refuse the application, by the time of the Appeal decision the Inspector noted that *“The District has a 5 year housing land supply based on the local housing need (LHN) calculation”* (paragraph 4).

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No pre-application discussions have taken place with regard to this proposal.

6. RESPONSE TO PUBLICITY

6.1. This application has been publicised by way of a site notice displayed near the site, expiring **30 May 2024**, by advertisement in the local newspaper expiring **7 June 2024**, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records (amend as appropriate). The final date for comments was **22 October 2024**, although comments received after this date and before finalising this report have also been taken into account.

6.2. 29 objection comments (including two duplicate) have been received from third parties, which are summarised as follows:

- Conflict with the housing strategy for the District as set out in the 2011-2031 Local Plan; requirement for 750 units in Category A villages has already been met; site is not allocated by CDC for development; increase in size of village from 135 to 170 homes since 1995; application is not infill or minor development; disproportionate development for the size of the village; CDC has a five year housing land supply.
- Site is outside the built-up area of the village; site is in an isolated location that is out of keeping with the existing development pattern of the settlement; impact of development on quiet rural character, identity, and heritage of the village; development would not integrate with the settlement; development would not enhance the built environment.
- Proposed new footway along Valley Road and Mere Road would change the character of the village centre; loss of parking lay-by to accommodate footway would be detrimental to school drop-off and pick-up.
- Finmere is an unsustainable location: lack of employment opportunities; limited public transport meaning that the development would be car dependent; lack of local services and facilities; the village should no longer be Category A due to its size and loss of services and facilities; inadequate local school; inadequate healthcare facilities; poor active travel connections to site.
- Impact of surface water drainage to existing sewage system, which already has capacity problems.
- Flood risk impacts.
- Application site is within 300m of a landfill site, potential detrimental impacts on health of future occupiers and villagers already have to contend with environmental problems caused by the operators of the site.
- Application site is within 850m of HS2 route *“and Finmere has already had a number of successful ‘blight’ claims against HS2”* with people leaving the village; proposal would compound issues created by HS2 such as increased traffic from local road closure and noise
- Impact on highways: safety; congestion; pollution; conflict with existing active travel users of Old Banbury ‘no through’ road; further degradation of already poorly maintained local roads.
- Impact on ecology: local wildlife; trees; habitat.
- Housing mix: no affordable or social housing; only large ‘luxury’ houses proposed; a greater range of house sizes would promote a healthy, diverse community.
- Impact on electricity supply to the village.

- Concerns that development would facilitate later development of adjoining site.
- Loss of private views.
- Impact of experience of using footpaths across the site and recreational use of the site (cyclists, runners, horse riders, dog walkers etc).
- Existing nearby developments already increasing traffic and local population.
- Similar to the proposals (16/01209/OUT and 17/01328/OUT) on the adjoining parcel of land that were refused, with an appeal dismissed (APP/C3105/W/17/69168)
- Fails to address Inspector's findings at last appeal (dismissed) on the site (APP/C3105/W/22/3309489 re 21/03066/OUT) in relation to ESD1 and Policy Villages 2 in terms of accessibility to employment, services and facilities.
- Impact on property values in the village.

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

7. RESPONSE TO CONSULTATION

- 7.1. Below is a summary of the consultation responses received at the time of writing this report. Responses are available to view in full on the Council's website, via the online Planning Register.
- 7.2. FINMERE PARISH COUNCIL: **Objects** to the application, primarily on the grounds of sustainability, flood risk, and size, scale, form, location and access.

Sustainability

Finmere is a small Category A village with few facilities or employment opportunities and limited bus services and is not suitable for the scale of development proposed. Policy Villages 1 is cited in relation to the limits placed on development at Category A villages.

All of the proposed houses are large homes that are not of the type that Finmere needs, any new development should include a mix of house sizes and styles.

Poor active travel links to nearest shop at Tingewick and concerns regarding proposed crossing location of new footpath route from site to school as this is on a blind bend.

Flooding

There are existing flooding problems within the village, which is increasing in severity and frequency with climate change and increased building/hard surfacing. Concerns expressed regarding the proposed surface water drainage arrangements and impacts on the existing problems.

Concerns regarding disruption that proposed foul water connection to existing network in Stable Close would cause.

Size, scale, form, location and access

Location and layout of the proposed development encroaches into the countryside and is not reflective of the existing settlement pattern. Location of access off the old Banbury Road will exacerbate the poor integration of the development into the existing community, contrary to guidance within the Local Plan.

Sewage treatment

“Anglian Water state that the Buckingham Water Recycling Centre does NOT have capacity to treat flows from this development... They are obligated however to accept the flows”. The Parish Council seeks assurance that appropriate investment will be made to upgrade the existing system before further development is considered.

Noise, landfill odours, proximity to HS2 and the Limestone Borrow Pit

The Parish Council queries whether the site is suitable for residential development given its proximity to noise emitters (including A roads and the line of HS2) and Finmere landfill site.

Old Banbury Road

The Parish Council expresses concerns regarding potential conflict between vehicles and active travel users on the former B4031 Banbury Road, requesting a requirement for the developer to install a pavement and traffic calming measures between the proposed site access and the Red Lion public house to mitigate.

- 7.3. OCC LOCAL HIGHWAY AUTHORITY (LHA): **No objection** subject to conditions and S106 contributions.
- 7.4. OCC LEAD LOCAL FLOOD AUTHORITY (LLFA): **No objection** subject to conditions.
- 7.5. CDC BUILDING CONTROL: **No objection**.
- 7.6. CAMPAIGN TO PROTECT RURAL ENGLAND (CPRE) OXFORDSHIRE: **Objects** to the proposal on the following grounds: unsustainable location with limited access to services and amenities other than by private motor vehicle; proximity to HS2 and associated noise pollution; impact on local agriculture and/or sports facilities (site *“currently used for cattle and horse pens”*); Banbury Road does not provide suitable access; removal of hedgerows and loss of habitats for protected and priority species; potential flood risk impacts; lack of affordable housing; limited information regarding design and layout; design security concerns; disproportionate addition to the settlement; impacts on local infrastructure (energy, water, sewage, and gas); utilisation of ‘best and most versatile’ agricultural land.
- 7.7. CLINICAL COMMISSIONING GROUP: No comments received at the time of writing.
- 7.8. CDC ECOLOGIST: **No objection** subject to conditions.
- 7.9. CDC ENVIRONMENTAL HEALTH OFFICER: **No objection** subject to conditions.
- 7.10. CDC HOUSING STANDARDS: No comments received at the time of writing.
- 7.11. CDC LANDSCAPE OFFICER: **No objection**.
- 7.12. CDC COMMUNITY INFRASTRUCTURE: **No objection** subject to S106 contributions.
- 7.13. CDC STRATEGIC HOUSING: **No objection** subject to S106 agreement.
- 7.14. THAMES VALLEY POLICE: Concerns expressed regarding the indicative layout provided on the Illustrative Masterplan in relation to the surveillance it provides to the central area of the development and to the public open spaces. Detailed comments and guidance provided in relation to parking, defensible space and planting, surveillance, bin and cycle stores, public open space, lighting, rear access routes, and utility meters.
- 7.15. THAMES WATER: ‘No comment’ response.

- 7.16. ANGLIAN WATER: Advises that the necessary steps would be taken to accept foul flows from the development should permission be granted and that the submitted FRA is considered acceptable subject to appropriate informatives.
- 7.17. CDC WASTE AND RECYCLING OFFICER: **No objection** subject to S106 contributions.
- 7.18. BICESTER BIKE USERS GROUP: No comments received at the time of writing.
- 7.19. CDC ARBORICULTURAL OFFICER: No comments received at the time of writing.
- 7.20. OCC ARCHAEOLOGIST: **No objection**.
- 7.21. OCC EDUCATION: **No objection** and no S106 contribution sought.

