

**Land north of Hempton Road and west of Wimborn
Close Deddington**

20/02083/OUT

Case Officer: Bob Neville

Applicant: Pembury Estates Ltd.

Proposal: Outline - Erection of 14 two-storey dwellings

Ward: Deddington

Councillors Cllr Brown, Cllr Kerford-Byrnes, Cllr Williams

Reason for Referral: Development of 10 or more dwellings

Expiry Date: 4 June 2021

Committee Date: 20 May 2021

1. APPLICATION SITE AND LOCALITY

- 1.1. The application site is part of an agricultural field located to the west of Deddington to the north of the Hempton Road. The site is relatively flat, but the land beyond the northern boundary of the site falls away into a wide valley. To the east of the site is Wimborn Close which consists of a mix of relatively modern two storey properties and has a landscaping belt adjacent to the site. Agricultural field boundaries exist to the west of the site beyond which lies further agricultural fields.
- 1.2. Deddington nursery, The Windmill Centre, recreation ground and sporting facilities exist to the south of the site beyond Hempton Road.

2. CONSTRAINTS

- 2.1. In terms of site constraints, there are records of swifts within 200m of the site and the site. The site is within an area of naturally elevated Arsenic and Radon, and also lies within an area of potentially contaminated land.

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1. The application seeks outline planning permission for the erection of 14no two storey dwellings with access being taken off the Hempton Road to the south of the site. The application leaves all matters reserved for future consideration.
- 3.2. Whilst all matters are reserved the applicant has submitted a Site Layout drawing (drawing number: 201-304 Rev. E) and Design and Access Statement that outlines one way in which the site could be developed; with a cul-de-sac coming off the main access road.
- 3.3. The application comes following an approval outline consent 18/02147/OUT for development of 21 dwellings on the adjacent parcel of land to the south of the site. The indicative proposed layout also shows an indicative layout of proposed development approved under 18/02147/OUT, through which access would be taken via a central spine road with cul-de-sacs being taken from it. It must be highlighted that this layout is only indicative, and that further work is being undertaken on developing an acceptable layout for the earlier outline consent under its associated reserve matters application 20/03660/REM currently with the Council for

consideration. Officers have been advised that, if approved, this proposal would be brought forward by the same developers currently bringing forward the development approved under the earlier application. For ease of reference officers will refer to the development approved under 18/02147/OUT as Phase 1.

- 3.4. The site area of the application has been amended during the course of the application - expanded to include an area of land necessary to provide a drainage infiltration basin forming part of the drainage strategy for the site. This area of land and drainage feature also formed part of the site of the earlier approval.

4. RELEVANT PLANNING HISTORY

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

Application: 18/02147/OUT Permitted 6 May 2020

Outline planning application for up to 21 dwellings comprising 1, 2, 3 and 4 bedroom dwellings together with access, garaging and landscaping (all matters reserved except the principal means of access from Hempton Road)

Application: 20/03660/REM Under consideration

Reserved matters application to 18/02147/OUT - Erection of 21 dwellings (consideration of Appearance, Landscaping, Layout and Scale)

5. PRE-APPLICATION DISCUSSIONS

- 5.1. No formal 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, by advertisement in the local newspaper, and by letters sent to all properties immediately adjoining the application site that the Council has been able to identify from its records. The final date for comments was **25 November 2020**, although comments received after this date and before finalising this report have also been taken into account.

- 6.2. A letter on behalf of residents (4 households) within Wimborn Close in objection to the proposals and a further email of comment on behalf of 'Cherwell Swifts' has been received during. The comments raised by third parties are summarised as follows:

- Wimborn Close should remain as a close with no access through to the proposed development.
- Comments made in relation to the upkeep of the play area and potential for anti-social behaviour.

- 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.

PARISH/TOWN COUNCIL AND NEIGHBOURHOOD FORUMS

- 7.2. DEDDINGTON PARISH COUNCIL: **No objection**, subject to appropriate provision of open space within the development area.

OTHER CONSULTEES

- 7.3. ARBORICULTURAL OFFICER: **No objections subject to conditions**, securing an appropriate tree condition survey, Arboricultural impact assessment, and Arboricultural method statement all to BS5837 standard.
- 7.4. BUILDING CONTROL: Proposals will require a Building Regulations approval at a later stage.
- 7.5. CDC LAND DRAINAGE: **No comments** to make.
- 7.6. ECOLOGY: No comments received.
- 7.7. ENVIRONMENT AGENCY: **No comments** to make on the application.
- 7.8. ENVIRONMENTAL HEALTH: **No objections subject to conditions**, securing: appropriate assessment of potential land contamination; an appropriate Construction Environment Management Plan (CEMP), to ensure the amenities of local residents is not adversely affected during construction; and details of infrastructure for electrical vehicle (EV) charging to be included.
- 7.9. LANDSCAPE SERVICES: **No objections subject to condition** securing an appropriate landscaping scheme, and further a financial contribution for its to improve off-site play area facilities.
- 7.10. LEAD LOCAL FLOOD AUTHORITY (LLFA): **No objections subject to conditions**, securing specific details of the proposed drainage scheme and confirmation of implementation.
- 7.11. LOCAL HIGHWAYS AUTHORITY (OCC): **No objections** subject to standard conditions in respect of securing a Construction Traffic Management Plan (CTMP) and details of Travel Information Packs for potential future occupants, and financial contributions in respect highway works and public transport services.
- 7.12. PLANNING POLICY: **No objection** to the principle of residential development on this site. However, detailed consideration of design, layout and other technical matters is required.
- 7.13. PUBLIC ART: No comments received.
- 7.14. RECREATION AND LEISURE: **No objections**. Request contributions towards off-site outdoor and indoor sports facilities and community facilities.
- 7.15. STRATEGIC HOUSING: **No objection**. There is a requirement for 5 units to be affordable. Suggests the following mix:
Affordable rented units:

- x 2 bed 4-person house of 850sqft each
- x 3 bed 5-person house of 1,001sqft each

Shared ownership:

- 1 x 3 bed 5-person house of 1,001sqft

Parking should be provided and 50% of dwellings should meet the Regulations Requirement M4(2) Category 2: Accessible and Adaptable Dwellings requirement. Additionally, dwellings **must** comply with the DCLG Technical housing standards – nationally described space standard.