8. RELEVANT PLANNING POLICY AND GUIDANCE

- 8.1. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.
- 8.2. The Cherwell Local Plan 2011-2031 - Part 1 was formally adopted by Cherwell District Council on 20th July 2015 and provides the strategic planning policy framework for the District to 2031. The Local Plan 2011-2031 – Part 1 replaced a number of the ‘saved’ policies of the adopted Cherwell Local Plan 1996 though many of its policies are retained and remain part of the development plan. The relevant planning policies of Cherwell District’s statutory Development Plan are set out below:

CHERWELL LOCAL PLAN 2011-2031 PART 1 (CLP 2015)

- PSD1 – Presumption in Favour of Sustainable Development
- BSC1 – District Wide Housing Distribution
- BSC2 – The Effective and Efficient Use of Land
- BSC3 – Affordable Housing
- BSC4 – Housing Mix
- BSC10 – Open Space, Outdoor Sport and Recreation Provision
- BSC11 – Local Standards of Provision – Outdoor Recreation
- BSC12 – Indoor Sport, Recreation and Community Facilities
- ESD1 – Mitigating and Adapting to Climate Change
- ESD6 – Sustainable Flood Risk Management
- ESD7- Sustainable Drainage Systems
- ESD10 – Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13 – Local Landscape Protection and Enhancement
- ESD15 - The Character of the Built and Historic Environment
- ESD17 – Green Infrastructure
- Policy Villages 1 – Village Categorisation
- Policy Villages 2 – Distributing Growth Across the Rural Areas
- INF1 - Infrastructure

CHERWELL LOCAL PLAN 1996 SAVED POLICIES (CLP 1996)

- C28 – Layout, design and external appearance of new development
- C30 – Design control
- ENV1 – Environmental pollution

- H18 - New Dwellings in the Countryside

DRAFT CHERWELL LOCAL PLAN (DCLP) - limited weight can be attributed to the Regulation 19 Draft Cherwell Local Plan (DCLP) at this stage as it has not been tested at examination

- SP1: Settlement Hierarchy.
- CSD1: Mitigating and adapting to climate change.
- CSD2: Achieving net zero carbon development residential.
- CSD 8: Sustainable Drainage Systems
- CSD 9: Water Resources and Wastewater Infrastructure.
- CSD 11: Protection and Enhancement of Biodiversity
- CSD 12: Biodiversity Net Gain.
- CSD 16: Air Quality
- CSD 18: Light Pollution
- CSD 23: Assessing Transport Impact/ Decide and Provide.
- LEC 6: Supporting A Thriving and Resilient Farming Sector.
- LEC7: Best and Most Versatile Agricultural Land.
- COM1: District Wide Housing Distribution
- COM2: Affordable Housing
- COM3: Housing Size/Type
- COM10: Protection and Enhancement of the Landscape.
- COM11: Cherwell Local Landscape Designations.
- COM 13: Settlement Gaps
- COM 14 Achieving Well Designed Places.
- COM 15 Active Travel - Walking and Cycling
- COM 20 Providing Supporting Infrastructure and Services.
- COM 22 Public Services and Utilities.
- COM23 Local Services and Community Facilities.
- COM24 Open Space, Sport and Recreation
- COM25 Local Green Space.
- COM 26 Historic Environment.

8.3. Other Material Planning Considerations

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Cherwell Design Guide (2018)
- Cherwell Home Extensions and Alterations Design Guide (2007)
- Conservation of Habitats and Species Regulations 2017
- Oxfordshire Parking Standards for New Developments (2022)
- Developer Contributions Supplementary Planning Document (2018)

9. APPRAISAL

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

- Principle of development
- Design and impact on the character of the area
- Residential amenity
- Drainage and flood risk
- Highways impact
- Ecology impact
- Other matters

Principle of Development

Policy context

- 9.2. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The Development Plan for this area comprises the adopted Cherwell Local Plan 2011-2031 (CLP 2015), the saved policies of the Cherwell Local Plan 1996 (CLP 1996) and the policies in the Hook Norton Neighbourhood Plan (HNNP).
- 9.3. The CLP 2015 seeks to allocate sufficient land to meet District-wide housing needs. The overall housing strategy is to focus strategic housing growth at the towns of Banbury and Bicester and a small number of strategic sites outside of these towns. This is outlined in Policy BSC1 of the CLP 2015. With regards to villages, the plan notes that the intention is to protect and enhance the services, facilities, landscapes and natural and historic built environments of the villages and rural areas. It does, however, advise that there is a need within the rural areas to meet local and Cherwell-wide needs and therefore allows for an appropriate and proportionate amount of growth in the rural areas.
- 9.4. Strategic Objective SO7 of CLP 2015 refers to the need to meet the housing needs of all sections of Cherwell's Communities, particularly the need to house an ageing population.
- 9.5. Policy ESD1 of CLP 2015 identifies the measures to be taken to mitigate the impact of development within the District on climate change. This includes distributing growth to the most sustainable locations as defined in the Local Plan.
- 9.6. Policies Villages 1 (PV1) of CLP 2015 categorises the villages in Cherwell. Finmere is categorised by PV1 as being a Category A Village. These are the most sustainable villages as stated by the supporting text in paragraph XXII. PV1 states that proposals for residential development within the built up limits of villages will be considered based on their categorisation. As Finmere is categorised as a Category A Village by PV1 it is identified by the Local Plan as being suitable settlement for minor development, infilling and conversions.
- 9.7. The CLP 2015 Policies Map does not contain settlement boundaries for settlements within the District.
- 9.8. Policy Villages 2 (PV2) of the CLP 2015 sets out the distribution of growth across the rural area. It states that a total of 750 homes will be delivered at Category A Villages.
- 9.9. Policy H18 of the CLP 1996 refers to the development of dwellings beyond the built up limits of settlements.
- 9.10. The published Cherwell District Council latest Annual Monitoring Report dated February 2024 confirms that Cherwell District Council can only demonstrate a housing land supply of 2.3 years. PV1 and PV2 along with H18 and BSC1 cannot therefore be considered up-to-date. Policy PSD1 of the Cherwell Local Plan and the paragraph 11 (d) of the NPPF which set out the presumption in favour of sustainable development are therefore engaged.
- 9.11. Policy PSD1 of the CLP 2015 states that where there are no policies relevant to the application or relevant policies are out of date at the time of making the decision then

the Council will grant permission unless material considerations indicate otherwise – taking into account whether: any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the National Planning Policy Framework taken as a whole; or specific policies in the Framework indicate that development should be restricted.

9.12. Paragraph 11 (d) of the NPPF states where there are no relevant development plan policies, or the policies which are most important for determining the application are out of date, planning permission should be granted unless:

- i) The application of policies in this Framework that protect areas of assets of particular importance provides a strong reason for refusing the development proposed; or
- ii) Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land, securing well designed places and providing affordable homes, individually or in combination.

9.13. The key consideration pertinent to the principle of development is therefore whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits.

9.14. The recently published National Planning Policy Framework (2024) states that to support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of grounds with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an areas identified housing need, including with an appropriate mix of housing types for the local community.

9.15. The reference to the need to significantly boost the supply of housing aligns with the government's objective of building 1.5 million homes over the next 5 years as set out in the Building the Homes we Need Written Ministerial Statement dated December 2024. In order to achieve this objective it is clear that sites in sustainable locations should be considered for development.

Assessment

9.16. Finmere is identified under Policy Villages 1 as a Category A village, which are recognised as the most sustainable locations for growth in the rural areas. It is acknowledged that sustainability credentials vary between Category A villages, with some benefitting from better services and facilities - or sustainable access to these in nearby settlements - than others.

9.17. Finmere has a primary school, a playing field, a church and a village hall, and a pub that is temporarily closed at present. The nearest shop is at Tingewick, approximately 1.7km to the east, with poor active travel links making it an unrealistic option to meet everyday needs. There is, however, a service station convenience store located on the A421 roundabout some 300m south of the settlement with, apparent footpath connectivity, that could cater to some everyday needs of residents. The main employment opportunities are at Buckingham (around 6km east) and Bicester (some 10km south west).

9.18. A bus service operates with five buses to, and three buses from, Buckingham every weekday at suitable times to support commuting for employment (the first bus from Finmere leaves at 07:12 and arrives at Buckingham High Street at 07:38, with the last bus from Buckingham leaving at 17:46). The route also connects Finmere to Tingewick, providing a sustainable option to reach the nearest local shop. A new circular bus route started in July 2024, connecting Finmere to Bicester and passing through the village five times a day (Monday to Saturday), which also supports commuting for employment (the first bus leaves Finmere at 07:22 and arrives in central Bicester O801, the last bus departs Bicester 17:50). Given this, Finmere is considered to represent a sustainable location for development of an appropriate scale.

9.19. The application site is located outside the built up limits of the settlement, in light of which Policy Villages 2 is central to assessing the acceptability of the proposal. The policy states that “a total of 750 homes will be delivered at Category A villages”. It is acknowledged, as stated in the Planning Policy consultation response, that this figure has now been exceeded, however various Appeal decisions (e.g. APP/C3105/W/23/3327213, July 2024; APP/C3105/W/23/3331122, May 2024) have established that this figure is not a cap or ceiling to development and that proposals at Category A villages that are otherwise acceptable can nevertheless still be supported.

9.20. Policy Villages 2 states that “In identifying and considering sites, particular regard will be given to the following criteria:

- *Whether the land has been previously developed land or is of lesser environmental value*
- *Whether significant adverse impact on heritage or wildlife assets could be avoided*
- *Whether development would contribute in enhancing the built environment*
- *Whether best and most versatile agricultural land could be avoided*
- *Whether significant adverse landscape and impacts could be avoided*
- *Whether satisfactory vehicular and pedestrian access/egress could be provided*
- *Whether the site is well located to services and facilities*
- *Whether necessary infrastructure could be provided*
- *Whether land considered for allocation is deliverable now or whether there is a reasonable prospect that it could be developed within the plan period*
- *Whether land the subject of an application for planning permission could be delivered within the next five years*
- *Whether the development would have an adverse impact on flood risk.”*

9.21. The majority of these criteria will be assessed in detail in the following sections of this report, however it is self-evident that the site is not previously developed land. As detailed in later sections, the site is not of high environmental value and is not sensitive in heritage terms. With appropriate design and mitigation, significant adverse impacts on wildlife assets and the wider landscape could be avoided, satisfactory vehicular and pedestrian access/egress could be provided, and the development would contribute to enhancing the built environment. The development would not result in adverse flood risk impacts and necessary infrastructure could be provided.

- 9.22. In relation to the criterion of *“whether the site is well located to services and facilities”*, it is of note that the Inspector for the dismissed previous Appeal (against 21/03066/OUT) at the site considered it to be suitable for development in many respects but repeatedly emphasised that it was the scale of the proposal that was problematic, stating at paragraph 8 of the Appeal decision that *“the proposed development of up to 30 homes would be too large in relation to the range of local services and facilities”* and, having identified a range of positive elements in the planning balance, concluding at paragraph 11 that *“none of these considerations, individually or together, outweigh the fundamental objection that this scheme would deliver too many new homes in a village with few facilities”*.
- 9.23. The scale of the current proposal is greatly reduced, from 30 dwellings to 10, and the sustainability of the village has been improved since the Appeal decision by the introduction of the new bus service. 2021 census data gives the population of Finmere as 487, in light of which an additional 10 dwellings is considered a proportionate addition to the settlement that is commensurate with the level of services and facilities available. It is also noted that both the 2020 Housing and Economic Land Availability Assessment and the advice provided under 15/00026/PREAPP considered the site to be sufficiently well-located to be suitable for residential development in principle. Third party comments that Finmere should no longer be a Category A settlement, and that it is downgraded in the emerging Local Plan, are noted, however the emerging Local Plan has not yet reached a stage of preparation at which it can be afforded meaningful weight in the planning balance and, as set out above, the service provision and connectivity of the settlement are objectively regarded as sufficient to sustain some level of growth, with the scale of the proposed development low.
- 9.24. Comparisons drawn by third parties with the proposals and subsequent dismissed appeal on the parcel of land adjoining the site to the west (references 16/01209/OUT, 17/01328/OUT and APP/C3105/W/17/69168 respectively) are not considered directly comparable. The proposed quantum of development was greater, the proposal being for twenty five dwellings, and as the Inspector noted in the Appeal Decision, *“the description of the proposal as a “dislocated limb of development” can justifiably be applied”* to that scheme, whereas the current application site is enclosed by existing development to two sides and a road to the third and would therefore bear a much closer visual relationship to the existing built form than that scheme.
- 9.25. The scale of the development results in a density of approximately 5.2dph. Policy BSC2 states that *“new housing should be provided on net developable areas at a density of at least 30 dwellings per hectare unless there are justifiable planning reasons for lower density development”*. The supporting text at paragraph B.102 clarifies that *“the density of housing development will be expected to reflect the character and appearance of individual localities and development principles that are appropriate to the individual circumstances of the site”*. In this case, the reduced density arises from the need to provide a scheme of proportionate scale to the size and level of service/facility provision of the settlement. It would also be more commensurate with the prevailing building grain of Finmere and would aid assimilation into the landscape by providing a sense of transition and reduction in the density of the built form, in light of which justification the proposal is considered not to conflict with Policy BSC2.
- 9.26. The site is identified by Council mapping systems as a mixture of Grades 1, 2 and 5 agricultural land. The applicant has submitted an agricultural land quality survey in support of the application, which includes soil analysis and drainage assessment to inform the land quality assessment and concludes that the entirety of the site is Grade 2 land. This falls into the category of ‘best and most versatile’ (BMV) agricultural land, in light of which the proposal does not accord with this criterion of Policy Villages 2.

The submitted Planning Statement acknowledges that the proposal would result in the loss of BMV land but notes that the site has been used by the current owner since 1980 for livestock grazing and exercising horses and was in similar use by the previous owner. Given the size of the site, isolation from other agricultural land, location in close proximity to existing residential development, and the footpaths crossing the site, it is asserted that there is no realistic prospect that the site could be brought into a viable arable use. This is taken into account in weighing the conflict with this criterion of Policy Villages 2 in the planning balance.

- 9.27. There is no indication that the necessary infrastructure to support the development could not be provided and appropriate contributions can be secured by way of planning obligations in the event that permission is granted. The applicant has stated that the development could be delivered within two years of permission being granted and there is no reason to believe that this would not be the case.

Conclusion

- 9.28. The application site is sustainably located at a Category A settlement and is of an appropriate scale for the available facilities and service provision. It is therefore in accordance with CLP 2015 Policies BSC1, ESD1 and Policy Villages 1. The density of development is justified by other material planning considerations and the proposal is therefore considered to accord with CLP 2015 Policy BSC2. Subject to appropriate details at the reserved matters stage, necessary mitigations that can be controlled by condition, and securing contributions via planning obligation, the proposed development meets nine of the eleven criteria of CLP 2015 Policy Villages 2. Of the remaining criteria, one is not relevant as it relates to the consideration of land for allocation. There is some conflict with the criterion that relates to the development of BMV agricultural land, however this is afforded limited weight given the constraints on the likelihood of the land being brought in arable farming use in future. Given this, the proposal is considered to be in overall accord with CLP 2015 Policy Villages 2.
- 9.29. On the basis of the above, the proposed development is considered to accord with the relevant requirements of the Local Development Plan and to represent a sustainable form of development as required by CLP 2015 Policy PSD1 and paragraphs 8 and 11 of the NPPF. Subject to accordance with other relevant policies and material considerations, therefore, the principle of the development can be supported.

Design and impact on the character of the area

Policy context

- 9.30. CLP 2015 Policy ESD13 seeks to protect and enhance the character and appearance of the landscape, including avoiding harm to important natural landscape features and topography, to the setting of settlements, buildings, structure or other landmark features, or to the historic value of the landscape, preventing impacts on areas with high levels of tranquillity, avoiding undue visual intrusion into the open countryside, and ensuring that development is consistent with local character.
- 9.31. CLP 2015 Policy ESD15 recognises that “*Successful design is founded upon an understanding and respect for an area’s unique built, natural and cultural context*” and expects development proposals to complement and enhance the character of the area through sensitive siting, layout, and high quality design, setting out a number of criteria that proposals should meet.

- 9.32. CLP 1996 Policies C28 and C30 also relate to design, seeking to ensure that new development is sympathetic to the character of the area (C28) and compatible with the appearance, character and layout of existing dwellings in the vicinity (C30).
- 9.33. Section 12 of the NPPF relates to design and paragraph 131 states that “*the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve*”. Paragraph 135 sets out expectations that developments should, *inter alia*: function well and add to the quality of the area for the lifetime of the development; be visually attractive; be sympathetic to local character and history, including both the built environment and the landscape setting; and optimise the potential of the site with regard to the amount and mix of development, including green and other public space.

Assessment

- 9.34. The application is made in outline only, with all matters reserved except access, and it is noted that the applicant’s response to technical consultee comments in relation to layout concerns (e.g. the Thames Valley Police ‘Designing Out Crime’ Officer) is that these concerns can be addressed at the reserved matters stage. The various submitted site plans (illustrative masterplans, framework plan, biodiversity enhancement plan etc) are therefore regarded as indicative only, with all matters relating to the site layout, landscaping, and scale and appearance of the development to be determined at the reserved matters stage in the event that outline permission is granted. Notwithstanding this, the indicative drawings submitted in support of the proposal show that the site can comfortably accommodate the proposed quantum of dwellinghouses with sufficient space to support a variety of potential layouts within the broad parameters of containing the built form between PROW 213/10/20-213/10/30 to the north and PROW 213/1/40 to the south west, with planting and landscape features to the west, north west and south west softening the appearance of the development and helping it to assimilate into the landscape in views from western public viewpoints towards the settlement.
- 9.35. Given the existing development to the north and east of the site, the proposed development would be viewed in the context of the existing built form and the submitted wireframe illustrations show that there would be limited material impacts to the wider landscape, particularly once perimeter planting along the western site boundary has matured. The line of the remaining PROW bisecting the site from south east to north west would provide the approximate route for the internal access road. Whilst it is acknowledged that the experience of PROW users would be materially altered by the development, these would be localised effects and the continued PROW routes beyond the site to the west would retain their rural character. Furthermore, two of the three routes would run along the outer edge of the built form and thereby retain a semi-rural character with the experience for users being one of transition from the heart of the village out into the open countryside.
- 9.36. As previously noted, the development would be low density at approximately 5.2dph across the whole site. Taking into account the undeveloped areas around the site perimeters, however, the housing density within the developed area would be closer to 9.5dph. Whilst this remains lower than much of the existing settlement, particularly more recent additions, there are areas of the village where the grain is noticeably looser, such as along Fulwell Road and the southern side of Mere Road. The low density and loose building grain are considered appropriate to the edge-of-settlement location and would contribute to the sense of transition between village and countryside through the development, as well as helping it to assimilate visually into its context.