7.16. THAMES WATER: **No objections.**

7.17. WASTE & RECYCLING: No comments received.

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
- SLE4: Improved Transport and Connections
- BSC1: District Wide Housing Distribution
- BSC2: The Effective and Efficient Use of Land – Brownfield land and Housing Density
- 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
- ESD2: Energy Hierarchy and Allowable Solutions
- ESD3: Sustainable Construction
- ESD6: Sustainable Flood Risk Management
- ESD7: Sustainable Drainage Systems (SuDs)
- ESD10: Protection and Enhancement of Biodiversity and the Natural Environment
- ESD13: Local Landscape Protection and Enhancement
- ESD15: The Character of the Built and Historic Environment
- Villages 1: Village Categorisation
- Villages 2: Distribution Growth Across the Rural Areas
- INF1: Infrastructure

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

- H18: New dwellings in the countryside
- C28: Layout, design and external appearance of new development
- C30: Design of new residential development
- ENV1: Environmental pollution
- ENV12: Potentially contaminated land

8.3. Other Material Planning Considerations:

- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Annual Monitoring Report (AMR) 2020

9. APPRAISAL

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

- Principle of development
- Landscape and visual impact
- Site layout and design principles
- Highways
- Residential amenity
- Flood Risk and drainage
- Ecology
- Infrastructure
- 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 the District comprises the adopted Cherwell Local Plan 2011-2031 and the saved policies of the Cherwell Local Plan 1996.
- 9.3. In determining the acceptability of the principle of new dwellings regard is paid to Government guidance contained within the NPPF. This explains that the purpose of the planning system is to contribute to the achievement of sustainable development. This is defined as meeting the needs of the present without compromising the ability of future generations to meet their own needs.
- 9.4. Policy PSD1 contained within the CLP 2015 echoes the NPPF's requirements for 'sustainable development' and that planning applications that accord with the policies in the Local Plan (or other part of the statutory Development Plan) will be approved without delay unless material considerations indicate otherwise.
- 9.5. 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. With regards to villages, the Local 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.

- 9.6. Cherwell's position on five year housing land supply is reported in the Council's 2020 Annual Monitoring Report (AMR). The 2020 AMR demonstrates that the District presently has a 4.7 year housing land supply for the period 2021-2026. An additional 509 homes would need to be shown to be deliverable within the five year period to achieve a five year supply as required by the NPPF.
- 9.7. Policy Villages 1 of the CLP 2015 provides a framework for housing growth in the rural areas of the district and groups villages into three separate categories (A, B and C), with Category A villages being considered the most sustainable settlements in the District's rural areas which have physical characteristics and a range of services within them to enable them to accommodate some limited extra housing growth. Deddington is a Category A village.
- 9.8. In order to meet the areas housing needs Policy Villages 2 of the CLP 2015 states that: *"A total of 750 homes will be delivered at Category A villages. This will be in addition to the rural allowance for small site 'windfalls' and planning permissions for 10 or more dwellings as at 31 March 2014"*. This Policy notes that sites will be identified through the preparation of the Local Plan Part 2, through the preparation of the Neighbourhood Plan where applicable, and through the determination of applications for planning permission.
- 9.9. Policy Villages 2 then sets out that when identifying and considering sites, particular regard will be given to the following criteria:
- *"Whether the land has been previously developed land or is of less environmental value;*
 - *Whether significant adverse impact on heritage and 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 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; and*
 - *Whether development would have an adverse impact on flood risk."*

Assessment

- 9.10. The site is not allocated for development in any adopted or emerging policy document forming part of the Development Plan and the site sits outside the built up limits of the village given its physical and visual relationship to the existing built form.
- 9.11. The Council's housing land supply position means that under paragraph 11d of the NPPF the policies in the development plan relating to housing provision are to be considered out of date. This includes Policy Villages 1 and saved Policy H18, and the weight to be afforded these policies is therefore reduced. Where policies are out-of-date, there is a presumption within the NPPF of granting permission for sustainable forms of development unless:

- i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; 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.
- 9.12. Deddington is recognised as a 'Category A' village and is one of the larger villages in the District with a relatively wide range of services and facilities compared to other Category A settlements. It has a relatively regular bus service (S4 route – approximately hourly), which runs between Banbury and Oxford. Overall, it is therefore considered to be one of the more sustainable Category A villages.
- 9.13. The acceptability of the proposal therefore needs to be tested against Policy Villages 2 of the CLP 2015 (as set out above), as well as other material planning considerations. However, in the first instance it is important to consider the matter of scale and quantity of development, and in particular whether the proposal is in accordance with the overarching housing strategy of the CLP 2015.
- 9.14. The Council's AMR 2020 identifies that in the 12 months to 31 March 2020 there were 144 dwellings completed at Category A villages that contribute to the Policy Villages 2 requirement of 750 dwellings. There are also 193 dwellings under construction from the supply of permitted sites. Between 1 April 2014 and 31 March 2020 there were a total of 415 net housing completions on the above sites. This equates to 55.3% of the total requirement of 750 dwellings. These sites are fully committed to help deliver the Policy Villages 2 requirement.
- 9.15. Once those houses have been completed on which there were commencements at 31 March 2020 the Council will have delivered 81% of the PV2 target, and officers are aware that development has commenced at sites that would deliver a further 136 dwellings (66 at Launton, 40 at Milcombe, 20 at Weston on the Green, and 10 at the British Waterways site in Kidlington).
- 9.16. The Council is therefore well on the way to delivering the total of 750 dwellings set out at Policy Villages 2. Inspectors' decisions at Launton, Tappers Farm and Sibford Ferris have found that there could be demonstrable harm from exceeding delivery of 750 dwellings at Category A villages within the plan period.
- 9.17. However, that figure has not yet been delivered and so at this time the principle of development remains acceptable in policy terms. The proposals would assist in further meeting overall Policy Villages 2 housing requirements and could also contribute to the provision of affordable housing.
- 9.18. The NPPF places great importance on boosting the supply of homes – that it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay (NPPF, Para 59). And further, that: *'Small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built-out relatively quickly'* (NPPF, Para 59).
- 9.19. As noted during the assessment and approval of the outline consent on the adjacent parcel of land the site forms part of a larger site which has been considered as having potential for residential development within the Council's Housing & Economic Land Availability Assessment 2018 (HELAA). However, whilst this notes

that there is potential for residential development at the site this is not a formal allocation under the Development Plan and is only a factor given limited weight.