- 9.37. Concerns are raised by interested third parties that the proposed off-site footway provision along Valley Road and Mere Road would alter the character of the village centre. Whilst this is true, insofar as the existing grass verges would be partially replaced by hard surfacing, verges would also be retained along the opposite side of the carriageway and alongside the majority of the proposed footway, in light of which this alteration is considered not to result in unacceptable adverse impacts on the character of the village. The improvements to highway safety that would result from the proposed footway, providing improved safe and convenient active travel connectivity from residential areas of the settlement to the primary school, are considered to outweigh the limited impacts of the alterations on the character of the settlement.

Conclusion

- 9.38. Given the above, and noting that layout and other design details would form the subject of a reserved matters application, it is considered that the proposed development could deliver a high-quality design that that would be consistent with local character, enhance the built environment, avoid unacceptable landscape impacts, and relate well to the site context. The proposal is therefore considered to accord with the relevant requirements of CLP 2015 Policies ESD13 and ESD15, CLP 1996 Policies C28 and C30, and guidance within the Section 12 of the NPPF.

Affordable housing and mix

Policy context

- 9.39. CLP 2015 Policy BSC3 sets out expectations in relation to the provision of affordable housing. In the rural area, proposals that include eleven or more dwellinghouses or which would be on sites suitable for eleven or more dwellinghouses are expected to provide 35% of new housing as affordable homes on site. The policy expectation is that 70% of the affordable housing should be affordable rented dwellings with the remaining 30% other forms of intermediate affordable homes (such as shared ownership). Where the applicant considers the proposal to be unviable with these requirements, this must be demonstrated through economic viability assessments. Policy BSC3 states that financial contributions in lieu of the provision of on-site affordable housing will only be acceptable in exceptional circumstances.
- 9.40. CLP Policy BSC4 requires new residential development to provide an appropriate mix of homes to contribute to meeting current and expected future housing requirements in the area and to creating socially mixed and inclusive communities.

Assessment

- 9.41. The proposed development falls below the threshold of eleven new dwellinghouses that would normally trigger a requirement for the provision of affordable housing. As noted above, it is accepted that the low density of the development is justified by other material planning considerations, however given the overall site area it is considered that the site could be suitable for eleven or more dwellinghouses and that the requirements of Policy BSC3 are therefore triggered. Following the provision of a viability assessment by the applicant and subsequent negotiations, on-site provision of two affordable rented homes (one 2 bedroom/4 person and one 3 bedroom/5 person) and one shared ownership home (2 bedroom/4 person) has been agreed, which accords with policy expectations and the most up to date housing need data as provided by the Strategic Housing Officer. The applicant has expressed concerns that, in the current market, it will not be possible to secure a Registered Provider (RP) to take on the on-site affordable units, in light of which it has been agreed that a 'cascade' clause could be included in the S106 agreement in the event that

permission is granted, requiring on-site provision unless the applicant demonstrates to the LPA's satisfaction that no RP is available, in which case the LPA will accept a commuted sum as a contribution to off-site provision.

- 9.42. As noted elsewhere in this report, concerns have been expressed regarding the submitted indicative site layout and these include an objection from the Planning Policy Officer, noting that the indicative layout shows ten large, detached houses thereby failing to provide an appropriate mix of homes as required by Policy BSC4. The site layout is, however, regarded as indicative only, and all matters pertaining the internal site layout and design, including the housing mix, could be addressed within a reserved matters application. Notwithstanding this, the applicant has committed to two of the open market dwellinghouses being two bedroom bungalows, contributing to meeting an identified local need for this type of housing.

Conclusion

- 9.43. The provision of on-site affordable housing (or a commuted sum) has been agreed in accordance with CLP 2015 Policy BSC3. The applicant has committed to the provision of two open market two bedroom bungalows and the remainder of the open market housing mix can be addressed under a reserved matters application, in light of which the outline proposal is considered to accord with CLP 2015 Policy BSC4.

Residential amenity

Policy context

- 9.44. Amongst other matters, CLP 2015 Policy ESD15 requires that new development should “*consider the amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation, and indoor and outdoor space*” and that it should limit the impact of light pollution on local amenity.
- 9.45. CLP 1996 Policy C30 seeks to secure acceptable standards of amenity and privacy in relation to new housing development or proposals for extension.
- 9.46. CLP 1996 Policy ENV1 seeks to prevent development that would result in materially detrimental levels of environmental pollution, including noise, vibration, smell, smoke and fumes.
- 9.47. Section 12 of the NPPF seeks to achieve well-designed and beautiful places, with paragraph 135 requiring developments to provide a high standard of amenity for existing and future users.

Assessment

- 9.48. The application is made in outline only and the detailed design of the proposed development would be addressed at reserved matters stage, in the event that outline permission is granted. However, given the size of the site and low density of the proposed housing, there are no concerns regarding the feasibility of ensuring sufficient separation between dwellinghouses – both existing and proposed – to achieve adequate levels of privacy and natural light. Similarly, it is clear that the detailed design proposals would be able to comfortably provide adequate indoor and outdoor space for future residents. Whilst there would inevitably be alterations to the view from properties on Chinalls Close and Stable Close that back onto the site, material loss of outlook would be prevented by the degree of separation between the proposed dwellinghouses and the existing, and softened by the provision of intervening additional planting. These factors would also prevent any sense of overbearing arising from the development. The proposed residential use of the site

is compatible with the surrounding use and does not give rise to any concerns regarding unacceptable levels of noise, odour, lighting or other environmental disturbance that may be detrimental to the residential amenity of neighbouring properties.

- 9.49. The Environmental Health Officer (EHO) has advised that noise, overheating and ventilation assessments will be required at the detailed design stage to ensure that satisfactory living conditions for future occupiers can be achieved. A pre-commencement condition will be required in relation to land contamination and mitigation measures to ensure that there is no risk to human health. The EHO has also advised that a Construction Environmental Management Plan will be required to safeguard existing residential amenity during the construction phase. These conditions are considered reasonable and necessary and have been accepted by the applicant.
- 9.50. Concerns regarding odour problems arising from the nearby landfill site at Finmere Quarry are acknowledged, however the EHO advises that this matter is being addressed by the Environment Agency, which regulates the site. In addition, this is an existing situation of which future residents of the proposed new housing would be aware prior to occupation. Similarly, future occupiers would be aware of the proximity of HS2 and able to make an informed decision regarding the potential noise impacts on their residential amenity, in addition to which the previously noted condition relating to a noise assessment would mitigate for these impacts.

Conclusion

- 9.51. The proposed development would not result in unacceptable impacts on existing residential amenity and would be capable of providing acceptable standards of amenity for future occupiers. Subject to conditions, therefore, the proposals are considered to accord with the relevant requirements of CLP 2015 Policy ESD15, CLP 1996 Policies C30 and ENV1, and guidance within Section 12 of the NPPF.

Drainage and flood risk

Policy context

- 9.52. CLP 2015 Policy ESD6 seeks to manage and reduce flood risk within the District, advocating a sequential approach to development and specifying when a site specific flood risk assessment should be required.
- 9.53. CLP 2015 Policy ESD7 requires the incorporation of sustainable urban drainage systems (SuDS) for the management of surface water run-off in all development.
- 9.54. Section 14 of the NPPF relates to climate change, flooding and coastal change. Paragraph 181 requires that development should not increase flood risk elsewhere and that proposals should be supported by a site-specific Flood Risk Assessment where appropriate, along with specific risks that this must address, and paragraph 182 sets out expectations in relation to the provision of sustainable drainage systems.

Assessment

- 9.55. The application site is located in Flood Zone 1, which is at lowest risk of flooding, and the proposed development is compatible with this flood risk. The application is supported by a site-specific Flood Risk Assessment (FRA), which outlines the provision of on-site attenuation basins along with a positive drainage system to collect surface water flows via a piped network for storage within the basins. Local concerns regarding historic surface water flooding of the site and the potential for increased

run-off to nearby properties are acknowledged and the attenuation basins have been designed in accordance with National SuDS Standards to accommodate the 1 in 100 year storm event plus 40% climate change.

- 9.56. Overall, the positive management of surface water drainage within the site will represent an improvement as compared to the current scenario. The LLFA has confirmed that it has no objections to the proposals subject to conditions to secure a detailed surface water drainage scheme, including maintenance details and a record of the system as installed following completion.
- 9.57. Third party concerns have been expressed regarding the capacity of the local sewage system and its ability to cope with the requirements of the proposed development. Anglian Water advises that *"The foul drainage from this development is in the catchment of Buckingham Water Recycling Centre which currently does not have capacity to treat the flows the development site. Anglian Water are obligated to accept the foul flows from the development with the benefit of planning consent and would therefore take the necessary steps to ensure that there is sufficient treatment capacity should the Planning Authority grant planning permission."* It is noted that the NPPF is clear regarding the scope of the planning regime in relation to 'Ground conditions and pollution' (Section 15), paragraph 201 stating that *"The focus of planning policies and decisions should be on whether proposed development is an acceptable use of land, rather than the control of processes or emissions (where these are subject to separate pollution control regimes). Planning decisions should assume that these regimes will operate effectively."*
- 9.58. Given this, and in light of Anglian Water's consultation response, concerns regarding foul water capacity would not constitute material grounds for refusal. In relation to used water, Anglian Water confirms that the sewerage system has available capacity for the flows in the submitted FRA at present.

Conclusion

- 9.59. The proposed development would provide an overall improvement in surface water management as compared to the existing situation and the foul sewage provider has confirmed that the needs of the development can be accommodated. Subject to conditions to secure an appropriate detailed drainage scheme, therefore, the proposals are considered to accord with the relevant requirements of CLP 2015 Policies ESD6 and ESD7 and Section 14 of the NPPF.

Highways impact

Policy context

- 9.60. CLP 2015 Policy ESD15 seeks to deliver safe and healthy places to live and work in. Amongst other things, it requires new development to integrate with existing streets and patterns of routes and spaces and requires that the principles set out in The Manual for Streets should be followed.
- 9.61. CLP 2015 Policy SLE4 promotes improved transport and connections within the District through the implementation of the Movement Strategies and the Local Transport Plan along with specified key transport proposals, supporting modal shift and more sustainable locations for employment and housing growth.
- 9.62. Section 9 of the NPPF promotes sustainable transport. Paragraph 108 requires transport issues including the potential impacts of development on transport networks and the environmental impacts of traffic to be considered from the earliest stages of development proposals. Paragraph 115 states that *"development should only be*

prevented or refused on highways grounds if there would be an unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe”.

Assessment

- 9.63. Extensive consultation and collaboration with the LHA were undertaken during the lifetime of the application in order to ensure not only that the proposed site access is safe and suitable but also to secure appropriate off-site highway works in the form of the provision of a new section of footway between Chinalls Close and Finmere primary school to improve pedestrian connectivity and safety, surfacing and lighting of the PROW connecting the north eastern site corner to Chinalls Close, along with the provision of tactile paving within Chinalls Close to direct users to the PROW. Following the submission of amended details, these are now considered to be acceptable, with appropriate site access provided for all users and the footway proposals providing improved connectivity to the village and wider active travel network.
- 9.64. In relation to comments raised by interested third parties regarding the potential conflict between existing active travel users (dog walkers, horse riders, runners etc) of Banbury Road and those accessing the proposed development by motor vehicle, it is noted that the LHA does not view this as a material concern. Given the nature of the approach to the proposed site entrance along Banbury Road, and the speed restrictions and traffic calming measures sought by the LHA within the site – which would be secured as part of the reserved matters – it is considered that vehicles are highly unlikely to be travelling at speeds along the Banbury Road that would result in unacceptable adverse impacts on the safety of other road users.
- 9.65. Third party concerns regarding the loss of the existing parking lay-by opposite the school in order to facilitate the provision of the proposed new footway are noted, however the final iteration of the proposed footway plans show it running alongside the parking lay-by, which would be retained.
- 9.66. The LHA confirms that the scale of the development would not generate sufficient additional vehicular movements as to result in material impacts on the surrounding road network. The scale of the development is considered sufficient to warrant a condition for a Travel Information Pack, and this can be secured by condition, as can a Construction Traffic Management Plan to limit impacts on highway safety and residential amenity during the construction phase. The routes of the existing PROWs across the site would be preserved within the proposed scheme and improvements to their surfacing provided, which can be secured by condition. A financial contribution to support the new bus service provision between Finmere and Bicester would be secured via a S106 agreement, as would a contribution for off-site improvements to the PROW network in the area.
- 9.67. As the application is for outline permission only, details of the internal access roads, parking and cycle provision would be secured as part of the reserved matters application in the event that permission is granted.

Conclusion

- 9.68. The proposed development would integrate with the existing streets and patterns of routes, providing suitable vehicular access to Banbury Road and active travel connectivity into the heart of the village via the PROW onto Chinalls Close. Travel and transport connections in the vicinity of the development would be improved by the proposed off-site works and financial contributions, supporting modal shift and the sustainability of the settlement. Given this, the scheme is considered to accord with

the relevant requirements of CLP 2015 Policies ESD15 and SLE4 and guidance within Section 9 of the NPPF.

Ecology and Arboricultural Impacts

Policy Context

- 9.69. Paragraph 180 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.70. Paragraph 186 states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided, adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to incorporate biodiversity improvements in and around developments should be encouraged, especially where this can secure measurable net gains for biodiversity.
- 9.71. Paragraph 191 of the NPPF states that planning decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should (amongst others) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.
- 9.72. Policy ESD10 of the CLP 2015 lists measures to ensure the protection and enhancement of biodiversity and the natural environment, including a requirement for relevant habitat and species surveys and associated reports to accompany planning applications which may affect a site, habitat or species of known ecological value.
- 9.73. This policy is supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.

Assessment

- 9.74. Natural England's Standing Advice states that an LPA only needs to ask an applicant to carry out a survey if it's likely that protected species are:
- present on or near the proposed site, such as protected bats at a proposed barn conversion affected by the development

It also states that LPAs can also ask for:

- a scoping survey to be carried out (often called an 'extended phase 1 survey'), which is useful for assessing whether a species-specific survey is needed, in cases where it's not clear which species is present, if at all
- an extra survey to be done, as a condition of the planning permission for outline plans or multi-phased developments, to make sure protected species aren't affected at each stage (this is known as a 'condition survey')

- 9.75. The Standing Advice sets out habitats that may have the potential for protected species, and in this regard part of the site is bounded by mature trees and hedgerows and there is a pond within 200m, in light of which the site has the potential to provide suitable habitat for bats, breeding birds, and great crested newts.
- 9.76. The application is supported by an Ecological Appraisal and biodiversity net gain (BNG) assessment. Having reviewed the submitted details, the Council's Ecologist has confirmed that the proposals would not affect any priority habitat and that mandatory 10% BNG can be achieved on site, subject to the provision of full details as part of a reserved matters application and the requisite pre-commencement general biodiversity condition including provision of a thirty year Habitat Management and Monitoring Plan. There is some potential for impact on protected species, in particular great crested newts and foraging/commuting bats, however this can be controlled and mitigated for by conditions to secure a Construction Environmental Management Plan for biodiversity, a full external lighting strategy, and to ensure that appropriate licences are in place where necessary. Full details of the proposed protection measures for and future management of the retained hedgerows and trees will be expected as part of a reserved matters application detailing the site layout, in the event that outline permission is granted. A biodiversity enhancement scheme to secure the inclusion of integrated measures and permeability within the built environment can also be secured by condition.
- 9.77. The application is supported by an Arboricultural Impact Assessment, which indicates that a section of hedgerow and scrub along Banbury Road would be removed to facilitate the proposed site access arrangements. All other boundary hedgerows and trees would be retained. Although no comments have been received from the Arboricultural Officer at the time of writing, given the indicative site layout and locations of existing trees and hedgerows it is evident that suitable protections measures will be feasible and these can be secured at the reserved matters stage, in the event that outline permission is granted. Whilst landscaping is a reserved matter, the submitted indicative landscaping plan shows the intention to provide replacement hedgerow planting along the southern site boundary adjacent to Banbury Road along with numerous additional trees within the site, which is considered adequate mitigation for the loss of the existing hedgerow and scrub vegetation proposed for removal.

Conclusion

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

Other matters

- 9.79. The site lies within an identified area of archaeological interest and potential, in light of which the application is supported by a geophysical survey and archaeological evaluation. The County Archaeologist confirms that the findings of the survey and evaluation are acceptable and show that there are no significant archaeological remains on the site that would require archaeological constraints to be placed upon the proposed development.
- 9.80. Contributions towards enhancements to Finmere Village Hall, outdoor sport provision at Finmere Playing Fields, and indoor sport provision at Bicester Leisure Centre are sought to mitigate for additional pressures on these facilities arising from the proposed

development, which can be secured through a S106 agreement. Similarly, contributions towards bins and the expansion and improved efficiency of Household Waste Recycling Centres serving the development can also be secured through a S106 agreement.