- 9.20. The HELAA concluded that the site is considered suitable, available and achievable for residential development for up to 31 dwellings at a density of 20dph to reflect the surrounding areas. It is noted in the report that: *The site is visually prominent on entering the village but there is neighbouring development with an established building line to the north. The visual impacts of the development could be mitigated against by a carefully considered landscaping, design and layout, and high quality build. There is existing access available.*
- 9.21. This application, along with the existing permission for 21 homes (18/02147/OUT) will result in 25 dph. In total the site would deliver 35 homes (21 plus 14). This density would need to be considered in relation to the surrounding properties and densities.
- 9.22. Policy Villages 2 also requires that regard be had to the access to services and facilities. The application site is located on the very western edge of the village, approximately 800 metres from the Market place where numerous services and facilities exist. The bus stops are also located a similar distance. Whilst it is recognised this distance is not ideal in regard to access to services and facilities, given that the site is located in a village with a relatively high level of service provision and relatively regular public transport, and the fact that walking routes to the village centre is good with street-lit footways, this is considered to be acceptable.

Conclusion

- 9.23. Overall, having regard to the factors above it is considered that the principle of this scale of growth could be acceptable on this site in Deddington in the context of the Council's housing strategy and the Local Plan. The development would provide a positive contribution towards the Council's housing land supply and provision of affordable housing, within a sustainable location where residential development has previously been accepted. This, however, is subject to the proposal being assessed against the other relevant criteria of Policy Villages 2 and the other relevant policies and guidance, which is discussed below.

Landscape and Visual Impact

Policy context

- 9.24. The Government attaches great importance to the design of the built environment within the NPPF. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- 9.25. These aims are also echoed within Policy ESD15 of the CLP 2015 which looks to promote and support development of a high standard which contributes positively to an area's character and identity by creating or reinforcing local distinctiveness, stating that: *"New development proposals should respect the traditional pattern of routes, spaces, blocks, plots, enclosures and the form, scale and massing of buildings. Development should be designed to integrate with existing streets and public spaces, and buildings configured to create clearly designed active public frontages"*.
- 9.26. Saved Policy C28 of the CLP 1996 states that control will be exercised over all new development to ensure that standards of layout, design and external appearance are sympathetic to the character of the context of that development. Further, saved

Policy C30 of CLP 1996 states control will be exercised to ensure that all new housing development is compatible with the appearance, character, layout, scale and density of existing dwellings in the vicinity.

- 9.27. Policy ESD13 of the CLP 2015 states that development will be expected to respect and enhance local landscape character, securing appropriate mitigation where damage to local landscape character cannot be avoided. Proposals will not normally be permitted if they would cause undue visual intrusion into the open countryside, cause undue harm to important natural landscape features and topography, be inconsistent with local character, or impact on areas judged to have a high level of tranquillity.
- 9.28. Further as noted above, Policy Villages 2 of CLP 2015 states that in identifying site, particular regard will be given to:
- Whether land has been previously developed land or is of less environmental value;
 - Whether development would contribute in enhancing the built environment
 - Whether significant adverse landscape and impacts could be avoided
- 9.29. The Cherwell Residential Guide SPD (2018) builds on the above policies and provides a framework to deliver high quality locally distinctive development.

Assessment

- 9.30. The application site is relatively flat and is separated from the adjacent development in Wimborn Close by a landscaping belt so that the existing development does not present a hard built edge to the village. The land further to the north of the site is agricultural and falls into a wide valley with the River Swere and is much more exposed in landscape terms than the application site, which is located to the south of the valley on the plateau. To the west of the site the land gently rises towards Hempton and is in agricultural use with medium to large sized fields. The landscape is relatively open with long ranging open views north.
- 9.31. The application is accompanied by a Landscape and Visual Impact Assessment prepared by Pegasus Group. This outlines the site is located within the Ironstone Hills and Villages character area within the Councils Landscape Character Assessment (1995) where the main features are the complex topography, the style of vernacular buildings and the iron age hill forts and sunken lands. Being predominantly agricultural land devoid of built form the application site itself has few features which are characteristic of the area and the site would be seen on the context of the built form of Deddington, and development to brought forward under Phase 1.
- 9.32. The proposed development would change the landscape character of the site from agricultural to residential; compounding the change that would result from the earlier approval. Given the topography of the site and the proposal would have a minor to moderate impact on the character area. Within the Oxfordshire Wildlife and Landscape Study (OWLS) the site is part of the Upstanding Village landscape type. Key characteristics are steep-sided undulating land form, well defined geometric patterns of fields with hedgerows and a strong settlement pattern of compact nucleated villages of varying size with little dispersal into the wider countryside. Overall, it is concluded the effect on this landscape type would be minor to moderate. The Landscape Officer concurs with the overall assessment and conclusions of the LVIA.

9.33. In terms of visual impact, the proposal would result in further development of a green field site and would extend the built up limits of Deddington. Deddington is an historic and attractive village. That said, the site is located on the western edge of Deddington where much of the more modern development in the village has taken place along Hempton Road, with further development coming forward under Phase 1. This includes Wimborn Close which also provides for some depth of development in the locality and the proposals would sit at a similar depth from the Hempton Road. As noted during the assessment of the Phase 1 this edge of the village is less sensitive to change than many of the more historic edges of the village where development is likely to be less appropriate given the more historic constraints of the existing settlement given previous more modern developments. In this respect the proposed development relates acceptably to the existing pattern of development in this part of Deddington.

9.34. Given the location of the site the visual impacts of the development would be relatively localised. The proposals would sit behind the Phase 1 and views of the site would be screened from the Hempton Road. An appropriate landscaping would further assist in helping to reduce the visual impacts and such details would be secured at the detailed application stage.

Conclusion

9.35. Officers consider that, whilst the proposals would result in the loss of part of the existing agricultural field and a greenfield site, any harm that would be caused to the wider landscape setting would not be so significant that it would warrant a reason to refuse the application and that such impacts could be largely be mitigated through the introduction of an acceptable landscaping scheme.

Site Layout and Design Principles

Policy Context

9.36. Policy ESD15 of the CLP 2015 provides guidance as to the assessment of development and its impact upon the character of the built and historic environment. It seeks to secure development that would complement and enhance the character of its context through sensitive siting, layout and high quality design meeting high design standards and complementing any nearby heritage assets. The National Planning Policy Framework is clear that good design is a fundamental to what the planning and development process should achieve.

9.37. BSC2 of the CLP 2015 states that new housing should be provided on net development areas at a density of at least 30 dwellings per hectare unless there are justifiable reasons to lower the density.

9.38. The Council's Design Guide seeks to ensure that new development responds to the traditional settlement pattern and character of a village. This includes the use of continuous building forms along principle routes and the use of traditional building materials and detailing and form that respond to the local vernacular.

Assessment

9.39. The application is in outline with all matters reserved for future consideration. The application is accompanied by an indicative layout within the Design and Access Statement, which indicates one way in which the site could be developed; showing a cul-de-sac arrangement coming off the main access road.

- 9.40. The submitted indicative layout shows 14no units. While some principles within the proposed indicative layout are considered to be appropriate for the site, there are concerns regarding other elements, which overall represents poor design that would be contrary to local and national planning policy; with particular concerns with regards to appropriate separation distances and potential overlooking issues. Further consideration will also need to be given as to how the proposals would integrate with the development to the south.
- 9.41. Overall, it is considered that the layout presented would result in an unacceptable form of development. However, it is recognised that the application is made in outline with all matters reserved. Therefore, the layout, scale and appearance of the development would be considered at a later stage. Given the relatively low density of the scheme and the not irregular shape of the site officers are satisfied that a revised layout could be negotiated at a reserved matters stage to ensure that the proposed development achieved a high quality and locally distinctive scheme. This is a similar position that was adopted on Phase 1 and such matters are currently being resolved through the reserve matters application 20/03660/REM. As with the earlier permission it is recommended that an informative be placed on any approval raising concerns regarding the layout.
- 9.42. The density of the scheme is lower than the 30 dwellings per hectare sought under Policy BSC3 of the CLP 2015. However, in this case, given the edge of settlement location of the development and the need for a robust landscape strategy to the western and northern boundaries of the site, the lower density is considered, on balance, to be justifiable.
- 9.43. The development is at a level that would trigger a need for a LAP feature to be included. There is no on-site play area as the 14no. dwellings would not allow enough space to achieved this. However, an existing play area east of the development requires refurbishment to improve its play potential for children of 2 -6 years. It is considered that local plan requirement for a local area of play can be provided off-site with a financial contribution with line with the Developer Contributions SPD.

Conclusion

- 9.44. Officers have concerns over the proposed layout and design principles for the development as indicated within the current submission. However, officers are satisfied that given the context and arrangement of the site that an acceptable layout could be negotiated, and that such matters would be fully considered as part of any such reserved matters application.

Highways

Policy context

- 9.45. The NPPF (Para. 108) states that the planning system should actively manage patterns of growth in support of the achievement of promoting sustainable transport. However, notes that opportunities to maximise sustainable transport solutions will vary between urban and rural areas, and this should be taken into account in both plan-making and decision-making.
- 9.46. The NPPF (Para. 108) advises that in assessing specific applications for development, it should be ensured that:
- a) appropriate opportunities to promote sustainable transport modes can be – or have been – taken up, given the type of development and its location;

- b) safe and suitable access to the site can be achieved for all users; and
- c) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.

Both Policies ESD15 and SLE4 of the CLP 2031 reflect the provision and aims of the NPPF. Policy ESD15 of the CLP 2031 states that: *“New development proposals should be designed to deliver high quality safe, attractive, durable and healthy places to live and work. Development of all scales should be designed to improve the quality and appearance of an area and the way it functions”*; whilst Policy SLE4 states that: *“All development where reasonable to do so, should facilitate the use of sustainable modes of transport (and) development which is not suitable for the roads that serve*

Assessment

- 9.47. Given that all matters are reserved for future consideration, including access and layout, it is only the principle of the development and associated potential transport related issues that can be considered at this stage. However, the applicants have submitted illustrative layout plans which shows an indicative access which allows for an appropriate assessment of these potential transport impacts.
- 9.48. The Local Highway Authority (LHA) raises no objections to the development subject to conditions and contributions to be secured through S106 Agreement.
- 9.49. The traffic impact generated by the proposed development is not considered to have a severe impact on the existing highway network given the scale of the development and the nature of the roads. The submission indicates that the development would be served by an access road taken from Hempton Road through the development approved under Phase 1, with the route being on the same alignment and utilising the access arrangements as this earlier approval. However, full details of the site layout, access and parking arrangements would be considered under future reserved matters applications.
- 9.50. The LHA has requested a contribution of £14,518 for enhancement to the bus service in the village which connects to Banbury and Oxford, to a half-hourly daytime frequency, which would help in the village being more accessible by a sustainable mode of transport as encouraged by the NPPF and this would be secured through a Section 106.

Conclusion

- 9.51. The LHA advises that the proposals are acceptable in terms of highways safety and potential impacts on the local road network and officers see no reason to disagree with the LHA’s assessment.

Impact on neighbouring amenity

- 9.52. Policy C30 of the CLP 1996 requires that a development must provide standards of amenity and privacy acceptable to the Local Planning Authority. These provisions are echoed in Policy ESD15 of the CLP 2015 which states that: *‘new development proposals should consider amenity of both existing and future development, including matters of privacy, outlook, natural lighting, ventilation and indoor and outdoor space’*.