- 9.81. Due to the scale of the proposed development, the Local Education Authority has confirmed that no S106 contribution is sought towards education provision.
- 9.82. Interested third parties have expressed concerns that a grant of permission for the proposed development may facilitate the later development of the adjoining site. The assessment of the proposal must be limited to the impacts and planning considerations of the scheme itself, however, and cannot stray into speculation regarding theoretical future applications at adjoining sites. Whilst it is acknowledged that proposals have previously been put forward for the development of the adjoining land to the west and north west, any future proposals for their development would be assessed on their own merits and take into account the cumulative impacts of development previously permitted.
- 9.83. Third party concerns have also been raised that the development may impact on existing property values, however this is not a material planning consideration that can be taken into account in the assessment of the proposed development scheme.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. As set out in the NPPF, the purpose of the planning system is to contribute to the achievement of sustainable development, to which end it has three overarching objectives: social progress, economic well-being, and environmental protection. Planning decisions should guide development towards sustainable solutions, having regard to the contributions that proposals make to each of these overarching objectives.
- 10.2. The proposed development would give rise to a number of social benefits, insofar as it would contribute to the District's housing stock at a time when the Council has only a 2.3 year housing land supply, would contribute affordable housing (either on-site or through a commuted sum), and would contribute to the viability and vitality of the settlement through population growth to support existing service and amenity provisions. Two bungalows would be included in the housing mix, supporting inclusive communities. The scheme would also make a positive contribution to active travel and supporting healthy communities through the proposed off-site highway improvements, on-site provision of public space and play area, and developer contributions to the provision of public transport, indoor and outdoor sports facilities, and enhancements to local community facilities. The proposed development therefore accords with the relevant provisions of CLP 2015 Policies BSC3, BSC4, BSC10, BSC11, and BSC12.
- 10.3. In environmental terms, the application site is located at a Category A settlement and is of an appropriate scale for the available facilities and service provision. The proposal would not appear incongruous in relation to the existing built form of the village and the low density of the housing is considered appropriate to the edge-of-settlement location, providing a transitional character to the development that would help to assimilate the development within its surroundings both in visual and experiential terms, particularly for users of the PROW both across and in the near vicinity of the site.
- 10.4. Whilst much of the detail of the proposal would be addressed as part of the reserved matters, therefore, it is considered that the proposed development could deliver a

high-quality design that that would be consistent with local character, enhance the built environment, avoid unacceptable landscape impacts, and relate well to the site context. There is no reason to believe that the development would result in unacceptable impacts on the residential amenity of existing residents, nor that it would fail to provide adequate amenity for future occupiers of the scheme.

- 10.5. Overall improvements in surface water management of the site would be delivered in comparison to the existing situation and no adverse impacts would result in ecological terms, with mandatory biodiversity net gain requirements being met on site. The proposed development would integrate satisfactorily with the existing streets and patterns of routes, with active travel links to the heart of the village via the existing Public Right of Way to Chinalls Close.
- 10.6. In light of this, the proposal is considered to accord with the relevant requirements of CLP 2015 Policies BSC1, BSC2, ESD1, ESD6, ESD7, ESD10, ESD13, ESD15, ESD17, Villages 1 and Villages 2, along with CLP 1996 Policies C28, C30 and ENV1. The proposal is therefore considered to result in overall environmental benefits, which is afforded positive weight in the planning balance.
- 10.7. The proposed development would result in economic benefits through the provision of employment opportunities during the construction phase. Given the temporary nature of this benefit, this is afforded limited positive weight in the planning balance.
- 10.8. The proposed development would result in the loss of 'best and most versatile' agricultural land, which weighs against the proposal in the planning balance. Given the site constraints and very limited feasibility that the land being used for arable farming, however, this is afforded limited weight.
- 10.9. As set out above, the proposed development is considered to accord with the relevant policy provisions of the Local Development Plan and of the NPPF when taken as a whole, with very limited adverse outcomes identified to weigh against the benefits. Given this, the proposal is considered to represent a sustainable form of development and is therefore recommended for approval.

11. RECOMMENDATION

DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO GRANT PERMISSION, SUBJECT TO

- (a) THE CONDITIONS SET OUT BELOW (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) AND**
- (b) THE COMPLETION OF A PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND COUNTRY PLANNING ACT 1990, AS SUBSTITUTED BY THE PLANNING AND COMPENSATION ACT 1991, TO SECURE THE FOLLOWING (AND ANY AMENDMENTS AS DEEMED NECESSARY):**
 - a) Provision of 30% affordable housing on site, or a commuted sum of £519,187.50 if a Registered Provider cannot be secured**
 - b) Payment of a financial contribution towards off site sports and recreation provision in the locality of £2,017.03 per dwelling, plus £804.77 per dwelling towards strategic facilities (index linked)**
 - c) Payment of a financial contribution towards the provision of refuse/recycling bins for the development of £106 per dwelling (index linked)**
 - d) Payment of a financial contribution towards the provision of Household Waste Recycling Centres of £101.88 per dwelling (index linked)**
 - e) On-site provision of an equipped Local Area of Play and payment of a**

financial contribution of £65,564.81 (index linked) towards maintenance or other management provisions thereof

- f) Payment of a financial contribution towards the maintenance of on-site Open Space**
- g) Payment of a financial contribution for the monitoring of the Public Open Space of £24,880.32 (index linked)**
- h) Payment of a financial contribution towards community hall facilities of £1,102.008 per dwelling (index linked)**
- i) Provision of a Habitat Management and Monitoring Plan (including funding) to secure long-term biodiversity net gain**
- j) Payment of a financial contribution towards public transport provision of £1,326 per dwelling (index linked)**
- k) Payment of a financial contribution towards improvements to Public Rights of Way in the vicinity of the site of £15,000 (index linked)**
- l) Payment of the Council's monitoring costs to be confirmed**

Conditions

Time Limit

1. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of 18 months from the date of this permission and the development hereby permitted shall be begun either before the expiration of two years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved whichever is the later.

Reason: 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 5(1) of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

2. Details of the layout, scale, appearance, and landscaping (hereafter referred to as 'the reserved matters') shall be submitted to and approved in writing by the Local Planning Authority before any development takes place and the development shall be carried out as approved.

Reason: 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 6 of the Town and Country Planning (Development Management Procedure (England)) Order 2015 (as amended).

Compliance with Plans

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

P212023 02 A (site location plan)
26717_08_020_01 C (access design)
26717_08_020_03 K (proposed footway link)

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

Prior to commencement conditions

4. Construction of the development hereby approved shall not begin prior to the approval of first reserved matters, which shall include a detailed surface water drainage scheme for the site to be submitted to and approved in writing by the Local Planning Authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is complete. The scheme shall include:

- Full drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details.

Reason – To ensure development does not increase the risk of flooding elsewhere, in accordance with paragraph 155 of the National Planning Policy Framework and Local and National Standards.

5. Where an offence under Regulation 43 of the Habitats and Species Regulations 2017 ((or any regulation revoking or re-enacting or amending that regulation) 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 - To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

6. Prior to the commencement of the development hereby approved, a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall not be carried out other than in accordance with the approved CTMP.

Reason – In the interests of highway safety and the residential amenities of neighbouring occupiers and to comply with Government guidance contained within the National Planning Policy Framework.

7. Prior to the commencement of the development, a Construction Environment Management Plan (CEMP), which shall include details of the measures to be taken to ensure construction works do not adversely affect residential or other sensitive properties on, adjacent to or surrounding the site together with details of the consultation and communication to be carried out with the occupiers of those properties shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with approved CEMP.

Reason - To ensure the environment is protected during construction in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

8. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include as a minimum:

- a) Risk assessment of potentially damaging construction activities;
- b) Update surveys for badgers and any trees proposed for removal;
- c) Identification of 'Biodiversity Protection Zones';
- d) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- e) The location and timing of sensitive works to avoid harm to biodiversity features;
- f) The times during construction when specialist ecologists need to be present on site to oversee works;
- g) Responsible persons and lines of communication;
- h) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- i) Use of protective fences, exclusion barriers and warning signs

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

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

9. Prior to the commencement of the development hereby approved a specialist acoustic consultant's report that demonstrates that all habitable rooms within the dwelling and external areas shall achieve the noise levels specified in BS8233:2014 (Guidance on sound insulation and noise reduction for buildings) shall be submitted to and approved in writing by the Local Planning Authority. For outdoor areas, a level of 50 dB LAeq (16 hr) or less shall be achieved during the time period 07:00 to 23:00 hrs for domestic gardens and recreation areas used in common. Where acoustic glazing and alternative means of ventilation are required to achieve this standard, full details of these elements shall be submitted with the report for approval. Should alternative means of ventilation be required then an overheating report will also be required. Thereafter, and prior to the first occupation of the dwellings affected by this condition, the dwellings shall be insulated and maintained in accordance with the approved details.

Reason - To ensure the creation of a satisfactory environment free from intrusive levels of noise in accordance with saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

10. No development shall commence unless and until full details of the means of access between the land and the highway, including position, layout, construction, drainage and vision splays have been submitted to and approved in writing by the Local Planning Authority. The means of access shall be constructed in strict accordance with the approved details and shall be retained and maintained as such thereafter. Agreed vision splay shall be kept clear of obstructions higher than 0.6m at all times.

Reason – In the interests of highway safety and to comply with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

11. The development shall not commence until details of improvements to PROW Footpaths 213/9/20, 213/10/30, 213/1/40 and 213/10/20 within the site and at the site boundary, including layout, construction, surfacing, drainage, gates, and wayfinding, together with a timetable for delivery, have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the improvements shall be delivered in accordance with the approved details and timetable.

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.