Assessment

- 9.53. The application is in outline only. Any detailed proposals would need to have due regard to requirements of Section 6 of the Residential Design Guide SPD with regard to appropriate standards of amenity for both existing and future residents. Appropriate positioning and scale of dwellings, boundary treatments and the nature of such treatments could be given due consideration at reserved matters stage.
- 9.54. The proposed development would be located away from surrounding residential properties. The existing properties which would be most impacted upon by the proposed development would be the properties to the east of the site in Wimborn Close. These properties are separated by the application site by landscaping belt, play area and a road and would be in excess of 35 metres from the proposed development.

Conclusion

- 9.55. Given the above, officers are satisfied that the development can be made acceptable in residential amenity terms, both for existing residents neighbouring the site and future occupiers, with acceptable details to be secured at reserved matters stage.

Affordable Housing and Housing Mix

Policy

- 9.56. Policy BSC3 of the CLP 2015 states that development on the site should make provision for 35% affordable housing with 70% of the affordable housing to be affordable rent and 30% as intermediate homes such as shared ownership. Policy BSC4 states that new development will be expected to provide a mix of home to meet current and expected future demand creating socially mixed and inclusive communities.

Assessment

- 9.57. The applicant has committed to providing 35% affordable housing on the site in line with Policy BSC3. The detailed housing mix would be determined at reserved matters stage and at the current time the plans are only indicative. The housing officer has raised no objection to this and has provided a suggested mix. Full details of the mix of the market and affordable housing would be determined at reserved matters stage. The affordable housing would need to be secured by a legal agreement.

Flooding Risk and Drainage

- 9.58. Policy ESD6 of the CLP 2015 essentially replicates national policy contained in the NPPF with respect to assessing and managing flood risk. In short, this policy resists development where it would increase the risk of flooding and seeks to guide vulnerable developments (such as residential) towards areas at lower risk of flooding.
- 9.59. Policy ESD7 of the CLP 2015 requires the use of Sustainable Drainage Systems (SuDS) to manage surface water drainage systems. This is with the aim to manage and reduce flood risk in the District.

Assessment

- 9.60. The current is situated wholly within Flood Zone 1 which is land which has a less than 1 in 1,000 annual probability of river flooding.

- 9.61. The applicant has submitted a Technical Note: Drainage Statement report (ref.: 23933-01-TN-02 REV C) which outlines a potential drainage strategy for the site including an infiltration basin feature in the south east area of the site (also part of the approved scheme 18/02147/OUT) which would then be discharged into the underlying bedrock through infiltration. The Technical Note has been updated during the course of the application in response to comments made by the Lead Local Flood Authority (LLFA).
- 9.62. The report demonstrates the feasibility of a system with sufficient capacity for the 1 in 100 year storm event (plus a 40% allowance of climate change). The LLFA whilst originally objecting have subsequently withdrawn their objection in light of revised information received; considering that the general principles of the drainage strategy to be largely acceptable. As with Phase 1 the LLFA notes that the site lies over a secondary aquifer and the site may be subject to contamination which may impact on the use of infiltration.
- 9.63. As with the Phase 1 the Council's Environmental Protection Officer has again indicated that full ground investigation needs to be undertaken on the site as part of a planning condition. Officers again consider that if this is undertaken prior to the submission of the reserved matters there can be a greater understanding of the potential for contamination to impact on the drainage arrangement and considered as part of the reserved matter, whether that be through remediation of the contamination or through an alternative method of drainage.
- 9.64. Thames Water has raised no objection to the development in regard to foul water sewage or water network provision and the development is therefore considered to be acceptable in that regard.

Conclusion

- 9.65. Officers consider that, in light of there being no technical objections from the LLFA to the general principles of the proposed drainage strategy, and subject to appropriate conditions securing an appropriate detailed surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro-geological context of the development and an acceptable sewage drainage strategy, the proposals could be considered acceptable in terms of flood-risk and drainage.

Ecology

Legislative context

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

- 9.68. The Regulations provide for the control of potentially damaging operations, whereby consent from the country agency may only be granted once it has been shown through appropriate assessment that the proposed operation will not adversely affect the integrity of the site. In instances where damage could occur, the appropriate Minister may, if necessary, make special nature conservation orders, prohibiting any person from carrying out the operation. However, an operation may proceed where it is or forms part of a plan or project with no alternative solutions, which must be carried out for reasons of overriding public interest.
- 9.69. The Regulations make it an offence (subject to exceptions) to deliberately capture, kill, disturb, or trade in the animals listed in Schedule 2, or pick, collect, cut, uproot, destroy, or trade in the plants listed in Schedule 4. However, these actions can be made lawful through the granting of licenses by the appropriate authorities by meeting the requirements of the 3 strict legal derogation tests:
- (1) Is the development needed to preserve public health or public safety or other imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment?
 - (2) That there is no satisfactory alternative.
 - (3) That the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.70. The Regulations require competent authorities to consider or review planning permission, applied for or granted, affecting a European site, and, subject to certain exceptions, restrict or revoke permission where the integrity of the site would be adversely affected. Equivalent consideration and review provisions are made with respects to highways and roads, electricity, pipe-lines, transport and works, and environmental controls (including discharge consents under water pollution legislation).

Policy Context

- 9.71. Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment by (amongst others): a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils; and d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.
- 9.72. Paragraph 175 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.
- 9.73. 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.

- 9.74. These policies are both supported by national policy in the NPPF and also, under Regulation 43 of Conservation of Habitats & Species Regulations 2017, it is a criminal offence to damage or destroy a breeding site or resting place, unless a licence is in place.
- 9.75. The Planning Practice Guidance dated 2014 post-dates the previous Government Circular on Biodiversity and Geological Conservation (ODPM Circular 06/2005), although this remains extant. The PPG states that Local Planning Authorities should only require ecological surveys where clearly justified, for example if there is a reasonable likelihood of a protected species being present and affected by development. Assessments should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity.

Assessment

- 9.76. The current application has been accompanied by an Ecological Appraisal (EA) by Aspect Ecology dated June 2020. Whilst no formal comments have been received from the Council's Ecologist (CE) during the current application it is noted that no significant concerns were raised in respect of the proposals (18/02147/OUT) on the adjacent site.
- 9.77. The current site has similar characteristics to the Phase 1 site and is not subject to any statutory or non-statutory designations. The EA indicates that there are no significant protected species issues on this site and suggests a number of mitigation measures within the recommendations of the report. The recommendations largely reflect those considered acceptable by the CE during Phase 1. These are again all appropriate including those to avoid disturbance to mammals, reptiles and birds. A separate lighting strategy would be required which can be secured through condition.
- 9.78. The proposals would, however, result in the loss of some habitat and whilst there are a number of Biodiversity Enhancement measures recommended within the EA it is not clear whether there will be an overall net gain on site for biodiversity. It is therefore recommended that such matters be conditioned as part of any such approval.

Conclusion

- 9.79. Officers are satisfied that, on the basis of evidence within the submitted EA and there being no objection from the Council's Ecologist, and subject to conditions, the welfare of any European Protected Species found to be present at the site and surrounding land would 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 and that proposals would accord with the Development Plan Policies identified above.

Impact on Local Infrastructure

Policy Context

- 9.80. Policy INF1 of the CLP 2015 states that: *"Development proposals will be required to demonstrate that infrastructure requirements can be met including the provision of transport, education, health, social and community facilities."*
- 9.81. Policy BSC11 of the CLP 2015 states that: *"Development proposals will be required to contribute to the provision of open space, sport and recreation, together with*

secure arrangements for its management and maintenance. The amount, type and form of open space will be determined having regard to the nature and size of development proposed and the community needs generated by it. Provision should usually be made on site in accordance with the minimum standards of provision set out in 'Local Standards of Provision – Outdoor Recreation'. Where this is not possible or appropriate, a financial contribution towards suitable new provision or enhancement of existing facilities off site will be sought, secured through a legal agreement." Policy BSD12 requires new development to contribute to indoor sport, recreation and community facilities.

- 9.82. The Developer Contributions Supplementary Planning Document (SPD) setting out its position in respect of requiring financial and on site contributions towards ensuring the necessary infrastructure or service requirements are provided to meet the needs of development, and to ensure the additional pressure placed on existing services and infrastructure is mitigated. This is the starting point for negotiations in respect of completing S106 Agreements.

Assessment

- 9.83. Where on and off-site infrastructure/measures need to be secured through a planning obligation (i.e. legal agreement) they must meet statutory tests set out in regulation 122 of the Community Infrastructure Ley (CIL) Regulations 2010 (as amended). These tests are that each obligation must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development;
- c) Fairly and reasonably related in scale and kind to the development.

- 9.84. Where planning obligations do not meet the above statutory tests, they cannot be taken into account in reaching a decision. In short, these tests exist to ensure that local planning authorities do not seek disproportionate and/or unjustified infrastructure or financial contributions as part of deciding to grant planning permission. Officers have had regard to the statutory tests of planning obligations in considering the application and Members must also have regard to them to ensure that any decision reached is lawful.

- 9.85. Having regard to the above, in the event that Members were to resolve to grant planning permission, the following items would in officers' view need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts:

Cherwell District Council

- Provision of commuted sum of £19,973.10 in lieu of Open Space Provision
- Provision of a commuted sum of £32,296.04 to the upgrading of local play equipment at Wimborn Close.
- Off-site outdoor sports facilities capital provision – improvement of sports provision within Deddington - £33,568.50.
- Off-site indoor sports facilities – Towards the replacement of the main hall floor at The Windmill Centre and sports equipment - £13,895.66.
- Community hall facilities - £19,036.94 – To expand and/or enhance Windmill Community Centre.
- £106 per dwelling for bins
- Affordable housing provision – 35%

Oxfordshire County Council

- £14,518 – Public transport to upgrading of bus frequency to Oxford and Banbury
- £4,500 – Supply and installation of a solar-powered Vehicle Activated Sign

Conclusion

- 9.86. A number of items would need to be secured via a legal agreement with both Cherwell District Council and Oxfordshire County Council in order to secure an appropriate quality of development as well as adequately mitigate its adverse impacts.

Other Matters

- 9.87. Saved Policy ENV12 of the CLP 1996 sets out that development on land which is known or suspect to be contaminated will only be permitted if
- (i) Adequate measures can be taken to remove any threat of contamination to future occupiers of the site.
 - (ii) The development is not likely to result in contamination of surface or underground water resources
 - (iii) The proposed use does not conflict with other policies in the plan.
- 9.88. The site is on land which is potentially contaminated and the Council's Environmental Protection Officer has therefore recommended that phased contaminated land conditions need to be attached should permission be granted. Officers agree with this assessment.
- 9.89. Regarding air quality, the Council's EPO requests that ducting is provided for the future installation of Electric Vehicle charging infrastructure in order to make resident parking places EV ready for future demand. The NPPF and Policies SLE4 and ESD1 of the CLP 2015 encourage and support the incorporation of measures into new development that promote more sustainable forms of transport. The provision of EV charging infrastructure is also reflected in the Council's Infrastructure Delivery Plan. It is considered reasonable and necessary for this to be secured through a condition of any permission given.
- 9.90. Policy ESD1 of the CLP 2015 states that measures should be taken to mitigate the impact of development within the District on climate change, and Policy ESD2 of the CLP 2015 seeks to achieve carbon emission reductions. Policy ESD3 of the CLP 2015 encourages sustainable construction methods. The reference to allowable solutions in Policy ESD2 and 'zero carbon' are no longer being pursued by the government so are no longer relevant. However, the water usage requirements of ESD3 are still required to be met. In regard to energy efficiency the Council now seeks to secure in excess of that required under the 2013 Building Regulations. These could be controlled through a condition.
- 9.91. In relation to the best and most versatile agricultural land, the site falls within grade 3; therefore, it is considered to be the moderate quality agricultural land. The development would result in the loss of this land for agriculture but this harm is considered to be relatively limited given the quality of the land and size of the site.

10. PLANNING BALANCE AND CONCLUSION

- 10.1. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 8 advises that the three dimensions to sustainable development (economic, social and environmental), which are interdependent; need to be pursued in mutually supportive ways.