12. No part of the development hereby permitted shall take place until a desk study and site walk over to identify all potential contaminative uses on site, and to inform the conceptual site model has been carried out by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and has been submitted to and approved in writing by the Local Planning Authority. No development shall take place until the Local Planning Authority has given its written approval that it is satisfied that no potential risk from contamination has been identified.

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

13. If a potential risk from contamination is identified as a result of the work carried out under condition 12, prior to the commencement of the development hereby permitted, a comprehensive intrusive investigation in order to characterise the type, nature and extent of contamination present, the risks to receptors and to inform the remediation strategy proposals shall be documented as a report undertaken by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning Authority. No development shall take place unless the Local Planning Authority has given its written approval that it is satisfied that the risk from contamination has been adequately characterised as required by this condition.

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

14. If contamination is found by undertaking the work carried out under condition 13, prior to the commencement of the development hereby permitted, a scheme of remediation and/or monitoring to ensure the site is suitable for its proposed use shall be prepared by a competent person and in accordance with DEFRA and the Environment Agency's "Land Contamination Risk Management (LCRM)" and submitted to and approved in writing by the Local Planning

Authority. No development shall take place until the Local Planning Authority has given its written approval of the scheme of remediation and/or monitoring required by this condition.

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

15. No development shall commence above slab level until a scheme for biodiversity enhancement within the built environment and green spaces, which may include but not be limited to integrated roosting provision for bats and birds as well as boxes on trees, log piles, bee bricks, measures to ensure permeability (e.g. hedgehog highways), has been submitted to and approved in writing by the Local Planning Authority. Thereafter, the biodiversity enhancement measures approved shall be carried out prior to occupation and retained in accordance with the approved details.

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

16. No development shall commence above slab level until a full external lighting strategy, including lux diagrams and in line with recommendations within the guidance note from the Bat Conservation Trust and ILP (note 08/23), has been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall be installed in accordance with the approved details and no other external lighting shall be installed at the site.

Reason – To ensure that the development does not cause harm to any protected species or their habitats in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

Prior to occupation conditions

17. If remedial works have been identified in condition 14, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 14. A verification report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority.

Reason - To ensure that any ground and water contamination is adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

18. Prior to first occupation of the development hereby approved, a record of the installed SuDS and site wide drainage scheme shall be submitted to and approved in writing by the Local Planning Authority for deposit with the Lead Local Flood Authority Asset Register. The details shall include:

- (a) As built plans in both .pdf and .shp file format;
- (b) Photographs to document each key stage of the drainage system when installed on site;

- (c) Photographs to document the completed installation of the drainage structures on site;
- (d) The name and contact details of any appointed management company information.

Reason – To ensure that the development/site is served by sustainable arrangements for the disposal of surface water, to comply with Policy ESD6 of the Cherwell Local Plan 2011-2031 Part 1, saved Policy ENV1 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework.

19. Prior to first occupation of the development hereby approved a Landscape and Ecology Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out other than in full accordance with the approved LEMP including any/all timescales set out therein.

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

20. Prior to first occupation of the development a Travel Information Pack shall be submitted to and approved by the Local Planning Authority. Thereafter, the first residents of each dwelling shall be provided with a copy of the approved Travel Information Pack.

Reason – To ensure all residents and employees are aware from the outset of the travel choices available to them, and to comply with Government guidance contained within the National Planning Policy Framework.

Compliance conditions

21. The approved drainage system shall be implemented in accordance with the following prior to the first occupation of the development hereby approved:

Document

Floor Risk Assessment Ref: 26717-FLD-0102 - March 2024

Drawing

Appendix H

Proposed Drainage strategy Drawing No: 26717_01_230_02

Outline Suds basin plan

Table

Appendix I

maintenance and management

REF: Table 1.1 proposed maintenance regime

Calculations

Appendix G

Design Calculations REF: 26717-CALC-0101

Storage calculations only

Infiltration Tests carried out by Mewies Engineering Consultants Ltd (MEC)

Date: 25/08/2021

Infiltration not viable discharge to Anglian Water at 1l/s.

Reason - To ensure that the principles of sustainable drainage are incorporated into this proposal.

22. No dwelling shall be occupied until it has been constructed to ensure that it achieves a water efficiency limit of 110 litres person/day and shall continue to accord with such a limit thereafter.

Reason - In the interests of sustainability in accordance with the requirements of Policy ESD3 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance contained within the National Planning Policy Framework.

23. Any contamination that is found during the course of construction of the approved development that was not previously identified shall be reported immediately to the local planning authority. Development on the part of the site affected shall be suspended and a risk assessment carried out and submitted to and approved in writing by the local planning authority. Where unacceptable risks are found remediation and verification schemes shall be submitted to and approved in writing by the local planning authority. These approved schemes shall be carried out before the development, or relevant phase of development, is resumed or continued.

Reason - To ensure that any ground and water contamination is identified and adequately addressed to ensure the safety of the development, the environment and to ensure the site is suitable for the proposed use, to comply with saved Policy ENV12 of the Cherwell Local Plan 1996 and Government guidance contained within the National Planning Policy Framework

Informatives:

1. Notification of intention to connect to the public sewer under S106 of the Water Industry Act Approval and consent will be required by Anglian Water, under the Water Industry Act 1991. Contact Development Services Team 0345 606 6087.
2. Protection of existing assets: A public sewer is shown on record plans within the land identified for the proposed development. It appears that development proposals will affect existing public sewers. It is recommended that the applicant contacts Anglian Water Development Services Team for further advice on this matter. Building over existing public sewers will not be permitted (without agreement) from Anglian Water.
3. Building near to a public sewer: No building will be permitted within the statutory easement width of 3 metres from the pipeline without agreement from Anglian Water. Please contact Development Services Team on 0345 606 6087.
4. The developer should note that the site drainage details submitted have not been approved for the purposes of adoption. If the developer wishes to have the sewers included in a sewer adoption agreement with Anglian Water (under Sections 104 of the Water Industry Act 1991), they should contact our Development Services Team on 0345 606 6087 at the earliest opportunity. Sewers intended for adoption should be designed and constructed in accordance with Sewers for Adoption guide for developers, as supplemented by Anglian Water's requirements.

S106 contributions

Planning obligation	Regulation 122 Assessment
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Detail	Amounts (all to be Index linked)	Trigger points	Justification
Affordable housing provision on site, subject to the applicant entering into a contract with a Registered Provider OR If the applicant demonstrates to the Council's satisfaction that all reasonable endeavours have been made to secure a Registered Provider without success, a commuted sum to be paid to the LPA for the provision of off-site affordable housing	Affordable Rented: 1no. x 2 bed/4 person 1no. x 3 bed/5 person Shared Ownership: 1no. x 2 bed/4 person In accordance with the standards outlined in the Developer Contributions SPD OR £519,187.50 commuted sum	To be delegated to officers	Necessary – To provide housing for those who are not able to rent or buy on the open market in accordance with Policy BSC of the CLP 2015 Directly related – Affordable housing to be provided on-site in conjunction with open market housing or an equivalent commuted sum for off-site provision Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council

Provision of a Local Area of Play and commuted sum for maintenance or other management provisions.	<p>Provision on site of minimum 100 sq. m equipped activity zone set within a landscaped area designed to provide a safe area for alternative play for children aged 2 to 6. The size of the landscaped area (incorporating the equipped activity zone) will be informed by the development context (acknowledging activity zone buffer requirements) and local design guidance.</p> <p>The 300 sq. m equipped activity zone should be located a minimum of 5m from the nearest dwelling boundary. The landscaped area around the equipped activity zone could be used to incorporate this buffer.</p> <p>£65,564.81 commuted sum</p> <p>£1244.02 per sign (manufacture and installation) for Play Area signage</p>	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p> <p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
Provision of, and commuted sum for maintenance of open space (including informal open space, mature trees, hedgerows, woodland, SUDS etc) or details of long term management	<p>Typology area/length measured x rate = sum</p> <p>Open Space: £20.98 per sq. m</p>	To be delegated to officers	<p>Necessary – To meet the demands generated from the proposal and to ensure long term maintenance in accordance with Policy BSC10 and BSC11 of the CLP 2015 and advice in the Developer Contributions SPD (2018)</p>

provisions in accordance with the Policy BSC11 of the CLP 2015	<p>Attenuation Pond: £109.56 per sq m</p> <p>Mature Trees: £464.50 per tree</p> <p>Hedgerows: £44.11 per lin. m</p> <p>Fitness Equipment contribution to be confirmed.</p>		<p>Directly related – For the use of future occupiers of the development</p> <p>Fairly and reasonably related in scale and kind – In accordance with the policy and guidance provisions adopted by the Council</p>
LEMP Monitoring contribution (District Council monitoring of the Public Open Space, twice per year for 15 years)	£24,880.32	To be delegated to officers	<p>Necessary - In order to ensure the planning obligations are complied with.</p> <p>Directly related - As only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind - Considering the extent of the development and the obligations to be monitored.</p>
Community hall facilities – To be spend on enhancements to Finmere Village Hall	<p>A sum based on the requirement to provide 0.185m2 community space per occupier of the Dwellings at a cost of £2,482 per m2 as follows:</p> <ul style="list-style-type: none"> • 2.4 (Average occupancy per Dwelling) multiplied by the Composition of the Development • The result multiplied by 0.185 (0.185m2 community space required per resident 	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC12 and INF1 and advice in the Developer Contribution SPD. The Council will encourage the provision of community facilities to enhance the sustainability of communities.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p>

	<ul style="list-style-type: none"> That result multiplied by £2,482.00 (cost per m2 of provision of community space) <p>Example at 10 Dwellings:</p> <p>10 x 2.49 = 24 residents</p> <p>24 x 0.185m2 = 4.44m2</p> <p>4.44 x £2,482.00 = £11,020.08</p>		<p>Fairly and reasonably related in scale and kind –</p> <p>Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Outdoor sports provision – off-site outdoor sport contribution towards the enhancement of Finmere Playing Fields	<p>£2,017.03 per dwelling</p> <p>Example at 10 Dwellings:</p> <p>10 x £2,017.03 = £20,170.30</p>	To be delegated to officers	<p>Necessary – The proposed development will lead to an increase in demand and pressure on existing services and facilities in the locality as a direct result of population growth associated with the development in accordance with Policies BSC10, BSC11, BSC12, INF1 and advice in the Developer Contribution SPD.</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind –</p> <p>Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Indoor sports provision – off-site indoor sport contribution towards the expansion of Bicester Leisure Centre, which includes the provision of a new learner pool	<p>£335.32 per occupier of each Dwelling as follows:</p> <ul style="list-style-type: none"> 2.4 (Average occupancy per Dwelling) multiplied by the Composition of the Development 		<p>Necessary – To address the quality of existing facilities and ensure that the proposed development contributes to sport and recreation provision commensurate with the need generated by the proposal in accordance with Policies BSC10, BSC12, and advice in the Developer Contribution SPD. CDC built Indoor Sports Facilities Needs Assessment (2023) highways insufficient pool</p>

	<ul style="list-style-type: none"> The result multiplied by £335.32 <p>Example at 10 Dwellings:</p> <p>$10 \times 2.4 = 24$</p> <p>$24 \times £335.32 = £8,047.68$</p>		<p>water space in Bicester and need for a new learner pool</p> <p>Directly related – The future occupiers will place additional demand on existing facilities.</p> <p>Fairly and reasonably related in scale and kind – Calculations will be based on the Developer Contributions SPD calculation based on the final mix of housing and number of occupants.</p>
Contributions to bins	£106 per dwelling	To be delegated to officers	<p>Necessary – The dwellings will require adequate waste receptacles for future occupants and in accordance with the advice in the Developer Contribution SPD</p> <p>Directly related – The need for these comes from the increase in the number of dwellings</p> <p>Fairly and reasonably related in scale and kind – Costs in accordance with the advice in the Developer Contribution SPD</p>
Provision of a Habitat Management and Monitoring Plan and long term management arrangements (including funding) for the land proposed for biodiversity enhancement	To be provided and managed long term in accordance with the HMMP	To be delegated to officers	<p>Necessary – In order to provide sufficient space to allow a net gain in biodiversity to be achieved on site in accordance with Policy ESD10 and the NPPF</p> <p>Directly related – The development will impact on the current ecological value of the site and the area of land is required to provide opportunities for a net gain in biodiversity.</p>

			Fairly and reasonably related in scale and kind – To off-set the impacts of the development and provide a net gain.
Monitoring Fee Contribution towards the Council's (both district and County Council) costs of monitoring compliance with the agreement or undertaking	To be confirmed	To be delegated to officers	<p>Necessary in order to ensure the planning obligations are complied with.</p> <p>Directly related as only costs arising in connection with the monitoring of the development and these planning obligations are covered.</p> <p>Fairly and reasonably related in scale and kind considering the extent of the development and the obligations to be monitored.</p>

Public transport contribution towards the recently-commenced bus service between Finmere and Bicester	<p>£13,260</p> <p>OCC seeks a level of match funding towards this service in line with its usual public transport contribution mechanism for residential developments, which is £1,326 per dwelling from non-strategic development in this area. For a development of 10 dwellings, that results in a total contribution of £13,260 (index-linked to RPIx at October 2023), which would be used towards the delivery of this new service.</p>	To be delegated to officers	<p>Necessary - To ensure sustainable modes of transport are encouraged and made attractive to future users to reduce car dependency.</p> <p>Local Transport Plan 4, Policy 34. Oxfordshire County Council will require the layout and design of new developments to proactively encourage walking and cycling, especially for local trips, and allow developments to be served by frequent, reliable and efficient public transport. To do this, we will identify the requirement for passenger transport services to serve the development, seek developer funding for these to be provided until they become commercially viable and provide standing advice for developers on the level of Section 106 contributions towards public transport expected for different locations and scales of development.</p> <p>Directly related – Service will benefit the future occupants of the site and encourage use of sustainable transport options to jobs and services in Bicester.</p> <p>Fairly and reasonably related in scale and kind - The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
Public Rights of Way of £15,000 toward improvements to PROW in the vicinity of the site.	<p>£15,000</p> <p>Calculation: The proposed measures are based on the desk</p>	To be delegated to officers	<p>Necessary - To ensure sustainable modes of transport are encouraged and integrated into the development</p>

	<p>assessment of likely costs for the measures. They are not based on a standard formula or any other kind of per dwelling or per m2 tariff system. Estimated contribution breakdown by activity:</p> <ul style="list-style-type: none"> • site surveys & assessments 5% • habitat survey & mitigation 5% • landowner negotiations 5% • Materials, contractor, plant & equipment 60% • Legal processes e.g. temporary works closures, agreement payments 5-10% • Contract preparation & supervision 5% • Admin costs 5% • Contingency/Follow-up repair works 5-10% 		<p>and made attractive to future users to reduce car dependency.</p> <p>This contribution will help offset the additional use of the PRow in the vicinity of the site and ensure a degree of continuity. The contribution would be spent on surfacing, furniture and other necessary measures on paths within 2km of the developments' centre point.</p> <p>Directly related - Will benefit the future occupants of the site and encourage use of sustainable transport options in the locality.</p> <p>Fairly and reasonably related in scale and kind - The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
<p>Obligation to enter into a S278 agreement to secure:</p> <ul style="list-style-type: none"> ▪ Provision of new vehicle access junction and associated works to Banbury Road 	To be delivered on and off site	<p>Entry into S278 agreement prior to commencement of development.</p> <p>Completion trigger to be</p>	<p>Necessary - To provide safe and suitable access to the site and the highway network and ensure the development does not result in unacceptable impacts on highway safety.</p> <p>Directly related - This will provide safe and suitable access to the site and as a result of additional traffic</p>

<ul style="list-style-type: none"> ▪ Surfacing and lighting of public right of way connection to Chinalls Close ▪ Tactile paving on Chinalls Close, and a proposed new 2m wide footway along the eastern side of Valley Road and the northern side of Mere Road as well as a build out on the northern side of Mere Road opposite Finmere C of E Primary School and a short section of footway on the southern side east of the road, as shown on drawing 26717_08_020_03 rev K 		delegated to officers	<p>and pedestrian movements associated with the development.</p> <p>Fairly and reasonably related in scale and kind - The contributions are in scale with the development and would be directly benefiting residents of the future development.</p>
<p>Contribution towards expansion and efficiency of Household Waste Recycling Centres.</p>	<p>£1,019</p> <p>Calculation:</p> <p>Space at HWRC required per dwelling (m²) = 0.18</p> <p>Infrastructure cost per m² = £319</p> <p>Land cost per m² = £247</p> <p>Total land and infrastructure cost per m² = £566</p> <p>£566 x 0.18 = £101.88 (cost per dwelling)</p> <p>10 x £101.88 = £1,109</p>	To be delegated to officers	<p>Necessary - To provide adequate waste and recycling provision in the locality as existing infrastructure is at capacity with planned growth.</p> <p>OCC is required to arrange for places to be provided at which residents may deposit household waste and for the disposal of that waste, and that these places should be reasonably accessible to residents, available at reasonable times, and available to residents free of charge. These are referred to as Household Waste Recycling Centres (HWRC) and the network of sites within the county is no longer fit for purpose and is over capacity.</p>

			<p>Directly related - Will provided additional capacity for household waste recycling centres which the occupiers of the proposed development will utilise.</p> <p>Site capacity is assessed by comparing the number of visitors on site at any one time (as measured by traffic monitoring) to the available space. This analysis shows that all sites are currently 'over capacity' (meaning residents need to queue before they are able to deposit materials) at peak times, and many sites are nearing capacity during off peak times. The proposed development will provide 10 dwellings. If each household makes four trips per annum the development would impact on the already over capacity HWRCs by an additional 40 HWRC visits per year.</p> <p>Fairly and reasonably related in scale and kind - In accordance with the County Councils standards for provision based on build costs.</p>
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