- 10.2. Government guidance within the NPPF supports the plan-led system and advises that applications that accord with an up-to-date plan should be approved without delay.
- 10.3. In reaching an informed decision on planning applications there is a need for the Local Planning Authority to undertake a balancing exercise to examine whether the adverse impacts of a development would be outweighed by the benefits such that, notwithstanding the harm, it could be considered sustainable development within the meaning given in the NPPF. In carrying out the balancing exercise it is, therefore, necessary to take into account policies in the development plan as well as those in the NPPF. It is also necessary to recognise that Section 38 of the 1990 Act continues to require decisions to be made in accordance with the development plan and the NPPF highlights the importance of the plan led system as a whole.
- 10.4. The site is unallocated in the adopted CLP 2015. Deddington is designated a Category A Village under Policy Villages 1 of the CLP 2015 and as such suitable for minor development within its built up limits. Policy Villages 2 supports development of sites for more than 10 homes at Category A villages in certain circumstances. 750 homes are to be delivered across these villages. The Council has yet to deliver 750 homes under PV2. When considering sites under this Policy several criteria apply relating to the site's environmental value and impact and deliverability. It is considered that the site would broadly comply with these criteria.
- 10.5. Having regard to the Council's current housing land supply position, i.e. less than a 5-year housing land supply, Paragraph 11d of the NPPF is engaged; with a presumption of granting planning permission unless such would cause conflict with other policies and would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.
- 10.6. The proposals are considered acceptable in terms of transport, and neighbour amenity. It is further considered that an acceptable drainage solution is achievable at the site that would ensure that flood-risk is not exacerbated. It is acknowledged that the proposals would result in the loss of a 'Greenfield' site and agricultural land, but that such impacts could be largely be mitigated through the introduction of an acceptable landscaping scheme.
- 10.7. The development would make a valuable contribution to housing delivery (including affordable housing) – significant weight should be attached to this benefit. There would also be some economic benefit in the support of construction jobs and spending in the area those future residents would bring about – this is afforded minor to moderate weight.
- 10.8. It is considered that the harm identified and the proposal's limited conflict with development plan policies would not outweigh these benefits. Given the above assessment and in light of current guiding national and local policy set out in the report, the officers consider that the proposal would amount to sustainable development for which Government policy sets a presumption in favour and is therefore recommended for approval.

11. RECOMMENDATION

RECOMMENDATION – DELEGATE TO THE ASSISTANT DIRECTOR FOR PLANNING AND DEVELOPMENT TO **GRANT PERMISSION, SUBJECT TO THE CONDITIONS SET OUT BELOW** (AND ANY AMENDMENTS TO THOSE CONDITIONS AS DEEMED NECESSARY) **AND 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 commuted sum of £19,973.10 in lieu of Open Space Provision
- b. Provision of a commuted sum of £32,296.04 to the upgrading of local play equipment at Wimborn Close.
- c. Off-site outdoor sports facilities capital provision – improvement of sports provision within Deddington - £33,568.50.
- d. Off-site indoor sports facilities – Towards the replacement of the main hall floor at The Windmill Centre and sports equipment - £13,895.66.
- e. Community hall facilities - £19,036.94 – To expand and/or enhance Windmill Community Centre.
- f. £106 per dwelling for bins
- g. Affordable housing provision – 35%
- h. £14,518 – Public transport to upgrading of bus frequency to Oxford and Banbury
- i. £4,500 – Supply and installation of a solar-powered Vehicle Activated Sign

FURTHER RECOMMENDATION: THE STATUTORY DETERMINATION PERIOD FOR THIS APPLICATION EXPIRES ON 04 JUNE 2021. IF THE SECTION 106 AGREEMENT/UNDERTAKING IS NOT COMPLETED AND THE PERMISSION IS NOT ABLE TO BE ISSUED BY THIS DATE AND NO EXTENSION OF TIME HAS BEEN AGREED BETWEEN THE PARTIES, IT IS FURTHER RECOMMENDED THAT THE ASSISTANT DIRECTOR FOR PLANNING AND ECONOMY IS GIVEN DELEGATED AUTHORITY TO REFUSE THE APPLICATION FOR THE FOLLOWING REASON:

1. In the absence of the completion of a satisfactory unilateral undertaking or any other form of Section 106 legal agreement, the Local Planning Authority is not satisfied that the necessary infrastructure directly required both on and off site as a result of this development, in the interests of: safeguarding public infrastructure, education provision, community facilities and indoor and outdoor sports/recreation facilities; mitigating highway safety concerns; encouraging use of sustainable modes of transportation; delivering mixed and balanced communities by the provision of affordable housing; and securing on site future maintenance arrangements will be provided. This would be contrary to Policy INF1, PSD1, SLE4, BSC3, BSC4, BSC9, BSC10, BSC11, BSC12, VILLAGES 2, ESD1 and ESD15 of the Cherwell Local Plan (2011-2031) Part 1 and Government guidance contained within the National Planning Policy Framework.

CONDITIONS

Time Limits

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: This permission is in outline only and is granted to comply with the provisions of Section 92 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004

3. Application for approval of all the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission and the development hereby permitted shall be begun either before the expiration of five 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 (General Development Procedure) Order 2015 (as amended).

Plans

4. Except where otherwise stipulated by conditions attached to this permission, the development shall be carried out in broad accordance with the following plans and documents: Application form, Design and Access Statement by Pegasus Planning dated July 2020, Ecological Appraisal by Aspect Ecology dated June 2020 and drawing number: 201-305 Rev. B

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.

NOTE: The illustrative layout included within the Design and Access Statement accompanying the application is not considered to create an appropriate, locally distinctive or high quality development for the site. The applicant is advised to have regard to the Council's New Residential Development Design Guide and engage in pre-application discussions with the Council regarding the 'reserved matters'.

Finished floor levels

5. No development shall take place until details of all finished floor levels in relation to existing and proposed site levels and to the adjacent buildings have been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be constructed strictly in accordance with the approved levels.

Reason: To secure an acceptable standard of development that safeguards the visual amenities of the area and the living conditions of existing and future occupiers and to ensure compliance with Policy ESD15 of the Cherwell Local Plan 2011-2031 Part 1 and government guidance within Section 12 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Desk Study / Site Walkover

6. Prior to the submission of any reserved matters and prior to the commencement of development 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 'Model Procedures for the Management of Land Contamination, CLR 11' 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 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Intrusive Investigation

7. If a potential risk from contamination is identified as a result of the work carried out under condition 6, 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 'Model Procedures for the Management of Land Contamination, CLR 11' 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Scheme

8. If contamination is found by undertaking the work carried out under condition 7, 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 'Model Procedures for the Management of Land Contamination, CLR 11' 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 Section 15 of the National Planning Policy Framework. This information is required prior to commencement of the development as it is fundamental to the acceptability of the scheme.

Land Contamination Remediation Works

9. If remedial works have been identified in condition 8, the development shall not be occupied until the remedial works have been carried out in accordance with the scheme approved under condition 8. 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 Section 15 of the National Planning Policy Framework.

Drainage

10. Notwithstanding the information submitted, development shall not begin until a detailed surface water drainage scheme for the site, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall include:

- A compliance report to demonstrate how the scheme complies with the “Local Standards and Guidance for Surface Water Drainage on Major Development in Oxfordshire”;
- Full micro-drainage calculations for all events up to and including the 1 in 100 year plus 40% climate change;
- A Flood Exceedance Conveyance Plan;
- Comprehensive infiltration testing across the site to BRE DG 365;
- Detailed design drainage layout drawings of the SuDS proposals including cross-section details;
- Detailed maintenance management plan in accordance with Section 32 of CIRIA C753 including maintenance schedules for each drainage element, and;
- Details of how water quality will be managed during construction

Reason: To ensure satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

11. Prior to first occupation, 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 satisfactory drainage of the site and appropriate flood prevention and to comply Policy ESD 7 of the Cherwell Local Plan 2011-2031 Part 1 and with Government guidance contained within the National Planning Policy Framework.

Construction Traffic Management Plan

12. Prior to 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.

Construction Environmental Management Plan

13. No development shall take until a Construction Environmental Management Plan

(CEMP) has been submitted to, and approved in writing by the Local Planning Authority. The statement shall provide for at a minimum:

- a. The parking of vehicles of site operatives and visitors;
- b. The routing of HGVs to and from the site;
- c. Storage of plant and materials used in constructing the development;
- d. Wheel washing facilities/ road sweeping;
- e. Measures to control the emission of dust and dirt during construction;
- f. Delivery and construction working hours;

The approved CEMP shall be adhered to throughout the construction period for the development.

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

Energy Statement

14. Prior to the commencement of any works associated with the construction of a dwelling, details of the means by which all dwellings will be designed and constructed to achieve an energy performance standard equivalent to a 19% improvement in carbon reductions on 2013 Part L of the Building Regulations (unless a different standard is agreed with the local planning authority) shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until it has been constructed in accordance with the approved energy performance measures.

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

Biodiversity enhancement

15. Prior to the commencement of the development hereby approved including any demolition, and any works of site clearance, and as part of any reserved matters for layout and landscaping, a method statement and scheme for enhancing biodiversity on site such that an overall net gain for biodiversity is achieved, to include details of enhancement features and habitats both within green spaces and integrated within the built environment, shall be submitted to and approved in writing by the Local Planning Authority. This shall also include a timetable for provision. Thereafter, the biodiversity enhancement measures shall be carried out and retained in accordance with the approved details.

Reason -To ensure the development provides a net gain in biodiversity in accordance with Policy ESD10 of the Cherwell Local Plan 2011-2031 Part 1 and Government guidance contained within the National Planning Policy Framework.

NOTE: It is advised that this condition include a Biodiversity Impact Assessment to show how a clear net gain for biodiversity will be achieved.

Landscape and Ecological Management Plan (LEMP)

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

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.

Lighting strategy

17. Prior to the installation of any external lighting a full lighting strategy to include illustration of proposed light spill and which adheres to the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains (MM2) of the Ecological Appraisal carried out by Aspect Ecology dated June 2020, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in accordance with the approved document.

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.

Travel information packs

18. Prior to first occupation 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.

Water usage

19. 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.

Compliance with ecological appraisal

20. The development hereby approved shall be carried out strictly in accordance with the recommendations set out in Section 6 - Mitigation Measures and Biodiversity Net Gains of the Ecological Appraisal carried out by Aspect Ecology dated June 2020.

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.

Electrical Vehicle Infrastructure

21. Each dwelling shall be provided with ducting to allow for the future installation of electrical vehicle charging infrastructure to serve that dwelling prior to its first occupation.

Reason: To maximise opportunities for sustainable transport in accordance with Government guidance contained within the National Planning Policy Framework.

Planning Notes:

1. Planning permission only means that in planning terms a proposal is acceptable to the Local Planning Authority. Just because you have obtained planning permission, this does not mean you always have the right to carry out the

development. Planning permission gives no additional rights to carry out the work, where that work is on someone else's land, or the work will affect someone else's rights in respect of the land. For example there may be a leaseholder or tenant, or someone who has a right of way over the land, or another owner. Their rights are still valid and you are therefore advised that you should seek legal advice before carrying out the planning permission where any other person's rights are involved.

2. Your attention is drawn to the need to have regard to the requirements of UK and European legislation relating to the protection of certain wild plants and animals. Approval under that legislation will be required and a licence may be necessary if protected species or habitats are affected by the development. If protected species are discovered you must be aware that to proceed with the development without seeking advice from Natural England could result in prosecution. For further information or to obtain approval contact Natural England on 0300 060 3900.
3. Bats are a highly mobile species which move between a number of roosts throughout the year. Therefore all works must proceed with caution and should any bats be found during the course of works all activity in that area must cease until a bat consultant has been contacted for advice on how to proceed. Under the Wildlife & Countryside Act 1981 (as amended) and the Habitat and Species Regulations 2010 it is illegal to intentionally or recklessly disturb, harm or kill bats or destroy their resting places.
4. Birds and their nests are fully protected under the Wildlife and Countryside Act 1981 (as amended), which makes it an offence to intentionally take, damage or destroy the eggs, young or nest of a bird whilst it is being built or in use. Disturbance to nesting birds can be avoided by carrying out vegetation removal or building work outside the breeding season, which is March to August inclusive.
5. Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

CASE

OFFICER:

Bob

Neville